

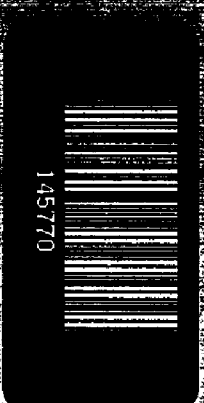
GAO

United States General Accounting Office

**Part Sheet for the Chairman,
Subcommittee on Government
Information, Justice and Agriculture,
Committee on Government Operations,
House of Representatives**

December 1991

**ANNUAL REPORT
Information on
Criminal Cases**



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

General Government Division

B-241053

December 17, 1991

The Honorable Bob Wise
Chairman, Subcommittee on Government
Information, Justice and Agriculture
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

As you requested and as agreed with your staff, we are providing information on the criminal antitrust enforcement efforts of the Department of Justice's (DOJ) Antitrust Division. The Division investigates and prosecutes civil and criminal violations of federal antitrust laws. This fact sheet focuses on the Division's criminal enforcement of the Sherman Antitrust Act of 1890 (15 U.S.C. 1-7). The act makes illegal any contract, monopolization, or conspiracy that results in the restraint of trade or commerce. A criminal violation of the act is a felony punishable by a fine and/or imprisonment.

Our review was specifically directed at obtaining (1) information on the Division's policies and practices for identifying, selecting, and investigating criminal antitrust violations; (2) a profile of complaints and leads the Division decided not to investigate; and (3) a profile of closed criminal investigations. We interviewed Division attorneys and reviewed complaint and lead records in Cleveland, New York, San Francisco, and Washington, D.C. We also interviewed Division headquarters representatives and obtained data on investigation processing time, direct labor cost, type of violation, industry of violation, and nature of sentence for completed criminal investigation phases from the Division's Antitrust Management Information System (AMIS). However, we did not evaluate AMIS' reliability nor verify its data. Appendix I contains a detailed discussion of the objectives, scope, and methodology.

BACKGROUND

DOJ's Antitrust Division is under the overall responsibility of an Assistant Attorney General. The Division is charged with enforcement of federal antitrust laws and investigation and prosecution of civil and criminal antitrust violations. Criminal antitrust violations are contained in the Sherman Antitrust Act of 1890 (15 U.S.C. 1-7).¹ The act makes illegal any contract, monopolization, or conspiracy that results in the restraint of trade or commerce. Violation of the act is a felony punishable by fines of up to \$350,000 and up to 3 years imprisonment for individuals and fines of up to \$10 million for corporations. Before November 16, 1990, the maximum fines were \$100,000 for individuals and \$1 million for corporations.

The Sherman Act is both a civil and criminal statute, and the Division may pursue violators civilly or criminally. However, it is the Division's policy to criminally prosecute per se Sherman Act violations,² such as horizontal price fixing and bid rigging.

The Division's criminal enforcement program is carried out by 13 litigation offices: 6 in headquarters and 7 in the field. Litigation offices' work load include both criminal and civil investigations. One headquarters office handles appeals and three offices specialize in various industries, such as health care, communications, or finance. The remaining offices handle all types of industries. As of the end of fiscal year 1990, the 13 offices had 226 attorneys, 50 paralegals, and 100 other professional and clerical staff.

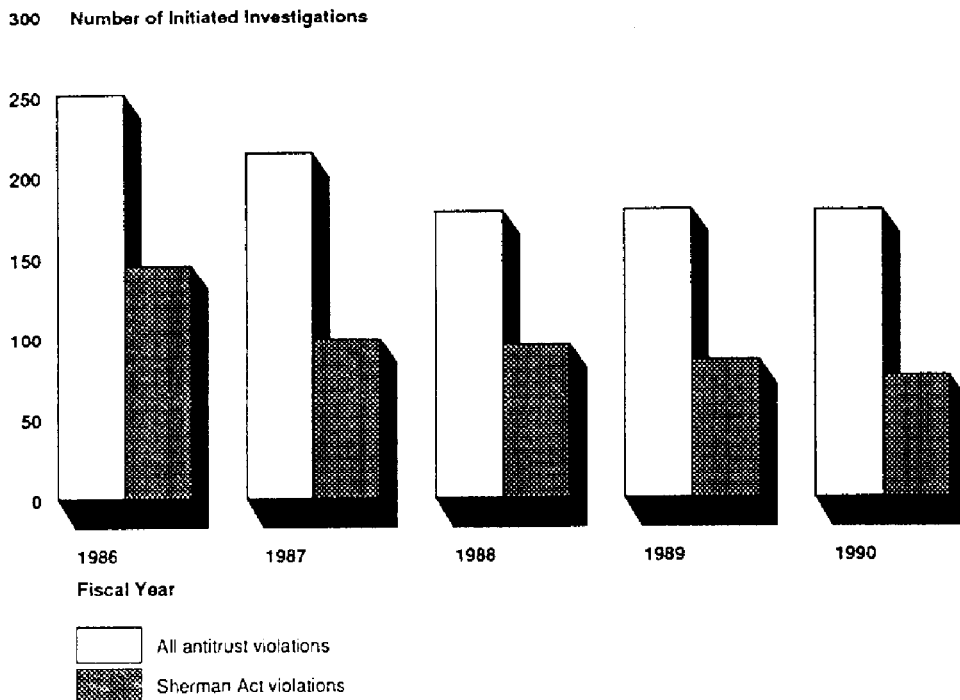
During fiscal years 1986 through 1990, the total number of investigations initiated by the Division declined 29 percent, from 251 in fiscal year 1986 to 178 in fiscal year 1990. At the same time, initiated investigations involving the Sherman Act also declined from 145 investigations (or 58 percent of total investigations) to 75 investigations (or 42 percent of total investigations), as shown in figure 1. As we reported in October 1990, the number of initiated investigations has been affected by reductions in the Division's budget and authorized staff level.³

¹The Sherman Act and the Clayton Antitrust Act (15 U.S.C. 12-27) compose the basic federal antitrust legislation. However, only the Sherman Act has criminal provisions.

²A per se Sherman Act violation is one in which proof of the existence of the conduct establishes the defendant's illegal purpose.

³Justice Department: Changes in Antitrust Enforcement Policies and Activities (GAO/GGD-91-2, Oct. 29, 1990).

Figure 1: Total Initiated Investigations for FY 1986 Through 1990



Source: Antitrust Division data.

RESULTS

The Division starts criminal investigations as a result of reviewing complaints and leads from the public, government entities, and other antitrust investigations. The Division decides whether to open an investigation on the basis of such factors as the amount of commerce affected, the extent of geographic area affected, and the availability of resources to pursue the matter. If the Division determines that a formal investigation should be opened, it may proceed through preliminary inquiry, grand jury, litigation, and appeal phases. The assignment and disposition of complaints and leads is handled within a litigation office. However, the opening and closing of subsequent investigation phases undergo a hierarchical approval process depending on the investigatory phase, from the litigation office chief up to the Director of Operations or the Assistant Attorney General for the Antitrust Division. In fiscal year 1990, the Division initiated 178 investigations.

Division policy calls for maintaining complete data on complaints and leads received that are not opened as an investigation. On the basis of our review of files at five Division litigation offices, we identified 198 complaints and leads received in

received in fiscal year 1990 that alleged an antitrust violation and were not investigated. According to Division information, they were not investigated because, in the majority of cases, there was insufficient evidence of a violation; the activity being alleged was exempt from antitrust laws; or the matter was referred to a more appropriate agency. The complaints and leads mainly involved alleged violations in the manufacturing and service industries.

Also, we obtained information from AMIS on investigations the Division completed in fiscal year 1990. However, we profiled individual investigation phases rather than entire investigations because AMIS data inaccuracies and inconsistencies did not allow us to reliably trace the same investigation through the various investigation phases. Our profile showed the following information:

- Most of the criminal violations involved bid rigging and price fixing, which are per se Sherman Act violations.
- Eighty-nine percent of the 85 closed litigation phases resulted in the conviction of at least 1 defendant. Convicted corporations were usually fined. Convicted individuals were usually fined and/or sentenced to probation.
- Antitrust criminal investigation phases were lengthy. The preliminary inquiry phase and the litigation phase averaged over 1 year, and the grand jury phase averaged over 3 years.
- The Division closed 60 grand jury phases, 16 of which resulted in at least 1 party being charged with a criminal violation.

Identifying, Selecting, and
Investigating Allegations of
Criminal Antitrust Violations

The criminal investigative process is divided into five sequential phases: complaint or lead, preliminary inquiry, grand jury, litigation (trial or plea agreement), and appeals. Not all investigations proceed through all the phases because the Division (1) may start a formal criminal investigation at either the preliminary inquiry or grand jury phase depending on the level of evidence, the likelihood that evidence will be destroyed, the amount of witness cooperation, or the availability of records; and (2) may stop an investigation at any phase.

The Division starts criminal investigations as a result of complaints and leads from the public, government entities, and other antitrust investigations. The office chief assigns complaints and leads and approves of their disposition. However, the assignment method varied among offices. The Cleveland office used a paralegal to screen telephone contacts and any attorney

for mail and in-person contacts. The New York office had a specific attorney assigned to this task regardless of the mode of contact; the remaining three litigation offices did not. We did not assess whether the differences in staff utilization had an effect on complaint and lead processing.

Conducting Criminal Investigations

If investigation of the complaint or lead warrants pursuit, the litigating attorney requests a preliminary inquiry. Requests for opening a preliminary inquiry are reviewed by the field office or section chief and must be approved by the Deputy Director of Operations in headquarters. They are also subject to clearance by the Federal Trade Commission (FTC).⁴ The Division has general guidelines for determining whether a matter warrants a preliminary inquiry. The guidelines require consideration of four factors:

- the facts presented appear to support a legal theory of an antitrust violation;
- the amount of commerce affected is not insubstantial;⁵
- the investigation will not duplicate other efforts of the Division, FTC, a U.S. Attorney, or a state attorney general; and
- resources are available for the investigation.

Our interview of attorneys in the field and headquarters indicated that the factors they considered were within the Division guidelines. The attorneys also considered whether (1) the U.S. government was directly affected by the alleged violation, and (2) the illegal activity or its economic effect was localized to a small part of the country.

If a preliminary inquiry indicates that further investigation is warranted, the litigation attorney requests a grand jury. Requests for grand juries are reviewed by the field office or section chief and the Director of Operations and must be approved by the Assistant Attorney General. According to Division

⁴The Division has a working arrangement with FTC to avoid duplication of effort. Neither agency will start a preliminary inquiry without consulting the other. The Division does not label preliminary inquiries as either civil or criminal. FTC defers all criminal violations of antitrust laws to the Division.

⁵Division attorneys told us that the threshold level for "insubstantial" varies depending on the commodity, the industry, and geographic location of the activity at the discretion of the Division.

representatives, the grand jury is their most powerful investigatory tool because the grand jury can subpoena documents, compel testimony from witnesses, and grant immunity from prosecution.

A defendant can be charged with a criminal violation on the basis of a grand jury indictment or an information (a charge drawn up by a prosecutor). Once charges are filed, criminal convictions may be obtained through jury trials or plea agreements, and defendants can appeal their convictions.

Profile of Complaints and Leads the
Division Decided Not to Investigate

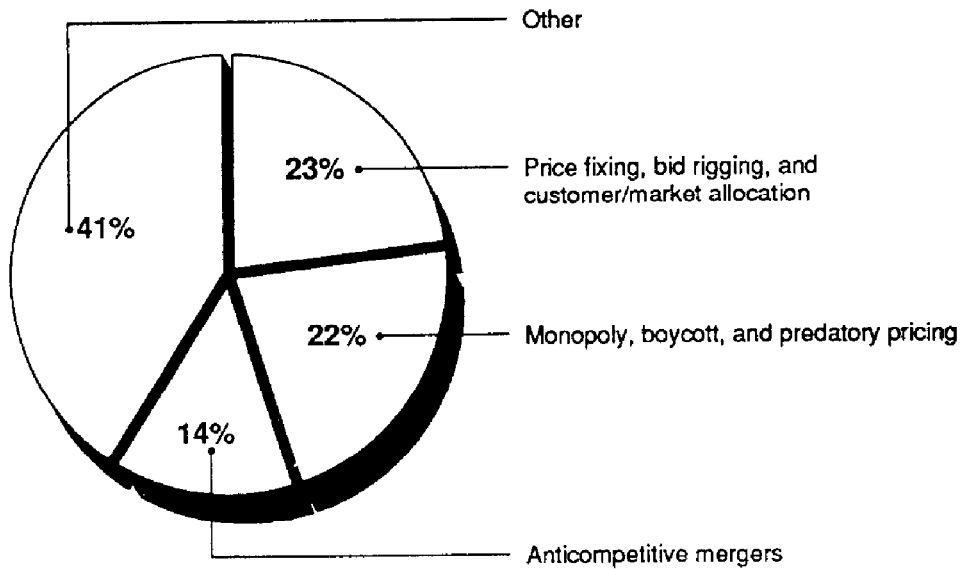
The Division's policy for documenting information on complaints and leads from the public calls for logging information, such as receipt date, complainant's name, issue, assigned staff, and response date; and retaining for at least one year all correspondence and contact notes. However, the Division did not know how many complaints it has received nor did it have complete data on their characteristics because this policy was not always followed for complaints or leads the Division decided not to investigate.⁶ For example, at the five litigation offices we reviewed, we (1) could not determine the processing time for 70 out of 198 complaints and leads alleging an antitrust violation because of missing or incomplete records; and (2) could not find any documentation for 74 out of 117 complaints and leads that according to the Chief of the Legislative Unit, were assigned to and processed by the 5 litigation offices.

At the five litigation offices we visited, we reviewed litigation records and identified 198 complaints and leads received in fiscal year 1990 that alleged an antitrust violation and were not investigated.⁷ The type of allegations alleged by these complainants is illustrated in figure 2.

⁶Documentation for complaints and leads the Division decided to investigate has been incorporated into the investigative files and were not readily available to us.

⁷We identified 260 complaints and leads at the 5 offices, but 54 of them contained allegations other than antitrust. In addition, we were unable to determine the type of allegation for eight because of incomplete documentation.

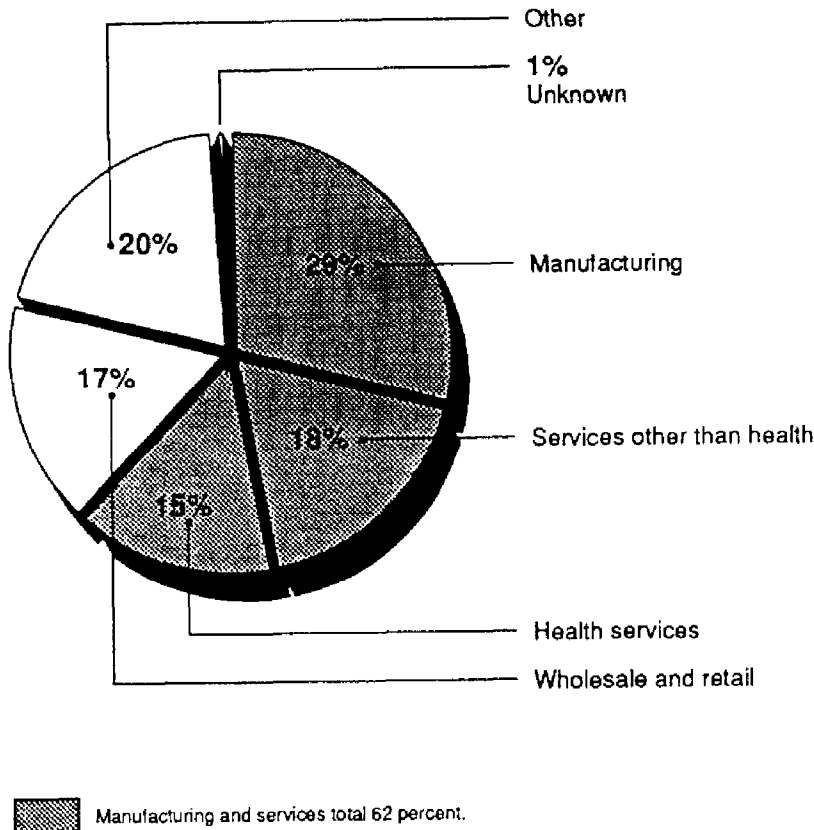
Figure 2: Type of Antitrust Violations Alleged in 198 Complaints and Leads Received in FY 1990 by 5 Litigation Offices



Source: GAO analysis based on Antitrust Division data.

The majority of the 198 complaints and leads (81.3 percent) came from the public either directly to DOJ or indirectly through Members of Congress and the White House. Also, 62 percent of the allegations involved the manufacturing and service industries, as shown by figure 3.

Figure 3: Type of Industries for 198 Complaints and Leads Received in FY 1990 by 5 Litigation Offices

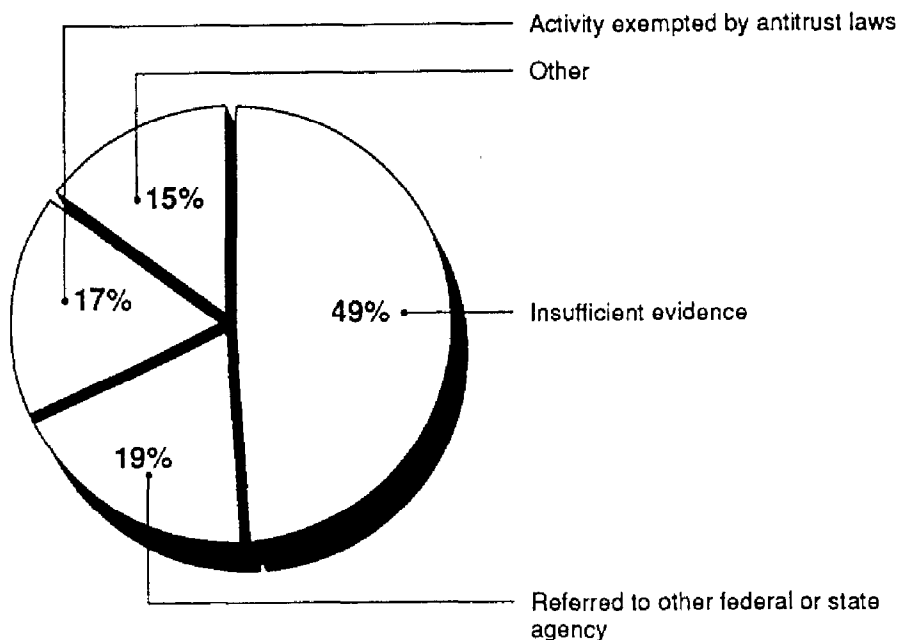


Source: GAO analysis based on Antitrust Division data.

For 192 antitrust complaints and leads,⁸ the Division's primary reasons for not opening an investigation were insufficiency of evidence provided by the complainant, exemption of the activity from the antitrust laws, and appropriateness of investigation by another federal or state agency. Figure 4 illustrates the Division's various reasons for not opening an investigation.

⁸Of the 198 complaints and leads, 3 were still pending the Division disposition decision, and another 3 lacked a disposition decision.

Figure 4: Antitrust Division's Reasons for Not Investigating 192 Allegations of an Antitrust Violation Received in FY 1990 by 5 Litigation Offices



Note: Other reasons include, for example, not antitrust related, small amount of commerce, and ongoing investigation/lawsuit by others.

Source: GAO analysis based on Antitrust Division data.

Division policy requires review of and decision on the disposition of complaints from the public in 20 business days. The processing time for the 128 antitrust allegations⁹ ranged from 1 to 480 calendar days and averaged (mean) 32 calendar days. The Division processed 66 percent of the 128 complaints and leads in 28 or fewer calendar days (roughly equivalent to 20 business days).

Profile of Criminal Investigations

To develop a profile of completed criminal investigations, we analyzed AMIS data on time frames, costs, industries, violations, and sentencing for each investigation phase closed in fiscal year 1990: preliminary inquiry, grand jury, litigation, and appeal.¹⁰ See appendix I for a detailed discussion of the scope and methodology and the glossary for a definition of the AMIS

⁹We could not calculate the processing time for 70 of the 198 complaints and leads because of missing or incomplete records.

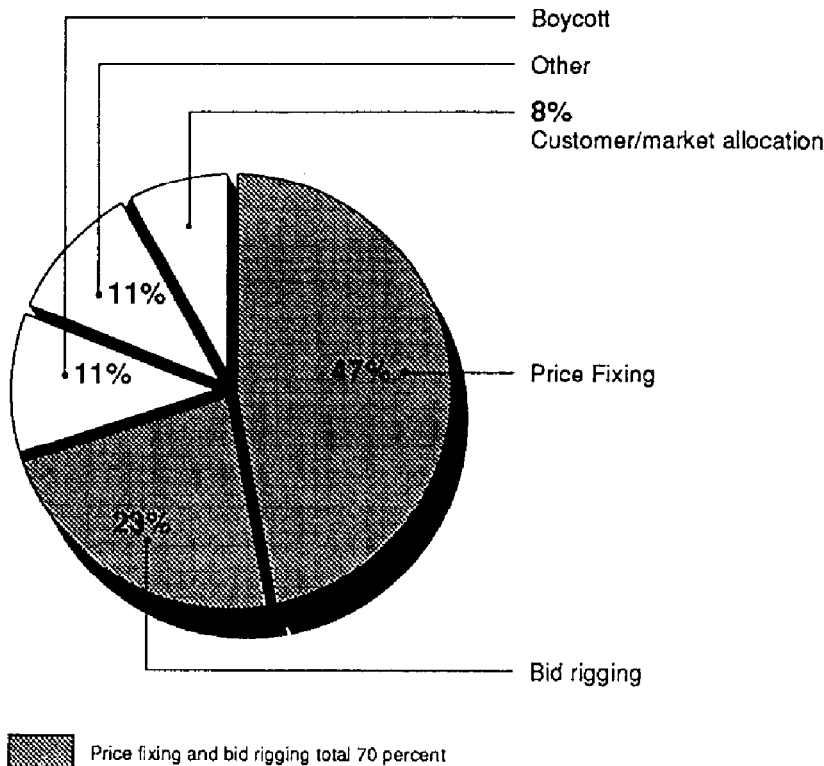
¹⁰Only time frame data were available for the appeal phase.

terms used in this section of the report. We did not evaluate the reliability of AMIS nor verify its data.

Industry and Violation of Completed Criminal Investigation Phases

During fiscal year 1990, the Division closed 136 preliminary inquiry phases, 47 of which involved potential criminal antitrust violations as the primary violation.¹¹ Figure 5 and table 1 indicate that the 47 criminal preliminary inquiries mainly involved alleged price fixing and bid rigging violations in a wide range of industries.

Figure 5: Type of Potential Criminal Antitrust Violation for 47 Preliminary inquiries Completed in FY 1990



Source: AMIS.

¹¹We were unable to determine from AMIS how many of the 47 proceeded to the next investigative phase because of the manner in which the AMIS data were maintained. This limitation also applied to the other phases of the investigative process.

Table 1: Type of Industry for 47 Preliminary Inquiry Phases With Potential Criminal Antitrust Violations That Were Completed in FY 1990

<u>Type</u>	<u>Number of preliminary inquiry phases</u>
Manufacturing	12
Wholesale and retail	12
Health services	7
Transportation, communications, electric, gas, and sanitary services	7
Services other than health	4
Construction and mining	3
Agriculture	1
Finance, insurance, and real estate	<u>1</u>
Total	<u>47</u>

Source: AMIS.

During the same fiscal year, the Division, according to AMIS, closed 60 grand jury phases, 16 of which resulted in at least 1 party being charged with a criminal violation. Table 2 indicates that grand juries that resulted in charges had less industry diversity than grand juries that did not result in charges.

Table 2: Type of Industry for Grand Jury Phases Completed in FY 1990

<u>Type</u>	<u>Grand juries resulting in charges</u>	<u>Grand juries not resulting in charges</u>
Manufacturing	11	17
Services	1	6
Wholesale and retail	1	5
Transportation, electric communications, gas, and sanitary services		5
Mining	2	4
Construction		2
Unknown	<u>1</u>	<u>5</u>
Total	<u>16</u>	<u>44</u>

Source: AMIS.

In addition, most of the 60 grand juries involved allegations of bid rigging and price fixing violations, and most of those that resulted in charges predominantly involved the same 2 antitrust issues, as shown in table 3.

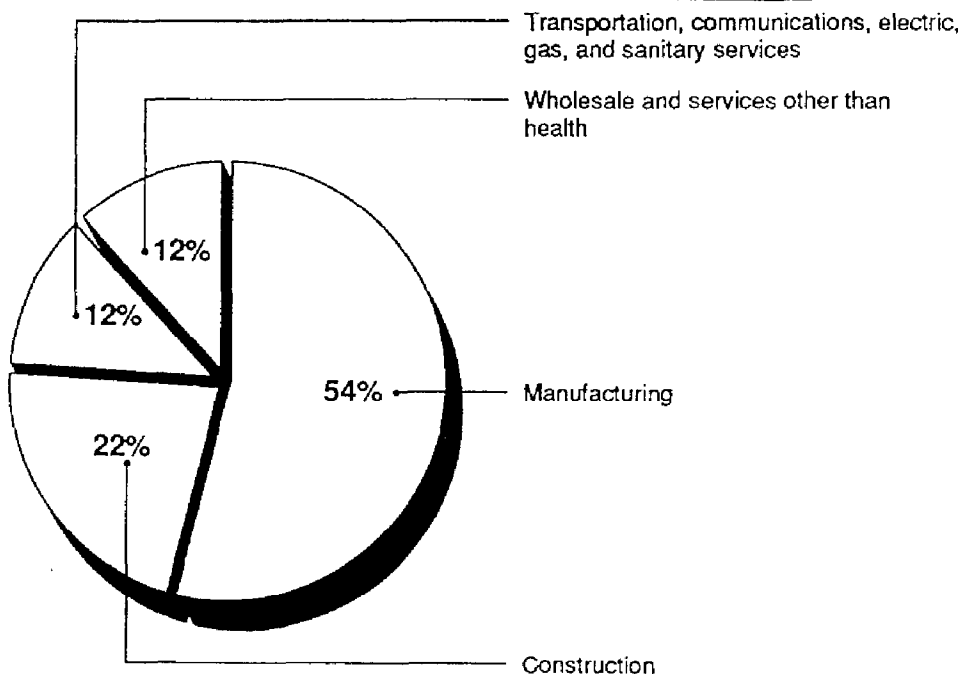
Table 3: Type of Criminal Violations for Grand Jury Phases Completed in FY 1990

Type	Grand juries resulting in charges	Grand juries not resulting in charges
Price fixing	8	22
Bid rigging	7	18
Agreements not to compete		2
Nonantitrust	<u>1</u>	<u>2</u>
Total	<u>16</u>	<u>44</u>

Source: AMIS.

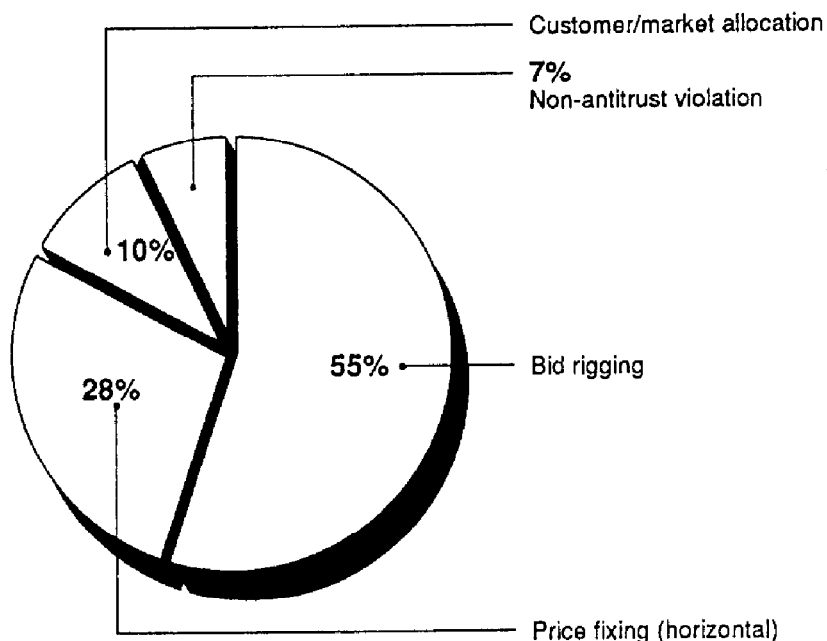
In fiscal year 1990, the Division closed 85 criminal litigation phases with 76 of them resulting in the conviction of one or more defendants. Five resulted in no convictions, and four resulted in the dismissal or withdrawal of the charges. Figures 6 and 7 indicate that the 76 litigation phases that resulted in a conviction primarily involved the manufacturing and construction industries, and the predominant primary violations were bid rigging and price fixing. Other types of violations included some nonantitrust criminal violations because the Division litigated nonantitrust criminal violations when the illegal activity was of an antitrust nature.

Figure 6: Type of Industry for 76 Criminal Litigation Phases That Resulted in a Conviction in FY 1990



Source: AMIS.

Figure 7: Type of Criminal Violation for 76 Criminal Litigation Phases That Resulted in a Conviction in FY 1990



Source: Antitrust Division's AMIS.

Sentences Received by Convicted Parties

The 76 litigation phases with convictions resulted in both corporations and individuals receiving a variety of sentences. Tables 4 and 5 show the range of and average sentences for corporations and individuals. Some corporations and individuals received more than one type of sentence.

Table 4: Criminal Litigation Phases Completed in FY 1990 Involving Sentences for Convicted Corporations

<u>Type</u>	<u>Number of parties</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Average</u>
Fine imposed	95	\$ 1,000	\$1,800,000	\$246,172
Fine suspended	2	\$150,000	\$ 300,000	\$225,000
Probation term (days)	7	1,095	1,825	1,721

Source: AMIS.

Table 5: Criminal Litigation Phases Completed in FY 1990
Involving Sentences for Convicted Individuals

<u>Type</u>	<u>Number of parties</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Average</u>
Fine imposed	73	\$ 500	\$250,000	\$44,411
Fine suspended	1	\$1,095	\$ 1,095	\$ 1,095
Probation term (days)	67	90	1,825	997
Prison term (days)	38	30	730	150
Suspended prison term (days)	35	60	1,095	686

Source: Antitrust Division's AMIS.

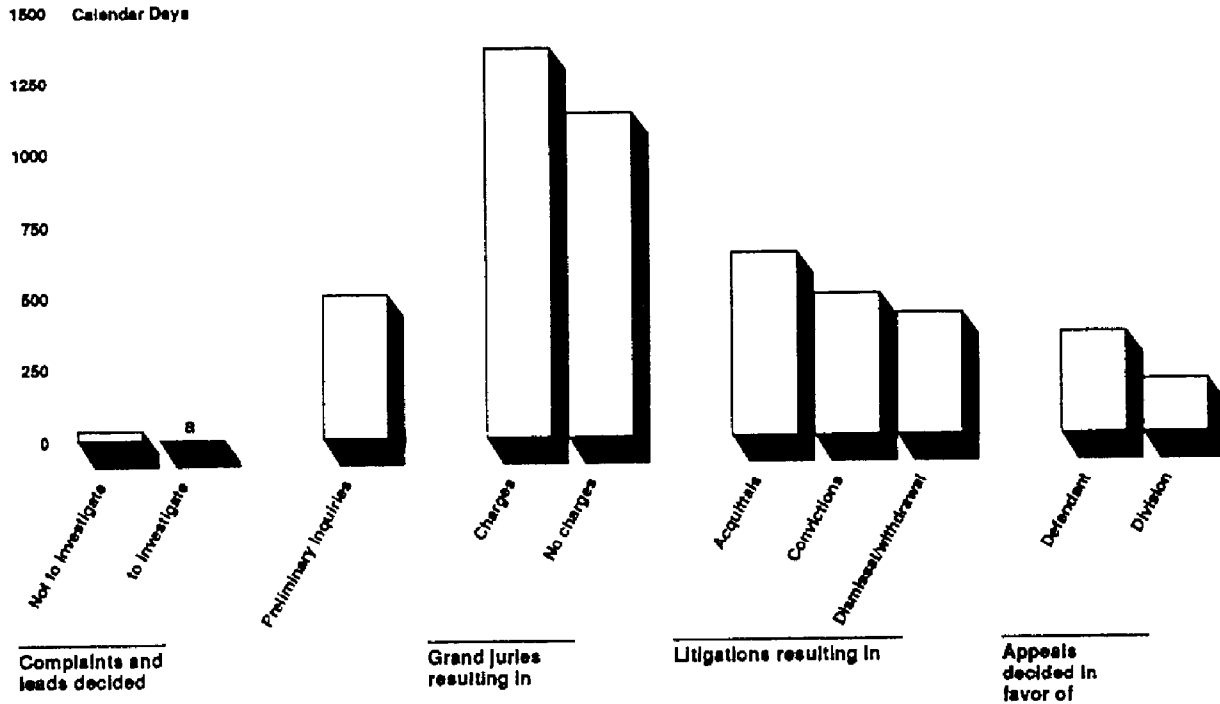
The Division closed eight criminal appeal phases in fiscal year 1990. Of the eight appeals, three involved convictions, two involved sentences, and three involved other issues (a pretrial adverse ruling, the withdrawal of a guilty plea, and suppression of government evidence). The primary criminal violation in seven of the eight cases was a violation of the Sherman Act. The eighth case was a criminal violation of another federal statute involving false statements. The court decided in favor of the Division in six of the eight appeals.

Processing Time for Criminal Investigation Phases

The Division had no processing time criteria for the preliminary inquiry, grand jury, litigation, and appeal phases. The grand jury phase includes empaneled grand jury's time, which by law is limited to 24 months (18 months plus a 6-month extension). Although AMIS collected time frame data on all criminal investigation phases, the Division did not analyze it. The Division's estimated investigation phase processing time in 1981 was as follows: 2 months for preliminary inquiries, 12 months for grand juries, and 3 to 5 weeks for appeals.¹² Figure 8 profiles the average processing time for the various investigation phases on the basis of our analysis of AMIS time frame data and our review of complaint and lead records. According to Division officials, the AMIS processing time was based on the administrative opening and closing dates of the investigation phase in the system. Therefore, it not only included actual investigation and court processing time, such as grand jury empaneled time and court litigation time, but also time spent in administrative matters and periods of inactivity.

¹²The Division did not estimate definitive processing time for the complaint, lead, and litigation phases.

Figure 8: Average Processing Time for Criminal Investigation Phases Completed in FY 1990



*Data not available.

Source: AMIS and GAO analysis of Division data.

The data demonstrate that average processing times exceeded substantially the Division's 1981 estimated time frames. Preliminary inquiries took over 1 year, grand juries often took 3 years, and litigation averaged over 1 year.

Direct Labor Cost for Criminal Investigation Phases

Direct labor cost, according to AMIS, varied among the investigation phases. Preliminary inquiries were the least expensive and grand juries resulting in charges were the most expensive. Table 6 shows the costs for each investigation phase. The Office of Operations tracking system did not collect cost data.

Table 6: Average Direct Labor Costs for Criminal Investigation Phases

<u>Phase</u>	<u>Number of investigations</u>	<u>Mean direct labor cost</u>
Preliminary inquiry	47	\$ 7,642
Grand juries		
-resulting in charges	16	122,280
-not resulting in charges	44	100,340
Litigations		
-with a conviction	76	23,050
-with an acquittal	5	71,240
-dismissed or withdrawn	4	39,350
Appeals	8	a

^aData not available.

Source: AMIS.

Agency Views About the Data

We discussed the information in this report with appropriate Antitrust Division representatives, and their comments have been incorporated where applicable. Although the Chief of Operations agreed that the data in our report looked generally accurate, he disagreed with AMIS' number of completed grand jury phases and how many resulted in at least one party being charged with a criminal violation. According to his office's local grand jury tracking system, the Division completed 62 grand jury phases in fiscal year 1990, of which 34 resulted in criminal charges. Similar to AMIS data, most of the grand jury phases involved price fixing and bid rigging. He attributed the discrepancy to attorneys not having the incentive to update grand jury data. We did not test the reliability nor verify the data of either system.

As arranged with the Subcommittee, unless you announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies to the Attorney General, the Assistant Attorney General for Antitrust, and other interested parties.

B-241053

The major contributors to this report are listed in appendix II.
If you have any questions concerning the report, please contact
me on (202) 566-0026.

Sincerely yours,

A handwritten signature in cursive script that reads "Harold A. Valentine". The signature is written in dark ink and is positioned above the typed name.

Harold A. Valentine
Associate Director, Administration
of Justice Issues

OBJECTIVES, SCOPE, AND METHODOLOGY

On February 7, 1990, the Chairman of the Subcommittee on Government Information, Justice, and Agriculture, House Committee on Government Operations, requested that we review selected aspects of the Department of Justice Antitrust Division's criminal enforcement program. In subsequent discussions with the subcommittee staff, we agreed to obtain (1) information on the Division's policies and practices for identifying, selecting, and investigating criminal antitrust violations; (2) a profile of complaints and leads the Division decided not to investigate; and (3) a profile of closed criminal investigations. We did our review from June 1990 through August 1991 in accordance with generally accepted government auditing standards.

To obtain information on the Division's policies and practices for identifying, selecting, and investigating criminal antitrust violations, we interviewed Division attorneys in Cleveland, New York, San Francisco, and Washington, D.C., and reviewed Division and field office policies and procedures and organizational and staffing data.

To develop a profile of complaints and leads the Division decided not to investigate, we judgmentally selected five litigation offices: one industry-specialized office in Washington, D.C., (the Professional and Intellectual Property Section) and four general litigation offices located in Cleveland, New York, San Francisco, and Washington, D.C.

For these five litigation offices, we requested the office chiefs to provide us with all records relating to completed complaints and leads received by mail, telephone, or personal visit in fiscal year 1990 from all sources. The complaints and leads were limited to those that, as of January 31, 1991, the Division had either (1) decided not to investigate (open a preliminary inquiry or grand jury) or (2) not yet made a decision about their disposition. We reviewed all available records and extracted basic information about each complaint or lead. We used the Office of Management and Budget's 1987 Standard Industrial Classification (SIC) codes for categorizing industries. We also interviewed the responsible Division attorney or the office chief to obtain the nature and disposition of complaints and leads whenever the documentation was unclear.

To ensure that we identified all congressional and White House complaints and leads, we requested the Legislative Unit to identify from its database all complaints and leads received in fiscal year 1990 and assigned to the five litigation offices in our sample and to provide us with summary data about each complaint or lead. We compared each complaint and lead summary data with the congressional and White House complaints and leads reviewed at the five sample offices to identify the number of

had no records. We also interviewed the chief of the legislative unit, observed the type of data entered into its congressional contacts database, and obtained statistics on the complaints and leads it recorded. We did not assess or verify the legislative unit's congressional contacts database.

To develop a profile of criminal investigations completed in fiscal year 1990, we requested the Division to provide us with data from AMIS on time frame, cost, industry, violations, and sentencing. However, we did not evaluate AMIS reliability nor verify its data.

We requested AMIS data for closed investigation phases rather than for closed investigations because, although AMIS has the capability to trace an investigation through all its phases, data inaccuracies and inconsistencies made it impractical for our review. Therefore, we requested that the Division compile data on each criminal investigation phase as four separate and distinct universes--preliminary inquiry, grand jury, litigation, and appeal. Only those investigation phases in which the latest preliminary inquiry, grand jury, litigation, or appeal phase closed in fiscal year 1990 were selected. We then selected

- from the preliminary inquiry universe, those in which the preliminary inquiry's primary alleged violation was a criminal violation;
- from the grand jury universe, all grand jury phases;
- from the litigation universe, those in which the litigation phase was a criminal litigation; and
- from the appeal universe, those in which the appeal phase was a criminal appeal.

For each investigation phase, we obtained data on processing time, number of investigated parties, number of staff charging time, direct labor cost, type of primary violation, primary SIC code, and sentence received by convicted defendants.¹ In addition, we broke down grand jury data by investigations resulting and not resulting in charges; and we broke down criminal litigation data by investigations with convictions, acquittals, or other court decisions.

¹For the appeal phase, only time frame data was available from AMIS. Type of violation and appeals court decision information was obtained from the Appellate Section. Number of parties and staff, direct labor cost, and SIC codes were not readily available.

MAJOR CONTRIBUTORS TO THIS REPORT

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Edward H. Stephenson, Jr., Assistant Director, Administration of
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GLOSSARY

Assigned Staff Per Investigation

All staff who charged time to an investigation phase. Staff assigned but who did not charge time are not included.

Bid Rigging

An agreement between independent competitors as to the level of bids they would submit for work, or an agreement between independent competitors not to bid on work.

Charged Party

A party charged with committing a criminal offense. The charge is based on a grand jury indictment or an information drawn up by the prosecutor.

Convicted Defendant

A party found guilty of a criminal offense after a trial by jury or a plea of guilty or nolo contendere.

Direct Labor Cost

All regular and overtime hours charged by the Division staff to an investigation phase.

Fine Sentence

A court-imposed monetary fine for convicted defendants.

Industry Category

The primary standard industrial classification code for an investigation as defined by the Office Of Management and Budget in 1987.

Investigation Processing Time

The number of calendar days elapsed between the opening date and the closing date of an investigation phase.

Per Se Sherman Act Violation

Certain conduct, such as horizontal price fixing or bid rigging, in which the proof of the existence of the conduct establishes the defendant's illegal purpose.

Price Fixing

An agreement between independent competitors to set the price, or any element of the price, that they will charge to their customers.

Primary Violation Code

The AMIS code representing the principal violation the Division decided to investigate or prosecute.

Probation Sentence

A nonprison term established by the court for convicted individuals. In the case of corporations, the probationary period associated with a suspended fine.

Suspended Fine Sentence

A monetary fine for convicted defendants suspended by the court.

Suspended Prison Sentence

A prison term for convicted defendants suspended by the court.

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