
Washington, D.C. 20530

J. C. Mihm
Director, Human Capital
Strategic Issues
U.S. General Accounting Office
441 G Street, NW
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Dear Mr. Mihm

On April 13, 2001, the General Accounting Office (GAO) issued its final report "Human Capital: The Role of Ombudsmen in Dispute Resolution" with a recommendation to the Attorney General. Specifically, the GAO recommended that as the Interagency ADR working Group moves forward with its study of federal ombudsmen, "the Attorney General, as chairman of the Working Group, see that any resulting guidance on professional standards of practice that the Working Group develops be clearly defined and transparent and, in addition to including the core principles of independence, neutrality, and confidentiality, include standards for accountability and contains information about how this new guidance can be consistently applied within the federal ombuds community." In June 2001, the Department reported its early efforts to address this recommendation. The Department is providing the following information concerning the status of the implementation of this recommendation in an effort to close it.

Upon receiving the GAO's recommendation, the Interagency ADR Working Group's committee began examining the complex question of what standards might be consistently applied to the disparate array of federal ombuds functions. After an initial investigation of the issue, the committee learned that the American Bar Association (ABA) was developing parallel standards for the establishment and operation of ombuds offices. Leading ombuds organizations representing the majority of ombuds work in the United States participated in the drafting process. The standards are comprehensive and represent the best general statement of principles currently in existence. They have been approved by the ABA House of Delegates. The standards address the GAO's core principles of independence, neutrality, confidentiality, and accountability. The Interagency Working Group and its committee believe the standards serve as effective and helpful guidance for the federal ombuds community, and it is their intention and recommendation that federal ombuds use them as such where applicable and appropriate. However, the standards are not uniformly applicable to federal agencies because of the unique statutory framework and policy considerations that apply in the government. For example, the ABA standards prohibit an ombuds' disclosure of information provided in confidence, except to address an imminent risk of serious harm. In contrast, the legal bases for federal ombuds

confidentiality are less restrictive, and provide for disclosure in additional situations, such as when information has already been made public or is required by statute to be made public, or where a court reviews the circumstances of the case and determines disclosure is necessary.

Following the promulgation of the ABA standards, the Coalition of Federal Ombuds (the Council) has undertaken a project to adapt and build upon these standards to create a document appropriate for the federal government. The Interagency ADR Working Group believes this Council, which is comprised of leading ombuds who work in federal agencies, is uniquely qualified to address the issue.

If you have any questions concerning the Department's response to this recommendation, please feel free to contact me for assistance.

Sincerely,

Vickie L. Sloan, Director
Audit Liaison Office
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cc. Laurie Ekstrand, Director
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