



This document provides background information regarding the legal authority and high-risk investigative situations of the Department of Agriculture (USDA) Office of Inspector General's (OIG) Office of Investigations (Investigations).

OIG takes its Federal law enforcement responsibilities seriously. As we have reported to Congress, our nationwide investigative results are consistent and significant. From fiscal year 2013 through March 31, 2017, OIG Investigations has obtained over 3,200 indictments, 2,800 convictions, and \$1.28 billion in investigative monetary results.

## **A. USDA OIG's Law Enforcement Authority and Investigation Activities**

### *Law Enforcement Authority*

USDA OIG has had statutory law enforcement authority since the passage of the Agriculture and Food Act of 1981. Pursuant to that statute, OIG special agents have the authority to make arrests; execute warrants for arrest, the search of premises, or the seizure of evidence; and carry firearms. OIG special agents are sworn law enforcement officers. Their investigations routinely place them in hazardous situations.

Our special agents are required to attend the Federal Law Enforcement Training Center located in Glynco, Georgia, and complete the Basic Criminal Investigator Training Program. This program requires special agents to obtain proficiency in, among other subjects: tactical training, firearms, surveillance, criminal case management, use of force techniques, vehicle handling, physical evidence, and legal training. This training provides OIG special agents with the essential knowledge, skills, and abilities needed to be effective Federal criminal investigators. OIG special agents also receive training throughout their careers to hone their investigative skills, including completing a minimum of 8 hours of law enforcement control tactics annually and qualifying with their service weapons on a quarterly basis.

In fulfilling OIG's mission to investigate fraud, waste, and abuse in USDA's programs and operations, our criminal investigations have become increasingly complex. OIG Investigations handles, on average, over 1,000 criminal investigations each year, some of which place OIG agents in potentially life-threatening situations.

### *Criminal Investigation Activities*

OIG special agents regularly conduct undercover operations and surveillance. The type of investigations conducted by OIG special agents address alleged criminal activities: fraud in farm programs, significant thefts of Government property or funds, bribery and extortion, Supplemental Nutrition Assistance Program (SNAP) trafficking, smuggling, assaults, and threats of violence against USDA employees engaged in their official duties.

Most OIG law enforcement activities do not result in a use of force incident. However, seemingly routine actions such as interviews, surveillance, and search/arrest warrants *always* have the potential to turn into a dangerous situation.

While OIG conducts many joint investigations with other law enforcement organizations (LEO), OIG special agents conduct the majority of OIG investigations without the assistance of other LEOs. However, the majority of OIG's enforcement actions—the execution of arrest & search warrants—are done with the assistance of other LEOs.

OIG provides information and statistics about its Office of Investigations to Congress via OIG's *Semiannual Report to Congress* (SARC). Issued twice per year, OIG's SARCs are available to the public on OIG's homepage. [www.usda.gov/oig/](http://www.usda.gov/oig/)

## **B. Examples of OIG Criminal Investigations Involving Threats of Violence and Safety Risks**

The following is a list of closed cases that involved potential physical danger to investigators, USDA employees, or the public. The list contains noteworthy case examples and is not intended to be comprehensive.

1. In August 2015, two brothers who co-owned a convenience store were sentenced in Federal court in Michigan to prison terms ranging from 1 day to more than 30 months, and were ordered to pay restitution of \$439,600. The investigation by OIG and two other LEOs determined that these individuals were illegally accepting SNAP benefits in exchange for cash, fireworks, and alcoholic beverages. After executing the search warrants at the business, a .223 semiautomatic rifle and two handguns (9mm and .40 caliber) were found behind the counter area. The owner was a convicted felon and the firearms were provided to him by his brother. The owner and his brother were charged with a variety of crimes, including conspiracy, SNAP fraud, and possession of a firearm by a convicted felon. Both subjects pled guilty.
2. In July 2015, in Federal court in Texas, a convicted felon who used a USDA vehicle to attempt to transport cocaine from outside the Mexican/U.S. border fence into Texas was sentenced to 11 years in prison. The sentence was enhanced because the individual possessed a dangerous weapon when committing the offense. OIG's investigation determined that the individual worked for a non-profit fruit association and thereby had access to USDA-owned vehicles as part of a cooperative agreement. He sold illegal narcotics to undercover officers using a USDA vehicle. The suspect was arrested as he attempted to transport approximately 9 kilograms of cocaine across the border to McAllen, Texas, using another USDA vehicle. The defendant admitted to having produced a fraudulent identification card that identified him as a USDA "agent." The search of the subject's residence and vehicles uncovered hydrocodone pills, a handgun, and handgun magazines and ammunition.

3. In October 2014, when OIG agents served a search warrant at a residence, the homeowner pointed a loaded gun at the agents. The subject opened the door, thrust the revolver out the doorway, and turned it toward the other positioned search team members. The team leader was injured while attempting to take cover. A local police detective fired four rounds from his duty weapon. The subject retreated into his residence, dropped the weapon, surrendered, and was taken into custody. In October 2015, the subject was sentenced to 7 years of incarceration for assault on a Federal officer, plus an additional 10 months for possession of a firearm in connection with a violent felony.
4. In October 2011, in Federal court in Michigan, an owner and employees of a convenience store in Detroit were sentenced to prison terms ranging from 1 day to 30 months and were ordered to pay restitution of \$141,600. The investigation by OIG and two other LEOs determined that the owner and employees were illegally accepting SNAP benefits in exchange for cash, oxycodone pills, pornographic videos, and alcohol. After executing the search warrants at the business, a revolver was found behind the counter area. The owner was a convicted felon and previously fired a gun at customers who stole items from his store. The owner and the employees were charged with a variety of crimes, including conspiracy, SNAP fraud, and possession of a firearm by a convicted felon. Subsequently, all subjects pled guilty.
5. During a crop insurance investigation in 2008, an agricultural producer threatened to kill OIG special agents. In November 2010, OIG special agents executed a Federal search warrant on the producer's residence and discovered multiple firearms (three handguns and three long rifles) and ammunition. The producer also had a pistol immediately accessible outside his residence as special agents arrived to execute the warrant. The producer was prohibited from possessing a firearm because he was a convicted felon. In January 2012, he again threatened to assault and murder an OIG special agent. When arresting the producer later that year, OIG agents located another handgun under his bed. The producer pled guilty to multiple charges, including aggravated identity theft, money laundering, unlawful possession of firearms and ammunition, and retaliating against a Federal official (for threatening to kill an OIG agent on several occasions). The producer was sentenced in Federal court in North Carolina in 2013 to 6 years of imprisonment.
6. A 3-year joint operation conducted by OIG and several other LEOs resulted in the arrests of 51 people in March 2008 on charges of cockfighting, gambling, and interstate transportation in aid of racketeering. This investigation resulted in law enforcement agents seizing more than 50 firearms, 9.5 pounds of methamphetamine, over 2 pounds of cocaine, 5 pounds of marijuana, over 130 marijuana plants, and \$125,000 in cash. A total of 42 defendants pled guilty to charges ranging from cockfighting to distribution of controlled substances. They received sentences ranging from fines to 14 years of imprisonment.