

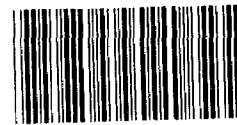
GAO

Briefing Report to the Chairman,
Subcommittee on Security and
Terrorism, Committee on the Judiciary
United States Senate

September 1986

CRIMINAL JUSTICE

Who Should Be Responsible for State Fugitives -- the FBI or U.S. Marshals?



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approval by the Office of Congressional Relations.

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United States
General Accounting Office
Washington, D.C. 20548

General Government Division

B-222790

September 10, 1986

The Honorable Jeremiah Denton
Chairman, Subcommittee on Security
and Terrorism
Committee on the Judiciary
United States Senate

Dear Mr. Chairman:

This briefing report responds to your request of May 29, 1985, in which you asked us to review the feasibility of transferring to the U.S. Marshals Service responsibility for the Federal Bureau of Investigation's (FBI) Unlawful Flight to Avoid Prosecution (UFAP) program. Under the UFAP program, the FBI assists state and local governments in apprehending state and local fugitives who are believed to have fled the state to avoid prosecution, custody, confinement, or giving testimony. The Marshals Service already has primary responsibility for apprehending certain federal fugitives such as prison escapees, bond defaulters, and parole violators.

During discussions with Subcommittee representatives, we learned that you were interested in the feasibility of transferring the UFAP program for two primary reasons: (1) a Department of Justice 1984 internal audit report seemed to suggest that the Marshals Service could perform UFAP investigations at less cost than the FBI and (2) transferring the UFAP program to the Marshals Service could free FBI resources to work on higher priority matters such as terrorism and foreign counterintelligence. We agreed to perform some limited audit work to look into these issues as well as obtain information on arguments raised by FBI officials against transferring the program to the Marshals Service.

We interviewed FBI, Marshals Service, and other Justice Department officials; representatives from U.S. attorney offices in the District of Columbia, Maryland, and the Eastern District of Virginia; and state and local criminal justice officials in Maryland. We reviewed the 1984 Justice internal audit report and supporting workpapers. We also analyzed available budget and program data and other specific information which FBI and Marshals Service officials developed at our request. Our work was conducted between June 1985 and June 1986, in accordance with generally accepted government auditing standards, except that we did not verify the reliability or validity of the statistics and UFAP case examples provided to us.

We briefed Subcommittee representatives on the status of our review in March 1986 and again in July 1986 after we had completed our work and discussed the results with FBI and Marshals Service officials. This letter summarizes the information we provided at those briefings. Additional information as well as the details concerning our objectives, scope, and methodology are contained in the appendixes.

COST SAVINGS

The 1984 Justice internal audit report concluded that both the FBI and the Marshals Service were effectively performing fugitive investigations and that transferring the UFAP program to the Marshals Service might result in cost savings. The auditors recommended, however, that the program not be transferred to the Service until a full assessment was made of the additional resources the Service would need and an analysis was made of what it would cost the Service to manage the program at the same level of effectiveness as the FBI. The Department of Justice has not performed the assessment and analysis recommended by the report.

On the surface, it appears that transferring the UFAP program to the Marshals Service might save money. As shown in table 1, the Marshals Service fiscal year 1985 estimated cost per staff year for all of its fugitive investigations was \$2,997 less than the FBI's estimated cost per staff year for all of its fugitive investigations. The FBI's staff year cost is higher primarily because FBI agent salaries are higher than salaries for Marshals Service deputy marshals and criminal investigators. (See app. VI.)

Table 1

Estimated FBI and Marshals Service
Fugitive Costs and Staff Years
Fiscal Year 1985

	<u>FBI</u>	<u>Marshals Service</u>	<u>Difference</u>
Estimated costs (in thousands)	\$20,573	\$18,252	-\$2,321
Staff years	366	343	- 23
Estimated cost per staff year (estimated costs divided by staff years)	\$56,210	\$53,213	-\$2,997

However, as shown in table 2, when the FBI's estimated costs and staff years for UFAP investigations only are compared to the Marshals Service's estimated costs and staff years for performing felony fugitive investigations only, the Marshals Service cost per staff year is \$2,604 higher than the FBI's. The major reason that the Marshals Service's cost per staff year for its felony fugitive investigations is higher than the FBI's cost per staff year for UFAP investigations is that the Marshals Service's nonsalary costs are higher and offset the higher salaries of FBI agents. (See app. VI.)

Table 2

Estimated FBI UFAP and Marshals Service
Felony Fugitive Costs and Staff Years
Fiscal Year 1985

	<u>FBI</u> <u>UFAP</u>	<u>Marshals Service</u> <u>Felony Fugitive</u>	<u>Difference</u>
Estimated costs (in thousands)	\$16,690	\$16,880	+\$ 190
Staff years	298	288	- 10
Estimated cost per staff year (estimated costs divided by staff years)	\$56,007	\$58,611	+\$2,604

We do not know which cost estimates are more appropriate for comparing the two agencies' fugitive investigation costs. Neither the FBI nor the Marshals Service can determine costs for individual fugitive investigations. However, even if the estimates that show that the Marshals Service cost per staff year is lower were the most appropriate estimates to use, we do not know if there would be any cost savings if the program were transferred, principally because we do not know how many additional staff the Service would need to perform UFAP investigations.

Marshals Service officials advised us that they would need additional staff if the UFAP program were transferred. However, neither the Justice Department nor the Marshals Service would provide an estimate of the number of additional staff needed. If the Marshals Service needed fewer or the same number (298) of staff years to perform UFAP investigations as the FBI expended in fiscal year 1985, and the Service's cost per staff year for UFAP investigations remained the same as its cost (\$53,213) per staff year for all of its fugitive investigations, then there would be savings by transferring the program. As shown in table 3, \$833,000 would be saved if the Marshals Service would need the same number of staff years as the FBI expended in fiscal year 1985. However, if the Marshals Service needed 314 or more staff years, it would cost more to have the Marshals Service conduct UFAP investigations.

Table 3

Estimated Marshals Service Costs
to Perform UFAP Investigations at
Different Staffing Levels

<u>Marshals Service estimated cost per staff year</u>		<u>Number of staff years</u>	<u>Total</u>	<u>FBI 1985</u>	
				<u>UFAP estimated cost</u>	<u>Difference</u>
-----In Thousands-----					
\$53,213	x	298	\$15,857	\$16,690	-\$ 833
\$53,213	x	313	\$16,656	\$16,690	-\$ 34
\$53,213	x	314	\$16,709	\$16,690	+\$ 19

Also, we do not know what effect UFAP investigations would have on the Service's cost per staff year. The Justice internal auditors noted that UFAP cases were more complex than most of the Service's fugitive cases since UFAP cases generally involved more violent offenders and required substantially more investigative effort over a much larger geographic area than most of the Service's cases. If as a result of receiving responsibility for UFAP investigations the Service had to open more offices, pay more overtime and travel costs, provide more training, and/or purchase more investigative equipment, then the Service's cost per staff year could increase. If the Service's cost per staff year increased to \$56,007 (the FBI's cost per staff year for UFAP investigations), and the number of staff years needed was 298, then no cost savings would occur. In addition, a combination of increased staff years and increased cost per staff year for the Marshals Service could reduce or eliminate any cost savings.

FREEING FBI AGENTS TO WORK
ON HIGHER PRIORITY MATTERS

Another reason to consider transferring the UFAP program is that instead of hiring additional staff, the FBI could use the resources currently assigned to the UFAP program for higher priority programs such as terrorism, organized crime, foreign counterintelligence, and white-collar crime. This is a valid reason for considering transferring the program and was the reason the Justice Department assigned some of the FBI's fugitive investigative responsibilities to the Marshals Service in 1979. However, the Deputy Attorney General declined to identify where any freed-up resources would be used.

Another matter to be considered regarding the transfer is the impact it would have on the Marshals Service. If the Service were provided with sufficient resources to carry out the UFAP program without having to reduce resource levels in its other areas of responsibility, then the impact of the transfer might be minimal. If, however, the Service were not provided sufficient resources to carry out the UFAP program, then either the UFAP program or the other Service programs, such as judicial security and handling of federal prisoners, could suffer.

FBI ARGUMENTS AGAINST THE TRANSFER

FBI officials cited 14 arguments against transferring the UFAP program to the Marshals Service. They provided information which tended to support the following 10 arguments.

- The FBI has offices in more locations than the Marshals Service which can facilitate performing UFAP investigations. (See p. 20.)
- The FBI has better after-hours coverage in its offices than the Marshals Service. (See p. 21.)
- The responsibility of the U.S. Marshals to both the courts and the Justice Department could adversely affect the Service's capability to pursue UFAP fugitives. (See p. 22.)
- The FBI has a strong network of offices to assist each other on UFAP investigations. (See p. 24.)
- The FBI's detailed case files can facilitate capture of criminals whom the FBI previously investigated. (See p. 26.)
- The FBI develops information during UFAP investigations that support state and local prosecution efforts. (See p. 27.)
- The FBI has special equipment readily available at FBI headquarters and field offices for use in locating or apprehending UFAP fugitives. (See p. 28.)
- The FBI has a greater capability to mobilize staff to work on hot leads or higher priority cases than the Marshals Service. (See p. 29.)
- UFAP investigations often lead to the identification of other crimes. (See p. 29.)
- UFAP investigations allow FBI agents to develop informants useful in other FBI law enforcement programs. (See p. 30.)

Although the FBI provided information to support these arguments, we could not determine how often these situations or results occur in UFAP cases or what actions could be taken by the FBI or the Marshals Service to offset any problems or disadvantages that may occur if the UFAP program were transferred.

The other arguments cited by FBI officials were that

- UFAP investigations provide good training for FBI agents (see p. 30),
- UFAP investigations are a morale boost for FBI agents (see p. 31),

--the UFAP program allows the FBI to maintain contact with and to pay back the assistance it receives from state and local law enforcement agencies (see p. 31), and

--the "flying squads" (mobile task forces) and joint federal and state task forces used by the Marshals Service are not sound approaches for UFAP investigations (see p. 25).

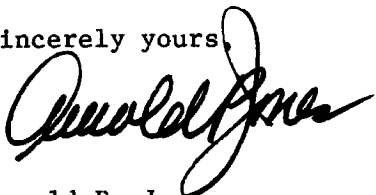
We found that while the FBI might experience some degradation in agent training or morale or in the assistance provided state and local law enforcement agencies if the UFAP program were transferred, the FBI did not provide information that significant problems would occur in these areas. Also, Marshals Service officials have stated that the Service would not routinely use a task force approach if it had responsibility for UFAP investigations.

- - -

We do not believe there are any clear-cut answers as to whether or not the UFAP program should be transferred to the Marshals Service. The matter appears to be a policy decision for the administration or the Congress to make. In his February 19, 1986, letter to you, the Deputy Attorney General stated that the Justice Department sees no compelling reasons for transferring the program.

As requested by Subcommittee representatives, we did not obtain official agency comments on this report. However, we briefed FBI and Marshals Service officials on the results of our work. We trust this information will be useful in your consideration of this issue. As arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 5 days from the date of this report. At that time, we will send it to interested parties and make copies available to others upon request.

Sincerely yours,



Arnold P. Jones
Senior Associate Director

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Abbreviations

FBI Federal Bureau of Investigation
UFAP Unlawful Flight to Avoid Prosecution

TRANSFERRING THE UFAP PROGRAM FROM THE FBI
TO THE MARSHALS SERVICE

OBJECTIVES, SCOPE, AND
METHODOLOGY

By letter dated May 29, 1985, the Chairman, Senate Judiciary Subcommittee on Security and Terrorism, requested that we review the feasibility of assigning responsibility for the Federal Bureau of Investigation's (FBI) Unlawful Flight to Avoid Prosecution (UFAP) program to the U.S. Marshals Service. He provided a Department of Justice, Justice Management Division, internal audit report (report 4-812, dated August 1984) which he said seemed to suggest that the Marshals Service could perform the function of fugitive apprehension at less cost than the FBI. During subsequent discussions with Subcommittee representatives, we learned that the Chairman's primary concerns were that (1) the Marshals Service could perform the UFAP program at less cost than the FBI and (2) transferring the program could free FBI resources to work on higher priority matters such as terrorism and foreign counterintelligence.

We initially reviewed the Justice internal audit report and available background material on the FBI and the Marshals Service fugitive activities and interviewed officials of the Justice Department's Justice Management Division, the FBI, and the Marshals Service. We discussed this work with Subcommittee representatives in September 1985 and it was agreed that we would limit our work to addressing the Chairman's two primary concerns as well as the arguments raised by FBI officials against transferring the program to the Marshals Service. Also, it was decided that an official Department of Justice position should be obtained on whether the UFAP program should be transferred. The Department of Justice had not taken a formal position on recommendations contained in the audit report. On September 26, 1985, and again on January 15, 1986, the Chairman, Senate Judiciary Subcommittee on Security and Terrorism, requested the Attorney General to provide his position on transferring the UFAP program from the FBI to the Marshals Service and other information related to this issue. The Deputy Attorney General provided the Department's position by letter dated February 19, 1986.

We performed our work from June 1985 to June 1986, principally at FBI and Marshals Service headquarters. We interviewed FBI and Marshals Service officials and reviewed available policy guidance and reports on staffing, cost, and workload matters. Some of the material we obtained was not readily available but was developed by the agencies at our request. For example, we requested the FBI to provide examples

of UFAP cases to support seven of the arguments it had raised against transferring the UFAP program.

We also visited the FBI field office in Baltimore, Maryland, and Marshals Service district offices in Baltimore, Maryland, and Alexandria, Virginia. We visited these offices to obtain general information on fugitive operations and on the extent to which fugitive case files contain information relating to the arguments raised by the FBI. These offices were selected because of their location, organizational structure, and fugitive workload. We also interviewed other criminal justice system officials within these geographical areas about FBI and Marshals Service fugitive operations. These included representatives from the

- Baltimore, Maryland, Police Department;
- Prince George's County (Maryland) Police Department;
- Maryland State Police;
- Maryland State Attorney's Office;
- U.S. District Court of Maryland;
- Administrative Office of the U.S. Courts;
- U.S. attorney offices in the District of Columbia, Maryland, and the Eastern District of Virginia;
- U.S. Parole Commission; and
- U.S. Probation Office, District of Maryland.

We also interviewed the Justice auditors responsible for the 1984 audit report and reviewed the workpapers used to support the report.

BACKGROUND

Currently, the FBI and the Marshals Service have primary responsibility for federal efforts to apprehend fugitives. The FBI's fugitive program, which is one of 11 FBI investigative programs, involves UFAP fugitives and fugitives who by agreement with other agencies are pursued by the FBI. The Marshals Service is responsible for apprehending, principally, federal prison escapees, bond defaulters, and parole and probation violators.

The present distribution of fugitive investigative responsibility between the FBI and the Marshals Service is

based on a 1979 agreement. Although the Marshals Service has always had statutory responsibility to execute federal arrest warrants, prior to 1979 it did not have departmental authority to investigate fugitive cases. As a result, its fugitive efforts were limited, involving only those cases referred specifically to the Service by the courts or undertaken as thought appropriate by individual U.S. Marshals. In 1979, at the request of the FBI, the Attorney General transferred primary responsibility for fugitive cases involving federal prison escapees, bond defaulters, and parole and probation violators to the Marshals Service. This was done to free FBI resources for higher priority work.

In 1982, FBI officials proposed amending the 1979 agreement so that the FBI would have exclusive investigative responsibility for many of the fugitive cases that were transferred to the Marshals Service in 1979. These included fugitives who were originally the subject of an FBI investigation or who committed additional federal crimes for which the FBI had investigative jurisdiction. Marshals Service officials made a counterproposal that responsibility for the UFAP program be given to them. Neither agency agreed to the other's proposal so the current distribution of responsibility is the same as the FBI and the Marshals Service agreed to in 1979.

In 1983, the Justice Department's auditors reviewed the fugitive apprehension activities of the FBI and the Marshals Service to, among other things, determine whether these activities should be redistributed to enhance the Department's effectiveness and efficiency. In their August 1984 report, they concluded that both the FBI and the Marshals Service were making effective use of their resources in pursuing fugitives. Further, they noted that in view of the Service's lower costs, transferring the UFAP program to the Service might produce cost savings. However, while they concluded that the Marshals Service could handle the UFAP program, they noted that the Service would require more resources and improvements in its case management and reporting procedures. Consequently, the auditors recommended that Justice delay any decision to transfer the UFAP program until

--a full assessment was made of what additional resources the Marshals Service would need to perform UFAP and its other investigations and

--an analysis was made of what it would cost the Marshals Service to manage the UFAP program at the same level of effectiveness as the FBI.

When we started our work in June 1985, the Department of Justice had not responded to the recommendations made by the internal auditors. We suggested to Subcommittee representatives that the Chairman seek the Department's position on the recommendations in the report and the feasibility of transferring the UFAP program. The Chairman requested Justice's position in letters to the Attorney General dated September 26, 1985, and January 15, 1986.

The Deputy Attorney General responded with the Department's position in a letter to the Chairman dated February 19, 1986. He noted that Justice opposed transferring the UFAP program because

- the FBI's UFAP record over 50 years has been impressive;
- FBI agents are well suited by education, training, experience, organization, and support systems to carry out complex and demanding assignments such as UFAP investigations; and
- FBI agents collect physical and testimonial evidence which can be important at a fugitive's trial.

The Deputy Attorney General said that in view of the FBI's continuing good record, there were no compelling reasons to transfer the UFAP program. He also said that any estimates on how much it would cost and the number of staff the Marshals Service would need to manage the UFAP program would be speculative and artificial given the Department's opposition to the transfer.

Concerning the Chairman's question on the use of FBI resources which would be freed up if the UFAP program were transferred, the Deputy Attorney General said that those resources would be reallocated to programs which needed them unless the FBI's appropriations were reduced. However, he declined to identify the specific programs which would receive the allocations. Over the last several years, the FBI has requested additional positions to carry out its investigative programs. For example, in its fiscal year 1987 budget request, the FBI requested an additional 776 positions to perform its work.

FBI FUGITIVE INVESTIGATIONS

The UFAP program allows the federal government to assist state and local jurisdictions with capturing their fugitives who have fled prosecution, custody, confinement, or giving testimony. Once a state or local fugitive has fled the state which issued the original arrest warrant, the person can be

charged under the Fugitive Felon Act (18 U.S.C. 1073, 1074) with the federal crime of unlawful flight.¹ Upon the issuance of a UFAP warrant, the FBI has authority to conduct an investigation.

To obtain a UFAP warrant, the jurisdiction issuing the original warrant must apply to the U.S. attorney in its district. The jurisdiction must (1) show "probable cause" that the fugitive fled the state and (2) agree to pay extradition costs and to prosecute the fugitive upon apprehension before the U.S. attorney will apply for the warrant. A U.S. district judge or U.S. magistrate will determine if the standard of "probable cause" was met and a UFAP warrant should be issued. FBI officials told us that they actively seek UFAP cases by staying in contact with state or local officials and identifying cases which they believe warrant FBI assistance.

The FBI classifies UFAP fugitives into four categories based on the crimes they allegedly committed:

- violent crimes (e.g., murder and robbery);
- property crimes in excess of \$25,000 and narcotics violations;
- parental kidnapping; and
- all other violations.

In fiscal year 1985, the FBI's fugitive program, which includes the UFAP investigations, accounted for an estimated 3 percent of the total FBI budget. The major components of the FBI's fiscal year 1985 budget were four national priority programs: foreign counterintelligence, organized crime, terrorism, and white-collar crime.

In fiscal year 1985, UFAP investigations accounted for about 81 percent of the estimated cost incurred and time spent by FBI field agents on all fugitive investigations. Domestic and foreign police cooperation activities and fugitive cases referred to the FBI by other federal agencies accounted for the

¹Unlawful flight is punishable by a fine of up to \$5,000, imprisonment of up to 5 years, or both. However, according to the FBI, federal prosecution is not expected to occur since the purpose of the act basically is to aid the states in the return of their fugitives for trial or confinement. According to FBI officials, no fugitives have been prosecuted for the federal crime of unlawful flight.

remainder of the estimated cost incurred and agents' time spent on fugitive investigations.

The FBI has 59 field offices and the organizational structure varies from office to office. According to FBI officials, the workload and size of an office largely determine the structure and composition of the office. Generally, the larger field offices have fugitive investigation squads. UFAP and other investigations are handled by these squads. Each squad is headed by a GS-14 supervisory special agent with squad members who are GS-10 through GS-13 agents.

In fiscal year 1985, the FBI spent an estimated 366 staff years on its fugitive program. Of these, 298 were spent on UFAP investigations. The 298 staff years expended on UFAP investigations included

- 167 for field agent personnel,
- 14 for field supervisory agent personnel,
- 3 for headquarters management personnel,
- 104 for field clerical support personnel, and
- 10 for headquarters clerical support personnel.

Based upon fiscal year 1985 cost data supplied by the FBI, the estimated costs per staff year for the fugitive program and the UFAP program were \$56,210 and \$56,007, respectively (see app. VI). We estimated that during fiscal year 1985, the average basic salary for FBI field agents working on UFAP investigations was \$32,695. This excludes the cost of overtime pay. FBI agents who are required to work more than 40 hours per week receive overtime pay in addition to their basic salary. The overtime amount ranges from 10 to 25 percent of the base salary of a GS-10, step 1 (\$24,011 in 1985), based on the number of hours worked. For example, an agent who worked an average of 3 to 5 hours of overtime every week would be paid 10 percent of the GS-10 salary above his/her base salary. The maximum amount of overtime that an FBI agent can receive in a year is 25 percent of a GS-10, step 1. In 1985, this amounted to \$6,003. To receive the maximum amount, an agent has to work an average of more than 9 overtime hours per week. However, an FBI agent's maximum salary, including overtime, cannot exceed the salary of a GS-15, step 10. In fiscal year 1985, this amounted to \$67,940.

MARSHALS SERVICE FUGITIVE INVESTIGATIONS

The Marshals Service divides its fugitive program into two categories. The first category is felony cases where the Service has primary responsibility. These are designated Class I cases and include:

- prison escapees,
- bond defaulters,
- parole violators,
- probation violators, and
- fugitives from the court (bench warrants) and from agencies without power of arrest.

The second category, referred to as Class II cases, includes:

- felony warrants from other agencies with arrest powers,
- misdemeanor warrants, and
- parking and traffic warrants.

The Marshals Service also conducts fugitive investigations through its Fugitive Investigative Strike Team (FIST) operations. In 1981, the Service instituted the FIST program to apprehend a large number of felony fugitives in a short period of time with a limited amount of resources. The early FIST operations were targeted primarily at federal fugitives and were conducted by Marshals Service personnel. In 1982, the Service broadened the program, making it a cooperative effort with state and local law enforcement agencies to apprehend state and local as well as federal fugitives. The Marshals Service and the Justice Department regard FIST as a major tool for strengthening cooperation among federal, state, and local law enforcement agencies. As of June 10, 1986, the Marshals Service had conducted nine FIST operations in various parts of the country. Of the 14,770 fugitives apprehended, 1,258 (about 9 percent) were federal fugitives.

In fiscal year 1985, fugitive investigations accounted for about 13 percent of the total Marshals Service budget. The remainder of the Marshals Service budget was spent principally on judicial security, federal prisoner processing, witness security, and serving federal process (e.g., subpoenas). The Marshals Service estimates that about 92 percent of its fugitive investigative costs involve Class I and Class II felony cases.

The remaining 8 percent involve Class II traffic, parking, and misdemeanor cases.

The Marshals Service maintains warrant squads that are responsible for fugitive investigations in 27 (29 percent) of its 94 district offices. The other 67 district offices do not have separate warrant squads. All but two of the 67 district offices do, however, have at least one enforcement specialist assigned to fugitive investigations. Warrant squads are established in district offices where the volume of cases indicates a need for a squad. According to the Service's Associate Director for Operations, while the decision to use a warrant squad is left to each U.S. Marshal, the Marshals Service Director and his management officials can mandate that a squad be established if the need for one becomes evident. We were also told that each warrant squad is headed by a GS-11 enforcement specialist with squad members who are GS-11 criminal investigators and GS-9 deputy marshals.

In fiscal year 1985, the Marshals Service spent 343 staff years on fugitive investigations. Of these, 288 were spent on Class I and II felony investigations and 55 on other Class II investigations. The 288 staff years expended on Class I and II felony investigations included 215 for operational personnel (criminal investigators, deputy marshals, and field and headquarters supervisory personnel) and 73 for administrative personnel. Based upon fiscal year 1985 cost data supplied by the Marshals Service, the costs per staff year for the fugitive program and the Class I and II felony investigations were \$53,213 and \$58,611, respectively (see app. VI). We estimated that during fiscal year 1985, the average basic salary for criminal investigators and deputy marshals working on fugitive investigations was \$25,466. This excludes the cost of overtime pay which, in contrast to the FBI's overtime pay, is determined using the time-and-a-half method for all extra hours worked. The overtime amount is computed at 150 percent of the salary rate of the person working the overtime if the person's grade is less than or equal to a GS-10, step 1 (\$24,011 in 1985). If the person's grade is greater than GS-10, step 1, the overtime amount is limited to 150 percent of the GS-10, step 1 salary. In 1985, this amounted to \$17.27 per hour. In addition, a criminal investigator/deputy marshal's maximum salary, including overtime, cannot exceed the salary of a GS-15, step 10. In 1985, this amounted to \$67,940. If a criminal investigator/deputy marshal's average basic salary was \$25,466 and he/she worked a total of 520 overtime hours in fiscal year 1985, his/her overtime pay would be \$8,980 which is \$2,977 higher than the overtime pay for an FBI agent whose basic salary was \$32,695 and who worked the same number of overtime hours. The criminal investigator/deputy marshal's total pay would be \$34,446 which is \$4,252 less than the total pay of an FBI agent

whose average basic salary was \$32,695 and who worked the same number of overtime hours.

FUGITIVE WORKLOAD AND COST STATISTICS
AND THEIR LIMITATIONS

As shown in table I.1, both the Marshals Service and the FBI closed about 53 percent of their UFAP and Class I fugitive cases that were open for part or all of fiscal year 1985 and spent about the same amount of money.

Table I.1:
FBI UFAP and Marshals Service
Class I Fugitive
Workloads and Costs
For Fiscal Year 1985

	<u>UFAP</u>	<u>Class I</u>
1. Total cases open for part or all of year	4,369	19,239
2. Total cases closed during the year	2,303	10,271
Percentage (line 2 divided by line 1 x 100)	53	53
3. Cases closed with apprehension by the FBI and the Marshals Service and by other agencies with FBI or Marshals Service assistance	1,228	6,295 ^a
Percentage (line 3 divided by line 2 x 100)	53	61
4. Total estimated costs (in thousands)	\$16,690	\$16,880 ^b

^aIncludes the following Service case closure categories (see app. III for definitions): physical arrests, directed arrests, an estimated 50 percent of warrants forwarded, and surrenders.

^bThis represents about 92 percent of the total cost of the Marshals Service fugitive program. It includes the costs of Class II felony investigations and Class I felony investigations which, according to Service officials, cannot be segregated.

While the FBI and the Marshals Service spent about the same amount of money and closed the same percentage of cases,

--the number of Marshals Service open fugitive cases and the number the Service closed were more than four times the FBI's open and closed cases and

--a larger percentage of the Marshals Service case closures involved apprehensions by the Service and by other agencies with Service assistance than the FBI's case closures.

However, limitations in both the FBI and Marshals Service statistics as well as differences between their fugitive investigations preclude a true comparative analysis of the agencies' workloads, case closures, and costs. The comparison of workloads, case closures, and costs in table I.1 does not take into consideration the level of investigative effort required in these cases. For example, the Justice internal auditors pointed out that the UFAP cases were more complex since they generally involved more violent offenders and required substantially more investigative effort over a much larger geographic area than most of the Marshals Service cases. Following is a discussion of the limitations of both the FBI and Marshals Service workload, case closure, and cost statistics. Appendixes II through VI provide FBI and Marshals Service fugitive program workloads, case closures, and costs for fiscal years 1983 to 1985 and expected costs for fiscal years 1986 and 1987.

Workload statistics

Both the UFAP and Marshals Service Class I workload statistics overstate the number of fugitives pursued. The FBI may open a UFAP case before it receives a UFAP warrant based on contacts it has had with state and local law enforcement agencies. In fiscal year 1985, warrants were not received in 45 percent of the UFAP cases opened. If the FBI does not receive the UFAP warrant, the case is administratively closed with minimal or no investigative effort. In addition, the Justice auditors found the reported number of UFAP cases to be overstated. The auditors could not locate about 16 percent of the cases that were reported as having originated in the four FBI field offices included in their review. When the auditors reviewed a random sample of the cases they could locate, they found that 8 percent were not cases that originated in these offices, not UFAP cases, or were duplicate files. FBI officials and the Deputy Attorney General in his February 19, 1986, letter said that the problems noted by the internal auditors have been corrected and were the result of human error rather than the FBI's reporting system itself.

The Marshals Service workload statistics also overstate their workload. The statistics are based upon the number of warrants issued and not the number of fugitives the Service is responsible for apprehending. The Marshals Service sets up a case file for each federal warrant received from the courts. Thus, more than one case is opened when a single fugitive has

multiple federal warrants and more than one case would be closed when the fugitive has been apprehended. The Service, however, is implementing a new information system (referred to as the warrant information network) which will count fugitives as well as warrants. Service officials expect the new system to be fully operational by October 1987.

Case closure statistics

Problems exist with both the FBI and Marshals Service case closure statistics in terms of identifying the number of fugitives who were actually apprehended and the role that the FBI or the Marshals Service played. These problems limit comparisons between the FBI and Marshals Service programs. Neither the FBI nor the Marshals Service statistics show the total number of cases in which the FBI or the Marshals Service played an assist role or no role in the fugitive apprehensions. Additionally, the Marshals Service's statistics do not show the total number of fugitives apprehended by the Service, while the FBI's statistics do show the total number apprehended by the FBI. The FBI's statistics do not show the total number of fugitives apprehended by both the FBI and others while the Marshals Service's statistics do.

Cost statistics

Limitations also exist on comparing FBI and Marshals Service cost statistics. Neither the FBI nor the Marshals Service can determine costs for individual fugitive investigations. Further, the FBI fugitive costs include actual personnel costs for headquarters personnel and field agents but estimated costs for all other personnel and support expenditures. The FBI UFAP costs include actual personnel costs for field agents only. The Marshals Service costs include actual personnel costs but estimated costs for support expenditures. In addition, according to Service officials, the Marshals Service costs cannot be segregated between Class I and Class II fugitive investigations. The Service enforcement operations chief had no statistical support but estimated that the Service spends about 92 percent of its fugitive investigative resources for Class I and II felony cases and about 8 percent on other Class II cases.

FBI ARGUMENTS AGAINST TRANSFERRING THE UFAP PROGRAM

At the outset of our review, FBI officials cited a number of arguments against transferring the UFAP program to the Marshals Service. The arguments, the views of Marshals Service officials, and other information we obtained on each argument are presented in the following sections.

Geographic coverage

FBI officials noted that the FBI has offices in more locations than the Marshals Service. They said that having more offices results in

- quicker access to more locations,
- cheaper access to more locations,
- the ability to conduct simultaneous investigations in a number of locations,
- more familiarity by FBI agents with their areas of operation, and
- better established working relationships with state and local law enforcement agencies.

The Marshals Service enforcement operations chief told us that most fugitives, including UFAP fugitives, are caught in major metropolitan centers where the Service has an office. He said that for cases requiring investigative work in locations where the Service does not have an office, the Service can either send deputy marshals from a nearby office or rely on state and local police assistance when it is vital to respond immediately. Further, he believes that while the FBI may have better geographic coverage than the Service has, not all FBI offices are staffed with agents experienced in fugitive investigations.

According to FBI officials, the FBI does not have statistics to show where UFAP fugitives are being caught; however, these officials believe that many fugitives are not caught in major metropolitan centers. They also said that most, if not all, FBI agents at one time or another have been involved in fugitive investigations.

During fiscal year 1985, the FBI had 59 field offices and 410 suboffices (referred to as resident agencies) compared to the Marshals Service's 94 district offices and 140 suboffices.² Our analysis of the FBI's and Marshals Service's office locations showed that the Service had a district office or suboffice in all locations where the FBI had a field office and in 148 of the 410 locations where the FBI had a resident

²The Marshals Service also had six suboffices that are staffed on a part-time basis. These offices were not included because they are only staffed when court is in session.

agency. However, the FBI had 262 resident agencies located in geographic areas where the Marshals Service did not have offices. For example, in the western and southern parts of Colorado, the FBI had five resident agencies and the Service had no office. We also noted that the Marshals Service had 27 offices in locations where the FBI did not have offices.

To determine the amount of UFAP investigative effort expended by the FBI in areas where the FBI had an office but the Marshals Service did not, we had the FBI extract from its time reporting system the UFAP time charged by each FBI office. According to the FBI, 245 of the 262 resident agencies in locations where the Marshals Service did not have an office provided data that showed that during fiscal year 1985, 81,152 of the 401,492 total hours charged FBI-wide to the UFAP program (20 percent) were by agents located in the 245 offices.

According to the Maryland state and Baltimore city police we interviewed, having a wide distribution of offices definitely benefits the FBI's operations. Further, the Justice internal auditors noted that, during their review, questions were raised regarding the Marshals Service's ability to investigate leads in remote areas.

24-Hour coverage

FBI officials noted that the FBI has 24-hour coverage in all of its offices, and the Marshals Service does not. FBI officials told us that FBI headquarters and field offices have a complaint agent or clerk present 24 hours a day and resident agencies have after-hours answering machines with prerecorded messages instructing callers to leave a message or telephone the nearest field office. A number is provided for the nearest field office. The field offices are to maintain a listing of agents who are on call in the field offices and resident agencies. Further, all FBI agents must be reachable on a 2-hour notice.

The FBI provided 11 examples of UFAP cases which illustrate the benefit of having 24-hour office coverage. For example, in one case, an FBI field office was notified of the fugitive's location at approximately 11:30 p.m., and the fugitive was arrested at 12:30 a.m.

The Marshals Service enforcement operations chief told us that the Service has 24-hour coverage in its offices. Since September 1985, an operations duty officer has been assigned to the headquarters communications center to address any operational problems which arise after normal business hours. Prior to that, after-hours telephone calls were handled by headquarters communications center staff who were responsible

only for relaying messages to appropriate personnel. The center has available a directory listing the office and home telephone numbers of key district office officials. In addition to headquarters coverage, the Service enforcement operations chief told us that all district offices and suboffices are required to provide 24-hour coverage, with each office having either an answering service or machine (providing a toll-free number for the headquarters communications center, the district office number, and/or instructions to leave a message) or a call forwarding system to respond to after-hours calls.

Our work at the Alexandria and Baltimore Marshals Service district offices revealed that a beeper system was in place where key district office personnel could be reached after hours. The Service enforcement operations chief told us that he did not know how many other district offices have a similar system.

Our after-hours telephone calls to eight FBI field offices and seven resident agencies showed compliance with the FBI's 24-hour coverage policy. Our after-hours telephone calls to 10 Marshals Service district offices and two suboffices showed that four district offices and one suboffice were not in compliance with the Service's 24-hour coverage policy. Also, the prerecorded messages we heard at two offices did not provide the toll-free headquarters number.

Dual responsibilities

FBI officials noted that the dual responsibilities of the U.S. Marshals to the courts and to the Justice Department could adversely affect the Marshals Service's capability to pursue UFAP fugitives. FBI officials contend that the Marshals Service may not have adequate resources to perform both their court-related and fugitive investigative responsibilities effectively and that at any one time the staff assigned to fugitive investigations may be pulled to perform court-related duties. They said that because the Marshals Service does not have adequate resources, FBI agents are now serving subpoenas and transporting prisoners, functions which are primarily the responsibility of the Service.

Marshals Service officials told us that although the U.S. Marshals must be responsive to the demands of both the courts and the Justice Department, this relationship has not adversely affected the Service's capability to pursue their fugitives. However, the Director of the Marshals Service advised us that the Service needs additional resources to carry out its present responsibilities, especially with the passage of the Comprehensive Crime Control Act on October 12, 1984. The

Director also said that the Marshals Service would need more staff if the UFAP program were assigned to the Marshals Service.

In an earlier report, U.S. Marshals' Dilemma: Serving Two Branches of Government, (GGD-82-3, Apr. 19, 1982), we addressed the dual responsibility issue and concluded that because the marshals must respond to the competing demands of both the judiciary and executive branch, both the judiciary operations and the law enforcement area were adversely affected. We recommended that the Attorney General

- determine Marshals Service staff needs at each district office,
- establish court security and court-related duties as top priority activities, and
- assign law enforcement tasks based on resources remaining after fulfillment of court-related duties.

We also said that since the latter recommendation was likely to hinder Justice's ability to use marshals for law enforcement, the law enforcement duties should be reassigned from the Marshals Service to other Justice agencies. Further, we recommended that if Justice and the courts did not implement the above recommendations, the Congress should eliminate the Attorney General's authority to supervise, direct, and control U.S. Marshals.

Justice and the Administrative Office of the U.S. Courts disagreed with the report's conclusions and recommendations. Justice commented that dual authority is an illusory concept and that the existing operating problems were caused by inadequate funding. In response to Justice's comments, we noted that while inadequate resources contributed to the operating problems, the underlying cause was the dual authority relationship.

The Service enforcement operations chief also told us that cooperation between the courts and the Justice Department has allowed them to accomplish both of their missions. However, Marshals Service personnel at the two district offices we visited told us, and we observed at one of these offices, that if deputy marshals are needed in the courtroom, they are pulled from their other duties such as fugitive investigations.

According to Service officials, data are not readily available to show time spent by Marshals Service deputy marshals assigned to fugitive investigations on court-related duties. However, the supervisory deputy marshal assigned to the fugitive warrant squad in the Baltimore district office estimated that

warrant squad personnel spend about 40 percent of their time on nonwarrant activities. The U.S. Marshal in the Alexandria district office which does not have a warrant squad estimated that deputy marshals in that office spend about 80 percent of their time on nonwarrant work, while deputy marshals in the Norfolk and Richmond suboffices spend about 60 percent and 40 percent of their time, respectively, doing nonwarrant work.

Legislation (S.2044 and H.R.4001) has been introduced which would strengthen the Department of Justice's control over the U.S. Marshals and deputy marshals. For example, the Marshals Service, not the U.S. Marshals, would have direct authority for selecting and appointing deputy marshals. Further, the Attorney General, not the courts, would have responsibility for establishing policies regarding court security work to be provided by the U.S. Marshals. Now, the U.S. Marshals may be required to attend any session of the courts at the discretion of the judges.

FBI officials told us that the FBI also has competing demands. Agents assigned to one program such as the UFAP program are sometimes pulled to work on other FBI investigations. A difference, however, is that these decisions are being made by FBI persons responsible for the various FBI programs whereas the U.S. Marshals are ultimately making decisions based on demands from both the Marshals Service and the courts.

Network of offices

FBI officials noted that FBI field offices are required to assist each other and that investigating UFAP cases requires a strong network of offices since by definition UFAP cases involve fugitives who have fled from one state to another. They believe that (1) most Marshals Service cases do not require work by district offices other than the one in which the case originated, (2) most Marshals Service fugitives are apprehended in the jurisdiction where the case originated, and (3) Marshals Service offices are independent and there is no guarantee that their efforts will be coordinated.

FBI statistics show that investigative work by assist offices (offices other than the one in which the case originated) is a substantial part of the UFAP workload. FBI field offices and resident agencies had 12,181 UFAP assist cases in fiscal year 1985. Also, the Justice internal auditors reported that 68 percent of the FBI UFAP apprehensions were made outside of the jurisdictions where the cases originated compared to 25 percent of the Marshals Service Class I apprehensions.

The Marshals Service enforcement operations chief told us that the Service district offices are not independent and are required by policy to assist each other on fugitive investigations. He said that the Service has a large number of cases requiring investigative work outside the originating district offices but could not tell us how many. According to Service officials, the Service's new information system will allow Service officials to determine the number of assist cases and to monitor compliance with the Service's assistance policy.

Our interviews with Marshals Service district office officials and a limited review of closed case files in the Alexandria district office indicate that Service offices assist each other and that fugitives are being apprehended outside of the jurisdictions where the case originated. For example, at the Alexandria office, our review of five closed cases which had originated in other offices showed (1) that the Alexandria office had done some investigative work on all five cases and (2) the involved fugitives were apprehended by offices other than the originating district office.

Both the Marshals Service and the FBI have policy guidance requiring their offices to provide requested assistance to other offices within specified time frames. These time frames vary depending on the type or urgency of the assistance needed. Marshals Service offices must cover and respond to telephonic (i.e., urgent) leads within a 24-hour time period. Routine requests to investigate leads transmitted by letter must be covered and responded to within 10 working days from date of receipt. The FBI's response time frames range from up to 22 calendar days for priority leads to a maximum of 37 calendar days for relatively low priority leads. However, these time frames can be extended or an FBI office can request that quicker attention be given to an urgent case.

FIST and "flying squads"

FBI officials noted that the Marshals Service's FIST program and "flying squads" (i.e., mobile task forces) may not be sound approaches for UFAP investigations. They believe that the FIST operations are not suitable for apprehending violent criminals because these criminals are less likely than others to fall for FIST scams, i.e., gimmicks or sting-type operations used to locate and lure fugitives. Further, they believe that "flying squads" would be too costly and impractical to use on a massive scale for UFAP investigations.

The Marshals Service enforcement operations chief told us that the FIST program and "flying squads" are not used for the majority of the Service's fugitive investigations and would not be routinely used for UFAP investigations either. He also noted

that FIST operations consist principally of routine investigative work, i.e., developing and tracking leads, and that scams play only a small role in FIST operations. He also told us that violent criminals are apprehended through FIST operations. According to Marshals Service statistics, as of June 10, 1986, armed and dangerous criminals accounted for about 33 percent of all FIST arrests.

Concerning the use of a "flying squad" approach, the Marshals Service enforcement operations chief told us that this approach is used only in high visibility cases (e.g., the Service's 15 most-wanted cases). He believes that if the Service had responsibility for the UFAP program the mobile task force also would only be used in high visibility or priority cases. In this regard, FBI officials told us that they also use a "flying squad" type approach for high visibility UFAP cases.

Repeat fugitives

FBI officials noted that their detailed case file documentation facilitates capture of criminals previously investigated by the FBI. They noted that the Marshals Service does not maintain detailed case files, a fact which could hamper the Service's ability to investigate UFAP fugitives who were subjects of previous investigations. They told us that the FBI can identify prior involvement with fugitives through its computer data bank of criminal histories, backed up by detailed case files. FBI officials could not identify the number of UFAP fugitives that were previously investigated by the FBI but did provide an example of a UFAP case which illustrates how detailed case file documentation can facilitate capture of criminals previously investigated by the FBI. In that case, information regarding the fugitive's relatives was obtained from a previous UFAP case file. As a result of this information, the fugitive was apprehended by the FBI.

The Marshals Service enforcement operations chief told us that while problems exist with the Service's fugitive investigative documentation, they do not start from scratch when investigating fugitives who were subjects of previous investigations. He noted that information developed during the prior investigations, such as names of relatives, is available and that it is standard procedure to check out such leads.

The Justice internal audit report noted that the Marshals Service's case files contained incomplete details about their fugitive investigations. The audit report stated that incomplete investigative details reduced the utility of the case files in future investigations of the same fugitive. The audit report also indicated that the FBI's case files contained enough data to facilitate future investigations of the same fugitive.

In fact, the auditors noted that the FBI maintains too much information.

State and local prosecution

FBI officials noted that FBI agents develop information during UFAP investigations that can be used to support state and local prosecution of fugitives. They told us that the Marshals Service normally does not interview fugitives after apprehension or provide testimony at fugitive trials unlike the FBI.

FBI policy requires agents to interview UFAP fugitives after apprehension and notify the wanting state or local authorities of the information obtained. FBI officials told us and we observed at the FBI Baltimore field office that the results of these interviews are documented in the UFAP case files. Although prosecutive reports are not generally required, a report will be prepared if requested. FBI officials told us that the FBI does not maintain statistics on the number of prosecutive reports prepared as a result of their fugitive investigations.

FBI officials also told us that agents are often asked to testify at the state and local trials of the fugitives. Statistics are not available on how often FBI agents have testified concerning their UFAP investigations.

The FBI prepares an accomplishment report when a significant contribution is made to a successful local prosecution. In fiscal year 1985, there were 17 such accomplishments which represent about 1 percent of the FBI's UFAP arrests and "locates." In fiscal years 1983 and 1984, the FBI claimed nine and seven accomplishments, respectively.

The FBI provided 41 examples of UFAP cases which illustrate how information developed during UFAP investigations can assist state and local prosecution. For example, in one case, an FBI agent obtained a confession from the fugitive and later testified at the local murder trial where the fugitive was convicted.

The Marshals Service enforcement operations chief told us that this argument is irrelevant because the unlawful flight charges are rarely prosecuted and prosecution of the state and local charges is the responsibility of state and local authorities. He said that deputy marshals do interview fugitives upon arrest in those jurisdictions where the fugitive is likely to be prosecuted and in cases where there are indications of other criminal activity. He also said that in some cases deputy marshals also prepare prosecutive reports and provide testimony. Statistics are not available on how often

deputy marshals prepare prosecutive reports or testify concerning their fugitive investigations. The Marshals Service did, however, provide an example of a fugitive case which illustrates that deputy marshals prepare prosecutive reports and provide testimony. In that case, based on their investigative work, deputy marshals prepared two prosecutive reports and later testified at the trial where the fugitive and others were convicted.

Special equipment and resources

FBI officials noted that the FBI has special equipment and resources readily available at FBI headquarters and field offices which can facilitate location and apprehension of UFAP fugitives. They believe that the Marshals Service district offices generally lack the special, sophisticated surveillance equipment such as electronic listening devices and specially equipped surveillance vehicles that FBI field offices already maintain for investigative work. They also noted their up-to-date laboratories and behavioral science unit which has developed psychological profiles that have facilitated the apprehension of top ten fugitives. FBI officials believe that if given responsibility for the UFAP program, the Marshals Service would need to acquire more special investigative equipment, but because the equipment would not generally be needed for the Service's noninvestigative programs, the equipment would not be utilized often enough to justify the acquisition costs. The FBI's special equipment, on the other hand, can be used across all FBI programs and can therefore be considered a cost-effective resource for use in UFAP cases.

The Marshals Service enforcement operations chief told us that the Service has, or could borrow from other law enforcement agencies, any special equipment needed to do fugitive investigations. He said that budget constraints limit the amount of special investigative equipment available for fugitive work but that special equipment is available from headquarters to district offices upon request. Urgent requests are met using courier or messenger service, air freight, or Service aircraft. He believes, moreover, that while the FBI may have more special equipment than the Marshals Service, the competing demands of other FBI programs may limit the availability of the equipment for the UFAP program.

Maryland state police as well as deputy marshals we interviewed told us that for most fugitive investigations, special equipment is not usually necessary. FBI officials told us that no statistics exist to show how often special investigative equipment or resources are used in UFAP investigations. The FBI did provide, however, 14 examples of UFAP cases which illustrate the use of special equipment and

resources in UFAP investigations. For example, in one case, an FBI field office used an airplane for surveillance and a special weapons and tactics team to apprehend the fugitive.

Mobilization

FBI officials noted that the FBI has more staff than the Marshals Service and thus a greater ability to mobilize resources to pursue hot leads or work on high priority UFAP cases. As of May 31, 1986, the FBI had about 9,000 agents, and the Marshals Service had about 1,800 criminal investigators and deputy marshals. FBI officials told us that UFAP investigations can at times require more resources than are currently assigned to the UFAP program. The supervisory agent in the field office can pull resources from other FBI investigative programs to assist with the UFAP investigations when needed. According to these officials, no information exists to show how often these situations occur.

The Marshals Service enforcement operations chief told us that the Service also can mobilize additional resources to work on fugitive investigations. He also said that the Service needs more people to do its existing fugitive work.

A Baltimore city police official who has worked with both the FBI and the Marshals Service told us that if a situation arises warranting immediate action, the FBI can commit the necessary resources whereas the Service cannot.

Identification of other crimes

FBI officials noted that UFAP investigations often lead to the identification of other crimes. These are other than the state or local charge from which the person is fleeing and the federal charge of unlawful flight. FBI officials said that their agents look for other crimes and are more apt to identify them than the Marshals Service, which is more oriented towards "finding the body." FBI officials believe that the Marshals Service does not glean all possible leads, information, or informants from its fugitive investigations.

FBI officials stated that UFAP investigations keep FBI agents on the street where they can obtain information which can lead to the identification of other crimes as well as benefit other ongoing FBI investigations. According to these officials, FBI agents routinely interview captured fugitives which sometimes results in the identification of other crimes or leads in other FBI investigations. The FBI provided 42 examples of UFAP cases which illustrate the identification of other crimes in UFAP investigations. For example, one fugitive confessed to two previously unsolved homicides while being interviewed by FBI agents after his apprehension.

The Marshals Service enforcement operations chief told us that the Service's policy is to be alert to other crimes and to pass information obtained through its fugitive investigations along to the appropriate law enforcement agency. For example, he said that during an investigation involving two prison escapees, Marshals Service personnel developed information that the two escapees were committing armed bank robberies and passed that information along to both the local police and the FBI. As stated previously, he said that deputy marshals interview fugitives upon their apprehension in jurisdictions where the fugitive is likely to be prosecuted and in cases where there are indications of other criminal activity. Also, this official noted that deputy marshals often learn about other crimes while transporting prisoners in the Service's National Prisoner Transportation System or performing jail-related duties.

Development of informants

FBI officials noted that UFAP investigations allow them to develop informants useful to other FBI investigative programs. They believe that UFAP investigations provide more leads, more contacts, and more daily street presence than most other types of FBI investigations. This results in the development of many informants. FBI officials consider the UFAP program one of the most fertile grounds for informant development.

Marshals Service officials told us that the Service also develops informants through its fugitive investigations. Further, deputy marshals also develop informants from their contacts with prisoners while transporting them to and from jail or court. According to the Marshals Service fiscal year 1987 budget request, the Service paid 98 informants a total of \$62,843, resulting in 61 arrests in fiscal year 1985.

Both the FBI and Marshals Service maintain separate informant files. According to FBI officials and the Marshals Service enforcement operations chief, how the informant was developed cannot be determined from the separate informant files or the fugitive case files. The FBI provided 26 examples which illustrate that informants are developed from UFAP cases. For example, a person who provided information that led to the arrest of a UFAP fugitive was officially designated as an informant and throughout the past 5 years has provided, according to the FBI, invaluable information about drug matters, local homicides, and armed robberies.

Training

FBI officials noted that UFAP investigations provide good training for FBI agents. They contend that UFAP cases provide FBI agents a perspective on the entire investigative process in a short period of time.

We noted that there is no FBI policy requiring that agents be assigned to work UFAP cases at one time or another during their careers. Also, no information exists to show how many FBI agents have worked on UFAP investigations. However, FBI officials told us that most, if not all, agents have been involved in fugitive investigations at one time or another.

The Marshals Service enforcement operations chief told us that UFAP investigations would provide good training for deputy marshals also.

Morale

FBI officials noted that UFAP investigations are a morale boost for FBI agents. They said that UFAP investigations provide tangible accomplishments for agents in a shorter time period than most other FBI programs.

No statistics were available to show that UFAP apprehensions are made or cases are closed more quickly than those in other FBI programs. Nor was any information available to show how many agents work on UFAP investigations at some time during their careers. However, according to FBI records, about 44 percent of all FBI agents spent time on UFAP investigations during fiscal year 1985.

The Marshals Service enforcement operations chief noted that the UFAP investigations would be a morale boost for deputy marshals also.

State and local police assistance

FBI officials noted that the UFAP program allows the FBI to maintain contact with and "pay back" state and local law enforcement agencies on a continuing basis. They believe that this strengthens the FBI's working relationships with these agencies which facilitates other FBI investigations. FBI officials also believe that unlike other major investigative programs such as organized crime and terrorism, UFAP investigations put the FBI in day-to-day contact with street crime activity and state and local law enforcement agencies. According to the FBI Director, the UFAP program has been the one important link with state and local law enforcement agencies that helps the FBI to maintain a vital two-way relationship. FBI officials believe that the UFAP program provides the FBI with opportunities to meet the Department of Justice's priority for providing assistance to state and local efforts against violent crime.

The Marshals Service enforcement operations chief told us that the Service also needs to maintain contact with and "pay

back" state and local law enforcement agencies. He said that, among other things, state and local law enforcement agencies assist the Marshals Service by providing help in the Service's fugitive investigations and by housing federal prisoners in their jails. The official noted that although state and local agencies are paid for housing federal prisoners in their jails, they believe that additional payback is needed.

FBI officials noted that the Marshals Service already has a vehicle to maintain contact with and "pay back" state and locals agencies--its FIST operations. We noted, however, that FIST operations have not been conducted extensively in every state but only in selected locations for periods of time ranging from 6 to 11 weeks. The Marshals Service also has the Cooperative Agreement Program which provides funds to state and local agencies to renovate or build jails in exchange for the housing of federal prisoners.

We noted that the FBI also has means other than the UFAP program to "pay back" and maintain relations with state and local agencies. For example, the FBI Director has noted that the FBI's National Academy provides training to state and local law enforcement officers which provides the FBI with an excellent liaison relationship with state and local agencies. This training has been provided to state and local agencies at no cost. However, beginning in fiscal year 1987, the FBI will charge state and local officers for the cost of their meals and lodging while at the Academy and not pay their travel expenses.

VIEWS OF OTHER CRIMINAL JUSTICE SYSTEM OFFICIALS

Overall, other criminal justice system officials we interviewed had mixed views about transferring the UFAP program to the Marshals Service. However, they generally (1) considered the FBI to be a better trained, equipped, and experienced agency and (2) believed that the Marshals Service would need more people. A frequently cited view was, "If it's not broken, don't fix it."

FBI AND MARSHALS SERVICE FUGITIVE CASELOADS

(FISCAL YEARS 1983-1985)

Marshals Service Fugitive Cases

FY 1983				
	Class I	Class II Felony a/	Class II Other	Total
Pending cases (Oct. 1)	8,932	11,252	23,256	43,440
Cases opened	11,500	22,328	41,859	75,687
Cases closed	12,188	22,565	47,575	82,328
Pending cases (Sept. 30)	8,244	11,015	17,540	36,799
Percentage change	-8%	-2%	-25%	-15%

FY 1984

	Class I	Class II Felony a/	Class II Other	Total
Pending cases (Oct. 1)	8,244	11,015	17,540	36,799
Cases opened	10,354	23,072	33,025	66,451
Cases closed	10,304	21,298	34,003	65,605
Pending cases (Sept. 30)	8,294	12,789	16,562	37,645
Percentage change	+1%	+16%	-6%	+2%

FY 1985

	Class I	Class II Felony a/	Class II Other	Total
Pending cases (Oct. 1)	8,294	12,789	16,562	37,645
Cases opened	10,945	25,465	40,037	76,447
Cases closed	10,271	23,325	38,325	71,921
Pending cases (Sept. 30)	8,968	14,929	18,274	42,171
Percentage change	+8%	+17%	+10%	+12%

a/The Marshals Service Class II felony category, according to Service criteria, includes UFAP warrants.

b/Less than 1 percent.

FBI Fugitive Cases

FY 1983			
	UFAP	Other Fugitive	Total
Pending cases (Oct. 1)	1,958	637	2,615
Cases opened	2,363	1,518	3,881
Cases closed	2,390	1,500	3,890
Pending cases (Sept. 30)	1,931	675	2,606
Percentage change	-1%	+3%	b/

FY 1984

	UFAP	Other Fugitive	Total
Pending cases (Oct. 1)	1,931	675	2,606
Cases opened	2,522	1,296	3,818
Cases closed	2,491	1,352	3,843
Pending cases (Sept. 30)	1,962	619	2,581
Percentage change	+2%	-8%	-1%

FY 1985

	UFAP	Other Fugitive	Total
Pending cases (Oct. 1)	1,962	619	2,581
Cases opened	2,407	1,262	3,669
Cases closed	2,303	1,271	3,574
Pending cases (Sept. 30)	2,066	610	2,676
Percentage change	+5%	-1%	+4%

FBI AND MARSHALS SERVICE FUGITIVE
CASE CLOSURES (FISCAL YEARS 1983-1985)

Marshals Service Fugitive Cases

FY 1983				
	Class I	Class II Felony	Class II Other	Total
Physical arrests	4,383	3,740	6,691	14,814
Surrenders	546	1,741	3,747	6,034
Warrants forwarded	1,773	2,831	6,640	11,244
Detainers	2,387	1,258	138	3,783
Directed arrests	923	658	1,131	2,712
Other agency	418	8,043 a/	2,273	10,734
Dismissals	1,758	4,294	26,955	33,007
Total	12,188	22,565	47,575	82,328

FY 1984				
	Class I	Class II Felony	Class II Other	Total
Physical arrests	4,060	3,215	6,109	13,384
Surrenders	487	2,068	4,246	6,801
Warrants forwarded	1,712	2,914	1,480	6,106
Detainers	1,635	1,205	162	3,002
Directed arrests	865	990	837	2,682
Other agency	345	8,513 a/	2,639	11,497
Dismissals	1,200	2,403	18,530	22,133
Total	10,304	21,298	34,003	65,605

FY 1985				
	Class I	Class II Felony	Class II Other	Total
Physical arrests	4,000	3,060	8,213	15,273
Surrenders	574	1,739	3,185	5,498
Warrants forwarded	1,690	2,835	1,846	6,371
Detainers	1,667	1,236	238	3,141
Directed arrests	876	785	745	2,406
Other agency	523	11,178 a/	2,041	13,742
Dismissals	941	2,492	22,057	25,490
Total	10,271	23,325	38,325	71,921

FBI Fugitive Cases

FY 1983			
	UFAP	Other Fugitive	Total
Arrests	682	84	766
Locates	477	91	568
Administrative/ other closings	1,231	1,325	2,556
Total	2,390	1,500	3,890

FY 1984			
	UFAP	Other Fugitive	Total
Arrests	696	64	760
Locates	419	47	466
Administrative/ other closings	1,376	1,241	2,617
Total	2,491	1,352	3,843

FY 1985			
	UFAP	Other Fugitive	Total
Arrests	781	92	873
Locates	447	50	497
Administrative/ other closings	1,075	1,129	2,204
Total	2,303	1,271	3,574

a/Other agency arrests under the Marshals Service Class II felony category would, according to Service criteria, include UFAP arrests by the FBI.

Definitions of FBI and Marshals Service
Case Closure Categories

FBI Closure Categories

Arrests: FBI personnel directly arrest the fugitive, either alone or in conjunction with other law enforcement agencies.

Locates: Another law enforcement agency arrests a fugitive based on FBI-provided information (including data from the National Crime Information Center) or the FBI locates the fugitive in the custody of another law enforcement agency on an unrelated offense.

Administrative/Other Closings: Cases where a UFAP warrant is never issued, cases resulting in dismissals, and cases where the arrest is made by another law enforcement agency without FBI assistance.

Marshals Service Closure Categories

Physical Arrests: Arrests made by Marshals Service personnel on warrants originating in their own district.

Surrenders: Arrests where fugitives voluntarily turn themselves into the Marshals Service and other law enforcement agencies.

Warrants Forwarded: Cases where the fugitive is captured by the Marshals Service or state or local police outside of the district originating the federal warrant.

Detainers: Cases where the state or local police capture a Marshals Service fugitive within the district where the federal warrant originated and the Marshals Service files a detainer.

Directed Arrests: Arrests made by other law enforcement agencies as a result of information provided by the Marshals Service including data from the National Crime Information Center.

Other Agency: Arrests made by other law enforcement agencies without Marshals Service assistance.

Dismissals: Cases where the federal warrant is dropped.

FBI AND MARSHALS SERVICE FUGITIVE PROGRAM COSTSFISCAL YEARS 1983-1987 (in millions)a/

	FBI						Marshals Service				
	FY 83	FY 84	FY 85	FY 86	FY 87		FY 83	FY 84	FY 85	FY 86	FY 87
UFAP	\$13.9	\$15.3	\$16.7	\$19.4	\$22.0	Class I and II felony	\$13.3	\$14.0	\$16.9	\$17.0	\$17.3
Other fugitive	2.6	2.8	3.9	4.5	5.1	Class II other	1.2	1.2	1.4	1.3	1.4
Total	\$16.5	\$18.1	\$20.6	\$23.9	\$27.0 b/	Total c/	\$14.5	\$15.2	\$18.3	\$18.3	\$18.7

a/According to FBI officials, total fugitive costs for fiscal years 1983 to 1985 include actual costs for field agents and headquarters personnel and estimated costs for all other personnel and support expenditures. However, UFAP and other fugitive costs include actual costs for field agents only. According to Marshals Service officials, total Service costs include actual personnel costs and estimated costs for support expenditures. For fiscal years 1986 and 1987, FBI and Marshals Service costs are estimated based on budget submissions. The allocation of Marshals Service costs among the felony cases and Class II other cases are based on estimates provided by the Service.

b/Column does not add due to rounding.

c/These totals contain the costs of Marshals Service Fugitive Investigative Strike Team (FIST) operations. FIST accounted for \$0.9, \$2.2, and \$5.7 million in fiscal years 1983, 1984, and 1985, respectively.

FBI AND MARSHALS SERVICE FUGITIVE PROGRAM COSTS BY
BUDGET OBJECT CLASS FOR FISCAL YEAR 1985 (in thousands)

Budget Object Class	FBI a/			Marshals Service b/		
	UFAP	Other Fugitive	Total Fugitive	Class I & II Felony	Class II Other	Total Fugitive
Personnel compensation	\$10,768	\$2,518	\$13,286	\$9,081	\$962	\$10,043
Personnel benefits	1,508	347	1,855	1,762	93	1,855
Travel	797	184	981	1,072	56	1,128
Transportation	132	31	163	82	4	86
Standard level user charge/rents	1,305	301	1,606	2,204	116	2,320
Printing	2	0	2	95	5	100
Other services	1,432	330	1,762	1,988	105	2,093
Supplies	456	105	561	195	10	205
Equipment	282	65	347	398	21	419
Insurance claims	8	2	10	3	0	3
Total	\$16,690	\$3,883	\$20,573	\$16,880	\$1,372	\$18,252

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a/ According to FBI officials, total fugitive costs include actual personnel costs for field agents and headquarters personnel and estimated costs for all other personnel and support expenditures. UFAP and other fugitive costs include actual personnel costs for field agents only.

b/ According to Marshals Service officials, these costs include actual personnel costs and estimated costs for support expenditures. The allocation of costs among the felony cases and Class II other cases are based on estimates provided by the Marshals Service.

FBI AND MARSHALS SERVICE ESTIMATED SALARY
AND NONSALARY COSTS PER STAFF YEAR
FOR FISCAL YEAR 1985

<u>Total fugitive programs</u>	<u>FBI</u>		<u>Marshals Service</u>		<u>Difference</u>
	<u>Cost</u>	<u>Percent</u>	<u>Cost</u>	<u>Percent</u>	
Salary	\$36,300	64.6	\$29,280	55.0	-\$7,020
Nonsalary	\$ <u>19,910</u>	<u>35.4</u>	\$ <u>23,933</u>	<u>45.0</u>	+\$4,023
Total	\$ <u>56,210</u>	<u>100.0</u>	\$ <u>53,213</u>	<u>100.0</u>	-\$ <u>2,997</u>
<u>FBI UFAP and Marshals</u>					
<u>Service felony</u>					
<u>fugitives only</u>					
Salary	\$36,134	64.5	\$31,531	53.8	-\$4,603
Nonsalary	\$ <u>19,873</u>	<u>35.5</u>	\$ <u>27,080</u>	<u>46.2</u>	+\$7,207
Total	\$ <u>56,007</u>	<u>100.0</u>	\$ <u>58,611</u>	<u>100.0</u>	+\$ <u>2,604</u>

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