

## Policy Statement 1-236

### Fairness and Integrity in Enforcement Selection

Approved: 10/24/2016

The IRS Mission statement includes “enforcing the tax law with integrity and fairness to all.” A “fair and just tax system” is also a cornerstone in the [Taxpayer Bill of Rights \(TBOR\)](#). As IRS employees, we are expected to carry out our duties with integrity and fairness. Fairness and integrity therefore apply to how IRS administers tax laws to all taxpayers as well as how IRS employees interact with each taxpayer and each tax professional. Employees must exercise their professional judgment, not personal opinions, in conducting their enforcement responsibilities.

There are three parts to enforcing the tax law with integrity and fairness:

- To **ensure fairness to the taxpaying public**, employees must take into account the responsibilities and obligations that all taxpayers share, and pursue those individuals and businesses who don't comply with their tax obligations. In this way, employees are being fair to those who are compliant and that, in turn, helps promote public confidence in our tax system for all taxpayers.
- To **ensure an equitable process for all taxpayers**, fairness and integrity are built into the foundation of our enforcement selection processes. These processes operate under a comprehensive set of checks and balances and safeguards to identify the highest potential noncompliance, using scoring mechanisms, data driven algorithms, third party information, whistleblowers and information provided by the taxpayer. No one individual can control the enforcement selection decision-making processes, and we limit involvement to only those employees whose duties require involvement. This produces processes that are impartial and applied consistently to each taxpayer return.

To **ensure fairness to each taxpayer**, we do our jobs with a focus on taxpayer rights, including due process and appeal rights. The Internal Revenue Code grants taxpayers certain rights when working with the IRS, and these rights are embodied in Publication 1. In addition, managers and employees adhere to many administrative and legislative procedures. Managerial as well as quality reviews of selection decisions occur during each phase of the selection and assignment process. IRS employees are managed and evaluated on how well we provide fair and equitable treatment to taxpayers as

required by the Restructuring and Reform Act of 1998. Also, taxpayers may administratively appeal most IRS decisions, including the assessment of additional tax or penalties, the denial of a refund claim, or issuance of a lien or levy. An employee in the Office of Appeals, an independent and impartial function within IRS, will contact the taxpayer, hear the case and decide whether to sustain the enforcement action. Most taxpayers can also petition the U.S. Tax Court for a pre-assessment review of any proposed additional tax or seek a refund in other federal courts.