

GAO

Report to the Chairman, Subcommittee  
on Crime, Committee on the Judiciary,  
House of Representatives

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September 1996

# FEDERAL LAW ENFORCEMENT

## Investigative Authority and Personnel at 13 Agencies



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General Government Division

B-272478

September 30, 1996

The Honorable Bill McCollum  
Chairman, Subcommittee on Crime  
Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

This report responds to your September 18, 1995, request that we provide information on federal law enforcement investigative personnel. In a November 15, 1995, hearing before your Subcommittee,<sup>1</sup> we provided information on the federal agencies authorized to investigate criminal violations of federal law, the number of investigative personnel employed by those agencies and related salary costs, and previous information we had developed on jurisdictional overlap.

This report provides additional information on the agencies with the largest number of law enforcement investigative personnel. Specifically, as agreed with your Subcommittee, we provide information on (1) the types of violations investigated by these agencies; (2) the authorities under which these agencies' personnel investigate suspected federal criminal law violations, execute search warrants, make arrests, and/or carry firearms; (3) the number of law enforcement investigative personnel in these agencies as of September 30, 1995, and, of those personnel, the number authorized to execute search warrants, make arrests, and/or carry firearms; and (4) the number of law enforcement investigative personnel at these agencies at the end of fiscal years 1987, 1991, and 1995.

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## Background

The growth of federal law enforcement has been evolutionary. In 1789, the U.S. Marshals Service, the U.S. Customs Service, and the Treasury Police were created. Since then, additional law enforcement agencies have been established in response to new laws and expanding jurisdictions for federal officers. For example, the Federal Bureau of Investigation was created in 1908 to be the investigative force of the Department of Justice. The Internal Revenue Service's criminal investigators were established in 1919 in the Bureau of Internal Revenue. More recently, in the 1970s, the Bureau of Alcohol, Tobacco and Firearms; the Drug Enforcement Administration; and the criminal investigators of the Offices of the Inspectors General were added.

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<sup>1</sup>Federal Law Enforcement: Information on Certain Agencies' Criminal Investigative Personnel and Salary Costs (GAO/T-GGD-96-38, Nov. 15, 1995).

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In our November 15, 1995, testimony, we identified the following agency data (as of March 31, 1995):

- 32 federal agencies had personnel who were eligible for special law enforcement pay and/or retirement benefits and were employed in 9 occupational series that involved investigative work;
- about 41,000 federal employees were in those agencies and in the 9 occupational series; and
- annual salary costs amounted to about \$2.2 billion for those employees.

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## Results in Brief

Through an analysis of data maintained by the U.S. Office of Personnel Management (OPM) in its Central Personnel Data File (CPDF) and a survey of the agencies with the largest numbers of law enforcement investigative personnel, we determined the following.

- Ten agencies employed over 90 percent of the law enforcement investigative personnel identified in our November 1995 testimony. An additional 3 agencies were found to have 700 or more law enforcement investigative personnel.
- The 13 agencies investigate a variety of criminal violations, ranging from organized crime and income tax violations to illegal immigration and passport and visa fraud. The agencies derive their authority primarily from statutory provisions reflected in the U.S. Code.
- The agencies reported, as of the end of fiscal year 1995, that they employed about 42,800 law enforcement investigative personnel. Most of these personnel could execute search warrants, make arrests, and/or carry firearms, if necessary.
- Between the end of fiscal years 1987 and 1995, the number of law enforcement investigative personnel at these agencies increased about 19 percent, overall.
- The change in the number of law enforcement investigative personnel ranged from a growth of about 66 percent at the Immigration and Naturalization Service to a decline of about 14 percent at the Department of the Navy's Naval Criminal Investigative Service.

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## Objectives, Scope, and Methodology

For this report, you asked that we gather additional information on the agencies with the largest number of law enforcement investigative personnel. Specifically, we determined the following.

- the types of violations investigated by these agencies;

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- the authorities under which these agencies' personnel investigate suspected federal criminal law violations, execute search warrants, make arrests, and/or carry firearms;
  - the number of law enforcement investigative personnel in these agencies as of September 30, 1995, and, of those personnel, the number authorized to execute search warrants, make arrests, and/or carry firearms; and
  - the number of law enforcement investigative personnel at these agencies at the end of fiscal years 1987, 1991, and 1995.

For our November 1995 testimony, we obtained information from OPM's CPDF as of March 31, 1995. As agreed with the Subcommittee, we obtained information for this report on the 10 agencies or agency components with the largest number of law enforcement investigative personnel as identified in the CPDF and reported in our November testimony. The law enforcement investigative personnel in these 10 agencies comprised over 90 percent of the investigative personnel identified in the November 1995 testimony. In addition, as agreed with the Subcommittee and using a threshold of 700 law enforcement investigative personnel, we obtained information directly from 2 agencies that do not report data to OPM and from 1 agency whose CPDF data we were unable to use for this analysis because of coding anomalies. We identified these three additional agencies with at least 700 law enforcement investigative personnel through our research. The names of these 13 agencies are as follows:

- Federal Bureau of Investigation (FBI);
- Immigration and Naturalization Service (INS);
- Drug Enforcement Administration (DEA);
- U.S. Marshals Service;
- Internal Revenue Service (IRS);
- U.S. Secret Service;
- U.S. Customs Service;
- Bureau of Alcohol, Tobacco and Firearms (ATF);
- Department of the Interior, National Park Service (NPS);
- Department of the Navy, Naval Criminal Investigative Service (NCIS);
- U.S. Postal Inspection Service (data were not in the CPDF);
- U.S. Capitol Police (data were not in the CPDF); and
- Department of State, Bureau of Diplomatic Security (DS) (we were unable to use CPDF-reported data).

Consistent with our November 1995 testimony, we defined "law enforcement criminal investigative personnel" as those personnel employed in occupational series that significantly involve investigative

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work and that meet the definition of “law enforcement officer” in section 5541(3) of Title 5 of the U.S. Code for purposes of certain premium pay provisions.<sup>2</sup> Law enforcement investigative personnel and the broader term “law enforcement personnel” can be defined in numerous ways, depending on the information sought. We believe our definition of law enforcement investigative personnel (a subset of all law enforcement personnel), as used in this study, best meets the Subcommittee’s needs.<sup>3</sup>

To obtain information on the types of criminal violations investigated, the agencies’ investigative authority, and the authority of the agencies’ law enforcement investigative personnel to execute search warrants, make arrests, and carry firearms, we administered a survey to all 13 agencies. We reviewed the returned surveys for completeness and consistency, verified the accuracy of the cited investigative authority, and reconciled any discrepancies with agency officials. We also used the survey to obtain fiscal year-end data on the numbers of law enforcement investigative personnel employed by the 13 agencies and authorized to perform certain functions. In our analysis of changes in the number of law enforcement investigative personnel we used CPDF data for all the agencies except the Postal Inspection Service, the Capitol Police, and DS. For these three agencies, we used data from the survey responses. In our analysis of changes in the number of personnel, we focused on fiscal years 1987, 1991, and 1995 because consistent CPDF data were not readily available for other years.

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<sup>2</sup>For the purposes of certain premium pay provisions, section 5541(3) of Title 5 provides that the term “law enforcement officer” means an employee who meets the definition of “law enforcement officer” under the retirement provisions of section 8331(20) or 8401(17) of Title 5. In addition, the section 5541(3) definition also includes an employee who is not subject to such retirement provisions but holds a position that OPM determines would satisfy certain statutory criteria. This category includes employees such as Foreign Service security personnel, the United States Park Police, and the United States Secret Service Uniformed Division. Certain employees who have transferred from a law enforcement officer position to a supervisory or administrative position are also included under the section 5541(3) definition, but these employees were not included within the scope of our survey.

<sup>3</sup>It is the position of the Department of the Treasury that Customs Inspectors, for purposes of this study, should have been considered law enforcement officers. Treasury states that Customs Inspectors are required to carry firearms, have search and arrest authority, and receive certain treatment by Congress in statute that, in Treasury’s opinion, recognizes Customs Inspectors as law enforcement officers. However, we did not include them because, according to OPM, Customs Inspectors are not covered under the special retirement provisions for law enforcement officers cited above. As of September 30, 1995, Customs had 7,145 inspectors. It is also the position of Treasury that Customs Aircraft Pilots should have been included in our analyses. The pilots are part of the larger universe of personnel covered under the special retirement provisions for law enforcement. Treasury states that the pilots can carry firearms, have search and arrest authority, and perform investigative work. Treasury also stated that the pilots have received certain treatment by Congress that recognized them as investigative personnel. We did not include the pilots in our study because, while they may perform investigative work, they are currently employed in occupational series 2181, which covers personnel whose primary duty is piloting aircraft. As of September 30, 1995, Customs had 317 pilots.

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We obtained oral comments on the information contained in this report from each of the agencies studied. These comments are discussed at the end of this letter.

We did our work between February 1996 and July 1996 in Washington, D.C., in accordance with generally accepted government auditing standards.

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## Violations Investigated by Agencies and Their Law Enforcement Authorities

Each of the 13 agencies we surveyed has a designated mission and is responsible for investigating a variety of criminal violations. (See app. I.) For example:

- FBI investigates more than 200 categories of federal crimes, including bank fraud, embezzlement, kidnapping, and civil rights violations;
- INS investigates offenses involving the Immigration and Nationality Act;
- the Postal Inspection Service is responsible for investigating violations of about 200 federal statutes that deal with the integrity and security of mail; the safeguarding of postal employees, property, and the work environment; and the protection of Postal Service revenue and assets; and
- the Customs Service investigates possible violations of over 400 laws, including customs, drug, export control, and money laundering control laws, for 40 different agencies.

Generally, each agency's investigative authority, as well as the authority of its personnel to execute search warrants, make arrests, and carry firearms, is derived from statute. These authorities may be implemented through presidential executive orders and agencies' regulations, policies, and/or interagency agreements. A listing of the legal authorities enabling agencies to do certain investigative functions is provided in appendix II.

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## Number of Law Enforcement Investigative Personnel

The 13 agencies reported a total of about 42,800 law enforcement investigative personnel as of the end of fiscal year 1995. At all agencies, except INS, 100 percent of the reported law enforcement investigative personnel were authorized to make arrests, execute search warrants, and carry firearms. At INS, while 100 percent of the law enforcement investigative personnel were authorized to carry firearms, only 80 percent were authorized to execute search warrants, and slightly less than 100 percent were authorized to make arrests. (See app. III.)

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## Changes in the Number of Law Enforcement Investigative Personnel Between Fiscal Years 1987 and 1995

Overall, the total number of law enforcement investigative personnel increased between fiscal years 1987 and 1995. CPDF data, combined with the survey responses from the Postal Inspection Service, the Capitol Police, and DS, showed that as of September 30, 1995, there were about 41,400 law enforcement investigative personnel employed in the 13 agencies we reviewed.<sup>4</sup> This total represents an increase of about 19 percent above the nearly 34,700 personnel employed on September 30, 1987. Nine agencies experienced growth in the number of law enforcement investigative personnel. Four agencies (the Customs Service, the Capitol Police, NCIS, and DS) showed a decrease. For the 13 agencies we reviewed, the change in the number of law enforcement investigative personnel ranged from a growth of about 66 percent at INS to a decline of about 14 percent at NCIS. (See app. IV.)

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## Comments and Our Evaluation

We discussed the results of our study and the contents of this report with cognizant agency officials between July 16 and 26, 1996.<sup>5</sup> The majority of the officials were generally in agreement with the findings and suggested only technical or clarifying changes to the information pertaining to their agency. We have made those changes as appropriate. However, Treasury officials believed that Customs Service Inspectors and Aircraft Pilots should have been included in the study. As previously noted, the Subcommittee's focus is on law enforcement personnel whose primary responsibility is investigative; therefore, we did not include these employees in our results. We do provide the number of Customs Service Inspectors and Aircraft Pilots in footnote 3 of this report.

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We will send copies of this report to the Ranking Minority Member of your Subcommittee and the Chairman and Ranking Minority Member of the Senate Committee on the Judiciary. We will also make copies available to others on request.

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<sup>4</sup>This total of about 41,400 law enforcement investigative personnel differs from the September 30, 1995, total reported to us in the 13 completed surveys, which was about 42,800. The survey response prepared by NPS included about 1,300 Park Rangers. The survey and CPDF data cannot be completely reconciled; however, they differ by less than 1 percent. Because NPS first began evaluating Park Rangers for coverage under special law enforcement retirement provisions in 1993, we have excluded them from our totals only in this analysis of changes in the number of personnel between fiscal years 1987 and 1995.

<sup>5</sup>We spoke with Treasury's Director, Finance and Administration (Enforcement); Justice's Director, Audit Liaison Office; Capitol Police's Chief of Police; Postal Inspection Service's Deputy Chief for Operations Support; NCIS' Principle Deputy General Counsel, Department of the Navy; DS' Executive Assistant, Chief Criminal Investigations Division; NPS' Management Officer; and other officials at these agencies.



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The major contributors to this report are listed in appendix V. Please give me a call on (202) 512-8777 if you have any questions about this report.

Sincerely yours,

A handwritten signature in black ink that reads "Norman Rabkin". The signature is written in a cursive style with a large, prominent initial "N".

Norman J. Rabkin  
Director, Administration of  
Justice Issues

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**Abbreviations**

|      |   |
|------|---|
| ATF  | Bureau of Alcohol, Tobacco and Firearms |
| DS   | Bureau of Diplomatic Security           |
| CPDF | Central Personnel Data File             |
| DEA  | Drug Enforcement Administration         |
| FBI  | Federal Bureau of Investigation         |
| INS  | Immigration and Naturalization Service  |
| IRS  | Internal Revenue Service                |
| NCIS | Naval Criminal Investigative Service    |
| NPS  | National Park Service                   |
| OPM  | U.S. Office of Personnel Management     |

# Agency Investigative Responsibilities

| Agency                     | Type of criminal violations investigated   |
|----------------------------|--|
| Department of Justice      |  |
| FBI                        | The FBI has investigative jurisdiction over violations of more than 200 categories of federal crimes. Top priority has been assigned to five areas: (1) counterterrorism, (2) drugs/organized crime, (3) foreign counterintelligence, (4) violent crime, and (5) white-collar crime. In addition, the FBI is authorized to investigate matters where prosecution is not contemplated. For example, under the authority of several executive orders, the FBI is responsible for conducting background security checks concerning nominees to sensitive government positions. The FBI also has been directed or authorized by presidential statements or directives to obtain information about activities suspected of jeopardizing the security of the nation.   |
| INS                        | INS investigations occur within the context of its law enforcement mission to prevent improper entry of people into the United States and the granting of benefits to those not legally entitled to them; to apprehend and remove those aliens who enter the United States illegally and/or whose stay is not in the public interest; and to enforce sanctions against those who act or conspire to subvert the requirements for selective and controlled entry, including sanctions against employers who knowingly hire aliens not authorized to work in the United States.  |
| DEA                        | DEA investigations occur within the context of DEA's responsibilities to enforce the provisions of federal laws and regulations concerning controlled substances, chemical diversion, and drug-trafficking.  |
| U.S. Marshals Service      | The U.S. Marshals Service has investigative and apprehension responsibility for the following offenses: bond defaults, probation and parole violations, and escapes. The Marshals Service also is responsible for enforcing warrants from agencies without arrest powers, bench warrants issued by federal judges, and DEA-referred warrants.  |
| Department of the Treasury |  |
| IRS                        | IRS has the responsibility to enforce the criminal statutes applicable to income, estate, gift, employment, and excise tax laws as well as financial crimes, such as money laundering. More specifically, the types of investigations in which IRS is involved include bankruptcy fraud, financial institution fraud, health care fraud, nonhealth care insurance fraud, gaming, government official/employee corruption, fraudulent tax refund schemes, preparers of fraudulent tax returns, illegal tax protest schemes, telemarketing fraud, and narcotics. IRS also is responsible for investigating allegations of misconduct by IRS employees, corrupt or forcible interference with IRS laws, unauthorized disclosure of tax information, and fraud against the IRS not directly related to tax fraud, such as contract or procurement fraud. |
| U.S. Secret Service        | The U.S. Secret Service is responsible for investigating violations of federal law relating to its protective mission with respect to the president and other protectees. Such violations include threats or acts of violence against the president and other protectees, counterfeiting of government passes, and conspiracy against the United States. In addition, the Secret Service is responsible for investigating the counterfeiting of U.S. and foreign obligations as well as investigating other areas of financial fraud, such as fraudulent schemes involving credit cards, debit cards, cellular telephones, documents, financial institutions, computers, electronic fund transfers, money laundering, and securities.  |
| U.S. Customs Service       | The U.S. Customs Service investigations occur within the context of its responsibilities to enforce over 400 laws for 40 different agencies. The major categories of laws for which the Customs Service has responsibility are customs laws (e.g., the Tariff Act of 1930), drug laws, export control laws, money laundering control laws, and laws enforced on behalf of other agencies.  |

(continued)

**Appendix I**  
**Agency Investigative Responsibilities**

| <b>Agency</b>                  | <b>Type of criminal violations investigated</b>  |
|--------------------------------|--|
| ATF                            | ATF investigations occur within the context of its responsibilities to enforce laws regarding, for example, distilled spirits, beer, wine, tobacco, firearms, explosives, and arson. More specifically, ATF responsibilities include the enforcement of the Gun Control Act of 1968, Title XI of the Organized Crime Control Act of 1970, the National Firearms Act, the Arms Export Control Act, Chapters 51 and 52 of the Internal Revenue Code of 1986, and the Federal Alcohol Administration Act.   |
| U.S. Postal Inspection Service | The Postal Inspection Service is responsible for investigating violations of about 200 federal statutes that deal with the integrity and security of mail; the safeguarding of postal employees, property, and the work environment; and the protection of Postal Service revenue and assets.  |
| NPS                            | NPS is responsible for investigating offenses against the United States committed within the national park system in the absence of an investigation by any other federal law enforcement agency. NPS also has authority on and within roads, parks, parkways, and other federal reservations within the District of Columbia. The types of investigations in which NPS is involved include Assimilated Crimes Act investigations, drug enforcement, environmental crimes, crimes against persons, and resource-related crimes, such as plant and wildlife poaching, archaeological site looting, vandalism of historical sites, and simple theft of resources.          |
| U.S. Capitol Police            | The U.S. Capitol Police is responsible for investigating all D.C. Code and D.C. Regulation violations committed within its jurisdiction as well as all violations under Title 18 of the U.S. Code for crimes committed within its jurisdiction.  |
| NCIS                           | NCIS is responsible for investigating violations of military law, which include, for example, desertion. NCIS also is responsible for investigating any federal criminal offense with a nexus to the Department of the Navy, which can include murder, rape, aggravated assault, theft of government property, fraud against the Navy, counterfeiting, mail fraud, espionage, subversion, sabotage, child sex abuse, kidnapping, bribery, and weapons/explosives offenses. For example, NCIS investigates narcotics trafficking offenses that involve Navy personnel, that occur on Navy installations or ships, or that have the potential to impact on Navy personnel. |
| DS                             | DS' investigatory duties include background investigations of personnel, passport and visa fraud, counterintelligence, and investigations overseas as requested by other federal law enforcement agencies. DS also conducts protective intelligence investigations concerning threats made against foreign missions in the United States, U.S. government employees abroad, and DS-protected dignitaries.  |

Source: Agency responses to GAO survey.

# Primary Legal Authorities Cited by Selected Agencies as Enabling Them to Perform Certain Investigative Functions

| Agency                     | Authority to conduct criminal investigations  | Authority to execute search warrants                                | Authority to make arrests   | Authority to carry firearms, if necessary   |
|----------------------------|---|---|---|---|
| Department of Justice      |   |   |   |   |
| FBI                        | 28 U.S.C. §533; 28 C.F.R. §0.85(a)  | 18 U.S.C. §3107   | 18 U.S.C. §3052; 40 U.S.C. §318   | 18 U.S.C. §3052; 40 U.S.C. §318   |
| INS                        | 8 U.S.C. §§1103(a), 1225(a), 1324a(e)(2), 1324(c), 1357(b)  | 8 U.S.C. §1357; 8 C.F.R. §287.5                                     | 8 U.S.C. §§1357, 1225, 1324(c); 8 C.F.R. §287.5                               | 8 U.S.C. §1357; 8 C.F.R. §287.5   |
| U.S. Marshals Service      | 28 U.S.C. §§566(a), (c), (e)(1)(B); 18 U.S.C. §§3606, 3146, 3148, 3193, 4213; 28 C.F.R. §§0.111(a), (q); Fed. R. Crim. P. 4(d)(1), 9(c)(1)  | 28 U.S.C. §566(c); 28 C.F.R. §60.3(a)(5); Fed. R. Crim. P. 41(c)(1) | 28 U.S.C. §§566(c), (d); 18 U.S.C. §3053; Fed. R. Crim. P. 4(d)(1), (9)(c)(1) | 28 U.S.C. §566(d); 18 U.S.C. §3053  |
| DEA                        | 21 U.S.C. §§801-971; 28 C.F.R. §§0.100, 0.101; Reorganization Plan No. 2 of March 28, 1973; E.O. 11727 of July 6, 1973. In addition, certain public laws, such as the controlled substances acts; the Maritime Drug Law Enforcement Act; and certain statutory offense provisions, such as Racketeer Influenced and Corrupt Organizations Act (RICO) drug-trafficking violations, among others, give DEA the statutory authority to accomplish its mission. | 21 U.S.C. §878  | 21 U.S.C. §878  | 21 U.S.C. §878  |
| Department of the Treasury |   |   |   |   |
| IRS                        | 26 I.R.C. §§7608(b), 7801, 7802; 18 U.S.C. §§1956, 1957; Bank Secrecy Act (31 U.S.C. §5311 et seq.); August 1990 MOU with Justice and the Postal Service; Treasury Directive 15-42; 18 U.S.C. §981; 5 U.S.C. §301   | 26 I.R.C. §7608(b)  | 26 I.R.C. §7608(b)  | According to the IRS, there is no statutory authority for special agents to carry firearms. The General Counsel, Department of the Treasury, has concluded that no specific authority is necessary where a federal officer has the authority to make an arrest and that the authority to carry a firearm is implicit. |
| U.S. Secret Service        | 18 U.S.C. §3056; 3 U.S.C. §202  | 18 U.S.C. §3056; 3 U.S.C. §202                                      | 18 U.S.C. §3056; 3 U.S.C. §202  | 18 U.S.C. §3056; 3 U.S.C. §202  |

(continued)

**Appendix II**  
**Primary Legal Authorities Cited by Selected**  
**Agencies as Enabling Them to Perform**  
**Certain Investigative Functions**

| <b>Agency</b>                  | <b>Authority to conduct criminal investigations</b>   | <b>Authority to execute search warrants</b>   | <b>Authority to make arrests</b>   | <b>Authority to carry firearms, if necessary</b>             |
|--------------------------------|---|---|--|--|
| U.S. Customs Service           | 19 U.S.C. §§1589a, 2081; 31 U.S.C. §5317; 50 U.S.C. App. §2411  | 19 U.S.C. §1589a; 31 U.S.C. §5317; 50 U.S.C. App. §2411   | 19 U.S.C. §§1581, 1589a; 31 U.S.C. §5317; 50 U.S.C. App. §2411   | 19 U.S.C. §1589a   |
| ATF                            | Gun Control Act of 1968 (18 U.S.C. Chapter 44); Title XI, Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40); National Firearms Act (26 U.S.C. Chapter 53); 26 U.S.C. §7801; Arms Export Control Act (22 U.S.C. §2778); E.O. 11958; 42 Fed. Reg. 4311 (1977); Treasury Order 120-01, June 6, 1972; 26 U.S.C. Chapters 51 and 52; 26 U.S.C. §4181; Federal Alcohol Administration Act (27 U.S.C. Chapter 8); 18 U.S.C. §2342; 49 U.S.C. App. Chapter 11; 18 U.S.C. §§1262-1265, 1952, 3615 | 26 U.S.C. §7608(a)  | 26 U.S.C. §7608(a)   | 26 U.S.C. §7608(a)   |
| U.S. Postal Inspection Service | 18 U.S.C. §3061; 39 U.S.C. §404(a)(7); 5 U.S.C. App. 3  | 18 U.S.C. §3061; 28 C.F.R. 60.3 (a)(8)  | 18 U.S.C. §3061; 39 U.S.C. §404(a)(7); 39 C.F.R. §233.1  | 18 U.S.C. §3061; 39 U.S.C. §404(a)(7); 39 C.F.R. §233.1      |
| NPS                            | 16 U.S.C. §1-a-(6); 4 D.C. Code §§4-201, 4-202, 4-206, 4-207  | 16 U.S.C. §1-a-(6); 4 D.C. Code §§4-201, 4-202, 4-206, 4-207                                    | 16 U.S.C. §1-a-(6); 4 D.C. Code §§4-201, 4-202, 4-206, 4-207   | 16 U.S.C. §1-a-(6); 4 D.C. Code §§4-201, 4-202, 4-206, 4-207 |
| U.S. Capitol Police            | 40 U.S.C. §§212a, 212a-2, 212a-3  | 40 U.S.C. §§212a, 212a-2, 212a-3  | 40 U.S.C. §§212a, 212a-2, 212a-3   | 40 U.S.C. §210   |
| NCIS                           | 10 U.S.C. §§807, 936, 1585; 5 U.S.C. §§303(b), 304; Fed. R. Crim. P. 41(h) (Codified at 28 C.F.R. §60. 1-60.3); E.O. 12333; §1223 of the Defense Authorization Act of 1986; SECNAVINST 5520.3B  | SECNAVINST 5520.3B; P.L. 99-145, §1223; Fed. R. Crim. P. 41(h) (Codified at C.F.R. § 60.1-60.3) | SECNAVINST 5520.3B; P.L. 99-145, §1223; 10 U.S.C. §807 (UCMJ), Article 7 (to arrest military members only) | SECNAVINST 5520.3B; P.L. 99-145, §1223; 10 U.S.C. 1585       |
| DS                             | 22 U.S.C. §2709   | 22 U.S.C. §§2709, 4802  | 22 U.S.C. §§2709, 4802   | 22 U.S.C. §§2709, 4802                                       |

(Table notes on next page)

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**Appendix II**  
**Primary Legal Authorities Cited by Selected**  
**Agencies as Enabling Them to Perform**  
**Certain Investigative Functions**

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LEGEND:

App. - Appendix  
C.F.R. - Code of Federal Regulations  
E.O. - Executive Order  
Fed. R. Crim. P. - Federal Rules of Criminal Procedure  
Fed. Reg. - Federal Regulation  
I.R.C. - Internal Revenue Code  
MOU - Memorandum of Understanding  
P.L. - Public Law  
SECNAVINST - Secretary of the Navy Instruction  
UCMJ - Uniform Code of Military Justice  
U.S.C. - United States Code  
§ - Section

Source: Agency responses to GAO survey.



# Number of Law Enforcement Investigative Personnel Authorized to Perform Certain Functions, as of the End of Fiscal Year 1995

| Agency                         | Total number of investigative personnel | Execute search warrants | Make arrests  | Carry firearms, if necessary |
|--------------------------------|---|-------------------------|---------------|------------------------------|
| Department of Justice          |   |                         |               |                              |
| FBI                            | 10,089                                  | 10,089                  | 10,089        | 10,089                       |
| INS                            | 8,013                                   | 6,412                   | 7,995         | 8,013                        |
| DEA                            | 3,426                                   | 3,426                   | 3,426         | 3,426                        |
| U.S. Marshals Service          | 2,466                                   | 2,466                   | 2,466         | 2,466                        |
| Department of the Treasury     |   |                         |               |                              |
| IRS                            | 3,779                                   | 3,779                   | 3,779         | 3,779                        |
| U.S. Secret Service            | 3,227                                   | 3,227                   | 3,227         | 3,227                        |
| U.S. Customs Service           | 2,977                                   | 2,977                   | 2,977         | 2,977                        |
| ATF                            | 1,940                                   | 1,940                   | 1,940         | 1,940                        |
| U.S. Postal Inspection Service | 2,226                                   | 2,226                   | 2,226         | 2,226                        |
| NPS <sup>a</sup>               | 1,966                                   | 1,966                   | 1,966         | 1,966                        |
| U.S. Capitol Police            | 1,074                                   | 1,074                   | 1,074         | 1,074                        |
| NCIS                           | 935                                     | 935                     | 935           | 935                          |
| DS                             | 709                                     | 709                     | 709           | 709                          |
| <b>Total</b>                   | <b>42,827</b>                           | <b>41,226</b>           | <b>42,809</b> | <b>42,827</b>                |

Note: Fiscal year-end 1995 CPDF data differ from those reported by the agencies by less than 1 percent.

<sup>a</sup>The NPS total includes Park Police, Park Rangers, and personnel employed in Series 1811, Criminal Investigating. The number of personnel in Series 1811 is an estimate (the estimated number accounts for less than 3 percent of the NPS total). The Park Ranger data are as of December 9, 1995; 1,305 Park Rangers are included in the NPS total.

Source: Agency responses to GAO survey. CPDF data do not include the functions personnel are authorized to perform.

# Number of Law Enforcement Investigative Personnel at the End of Fiscal Years 1987, 1991, and 1995

| Agency                             | 1987          | 1991          | 1995 <sup>a</sup> |
|------------------------------------|---------------|---------------|-------------------|
| Department of Justice              |               |               |                   |
| FBI                                | 9,433         | 10,329        | 10,082            |
| INS                                | 4,838         | 6,495         | 8,014             |
| DEA                                | 2,791         | 3,556         | 3,471             |
| U.S. Marshals Service <sup>b</sup> | 1,927         | 2,250         | 2,463             |
| Department of the Treasury         |               |               |                   |
| IRS                                | 3,335         | 3,520         | 3,756             |
| U.S. Secret Service                | 2,445         | 2,637         | 3,225             |
| U.S. Customs Service               | 2,921         | 3,095         | 2,912             |
| ATF                                | 1,344         | 1,988         | 1,929             |
| U.S. Postal Inspection Service     | 2,016         | 2,157         | 2,226             |
| NPS <sup>c</sup>                   | 573           | 620           | 648               |
| U.S. Capitol Police                | 1,196         | 1,222         | 1,074             |
| NCIS                               | 1,081         | 1,076         | 934               |
| DS                                 | 793           | 773           | 709               |
| <b>Total</b>                       | <b>34,693</b> | <b>39,718</b> | <b>41,443</b>     |

<sup>a</sup>Fiscal year-end 1995 CPDF data differ from those reported by the agencies by less than 1 percent.

<sup>b</sup>In January 1995, the U.S. Marshals Service reclassified all personnel in the 082, U.S. Marshal Series, into the 1811, Criminal Investigating Series, except for the 94 presidentially appointed Marshals who remain in the 082 series. As a result, to assess growth in the U.S. Marshals Service, the data shown for the U.S. Marshals Service include personnel in the 082 Series.

<sup>c</sup>The NPS total includes the Park Police and personnel employed in Series 1811, Criminal Investigating. The 1,305 Park Rangers are not included because NPS first began including Park Rangers for coverage under special law enforcement retirement in 1993. Before this process, there were no Park Rangers under special law enforcement retirement. NPS has not determined if those individuals presently under law enforcement retirement would have been in earlier years.

Sources: Agency responses to GAO survey for the U.S. Postal Service, U.S. Capitol Police, and DS, and CPDF data for the other agencies.

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