



Audit of the Drug Enforcement Administration's Headquarters-Based Oversight of its Supported Foreign Law Enforcement Units



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EXECUTIVE SUMMARY

(U) Audit of the Drug Enforcement Administration's Headquarters-Based Oversight of its Supported Foreign Law Enforcement Units

(U) Objective

(U) The objective of this audit was to evaluate the effectiveness of the Drug Enforcement Administration's (DEA) headquarters-based strategic management and oversight of DEA-supported foreign law enforcement units. During the period of our audit, which covered fiscal years (FY) 2017 through 2019, we identified these entities to include the DEA Sensitive Investigative Units (SIU), Non-SIU Vetted Units (Non-SIU VU), and a precursor to its current Foreign Counterpart Program.

(U) Results in Brief

(U) The DEA relies on its partnerships with foreign law enforcement units to target and disrupt transnational drug trafficking organizations (DTO) impacting the United States. The DEA's involvement with and funding of foreign law enforcement units in countries known for pervasive corruption can pose significant risks to DEA personnel, information security, the safety of U.S. and foreign civilians, and diplomatic relations.

(U) We found that DEA's headquarters-based management and oversight of its supported foreign law enforcement units are insufficient for the high-risk environment in which these units operate. Despite serious incidents involving these units, the DEA has not sufficiently assessed or augmented its oversight to mitigate known risks. The DEA also lacks a comprehensive strategy at DEA headquarters to account for all units funded and established by DEA Country Offices, requirements for host nation collaboration, the total funding provided for each unit, and the overall performance accomplishments of these units. We also found that the DEA has not sufficiently monitored the DEA's export and management of sensitive technologies provided to foreign law enforcement units. Together, these issues demonstrate the need for the DEA to evaluate and enhance strategic management of its important partnerships with foreign law enforcement.

(U) Recommendations

(U) Our report includes 10 recommendations for the DEA to improve the strategic management and oversight of DEA-supported foreign law enforcement units.

(U) Audit Results

(U) Through DEA-supported foreign law enforcement units, the DEA may conduct bilateral operations, coordinate judicial wire intercept programs, and gather intelligence on illicit drug smuggling into the United States. While these activities are paramount to the DEA's global operations, there are significant risks in paying foreign units and sharing sensitive investigative information in locales with histories of pervasive corruption.

(U) The DEA's Office of Foreign Operations, International Impact Section (OFP) is responsible for headquarters-based oversight of the SIU and Non-SIU VU Programs, both of which have formalized structures for vetting and training foreign personnel. However, we found that the precursor program operated with little headquarters oversight until August 2020 when the DEA transitioned to a new program entitled Foreign Counterparts that is managed by DEA Country Offices. During FYs 2017 through 2019, the DEA had SIUs in 15 countries, Non-SIU VUs in 8 countries, and precursor program partnerships throughout the world.

(U) DEA Can Reduce Risk by Improving its Process for Reporting and Responding to Critical Incidents Involving SIUs and Non-SIU VUs

(U) The DEA has acknowledged that its bilateral foreign operations involve delicate relationships between host countries and the DEA that must account for risks of violence and corruption. These risks are at the forefront of the DEA

establishing selection protocols and vetting procedures for its formal SIU and Non-SIU VU Programs. Yet, the DEA has experienced various negative and highly publicized incidents involving these units, which highlight the importance of program safeguards and the reality of the risks associated with these partnerships. However, the DEA has not strategically or programmatically evaluated these incidents involving foreign law enforcement units to identify lessons learned and enhance oversight. The DEA has taken action in response to OIG recommendations associated with deadly shooting incidents involving a vetted unit in Honduras, and the OIG continues to coordinate with the DEA on implementing these recommendations to ensure that post-incident investigations of foreign law enforcement actions will be comprehensive and thorough. We also found that DEA guidance on headquarters' responsibility to track and monitor critical incidents and to hold DEA Country Offices accountable for assessing risks and resolving each critical incident was inadequate.

(U) DEA Can Reduce Risk by Enhancing Oversight of Entities Not Included in the SIU and Non-SIU VU Programs

(U) The DEA has not sufficiently accounted for DEA Country Offices' establishment of foreign partner units not included in the SIU Program. For instance, although the DEA drafted guidance in 2010, it did not implement a formal Non-SIU VU Program until 2017, 10 years after the OIG's Audit of DEA International Operations identified risks associated with the prevalence of "vetted units" operating without formal guidance. This delay, as well as the failure to control the widespread use of a less structured DEA program, allowed Country Offices to use and fund foreign law enforcement units with limited accountability and oversight. While the DEA eliminated this program in 2020, the DEA's replacement process does not provide for a coordinated and comprehensive headquarters-based strategy for overseeing the newly formed Foreign Counterparts that receive funding and support from Country Offices. In addition, Country Offices continued to identify informal vetted units, which we believe provides a false sense of security for stakeholders who might believe that such units operating in high-risk environments are subject to the DEA's policy and infrastructure built for the SIU and Non-SIU VU Programs.

(U) DEA Can Reduce Risk by Improving its Monitoring of Host Nation Agreements for SIU and Non-SIU VUs

(U) A significant requirement for the SIU and Non-SIU VU Programs is to obtain host nation endorsement and approval. This approval is documented through signed agreements that clearly define the objectives and terms of the partnership, the composition of the units, and the requirements for training and vetting. We found the DEA did not ensure these agreements were in place and current for active SIUs and Non-SIU VUs. We

believe that this increases the risk that the DEA and a host nation may have an incongruent understanding for program requirements, safeguards, and goals.

(U) DEA Can Reduce Risk by Developing and Maintaining Records for Judicial Wire Intercept Programs Established and Utilized by DEA-Supported Foreign Law Enforcement Units

(U) According to the DEA, the Judicial Wire Intercept Program (JWIP) is an effective investigative tool that the DEA and its supported foreign law enforcement units utilize to accomplish the DEA's international mission. The DEA has established policies for the provision of sensitive technologies to foreign law enforcement units, but many DEA officials were unaware of this policy and its requirements. The DEA has also not developed controls and processes to effectively monitor the use of JWIPs by DEA supported foreign law enforcement units. The lack of oversight regarding the export and provision of this technology exposes the DEA to the risk of noncompliance with export control laws. It also increases the potential that these tools may be used inappropriately.

(U) DEA Should Improve its Financial Management Structure to Fully Account for Funding Provided to the SIU and Non-SIU VU Programs

(U) The DEA has expressed the need for additional funding to support the SIU and Non-SIU VU Programs. However, we found that the DEA does not have a full accounting of all internal and external funding that is provided to these units. For instance, the DEA does not comprehensively track or monitor the Department of State and Department of Defense intergovernmental funding provided to Country Offices to support these units. Without an accurate accounting of the total funds provided to SIUs and Non-SIU VUs, the DEA cannot adequately assess its budgetary needs. Moreover, the DEA should ensure that it has fulfilled its requirement under the Foreign Assistance Act to report all foreign assistance provided to foreign law enforcement units.

(U) DEA Headquarters Needs an Enhanced System to Track SIU and Non-SIU VU Program Requirements and Performance

(U) We found that the DEA's system for tracking SIU and Non-SIU VU Program requirements was outdated and contained unreliable information. The DEA also does not have a reliable or timely process to track program performance, which impedes its ability to demonstrate the collective success of these programs.

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(U) Introduction

(U) The Drug Enforcement Administration (DEA) is the lead U.S. agency for all foreign drug law enforcement operations and international drug intelligence collection and is responsible for programs associated with drug law enforcement counterparts in foreign countries. According to the DEA, almost all cocaine and heroin and most dangerous drugs are produced and smuggled from source countries into the United States, and this requires an aggressive international counternarcotics strategy. To accomplish this international strategy, the DEA must work in foreign countries under the guidance of the Department of State (DOS) as required under the Foreign Assistance Act of 1961, as amended (Foreign Assistance Act).¹

(U) The DEA must also leverage host nation collaboration for bilateral enforcement operations and intelligence sharing because the DEA ordinarily cannot unilaterally investigate and arrest drug traffickers operating in foreign countries. However, the DEA has acknowledged that endemic corruption of foreign officials and inadequate resources in certain drug-supply countries limit the DEA's efforts to affect international enforcement. Therefore, the DEA has developed methods to establish, manage, and fund official partnerships with foreign law enforcement and government agencies, including formalized vetted law enforcement units and other less structured relationships. Through these partnerships, the DEA may conduct bilateral operations, coordinate judicial wire intercept programs, promote law enforcement actions, and gather intelligence on illicit drug smuggling into the United States. While these activities are paramount to the DEA's global operations, the DEA's involvement with and funding of foreign law enforcement units in areas known for pervasive corruption can pose significant risks to DEA personnel, information security, the safety of U.S. and foreign civilians, and diplomatic relations.

(U) Framework for DEA-Supported Partnerships with Foreign Law Enforcement Units

(U) The DEA is a U.S. government law enforcement organization with specifically enumerated domestic authorities to investigate drug-related offenses occurring outside the United States. In many countries, the DEA has mutual partnerships with foreign law enforcement agencies that have well-developed infrastructures with the capacity and resources to conduct bilateral investigations with the DEA. However, many of the major drug transit or illicit drug producing countries lack robust law enforcement frameworks and sufficient resources to sustain effective counternarcotics assistance programs and to deploy sophisticated investigative techniques. As a result, in order to effectuate change in these countries and achieve its mission of targeting, disrupting, dismantling, and prosecuting major international drug trafficking organizations (DTO) impacting the United States, the DEA may provide substantial resources and funding to foreign law enforcement agencies. However, because corruption in some of these drug-producing and transit countries affects top law enforcement, military, and government officials, the DEA must account for the risks associated with funding these partnerships, conducting bilateral operations, and sharing intelligence with officials within foreign law enforcement units. For example, the DEA has recognized that one particular country lacks the ability to remove and prosecute corrupt military, security, and government officials. However, this country has routinely been identified as a major drug transit or drug producing country in the annual Presidential Determination on Major Drug Transit or Major Illicit Drug Producing

¹ (U) The Foreign Assistance Act, 22 U.S.C. Chapter 32, states that the Secretary of State shall be responsible for coordinating all assistance provided by the U.S. government to support international efforts to combat illicit narcotics production or trafficking.

Countries.² Thus, while the DEA's involvement and partnership with host nation law enforcement for counternarcotics activities is justified and necessary, the DEA also must mitigate associated risks and implement methods and techniques to identify and vet trustworthy individuals who will participate in DEA-guided operations or receive sensitive investigative information.

(U//~~LES~~) The DEA has developed various methods to support and fund partnerships with foreign law enforcement agencies that provide the DEA with access to dedicated foreign law enforcement officials who assist the DEA with international operations and narcotics intelligence sharing initiatives. During the scope of our audit, these methods included the establishment of DEA-developed Sensitive Investigative Units (SIUs) and non-SIU Vetted Units, as well as the DEA's use of [REDACTED].³ The following exhibit provides an overview of these units.

² (U) In compliance with the Foreign Relations Authorization Act, the President must submit a report to Congress no later than September 15 of the previous fiscal year identifying each country determined by the President to be a major drug transit country or major illicit drug producing country as defined by the Foreign Assistance Act of 1961.

³ (U//~~LES~~) In August 2020, the DEA deactivated [REDACTED] and transitioned these units to a new program entitled Foreign Counterparts.

(U//LES) Exhibit 1: Overview of DEA-supported Foreign Law Enforcement Units
FY 2017 to FY 2019

(U) Sensitive Investigative Units (SIUs)

- (U) Mission: Cooperatively train, equip, and support specialized units within host nation counternarcotics forces to develop and share intelligence in order to target, disrupt, dismantle, and prosecute major international DTOs impacting the United States.
- (U) Approved by Congress in FY 1997
- (U) Formal agreement with host nation
- (U) Distinct foreign law enforcement unit established by DEA and host nation
- (U) DEA-funded: Budgeted funds split between operational funds and the Department of State Reimbursable Agreement
- (U) 5-week-mandatory formal training at DEA Academy in Quantico
- (U) Vetted Personnel: Polygraphs, Urinalysis, Background Check, and "Leahy Vetting"^a
- (U) Operated in 15 Countries

(U) Non-SIU Vetted Units (Non-SIU VUs)

- (U) Mission: Form well-trained foreign counterpart drug investigative and drug intelligence units of high moral character and integrity to target, disrupt, dismantle, and prosecute major international DTOs impacting the United States, the region, and the host nation; and to develop partner host nation capacity in order to effectively share drug intelligence relevant to significant transnational criminal organizations.
- (U) Formal agreement with host nation
- (U) Distinct foreign law enforcement unit established by DEA and host nation
- (U) Funded by Department of State and/or Department of Defense
- (U) 2-week condensed training in-country
- (U) Vetted Personnel: Polygraphs, Urinalysis, Background Check, and "Leahy Vetting"^a
- (U) Operated in 8 countries

(U//LES) [REDACTED]

- (U//LES) Definition: Foreign [REDACTED]
- (U//LES) [REDACTED]
- (U) Managed by DEA Country Offices: no mission statement, no formal agreements, and no training
- (U//LES) Limited background checks [REDACTED]
- (U//LES) [REDACTED]
- (U//LES) [REDACTED]
- (U) Disbanded in August 2020

^a (U) "Leahy Vetting" is a statutorily required review of an individual's background to ensure that U.S. government funding is not provided to foreign nationals who commit gross violations of human rights.

Source: OIG analysis of DEA documentation

(U) The DEA's SIUs and Non-SIU VUs are part of a formal program supported by a unit within headquarters, the Office of International Impact (OFP), under the Office of Operations – Foreign, that is responsible for administrative, logistical, and programmatic issues pertaining to maintenance, funding, and support. DEA executive management has referred to these programs as the gold standard for U.S. government law enforcement partnerships abroad. DEA officials told us that since their inception in 1996, the SIU and Non-SIU VU Programs have been essential international partnerships that the DEA supports to combat Transnational Criminal Organizations involved in the illegal narcotics trade domestically and worldwide. These officials further stated that by training and working with SIU and Non-SIU VUs, the DEA bilaterally formulates efficient and effective enforcement approaches that have led to many successful arrests and extraditions of high-level drug traffickers and money launderers. The DEA also told us that SIU and Non-SIU VU investigations provide support to DEA's domestic field divisions. As examples to demonstrate the success of the SIU Program, the DEA credited the efforts of the DEA's Peru Country Office, Peruvian National Police SIU, and the Peruvian Military with the 2019 capture of the commander of a narco-terrorist organization and a member of a DTO who was working directly with the commander. The DEA also credited the efforts of the Santo Domingo Dominican Republic Country Office SIU with the seizure of five clandestine fentanyl laboratories in the Dominican Republic in 2017.

(U) The source of funding is one of the principal distinctions between SIUs and Non-SIU VUs. While the DEA budgets for the SIU Program and allocates funding to specific units, it does not dedicate funding for Non-SIU VUs and generally relies on securing funding from Department of State, Bureau of International Narcotics and Law Enforcement Affairs (DOS-INL) or the Department of Defense (DOD) to pay for the expenses associated with establishing and maintaining Non-SIU VUs. The following exhibits provides a summary and display the locations of countries where the DEA maintained active SIUs and Non-SIU VUs between FY 2017 and FY 2019.

(U) Exhibit 2: Countries with DEA Active SIUs and Non-SIU VUs FY 2017 to FY 2019



| | FY 2017 | FY 2018 | FY 2019 |
|-------------|--------------------|--------------------|--------------------------|
| SIUs | Mexico | Mexico | Mexico |
| | Peru | Peru | Peru |
| | Colombia | Colombia | Colombia |
| | Thailand | Thailand | Thailand |
| | Ecuador | Ecuador | Ecuador |
| | Dominican Republic | Dominican Republic | Dominican Republic |
| | Panama | Panama | Panama |
| | Guatemala | Guatemala | Guatemala |
| | Afghanistan | Afghanistan | Afghanistan |
| | Paraguay | Paraguay | Paraguay |
| | Ghana | Ghana | Ghana |
| | Honduras | Honduras | Honduras |
| | Nigeria | Nigeria | Nigeria |
| | | | Kenya |
| | | El Salvador | |
| Non-SIU VUs | Afghanistan | Afghanistan | Afghanistan |
| | Belize | Belize | Belize |
| | El Salvador | El Salvador | El Salvador ^a |
| | Jamaica | Jamaica | Jamaica |
| | Senegal | Senegal | Senegal |
| | Tajikistan | Tajikistan | Tajikistan |
| | Kenya | Kenya | |
| | Costa Rica | | |

a. The inclusion of El Salvador in both the SIU and Non-SIU VU categories reflects the transition of the Non-SIU VU to an SIU in June 2019.

Source: OIG Depiction of DEA Information

(U//LES) The DEA also maintains and fosters working relationships with other foreign law enforcement counterparts around the globe outside of the SIU and Non-SIU VU Programs. Some of these relationships

include the DEA providing resources to these entities, as well as reimbursements for expenses associated with bilateral investigations in which the foreign law enforcement counterparts assist the DEA in furtherance of investigative efforts. Historically, the DEA facilitated the provision of resources to these law enforcement partners [REDACTED]

[REDACTED] considered formal units, did not receive training or mentorship from the DEA, and did not require extensive vetting by the DEA. During the scope of our audit, the DEA's [REDACTED]

[REDACTED] DEA Country Offices' requests to [REDACTED]. However, the Office of Operations Management's involvement was limited to this approval process. This office did not oversee or coordinate the DEA Country Office's [REDACTED] with foreign law enforcement agencies that were supported [REDACTED].

[REDACTED]. During the pendency of this audit, on August 4, 2020, the DEA [REDACTED] adopted a different approach to overseeing its working relationships with its foreign counterparts. Specifically, the DEA developed a method for Country Offices to establish foreign law enforcement partners as "Foreign Counterpart" [REDACTED]

[REDACTED].⁴ As we discuss in the Audit Results section, the Office of Foreign Operations is responsible for reviewing and approving requests from Country Offices to establish a Foreign Counterpart as a [REDACTED]. These requests must include justification for why it is necessary to establish a financial relationship with the Foreign Counterpart, as well as [REDACTED]. DEA Country Offices are responsible for maintaining all records associated with the Foreign Counterpart and conducting ad hoc suitability assessments of the host nation unit. Although these efforts are less formalized than the SIU and Non-SIU Vetted Unit Programs, we included them in the scope of our review [REDACTED].

(U//LES) In general, the DEA relies on Country Office discretion and coordination with the host nation for the establishment of SIUs, Non-SIU VUs, and [REDACTED]. DEA policy does not restrict Country Offices from establishing one or more of these units within their area of responsibility. However, according to DEA executive management, the goal for the DEA Country Offices is to establish SIUs, because the DEA considers SIUs as its elite overseas operational enforcement partnerships. Yet, as described below, we found that DEA Country Offices routinely establish relationships with foreign law enforcement counterparts outside of any of the aforementioned formal frameworks and often refer to these relationships as working with "vetted units." In addition, Country Offices may provide these so called "vetted units" with funding outside of the established frameworks that exist for SIUs and Non-SIU Vetted Units and incorporate formal vetting procedures.

(U) Required Agreements and Concurrence for DEA-Supported Foreign Law Enforcement Units

(U) The DEA's establishment of formal partnerships through the SIU and Non-SIU VU Programs require host nation law enforcement officials' approval and endorsement. The DEA documents this approval through a Memorandum of Understanding (MOU), which should define the unit scope, mission, composition, and vetting requirements agreed to by all parties. In addition to the MOUs executed between the DEA and the host nation, the DEA also coordinates with DOS-INL to draft a Letter of Agreement (LOA) between the U.S.

⁴ (U//LES) Because the change from [REDACTED] to Foreign Counterparts occurred outside the scope of our audit, we reviewed the policy to note changes in framework of these units but did not evaluate the DEA's implementation of the updates.

Embassy and a competent host nation authority that contains all legal requirements based on statute and regulation, summarizes the scope of each project, and defines the U.S. government and host nation contributions. These agreements also identify the distinct goals and mission of the SIU and/or Non-SIU VU Program in each country.

(U) In addition to agreements with the host nation, the DEA Agents Manual mandates that the DEA coordinates with the DOS and/or DOD to facilitate funding to its SIUs and Non-SIU VUs. The DEA partners with DOS-INL for the SIU Program to expend DEA-appropriated funds internationally. The DEA enters into an Interagency Reimbursable Agreement (IRA) with DOS-INL that allows DOS-INL to obligate and spend DEA funds for the SIU Program. Without an IRA in place, the DEA would not be able to provide funding to foreign countries for all activities and expenses associated with the SIU Program. The DEA also relies on funding that is provided directly by DOS-INL or DOD to the DEA for the establishment and maintenance of its Non-SIU VU Program. DEA policy mandates that the DEA secure funding from DOS-INL or DOD to pay for initial Non-SIU VU costs associated with vetting, transportation, equipment, training, leasing of office and operational facilities, and operational funds. In order to obtain this funding, the DEA Agents Manual requires that the DEA enter into an Interagency Agreement (IAA) with either DOS-INL and/or DOD to establish the amount of funding, the parameters for the use of funding, goals and objectives of the partnership, and any additional requirements for the provision of funds for the Non-SIU VU.

(U//LES) These requirements were not in place for the DEA's [REDACTED] because these entities were [REDACTED] entities that the DEA worked with and provided support to [REDACTED] has specific risk-mitigation procedures in place, [REDACTED].

(U) Previous OIG Reviews

(U) In February 2007, the OIG issued a report entitled *Audit of the Drug Enforcement Administration's International Operations* (2007 International Operations Audit Report).⁵ During this review, the OIG identified deficiencies with the DEA's management and oversight of its SIU Program and the use of "vetted units". The OIG found that the DEA's use of informal "vetted units" required considerable improvement to ensure the integrity of the foreign law enforcement personnel working with the DEA and to secure the safety of DEA information and staff due to the inherent risk of corruption within the countries in which they operate. The OIG made 22 recommendations for the DEA, 9 of which specifically related to improvements for DEA-supported foreign law enforcement units.

(U//LES) In addition, in September 2016, the OIG issued a report on the *Audit of the DEA's Management and Oversight of its Confidential Source Program*.⁶ Following this report, in March 2017 the OIG issued an

⁵ (U) U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), *Audit of the Drug Enforcement Administration's International Operations*, Audit Report 07-19 (February 2007).

⁶ (U) U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), *Audit of the Drug Enforcement Administration's Management and Oversight of its Confidential Source Program*, Audit Report 16-33 (September 2016).

Addendum to the Audit of the DEA's Oversight and Management of its CS Program.⁷ During this review, the OIG found issues related to the DEA's establishment, use, and payment of [REDACTED]. The OIG recommended that the DEA evaluate the processes for the establishment of, use, and payment to [REDACTED] whose work was related to law enforcement and national matters to ensure there is adequate oversight of all activities and payments.

(U) In May 2017, the OIG issued a report on A Special Joint Review of Post-Incident Responses by the Department of State and Drug Enforcement Administration to Three Deadly Force Incidents in Honduras.⁸ This review determined that these deadly force incidents involved a Honduras vetted unit that the DEA Honduras Country Office established in 2003. The OIG found that although the DEA stated that the operation at issue was led and executed by the Honduras vetted unit, the DEA maintained substantial control over the conduct of the operation. Despite this, we determined that DEA's pre-operational planning was inadequate in two critical respects: DEA and Honduras vetted unit personnel had an unclear understanding of what each other's deadly force policy permitted, and the planning for responding to critical incidents was almost nonexistent. These failures left DEA and Honduras vetted unit personnel in dangerous tactical situations and contributed to the absence of an immediate and comprehensive investigation of a deadly shooting incident on May 11, 2012. The OIG provided the DEA with seven recommendations to remedy deficiencies and improve DEA procedures for operations involving foreign counterparts; one additional recommendation was made to the Office of the Deputy Attorney General.

(U) Congressional Interest and OIG Audit Approach

(U) In 2018, the OIG received two congressional requests to evaluate the DEA's coordination with foreign counterpart units. One of these requests was in regard to allegations of potential mismanagement and misconduct in the DEA's Haiti Country Office, including concerns about the DEA's partnership with certain Haitian law enforcement agencies dating back to 2015. The other request referred to operations carried out by SIUs in Mexico over the last decade, which raised serious concerns about the practices of DEA-trained and funded SIUs and the need for greater accountability for vetted units. While the OIG did not initiate specific reviews for each of these incidents, these requests were considered in this broader review of the DEA's support to foreign law enforcement units.

(U) Our audit objective was to evaluate the effectiveness of the DEA's headquarters-based strategic management and oversight of DEA-supported foreign law enforcement units. The scope of our testing generally included DEA activities between FYs 2017 through 2019. To accomplish our objective, we analyzed DEA data, reviewed DEA policies and procedures, and evaluated DEA reports related to its supported foreign law enforcement units. We also conducted interviews with 70 individuals from the DEA, to include SIU members, and DOS-INL. Although we conducted an initial international field site visit to the Santo Domingo

⁷ (U) U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), *Public Summary of the Addendum to the Audit of the Drug Enforcement Administration's Management and Oversight of its Confidential Source Program*, Audit Report 16-33a (March 2017).

⁸ (U) U.S. Department of Justice (DOJ) Office of the Inspector General (OIG) and United States Department of State (DOS) Office of the Inspector General (OIG), *A Special Joint Review of Post-Incident Responses by the Department of State and Drug Enforcement Administration to Three Deadly Force Incidents in Honduras*, Oversight and Review 17-02, Office of Evaluations and Special Projects ESP-17-01 (May 2017).

Country Office in the Dominican Republic, restrictions on international travel due to the COVID-19 pandemic shifted our focus to auditing the DEA's headquarters-based management and oversight of these units.

(U) Audit Results

(U//~~LES~~) According to the DEA, DEA-supported foreign law enforcement units are essential to the success of the DEA's international counternarcotics strategy and have contributed to significant accomplishments in disrupting DTOs. However, we found that the DEA has not strategically managed its supported foreign law enforcement units to adequately account for the high-risk environment in which these units operate. Despite serious incidents associated with these units, the DEA has not performed any program-level reviews or assessed its oversight structure to determine what systemic improvements may have been needed to mitigate the risk of similar incidents occurring in the future. For instance, even following these incidents DEA headquarters lacks a complete representation of all so-called "vetted units" established and used by Country Offices that reside outside of the formal structure of the SIU Program, to include, but not limited to, the broad use of [REDACTED], prior to the dissolution of these [REDACTED] in August 2020. Without this insight, the DEA may not adequately address the risk of security, diplomatic, or legal repercussions associated with using and paying these informal units. Similarly, the DEA has not adequately monitored the export and management of sensitive technologies, such as communications surveillance systems, to foreign law enforcement units within and outside of the SIU and Non-SIU VU structure to ensure compliance with statutory and DEA policy requirements. In addition, we are concerned that the DEA has not tracked and maintained required foundational agreements or information related to the total funding or personnel and performance data for SIUs and Non-SIU VUs. Together, these issues demonstrate the need for the DEA to evaluate and enhance its headquarters-based oversight of these essential partnerships and programs. Overall, we made 10 recommendations to the DEA to improve the strategic management and oversight of DEA-supported foreign law enforcement units.

(U) DEA Can Reduce Risk by Improving its Process for Reporting and Evaluating Critical Incidents Involving Supported Foreign Law Enforcement Units

(U) The DEA Agents Manual acknowledges that foreign operations often involve important and delicate relationships between host countries and the DEA or the U.S. government. This requires DEA representatives to be aware of DEA-supported activity that may present serious legal, ethical, or policy issues. In addition to these diplomatic concerns, the DEA has explicitly recognized that the nature of the work of the SIU and Non-SIU VU Programs "places all of the individuals involved in the bilateral operations at heightened risk, and accordingly, there is mutual need to ensure that its members maintain the highest personal and professional standards." These risks could include the potential for threats and acts of violence from DTOs that identify individuals cooperating with the DEA, as well as DEA information being leaked. These partnerships can also pose serious safety and security risks for innocent civilians, as recognized by DEA documentation, which states that certain DTOs indiscriminately torture, maim, and kill family members and associates of individuals known to be or suspected to be cooperating with law enforcement.

(U) These risks are at the forefront of the DEA's purpose for establishing selection protocols and vetting procedures for SIU and Non-SIU VU membership, which according to the DEA were developed to emulate the strict hiring procedures of DEA Special Agents. Before foreign law enforcement officials can become SIU and Non-SIU VU members, they must pass a host country and U.S. background investigation, to include initial and follow-up urinalysis and polygraph tests and complete basic training requirements for an initial 3-year commitment. To track and monitor compliance with these requirements, the DEA utilizes an information technology system called SIUNet, which was developed, in part, in response to

recommendations in the OIG's 2007 International Operations Audit Report. Country Offices are responsible for populating the information in SIUNet, such as member names, vetting information and dates, time in unit, training courses and completion dates, and equipment assigned to members. OFP is responsible for monitoring SIUNet to track these requirements and timelines. Despite the DEA's vetting requirements, the DEA has encountered significant, highly publicized critical incidents involving certain DEA-supported foreign law enforcement units over the past 10 years, some of which entailed allegations of corruption and compromised information. These events have been the basis for congressional requests and OIG reviews, as well as the source of media scrutiny. We believe that in this environment and in light of the magnitude of these events, the DEA should ensure it is taking all reasonable actions—both location-specific and program wide—to identify areas of improvement and to enhance risk mitigation strategies to reduce the potential for these incidents from reoccurring. Yet, as described in the following sections, we found that the DEA's response to these incidents was not always timely and did not result in the DEA comprehensively reviewing or augmenting its programmatic oversight to mitigate the risk of similar incidents occurring in the future.

(U) Critical Incidents and Realized Risks

(U) As noted in the Introduction, the OIG received congressional requests to review information related to certain incidents and events in Haiti and Mexico that involved or were alleged to involve DEA-supported foreign law enforcement units. In conducting this audit, we considered those events and reviewed documentation associated with several other incidents that involved DEA-supported foreign law enforcement units in Colombia and Honduras. The following is an overview of these incidents and the connection to the DEA's partnerships with foreign law enforcement units.⁹



(U) DEA Mexico SIU: Between 2018 and 2020, the Department of Justice (DOJ) announced that criminal investigations found evidence that the Mexico SIU Commander, who led the unit from 2008 through 2016 and had participated in the unit since 2003, accepted bribes from DTOs in exchange for protection from law enforcement interference and disclosed sensitive information about DEA investigations to these organizations.¹⁰ In addition, as previously noted, the DEA's SIU in Mexico was the subject of congressional inquiries in response to public reporting about

⁹ (U) In its preliminary response to the OIG's report, the DEA provided technical comments, stating that it disagreed with the OIG's references to historic incidents that occurred in Mexico, Honduras, Haiti, and Colombia in this report. The DEA's basis for this position was that the OIG either did not conduct a full investigation or did not establish a connection between the specific historic incidents and the management and oversight of DEA vetted units. As noted throughout the Critical Incidents and Realized Risk section of the report, the OIG did not seek to investigate or reexamine these incidents as many of them occurred outside the scope of our review, but instead sought to understand how the DEA responded and implemented any programmatic changes as a result of these events. We also did not seek to assess whether the DEA's support for these foreign law enforcement units was the cause of any of the incidents discussed in this section. Nevertheless, we believe that these incidents, and the DEA's response to them, are relevant to the management, oversight, and vetting procedures of supported foreign law enforcement units and exemplify the risks these endeavors can present to the DEA and the U.S. government. Therefore, we evaluated documentation and information provided by the DEA related to these incidents and include summaries in this report along with an analysis of the risks they illustrate.

¹⁰ (U) Department of Justice, U.S. Attorney's Office Northern District of Illinois, [Press Release](#), "Former Mexican Federal Police Commander Enters No Contest Plea to Obstructing United States Investigation into Drug Cartel," May 11, 2018. Department of Justice, U.S. Attorney's Office Eastern District of New York, [Press Release](#), "Former Mexican Federal Police Commander Arrested for Drug-Trafficking Conspiracy," January 24, 2020.

alleged incidents involving DTO members, including the abduction of five Mexican nationals from a hotel in Monterrey that occurred simultaneous to a DEA-led operation that involved the Mexico SIU in April 2010, and a DTO committing a massacre in the Mexican town of Allende, purportedly after receiving information leaked from the Mexico SIU in March 2011.



(U) DEA Vetted Units in Honduras: From May to July 2012, the DEA participated in three drug interdiction missions alongside one of its vetted units in Honduras. All three of these missions resulted in separate deadly force incidents, to include the deaths of four civilians and two suspects, and injuries to four other civilians.¹¹ These actions resulted in an OIG review that found that the shooting reviews conducted by the DEA were significantly flawed.¹² The findings in the OIG's review demonstrated potential risks associated with the DEA's management and participation in operations with vetted units, including gaps in understanding use of deadly force rules and inadequate mechanisms for responding to and reviewing critical incidents.



(U//LES) DEA Law Enforcement Partners in Haiti: The DEA disbanded its Haiti SIU in 2009 after the Haitian National Police Director requested dissolution because it was overwhelmed with the SIU requirements. In addition, the DEA determined that the Haiti SIU was noncompliant with the SIU mission and DEA policies and vetting procedures. These shortcomings included at least four SIU members failing a polygraph examination. Despite disbanding the SIU in 2009, the DEA's Haiti Country Office continued to work with and make payments to Haitian law enforcement units [REDACTED]. The DEA also signed an IAA with INL in 2016 for a unit identified as a "trusted police unit" that was not considered an SIU or Non-SIU VU, with the knowledge that one of the four members who had previously failed a polygraph had been promoted to be the commander of the unit. Additionally, the DEA's operations and coordination with Haitian law enforcement were the subject of congressional oversight requests and whistleblower allegations that resulted in a review by the United States Official of Special Counsel, which as of April 2021 was ongoing.



(U//LES) DEA SIU, Vetted Units, and [REDACTED] in Colombia: In 2015, the OIG conducted a review that included a finding that over a period of several years the DEA's Office of Professional Responsibility (OPR) was aware of allegations by foreign police officers that 10 DEA agents, including executive management and supervisory officials, solicited prostitution and engaged in serious misconduct while stationed in the country.¹³ One foreign officer allegedly arranged "sex parties" with prostitutes (funded by the local drug cartels) for DEA agents at their government-leased quarters. This review also found that foreign officers alleged that Supervisory Special Agents were provided money, expensive gifts, and weapons from drug cartel members. Ultimately, 7 of the 10 agents admitted attending parties with prostitutes while they were stationed abroad. The DEA imposed penalties ranging from a 2-day suspension to a 10-day suspension. One of the line agents was cleared of all wrongdoing. Through

¹¹ (U) The DEA's Non-SIU VU Program was not formalized until 2017, therefore, we use the term "vetted unit" as characterized by the DEA.

¹² (U) USDOJ OIG and USDOS OIG, *A Special Joint Review of Post-Incident Responses by the Department of State and Drug Enforcement Administration to Three Deadly Force Incidents in Honduras*, (May 2017).

¹³ (U) U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), *The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components*, Evaluation and Inspections Division 15-05 (March 2015).

a recent review and verification by the DEA, it was determined that two Colombian SIU members were involved in these events.

(U) Separately, a former DEA Special Agent stationed in Colombia was indicted and subsequently pleaded guilty to corruption charges that involved allegations of inappropriate activities and direction involving DEA-supported foreign law enforcement units.¹⁴

(U) We recognize that some of these incidents occurred many years ago or were under ongoing reviews and investigations. We therefore determined it would not be possible to reinvestigate or reevaluate them. Instead, we sought to identify any changes that the DEA may have implemented as a result of these situations that would directly impact how DEA-supported foreign law enforcement units operated between FY 2017 and FY 2019. Thus, we requested the DEA provide us with an overview of how it used lessons learned from significant historic events involving DEA-supported foreign law enforcement units to enhance its oversight of its programs involving these partnerships. The following sections provide a summary of our review of the DEA's response to that request.

(U) In general, we found that the DEA assigns responsibility to Country Offices for recognizing risks, reporting incidents, and taking appropriate corrective actions if warranted, and that DEA deferred to its Country Offices to manage and investigate incidents involving partner units, in particular SIUs and Non-SIU VUs. The DEA emphasized to us that it does not have the legal authority to conduct criminal or administrative investigations of foreign law enforcement personnel on foreign soil.¹⁵ While the OIG recognizes this limitation on the DEA's overseas investigative authority, we do not believe it prevents DEA management from conducting the necessary and appropriate oversight to improve its international operations and partnerships. As we noted in our Honduras report, incidents involving host nation counterparts should be evaluated by the relevant DEA headquarters-based components to, at a minimum, determine whether the advice and leadership DEA provides to foreign partners is appropriate, whether foreign partners require more training, whether DEA should continue working with the host nation in the future, and, more generally, to fully assess lessons learned from the incident for DEA and its operations in that country and elsewhere. As a result of the OIG's review and recommendations, the DEA stated that it has taken certain measures to develop and update guidance for critical incident planning and coordination with host nation counterparts. The OIG continues to coordinate with the DEA on implementing these

¹⁴ (U) U.S. Department of Justice (DOJ) Office of Public Affairs (OPA), [*Press Release*](#), "Former DEA Agent and His Wife Plead Guilty for Roles in Scheme to Divert Drug Proceeds from Undercover Money Laundering Investigations," September 15, 2020.

¹⁵ (U) In that report, the OIG noted, "Although DEA may not typically have jurisdiction to take direct criminal or administrative action against host nation participants, DEA inspectors and the Shooting and Assault Incident Review Committee should, at a minimum, evaluate DEA and foreign LEO conduct to determine whether DEA's advice and any direction or leadership provided to foreign LEOs were appropriate, whether foreign LEOs require more training from DEA or elsewhere, whether DEA should continue working with the host nation on future similar joint counternarcotics operations, and, more generally, to fully assess lessons learned from the incident for DEA and its operations in that country and elsewhere." *A Special Joint Review of Post-Incident Responses by the Department of State and Drug Enforcement Administration to Three Deadly Force Incidents in Honduras (May 2017)*.

recommendations to ensure that post-incident investigations of foreign law enforcement actions will be comprehensive and thorough.¹⁶

(U) The DEA also provided the OIG with documentation that highlighted DEA headquarters' practice of deferring to Country Offices in these circumstances. For example, in the wake of the events described above in Mexico, the DEA did not have a process in place to assess whether there was any connection between the 2010 and 2011 events and the SIU. In 2018, the DEA conducted an FY 2018 examination of historic case files related to the Mexican cartels involved in the Monterrey and Allende incidents, and determined that the Country Office reported the 2010 Monterrey kidnappings to DEA headquarters only through an email and deferred to the host nation police agency to conduct the investigation. Moreover, the DEA did not identify any evidence that the Country Office notified DEA headquarters of the 2011 Allende incident. When the OIG followed up with the DEA officials who conducted this FY 2018 examination, we were told that, at the time of these tragic events, Mexican cartels were operating in an especially violent manner and that Mexican law enforcement experienced significant investigative challenges, so these events could not be reviewed in a "vacuum." In this FY 2018 examination, the DEA concluded that there was no clear or timely evidence to connect the events to the Mexico SIU or DEA investigative activity, but there was also no indication that the DEA attempted to assess or consider this potential connection at the time of the events. We were also told that the DEA does not have a method in its systems to document or link case information to SIUs, so it was difficult to track down all relevant information.

(U//~~LES~~) Similarly, in regards to programmatic lessons learned from the identification of the corrupt Commander in Mexico, DEA leadership told us that the incident was handled through the investigation of the former Commander, while OFP told us that it took control of the funding that the Country Office would need to recruit new members for the SIU. According to DEA documentation, the DEA's Mexico Country Office coordinated with the Mexican Federal Police to remove the Commander from the SIU, but did not report the incident involving the investigation and removal of the SIU Commander to OFP at DEA headquarters until April 2018, 18 months after the former Commander was indicted and pleaded no contest to the charges of obstruction of justice and conspiring with others to corruptly impede a U.S.-based narcotics trafficking investigation. After this report, in 2018, the DEA Country Office [REDACTED]. The DEA Country Office also implemented routine SIU rotations [REDACTED]. However, we found that, even after the corruption was reported to DEA headquarters, the DEA did not conduct a risk assessment, evaluate its oversight of the SIU Program, or attempt to determine why the existing vetting procedures did not identify the risk posed by the Commander's connections.

(U) The DEA also stated that it routinely evaluates SIUs and Non-SIU VUs through cyclical reviews of each unit by the Office of Inspections with assistance from OFP. Through these reviews, which the DEA conducts every 2 years, the DEA assesses individual units' operational effectiveness and compliance with DEA

¹⁶ (U) The DEA has taken some measures to address the OIG's recommendations in the Honduras report, including developing guidance and templates related to critical incidents planning and coordination with host nation counterparts. However, during the scope of our review, the development and implementation of those policies and procedures were ongoing. As of April 2021, the OIG has closed three of the seven recommendations made to the DEA. The remaining four recommendations remain resolved but not closed because we determined that additional steps or information from DEA is necessary to fully address OIG recommendations.

policies.¹⁷ However, these reviews did not consistently include information on critical incidents involving SIUs that occurred during this time period, and therefore did not assess steps that could be taken in response to these incidents. Additionally, these reviews did not include Non-SIU VUs until FY 2020. During interviews with DEA Office of Inspections officials, we were told that the DEA does not have any major problems or issues within the SIU Program because Country Offices are in constant contact with OFP. We found this statement to be inconsistent with the challenges presented by the critical incidents described above, and as a result, we believe that the DEA is missing an opportunity to use its inspection process to perform program-level oversight of DEA-supported foreign law enforcement units.

(U) In addition, the DEA relies on random and routine polygraph examinations, as well as background check and vetting procedures outcomes for SIU and Non-SIU VU members to identify any compromises and to mitigate the potential for compromise and to provide the DEA insight into possible or actual corruption issues. According to the DEA, if members' polygraph results indicate potential compromise, or if they fail urinalysis testing, DEA Country Offices take appropriate follow-up action, document their efforts, and update SIUNet. However, in spite of the high-profile and significant historical events outlined above, DEA stated in its FY 2020 Congressional Budget Submission that it had scaled back polygraph testing and increased the interval for testing from every 2 years to 3 years due to logistics and increasing costs to conduct comprehensive re-vetting procedures.¹⁸ The DEA acknowledged that the gap in regular polygraph testing could pose a threat to the SIU Program by preventing the identification of corruption or security risks in various SIUs. In addition, as discussed in the *DEA Headquarters Needs an Enhanced System to Track SIU and Non-SIU VU Program Requirements and Performance* section of the report, we found significant issues with the accuracy and completeness of information in SIUNet, which impacts the DEA's ability to monitor and ensure that all members' vetting procedures are current and completed. We believe that these examples undermine the DEA's statement that it relies on these vetting procedures to mitigate the potential for compromise and to provide the DEA insight into possible or actual corruption issues.

(U) We recognize that the DEA's Country Offices are responsible for implementing DEA policy and overseeing the day-to-day operations of the units under their authority. However, we are concerned that the DEA has not evaluated lessons learned from these events to identify broader implications and assess the structure of and controls over DEA-supported foreign law enforcement units as a whole. We also find it troubling that following these significant incidents, instead of enhancing oversight techniques, including the inspection process, and augmenting vetting procedures, the DEA maintained a reduced frequency for its polygraph examination process, which according to DEA was due to a lack of available polygraph examiners, difficulties filling polygrapher positions, and a lack of funding.

(U) Reporting and Reviewing Critical Incidents

(U//~~LES~~) According to the DEA Agents Manual, Country Offices must submit a Critical Incident Report to the DEA's Office of Domestic Operations, Command Center for: (1) any arrest, death, or injury of an SIU or Non-SIU VU member; (2) the discharging of weapons during an SIU or Non-SIU VU-led operation; or (3) other reportable incidents with the potential for civil liability, adverse publicity, or political reactions. The DEA Agents Manual also requires Country Offices to report immediately to OFP and the Command Center all

¹⁷ (U) The DEA did not implement its review of Non-SIU VUs until FY 2020, which was outside the scope of our audit.

¹⁸ (U) U.S. Department of Justice (DOJ) Drug Enforcement Administration (DEA), [*FY 2020 Performance Budget Congressional Budget Submission*](#).

threats against SIU or Non-SIU VU members, DEA personnel, and family members. While the Command Center has the responsibility for disseminating the notifications to relevant DEA headquarters-based sections with oversight responsibilities, DEA policy does not include any requirements for OFP or the Command Center to track critical incidents, monitor actions taken, identify realized risks, or ensure the completeness of DEA actions related to the incidents. DEA officials reiterated that the DEA relies on the Country Offices to determine the best course of action to manage and respond to critical incidents in foreign countries and to coordinate with DEA Executive Leadership when necessary. However, there is no system for tracking or documenting the outcomes of this coordination or maintaining records related to the DEA's response to incidents involving SIU and Non-SIU VUs. We also found that this policy does not provide guidance for critical incidents that occur with other DEA-supported foreign law enforcement units such as [REDACTED], which are not included in the SIU and Non-SIU VU Programs but receive funding from DEA and collaborate with DEA on bilateral operations.

(U//~~LES~~) We requested documentation for all critical incidents and threats involving SIU and Non-SIU VUs during our review period (FYs 2017 through 2019). OFP did not have a record of all incidents that had occurred and, in response to our inquiry, issued a manual data call to all Country Offices and received information for a total of nine critical incidents. After receiving this information, we subsequently learned of an additional eight Critical Incident Reports related to SIUs and Non-SIU VUs that were submitted to the Command Center but had not been routed to OFP and were also not included in the Country Offices' response to OFP's data call. We also discovered one critical incident that involved an SIU shooting incident that the Country Office did not report to DEA headquarters at all, as well as an incident that was only included in an Inspections report that involved [REDACTED].

(U) In total, we reviewed documentation associated with 16 critical incidents and/or threats involving SIUs or Non-SIU VUs during FYs 2017 through 2019. In reviewing these incidents, we found that Country Offices submitted reports through channels that did not reflect DEA policy and did not include OFP or the Command Center. In addition, 2 of the 16 incidents were not reported to DEA headquarters for extended periods of time, between 8 and 18 months. We believe that these inconsistent practices are the result of the DEA's inadequate guidance on DEA headquarters' responsibility to track and monitor critical incidents and to hold DEA Country Offices accountable for assessing risks and resolving each critical incident. We also found that DEA headquarters has not evaluated these incidents to assess the broader strategic impact of such events, such as considering the effectiveness of existing risk management techniques that were not successful in mitigating known concerns related to the SIU and Non-SIU VU Programs. We believe that this is a significant program deficiency given that some of these incidents reflected catastrophic events, including foreign law enforcement casualties, civilian casualties, and intelligence leaks, as described previously and in the following examples.



(U) Shooting Incident Resulting in Non-SIU VU Casualties: In August 2019, a shooting incident in Afghanistan resulted in 12 Non-SIU VU members being killed or injured. The Afghanistan Country Office reported this incident to the Command Center, but this information was not provided to OFP. OFP became aware of this incident when reviewing responses to the manual data call that DEA headquarters executed for our audit. Therefore, OFP did not have information related to the Country Office's response to this incident or the impact on the Non-SIU VU in Afghanistan. We did not receive any

additional documentation from DEA headquarters showing corrective actions taken or that an assessment of need was performed in response to the incident.

(U//LES) Intelligence Leaks Resulting in Release of Sensitive Information: In June 2017, the Country Office [REDACTED] reported that a [REDACTED] in an October 2016 joint operation with SIUs in [REDACTED] [REDACTED] compromised due to intelligence leaks. The report to OFP included a brief synopsis of immediate actions taken by the Country Office, to include [REDACTED] [REDACTED] and requesting additional funding to pay for the expense of the actions. This report also noted that the Country Office and SIU considered the situation serious. However, according to the information provided, the operation that caused the intelligence leak had occurred 8 months prior to the date of the email that was submitted to OFP. This report was not provided to the Command Center or developed into a Critical Incident Report.

(U) According to the DEA, the biennial Office of Inspections review process is the method through which comprehensive program reviews are conducted, the guidance checklist that the Office of Inspections follows for these reviews does not specifically include an evaluation of Critical Incident Reports. Moreover, during our review of the related reports issued between FY 2017 and FY 2019, we noted five instances where a report stated that there had been no significant work-related threats made against SIU members or its facilities during the review period, yet we received documentation identifying critical incidents and threats reported during that same time period.

(U//LES) We have concerns that even following significant, well-publicized incidents, the DEA has not effectively improved its process for reporting, tracking, and evaluating incidents related to SIUs and Non-SIU VUs. Moreover, we believe it is problematic that DEA policies do not contemplate how to handle critical incidents that occur with DEA-supported foreign law enforcement units, such as [REDACTED], that are not included in the SIU and Non-SIU VU Programs but receive funding from DEA and collaborate with DEA on bilateral operations. Therefore, we recommend that the DEA conduct a comprehensive risk assessment of DEA's efforts to provide assistance to foreign law enforcement units to: (a) determine what programmatic improvements are necessary to enhance oversight of DEA sensitive information and bilateral operations; and (b) to develop a robust and prospective process for performing after-action reviews of critical incidents involving foreign counterparts to ensure involvement of necessary headquarters-based components. We also recommend that the DEA reinforce to Country Offices involved with SIUs and Non-SIU VUs the requirements and processes for critical incident and threat reporting and incorporate controls and requirements for reporting incidents involving any DEA-supported foreign law enforcement units that conduct bilateral operations and share information with the DEA. In addition, although Country Offices may be in the best position to take immediate action in response to a specific critical incident, they are not well-positioned to identify recurring issues or systemic problems in the SIU and Non-SIU VU Programs. Accordingly, we recommend that the DEA implement procedures that articulate specific roles and responsibilities within DEA headquarters to track critical incidents associated with DEA-supported foreign law enforcement units, to monitor outcomes and assess incidents to identify possible indicators of systemic issues that may require oversight enhancements and program improvements.

(U) DEA Headquarters Can Reduce Risk by Enhancing Oversight of Foreign Partnership Units Not Included in the SIU and Non-SIU VU Programs

(U) Considering the risks realized through critical incidents, the DEA must ensure that its management and oversight of its relationships with foreign law enforcement units is operating efficiently and effectively. To implement an adequate internal control structure over these partnership units, the DEA must define in policy the types of relationships that exist in foreign Country Offices and the authority that governs each type of partnership. The DEA must also implement safeguards to ensure Country Offices adhere to laws, regulations, and agreed upon practices when conducting bilateral operations and providing funding to foreign law enforcement agencies. However, as discussed in the following sections, we found that DEA headquarters has not sufficiently accounted for and adequately managed DEA Country Offices' support provided to foreign law enforcement partner units, in particular those units that are not included in the SIU Program.

(U//~~LES~~) Foreign Counterparts Previously [REDACTED] Need Further Evaluation and Review

(U//~~LES~~) Contributing to DEA headquarters' shortfalls in comprehensively overseeing DEA-supported foreign law enforcement units is a lack of controls over Country Offices' [REDACTED]. As noted in the Introduction, until August 2020 when the DEA removed the [REDACTED], DEA Country Offices [REDACTED] some partner foreign law enforcement [REDACTED].¹⁹ The DEA incorporated requirements [REDACTED] within [REDACTED] DEA Agents Manual, as well as its 2017 SOP related to SIUs and Non-SIU VUs. However, we found that neither of these policies clearly articulated the association between [REDACTED] and the SIU and Non-SIU VU Programs, nor did the policies provide guidance for the limitations on providing funding to foreign law enforcement agencies, as prescribed in the Foreign Assistance Act.²⁰ During the audit, DEA officials told us that there was no association between [REDACTED] and the SIU and Non-SIU VU Programs, and that the DEA does not dedicate funding for [REDACTED] because [REDACTED] are not recognized as part of a program or DEA unit. However, as discussed in the following sections, we found instances where [REDACTED]. We also found that during the scope of our review the DEA provided [REDACTED] and in some instances had maintained these [REDACTED] for over 20 years.

(U//~~LES~~) According to some DEA officials, [REDACTED] are generally [REDACTED] the DEA does not have an SIU or Non-SIU VU in certain countries, as well as in situations when DEA partnerships with foreign counterparts [REDACTED]. However, other DEA officials also recognized that some Country Offices [REDACTED]. In these scenarios, DEA Special Agents [REDACTED]

¹⁹ (U//~~LES~~) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

²⁰ (U) Under the Foreign Assistance Act, DOS is the sole government agency able to pay salary supplements or enter into real estate agreements, such as leasing SIU facilities.

[REDACTED]. However, we found that DEA headquarters did not track the redundancies in these categories and did not coordinate to monitor the [REDACTED], and administration of these financial and investigative partnerships. In fact, we found that OFP was not aware of SIUs and Non-SIU VUs that were [REDACTED], thus reducing controls and oversight of program requirements, including ensuring that Country Offices were complying with requirements in the Foreign Assistance Act and export control laws when providing funding to these foreign entities.

(U//~~LES~~) We also found instances where the DEA disbanded SIUs and Non-SIU VUs in countries that were unable or unwilling to meet program requirements but maintained [REDACTED] in these countries. Specifically, as mentioned above, the DEA disbanded its SIU in Haiti in 2009 after finding significant noncompliance with the SIU mission and DEA policies, including at least one member of the SIU who failed a polygraph examination. However, using its [REDACTED], the DEA continued to partner with and fund a Haitian law enforcement unit within the same narcotics agency. Between FY 2017 and FY 2019, the DEA [REDACTED]. In another example, the DEA disbanded its Non-SIU VU [REDACTED] because the host nation would not submit to polygraphs and, according to DEA leadership at the time, determined that the DEA should no longer have a formal relationship with law enforcement in that country. Nevertheless, we found that around the same time the DEA [REDACTED]; however, we did not find [REDACTED].

(U//~~LES~~) We believe that this lack of oversight was due to the compartmentalization of information related to [REDACTED]. While DEA Country Offices were required to submit a memorandum to the DEA's Chief of Operations Management requesting approval to establish a [REDACTED], these memoranda generally were not provided to or deconflicted with OFP to determine if these entities already existed as an SIU or Non-SIU VU. Yet, we found that some of these memoranda identified SIUs and Non-SIU VUs that Country Offices [REDACTED]. More specifically, these memoranda identified certain SIU or Non-SIU VU members as signatories who would be able [REDACTED], but these memoranda did not articulate the need to provide such [REDACTED] of SIU or Non-SIU VU [REDACTED]. In addition, these memoranda did not include details for how DEA Country Offices would verify that these individual SIU and Non-SIU VU members provided the funding to their units.

(U//~~LES~~) Moreover, although these memoranda [REDACTED], we found that some Country Offices provided templated responses and limited information to justify why it was necessary for the DEA to work with and [REDACTED] through [REDACTED]. Specifically, in one memorandum, the Country Office simply noted it needed to [REDACTED] but did not provide any justification or purpose for this partnership. Another memorandum cited that a foreign law enforcement unit, identified as a "vetted unit" had been operating for over 30 years and worked with certain DEA Country Offices in combatting narcotics trafficking but had never been [REDACTED]. According to the document, a DEA Country Office conducted background checks of members in this foreign law enforcement entity. However, this unit was not identified as a Non-SIU VU or an SIU and the Country Office did not include any information on how or if it previously provided funding to this foreign law enforcement unit.

(U//~~LES~~) In addition, through our review of the [REDACTED], as well as a limited review [REDACTED]

files in the Dominican Republic, we found indications that DEA Country Office [REDACTED] was not limited to the [REDACTED], as described by DEA officials as the purpose of the overall [REDACTED], and were relatively parallel to the use of SIUs and Non-SIU VUs. However, as previously noted, Country Offices do not have to follow the same requirements for risk assessment and vetting procedures as SIUs and Non-SIU VUs, and these offices do not have to implement [REDACTED].



(U//LES) [REDACTED] **File Review:** During a site visit to the DEA's Country Office in Santo Domingo, Dominican Republic, we found that this office had [REDACTED] during our audit review period of FY 2017 through FY 2019. One of these [REDACTED], while the other [REDACTED] that the DEA worked [REDACTED]. However, DEA Special Agents in the Country Office confirmed that there was minimal [REDACTED].

(U//LES) We found that the DEA [REDACTED] for between 11 and 16 years and [REDACTED] during that time. According to DEA officials from the Country Office, there was very little distinction between how the office used the SIU [REDACTED]. In fact, one DEA Special Agent referred to [REDACTED] as a "mini-SIU." Another Special Agent stated that [REDACTED]. When we discussed [REDACTED], Special Agents in the Country Office stated that they [REDACTED] for investigative accomplishments, such as conducting arrests and seizing assets, as well as reimbursement for investigative efforts that assist the DEA. These comments were in contrast to senior DEA officials who stated that the DEA does not have such a thing as a "mini-SIU."

(U//LES) [REDACTED]: When we reviewed the [REDACTED] data, we found that the DEA maintained [REDACTED] between FY 2017 and FY 2019. The data also identified that of these [REDACTED] the DEA for at least 10 consecutive years. Moreover, this data showed that, in total, the DEA [REDACTED] between FY 2017 and FY 2019, with the [REDACTED] during that time. The data also indicated that that the DEA provided [REDACTED] during our review period. According to the data, these [REDACTED] unique investigations, which we believe indicated this [REDACTED].

(U//LES) Because [REDACTED] information is only available in the DEA's [REDACTED], DEA headquarters did not review or evaluate the totality [REDACTED], or the long-term [REDACTED] in any manner comparable to the oversight of partnerships under the SIU and Non-SIU VU Programs. We believe that the DEA's implementation of [REDACTED] reflected weak internal controls and insufficient oversight by headquarters to direct and monitor DEA Country Offices' methods for supporting [REDACTED]. This finding is consistent with the concern identified in the OIG's audit of the [REDACTED], in response to [REDACTED], the DEA coordinated with the Department and reevaluated the [REDACTED]. The DEA determined that the [REDACTED].

[REDACTED]. In August 2020, the DEA eliminated [REDACTED] and directed all Country Offices to [REDACTED].

(U//~~LES~~) When the DEA instructed Country Offices [REDACTED], it simultaneously issued a policy to recategorize these units as Foreign Counterparts. The DEA's revised policy stated that these Foreign Counterparts would now be [REDACTED]. The DEA's updated process also requires Country Offices to submit a memorandum to the Office of Foreign Operations requesting [REDACTED] new Foreign Counterpart [REDACTED]. To assist Country Offices in these efforts, the DEA developed and circulated a templated memorandum with standard language addressing these requirements. However, based on what we observed, we are concerned that Country Offices will simply use the templated language [REDACTED] that should be seriously considered and documented when establishing Foreign Counterparts.

(U//~~LES~~) In addition, in reviewing these updates, we found that the policy does not include any type of risk assessment [REDACTED] Foreign Counterparts in a bilateral operation. According to DEA Office of Chief Counsel officials there are elevated risks associated with [REDACTED]. As such, the Office of Chief Counsel emphasized the importance of implementing a robust suitability determination process for Foreign Counterparts to provide the DEA assurance that these entities and their law enforcement officers are aligned with the DEA's mission and goals. These same officials also stated that there are increased risks for the DEA with not knowing the full extent of expenditures and the use of funds overseas. Specifically, the DEA's purpose for establishing these units should not be to [REDACTED]. Yet, the DEA's updated policy does not incorporate any processes for DEA headquarters to oversee the use, activities, [REDACTED] Foreign Counterparts. We believe that without a designated process for continuously reviewing Country Offices' partnerships with Foreign Counterparts, the DEA is not ensuring that Country Offices are in compliance with relevant laws and regulations, which can be more complex when operating in foreign countries, or adequately mitigating the risk of fraud, waste, or abuse that could occur within the financial transactions.

(U//~~LES~~) The DEA Agents Manual notes that the DEA or other persons acting on behalf of the DEA should operate with consent conferred by a host country official who possesses the appropriate authority, and that activities outside the scope of any formal or informal agreements between the United States and the host government would constitute unilateral activity, [REDACTED]. Without strict internal controls over the Foreign Counterpart process to ensure that [REDACTED], we have concerns that the DEA may be at risk for [REDACTED] that could have significant consequences for U.S. foreign relations and diplomacy. When we discussed this issue with the Office of Chief Counsel officials as it related [REDACTED], we were told that Country Offices may have obtained [REDACTED]. Moreover, we were told that by [REDACTED] DEA was documenting its [REDACTED]. However, the DEA construct of the new Foreign Counterparts does not contemplate this issue or contain controls for [REDACTED].

(U//~~LES~~) We do not believe that the new process accounts for the risks identified in our review of [REDACTED].

Moreover, without a coordinated and comprehensive headquarters-based strategy for overseeing Foreign Counterparts that receive funding and support from the DEA Country Offices, the DEA cannot adequately account for the high-risk environment in which these units operate. Therefore, we recommend that the DEA review its updated Foreign Counterpart policy and determine the best process for incorporating guidance and internal controls over the risk assessment and suitability determination process, as well as a structure for the continual review of funding to and activities performed by these partners.

2007

(U) OIG report recommended DEA issue guidance to assist in creation and management of vetted units not included in the SIU Program.

2010

(U) DEA headquarters developed policies and procedures for vetted units operating outside the SIU program, but failed to support these units.

(U) Without formal policy, DEA Country Offices continued to establish and fund vetted units independent of DEA headquarters.

2017

(U) DEA formally outlined the requirements for DEA oversight and support of Non-SIU Vetted Units.

(U) Unrecognized Vetted Units Established and Used by Country Offices

(U) Historically, vetted units operating outside of the DEA's formal SIU program were not formally recognized by the DEA and did not benefit from the DEA support or infrastructure provided through the SIU Program. In its 2007 International Operations Audit Report, the OIG reported that, "[g]iven the number of DEA foreign offices using non-SIU vetted units, we believe the DEA should issue guidance to assist foreign office managers in the creation and management of non-SIU vetted units. This instruction is important to help ensure the safety of DEA information and personnel and to protect the integrity of DEA operations."²¹ In 2010, DEA headquarters developed policies and procedures for vetted units operating outside the SIU program, but its attempts to implement them failed to result in formal guidance or organizational infrastructure to support these units. Without a formal policy, Country Offices continued to establish and fund vetted units – some of which had been operating since before 2007 – independent of DEA headquarters-based oversight and without a sufficiently robust policy to guide such actions. It was not until 2017 that DEA formally outlined the requirements for DEA oversight and support of Non-SIU VUs and issued the "Non-SIU VU and SIU Program Standard Operating Procedures" (SOP).

(U) Following the issuance of the SOP, officials from OFP requested all DEA Country Offices to provide information on any foreign law enforcement partnerships that fit the DEA's definition of a Non-SIU VU. Using the results of this process, OFP informed the OIG that the DEA's foreign vetted units in the following countries constituted a Non-SIU VU under the 2017 SOP standards.

²¹ (U) OIG's 2007 International Operations Audit Report. 2007

(U) Exhibit 3

Location of Non-SIU VUs Recognized by OFP in 2017

| Qualifying Non-SIU VUs | |
|------------------------|------------|
| Afghanistan | Belize |
| Kenya | Senegal |
| El Salvador | Jamaica |
| Tajikistan | Costa Rica |

Source: DEA

(U) OFP officials stated that they declined to include certain DEA-supported foreign law enforcement units – described as “vetted units” by the Country Offices – into the DEA’s formal Non-SIU VU Program because the units did not meet the DEA Non-SIU VU Program profile. OFP officials also stated that some Country Offices decided not to pursue establishing a formal Non-SIU VU because of the bureaucracy and effort needed to fulfill Non-SIU VU Program requirements. However, OFP did not formally track this process or identify which units were not incorporated into the Non-SIU VU Program.

(U//LES) During our review, we were provided with documentation associated with “vetted units” in Pakistan, Colombia, Benin, Mozambique, and Ecuador that were not identified by OFP as active Non-SIU VUs between FYs 2017 and 2019.²² OFP officials explained that for Pakistan, the DEA had a vetted unit that was disbanded and the Country Office was in the process of reestablishing the unit. [REDACTED], OFP officials stated that they were aware of a vetted unit but stated that the Country Office was not in compliance with all program requirements, in particular the Country Office did not have an agreement from the host nation to establish a Non-SIU VU. Nevertheless, the [REDACTED] vetted unit continued to operate and receive DEA support. Similarly, OFP officials explained that the units in [REDACTED] were not considered formal Non-SIU VUs because the DEA Country Offices had been unable to secure agreements with host nation law enforcement entities for these countries. Despite not having an agreement, we found that the DEA Country Office obtained funding from DOD in 2018 and 2019 for the vetted unit in [REDACTED]. OFP acknowledged that these units may operate in country but are not considered official DEA Non-SIU VUs and are not held accountable for the program requirements.

(U) While it is appropriate for Country Offices to establish and maintain relationships with host nation law enforcement, without controls and oversight of all vetted units, we are concerned that the DEA may not adequately address the security, diplomatic or legal risks associated with using and paying these informal units. Moreover, given that the DEA has not officially recognized certain vetted units because of a lack of compliance with DEA policy for the Non-SIU VU Program and that Country Offices continue to use these units and secure funding for the units, we are concerned that these units are operating outside of the controls that the DEA has developed for its SIU and Non-SIU VU Programs, such as requirements for background investigations and critical incident reporting. Consequently, there is a risk that the use of the term “vetted unit” may provide a false sense of security for stakeholders who might be led to believe that a “vetted unit” operating in a high-risk environment is subject to the DEA’s policy and infrastructure built for the SIU and Non-SIU VU Programs. The OIG believes that if a foreign law enforcement partner is not capable of meeting the requirements for the Non-SIU VU Program, any support for the partner should be subject to greater scrutiny, not less. However, the informal establishment of unregulated “vetted units” by

²² (U) Throughout the audit, we found that the term “vetted unit” is used widely by the DEA but that the use of this term may not always be referring to a formalized Non-SIU VU.

Country Offices produces the opposite result – a vehicle to fund a foreign law enforcement partner that is incapable of meeting the Non-SIU VU Program requirements without scrutiny or oversight from DEA headquarters.

(U) DEA headquarters needs to improve its oversight of Country Offices' establishment and use of DEA-supported vetted foreign law enforcement units that operate alongside the DEA but are not part of the SIU or Non-SIU VU Programs. Therefore, we recommend that OFP and OF coordinate with DEA Country Offices to: (1) obtain a full list of all foreign law enforcement units that have received any DEA-supported funding, training, equipment, or vetting; (2) determine the construct and purpose of these units; (3) determine what conditions must be met by the "vetted unit" prior to receiving DEA or other U.S. Government funding; and (4) determine what DEA policy or program area is responsible for headquarters' oversight and management of these units.

(U) DEA Can Reduce Risk by Improving its Monitoring of Host Nation Agreements for SIU and Non-SIU VUs

(U) The DEA requires Country Offices to obtain host nation endorsement and approval to establish SIUs and Non-SIU VUs through the execution of a non-binding MOU between the DEA and the host nation law enforcement agency. According to these policies, these MOUs must clearly define the objectives and terms of the partnership, the composition of the units, and the requirements for training and vetting of SIU and Non-SIU VU members. Although non-binding, we believe these agreements are essential for ensuring that the DEA and the host nation are operating with a similar understanding of the partnership and the requirements that go along with it. However, we found that OFP did not adequately track or monitor compliance with these agreements even though it was required to review and approve all MOUs. Specifically, during our review we found that Country Offices were operating under expired or dated MOUs, while others did not have an MOU in place throughout the scope of our testing (FYs 2017 to 2019). In addition, we found that OFP did not have an accurate picture of MOUs for all SIUs and Non-SIU VUs.

(U//LES) Non-Executed MOUs: The DEA did not have documented MOUs in place for its SIUs [REDACTED], or its Non-SIU VUs in [REDACTED] throughout FYs 2017 to 2019. While the absence of an MOU in each of these instances is a deficiency, we believe that the lack of an MOU in [REDACTED], is particularly noteworthy.²³ In response to our request for MOUs, the DEA initially provided us with an agreement between [REDACTED] from 2012 as evidence of the agreement with [REDACTED] for the SIU Program. Not only was this MOU outdated, but this agreement detailed protocols to share information between those two countries and did not include the DEA or the provision for services rendered through the SIU Program.

(U//LES) Similarly, for the [REDACTED] Non-SIU VU the DEA initially provided a 2018 agreement between itself and the [REDACTED] regarding interagency coordination and cooperation. This agreement outlined how both parties would devote resources to the [REDACTED] Non-SIU VU. However, when we asked OFP about the lack of agreement with [REDACTED] authorities, we were told

²³ (U//LES) In December 2020, following the OIG's identification of a non-executed MOU in [REDACTED], the DEA executed a signed MOU with the [REDACTED] for the SIU.

that there was no historic agreement, but the Country Office was in the drafting process with the [REDACTED] government to remedy this issue.

(U) Expired MOUs: The DEA had several SIUs and Non-SIU VUs that continued operations after an MOU expired. Specifically, we found that the MOUs with Afghanistan, Belize, Nigeria, Senegal, and Tajikistan all lapsed at some point in time during FYs 2017 through 2019. Subsequently, DEA removed Tajikistan from its Non-SIU VU Program and in November 2019, the DEA signed a new MOU for Afghanistan. However, no such action was taken for the others and as of FY 2020, the DEA did not have current MOUs for its Non-SIU VUs in Belize (expired in 2018) and Senegal (expired in 2019), or its SIU in Nigeria (expired in 2017).

(U//LES) Dated MOUs: The DEA had three MOUs that were over 7 years old and did not have expiration dates. The oldest of these MOUs was executed in 2002 for the DEA's SIU [REDACTED].²⁴ In addition, the DEA's MOUs for its SIUs in Mexico and Ecuador were executed in 2011 and 2013, respectively.

(U) When we discussed these MOU issues with DEA officials, they stated that the MOU requirement applied to new SIU and Non-SIU VUs and that certain country circumstances may not allow for MOUs to be completed in the timely manner DEA would hope for; however, the failure to produce an MOU would not exclude units that still abide by all other program guidelines and provide a benefit to DEA. However, OFP officials also stated that when they raised these concerns with the Country Offices, they were told that the reasons for being unable to secure MOUs or update expired or dated MOUs ranged from barriers due to the political climate, changes in government administrations, and, more recently, complications from inactive governments due to the COVID-19 pandemic. In turn, other DEA headquarters officials stated that obtaining updated MOUs is not always prudent because changes in leadership and political climates may cause the host nation to determine that the SIUs and Non-SIU VUs should no longer operate. We find these reasons troubling and undermine the principles of consent and cooperation that are necessary conditions for establishing partnerships with foreign law enforcement entities. We also believe that these reasons appear to be in tension with what we were told by an official from DEA's Office of Chief Counsel who stated that issues could arise from expired or dated MOUs if the government entity changed its name or structure. Moreover, these officials stated that host nation agreements should be consistently reviewed, advising that agreements should last for approximately three years before the agreement expires and terms are updated. These updates would ensure that the parties that entered into the agreement concur with current protocols for the SIU and Non-SIU VU Programs.

(U//LES) In general, we believe that non-executed, expired, and dated MOUs increase the risk that host nations may not approve of DEA-guided SIU and Non-SIU VU investigative endeavors. Moreover, without an agreement in place, the DEA may not have assurance that the host nation concurs with DEA's current risk mitigation techniques incorporated into the DEA Agents Manual in FY 2019, including prescribed vetting procedures and host nation concurrence. For instance, the agreement we were provided for the DEA's [REDACTED] SIU, dated 2002, did not incorporate a requirement for polygraphs or urinalysis testing. In

²⁴ (U//LES) In July 2020, following the OIG's identification of the dated MOU in [REDACTED], the DEA updated and executed a signed MOU with the [REDACTED] for this SIU.

addition, the MOUs for SIUs in Mexico and Ecuador did not specify the frequency for recurring polygraphs or urinalysis tests.

(U//LES) We are also concerned that some of these issues were not identified or resolved during the DEA's SIU inspection process, which according to DEA policy is supposed to determine if the DEA has a copy of an MOU executed between the DEA and the host nation authority for the establishment and operations of the SIU. For example, we found that although a 2019 report from a DEA Office of Inspections' review of the [REDACTED] SIU reported that the Country Office should update the MOU, the reviews for its SIUs in [REDACTED], which were both issued in 2019, contained no findings associated with MOUs even though we found that there were no valid MOUs in place for those SIUs.

(U) Letters of Agreement with Host Nations

(U) In addition to MOUs between DEA and the host nation law enforcement entity, the DEA Agents Manual also notes that the DEA will be engaged in the process of drafting a signed LOA between the U.S. Embassy and the host nation government for DEA Country Offices operating SIUs and Non-SIU VUs. These LOAs are required in order for the Embassy to expend allotted funding for these units. According to the DEA Agents Manual, a signed LOA is necessary for DOS to legally expend U.S. government funds on these initiatives in foreign countries. According to OFP officials, LOAs are not an agreement completed prior to the establishment of an SIU or Non-SIU VU, but are a DOS requirement for providing funds to the host nation. OFP noted that LOAs can be given to the DEA Country Offices as a courtesy, if requested, but OFP was not aware whether Country Offices had LOAs on file for the SIUs and Non-SIU VUs the DEA had created and DEA headquarters did not take an active role in reviewing, verifying, and tracking these agreements. Instead, DEA relies on communications with DOS-INL headquarters to verify the status of the LOAs and when they have been signed by the Embassy representative and the host nation.

(U) The Agents Manual states that the DEA's engagement in the drafting process is to ensure that the document fully satisfies all of DEA's legal and procedural requirements. As noted, LOAs are required to provide funding to host nations for the activities and administration of the DEA's SIU and Non-SIU VUs. We recognize that DEA has no authority over DOS's business process, however we believe that there is a potential for DEA equities to be at risk if proper and current LOAs that apply to DEA-related funds and activities for SIU and Non-SIU VUs are not in place.

(U) We believe that OFP should be reviewing and monitoring MOUs and LOAs to ensure they are current and continue to adequately define the SIU and Non-SIU VU relationships between the DEA and host nation. This process would assist the DEA in mitigating the risk that DEA Country Offices establish, support, fund, and operate SIUs and Non-SIU VUs without current host nation governmental approval. OFP officials concurred with this assessment and stated that they would make a concerted effort to coordinate with Country Offices to ensure compliance with this requirement. Therefore, we recommend that the DEA conduct a comprehensive review of all SIUs and Non-SIU VUs to ensure necessary and appropriate agreements are in place, current, and complete. In addition, we recommend that the DEA evaluate its SIU and Non-SIU VU policies to ensure they account for adequate oversight of all agreements and determine whether to incorporate a process for program officials, relevant stakeholders, and decision makers to obtain, review, and monitor all MOUs for all SIUs and Non-SIU VUs going forward.

(U) DEA Can Reduce Risk by Developing and Maintaining Records for Judicial Wire Intercept Programs Established and Utilized by DEA-Supported Foreign Law Enforcement Units

(U//~~LES~~) The DEA has stated that the use of electronic surveillance equipment is an essential part of its cooperative international law enforcement operations and integral to some of its SIU and Non-SIU VU partnerships, referring to this program as the most effective law enforcement tool available. To facilitate these efforts, the DEA managed or participated in foreign telecommunications data intercepts, referred to as Judicial Wire Intercept Programs (JWIP), [REDACTED]

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²⁵ (U//~~LES~~) The DEA provided information about other locations where JWIPs were active during some part of the period we reviewed (FY 2017 through FY 2019). These locations [REDACTED]. However, the JWIPs in these locations were disbanded prior to September 30, 2019.

(U//~~LES~~) Exhibit 4: Summary of [REDACTED] September 30, 2019^a



| [REDACTED] | [REDACTED] | [REDACTED] |
|------------|------------|------------|
| [REDACTED] | [REDACTED] | [REDACTED] |

a. [REDACTED]
[REDACTED]
[REDACTED].

Source: DEA Documentation

(U//~~LES~~) The DEA has emphasized the success of these JWIPs in providing intelligence and assisting in bilateral operations that have dismantled persons and organizations designated as Consolidated Priority Organization Targets (CPOTs). For instance, according to the DEA, the [REDACTED] JWIP initiates over approximately [REDACTED] and contributed to a significant percentage of DEA enforcement operations conducted worldwide. Similarly, the DEA has stated that most of [REDACTED]

[REDACTED]. However, the deployment of this technology as an investigative tool in a foreign country entails serious risks [REDACTED]. In addition, the deployment of this technology as an investigative tool in a foreign country is subject to U.S. export control laws to protect national security interests and promote foreign policy objectives.²⁶ According to the DEA, these complex laws and regulations are intended to protect U.S. national security by requiring written approval before transferring sensitive technologies, or information about such technologies, to any foreign country or foreign national.

(U) In 2013, the DEA's Office of Chief Counsel issued a handbook entitled "Use of Telecommunications Intercept and Other Sensitive Technology in International Operations" (Handbook) to provide detailed guidance on how to deploy electronic surveillance technology or use sensitive technology in international operations or programs. We found that this Handbook was comprehensive and provided necessary guidance for the deployment and maintenance of JWIPs. However, during our audit, very few DEA officials we spoke to were aware of this policy and its contents. In fact, we found that leadership officials from the DEA's Office of Investigative Technology, which is responsible for implementing JWIPs, did not know that this Handbook existed, which is concerning because the Handbook refers to requirements for this office, including having the authority and responsibility for reviewing and approving all requests to initiate an electronic intercept program or operation involving the use of sensitive technology. The Handbook also provides guidance for how the Office of Investigative Technology should coordinate with Country Offices to conduct site surveys and to deploy technology. However, officials from this office did not rely on this guidance, and in turn, stated that the process used to establish or update a JWIP was based on previous situations and "go-by" or templated documents.

(U//~~LES~~) Additionally, although JWIPs were incorporated into the DEA's operations and administration of the SIU and Non-SIU VU Programs and used by certain SIUs and Non-SIU VUs, OFP did not coordinate with the Office of Investigative Technology or the Country Offices on the management and oversight of these efforts. Moreover, although DEA's policies specifically require Country Offices to provide OFP with a list of Non-SIU VU and SIU personnel who have received training on U.S. export-controlled equipment, including JWIPs, we found that OFP was not aware of and was not tracking this information. Similarly, DEA headquarters did not have a process to track or monitor the JWIPs operating in the [REDACTED]. Because these JWIPs are operating in [REDACTED] to this sensitive technology. Additionally, despite DEA guidance stating that Country Offices should draft an agreement with the appropriate host nation police agency regarding the use and security of the JWIP technology, the DEA was not able to provide us with any host nation agreements for any JWIPs that were active between FY 2017 and FY 2019. Without proper oversight mechanisms, DEA headquarters cannot ensure that its Country Offices have appropriate controls regarding [REDACTED] use and security of the intercept technology.

(U//~~LES~~) We also found that the DEA Handbook included a requirement that "Country Attachés maintain an official file with all records and documents related to the program and the technology, including records of what [REDACTED] have been trained to operate, maintain, or service the technology." However, when

²⁶ (U) The Arms Export Control Act, 22 U.S.C. § 2751, and the Export Administration Act, 50 U.S.C. § Appendix 2401, which lapsed and was incorporated in the Export Control Reform Act of 2018 (ECRA); P.L. 115-232, Subtitle B, Part 1, govern the United States' provision of law-enforcement or military grade equipment to foreign countries.

we spoke with officials in the DEA's [REDACTED], they were unaware of the requirement and did not have any records associated with the JWIP [REDACTED]. Moreover, the DEA's [REDACTED] did not have a process to ensure that the JWIP technology was used [REDACTED], as required by DEA policy. This is particularly significant because the DEA Country Office officials acknowledged that the JWIP [REDACTED]. Additionally, according to the Office of Investigative Technology, each JWIP has a systems administrator with the authority to grant access and privileges to that JWIP. However, the systems administrator [REDACTED].

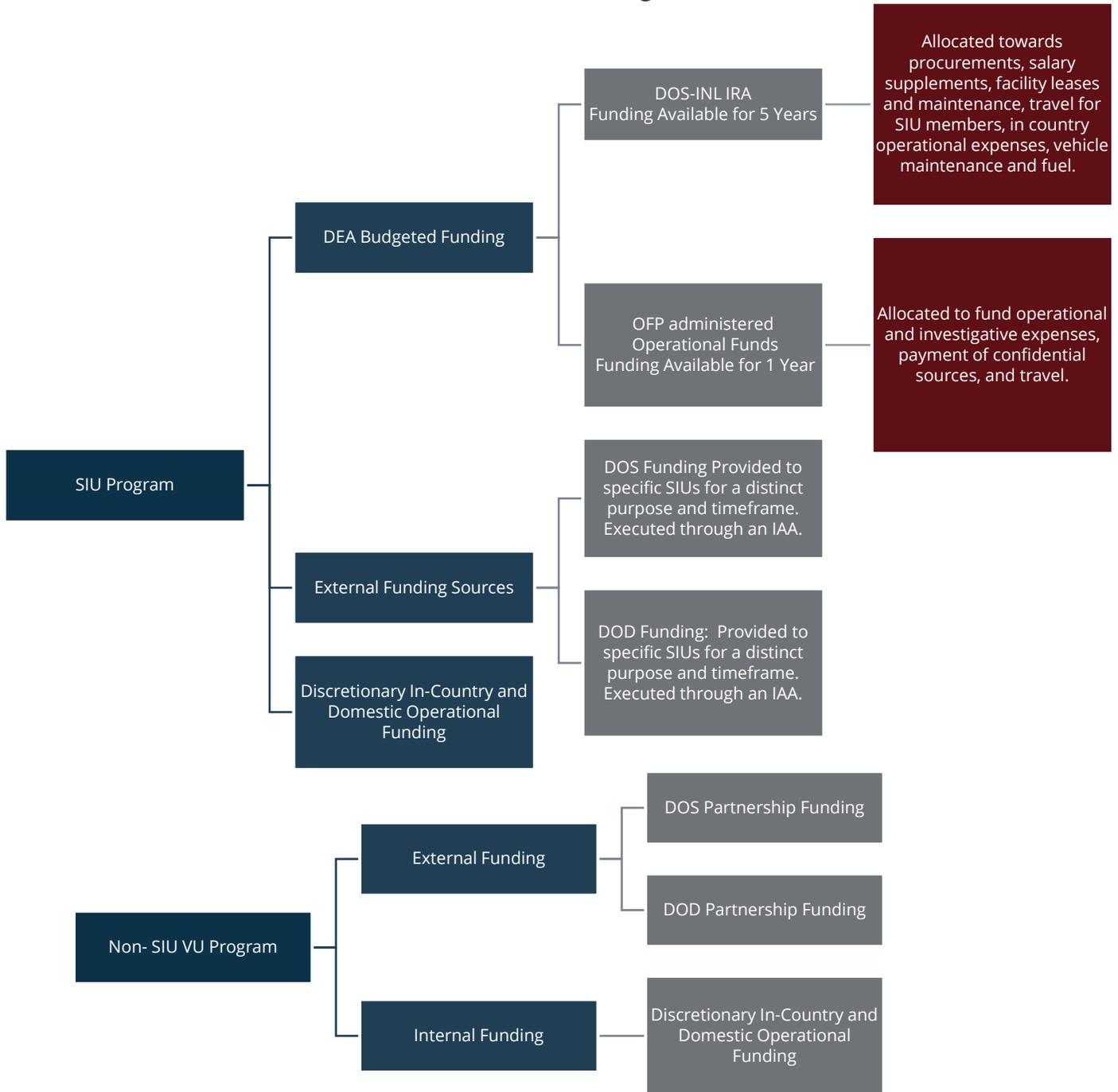
(U//~~LES~~) We believe that the lack of coordination among offices at DEA headquarters and the limited awareness of DEA policy concerning JWIPs puts the DEA at risk for noncompliance with U.S. export control laws. We also believe that these deficiencies are indicative of insufficient controls and increase the risk [REDACTED].

[REDACTED]. Together, these issues have significant implications for U.S. interests [REDACTED]. Therefore, we recommend that the DEA conduct a comprehensive review of all JWIPs installed and utilized by DEA-supported foreign law enforcement units to verify host nation agreement for the bilateral use of this equipment and identify the universe of foreign nationals who are trained on and have access to the JWIPs. We also recommend that the DEA develop a process and related controls to maintain and monitor host nation JWIP agreements and the universe of foreign nationals who are trained on and have access to the JWIPs.

(U) The DEA Should Improve its Financial Management Structure to Fully Account for Funding Provided to the SIU and Non-SIU VU Programs

(U) Funding for the DEA's SIU and Non-SIU VU Programs comes from various sources that have different requirements and authorizations. The DEA distinguishes between the SIU and Non-SIU VU Programs, in part, based upon the differences in the funding provided to these units. Specifically, the DEA allocates appropriated funding to its SIU Program, but does not have a dedicated internal funding stream for its Non-SIU VUs. Instead, the DEA relies primarily on outside funding from DOS-INL or DOD to establish and maintain Non-SIU VUs. However, DOS-INL and DOD funding is not limited to Non-SIU VUs and the DEA receives funding from both DOS-INL and DOD to supplement its SIU Program. The following exhibit provides an overview of the sources of funding for the DEA's SIU and Non-SIU VU Programs.

(U) Exhibit 5: SIU Funding Sources



Source: OIG Depiction based on DEA Documentation

(U) DEA Executive Management and OFP officials have expressed concern over the static budget for the SIU Program since its first Congressional appropriation in 1997, as well as the need for additional funding to support the Non-SIU VU Program. In the DEA’s FYs 2018 and 2019 budget requests to Congress, DEA requested an additional \$950,000 and \$400,000, respectively, to increase the size of certain SIUs and aid in the conversion of one Non-SIU VU to an SIU. Although we acknowledge that the DEA’s budget for the SIU

Program has remained relatively unchanged since 1997, we have concerns that the DEA cannot adequately assess its budgetary needs and decision makers do not have a complete picture of existing program resources because the DEA does not have an accurate accounting of the total funds provided to and expenditures made for SIUs and Non-SIU VUs, as detailed below.

(U) Funding Sources

(U) During our audit, we found that despite recognizing the various funding sources, DEA headquarters did not track or maintain an entire account of all funding provided to SIUs and Non-SIU VUs. Of significant concern, OFP was not aware of and therefore did not track all external funding, generally provided by DOS-INL or DOD, for the SIUs and Non-SIU VUs. According to OFP, because DEA Country Offices coordinate with DOS and DOD to secure external funding, Country Offices are responsible for executing the associated Interagency Agreements (IAAs) and complying with the terms and conditions of these IAAs. OFP also stated that Country Offices are responsible for coordinating with the Office of Foreign Operations and Office of Resource Management to provide certain IAAs for record-keeping and financial processing, as required by the DEA Agents Manual.²⁷ However, we found that these headquarters units do not consistently coordinate with OFP to vet and review the IAAs related to SIUs and Non-SIU VUs. Because these funding agreements have a direct impact on the availability and allocation of resources to the SIU and Non-SIU VU Programs, we are concerned that the DEA Agents Manual does not require OFP to receive a copy of all relevant IAAs.

(U) In 2019 the DEA's Office of Resource Management undertook efforts to work with OFP to rationalize the resource needs of the SIU and Non-SIU VU Programs. This process resulted in a 5-year strategy that highlighted challenges for effectively implementing and growing the SIU and Non-SIU VU Programs and justified the need for funding enhancements. However, we found that the Office of Resource Management's efforts to examine the SIU and Non-SIU VU budgets and work with OFP to create a strategy did not consider DOS-INL and DOD funding. Therefore, we remain concerned about OFP's lack of visibility into all funding provided to SIUs and Non-SIU VUs. We believe that OFP should review all external funding source agreements to not only effectively manage the finances for the SIU and Non-SIU VU Programs, but to also assist in evaluating critical budgetary needs, to identify potential duplication of efforts and resources, and to be able to properly assess program performance. As such, we recommend that DEA headquarters ensure that information regarding all sources of funding provided to the SIU and Non-SIU VU Programs including agreements and in-country spending is made available to program officials, relevant stakeholders, and decision makers.

(U) Monitoring SIU and Non-SIU VU Expenditures

(U) We found that the DEA has limited ability to review the expenditures associated with the DEA SIU Program budgeted funds that are administered by DOS-INL through an IRA. According to DEA officials, DOS-INL does not provide useful or timely reporting of IRA transactions. Moreover, DEA headquarters-based oversight of this funding was limited to monitoring the balance of DEA-budgeted funds as opposed to reviewing expenditures by category on a more timely basis.

²⁷ (U) The DEA Agents Manual excludes DOD financial agreements from these requirements and does not include OFP in the review process.

(U//~~LES~~) In addition to funds managed by DOS-INL, Country Offices have the authority to use their standard office operational funds for expenses related to SIUs and Non-SIU VUs. According to an official within the Office of Finance, during a review of payments made directly to SIUs, DEA headquarters identified instances where it appeared that Country Offices were using DEA operational funds for capacity building expenditures – such as routine maintenance on [REDACTED], or additions to facilities – that should have been funded through the DOS-INL IRA, as required by the Foreign Assistance Act. The Office of Chief Counsel issued guidance in September 2016 that the best practice would be to make SIU lease payments through the DOS-INL IRA based on Foreign Assistance Act requirements. However, in extenuating circumstances, DEA Country Offices may use DEA operational funds for these expenses. We identified payments made to SIUs and Non-SIU VUs for expenses that could be categorized as capacity building endeavors, such as payments made through the [REDACTED] that were identified as building and space rental, monitoring system equipment operation, and vehicle operation. However, these expenditures were not reviewed by DEA headquarters because they were administered through the [REDACTED]. Although the Agents Manual required Country Offices to provide OFP with written protocol regarding the method and types of payments made to units, OFP did not receive this information. We are concerned that without sufficient oversight and review of SIU and Non-SIU VU expenditures administered through the [REDACTED], the DEA Country Offices may have circumvented payment requirements in the Foreign Assistance Act.

(U//~~LES~~) In 2019, the DEA updated its Agents Manual to mandate that expenses paid for with DEA operational funds will be disbursed and cleared through DEA financial forms, which must include detailed justifications for the payments and original receipts and/or an itemized list of expenses. We believe that this mechanism, as well as the DEA's 2020 elimination of the [REDACTED], will assist the DEA in overseeing funding provided to these units because these changes provide DEA headquarters with additional controls and oversight of payments to SIU and Non-SIU VUs. However, we also believe that OFP should be tracking what mechanisms DEA Country Offices' are using to pay SIU and Non-SIU VU expenses. Therefore, we recommend that DEA headquarters ensure that each Country Office with an SIU or Non-SIU VU develops written protocol documents for the processing of payments using operational funds. DEA should also ensure that Country Offices have implemented these protocols to ensure that DEA headquarters can oversee these expenses.

(U) Financial Reporting Requirements under the Foreign Assistance Act

(U) Without adequate data to assess its SIU and Non-SIU VU financial position, we are concerned that the DEA may not be completely fulfilling its obligation to report foreign assistance under the Office of Management and Budget's (OMB) Bulletin 12-01, *Guidance on Collection of U.S. Foreign Assistance Data*. The Department is tasked with reporting foreign assistance, which includes, but is not limited to, any training, service, technical advice, and items of real, personal, or mixed property. The DEA supports its foreign law enforcement units with salary supplements, equipment, facilities, technology, and training. However, when we reviewed the information reported for the DEA for FYs 2017 through 2019, we found that DEA only reported information related to training expenses activities pursuant to OMB Bulletin 12-01.

(U) According to officials from the Office of Resource Management, the office that fulfills the DEA's efforts to report data under OMB's Bulletin 12-01, the DEA has determined that funding provided to foreign law enforcement units for sensitive technology and investigative expenses does not qualify as foreign assistance. Rather, the DEA's position is that these expenses support the DEA's accomplishment of its mission in the foreign arena. While there may be exceptions for reporting certain funding and assistance provided to foreign law enforcement units, we believe that there is still a risk that the DEA's interpretation

may not be fulfilling the OMB requirement related to the Foreign Assistance Act. As such, we recommend that the DEA confer with appropriate Department officials to ensure that the DEA's interpretation and related actions fulfill the OMB requirements to accurately report the amount of foreign assistance provided to various host nation law enforcement entities.

(U) DEA Headquarters Needs an Enhanced System to Track SIU and Non-SIU VU Program Requirements and Performance

(U) As noted in the section of the report discussing international critical incidents, OFP uses an electronic database system called SIUNet, which is an application for managing information related to SIU and Non-SIU VU members and equipment. SIUNet was developed, in part, in response to recommendations in the OIG's 2007 International Operations Audit Report. Country Offices are responsible for populating the information in SIUNet, such as member names, vetting information and dates, time in unit, training courses and completion dates, and equipment assigned to members. Meanwhile, OFP reviews the data to oversee compliance with DEA requirements for SIU and Non-SIU VUs, such as identifying upcoming training needs and tracking certifications, as well as planning for and verifying the execution of vetting procedures, such as the completion of polygraphs and urinalysis testing for all SIU and Non-SIU VU members. This system also allows OFP to monitor equipment provided by the DEA to the SIUs and Non-SIU VUs. However, OFP has acknowledged that SIUNet contains incomplete information due to a loss of historical data that occurred during a data migration process around 2016. In addition, OFP has submitted several requests for critical system updates that have not been prioritized or implemented. As a result of deficiencies in SIUNet, OFP has not been able to ensure that the information in SIUNet provides an accurate portrayal of the SIU and Non-SIU VU Programs, nor has it been able to use all aspects of the system to strategically manage the members and equipment provided to these units.

(U) We reviewed SIUNet data for SIU and Non-SIU VU members, as well as equipment tracked by these units for the period of FY 2017 through FY 2019 and confirmed that the system contains incomplete, inaccurate, and outdated information. For instance, when we compared information from OFP on the number of SIU members to SIUNet data, we found discrepancies in the total members of certain SIUs. When we asked OFP officials about these differences, they stated that SIUNet data changes constantly because Country Offices manually enter information on members into the system and that there is no way to tell when Country Offices make changes to member information. OFP also stated that sometimes Country Offices will enter improper information into SIUNet. For instance, some Country Offices will enter information associated with a "vetted unit" that is not included in the SIU and Non-SIU VU Programs. Consequently, although OFP monitors the system for erroneous, extraneous, or incomplete data entries related to SIU and Non-SIU VU members, these deficiencies impact OFP's ability to ensure compliance with DEA vetting requirements for SIU and Non-SIU VU members.

(U) We also found that over 50 percent of the equipment listed in SIUNet did not have an associated cost and did not match records that we received and reviewed from OFP. We asked officials from OFP about these differences and were told that the equipment data contained within SIUNet is incomplete and that they do not use SIUNet to monitor equipment. In turn, OFP has requested that Country Offices maintain a manual list of all equipment provided to the SIUs and Non-SIU VUs, and this information is reviewed during the SIU Inspection process. These officials recognized this deficiency and have requested to replace the outdated system with an inventory system already in place within DEA that would work with SIUNet.

(U) As noted above, OFP has requested several critical SIUNet updates to address these fundamental weaknesses. In addition, OFP has recognized the need to effectively demonstrate SIU and Non-SIU VU Programs success and has requested system enhancements that would allow Country Offices to consistently track SIU and Non-SIU VU performance and accomplishments. However, due to competing priorities, the DEA has not been able to fulfill these requests and, as a result, OFP officials stated that they rely on SIU Bi-Annual Status Reports, SIU Inspections Reviews, and daily communication with Country Offices to monitor program effectiveness and performance. Unfortunately, these methods did not incorporate Non-SIU VUs until as recently as FY 2020. Moreover, OFP officials acknowledged that these methods are not ideal because inconsistent record-keeping hinders their ability to quickly acquire accurate information about SIU Program impact worldwide.

(U) We reviewed the FY 2017 through FY 2019 SIU Bi-Annual Status Reports and SIU Inspections reports to determine if the documents included any measurable performance tracking data. We found that these reports did not consistently or systematically account for a wholistic view of performance and mission accomplishments. For instance, we found that over 40 percent of the required Bi-Annual Status Reports were not provided to OFP, as required by DEA policy. According to OFP officials, they did not believe they had the authority to hold Country Offices accountable to the SIU and Non-SIU requirements until 2019 when these policies were incorporated into the Agents Manual. Of the 48 Bi-Annual Status Reports we reviewed that were submitted to OFP between FY 2017 and FY 2019, we found that Country Offices generally provided narratives on SIU investigative activities. However, we noted that there was no consistent format for providing investigative accomplishments and only two Country Offices provided summary statistical data that included the number of arrests, assets seized, and drugs seized. When asked why DEA did not require the Bi-Annual Status Reports to contain statistical data or performance metrics, an official stated that these reports serve as a snapshot and if the reports were all inclusive, they would be too long. Because the DEA relied on narrative descriptions of SIU involvement in cases, there was no way for OFP to easily leverage the information to describe how the DEA's use of sensitive foreign law enforcement units have disrupted or dismantled transnational criminal organizations.

(U) In addition to the SIU Bi-Annual Reports, we reviewed 16 DEA SIU Inspections Reports dated between FY 2017 and FY 2019, and focused on the review of "Enforcement Effectiveness," which is a required step in the Inspections Process. Similar to the deficiencies in the execution of the bi-annual reporting process, the Inspections process only included SIUs and did not incorporate Non-SIU VUs until after the policy was incorporated into the DEA Agents Manual in 2019. For the reports that included reviews of SIUs, we found that only 6 of the 16 reports included summary information regarding arrests, seized drugs and cash, or number of U.S. indictments or extraditions. The remaining 10 reports did not report any summary statistics.

(U) Throughout this audit, DEA officials have underscored the importance of the SIU and Non-SIU VU Programs and provided anecdotal success stories of the SIU and Non-SIU VUs. For instance, in 2017, the DEA stated that the Panama SIU deserved credit for a third of Panama's drug interdictions, which totaled more than 75 metric tons. That same year, the DEA stated that the Colombia SIU was responsible for 79 extraditions and the arrest of two CPOTS. The DEA has also referenced that the enforcement operations of the SIU and Non-SIU VUs in Afghanistan have denied the Taliban millions of dollars in revenue. Additionally, while we were in the Dominican Republic, a DOS official stated that the SIU was essential to narcotics enforcement and was responsible for a significant percentage of law enforcement seizures in the Dominican Republic.

(U) However, similar to the findings in the OIG's 2007 International Operations Audit Report, we found that the DEA does not have a reliable or timely process to monitor and track SIU and Non-SIU VU Program performance and empirically validate accomplishments that are provided anecdotally by Country Offices. Consequently, this deficiency impedes the DEA's ability to demonstrate the collective success of these programs, which could have an impact on the DEA's request for funding and resources that it has stated are needed to elevate the status and effectiveness of these units. Therefore, we recommend that the DEA review its processes and determine the most effective method for tracking and assessing SIU and Non-SIU VU performance and accomplishments in order to demonstrate the collective success of the programs. In line with that recommendation, we believe that the DEA must also evaluate SIUNet to: (1) determine what updates are necessary to enhance internal controls over SIU and Non-SIU VU data, and (2) identify necessary enhancements that will allow OFP to fulfill oversight responsibilities and to obtain a more comprehensive view of Country Offices' management of SIUs and Non-SIU VUs.

(U) Conclusion and Recommendations

(U//LES) The DEA has acknowledged that its global enforcement operations rely on partnerships with foreign law enforcement agencies to conduct bilateral enforcement and intelligence sharing operations. While the DEA has various means of working with foreign law enforcement, its most prominent partnerships are established through its SIU and Non-SIU VU Programs and its most prevalent partnerships are [REDACTED]. The DEA identifies the SIU and Non-SIU VU Programs as the gold standard of international partnerships and credits them with disrupting and dismantling the most egregious international drug trafficking and money laundering organizations. While the foundation of these programs is the DEA's ability to fund and support vetted foreign law enforcement units, the risks inherent in sharing sensitive investigative information with and paying entities known for pervasive corruption are great. Yet, despite the emphasized importance of these DEA-supported foreign law enforcement units, we found that the DEA's headquarters-based management and oversight of its supported foreign law enforcement units are insufficient for the high-risk environment in which these units operate.

(U) The DEA has not sufficiently assessed or augmented its oversight to mitigate known and realized risks that have occurred during significant incidents involving DEA-supported foreign law enforcement units. Moreover, we found that the DEA lacks a comprehensive strategy to account for the totality of these essential programs, which impedes the DEA's ability to make well-informed decisions, effectively manage its foreign partnerships, demonstrate the collective success of DEA-supported operations, and progress the programs responsibly. The risks of DEA involvement in foreign country narcotics enforcement and legal operations requires continuous evaluation, enhanced internal controls, and elevated oversight. Without the utmost diligence, the DEA cannot ensure that its bilateral efforts and coordination through these essential programs and partnership are secure and effective. The deficiencies we found during this audit evidence the need for the DEA to strategically and intently manage these important programs.

(U) Therefore, to more effectively manage the risks inherent in the DEA's partnerships with and support of foreign law enforcement agencies, we recommend the DEA:

1. (U) Conduct a comprehensive risk assessment of DEA's efforts to provide assistance to foreign law enforcement units to:
 - a. Determine what programmatic improvements are necessary to enhance oversight of DEA sensitive information and bilateral operations; and
 - b. Develop a robust and prospective progress for performing after-action reviews of critical incidents involving foreign counterparts to ensure involvement of necessary headquarters components.
2. (U) Improve its process for reporting and tracking critical incidents involving DEA-supported foreign law enforcement units by:
 - a. Reinforcing to DEA Country Offices involved with SIUs and Non-SIU VUs the requirements and processes for critical incident and threat reporting and incorporating controls and

requirements for reporting incidents involving any DEA-supported foreign law enforcement units that conduct bilateral operations and share information with the DEA; and

- b. Implementing procedures that articulate specific roles and responsibilities within DEA headquarters to track critical incidents associated with DEA-supported foreign law enforcement units, monitor outcomes, and assess incidents to identify possible indicators of systemic issues that may require oversight enhancements and program improvements.
3. (U) Review its updated Foreign Counterparts policy and determine the best process for incorporating guidance and internal controls over the risk assessment and suitability determination process, as well as a structure for the continual review of funding to and activities performed by these partners.
4. (U) In regard to DEA-supported foreign law enforcement units operating outside of the DEA's formal SIU and non-SIU VU programs—such as, but not limited to, units referred to generically as “vetted units”—coordinate with DEA Country Offices to:
 - a. Obtain a full list of all foreign law enforcement units that have received any DEA-supported funding, training, equipment, or vetting;
 - b. Determine the construct and purpose of these units;
 - c. Determine what conditions must be met by the “vetted unit” prior to receiving DEA or other U.S. government funding; and
 - d. Determine what DEA policy or program area is responsible for headquarters oversight and management of these units.
5. (U) Verify that all SIUs and Non-SIU VUs have necessary, current, and complete host nation agreements in place by:
 - a. Evaluating SIU and Non-SIU VU policies to ensure they account for adequate oversight of all agreements; and
 - b. Determining whether to incorporate a process for program officials, relevant stakeholders, and decision makers to obtain, review, and monitor all MOUs for all SIUs and Non-SIU VUs going forward.
6. (U) Conduct a comprehensive review of all JWIPs installed and utilized by DEA-supported foreign law enforcement units to:
 - a. Verify host nation agreement for the bilateral use of this equipment and identify the universe of foreign nationals who are trained on and have access to the JWIPs; and

- b. Develop a process and related controls to maintain and monitor host nation JWIP agreements and the universe of foreign nationals who are trained on and have access to the JWIPs.
7. (U) Ensure that each Country Office with an SIU or Non-SIU VU develops written protocol documents for the processing of payments using operational funds and provides these documents to OFP. In addition, ensure that information regarding all sources of funding provided to the SIU and Non-SIU VU Programs is made available to program officials, relevant stakeholders, and decision makers.
8. (U) Confer with appropriate Department officials to ensure that the DEA's interpretation and related actions fulfill the OMB requirements to accurately report the amount of foreign assistance provided to various host nation law enforcement entities.
9. (U) Review its processes and determine the most effective method for tracking and assessing SIU and Non-SIU VU performance and accomplishments in order to demonstrate the collective success of the programs.
10. (U) Evaluate SIUNet to:
 - a. Determine what updates are necessary to enhance internal controls over SIU and Non-SIU VU data; and
 - b. Identify necessary enhancements that will allow OFP to fulfill oversight responsibilities and to obtain a more comprehensive view of Country Offices' management of SIUs and Non-SIU VUs.

(U) APPENDIX 1: Objective, Scope, and Methodology

(U) Objective

(U) The objective of our audit was to evaluate the effectiveness of the DEA's headquarters-based strategic management and oversight of DEA-supported foreign law enforcement units.

(U) Scope and Methodology

(U//~~LES~~) In conducting this audit, we tested compliance with what we considered the most important conditions for DEA headquarters-based oversight of DEA-supported foreign law enforcement units. Our audit generally covered, but was not limited to, fiscal years (FY) 2017 through 2019. To accomplish the objective, we interviewed 55 DEA officials, 4 SIU members, and 11 Department of State (DOS) officials. We reviewed DEA policies and procedures, as well as various laws and regulations that applied to aspects of DEA's foreign law enforcement partnerships. Additionally, we identified and reviewed DEA documentation and agreements for the establishment and funding of its partner foreign law enforcement units, as well as DEA inspections, oversight, and critical incident reports. Further, we analyzed DEA data related to payments [REDACTED] and Sensitive Investigative Unit (SIU) and Non-SIU Vetted Unit (Non-SIU VU) member and equipment records.

(U//~~LES~~) As part of this audit, we also performed on-site fieldwork at one DEA Country Office in Santo Domingo, Dominican Republic. At that location, we interviewed DEA, DOS, and SIU personnel; reviewed financial records; reviewed SIU and [REDACTED]; and physically verified the existence of assets purchased. Following this fieldwork, we were unable to complete additional site visits because of restrictions on international travel due to the COVID-19 pandemic. As a result, we shifted our audit focus to the DEA's headquarters-based management of DEA-supported foreign law enforcement units and used the information obtained from our site visit to inform our ongoing review of oversight policies and procedures.

(U) Statement on Compliance with Generally Accepted Government Auditing Standards

(U) We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Given the COVID-19 pandemic, in May 2020 we contacted the DEA to communicate a change in scope to our original audit objectives in order to comply with GAGAS and appropriately reduce audit risk. Throughout this environment, the audit team worked with the DEA to obtain alternative forms of corroborating evidence.

(U) Compliance with Laws and Regulations

(U) In this audit we also tested, as appropriate given our audit objectives and scope, selected transactions, records, procedures, and practices, to obtain reasonable assurance that DEA headquarters' management complied with federal laws and regulations for which noncompliance, in

our judgment, could have a material effect on the results of our audit. Our audit examined, on a test basis, DEA headquarters' compliance with the following laws and regulations that could have a material effect on the DEA's operations:

- Foreign Assistance Act, 22 U.S.C. Chapter 32
- Arms Export Control Act, 22 U.S.C. § 2751
- Export Administration Act, 50 U.S.C. Appendix § 2401
- OMB Bulletin 12-01

(U) This testing included interviewing DEA officials, examining policies and procedures, evaluating documentation related to statutory requirements, and reviewing data submitted publicly by the DEA. As noted in the Audit Results section of this report, we were unable to verify that the DEA's interpretation and reporting protocols comply with OMB Bulletin 12-01 reporting requirements. We also were unable to confirm that DEA headquarters' structure and protocols fully ensures compliance with the Foreign Assistance Act requirements for providing funding to foreign entities and export control laws related to the monitoring and oversight of sensitive technologies provided to foreign entities. Our report makes recommendations to DEA regarding these matters.

(U) Internal Controls

(U) In this audit, we performed testing of internal controls significant within the context of our audit objectives. Unless otherwise stated in this report, the criteria we used to evaluate compliance were contained in the DEA Agents Manual, 2017 SIU and Non-SIU VU Standard Operating Procedures (SOP), and the DEA Cash Operations Policy and Procedures Manual.

(U) We did not evaluate the internal controls of the DEA to provide assurance on its internal control structure as a whole. DEA management is responsible for the establishment and maintenance of internal controls in accordance with OMB Circular A-123. Because we do not express an opinion on the DEA's internal control structure as a whole, we offer this statement solely for the information and use of the DEA.²⁸

²⁸ (U) This restriction is not intended to limit the distribution of this report, which is a matter of public record. However, because this report contains sensitive information that must be appropriately controlled, a redacted copy of this report with sensitive information removed will be made available publicly.

(U) In planning and performing our audit, we identified the following internal control components and underlying internal control principles as significant to the audit objective(s):

| (U) Internal Control Components & Principles Significant to the Audit Objectives | |
|--|--|
| Control Environment Principles | |
| | Management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives. |
| Risk Assessment Principles | |
| | Management should define objectives clearly to enable the identification of risks and define risk tolerances. |
| | Management should identify, analyze, and respond to risks related to achieving the defined objectives. |
| | Management should consider the potential for fraud when identifying, analyzing, and responding to risks. |
| | Management should identify, analyze, and respond to significant changes that could impact the internal control system. |
| Control Activity Principles | |
| | Management should design control activities to achieve objectives and respond to risks. |
| | Management should design the entity's information system and related control activities to achieve objectives and respond to risks. |
| | Management should implement control activities through policies. |
| Information & Communication Principles | |
| | Management should use quality information to achieve entity's objectives. |
| Monitoring Principles | |
| | Management should establish and operate monitoring activities to monitor the internal control system and evaluate the results. |
| | Management should remediate identified internal control deficiencies on a timely basis. |

(U) We assessed the implementation and operating effectiveness of these internal controls and identified deficiencies that we believe could affect the DEA headquarters' ability to effectively and efficiently monitor its supported foreign law enforcement units and to ensure compliance with laws and regulations. The internal control deficiencies we found are discussed in the Audit Results section of this report. However, because our review was limited to these internal control components and underlying principles, it may not have disclosed all internal control deficiencies that may have existed at the time of this audit.

(U) Computer-Processed Data

(U//LES) During our audit, we obtained data from SIUNet and DEA's [REDACTED]. We did not test the reliability of those systems as a whole; therefore, any findings identified involving information from those systems were verified with documentation from other sources. We performed limited reviews of the reliability of the data by: (1) performing electronic testing of required data elements, (2) reviewing existing information about the data and the system that produced them, and (3) interviewing auditee officials knowledgeable about the data. The results of our testing of SIUNet showed that data elements key to our review contained a high percentage of errors. Therefore, we did not rely on this data to make conclusions and findings

associated with the DEA-supported foreign law enforcement units. Instead, we noted these data reliability deficiencies in the Audit Results. For [REDACTED], we identified limited reliability issues with the data, and therefore used this information in a supportive role only to evaluate indications of [REDACTED].

(U) APPENDIX 2: The Drug Enforcement Administration's Response to the Draft Audit Report



U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

Washington, D.C. 20537

MEMORANDUM

TO: Carol S. Taraszka
Regional Audit Manager
Chicago Regional Audit Office
Office of the Inspector General

FROM: Mary B. Schaefer
Chief Compliance Officer
Office of Compliance

MARY
SCHAEFER

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SUBJECT: Response to the Office of the Inspector General (OIG) Draft Report "*Audit of the Drug Enforcement Administration's Oversight of Headquarters Supported Foreign Law Enforcement Units.*"

The Drug Enforcement Administration (DEA) appreciates the OIG's acknowledgement that DEA's work through DEA-supported foreign law enforcement units is paramount to DEA's global operations. DEA's mission to protect the safety and health of the American public demands effective international operations, including bilateral operations and intelligence gathering accomplished through the Sensitive Investigative Unit (SIU) and Non-SIU Vetted Unit (VU) programs. DEA appreciates the OIG's efforts to identify areas for improvement in DEA Headquarters' management of the SIU and Non-SIU VU programs. DEA is committed to enhancing what works and fixing what does not so that we can maintain these critical partnerships, and thus, DEA concurs with the recommendations in the OIG's report.

The OIG made ten recommendations in its report. DEA's response to each recommendation is provided below:

Recommendation 1: Conduct a comprehensive risk assessment of DEA's efforts to provide assistance to foreign law enforcement units to: (a) determine what programmatic improvements are necessary to enhance oversight of DEA sensitive information and bilateral operations; and (b) develop a robust and prospective process for performing after-action reviews of critical incidents involving foreign counterparts to ensure involvement of necessary headquarters components.

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DEA Response

DEA concurs with the recommendation. DEA already conducts a risk assessment when considering whether to create an SIU or Non-SIU VU. DEA will develop a comprehensive risk assessment process to review DEA's efforts to provide assistance to foreign law enforcement units that will (a) determine those programmatic improvements that are necessary to enhance oversight of DEA sensitive information and bilateral operations; and (b) develop a robust and prospective process for performing after-action reviews of critical incidents involving foreign counterparts to ensure involvement of DEA Headquarters program management components.

Recommendation 2: Improve its process for reporting and tracking critical incidents involving DEA-supported foreign law enforcement units by:

a. Reinforcing to DEA Country Offices involved with SIUs and Non-SIU VUs the requirements and processes for critical incident and threat reporting and incorporating controls and requirements for reporting incidents involving any DEA-supported foreign law enforcement units that conduct bilateral operations and share information with the DEA; and

b. Implementing procedures that articulate specific roles and responsibilities within DEA headquarters to track critical incidents associated with DEA-supported foreign law enforcement units, monitor outcomes, and assess incidents to identify possible indicators of systemic issues that may require oversight enhancements and program improvements.

DEA Response

DEA concurs with the recommendation. DEA is in the process of updating its Critical Incident Field Manual and Critical Incident Plan Templates and is implementing a Foreign Operations Critical Incident Checklist. DEA's updates and implementation of the checklist will require the reporting and tracking of critical incidents involving SIUs and Non-SIU VUs. Further, DEA will develop controls and requirements for the identification, tracking, monitoring, and assessment of systemic issues to ensure oversight of the programs.

Recommendation 3: Review its updated Foreign Counterparts policy and determine the best process for incorporating guidance and internal controls over the risk assessment and suitability determination process, as well as a structure for the continual review of funding to and activities performed by these partners.

DEA Response

DEA concurs with the recommendation. DEA will review its policy related to foreign counterparts and will incorporate guidance and internal controls for the risk assessment and suitability determination process, and will develop and adopt a structure for DEA to review the dispersal of resources to its foreign counterparts and the activities associated with those disbursements.

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Recommendation 4: In regard to DEA-supported foreign law enforcement units operating outside of the DEA’s formal SIU and non-SIU VU programs – such as, but not limited to, units referred to generically as “vetted units” – coordinate with DEA Country Offices to:

- a. Obtain a full list of all foreign law enforcement units that have received any DEA-supported funding, training, equipment, or vetting;**
- b. Determine the construct and purpose of these units;**
- c. Determine what conditions must be met by the “vetted unit” prior to receiving DEA or other U.S. government funding; and**
- d. Determine what DEA policy or program area is responsible for headquarters oversight and management of these units.**

DEA Response

DEA concurs with the recommendation and, as discussed in more detail under separate cover, has addressed it. Importantly, DEA does not support unrecognized foreign law enforcement units other than SIUs and Non-SIU VUs. DEA is requesting that OIG close this recommendation.

Recommendation 5: Verify that all SIUs and Non-SIU VUs have necessary, current, and complete host nation agreements in place by:

- a. Evaluating SIU and Non-SIU VU policies to ensure they account for adequate oversight of all agreements; and**
- b. Determining whether to incorporate a process for program officials, relevant stakeholders, and decision makers to obtain, review, and monitor all MOUs for all SIUs and Non-SIU VUs going forward.**

DEA Response

DEA concurs with the recommendation and is already taking steps, discussed under separate cover, to address it.

Recommendation 6: Conduct a comprehensive review of all JWIPs installed and utilized by DEA-supported foreign law enforcement units to:

- a. Verify host nation agreement for the bilateral use of this equipment and identify the universe of foreign nationals who are trained on and have access to the JWIPs; and**
- b. Develop a process and related controls to maintain and monitor host nation JWIP agreements and the universe of foreign nationals who are trained on and have access to the JWIPs.**

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DEA Response

DEA concurs with the recommendation. DEA will conduct a review of all JWIPs utilized by DEA-supported foreign law enforcement units and will develop a strategy to maintain and monitor DEA-supported JWIPs, to include tracking and training protocols for foreign nationals who have access to the JWIPs.

Recommendation 7: Ensure that each Country Office with an SIU or Non-SIU VU develops written protocol documents for the processing of payments using operational funds and provides these documents to OFP. In addition, ensure that information regarding all sources of funding provided to the SIU and Non-SIU VU Programs is made available to program officials, relevant stakeholders, and decision makers.

DEA Response

DEA concurs with the recommendation. DEA is currently working with each country office to establish written protocols relating to the use of operational resources as well as all funding sources for allowed expenditures.

Recommendation 8: Confer with appropriate Department officials to ensure that the DEA's interpretation and related actions fulfill the OMB requirements to accurately report the amount of foreign assistance provided to various host nation law enforcement entities.

DEA Response

DEA concurs with the recommendation and is scheduled to meet with the Assistant Director of the Law Enforcement and Corrections Group, Budget Staff, Justice Management Division to ensure that DEA's interpretation to report the amount of foreign assistance provided to various host nation law enforcement entities fulfills OMB requirements.

Recommendation 9: Review its processes and determine the most effective method for tracking and assessing SIU and Non-SIU VU performance and accomplishments in order to demonstrate the collective success of the programs.

DEA Response

DEA concurs with the recommendation. DEA is working internally to design a SIU checkbox within the DEA case management system that will link and quantify SIU leads and information to both domestic and international investigations. DEA anticipates that when this update is fully implemented in early 2022 DEA program managers will be able to identify data on demand to demonstrate the success of the program.

Recommendation 10: Evaluate SIUNet to:

a. Determine what updates are necessary to enhance internal controls over SIU and Non-SIU VU data; and

Carol S. Taraszka, Regional Audit Manager

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b. Identify necessary enhancements that will allow OFP to fulfill oversight responsibilities and to obtain a more comprehensive view of Country Offices' management of SIUs and Non-SIU VUs.

DEA Response

DEA concurs with the recommendation and has completed an evaluation of SIUNet and identified the updates necessary to enhance internal controls over SIU and Non-SIU VU data. We discuss these enhancements in detail under separate cover.

As required by OIG's recommendation and evidenced by DEA's response and exhibits provided to OIG under separate cover, DEA determined the updates that are necessary to enhance its internal controls over SIU and Non-SIU data and the enhancements that will allow OFP to fulfill its oversight responsibilities and to obtain a more comprehensive view of country office management of SIUs and Non-SIU VUs. DEA respectfully requests that OIG close this recommendation.

Thank you for the opportunity to respond to the recommendations made in the OIG report. If you have any questions regarding this response, please contact Program Analyst Janice Swygert at (571) 776-3119.

(U) APPENDIX 3: Office of the Inspector General Analysis and Summary of Actions Necessary to Close the Audit Report

(U) The Office of the Inspector General (OIG) provided a draft of this audit report to the Drug Enforcement Administration (DEA). The DEA's response is incorporated in Appendix 2 of this final report. In response to our audit report, the DEA concurred with our recommendations and discussed the actions that will be implemented in response to our findings. In its response, the DEA stated it initiated steps to strengthen internal controls and to review current policies and procedures to improve oversight and correct the deficiencies found by the OIG. As a result, the status of the audit report is resolved. The following provides the OIG analysis of the response and a summary of actions necessary to close the report.

(U) Recommendations for the DEA:

1. (U) **Develop a recurring risk assessment process to review DEA's efforts to provide assistance to foreign law enforcement units that will: (a) identify those programmatic improvements that are necessary to enhance oversight of DEA bilateral operations and information sharing efforts, and (b) include DEA headquarters program management components in after-action reviews of critical incidents involving foreign counterparts.**

(U) Resolved. The DEA concurred with this recommendation. In its response, the DEA stated it conducts a risk assessment when considering whether to create an SIU or Non-SIU VU. The DEA also stated that it will develop a comprehensive risk assessment process to review DEA's efforts to provide assistance to foreign law enforcement units that will: (a) determine those programmatic improvements that are necessary to enhance oversight of DEA bilateral operations and information sharing efforts, and (b) develop a robust and prospective process for performing after-action reviews of critical incidents involving foreign counterparts to ensure involvement of DEA headquarters program management components.

(U) This recommendation can be closed when the DEA provides evidence that it has developed a recurring risk assessment process to review DEA's efforts to provide assistance to foreign law enforcement units that will: (a) identify those programmatic improvements that are necessary to enhance oversight of DEA bilateral operations and information sharing efforts, and (b) include DEA headquarters program management components in after-action reviews of critical incidents involving foreign counterparts.

2. (U) **Improve its process for reporting and tracking critical incidents involving DEA-supported foreign law enforcement units by:**
 - a. **Reinforcing to DEA Country Offices involved with SIUs and Non-SIU VUs the requirements and processes for critical incident and threat reporting and incorporating controls and requirements for reporting incidents involving any DEA-supported foreign law enforcement units that conduct bilateral operations and share information with the DEA; and**

b. Implementing procedures that articulate specific roles and responsibilities within DEA headquarters to track critical incidents associated with DEA-supported foreign law enforcement units, monitor outcomes, and assess incidents to identify possible indicators of systemic issues that may require oversight enhancements and program improvements.

(U) Resolved. The DEA concurred with this recommendation. In its response, the DEA stated that it is in the process of updating its Critical Incident Field Manual and Critical Incident Plan Templates and is implementing a Foreign Operations Critical Incident Checklist. Additionally, the DEA stated that the updates and implementation of the checklist will require the reporting and tracking of critical incident processes involving SIUs and Non-SIU VUs. The DEA further stated that it will develop controls and requirements for the identification, tracking, monitoring, and assessment of systemic issues to ensure oversight of the programs.

(U) This recommendation can be closed when the DEA provides evidence that it has improved its process for reporting and tracking critical incidents involving DEA-supported foreign law enforcement units by: (a) reinforcing to DEA Country Offices involved with SIUs and Non-SIU VUs the requirements and processes for critical incident and threat reporting and incorporating controls and requirements for reporting incidents involving any DEA-supported foreign law enforcement units that conduct bilateral operations and share information with the DEA; and (b) implementing procedures that articulate specific roles and responsibilities within DEA headquarters to track critical incidents associated with DEA-supported foreign law enforcement units, monitor outcomes, and assess incidents to identify possible indicators of systemic issues that may require oversight enhancements and program improvements.

3. **(U) Review its updated Foreign Counterparts policy and determine the best process for incorporating guidance and internal controls over the risk assessment and suitability determination process, as well as a structure for the continual review of funding to and activities performed by these partners.**

(U) Resolved. The DEA concurred with this recommendation. The DEA stated that it will review the policy related to foreign counterparts and incorporate guidance and internal controls over the risk assessment and suitability determination process, as well as develop and adopt a structure for DEA to review the dispersal of resources to its foreign counterparts and the activities associated with those disbursements.

(U) This recommendation can be closed when the DEA provides evidence that it has reviewed its updated its Foreign Counterparts policy and determined the best process for incorporating guidance and internal controls over the risk assessment and suitability determination process, as well as a structure for the continual review of funding to and activities performed by these partners.

4. (U) In regard to DEA-supported foreign law enforcement units operating outside of the DEA's formal SIU and Non-SIU VU programs—such as, but not limited to, units referred to generically as “vetted units”—coordinate with DEA Country Offices to:
- a. Obtain a full list of all foreign law enforcement units that have received any DEA-supported funding, training, equipment, or vetting;
 - b. Determine the construct and purpose of these units;
 - c. Determine what conditions must be met by the “vetted unit” prior to receiving DEA or other U.S. government funding; and
 - d. Determine what DEA policy or program area is responsible for headquarters oversight and management of these units.

(U) Resolved. The DEA concurred with this recommendation. In its response, the DEA stated that it does not support unrecognized foreign law enforcement units other than SIUs and Non-SIU VUs. The DEA provided the OIG with more detail under separate cover in response to this recommendation and requested that the OIG close this recommendation.

(U) We reviewed the documentation provided by the DEA in response to each part of the recommendation and believe that it is not sufficient to address all parts of our recommendation. Although this recommendation specifically referred to DEA-supported foreign law enforcement units operating outside the DEA's formal SIU and Non-SIU VU programs, the DEA provided a list of current SIUs and Non-SIU VUs and continuously referred the OIG to protocols related to SIUs and Non-SIU VUs. The DEA also provided a list of Foreign Counterparts; however, this list appeared to contain duplicative information. Moreover, although the DEA stated in its public response that it does not support unrecognized foreign law enforcement units other than SIUs and non-SIU VUs, we found that the support provided by the DEA contained information that identified an overview of support provided to foreign law enforcement units that are not included in the SIU and Non-SIU VU programs.

(U) In addition, we found that the information that the DEA provided did not articulate details related to what units received DEA-supported training, equipment, or vetting; the construct and purpose of units operating outside of the DEA's formal SIU and non-SIU VU programs; a determination on the conditions that must be met for the units prior to receiving DEA or other U.S. Government funding; or a determination of what DEA policy or program area is responsible for headquarters-based oversight and management of the units that are operating outside of the formal SIU and non-SIU VU programs.

(U) This recommendation can be closed when the DEA provides evidence that it has coordinated with Country Offices regarding DEA-supported foreign law enforcement units operating outside of the DEA's formal SIU and Non-SIU VU programs to: (a) obtain a full list of all foreign law enforcement units that have received any DEA-supported funding, training, equipment, or vetting; (b) determined the construct and purpose of these units; (c) determined what conditions must be met by these units prior to receiving DEA or other

U.S. government funding; and (d) determined what DEA policy or program area is responsible for headquarters-based oversight and management of these units.

5. (U) **Verify that all SIUs and Non-SIU VUs have necessary, current, and complete host nation agreements in place by:**
- a. **Evaluating SIU and Non-SIU VU policies to ensure they account for adequate oversight of all agreements; and**
 - b. **Determining whether to incorporate a process for program officials, relevant stakeholders, and decision makers to obtain, review, and monitor all MOUs for all SIUs and Non-SIU VUs going forward.**

(U) Resolved. The DEA concurred with this recommendation. The DEA stated that it has already taken steps, discussed under separate cover, to address it.

(U) We reviewed the information provided by the DEA and found that while the DEA stated that it has evaluated and updated SIU and Non-SIU VU policies, the evidence it provided does not fully support these statements. Additionally, the DEA did not provide documentation demonstrating that a determination was made to incorporate a process for program officials, relevant stakeholders, and decision makers to obtain, review, and monitor all MOUs for all SIUs and Non-SIU VUs going forward.

(U) This recommendation can be closed when the DEA provides evidence that it has verified that all SIUs and Non-SIU VUs have necessary, current, and complete host nation agreements in place by: (a) evaluating SIU and Non-SIU VU policies to ensure they account for adequate oversight of all agreements; and (b) determining whether to incorporate a process for program officials, relevant stakeholders, and decision makers to obtain, review, and monitor all MOUs for all SIUs and Non-SIU VUs going forward.

6. (U) **Conduct a comprehensive review of all JWIPs installed and utilized by DEA-supported foreign law enforcement units to:**
- a. **Verify host nation agreement for the bilateral use of this equipment and identify the universe of foreign nationals who are trained on and have access to the JWIPs, and**
 - b. **Develop a process and related controls to maintain and monitor host nation JWIP agreements and the universe of foreign nationals who are trained on and have access to the JWIPs.**

(U) Resolved. The DEA concurred with this recommendation. The DEA stated that it will conduct a review of all JWIPs utilized by DEA-supported foreign law enforcement units and will develop a strategy to maintain and monitor DEA supported JWIPs, to include tracking and training protocols for foreign nationals who have access to the JWIPs.

(U) This recommendation can be closed when the DEA provides evidence that it has conducted a comprehensive review of all JWIPs installed and utilized by DEA-supported

foreign law enforcement units in order to: (a) verify that host nation agreement for the bilateral use of this equipment and identify the universe of foreign nationals who are trained on and have access to the JWIPs, and (b) develop a process and related controls to maintain and monitor host nation JWIP agreements and the universe of foreign nationals who are trained on and have access to the JWIPs.

7. **(U) Ensure that each Country Office with an SIU or Non-SIU VU develops written protocol documents for the processing of payments using operational funds and provides these documents to OFP. In addition, ensure that information regarding all sources of funding provided to the SIU and Non-SIU VU Programs is made available to program officials, relevant stakeholders, and decision makers.**

(U) Resolved. The DEA concurred with this recommendation. In its response, the DEA stated that it is currently working with each country office to establish written protocols relating to the use of operational resources as well as all funding sources for allowed expenditures.

(U) This recommendation can be closed when the DEA provides evidence that it has ensured that each Country Office with an SIU or Non-SIU VU develops written protocol documents for the processing of payments using operational funds and provided these documents to OFP and has ensured that information regarding all sources of funding provided to the SIU and Non-SIU VU Programs is made available to program officials, relevant stakeholders, and decision makers.

8. **(U) Confer with appropriate Department officials to ensure that the DEA's interpretation and related actions fulfill the OMB requirements to accurately report the amount of foreign assistance provided to various host nation law enforcement entities.**

(U) Resolved. The DEA concurred with this recommendation. In its response, the DEA stated that it is scheduled to meet with Justice Management Division personnel to ensure that DEA's interpretation fulfills OMB requirements for reporting the amount of foreign assistance provided to various host nation law enforcement entities.

(U) This recommendation can be closed when the DEA provides evidence that it has conferred with the appropriate Department officials to ensure that the DEA's interpretation and related actions fulfill the OMB requirements to accurately report the amount of foreign assistance provided to various host nation law enforcement entities.

9. **(U) Review its processes and determine the most effective method for tracking and assessing SIU and Non-SIU VU performance and accomplishments in order to demonstrate the collective success of the programs.**

(U) Resolved. The DEA concurred with this recommendation. In its response, the DEA stated that it is working internally to design an SIU checkbox within the DEA case management system that will link and quantify SIU leads and information to both domestic and international investigations. DEA anticipates that when this program is fully implemented in

early 2022 DEA program managers will be able to identify data on demand to demonstrate the success of the program.

(U) This recommendation can be closed when the DEA provides evidence that it has reviewed its processes and determined the most effective method for tracking and assessing SIU and Non-SIU VU performance and accomplishments in order to demonstrate the collective success of the programs.

10. (U) Evaluate SIUNet to:

a. Determine what updates are necessary to enhance internal controls over SIU and Non-SIU VU data; and

b. Identify necessary enhancements that will allow OFP to fulfill oversight responsibilities and to obtain a more comprehensive view of Country Offices' management of SIUs and Non-SIU VUs.

(U) Resolved. The DEA concurred with this recommendation. The DEA stated that it has completed an evaluation of SIUNet and identified the updates necessary to enhance internal controls over SIU and Non-SIU VU data. The DEA provided more detailed information under separate cover and requested closure of this recommendation.

(U) We reviewed the information provided by the DEA and do not believe it is sufficient to close this recommendation. Specifically, while the DEA described updates to be made to SIUNet and provided a list of other improvements that it has determined would greatly benefit the program, the DEA did not provide documentation related to the determination of whether these enhancements are feasible or a timeline for implementation. As noted in our report, we found that the OFP previously submitted requests to update SIUNet to address weaknesses and certain oversight responsibilities, yet these requests were unfulfilled. Given the OIG's findings related to this recommendation, we believe that the DEA needs to provide more detailed information related to SIU updates necessary to enhance internal controls over data and to improve oversight of these programs.

(U) This recommendation can be closed when the DEA provides evidence that it has evaluated SIUNet to determine what updates are necessary to enhance internal controls over SIU and Non-SIU VU data and identified necessary enhancements that will allow OFP to fulfill oversight responsibilities and to obtain a more comprehensive view of Country Offices' management of SIUs and Non-SIU VUs.