

GAO

Report to the Chairman, Information,
Justice, Transportation, and Agriculture
Subcommittee, Committee on
Government Operations, House of
Representatives

March 1993

INTERPOL

Information on the Red
Notice System



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The Honorable Gary Condit
Chairman, Information, Justice, Transportation,
and Agriculture Subcommittee
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

This report responds to the Subcommittee's request that we review the United States National Central Bureau's (USNCB) use of the International Criminal Police Organization's (INTERPOL) red notice system to apprehend fugitives internationally who have committed crimes in the United States. The red notice is a part of the INTERPOL lookout system, which also includes an automated all points bulletin capability, internationally known as a "diffusion." Each year numbers of individuals involved in criminal activity flee the United States to avoid prosecution and incarceration. Issuing a diffusion is the first step USNCB takes to alert INTERPOL member countries to be on the lookout for a U.S. fugitive. The red notice follows. Red notices are international "wanted posters," used to help identify these fugitives to foreign law enforcement officials, who can then aid in their capture and return to the United States.

Specifically, we were asked to determine (1) the arrest rate for United States fugitives for whom red notices are issued; (2) whether red notices have been sought for all eligible United States fugitives, and if not, why not; (3) the accuracy of data sent abroad; and (4) the adequacy of automated data processing (ADP) security for relevant computer systems. Details of our objectives, scope, and methodology are in appendix I.

Results in Brief

The arrest rate for United States fugitives who are the subjects of red notices is unknown because these data are not compiled by USNCB, INTERPOL, or the Department of Justice. Red notices have not been sought for all eligible fugitives from justice mainly because law enforcement officials view them as not being necessary or useful in all cases. Regarding the accuracy of red notice data, we found discrepancies in 43 percent of the files and associated documentation for red notices issued in fiscal year 1992. However, law enforcement officials we spoke with characterized these discrepancies as being minor.

ADP security for relevant computer systems is inadequate. For example, at the time of our review USNCB had not developed contingency plans or a computer security plan. As a result, USNCB had no reasonable assurance that (1) its data processing facility and systems would continue operating in the event of an emergency, and (2) computer security threats would be identified and countered. Additionally, critical back-up files were not stored apart from the USNCB site. Should these files be destroyed during an emergency at the site, their loss would cripple USNCB's ability to perform even basic computer processing such as receiving, transmitting, and processing electronic messages.

Background

INTERPOL is a worldwide network of about 160 member countries that exchange information to assist law enforcement agencies in the detection and deterrence of international crime and criminals. National Central Bureaus in each participating country serve as liaisons between their country's law enforcement agencies and the INTERPOL network.

USNCB, housed within the Department of Justice, serves as the United States representative to INTERPOL. USNCB is a clearinghouse for information on U.S. fugitives and receives requests for investigative assistance from domestic and foreign law enforcement communities. Additionally, USNCB is the liaison between the U.S. and INTERPOL's red notice system and is responsible for disseminating and tracking red notice information.¹

Red notices are similar in concept to wanted posters and they, or selected computerized data from them, are posted at international border crossings. When U.S. officials suspect that a fugitive has fled the country, they may request that a red notice profile of the fugitive be issued internationally to all National Central Bureaus. These notices contain biographical information, travel document information, a photograph, fingerprints, criminal history, and specific details regarding the charges, along with warrant information. In many countries a red notice is sufficient grounds for temporarily detaining a U.S. fugitive, pending a formal request for provisional arrest and extradition through diplomatic channels.

Issuing an all points bulletin, known as a "diffusion," is the immediate step USNCB takes to disseminate critical information concerning a U.S. fugitive worldwide. For example, at the request of the Federal Bureau of

¹USNCB manually processes red notice information. However, key red notice data reside in USNCB's case tracking system, as well as other U.S. computerized law enforcement systems, such as the FBI's National Crime Information Center system.

Investigation (FBI) and the Fairfax, Virginia, County Police Department, USNCB issued a diffusion for the suspect in the January 25, 1993, shooting of five men outside the Central Intelligence Agency headquarters in Langley, Virginia. The diffusion alerts INTERPOL member countries about the U.S. fugitive while the red notice is being processed.

Law enforcement officers and federal law enforcement agents can request that a red notice be issued if the case circumstances meet all of the following criteria:

- a crime has been committed;
- an arrest warrant has been issued;
- there is reason to believe the subject has fled the jurisdictional boundaries of the United States; and
- the U.S. Attorney, State Attorney, or State Extradition Officer having jurisdiction in the matter confirms that extradition will be sought.

During fiscal year 1992, 60 red notices were issued for U.S. fugitives. The largest group of notices (26) were issued for U.S. fugitives wanted for drug-related crimes; the remaining red notices (34) were for U.S. fugitives wanted for a variety of non-drug-related crimes, including mail and wire fraud, kidnapping, and murder. Appendix II outlines the process for requesting a red notice.

Red Notice Arrest Rate Data Are Not Available

Statistics specifically pertaining to the arrest rate for U.S. fugitives who are the subjects of red notices are not available because such data are not compiled by the Department of Justice, USNCB, or INTERPOL headquarters in Lyons, France. However, INTERPOL's Secretary General stated that while the capture rate specifically for U.S. fugitives who are the subjects of red notices is unavailable, the international arrest rate for red notices and diffusions combined is about 60 percent. Also, the Drug Enforcement Administration indicated that of the 114 U.S. fugitives it entered into the red notice system between April 1990 and December 1992, 42 fugitives, about 37 percent, have been apprehended as the result of red notices and diffusions combined.

USNCB's chief, assistant chiefs, and agents said the data are not compiled because (1) the red notice is just one of many law enforcement tools used to apprehend fugitives; (2) U.S. fugitives are more often apprehended as a result of a diffusion, rather than a red notice; and (3) it is not always possible to attribute an arrest to a specific cause. For example, a

suspected terrorist wanted by the United States was apprehended when he attempted to enter Germany using false identification. German authorities became suspicious because the suspect was carrying what appeared to be a bottle of wine. Upon further inspection, they determined that the wine bottle actually contained explosives. One of the officials recognized the subject from a photograph in a red notice posted at the airport. A subsequent fingerprint check confirmed that he was, in fact, a fugitive from the United States.² In this, as in other cases, the apprehension of the fugitive could be attributed as much to good police work and luck as to the red notice.

Red Notices Are Not Always Sought for a Variety of Reasons

Though generally regarded as a useful tool for apprehending criminals, red notices are not always requested for a variety of reasons. Focusing on drug-related crimes, we obtained the FBI's fiscal year 1992 National Crime Information Center (NCIC) records for fugitives wanted for drug-smuggling crimes and identified the names of 199 U.S. fugitives.³ We then compared the NCIC records to the red notices and found that none of the 199 fugitives were the subjects of red notices.

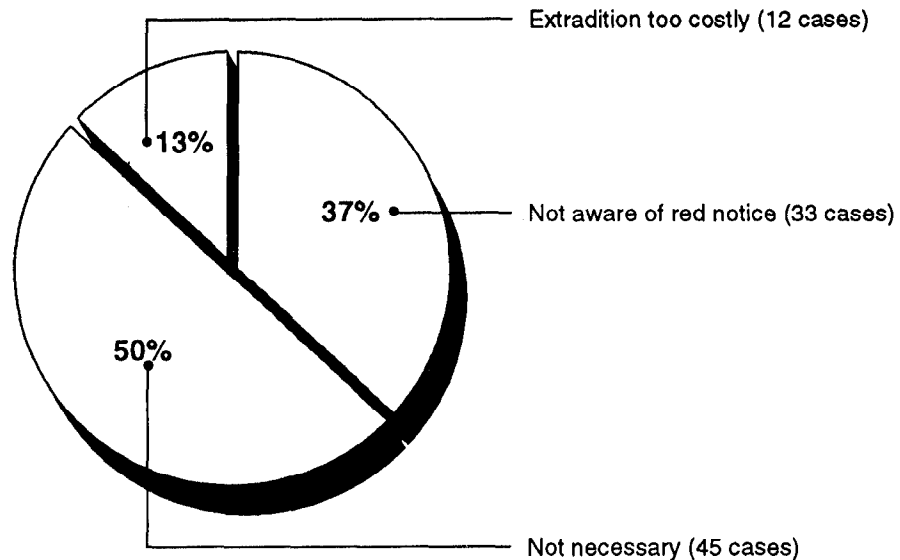
To determine why the 199 U.S. fugitives in the NCIC system were not the subjects of red notices, we interviewed law enforcement officials in three states—Arizona, Florida, and New York—that accounted for 45 percent (90) of the 199 NCIC drug-smuggling crime records. These officials gave the following reasons for not requesting red notices, as shown in figure 1.

- In half of the cases, the country where the fugitive was staying was already known to U.S. law enforcement officials, and they were working closely with their American and/or foreign counterparts to apprehend and extradite the fugitive. Thus, a red notice was not necessary at the time.
- In over a third of the cases, law enforcement officials were not aware of the red notice system.
- In the remaining cases, the cost of extradition outweighed the significance of the crime, or officials lacked the financial resources to request extradition.

²From *Recollections of INTERPOL's Role in Seeking Return of Fugitives to the United States*, Mar. 5, 1992, by USNCB's former chief, before the Government Information, Justice, and Agriculture Subcommittee, Committee on Government Operations, House of Representatives, who used the example to show that highly visible fugitives have been detected through the red notice system.

³NCIC records of U.S. fugitives wanted for drug-smuggling crimes do not represent a statistically projectable sample. However, according to USNCB assistant chiefs, the fugitives wanted for drug-smuggling crimes are most likely to meet the red notice criteria.

Figure 1: Reasons Why Red Notices Were Not Requested for Selected NCIC Records, Fiscal Year 1992



The current chief, assistant chiefs, and agents assigned to USNCB also said that red notices typically are not requested when law enforcement officials know where the fugitive fled or know that the crime committed in the U.S. is not considered a crime in the foreign country to which the fugitive is likely to have fled (income tax evasion, for example). USNCB officials also said a red notice would not be requested when a fugitive fled to some countries because certain countries may notify the fugitive that the U.S. was seeking their extradition. To remain free, the fugitive would not leave the country and, as a result, the United States' opportunity to apprehend them upon entry into another country would be lost.

Red Notice Data Contain Minor Discrepancies

We reviewed the 60 red notices issued in fiscal year 1992 for U.S. fugitives. For 26 of the notices, we identified 39 discrepancies in information between the notices and records maintained in USNCB red notice case files and the automated case tracking system. We discussed each of the 39 discrepancies with USNCB officials as well as law enforcement experts in our Office of Special Investigations. Both parties agreed that the discrepancies were minor because the red notice includes a photograph and/or fingerprints that are the principal means of identifying U.S. fugitives.

For example, over half of these discrepancies involved minor inconsistencies in the subject's height and weight. Height discrepancies, ranging from 1 to 3 inches, accounted for 13 of the inconsistencies and appeared to be the result of inaccurate metric conversion or typographical errors. Weight discrepancies accounted for 9 of the inconsistencies. Officials said this is not unusual because fugitives can easily change their weight. However, as a result of our findings, USNCB developed procedures to ensure that red notice information maintained in its automated case tracking system and its manual records is consistent.

Weaknesses in USNCB's Computer Security

Federal laws and regulations require government agencies to adequately protect the sensitive information they possess on computers. Federal agencies are required to identify and develop security plans for computer systems they designate as containing sensitive information. In addition, federal policies direct agencies to protect access to and operation of sensitive computer systems by conducting risk analyses and implementing contingency plans,⁴ as critical first steps for ensuring the establishment of necessary security safeguards and continuity of data processing. However, USNCB computer security practices jeopardize its basic mission.

USNCB is a unique communications resource. Each year USNCB receives nearly 100,000 requests from police entities at all levels within the United States, National Central Bureaus, and INTERPOL for information concerning criminal and noncriminal investigations.⁵ USNCB's sensitive international criminal investigative data reside in USNCB's automated case tracking system; however, these data are not adequately protected.

At the time of our review, USNCB had not conducted a risk analysis to identify threats to its systems and computer data, and had not developed contingency plans or a computer security plan. USNCB officials told us that higher priority work and limited resources delayed these activities. As a result of these weaknesses, USNCB has no reasonable assurance that (1) its data processing facility and systems would continue operating in the event of an emergency, and (2) computer security threats would be identified and countered. Additionally, critical back-up files were stored in the computer room. Should these files be destroyed during an emergency at the site, the loss would cripple USNCB's ability to perform even basic computer operations such as receiving, transmitting, and processing

⁴Office of Management and Budget (OMB) Circular No. A-130, App. III, Management of Federal Information Resources, (Dec. 12, 1985).

⁵Noncriminal investigations include such matters as missing persons.

hundreds of routine electronic messages and operating its automated case tracking system.

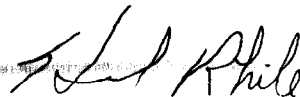
As the result of our review and an internal Department of Justice security study, USNCB is taking action to improve the security of its computer systems and sensitive information.

Our work was conducted at USNCB, Washington, D.C., from September 1992 to February 1993, in accordance with generally accepted government auditing standards. As requested, we did not provide a draft of this report to USNCB officials for their review and comment. However, we discussed the report's contents with USNCB's chief and assistant chiefs and they agreed with the facts presented.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies to the Department of Justice, USNCB, and other interested parties. Copies will also be made available to others upon request.

Should you have any questions about this report or require additional information, please contact me at (202) 512-6418. Major contributors to this report are listed in appendix III.

Sincerely yours,



Howard G. Rhile
Director, General Government
Information Systems

Objectives, Scope, and Methodology

Our objectives were to determine (1) the arrest rate for United States fugitives for whom red notices are issued; (2) whether red notices have been sought for all eligible United States fugitives, and if not, why not; (3) the accuracy of data sent abroad; and (4) the adequacy of ADP security for relevant computer systems. As agreed, we focused our review on red notices issued for U.S. fugitives during fiscal year 1992.

To determine whether statistics were available on the arrest rate for U.S. fugitives, we met with current and former USNCB officials and an official from the Department of Justice's Office of International Affairs. In addition, we contacted INTERPOL headquarters in Lyons, France.

To determine if red notices were sought for all eligible fugitives from justice in the United States, we identified the universe of red notices for fiscal year 1992, the largest group of which were for drug crimes. After consulting with law enforcement experts in our Office of Special Investigations and USNCB officials, we analyzed the FBI's fiscal year 1992 NCIC records to identify U.S. fugitives wanted for drug smuggling. We compared the NCIC records to the fiscal year 1992 red notices.

To determine why none of the names entered into ~~new~~ for fiscal year 1992 were the subjects of red notices, we interviewed law enforcement officials from three states—Arizona, Florida, and New York—to obtain their reasons for not requesting red notices. These three states were chosen because 45 percent of the drug smuggling crimes occurred there.

To determine the accuracy of red notice data residing in USNCB's manual and automated systems, we consulted with knowledgeable law enforcement officials and ~~submitted~~ data elements such as height, weight, sex, race, and date and place of birth. We used these data elements to compare records contained in USNCB's red notice case files. For the 60 red notices issued in fiscal year 1992, we compared the originating request from law enforcement officials and associated documentation to (1) the form used by USNCB to request a red notice from INTERPOL headquarters, (2) the actual red notice, (3) data in USNCB's red notice case tracking system, and (4) data residing in NCIC.

We physically inspected the USNCB facilities to determine the adequacy of ADP security for relevant computer systems. In addition, we reviewed documentation and interviewed responsible USNCB officials concerning personnel security, information security, and computer security.

Process for Creating a Red Notice

State and local law enforcement officers and federal law enforcement agents can request a red notice when the case circumstances meet the red notice criteria. The following outlines the roles of those involved in the process of creating a red notice.

Officers

Contact the State Liaison Officer or USNCB for information and assistance with the preparation of red notice request documentation.

Agents

Contact agency counterparts assigned to USNCB for information and assistance with the preparation of red notice request documentation.

State Liaison Officers

Provide information and assistance to officials completing documentation requesting a red notice. Review the red notice documentation and mail the documentation to USNCB.

USNCB

Provide information and assistance to law enforcement officials requesting red notices. Send a diffusion (all points bulletin) to INTERPOL member countries. Review and approve request for the red notice and mail the request to INTERPOL.

INTERPOL

Review the red notice request to determine if it is complete and complies with INTERPOL's constitution (i.e., the crime is not political, military, religious, or racial in nature). Upon approval, publish and distribute the red notice.

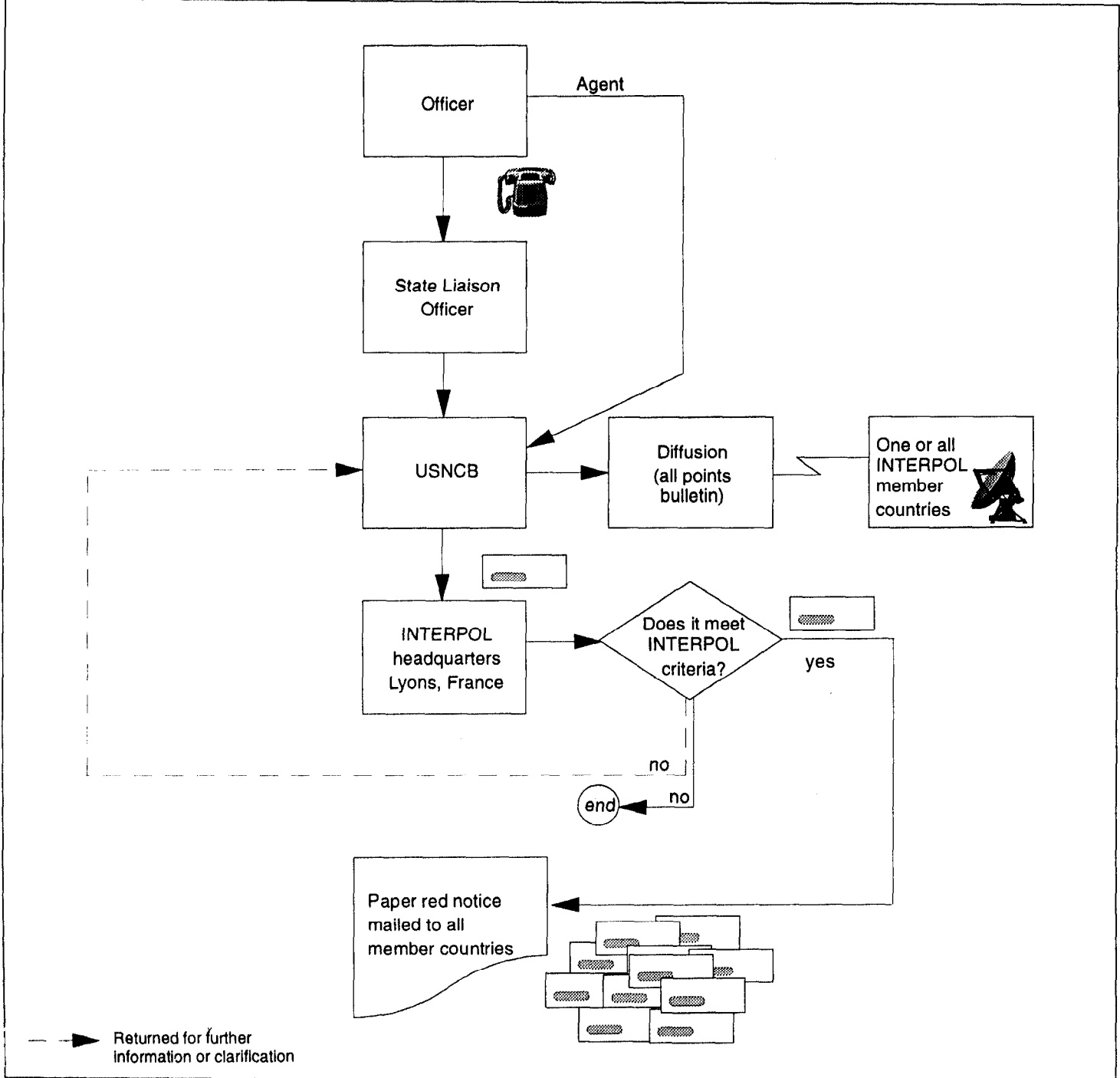
Receiving NCB's

Place lookout data in appropriate border control systems.

Figure II.1 depicts the process that law enforcement personnel follow in creating a red notice.

Appendix II
 Process for Creating a Red Notice

Figure II.1: Red Notice Process



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