

GAO

Report to the Chairman, Subcommittee
on Commerce, Justice, State, and the
Judiciary, and Related Agencies,
Committee on Appropriations,
House of Representatives

August 2004

**FBI
TRANSFORMATION**

**Data Inconclusive on
Effects of Shift to
Counterterrorism-
Related Priorities on
Traditional Crime
Enforcement**



FBI TRANSFORMATION

Data Inconclusive on Effects of Shift to Counterterrorism-Related Priorities on Traditional Crime Enforcement



Highlights of [GAO-04-1036](#), a report to the Subcommittee on Commerce, Justice, State, and the Judiciary and Related Agencies, Committee on Appropriations, House of Representatives

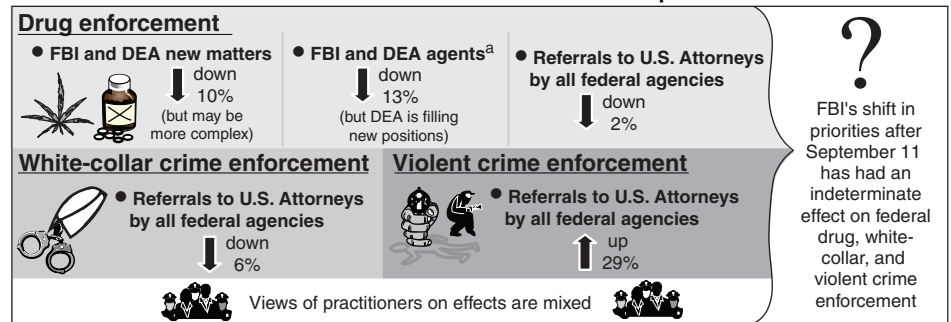
Why GAO Did This Study

As a result of the terrorist attacks of September 11, 2001, the Federal Bureau of Investigation (FBI) has committed to a transformation to increase its focus on national security. The FBI has shifted agent resources to its top priorities of counterterrorism, counterintelligence, and cyber crime. Some of these agent resources were shifted away from drug, white-collar, and violent crime enforcement programs. The FBI's drug program has sustained, by far, the largest reduction in FBI agent workforce—about 550 positions, or more than 80 percent of the nonsupervisory field agents who were permanently reprogrammed. In addition, the FBI has had a continuing need to temporarily redirect agents from drug, white-collar, and violent crime enforcement to address counterterrorism-related workload demands. While GAO and other organizations have focused considerable attention on the progress of the FBI's transformation, this report addresses questions about the extent to which the shift in resources has affected federal efforts to combat drug, white-collar, and violent crime and whether other agencies, including the Drug Enforcement Administration (DEA) in the drug enforcement area, are filling gaps created by FBI resource shifts.

What GAO Found

The data GAO examined are inconclusive about the effect of the shifts in the FBI's priorities after September 11 on federal efforts to combat drug, white-collar, and violent crime. As the figure below shows, indicators are mixed on the effect of the FBI shift on federal drug, white-collar, and violent crime enforcement. Further, GAO's analyses should be cautiously viewed as short-term indicators that are not necessarily indicative of long-term trends.

Inconclusive data on effects of shift to counterterrorism-related priorities



Source: GAO.

^aIncludes only nonsupervisory field agent positions directly focused on investigations.

Data GAO examined on federal drug enforcement efforts did not show a conclusive effect of the FBI's shift in agent resources to priority areas. GAO found that combined FBI and DEA nonsupervisory field agent resources decreased by about 10 percent since September 11 but that DEA is expecting significant increases in positions over the next 2 fiscal years. The combined number of newly opened FBI and DEA drug matters has declined by about 10 percent since 2001, from 22,736 matters in fiscal year 2001, which ended just after September 11, to 20,387 matters in fiscal year 2003. This decline may be attributed, at least in part, to an increased emphasis on cases targeting major drug organizations rather than to fewer investigative resources. In addition, referrals of drug matters to U.S. Attorneys from all federal sources decreased about 2 percent.

Similarly, data do not show a conclusive impact on federal efforts to combat white-collar and violent crime resulting from the FBI's shift in priorities. For example, while the number of white-collar crime referrals from federal agencies to U.S. Attorneys declined by about 6 percent, from 12,792 in fiscal year 2001 to 12,057 in fiscal year 2003, violent crime referrals from all federal sources have increased by about 29 percent, from 14,546 in fiscal year 2001 to 18,723 in fiscal year 2003.

Views of law enforcement practitioners GAO interviewed were mixed on the effect of the FBI's shift in resources on drug, white-collar, and violent crime enforcement efforts. Although these views are not representative of all practitioners, some did not think the FBI's shift had a significant impact on these crime enforcement efforts in their communities, while others said that drug, white-collar and violent-crime investigations had suffered.

www.gao.gov/cgi-bin/getrpt?GAO-04-1036.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Laurie Ekstrand at (202) 512-8777 or eskstrand@gao.gov.

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Abbreviations

ATF	Alcohol, Tobacco and Firearms
CPOT	Consolidated Priority Organization Targeting
CRS	Congressional Research Service
DEA	Drug Enforcement Administration
EOUSA	Executive Office for U.S. Attorneys
FBI	Federal Bureau of Investigation
OCDETF	Organized Crime Drug Enforcement Task Force

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G A O

Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

August 31, 2004

The Honorable Frank Wolf
Chairman
Subcommittee on Commerce, Justice, State,
and the Judiciary and Related Agencies
Committee on Appropriations
House of Representatives

Dear Mr. Chairman:

The Federal Bureau of Investigation (FBI) has the dual mission of protecting national security and combating traditional crimes such as drug, white-collar, and violent crime. As a result of the September 11, 2001, terrorist attacks, the FBI committed to transforming itself to strengthen its ability to combat terrorism. One of the goals of the FBI's transformation efforts was to shift its investigative resources to increase its focus on its national security mission.

As we have previously reported, the FBI's recent focus on its top priorities of counterterrorism, counterintelligence, and cyber crime has required a continuous shift in resources away from drug, white-collar, and violent crime enforcement, despite additional appropriations to hire special agents in priority areas. Drug enforcement has sustained, by far, the largest reduction in FBI agent workforce.

While GAO and other organizations, for example, the Congressional Research Service (CRS) and the National Academy of Public Administration, have focused considerable attention on the progress of the FBI's transformation efforts,¹ we have also had questions about the extent to which the shift in resources has affected federal efforts to combat traditional crimes that were a significant portion of the FBI's caseload

¹Testimonies and reports on FBI's transformation efforts include GAO, *FBI Transformation: FBI Continues to Make Progress in Its Efforts to Transform and Address Priorities*, [GAO-04-578T](#) (Washington, D.C.: Mar. 23, 2004); GAO, *FBI Organization: Progress Made in Efforts to Transform, but Major Challenges Continue*, [GAO-03-759T](#) (Washington, D.C.: June 18, 2003); and Congressional Research Service, *FBI Intelligence Reform since September 11, 2001: Issues and Options for Congress*, (Washington, D.C., April 6, 2004), and Testimony of the Chairman of the National Academy of Public Administration on FBI Reorganization (Washington, D.C.: June 18, 2003).

before the terrorist attacks. Questions have been raised about the effect, if any, that the FBI's shift in resources into priority areas may have had on the enforcement of drug, white-collar, and violent crimes and whether other federal agencies, including the Drug Enforcement Administration (DEA) in the drug enforcement area, are filling gaps created as a result of the FBI resource shift.²

To assist with its oversight responsibilities, the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary and Related Agencies has requested that we study the effects FBI's shift to its new priorities has had on enforcement of selected traditional crimes. To assess overall impacts of the FBI's shift in resources, this report examines the following issues: (1) How has FBI's shift in agent resources since September 11 affected federal efforts to combat drug crime? (2) How has FBI's shift in priorities affected federal efforts to combat white-collar and violent crime?

To examine the effect of FBI's post-September 11 shift in resources to national security priorities on federal efforts to combat domestic drug crime, we analyzed data related to (1) the combined nonsupervisory field agent resources devoted to drug enforcement by the FBI and DEA³; (2) the number of newly opened FBI and DEA drug matters; (3) the number of drug matters referred from all federal agencies to U.S. Attorneys' Offices for prosecution. We also conducted semistructured interviews to determine what impacts, if any, selected headquarters and field law enforcement officials⁴ have observed. To examine the effect of the FBI's post-September 11 priority shifts on federal efforts to combat white-collar and violent crime, we analyzed data indicating the number of such matters referred to U.S. Attorneys' Offices for prosecution from the FBI and all other federal agencies. In addition, we included in our semistructured interview for law enforcement officials questions related to impacts observed, if any, on violent and white-collar crime caseloads and

²DEA is the nation's single-mission drug enforcement agency, which referred almost half of all of the federal drug matters referred to U.S. Attorneys for prosecution in fiscal year 2003.

³We focused the analysis on nonsupervisory field special agent positions because these positions are directly involved in investigations, while supervisors, managers, and headquarters agents often have noninvestigative responsibilities in addition to their investigative duties.

⁴We interviewed officials of FBI, DEA, U.S. Attorneys' Offices, local police departments, and the International Association of Chiefs of Police.

enforcement activities. The interviewees, although working in locations that experienced some of the sharpest reductions in FBI drug program resources, are not representative of all locations or even of all of those locations that experienced similar reductions in resources. The data we analyzed and interviews with law enforcement officials should be considered as short-term indicators with limitations in their ability to determine the effect of FBI priority shifts.

Because the reliability of FBI, DEA, and Executive Office for U.S. Attorneys (EOUSA) information management systems data is significant to the findings of this review, we also interviewed officials of FBI, DEA, and EOUSA to determine what steps they take to assess the accuracy of data elements in these systems and what limitations, if any, they have identified with the data elements used for our review. We also did a limited assessment of the reliability of the data systems used for this report, and we determined that the required data elements are sufficiently reliable for the purposes of this review.

We performed our work from December 2003 to July 2004 in accordance with generally accepted government auditing standards. Our scope and methodology are discussed in greater detail in appendix I.

Results in Brief

The data we examined are inconclusive as to whether shifts in the FBI's priorities after September 11 have had an effect on overall federal efforts to combat drug crime. Combined agent resources from the FBI and DEA devoted to drug crime matters have decreased by about 10 percent since September 11, with FBI agent resources decreasing and DEA agent resources increasing slightly. DEA officials expect to increase current resource levels, as they fill new positions authorized in previous budget cycles. DEA, however, is pacing the hiring of new agents in an effort to manage its growth so that as new special agents come on board, it has the necessary infrastructure (i.e., office space, cars, equipment, and training resources) to support them. The combined number of newly opened FBI and DEA drug matters has declined by about 10 percent since September 11. A DEA official said, however, that this decrease might be due to an increased emphasis on complex, long-term cases that focus on dismantling or disrupting major drug organizations rather than from fewer federal drug enforcement resources. Referrals of drug matters to U.S. Attorneys from all federal sources decreased about 2 percent from 22,694 matters in fiscal year 2001 to 22,252 matters in fiscal year 2003. Law enforcement officials we interviewed expressed mixed perspectives about the impact of the FBI's shift of resources on drug enforcement in their communities. The

data we analyzed and the information we obtained from interviews with law enforcement officials represent short-term indicators of potential effects of the FBI's transformation on overall federal efforts to combat crime and are not necessarily indicative of long-term trends. The data should be considered with caution in light of their limitations. For example, an interviewee noted that it may be too early to determine the full impact of the FBI shift out of drug work, since many of the cases now being referred to U.S. Attorneys for prosecution were opened by investigative agencies before the terrorist attacks occurred.

Similarly, the data do not show a conclusive impact on federal efforts to combat white-collar and violent crime resulting from the FBI's shift in priorities. Since September 11, the number of white-collar crime referrals from all federal agencies to U.S. Attorneys declined by about 6 percent, from 12,792 in fiscal year 2001 to 12,057 in fiscal year 2003. Violent crime referrals from all federal agencies have increased by about 29 percent, from 14,546 in fiscal year 2001 to 18,723 in fiscal year 2003. Federal and local law enforcement officials we interviewed had mixed views on the degree to which the FBI's shift in resources affected efforts to combat white-collar and violent crime. For example, some officials said that the FBI was still directing resources where they are needed in critical violent and white-collar enforcement efforts, while a prosecutor in another location said that white-collar crime enforcement efforts were suffering as a result of the FBI's shift of resources.

The Department of Justice (Justice) provided technical comments on a draft of this report, which we incorporated where appropriate.

Background

Prior to the terrorist attacks of September 11, national security, including counterterrorism, was a top-tier priority for the FBI. However, this top tier combined national security responsibilities with other issues, and the FBI's focus and priorities were not entirely clear. According to a Congressional Research Service report, the events of September 11 made clear the need to develop a definitive list of priorities.⁵ In June 2002, the FBI's director announced 10 priorities. The top 3 priorities were to (1) protect the United States from terrorist attack (counterterrorism), (2) protect the United States against foreign intelligence operations and

⁵Congressional Research Service, *The FBI: Past, Present, and Future* (Washington, D.C.: October 2, 2003).

espionage (counterintelligence), and (3) protect the United States against cyber-based attacks and high-technology crimes (cyber crime). White-collar crime ranked seventh in the priority list, and violent crime ranked eighth. Drug crimes that were not part of transnational or national criminal organizations were not specifically among the FBI's top 10 priorities.

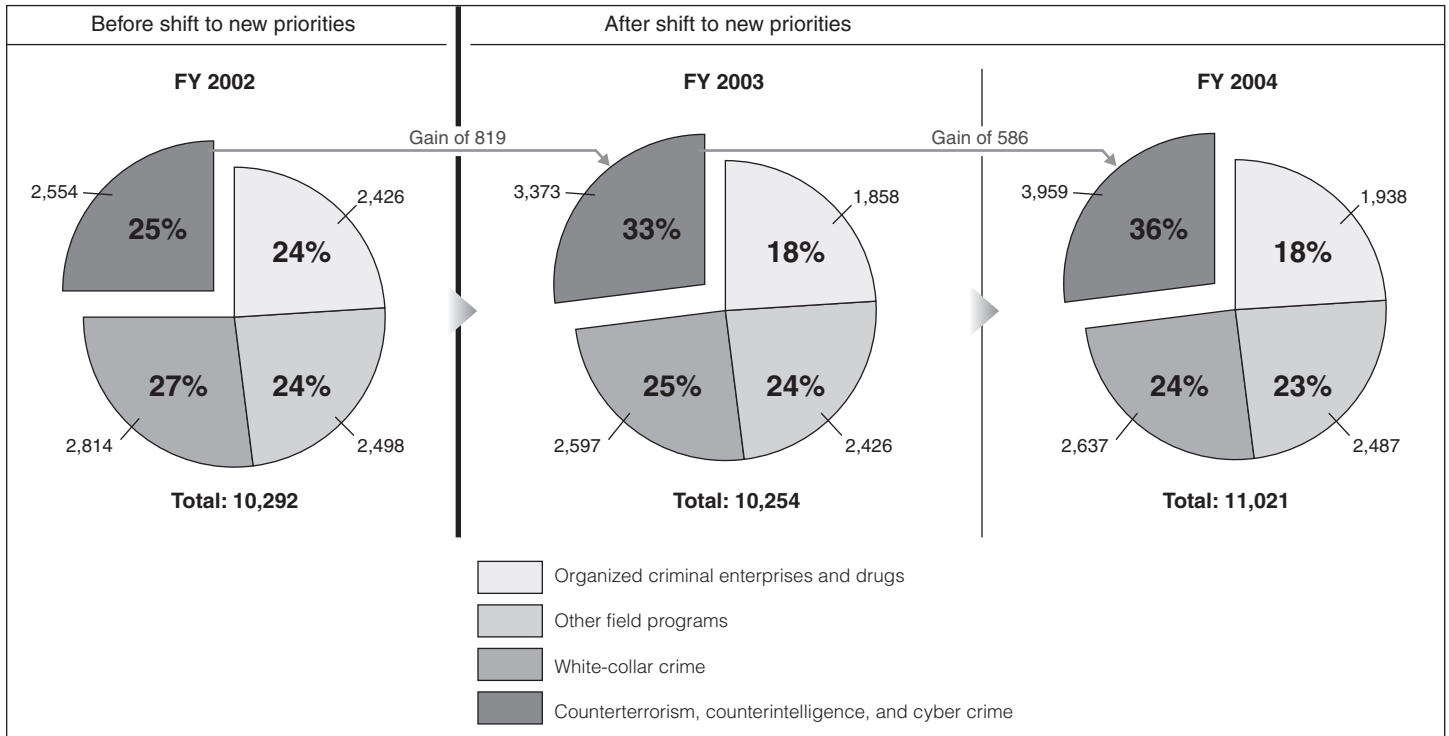
In June 2003 and March 2004, we testified that a key element of the FBI's reorganization and successful transformation is the realignment of resources to better ensure focus on the highest priorities.⁶ Since September 11, the FBI has permanently realigned a substantial number of its field agents from traditional criminal investigative programs to work on counterterrorism and counterintelligence investigations. The FBI's staff reprogrammings carried out since September 11 have permanently shifted 674 field agent positions from the drug, white-collar, and violent crime program areas to counterterrorism and counterintelligence.⁷ About 550 of these positions (more than 80 percent of the permanently shifted positions) came from the FBI's drug program, with substantially smaller reductions from the white-collar and violent crime programs. In addition, the FBI established the cyber program. As figure 1 shows, about 25 percent of the FBI's field agent positions were allocated to counterterrorism, counterintelligence, and cyber crime programs prior to the FBI's change in priorities. As a result of the staff reprogrammings and funding for additional special agent positions received through various appropriations between 2002 and 2004,⁸ the FBI staffing levels allocated to the counterterrorism, counterintelligence, and cyber program areas have increased to about 36 percent and now represent the single largest concentration of FBI resources. Figure 1 also notes that the number of nonsupervisory FBI field agent positions has increased from 10,292 in fiscal year 2002 to 11,021 in fiscal year 2004, about 7 percent.

⁶See [GAO-04-578T](#) and [GAO 03-759T](#).

⁷The figure of 674 positions excludes 11 supervisory positions that were returned to the drug program.

⁸The FBI has the authority to reprogram funds (i.e., move funds between activities within a given account) without notifying the relevant appropriations subcommittees unless a specific purpose is prohibited or the amount of the reprogramming exceeds a dollar threshold (\$500,000 or a 10 percent change in funding level, whichever is less).

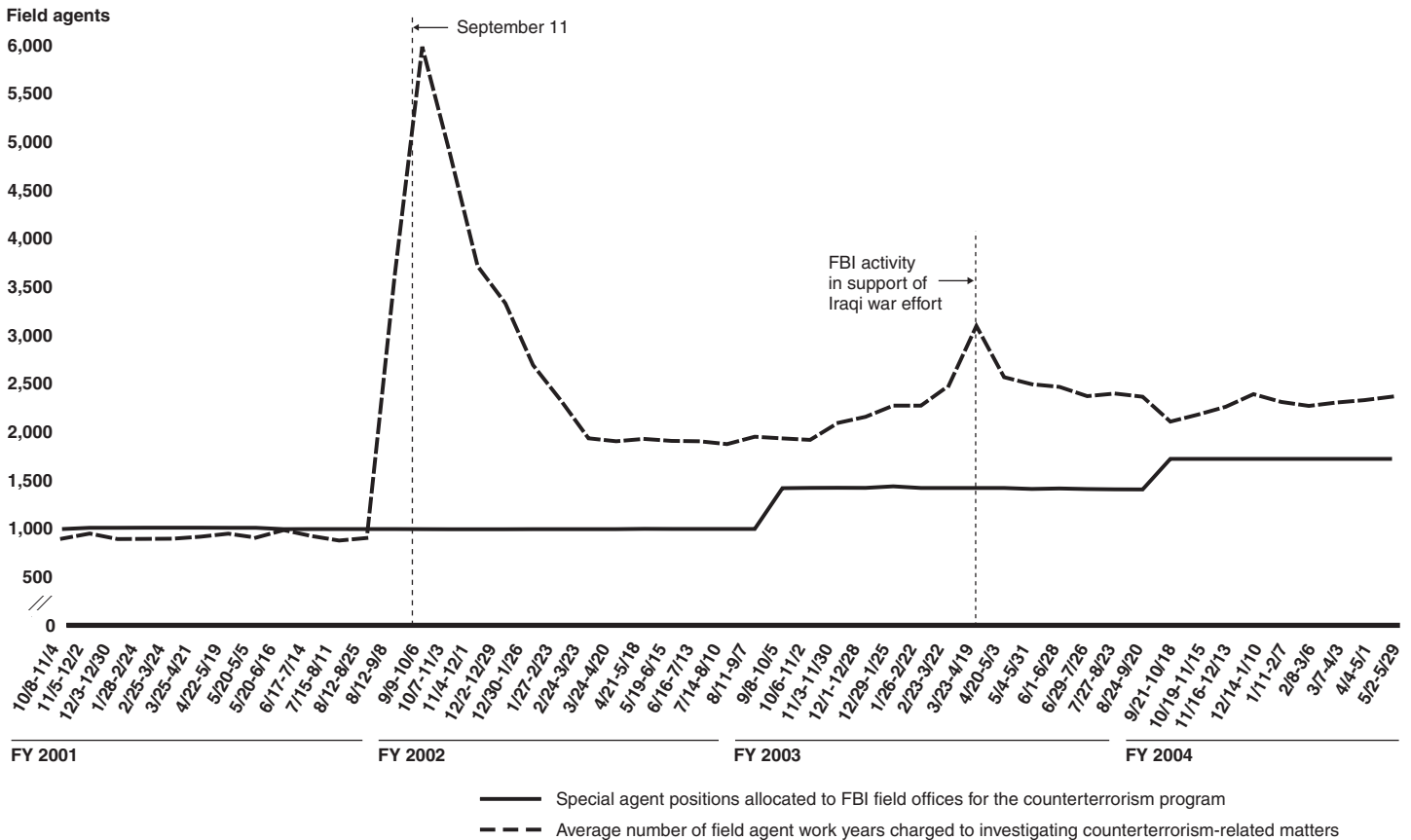
Figure 1: Increase in Nonsupervisory FBI Field Agent Positions Allocated to Counterterrorism, Counterintelligence, and Cyber Crime Programs



Source: GAO analysis of FBI data.

Additionally, the FBI has had a continuing need to temporarily redirect special agent resources from other criminal investigative programs to address counterterrorism and other higher-priority needs. The FBI continues to redirect agents from drug, white-collar, and violent crime programs to address the counterterrorism-related workload demands. These moves are directly in line with the FBI's priorities and in keeping with its policy that no counterterrorism leads will go unaddressed. Figure 2 shows that the counterterrorism program continues to rely on resources that are temporarily redirected from other crime programs. Appendix II contains figures that show the reductions in FBI nonsupervisory field agent positions and work years charged to the drug program and, to a lesser extent, the white-collar and violent crime programs after September 11.

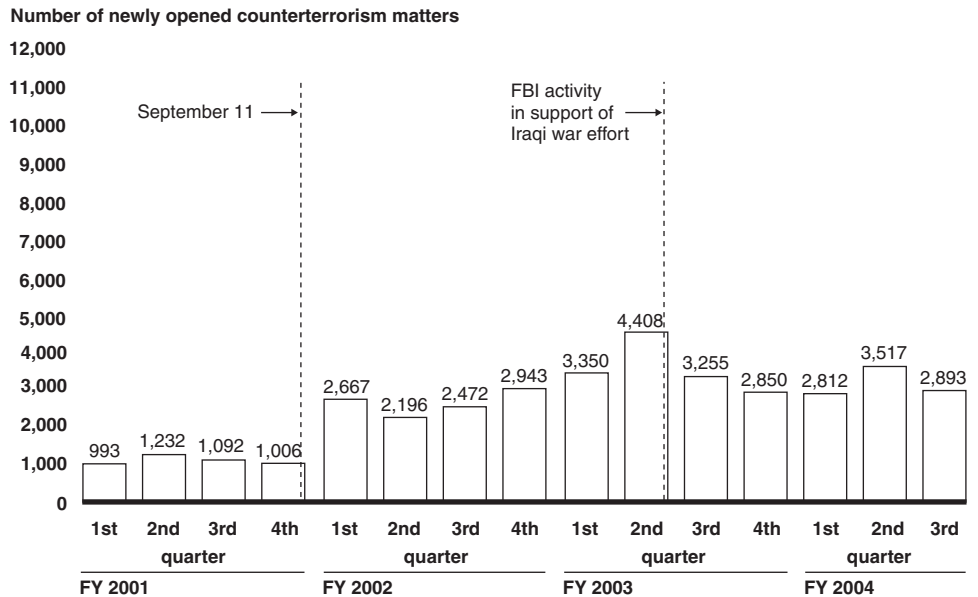
Figure 2: FBI Field Agent Nonsupervisory Agent Positions Allocated and Agent Work Years Charged to the Counterterrorism Program Increased after September 11



Source: GAO analysis of FBI Time Utilization Record Keeping (TURK) data.

As one might expect, the reallocation of resources to align with post-September 11 priorities resulted in a significant increase in newly opened FBI counterterrorism matters, while the number of newly opened FBI drug, white-collar, and violent crime matters declined between fiscal year 2001 and the third quarter of fiscal year 2004. As shown in figure 3, the FBI’s newly opened counterterrorism matters increased by about 183 percent, from 1,006 matters in the fourth quarter of fiscal year 2001 to 2,850 matters in the fourth quarter of fiscal year 2003.

Figure 3: The FBI's Newly Opened Counterterrorism Matters Increased after September 11



Source: GAO analysis of FBI data.

In contrast, the number of newly opened FBI drug matters declined from 1,447 in fiscal year 2001 to 587 in fiscal year 2003—a decrease of about 60 percent. FBI newly opened white-collar and violent crime matters also remained below pre-September 11 levels, though the decreases have not been as dramatic as those in the drug crime program. The decreases from fiscal year 2001 to fiscal year 2003 were about 32 percent in the number of newly opened white-collar crime matters and about 40 percent in newly opened violent crime matters. See appendix III for figures showing the pre- and post-September 11 changes in the FBI's newly opened drug, white-collar, and violent crime matters.

Also, as expected with the significant shift in resources to address national security priorities, the FBI's referrals of counterterrorism matters to U.S. Attorneys' Offices for prosecution have increased since September 11, while referrals of drug, white-collar, and violent crime matters have decreased. In fiscal year 2001, which ended just after September 11, 2001, the FBI referred 236 counterterrorism matters to U.S. Attorneys for prosecution. In fiscal year 2003, the FBI referred 1,821 of these matters to U.S. Attorneys, an increase of about 671 percent. At the same time, FBI referrals of drug, white-collar, and violent crime matters decreased about 39 percent, 23 percent, and 10 percent respectively.

No Conclusive Effect on Federal Drug Enforcement Resulting from FBI Agent Resource Shifts because Results Are Mixed and Available Data Have Limitations

We could not conclusively identify an effect on federal drug enforcement resulting from the FBI's shift in resources after September 11, because results of our analyses were mixed and the data we used had limitations. While the number of FBI nonsupervisory field agents assigned to the drug program decreased by more than 40 percent after September 11, the decrease in the number of combined FBI and DEA field agents assigned to drug work was about 10 percent because the number of DEA field agent positions increased slightly. Further, DEA, the lead agency for federal drug enforcement, is continuing to increase its resources as positions appropriated by Congress in prior fiscal years are filled. The combined number of newly opened FBI and DEA drug matters has declined by about 10 percent since September 11. However, the combined number of referrals of drug matters to U.S. Attorneys from all federal sources decreased about 2 percent. Finally, law enforcement officials from the FBI, DEA, U.S. Attorneys' Offices, and local police departments that we interviewed had mixed views on whether the FBI's shift of resources had an impact on drug enforcement in their communities. The data we analyzed and interviews with law enforcement officials should be considered short-term indicators with some limitations in their ability to depict the complete impact of FBI priority changes.

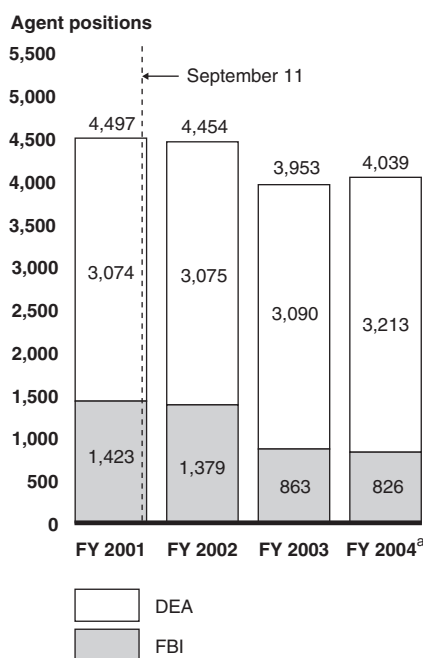
Combined FBI and DEA Drug Program Agent Resources Have Decreased, but More DEA Positions Are Planned

As figure 4 shows, the combined number of FBI and DEA nonsupervisory field agent positions has decreased about 10 percent since the terrorist attacks, from about 4,500 nonsupervisory field agents at the end of fiscal year 2001 to about 4,000 field agent positions in the second quarter of fiscal year 2004.⁹ The decrease has not been more pronounced because DEA, as the nation's single-mission drug enforcement agency, has devoted more resources to domestic drug enforcement than has the FBI in both pre- and post-September 11 periods. As the number of FBI nonsupervisory field special agents assigned to drug program investigations has decreased from about 1,400 in fiscal year 2001 to about 800 in fiscal year 2004, the number of DEA nonsupervisory field agents has increased slightly. These DEA positions increased from a little less than 3,100 positions in fiscal year 2001 to a little more than 3,200 positions in the second quarter of

⁹These agent positions do not represent the total FBI and DEA special agent positions because in an effort to focus on positions directly involved in investigations, we did not include headquarters and supervisory field agents in our analysis.

fiscal year 2004¹⁰. DEA devoted about twice as many agent resources as the FBI did to domestic drug enforcement before the terrorist attacks, and the DEA share of the combined FBI and DEA domestic drug enforcement agent resources has continued to increase since then.

Figure 4: DEA Special Agent Resources Are the Major Portion of the Combined FBI and DEA Domestic Drug Enforcement Program



Source: GAO analysis of DEA and FBI data.

^aThis includes the first two quarters of fiscal year 2004

A Department of Justice official noted that Justice has pursued the goal of increasing agent strength, and the DEA domestic drug operations chief said that he expects the number of DEA domestic drug agents to increase significantly over the next 2 fiscal years, when positions already appropriated by Congress are filled. According to the chief, DEA expects to fill 216 new special agent positions appropriated in fiscal year 2003 by the end of fiscal year 2004. The agency plans to fill 365 additional positions

¹⁰Because DEA's resource management system does not distinguish between supervisory and nonsupervisory agents, in consultation with DEA, we subtracted 15 percent of DEA's total domestic drug enforcement agent positions as an estimate of the number of field supervisory and managerial positions

appropriated in fiscal year 2004 during fiscal year 2005. Thus, in fiscal year 2005, the combined number of FBI and DEA drug enforcement agent resources should exceed the pre-September 11 workforce strength, and in fiscal year 2006, the total should continue to increase. In fiscal year 2005, DEA is requesting 111 additional agent positions for domestic enforcement. The chief said that he has worked with FBI and Department of Justice officials to determine where to deploy new special agent positions allocated since September 11 and that DEA has put additional resources in high-threat areas where the FBI had shifted resources out of drug enforcement. The chief said that DEA is pacing the hiring of new agents in an effort to manage its growth so that as new special agents come on board, DEA has the necessary infrastructure, including office space, cars, equipment, and training resources, to support them.

In contrast, the chief of the FBI's drug section said that FBI officials do not foresee a significant increase in the number of agents assigned to drug investigations. However, he was not aware of any plans to withdraw additional agent resources from the drug program. He also said he was hopeful that in future years, as the FBI gained experience and resources for its national security-related priorities, fewer temporary diversions of special agents from drug work to higher priorities would be necessary. In addition, a Justice Department official noted that in fiscal year 2004, FBI received additional agent positions funded under the Organized Crime Drug Enforcement Task Force (OCDETF) program, and that additional OCDETF field positions were requested for the FBI in the 2005 budget.¹¹ Since FBI officials do not foresee a significant increase in the number of special agents deployed to its drug program, if the trends continue, DEA would have an even larger portion of the combined FBI and DEA domestic drug program agent resources in the future than it currently has.

**Number of FBI and DEA
Newly Opened Drug
Matters Decreased About
10 Percent after September
11**

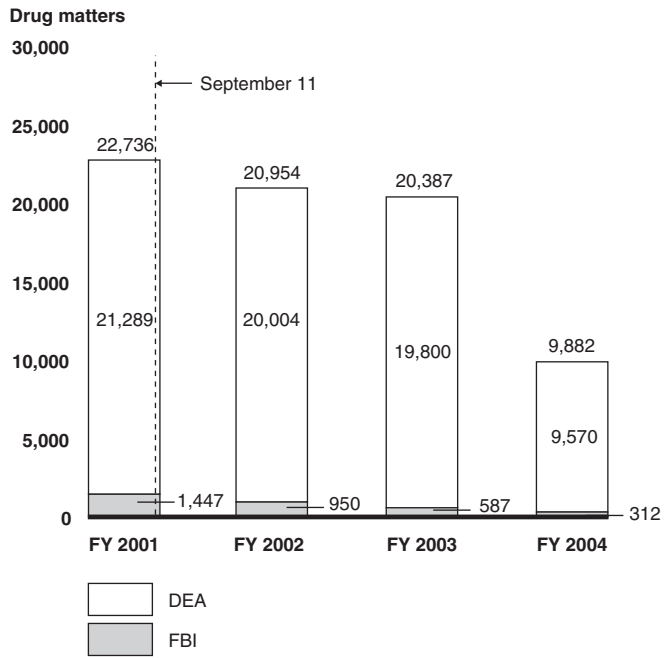
Although the number of the FBI's newly opened drug matters decreased about 60 percent after September 11, the combined decrease in the number of FBI and DEA newly opened matters is much smaller—about 10 percent—because DEA has a much larger drug caseload than the FBI. As shown in Figure 5, the FBI and DEA together opened 22,736 domestic drug matters in fiscal year 2001, compared with a combined total of

¹¹OCDETF is a federal drug enforcement program focusing on disrupting and dismantling major drug trafficking organizations. It is made up of 11 federal agencies, as well as state and local law enforcement agencies. These special agent positions are not FBI direct-funded positions.

20,387 domestic drug matters in fiscal year 2003. Assuming that the FBI and DEA open new matters at about the same pace in the last two quarters of fiscal year 2004 as they did during the first two quarters, fiscal year 2004 levels of newly opened drug crime matters will be similar to those in fiscal year 2003.

The DEA Chief of Domestic Drug Operations said that he thought the decrease in the number of newly opened matters was due in part to an increased Department of Justice emphasis on cases targeting major drug organizations in its Consolidated Priority Organization Targeting (CPOT) initiative rather than reduced federal resources for drug enforcement. He said that the policy has resulted in DEA opening fewer cases but that those cases have potential to dismantle or disrupt the operations of major drug cartels. In commenting on a draft of this report, a Department of Justice official more broadly stated that the decrease in newly opened drug matters was due to the Justice strategy, which directs resources on complex, nationwide investigation of entire drug trafficking networks. The networks involve major international sources of supply, including those on the Consolidated Priority Organization Target list.

Figure 5: Number of Newly Opened FBI and DEA Drug Matters Decreased About 10 Percent from Fiscal Year 2001 to Second Quarter Fiscal Year 2004



Source: GAO analysis of DEA and FBI data.

*This includes the first two quarters of fiscal year 2004.

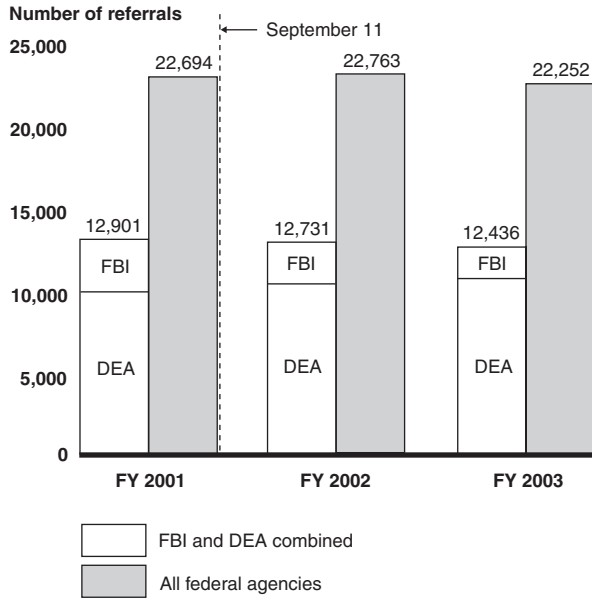
Referrals of Drug Crime Matters to U.S. Attorneys from All Investigative Agencies Did Not Change Significantly after September 11

While the FBI's referrals of drug matters to U.S. Attorneys for prosecution have decreased about 40 percent, from 2,994 matters to 1,840 matters between fiscal year 2001 and fiscal year 2003, DEA referrals increased over the same period by about 7 percent, from 9,907 matters in fiscal year 2001 to 10,596 matters in fiscal year 2003. Almost half of the total number of drug matters that were referred to U.S. Attorneys' Offices came from federal agencies other than the FBI and DEA in fiscal year 2003.¹² The number of referrals from all federal agencies and departments other than the FBI and DEA was almost unchanged over the period, with 9,793 referrals in fiscal year 2001 and 9,816 referrals in fiscal year 2003.

As figure 6 shows, U.S. Attorneys' Offices received 22,694 drug offense referrals in fiscal year 2001 and 22,252 drug offense referrals in fiscal year 2003, a decrease of about 2 percent from all federal agencies. The FBI and DEA referred 12,901 drug matters to U.S. Attorneys in fiscal year 2001 and 12,436 drug matters in fiscal year 2003, a decrease of about 4 percent.

¹²Other federal agencies and departments that EOUSA reported as referring large numbers of drug matters for prosecution in fiscal year 2003 were the Customs Service (4,949 matters) and the Bureau of Alcohol, Tobacco, and Firearms (629 matters). In March 2003, after the creation of the Department of Homeland Security, the Customs Service was merged and reconstituted into the Bureaus of Immigration and Customs Enforcement, and Customs and Border Protection. At the same, the Bureau of Alcohol, Tobacco, and Firearms was transferred from the Department of Treasury to the Department of Justice and became the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The EOUSA data management system was not changed to reflect these realignments and reorganizations, but an official said that efforts are under way to do so.

Figure 6: Referrals of Drug Matters to U.S. Attorneys by FBI and DEA and All Federal Agencies Slightly Decreased (Fiscal Year 2001 to Fiscal Year 2003)



Source: GAO analysis of EOUSA data.

Law Enforcement Practitioners We Interviewed Valued the FBI's Role but Had Mixed Views on the Effect of the FBI's Shift in Resources on Drug Enforcement Efforts

Law enforcement practitioners we interviewed had mixed views about the impact of the FBI's shift in resources on drug enforcement efforts. While many interviewees representing each of the locations and criminal justice organizations we visited generally described the FBI as a valuable law enforcement partner, some of them said that they did not think the FBI's shift in resources had a significant impact on drug enforcement efforts in their communities. Other interviewees said that drug investigations have suffered as a result of the FBI's shift in resources to new priority areas. For example, officials from 9 of the 14 law enforcement agencies we visited said that the FBI did not bring any specialized drug program expertise that in most cases could not be supplied by other agencies.¹³ However, 7 of the 14 interviewees said that there was a significant impact on overall drug enforcement efforts in the locations we visited as a result

¹³The 14 interviewees cited do not include the FBI officials we interviewed, all of whom said that the FBI brought certain specialized expertise to drug enforcement and that the shift in FBI resources out of the drug program had a negative impact on drug enforcement efforts.

of the FBI's shift in resources to new priorities. It is important to keep in mind that the interviewees, although working in locations that experienced some of the sharpest reductions in the FBI drug program resources, are not representative of all locations or even of all of those locations that experienced similar reductions in resources.

The following are examples of some of the comments we received from law enforcement practitioners who did not think that the shift in the FBI's resources had an impact on drug crime enforcement efforts in their communities.

The DEA are the drug experts here. The FBI does not contribute any special expertise or specialized resources that are not available from the DEA. —First Assistant U.S. Attorney

The FBI did not bring lots of agents or special skills and equipment to drug enforcement task forces. It brought information sources from legates around the world. Partnerships can be rebuilt and remain effective without the same level of FBI participation. —International Association of Chiefs of Police representative

In the past it was the FBI that "had it all"—good investigators, money, technical equipment—to a greater extent than anybody else. Now DEA and local police departments are catching up." —DEA field division special agent in charge

The FBI doesn't bring anything different or special to drug investigations but their intelligence and informant system is excellent. Their biggest strength is that they can throw manpower and equipment in a crisis for the short term because they have more people than the DEA and Alcohol, Tobacco, and Firearms (ATF) combined. —U.S. Attorney

The FBI shift in focus has had only a minimal impact and resulted in no noticeable difference in the number of drug-related cases being investigated and prosecuted. DEA has always done more partnering with local police than the FBI, so the diversion of local police resources from the narcotics bureaus and divisions to counterterrorism has been more of a problem for DEA than has the FBI's shift. —DEA field supervisory agent

We have always done the most work in this area. The FBI often looks to our police department for drug expertise. We are the organization that does the most drug crime enforcement in this area. —city police department supervisor

On the other hand, some law enforcement officials said that drug investigations have suffered as a result of the FBI shift in resources to new priority areas. The following are several of the other comments from law enforcement practitioners we interviewed who thought that the FBI's shift in resources had affected efforts to combat crime.

The FBI's shift out of drug enforcement is having an impact in this city. We are receiving fewer drug referrals from the FBI since September 11, 2001, and, consequently, we are receiving fewer drug referrals overall. The FBI is the best agency at understanding the relationship between drugs and violence. —U.S. Attorney's Office Criminal Division Chief

Referrals have dropped off since the shift in priorities because there are fewer agents working in the FBI criminal divisions. The FBI is not working the long-term drug cases like they did in the past because the bureau cannot afford to keep cases open for a year or two. —First Assistant U.S. Attorney

The FBI's shift out of drug work has layered more responsibilities on state and local police. The organizations are responding by juggling resources, requiring officers to work more hours, and attempting to work smarter by improving information systems, using technology, and communicating more effectively with one another. State and local police agencies are more efficient now than they have ever been. As a result, FBI involvement is perhaps not as critical as it may have been in the past. —International Association of Chiefs of Police representative.

The FBI's shift into counterterrorism, counterintelligence and cyber crimes has affected the number of drug cases investigated and prosecuted at the federal level. —DEA field supervisory agent

The FBI makes a number of important contributions to drug investigations that we miss when resources are cut. First, FBI has an extensive intelligence database. The FBI also brings people, money, and equipment at a higher level than any other federal agency. —Local police supervisor

Current Data Should Be Viewed as Short-Term Indicators with Limitations

Our analyses provide perspectives in the short term (less than 3 years) and are not necessarily indicative of long-term trends. With respect to the short-term perspective, a U.S. Attorneys' Office Criminal Division chief noted that cases can take many years to develop, and the full impact of the FBI's shift in priorities may not be apparent for several years. He said that cases are being referred to his office for prosecution now that began long before the September 11 attacks.

We also determined that it was too early to assess possible changes in drug price, purity, use, and availability, as well as any drug-related crime trends that have occurred since September 11. Key statistical studies that track the price and purity of illegal drugs and reports on hospital emergency department drug episodes and drug abuse violations were not current enough to provide more than a year of trend data after September 11. Data over several more years are needed to determine whether changes in drug use and availability have occurred, and even when data are available, it will be very difficult to determine whether changes are specifically attributable to the FBI's shift in priorities or to other factors (such as improved drug prevention programs or new methods of drug importation).

There are also other limitations to the data we analyzed. It is important to note that while we looked at numbers of agent resources, matters opened, and matters referred for prosecution, we could not fully assess the less tangible factors of the quality of agent resources and investigations and the complexity of investigations. Neither could we determine what drug

investigations the FBI might have pursued had it had additional drug program agent resources.

We did ask interviewees their opinions on whether the quality of drug agent resources and the quality and complexity of drug investigations had changed since September 11. Some FBI officials said that experienced agents were lost to the drug program when they were assigned to work in higher-priority areas and that these agents were unlikely to return to drug investigations. A top DEA official said that drug investigations are more complex now than they were prior to September 11. He said that the reason for the increased complexity is unrelated to counterterrorism efforts; instead it is the result of a Department of Justice strategy to target major drug organizations.

Our Analysis Did Not Identify Conclusive Effect on Federal White-Collar and Violent Crime Enforcement Resulting from FBI Priority Shifts

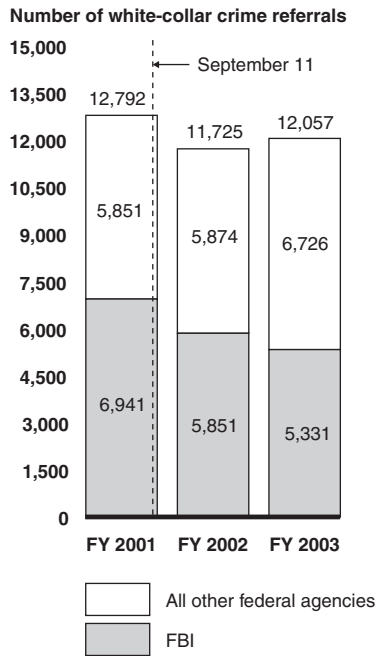
We did not conclusively identify an effect on federal white-collar and violent crime enforcement resulting from the FBI's shift in priorities after September 11. Our analysis was limited to only the number of these matters referred to U.S. Attorneys' Offices for prosecution from the FBI and all other federal agencies and impacts observed by law enforcement officials we interviewed. Overall, all federal agencies referred about 6 percent fewer white-collar crime matters to U.S. Attorneys—down from 12,792 matters in fiscal year 2001 to 12,057 matters in fiscal year 2003. However, violent crime referrals increased about 29 percent during this period—from 14,546 matters in fiscal year 2001 to 18,723 matters in fiscal year 2003. Headquarters and field law enforcement officials we interviewed had mixed views on whether the FBI's shift of resources had an effect on white-collar and violent crime enforcement in their communities. Caveats to the results we reported on impacts of the FBI's shift in priorities on drug enforcement apply to white-collar and violent crime enforcement, as well. The data we analyzed and interviews with law enforcement officials should be considered as short-term indicators with limitations in their ability to determine the impact of the FBI priority shifts.

White-Collar Crime Matters Referred to U.S. Attorneys Decreased, while Violent Crime Referrals Increased after September 11

All federal agencies referred about 6 percent fewer white-collar crime matters to U.S. Attorneys, down from 12,792 matters in fiscal year 2001 to 12,057 matters in fiscal year 2003. However, violent crime referrals increased about 29 percent during this period, from 14,546 matters in fiscal year 2001 to 18,723 matters in fiscal year 2003. Figures 7 and 8 show changes in the number of referrals of white-collar and violent crime

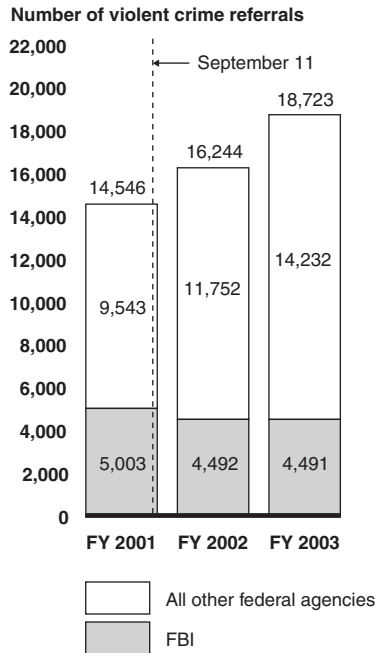
matters to U.S. Attorneys from all federal enforcement agencies since September 11, 2001.

Figure 7: Referrals of White-Collar Crime Matters from All Federal Agencies Decreased About 6 Percent since September 11



Source: GAO analysis of EOUSA data.

Figure 8: Referrals of Violent Crime Matters from All Federal Agencies to U.S. Attorneys for Prosecution Increased 22 Percent



Source: GAO analysis of EOUSA data.

Of all the federal agencies and departments, the FBI refers the greatest number of white-collar crime matters to U.S. Attorneys. FBI referrals decreased about 23 percent, from 6,941 matters in fiscal year 2001 to 5,331 matters in fiscal year 2003. At the same time, referrals by all other agencies increased by about 15 percent, from 5,851 matters in fiscal year 2001 to 6,726 in fiscal year 2003. Other lead agencies and departments for referring white-collar crime cases included the Department of Health and Human Services and the Social Security Administration, with health care and federal program fraud and other white collar crime referrals; the U.S. Postal Service, with referrals of tax and bank fraud, and other white-collar crime matters; the U.S. Secret Service; and the Internal Revenue Service, with securities and other fraud referrals.

FBI violent crime referrals decreased about 10 percent from 5,003 matters in fiscal year 2001 to 4,491 matters in fiscal year 2003. However, over the same period ATF's violent crime referrals increased from 6,919 to 10,789. Several other agencies and departments, including all of the military services and the Departments of the Interior and Housing and Urban Development, also referred violent crime matters to U.S. Attorneys

for prosecution. The Chief of the FBI's Violent Crime Section noted that violent crime referrals by all federal agencies have increased because efforts are under way nationwide to prosecute gang violence. The Department of Justice is targeting cities nationwide where high murder and violence rates persist despite an overall reduction in violent crime rates to the lowest level in 30 years.

Law Enforcement Practitioners We Interviewed Had Mixed Views on Whether the FBI's Shift of Resources Had an Impact on White-Collar and Violent Crime Enforcement

Law enforcement officials we interviewed had mixed views on whether the FBI's shift of resources had a negative impact on white-collar and violent crime enforcement in their communities. For example, police and federal prosecutors in two locations noted that the FBI had continued to provide necessary resources for critical white-collar and violent crime concerns, while prosecutors in another location expressed concern that white-collar crime enforcement was suffering because of the reduced FBI involvement.

The following are comments we received from the local police supervisors and officials of several U.S. Attorneys' Offices who did not think that the FBI's shift in resources had an impact on white-collar and violent crime enforcement efforts in their communities.

The FBI shift in resources did not have an impact on most traditional crime enforcement areas in our location. Violent crime, firearm, and child pornography case referrals are all up since September 11. In the securities and commodities fraud area, the shifts have not kept the FBI from doing the investigative work that needs to be done. Also, we are making more use of the U.S. Attorney's Office investigators and Postal Service investigators. Similarly, for government contract fraud, federal inspector generals' offices have taken larger post-September 11 roles. State investigators and the U.S. Environmental Protection Agency investigators are referring more environmental crime cases. —U.S. Attorney's Office division chiefs

The FBI continues to provide resources for traditional crime programs when they are really needed. The FBI field office in our city was able to make violent crime a priority to help the local police with its violent crime problem in the public schools and housing projects. —city police department supervisor

The FBI can still throw manpower and equipment into a crisis for the short term because they have more people than DEA and ATF combined. —U.S. Attorney

The FBI had not been a major partner in white-collar and violent crime investigations prior to 9/11. Our department's strongest federal partnerships are with ATF for violent crime and Secret Service on identity theft. —city police department supervisor

The following are two of the other comments from U.S. Attorneys' Office and FBI managers and supervisors who thought that the FBI's shift in resources had affected efforts to combat white-collar and violent crime.

The FBI has raised investigation thresholds for white-collar crime. It appears that criminals know this and are engaged in counterfeit check fraud at levels just below the threshold. The white-collar crime expertise of the FBI is gone. The good white-collar crime agents are now working on cyber crimes. The FBI has also given up most of their child pornography cases to the Postal Service and Customs. —U.S. Attorney

The FBI is the primary source of white-collar and public corruption case referrals in this district. FBI resources for these areas have declined, and no other agencies appear to be taking up the slack. —U.S. Attorney's Office Criminal Division Chief

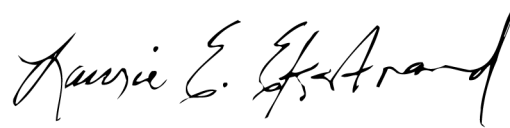
Current Data Should Be Viewed as Short-Term Indicators with Limitations

Caveats to the results we reported on impacts of the FBI's shift in priorities on drug enforcement apply to indicators of possible impacts on white-collar and violent crime enforcement as well. The data we analyzed and interviews with law enforcement officials should be considered as short-term indicators with limitations in their ability to determine the full impact of the FBI priority shifts. The data provide perspectives in the short term of less than 3 years, and they do not consider important factors such as whether changes have occurred in the quality or complexity of white-collar and violent crime matters being referred from federal law enforcement agencies to U.S. Attorneys for prosecution. Also, our analysis does not consider the number and quality of cases that could have been referred for prosecution by the FBI had additional white-collar and violent crime program resources been available.

We are providing copies of this report to the Department of Justice and interested congressional committees. We will also make copies available to others on request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>. Major contributors to this report are listed in appendix IV.

If you or your staffs have any questions about this report, please contact me on (202) 512-8777 or by email at ekstrandl@gao.gov, or Charles Michael Johnson, Assistant Director on (202) 512-7331 or johnsoncm@gao.gov. Key contributors to this report are listed in Appendix IV.

Sincerely yours,

A handwritten signature in black ink that reads "Laurie E. Ekstrand". The signature is written in a cursive style with a large, stylized initial 'L'.

Laurie Ekstrand
Director, Homeland Security
and Justice Issues

Appendix I: Scope and Methodology

To examine the effect of the Federal Bureau of Investigation's (FBI) post-September 11 priority shifts on federal efforts to combat domestic drug crime, we analyzed (1) the impact of resource shifts on the combined FBI and Drug Enforcement Administration (DEA) nonsupervisory field special agent resources devoted to drug enforcement; (2) changes in the number of newly opened FBI and DEA drug crime matters; (3) changes in the number of drug crime matters referred from all federal agencies to U.S. Attorneys' Offices for prosecution; and (4) impacts, if any, observed by headquarters and field law enforcement officials we interviewed.

Specifically, to determine changes in the combined level of FBI and DEA nonsupervisory field special agent resources devoted to domestic drug enforcement, we analyzed FBI time utilization data and DEA data on funded staff levels for fiscal year 2001, which ended September 30, 2001, through the second quarter of fiscal year 2004, ending on March 31, 2004. We also analyzed FBI and DEA budget and resource allocation information. We focused our analysis primarily on nonsupervisory field special agent positions because these positions are directly involved in investigations, while supervisors, managers, and headquarters agents often have noninvestigative responsibilities in addition to their investigative duties. To determine the number of newly opened FBI and DEA drug matters, we analyzed case management system data for the period from fiscal year 2001 through the second quarter of fiscal year 2004. We also reviewed the Department of Justice's *Domestic Drug Enforcement Strategy* and discussed resource allocation issues and concerns with FBI and DEA officials. We did not attempt to analyze data on drug enforcement resource allocations and drug matters opened for federal agencies and departments other than the FBI and DEA that are involved in investigating drug-related crimes. To determine the number of drug referrals from the FBI, DEA, and other federal agencies to U.S. Attorneys, we analyzed Executive Office for U.S. Attorneys (EOUSA) case management data on the number of referrals received by referring agency and type of referral for fiscal year 2001 through 2003. We did not have access to criminal case files and thus did not provide any assessment of changes in the quality or complexity of traditional criminal investigations in pre- and post-September 11 periods.

To provide perspectives of law enforcement officials on impacts, if any, they observed on traditional FBI criminal enforcement areas as a result of the FBI's shift of resources to new priorities, we interviewed selected federal headquarters and field officials, police department supervisors, and representatives of the International Association of Chiefs of Police. At FBI headquarters we interviewed the chief of the drug section, and at DEA

headquarters we interviewed the chief of the domestic drug program. The field locations we visited, as shown in table 1, had among the greatest shifts of FBI resources from traditional criminal programs into new priorities. Using a semistructured interview and a data collection instrument, at each location we asked FBI and DEA field office managers and U.S. Attorney’s Office supervisory prosecutors and local police department supervisors responsible for drug enforcement about any impacts they had observed on their caseloads, workloads, and crime in their communities as a result of the FBI shift in priorities.¹ The results of these interviews cannot be generalized to any broader community of law enforcement agencies or officials or to other geographic locations.

Table 1: Field Locations and Agencies We Visited

Location	Law Enforcement Agencies Visited
Dallas, TX	FBI, Dallas Field Office DEA, Dallas Division U.S. Attorney’s Office for the Northern District of Texas Dallas Police Department
Los Angeles, CA	FBI, Los Angeles Field Office DEA, Los Angeles Division U.S. Attorney’s Office for the Central District of California Los Angeles Police Department
Miami, FL	FBI, Miami Field Office DEA, Miami Division U.S. Attorney’s Office for the Southern District of Florida Miami (Dade County) Police Department
New York City, NY	FBI, New York Field Office DEA, New York Division U.S. Attorney’s Office for the Southern District of New York
Washington, D.C.	FBI, Washington, D.C., Field Office DEA, Washington, D.C., Division U.S. Attorney’s Office for the District of Columbia Washington, D.C., Metropolitan Police Department

Source: GAO.

¹We obtained local police department perspectives from four of the five locations we visited because the New York City Police Department declined to participate in an interview.

To examine the effect of the FBI's post-September 11 priority shifts on federal efforts to combat white-collar and violent crime, we considered (1) the number of matters referred to U.S. Attorneys' Offices for prosecution from the FBI and all other federal agencies and (2) the effects, if any, observed by law enforcement officials we interviewed. To determine how the numbers of white-collar and violent crime matters referred to U.S. Attorneys' Offices for prosecution from the FBI and all other federal agencies have changed, we analyzed case-management system data from EOUSA. To provide perspectives from selected law enforcement officials on any changes in federal white-collar and violent crime enforcement activities as a result of the FBI's shift in priorities, we included in our structured interview questions about effects federal and local law enforcement officials we visited might have observed on white-collar and violent crime caseloads, workloads, and law enforcement activities in their communities. We did not attempt to collect information on the number of newly opened white-collar and violent crime matters from all federal sources because there is no agency comparable to DEA, with single-mission dedication to white-collar crime or violent crime investigations. Many different federal agencies and offices, including criminal investigative agencies and inspectors general, investigate these matters, but our time frames did not allow us to obtain resource allocation data from them.

The data should be viewed as short-term indicators with limitations. The full impact of the FBI's shift in priorities may not be apparent for several years. While we looked at numbers of agent resources, matters opened, and matters referred for prosecution, we could not fully assess the less tangible factors of the quality of agent resources and investigations and the complexity of investigations. Neither could we determine what investigations the FBI might have pursued had it had additional agent resources.

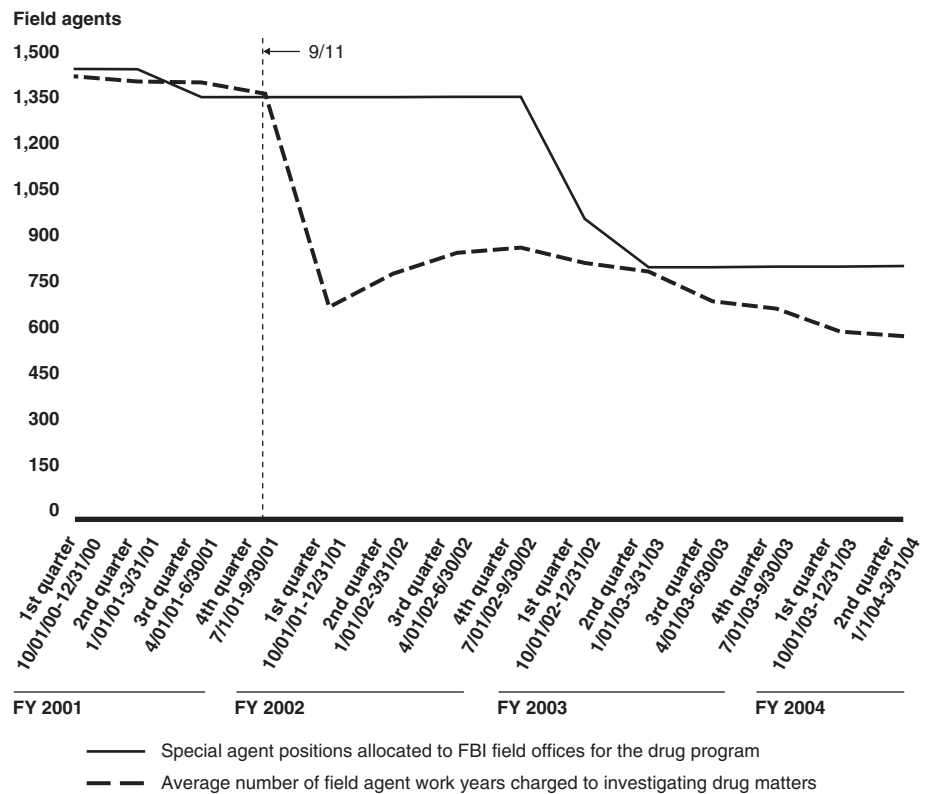
Because the reliability of FBI, DEA, and EOUSA information management systems data is significant to the findings of this review, we interviewed FBI, DEA, and U.S. Attorney personnel to determine what steps they take to assess the accuracy of data elements and what limitations, if any, they have identified with the data elements used for our review. As a result of our assessment, we determined that the required data elements are sufficiently reliable for the purposes of this review.

We performed our work from December 2003 to July 2004 in accordance with generally accepted government auditing standards.

Appendix II: FBI Nonsupervisory Field Special Agent Positions and Work Years

FBI Nonsupervisory Field Special Agent Positions and Work Years Charged to the Drug, White-Collar, and Violent Crime Programs (fiscal year 2001 to second quarter, fiscal year 2004).

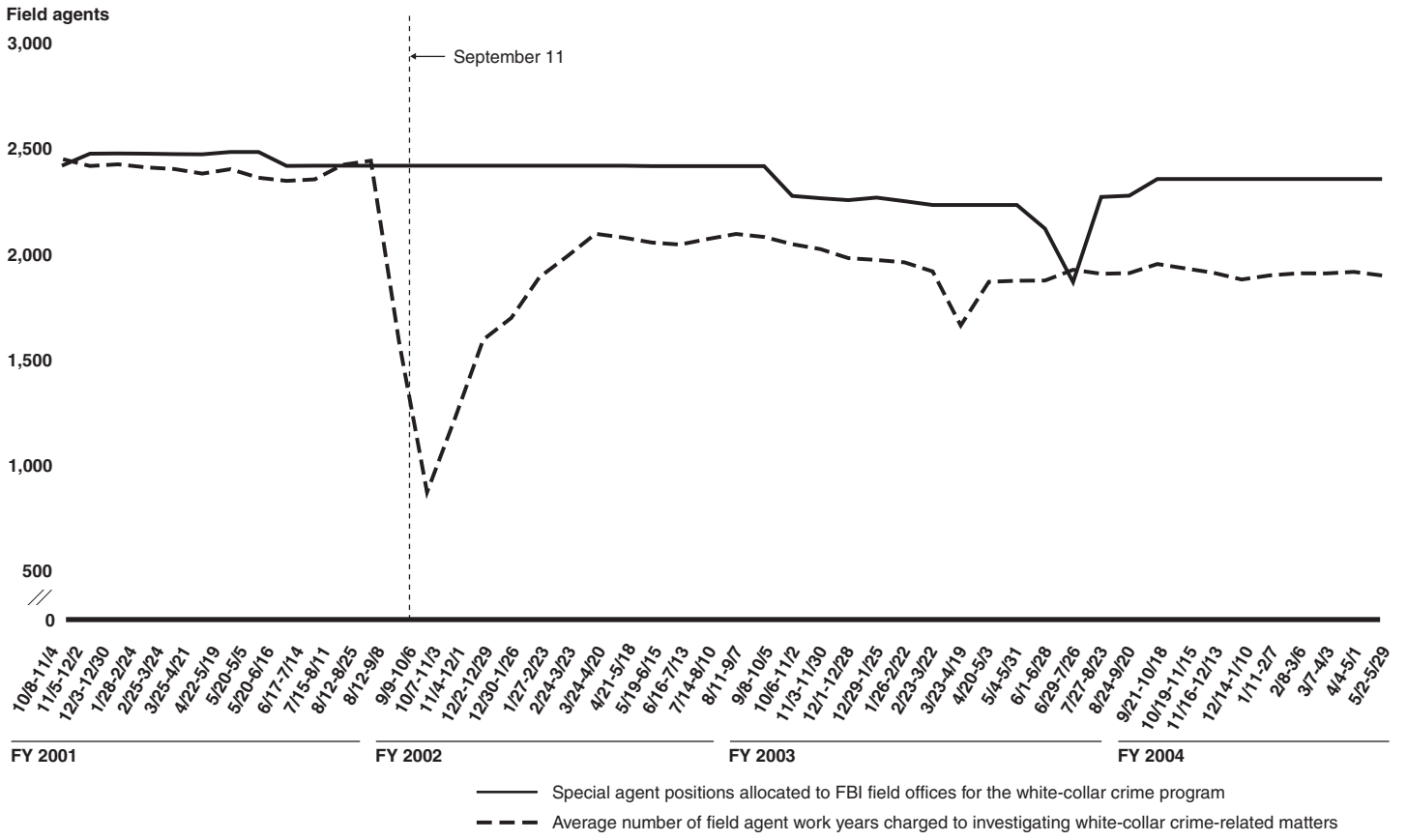
Figure 9: FBI Drug Program Agent Positions and Work Years



Source: GAO analysis of FBI TURK data.

Appendix II: FBI Nonsupervisory Field
Special Agent Positions and Work Years

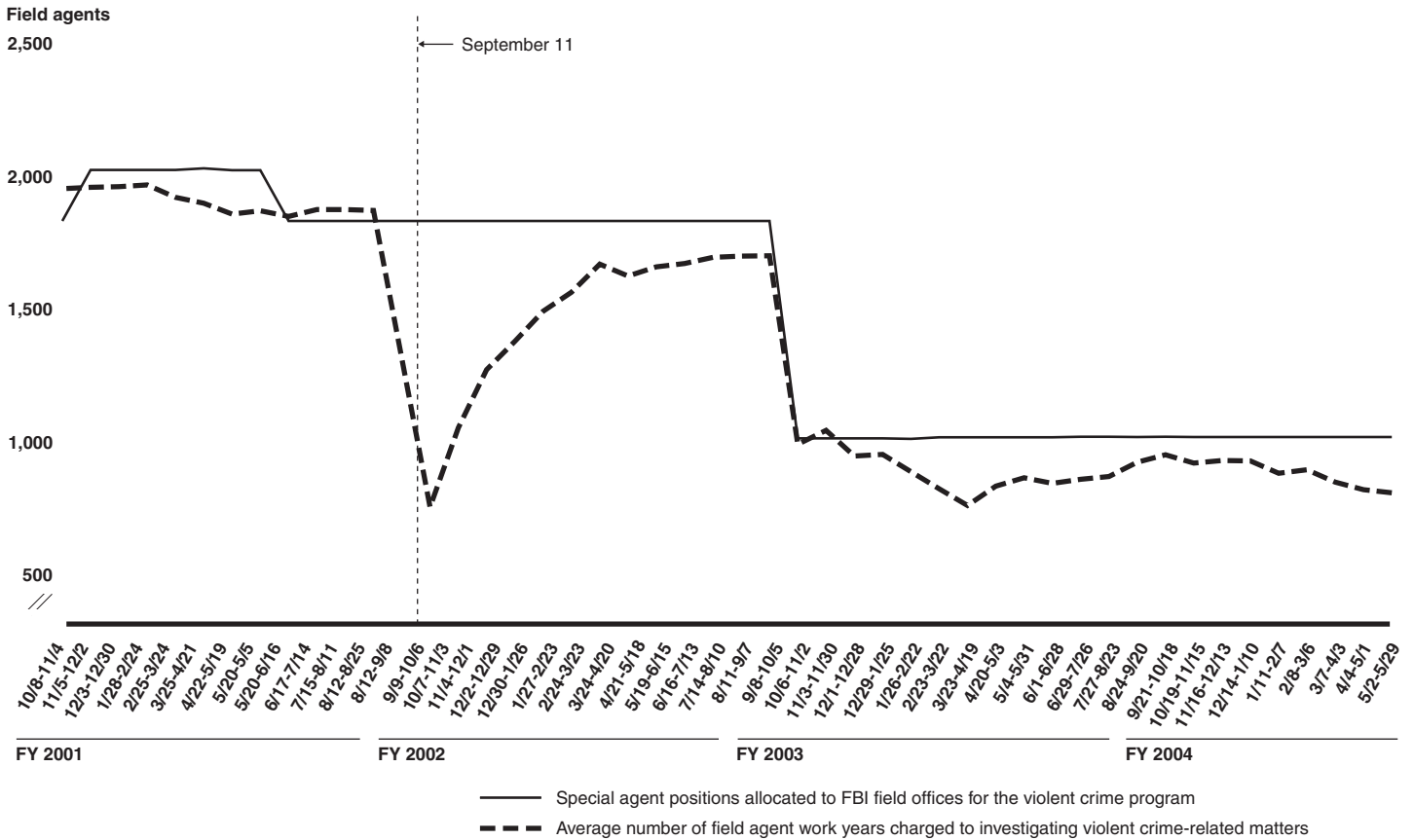
Figure 10: FBI White-Collar Crime Program Agent Positions and Work Years



Source: GAO analysis of FBI TURK data.

**Appendix II: FBI Nonsupervisory Field
Special Agent Positions and Work Years**

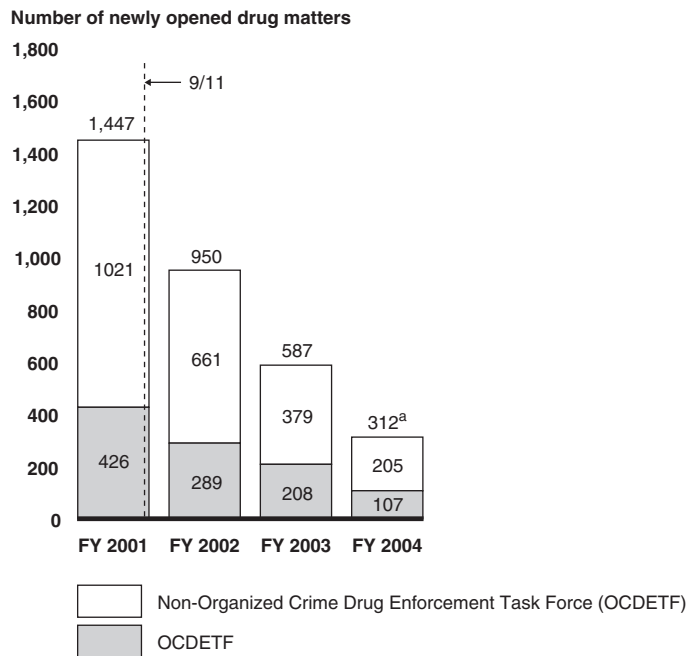
Figure 11: FBI Violent Crime Program Agent Positions and Work Years



Source: GAO analysis of FBI TURK data.

Appendix III: Decreases in FBI's Newly Opened Drug, White-Collar and Violent Crime Matters Since September 11, 2001

Figure 12: Decreases in Newly Opened FBI Drug Matters

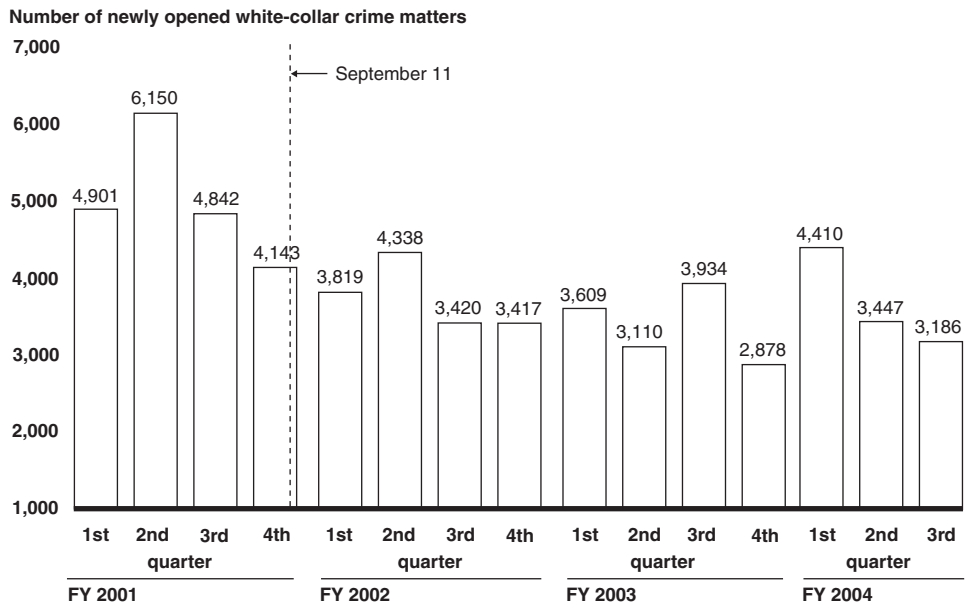


Source: GAO analysis of FBI data.

^aThis includes the first two quarters of fiscal year 2004. Assuming that the FBI opens new matters at about the same pace in the last two quarters of fiscal year 2004 that it did during the first two quarters, fiscal year 2004 levels of newly opened drug crime matters will be similar to those in fiscal year 2003.

Appendix III: Decreases in FBI's Newly Opened Drug, White-Collar and Violent Crime Matters Since September 11, 2001

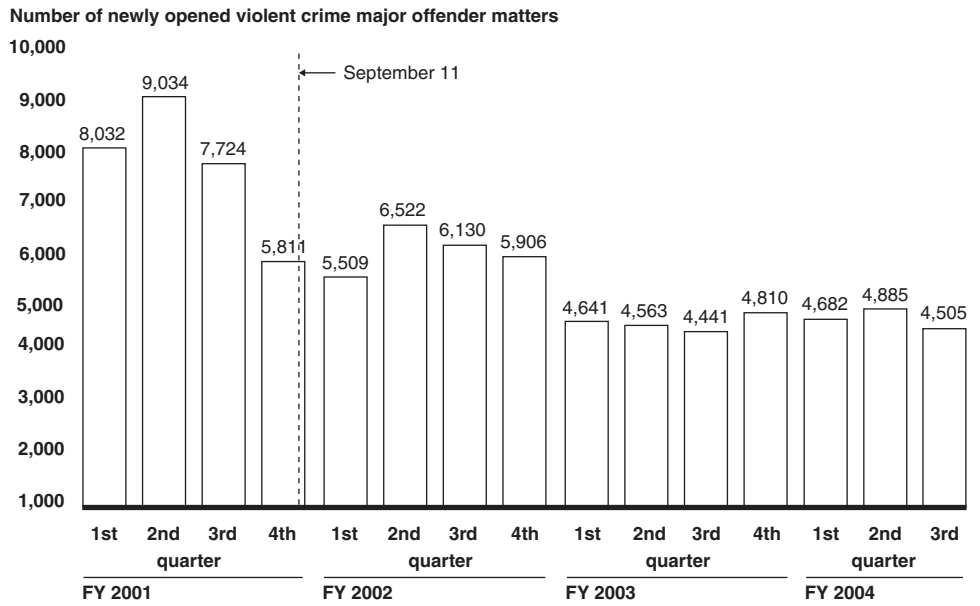
Figure 13: Decreases in Newly Opened FBI White-Collar Matters



Source: GAO analysis of FBI data.

Appendix III: Decreases in FBI's Newly Opened Drug, White-Collar and Violent Crime Matters Since September 11, 2001

Figure 14: Decreases in Newly Opened FBI Violent Crime Matters



Source: GAO analysis of FBI data.

Appendix IV: GAO Contacts and Staff Acknowledgments

GAO Contacts

Laurie Ekstrand, (202) 512-8777
Charles Michael Johnson, (202) 512-7331

Acknowledgments

David Alexander, Leo Barbour, William Bates, Geoffrey Hamilton, Benjamin Jordan, Deborah Knorr, Jessica Lundberg, Andrew O'Connell, and Kathryn Young made significant contributions to this report.

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