U.S. Department of Agriculture (USDA) Office of Inspector General (OIG)  
Background on OIG Investigations Authority and Firearms Procurement  
October 1, 2014

This document provides background information regarding the legal authority, investigative activities, and a 2014 firearms procurement by USDA OIG’s Office of Investigations (Investigations).

USDA OIG takes its Federal law enforcement responsibilities seriously. As we have reported to Congress, our nationwide results are consistent and extensive—from fiscal year 2011 through July 31, 2014, OIG Investigations has obtained over 2,800 indictments, 1,900 convictions, and $615 million 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 who conduct criminal investigations which routinely require them to put themselves in hazardous and dangerous 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, physical techniques, vehicle handling skills, 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 continue to receive training throughout their careers to hone their investigative skills, including completing a minimum of 12 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’s Investigations handles, on average, over 800 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 types of investigations conducted by OIG special agents address alleged criminal activities such as fraud in farm programs, significant thefts of Government property or funds, bribery and extortion, Supplemental Nutrition Assistance Program (SNAP) trafficking, smuggling, and assaults and threats of violence against USDA employees engaged in their official duties.

Although most OIG law enforcement activities do not result in a use of force related incident, a seemingly routine action such as an interview, surveillance, or search/arrest warrants always has the potential to turn into a dangerous or deadly situation.

While OIG conducts many joint investigations with other law enforcement organizations (LEO), the majority of OIG investigations are conducted by our special agents, without the assistance of other law enforcement agencies. However, the majority of OIG’s enforcement actions (the execution of arrest & search warrants) are done in conjunction with (or the assistance of) another Federal, State, or local LEO.

Summaries and statistics pertaining to the activities of OIG Investigations are provided to the Congress twice per year via OIG’s Semiannual Report to Congress (SARC). OIG’s SARCs are available to the public on OIG’s homepage. [www.usda.gov/oig/](http://www.usda.gov/oig/)

B. OIG Criminal investigations Involving Threats of Violence, Dangerous Circumstances, and Increased Safety Risks

Following is a list of closed cases that involved potential physical danger to investigators, USDA employees, or the public.¹ The list contains noteworthy case examples and is not intended to be comprehensive. In recent years, OIG has averaged over 800 active investigations annually.

1) In approximately 1995, two OIG special agents acting in an undercover capacity in a food stamp investigation had guns put to their heads and were accused of “being police” during an undercover operation. In this instance the agents were not harmed.

¹ With one exception – case number 9 remains open.
2) In approximately 1999, an explosive device was thrown through the window of an OIG surveillance van in Chicago. The agents were conducting surveillance on a store involved in a food stamp investigation. The agents had exited the van before the device was thrown through the window. The explosive device set the van on fire and destroyed the vehicle.

3) In 2008, during an ongoing crop insurance investigation, 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 on the premises) and ammunition. The producer also had a pistol immediately accessible outside his residence as special agents arrived to execute the search warrant. The producer was prohibited from possessing a firearm because he was a convicted felon. In January 2012, he 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 conspiring to make false statements, 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 subsequently sentenced in Federal court in North Carolina in 2013 to 6 years of imprisonment, followed by 5 years of supervised release.

4) In February 2009, when OIG special agents went to the home of a former USDA Food Safety and Inspection Service employee to investigate threats the employee had made to assault his former supervisor, they were met by the suspect brandishing an assault weapon. The suspect retreated into his home, and OIG special agents arrested him 3 days later. The individual was sentenced in December 2009 to serve 11 months of incarceration, followed by 2 years’ probation, and to pay a fine of $1,000 for assaulting OIG special agents. After being released from incarceration, the individual was stopped for a traffic violation and found to be unlawfully in possession of a firearm.

5) In April 2009, an off-duty OIG special agent in Arkansas assisted an elderly man who had been robbed and assaulted. After securing medical attention for the victim, the special agent confronted the suspect, who responded by shooting at the special

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2 He previously was convicted in 1997 for the homicide of his brother; he drove over him in the midst of a fight between the two.

3 In December 2010, in Federal court in Mississippi, he was sentenced to serve 4 months’ imprisonment for violating his probation and an additional 33 months for being a felon in possession of a firearm.
agent five times with a revolver. No one was injured. While in jail awaiting sentencing, the suspect threatened to kill the prosecutor, her family, and the witnesses who testified against him. A search of the suspect’s cell revealed an 8-inch metal shank hidden in his mattress. In October 2010, in Federal Court in Arkansas, the defendant was convicted on felony counts of attempting to murder a Federal law enforcement officer, being a felon in possession of a firearm, and using a firearm during a crime of violence. He was sentenced to serve 40 years’ incarceration. He is also wanted in connection with a total of six home invasions in Arkansas and Indiana.

6) An OIG investigation determined that a farmer made threats against a USDA Farm Service Agency (FSA) County Executive Director (CED) in rural Iowa. The farmer was angry that FSA had not recognized his claim to leased land that the county court had given to the farmer’s ex-wife in a divorce settlement. In a telephone conversation with the CED, the farmer threatened to “blow away” the CED and the county court. The farmer admitted to the OIG agent that he had made the statements to the CED and also told the OIG agent that he could “blow you away” if he wanted to. He said he wanted to get people’s attention and figured it had worked. The farmer was charged in State court with making threats and harassment. When arrested, he made further threatening statements to local law enforcement officials. In May 2012, the farmer was found guilty by a jury, and in June was sentenced to 15 years in prison.

7) While a USDA APHIS Wildlife Service employee was carrying out his official duties in Minnesota, he came under fire from a man with a handgun. OIG conducted an investigation of the incident and, in October 2009, the Pine County (MN) County Attorney’s Office charged the suspect with one count of intentional discharge of a firearm and one count of intentionally pointing a gun at another person. In January 2011, the man pled guilty to one felony count of intentionally discharging a firearm. Due to his extensive medical issues, he was sentenced to serve 120 days of electronic home monitoring followed by 5 years’ probation. The subject is prohibited from using/possessing firearms or dangerous weapons while on probation.

8) A 3-year joint operation conducted by OIG and several other law enforcement entities resulted in the arrests of 51 people in March 2008 on charges of cockfighting, gambling, and interstate transportation in aid of racketeering. As a result of this investigation, law enforcement agents seized more than 50 firearms, 9.5 pounds of methamphetamine, $125,000 in cash, over 2 pounds of cocaine, 5 pounds of marijuana, and over 130 marijuana plants. To date, 42 defendants have pled guilty to
charges ranging from cockfighting to distribution of controlled substances, and have received sentences ranging from fines to 14 years’ imprisonment.

9) In 2006, OIG initiated an investigation of an underground dogfighting and gambling organization operating in Ohio, Kentucky, and Michigan. During 2007 - 2009, this investigation resulted in the filing of charges against 55 individuals, 44 of whom have pled guilty to charges involving violations of State and Federal laws prohibiting dogfighting, possession of firearms, gambling, food stamp trafficking, and interstate transportation of stolen vehicles. Electronic Benefits Transfer (EBT) fraud, wagering, sale and use of narcotics, illegal firearms, and the sale of stolen property were observed during the dogfights. Search warrants resulted in the seizure of pit bulls, U.S. currency, marijuana, cocaine, firearms, a bulletproof vest with a ski mask, and a warehouse full of dogfighting equipment and blood-stained fighting pits. The investigation remains ongoing because three fugitives remain at large.

10) In October and November 2011, in Federal court in Michigan, two owners and three employees of a convenience store in Lansing were sentenced to prison terms ranging from 18 months to more than 16 years and were ordered to pay restitution ranging from $215,800 to $496,000. The investigation by OIG and two other law enforcement entities determined that these individuals were illegally accepting Supplemental Nutrition Assistance Program (SNAP) benefits in exchange for cash and narcotics, including heroin and cocaine. In some cases, they also accepted SNAP benefits in exchange for firearms. The owners and three employees were charged with a variety of crimes, including conspiracy; SNAP fraud; distribution of cocaine, heroin, and marijuana; and possession of a firearm by a convicted felon. All subjects subsequently pled guilty.

11) OIG began Operation Talon in 1997 to locate and apprehend fugitives, many of them violent offenders, who are current or former food stamp recipients. As of March 31, 2014, Operation Talon had resulted in over 16,000 arrests of fugitive felons during joint OIG-State and local law enforcement operations. OIG combines forces with Federal, State, and local law enforcement agencies to arrest fugitives for offenses including assault, burglary, assorted drug charges, robbery, fraud, forgery, driving under the influence, rape, sex offenses, offenses against family and children, larceny, stolen property, weapons violations, and other offenses.
C. The 2014 Firearms Procurement

OIG Investigations officials make decisions on the composition of OIG’s firearms inventory based on the fact that OIG special agents are always at potential risk of bodily harm in their investigative activities. Carrying situation-appropriate firearms and wearing ballistic vests, as necessary, can reduce the possibility that criminal suspects engage OIG special agents or other persons in physical violence or use of firearms.

OIG special agents use a variety of resources to complete their investigations and ensure their safety as well as the safety of the public. OIG special agents are issued a handgun as their standard duty weapon. They are required to carry it while on official duty.

In May 2014, OIG issued a procurement notice for the purchase of semi-automatic firearms (not fully automatic), which would be carried by OIG special agents only when a particular arrest or search warrant is deemed as high risk for danger. These firearms are not carried in low risk investigative activities.

The procurement would replace firearms in OIG’s inventory that are 15-20 years old (or older). Additionally, the new firearms would not have the capability to be used in a fully automatic mode. (They are non-fully automatic weapons, in contrast to the old firearms they are intended to replace.)

Compared to the standard duty weapon, the replacement semi-automatic firearms being procured by OIG can be used in close quarters and afford greater accuracy when firing at longer distances.

The contract was awarded on September 9, 2014, for a total quantity of 85 firearms.

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