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February 1996

# FEDERAL FUGITIVES

## More Timely Entry on National Wanted Person File Is Needed





**General Government Division**

B-261866

February 26, 1996

The Honorable Janet Reno  
The Attorney General

The Honorable Robert E. Rubin  
The Secretary of the Treasury

As a result of our earlier work on interagency coordination in apprehending federal fugitives, we noted that many entries in the Federal Bureau of Investigation's (FBI) National Crime Information Center's (NCIC) wanted person file were made long after issuance of the arrest warrants.<sup>1</sup> This was generally contrary to the stated policies of the agencies that made the entries and the generally accepted view of NCIC officials, the International Association of Chiefs of Police, and others that timely use of the file facilitates apprehension and reduces risks to law enforcement personnel and the general public. On our own initiative, we conducted a follow-up review to identify (1) how long federal agencies took to enter fugitives onto the wanted person file; (2) what information the agencies had on entry times and the means used to monitor entry times; and (3) what actions agencies took, considered, or could take to reduce any entry delays. Because the Attorney General is the chief official responsible for the wanted person file and since the agencies we reviewed are under your jurisdictions, we are reporting our findings to you.

To accomplish our objectives, we analyzed various information, including federal fugitive records on the wanted person file as of April 6, 1994. Then, we interviewed officials and reviewed various documents from the Department of Justice's FBI, Immigration and Naturalization Service (INS), and United States Marshals Service (USMS) and from the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF) and the Customs Service. These agencies accounted for 22,903 (78 percent) of the 29,339 federal fugitive records on the wanted person file as of April 6 and were the principal fugitive-hunting agencies within the Justice and Treasury Departments.<sup>2</sup> We reviewed these two departments in our earlier

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<sup>1</sup>Federal Fugitive Apprehension: Agencies Taking Action to Improve Coordination and Cooperation (GAO/GGD-95-75, May 2, 1995).

<sup>2</sup>We analyzed 20,968 of the 29,339 records on the wanted person file as of April 6, 1994. We excluded 1,935 fugitive records from the FBI, INS, USMS, ATF, and the Customs Service from our wanted person file analysis because they did not have the data needed to determine entry times. Most of these excluded records (1,777) were from INS. We interviewed INS officials about their entry policies and times. We also excluded 6,436 records of various other agencies responsible for apprehending federal fugitives, including the Departments of Defense and State, which were not included in the scope of our review.

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fugitive work as well. Our objectives, scope, and methodology are discussed in more detail in appendix I.

We performed our work in Washington, D.C., from May 1995 to August 1995 in accordance with generally accepted government auditing standards. We requested comments on a draft of this report from the Attorney General and the Secretary of the Treasury. Responsible Justice and Treasury officials provided oral comments at meetings on December 5 (Treasury) and December 11, 1995 (Justice). Their comments are discussed later in this report.

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## Results in Brief

The FBI, INS, USMS, ATF, and the Customs Service all believed that use of the NCIC wanted person file enhances the likelihood of a fugitive's apprehension and avoids endangering the general public and law enforcement officers. The FBI and USMS required entry onto the file within 24 hours after the arrest warrant was issued. ATF allowed up to 10 days for entry if the delay served a valid law enforcement purpose. The Customs Service required entry after reasonable efforts to locate the fugitive had failed, and INS had no policy on how soon fugitives' data were to be entered.

Despite these criteria, many FBI, USMS, ATF, and Customs Service fugitives were entered onto the wanted person file long after their arrests were authorized. For these 4 agencies' 20,968 fugitive entries as of April 6, 1994, 28 percent were made by the day after issuance of the arrest warrant, 34 percent within 2 days, 54 percent within 1 week, 64 percent within 2 weeks, and 70 percent within 4 weeks. Of the 4 agencies' records, 7,864 involved fugitives who had a caution notation—a warning that the fugitives were dangerous or suicidal or had a serious medical condition—on their record. Entry times for these fugitives, many of whom were considered dangerous, were about the same proportions as the overall entries. For example, only 67 percent were entered within 4 weeks. The most recent entries, the 3,794 records entered between September 30, 1993, and April 6, 1994, had slightly better entry times, such as 75 percent entered within 4 weeks (71 percent of the caution records were entered in 4 weeks).

Generally, the FBI, USMS, ATF, and the Customs Service either had limited information, or lacked overall information, on their entry times, including the reasons so many entries were made after the deadline prescribed by agency policy. The agencies generally expressed concern about our

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findings and said they would take any necessary actions to address the matter. The FBI, ATF, and the Customs Service subsequently did their own reviews and noted similar entry time problems. USMS officials said they would review their entry times. FBI officials said that it was imperative that entry delays be kept to a minimum and that the FBI would continue efforts to minimize delays. ATF and Customs Service officials identified various actions they would take to improve their entry times. Although no data were available on their entry times, INS officials said they too would take steps to improve the likelihood of timely entries.

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## Background

Federal law enforcement agencies pursue fugitives wanted for crimes that fall within their jurisdictions. Generally, federal fugitives are persons whose whereabouts are unknown and who (1) are being sought because they have been charged with one or more federal crimes; (2) have failed to appear for a required court action or for deportation; or (3) have escaped from federal custody. The agencies we contacted generally required that information on these persons be entered quickly onto the NCIC wanted person file to facilitate location by others and enhance public and law enforcement personnel safety.<sup>3</sup>

NCIC has the nation's most extensive computerized criminal justice information system. Its system consists of a central computer at FBI headquarters in Washington, D.C.; dedicated telecommunications lines; and a coordinated network of federal and state criminal justice information systems. NCIC's system consists of millions of records in 14 files, including files on wanted persons, stolen vehicles, and missing persons. Over 19,000 federal, state, and local law enforcement and other criminal justice agencies in the United States and Canada have direct access to NCIC. An additional 51,000 agencies can access NCIC indirectly through agreements with agencies that have direct access. An Advisory Policy Board composed of representatives from criminal justice agencies throughout the United States is responsible for establishing and implementing the system's operational policies. NCIC and the Advisory Policy Board also receive suggestions from a federal working group composed of several representatives from federal law enforcement

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<sup>3</sup>Staff in FBI field offices enter fugitive information directly onto the wanted person file. Staff in USMS, ATF, Customs Service, and INS field offices generally send their information to communication centers, which enter the data onto the wanted person file. The USMS, ATF, and INS centers are at the agencies' Washington, D.C., area headquarters. The Customs Service has four communications centers located in different geographic districts, but the agency is planning to consolidate them into a single center in Orlando, FL.

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agencies, which include ATF, the Customs Service, INS, and USMS. The FBI is responsible for the overall management of NCIC.

Agencies entering data onto the NCIC files are expected to comply with the specifications and standards set by NCIC and must perform periodic reviews to ensure that the information they entered on NCIC is still valid (e.g., that a valid arrest warrant still exists). NCIC personnel are to also periodically review the agencies' NCIC records.

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## Many Fugitives Entered Onto NCIC Wanted Person File Long After Arrest Warrant Issued

Despite agencies' policies calling for entry of fugitives onto the NCIC wanted person file as early as possible after issuance of an arrest warrant, many fugitives' data, including those fugitives classified as dangerous, were entered long after arrest warrants were issued.

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## Fugitive Entry Policies

NCIC written policy calls for timely entries, which it defines as entry made immediately after a decision is made to (1) arrest or authorize arrest and (2) extradite the located fugitives (extradition generally involves state or local law enforcement agencies). NCIC officials said that when they review an agency's use of NCIC records they consider entries made after 24 hours (48 hours if a weekend intervenes) as untimely. However, participating agencies are not required to adhere to the suggested NCIC criteria for timeliness. Rather, each agency sets its own criteria on when to enter fugitives onto the wanted person file.

FBI, USMS, and ATF policies for entering fugitives onto the wanted person file required entry shortly after the arrest warrant, notice of escape, or other document authorizing detention was issued: the FBI and USMS required immediate entry, meaning within 24 hours; ATF allowed up to 10 days for entry if the delay served a law enforcement purpose. Customs Service policy called for entry after reasonable efforts to locate the fugitive had failed and essentially defined "reasonable" as being after all investigative leads on the fugitive's location have been exhausted. INS' policy provided no time frame for making the entry.

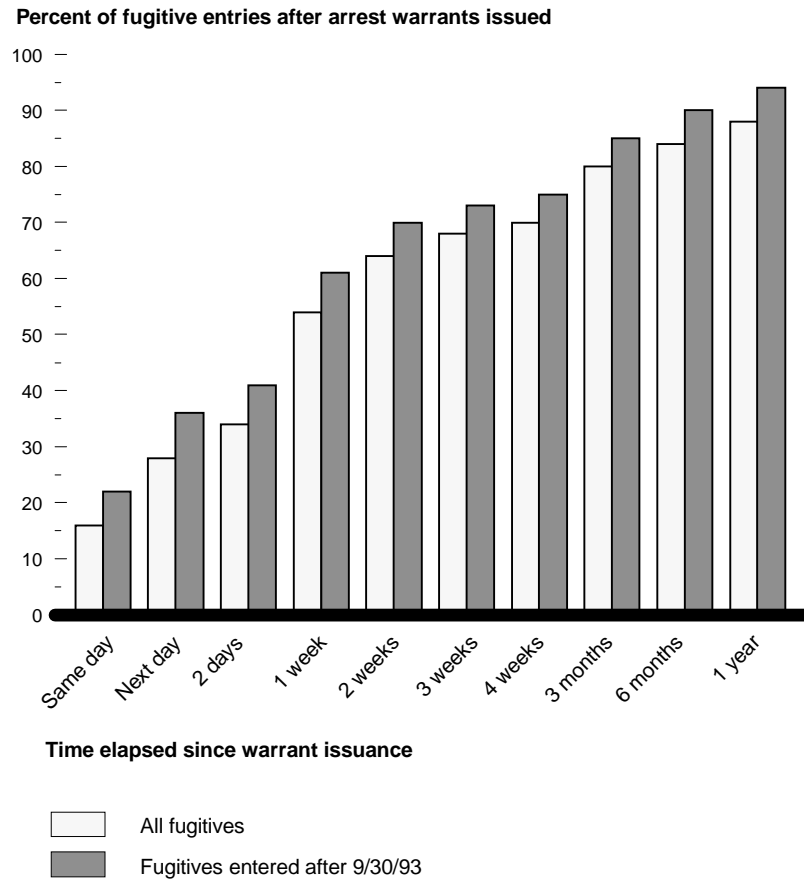
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## Overall Fugitive Entries

Figure 1 illustrates the entry times, by time elapsed since arrest warrant issuance, for the 20,968 FBI, USMS, ATF, and Customs Service fugitive

records on the wanted person file as of April 6, 1994, and for the 3,794 of those records that were entered after September 30, 1993.

**Figure 1: Fugitive Entries on the Wanted Person File as of April 6, 1994**



Source: GAO analysis of NCIC wanted person file.

As figure 1 shows, only 34 percent of all fugitives were entered onto the file within 2 days and slightly more than half (54 percent) were entered within 1 week. These entry times were better for the records entered after September 30, 1993. For example, 41 percent were entered within 2 days

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and 61 percent within 1 week. These entry times and others are shown in appendix II (table II.1).

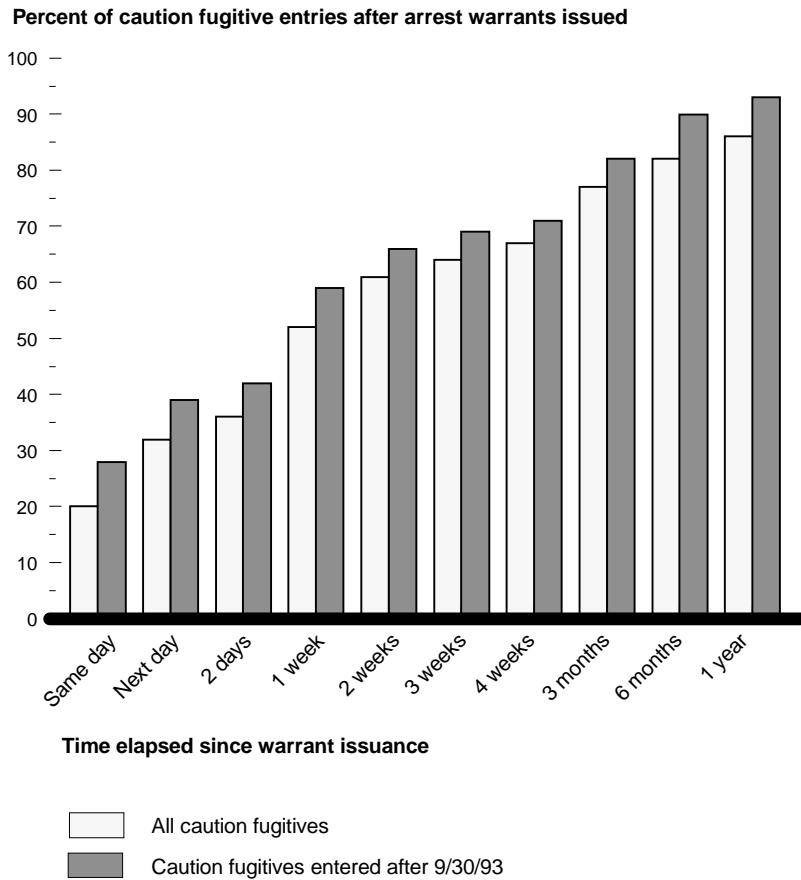
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**“Caution” Fugitive Entries**

Agencies are to enter a caution notation on the wanted person file records of fugitives who are considered dangerous or suicidal or who have a serious medical condition. According to FBI and USMS officials, most fugitives with a caution notation on their file should be considered dangerous. Figure 2 illustrates the entry times for the 7,864 FBI, USMS, ATF, and Customs Service fugitive records with a caution notation on the wanted person file as of April 6, 1994, and the entry times for the 1,838 of these caution-noted records that were entered after September 30, 1993.



**Figure 2: Caution Fugitive Entries on the Wanted Person File as of April 6, 1994**



Source: GAO analysis of NCIC wanted person file.

Despite the caution notation, as figure 2 shows, only 36 percent of all caution fugitives were entered onto the file within 2 days and slightly more than half (52 percent) were entered within 1 week. Entry times were better for the records entered after September 30, 1993. For example, 42 percent were entered within 2 days and 59 percent within 1 week. These entry times and others are shown in appendix II (table II.2).

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## Agencies Did Not Always Comply With Their Own Entry Policies

As noted earlier, except for the Customs Service, the agencies whose records we analyzed generally required that their fugitives be entered onto the wanted person file soon after the arrest warrant was issued. However, the agencies did not always comply with their own policies. For example, the FBI's policy is to enter fugitives onto the file as soon as the decision to make an arrest is made or immediately after the arrest warrant is issued. The FBI has defined "immediately" to mean not more than 24 hours after the arrest warrant is issued because it believes that failure to promptly enter fugitive records onto the file places every member of the criminal justice system, as well as the general public, at risk. However, our comparison of NCIC entries with arrest warrant dates revealed that only 31 percent of the FBI's entries overall and 34 percent of caution fugitive entries were made on the same day of the arrest warrant, and 48 percent and 50 percent, respectively, were made by the end of the next day. Table 1 shows the agencies' reported policies for entering fugitives onto the NCIC wanted person file and entry times for their fugitives on the file as of April 6, 1994.

**Table 1: Reviewed Agencies' Policies and Entry Times for All Fugitives and Caution Fugitives as of April 6, 1994**

Agency	Policy	Percent entered within							
		Same day/ (next day)		1 week		2 weeks		4 weeks	
		All	Caution	All	Caution	All	Caution	All	Caution
FBI	Written policy says enter immediately after arrest warrant issued or as soon as arrest decision made. FBI officials told us, and a 1991 written message to all FBI offices stated, that immediately meant within 24 hours. Also, FBI internal inspections used 24 hours in reviewing entries made by FBI field offices.	31 (48)	34 (50)	68	68	74	74	79	78
USMS	Written policy says enter immediately on receipt of arrest warrant or notification (escape cases). A key USMS official said immediately meant within 24 hours.	11 (23)	11 (20)	52	44	62	54	70	61
ATF <sup>a</sup>	Written policy says entry may be delayed up to 10 days for a valid law enforcement purpose. If a person is known to have fled, entry may be made immediately after arrest warrant issued.	3 (7)	3 (7)	21	21	34	34	49	49
Customs Service	Written policy says enter after all reasonable efforts to locate and arrest the fugitive have failed. Reasonable is defined as being after all investigative leads on the fugitive's location have been exhausted.	4 (7)	5 (8)	21	20	32	28	42	34
INS	Written policy provides no time frame for making entry.	b	b	b	b	b	b	b	b

<sup>a</sup>All but 9 of ATF's 493 fugitives were rated caution; thus, the entry time percentages for all fugitives and caution fugitives were the same.

<sup>b</sup>We could not compute entry time because the wanted person file did not have dates of documents authorizing apprehension.

Source: Agencies' policy guidance, interviews, and GAO analysis of NCIC wanted person file.

Except for the Customs Service, the agencies' entry times for the April 6, 1994, records that were entered onto the wanted person file after September 30, 1993, were somewhat shorter than the times for all of the April 6 fugitive records. For example, 79 percent of all FBI records on the file as of April 6, 1994, were entered within 4 weeks versus 84 percent of the records entered after September 30, 1993. The Customs Service entered 42 percent of its April 6 records within 4 weeks versus 31 percent of those entered after September 30, 1993. More statistics on entry times

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for records on the April 6 wanted person file are included in appendix II (tables II.3 through II.6).

All of the agencies we contacted believed that unwarranted delays in entering fugitives onto the wanted person file could adversely affect timely apprehensions and endanger lives. Many fugitives are apprehended by an agency other than the one responsible for entering them onto the file. Therefore, timely entries onto the file allow law enforcement agencies that come into contact with the fugitives for other reasons, such as minor traffic violations, to check the file and detain these fugitives immediately. NCIC officials told us they developed a procedure to compensate, in part, for delayed entries. Under this procedure, NCIC is to compare a new wanted person file entry with all file queries made 72 hours prior to the entry. When there is a match, NCIC officials are to notify the involved agencies. While the fugitive, for example, may not have been detained after a traffic stop because he or she was not on the file when the query was made, the subsequent matching could provide leads to the person's location. NCIC officials told us that in June 1995, for example, this procedure provided 369 leads from the wanted or missing person files that resulted in 9 persons being arrested or located. However, the officials did not know how many of the 369 leads involved fugitives who were not apprehended because they had fled before the delayed match occurred.

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## Agencies Had Limited Data on Entry Times

Except for the FBI internal inspection program and USMS' program reviews, the agencies we contacted did not systematically monitor or have information on the time taken to enter fugitives on the wanted person file. Nor did they have information on the reasons for delays in entering fugitives. Moreover, NCIC had done limited reviews of ATF's, the Customs Service's, and USMS' entry times on the wanted person file.

The FBI's internal inspections are to include a review of entry times for a sample of wanted person file records.<sup>4</sup> According to the FBI, 24 (or 65 percent) of the 37 FBI field office inspections completed between October 1993 and July 1995 had findings regarding the failure to make timely entries. For 21 of the 24 field office inspections, officials reported that over 10 percent of the entries they reviewed were not in compliance with entry time requirements. Of the 21 inspections, officials reported that 12 showed delays in over 30 percent of the entries reviewed and that 4 showed delays in over 50 percent of the entries reviewed.

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<sup>4</sup>FBI inspection policy has been to review each field office and headquarters every 2 years. However, FBI inspection officials told us they expected to move to a 3-year review cycle.

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Furthermore, 7 of the 24 inspections reported a median delay of 1 week or more, 10 were less than a week, and 7 did not identify the number of days the entries had been delayed. The reports generally did not identify reasons for delayed entries, but officials recommended that the office heads strengthen administrative controls to prevent future delays.

Also, 3 of the 24 reports noted that entry delays were found during the preceding review of the involved offices. The remaining 21 reports, based on data the FBI provided us, made no mention of prior inspections. Of the 21 reports, 7 were done during fiscal year 1995. On the basis of information provided by the FBI during our previous fugitive work, we determined that at least three of the seven reports involved offices that were found to have entry time problems during their prior inspections.

According to a USMS program review official, its internal program reviews involved looking at some fugitive cases, and these reviews generally found that entries were made within 1 or 2 days after the arrest warrant date.

NCIC officials told us that they had reviewed wanted person file use by ATF, the Customs Service, and USMS at least once since 1992. The officials do not review FBI use, relying instead on the FBI's inspection program. An NCIC 1995 report covering various federal agencies, including ATF and the Customs Service, reported problems with one of the Customs Service communications centers that entered records onto the wanted person file.<sup>5</sup> The report stated that there was a significant delay in entering records and that the average delay ranged from 1 week to 1 month. It did not identify the number of records with problems or the reasons for delays. But, it noted that a Customs Service headquarters official contacted the communications center about taking corrective action. Another NCIC 1995 report involving a review of selected USMS offices and other agencies reported that all records reviewed had been entered in a timely manner.<sup>6</sup>

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## Some Agencies Have Taken and/or Are Considering Various Actions to Facilitate Timely Entries

FBI, USMS, ATF, and Customs Service officials we briefed on the results of our analyses of the wanted person file generally expressed concern about our findings. None could explain specifically why entries were delayed. They believed that some were the result of employees becoming involved with higher priority matters (e.g., responding to another more immediate case) or delaying entry for a valid law enforcement purpose (e.g., the opportunity to simultaneously arrest several suspects). However, all

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<sup>5</sup>Treasury Enforcement Communications System II, February 6-22, 1995.

<sup>6</sup>Department of Justice: Justice Telecommunications System, January 17-27, 1995.

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agreed that some delays were due to the lack of oversight or various other problems that could be addressed. For example, USMS officials said there might have been some delays in their being notified by (1) the courts of persons who failed to make a required court appearance or (2) the Drug Enforcement Administration regarding drug case fugitives that the USMS is responsible for pursuing.<sup>7</sup>

As a result of our work, FBI, USMS, ATF, and Customs Service officials committed to examining their more recent entry times and identifying actions they would take, if necessary, to address any problems. Because of our findings regarding these agencies' entry times, INS officials also said they would take action to help ensure that INS field offices submit their fugitive cases for entry onto the wanted person file in a timely manner.

A Supervisory Special Agent representing the FBI Violent Crime and Fugitive unit in headquarters said his unit reviewed the entry times for all entries to the wanted person file from January 1994 through June 1995. He said they found that 58 percent of their fugitives had been entered within 1 day after the date of the arrest warrant and 78 percent within 10 days. These times were better than the overall rates (48 percent by the next day and 79 percent within 4 weeks) we found for all FBI fugitives on the April 6, 1994, wanted person file. The FBI official further stated that the entry times for the persons wanted for the federal crime of unlawful flight to avoid prosecution were much better (80 percent entered in 1 day) than the entry times (40 percent entered in 1 day) for those wanted for other federal crimes, such as bank robbery. In commenting on a draft of this report, FBI officials noted that it was imperative that delays be kept to an absolute minimum and that they would continue efforts to minimize entry delays. They said that the FBI inspection program would continue to audit the field offices' entries to help ensure the timely entry of fugitives without unmitigated delay.

USMS officials said they would review their entry times and, if necessary, send out reminders to their field offices about prompt entries. Entry within 24 hours is one of the new performance measures they plan to use for field offices. The officials believe that this, along with their internal reviews and the periodic NCIC audits, should minimize any future problems with entry times.

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<sup>7</sup>Under the 1988 Justice Department policy on fugitive apprehension, the Drug Enforcement Administration usually transfers responsibility for drug crime fugitives not caught within 7 days to USMS.

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ATF officials said they reviewed some of their recent entries and the fugitive cases from our work involving entry times over 3 months, which we provided at their request. They said that their review validated our findings and that they advised the agents in charge of the involved ATF field offices of the problems and the need for corrective action. Overall, ATF officials said they would enhance their capacity to monitor entry times and identify problems. Specifically, they said their communications center will obtain more information when making entries onto the wanted person file as requested by ATF's field offices. The field offices are to be contacted about entries made after 15 days (ATF's 10-day period when entry may be delayed for a valid reason plus a 5-day grace period). The officials also noted that ATF's communications center staff will review entry times during the periodic validation checks they make of the agency's wanted person file records. They also stated that ATF's internal inspections staff will consider looking at entry times when they conduct inspections of ATF's field offices. ATF officials said they expected a marked improvement in their entry times within a year.

The Customs Service's National Fugitive Program Coordinator said he reviewed recent entries to the wanted person file and noted that improvements in entry times were needed. He plans to monitor entry times and contact field office officials as needed. He also noted that the Customs Service is revising its entry criteria to state:

"Effective immediately, whenever an arrest warrant is issued pursuant to a Customs investigation and the arrest of the subject is not anticipated within a reasonable amount of time, a Customs Fugitive Report will be faxed to the Communications Center (for entry into NCIC) within 24 hours. A reasonable amount of time should be that operationally necessary to effect the arrest of the subject, but should not exceed 10 days."

Furthermore, the Customs Service's coordinator said the criteria will note that there can be exceptions, such as the need to avoid interference with an ongoing investigation. When the delay is no longer needed, the reason for the delay is to be identified on the submitted fugitive report. Customs Service officials also told us that their agency's office that oversees periodic validation checks of Customs Service wanted person file records will now also look at entry times and will use "within 24 hours" as the criterion for timely entry.

As a result of our findings involving other law enforcement agencies and their desire to address problems that may exist or occur, INS officials told us they will add a reminder about the need for timely entries on the form

that their field offices complete and that INS headquarters officials then use to make entries to the wanted person file. Noting that INS had only been using the file since 1991, the officials said they expect, as their use of NCIC grows, to develop improved ways for promoting timely use of the wanted person file as well as other NCIC files.

USMS, ATF, Customs Service, and INS officials noted that the periodic audits of the wanted person file by NCIC officials would help agencies identify problem areas. However, NCIC officials told us that they are now doing less checking of entry times because of increased workload and staff downsizing.

## Conclusions

The FBI, USMS, ATF, and the Customs Service entered many fugitives onto the wanted person file long after their arrest had been authorized. This occurred despite policies generally calling for quick entry and the view that use of the wanted person file aids apprehension and public and law enforcement personnel safety. In response to our findings, the FBI, ATF, and the Customs Service did their own reviews and noted similar entry time problems. USMS officials said they would review their entry times.

Given the concern about public and law enforcement personnel safety and fugitive apprehension, we believe it is important that NCIC and its participating agencies have clear, written policies calling for and defining immediate entry and setting forth any exceptions. While there seems to be agreement on the need for prompt entry, there is no generally accepted definition of immediate entry. However, a consensus seems to be evolving, at least among the agencies we reviewed. NCIC officials consider entry after 24 hours to be untimely, although NCIC has not made this a part of its written policies. FBI and USMS officials told us that although a definition does not appear in written form, immediate entry meant within 24 hours. The Customs Service plans to adopt and put the 24-hour criterion in writing. Exceptions to immediate entry could be allowed for those cases where an arrest is expected to occur quickly or for other established operational reasons. Furthermore, adherence to the policies could be better ensured if the agencies periodically monitored and reviewed entry times and reasons for delays and communicated problems and suggested actions to their field offices.

Finally, although we did not examine the entry times for all law enforcement agencies in the Departments of Justice and the Treasury, we believe that the same reasons for timely entry generally would apply to



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these other agencies. Moreover, it seems reasonable that timely entries would be of concern to law enforcement organizations in other federal agencies.

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## Recommendations

We recommend that the Attorney General require the Directors of the FBI and USMS and the Commissioner of INS and that the Secretary of the Treasury require the Director of ATF and the Commissioner of the Customs Service to ensure that they have written policies that require immediate entry of fugitives onto the NCIC wanted person file, unless imminent arrest is expected or other mitigating reasons exist. In this regard, we also recommend that the Attorney General, as the official ultimately responsible for NCIC and the wanted person file, seek consensus among federal law enforcement agencies on a definition of immediate entry and include this definition as guidance in the NCIC operating policies on the use of the wanted person file.

To ensure that timely entries are made, we recommend that the Attorney General and the Secretary of the Treasury require the agency heads to establish and implement measures for ensuring compliance with the policy for immediate entry of fugitives' data onto the NCIC wanted person file, including periodically reviewing entry times and identifying and evaluating reasons for delays.

Also, we recommend that the Attorney General and the Secretary of the Treasury require the heads of other agencies within their respective Departments that use the wanted person file to determine whether they have adequate entry time policies and monitoring mechanisms and, if not, to establish such policies and mechanisms. Furthermore, we recommend that the Attorney General require the FBI Director, working with the NCIC Advisory Policy Board, to (1) advise law enforcement organizations in federal departments and agencies outside of the Departments of Justice and the Treasury of the importance of timely entry and (2) encourage them to determine whether they have adequate entry time policies and monitoring mechanisms.

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## Agency Comments and Our Evaluation

We requested comments on a draft of this report from the Attorney General and the Secretary of the Treasury. Responsible Department of Justice officials from the Office of the Assistant Attorney General for Administration, the FBI, INS, and USMS provided Justice's comments in a meeting on December 11, 1995. Responsible Department of the Treasury

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officials from the Office of the Under Secretary for Enforcement, ATF, and the Customs Service provided Treasury's comments in a meeting on December 5, 1995.<sup>8</sup>

Justice officials said that the Department generally agreed with our findings and recommendations and that the Department's component agencies recognize the need for timely wanted person entries to protect law enforcement officers and the general public and to assist in the location of criminal and alien absconders. They said, however, that setting a single policy for timeliness and measuring timeliness is not a simple matter. They specifically noted the following.

- A myriad of reasons may preclude the entry of a wanted person within 24 hours of the date of the warrant. For example, entry might be delayed because of (1) insufficient data (e.g., date of birth) to properly identify the fugitive; (2) circumstances germane to a particular case (e.g., where the subject is given opportunity to surrender in exchange for the subject's cooperation); or (3) the involvement of sealed indictments, particularly in multiple subject cases where the government does not want to disclose ongoing investigations not ready for indictment.
- When modifying records, it is sometimes easier to delete the entry and reenter it. This would result in an entry date on the wanted person file that appears to be late, but does not reflect the earlier data entry.
- Compelling the entry of all INS fugitive alien cases within a specific time frame will not meet the criteria required for successful conclusion of the cases in many instances. For example, in INS' failure to surrender cases, entry is dependent on meeting certain criteria (e.g., has failed to appear for deportation upon demand by INS) rather than a specific time.
- When measuring timeliness, it would be more useful to evaluate the reasons for delayed entry rather than reviewing the entry's date against that of the warrant.

We recognize that not all fugitives can or should be entered onto the wanted person file within a short time frame and that some entry dates on the file may be incorrect. How much of the delay we found is due to valid reasons or incorrect dates is unknown. We noted earlier in this report that the agencies could not explain specifically why entries were delayed but did identify both valid and invalid reasons why delays might occur (see pp. 11-12). Our recommendations recognize that entry policies need to allow for delays for valid reasons and that monitoring mechanisms need to

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<sup>8</sup>Representatives at these meetings included (1) Justice's Audit Liaison in the Office of the Assistant Attorney General for Administration and (2) Treasury's Director of the Office of Finance and Administration in the Office of the Under Secretary for Enforcement.

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identify and evaluate reasons why specific entries were delayed. Furthermore, we believe that the findings of the FBI's inspection program, the checks made by ATF and Customs Service officials after we brought our findings to their attention, and the agencies' overall agreement with our findings and recommendations make it clear that substantial delays have occurred for invalid reasons and that the agencies can improve upon the entry times we found.

Also, the Justice officials said that despite the many reasons for delaying entry and INS' particular situation, actions have been taken or are being taken to better define and ensure timely entry of fugitives onto the wanted person file. Concerning changes to overall NCIC policy guidance, they said that any changes must be made pursuant to established procedures and that the FBI would formally submit our recommendations for review by the NCIC's Advisory Policy Board during meetings to be held in the spring of 1996. The Justice officials also noted that the FBI, INS, and USMS are initiating or have been using systems for ensuring timeliness of fugitive entries. They cited the FBI inspection program, which they said recently identified a 22-percent unmitigated delay in fugitive entries in one field office and led to the office taking corrective action. Referring to plans for the USMS to take over responsibility for INS' criminal fugitives, they noted that INS plans to meet the USMS entry criteria (i.e., immediate entry, which USMS officials earlier told us meant within 24 hours).<sup>9</sup> They also noted that USMS plans to evaluate entry times as part of a system to assess the performance of its field offices on fugitive cases.

Treasury officials generally agreed with the recommendations we made to their Department. Furthermore, given that Treasury works closely with Justice to address federal law enforcement issues, the Under Secretary's representative expressed Treasury's interest in working with Justice to address our recommendations to seek a consensus on a definition of immediate entry and to bring the need for adequate entry time policies and monitoring mechanisms to the attention of other federal law enforcement organizations.

Concerning specific agency actions, the ATF officials noted that ATF (1) issued a memorandum to its field offices in 1995 reiterating its entry time policy and outlining steps taken or planned to enforce it, including establishing audit and follow-up procedures, and (2) will further revise its

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<sup>9</sup>INS is negotiating a memorandum of understanding with USMS under which USMS, among other things, will be responsible for entering on the wanted person file an INS fugitive who is the subject of a criminal arrest warrant. This does not include aliens who are wanted by INS for deportation as described in the footnote on page 22 of this report.

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policy guidance to call for entry within 24 hours. The Customs' official noted that the Customs Service has issued revised policy guidance to require entry within 24 hours and will follow through on measures to ensure compliance as discussed on page 13 of this report.

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We are sending copies of this report to interested congressional committees and members. We are also sending copies to the heads of various other federal agencies that had records on the April 6, 1994, wanted person file for their information. These agencies include the Department of Defense, Department of State, and the U.S. Postal Service. We will also make copies available to others upon request.

The major contributors to this report are listed in appendix III. If you have any questions concerning this report, please call me on (202) 512-8777.



Norman J. Rabkin  
Director, Administration  
of Justice Issues

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**Abbreviations**

ATF	Bureau of Alcohol, Tobacco and Firearms
FBI	Federal Bureau of Investigation
INS	Immigration and Naturalization Service
NCIC	National Crime Information Center
USMS	United States Marshals Service

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# Objectives, Scope, and Methodology

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Our overall objective was to follow up on information from earlier work that seemed to show that federal law enforcement agencies were not timely entering in their fugitives onto the NCIC wanted person file. Specifically, we sought to identify (1) how long federal agencies took to enter fugitives onto the wanted person file; (2) what information the agencies had on entry times and the means used to monitor entry times; and (3) what actions agencies took, considered, or could take to reduce any entry delays. We focused on the FBI, INS, USMS, ATF, and the Customs Service. These agencies accounted for 78 percent of the records on the April 1994 wanted person file that we acquired during our earlier work. They were also the principal fugitive-hunting agencies within the Justice and Treasury Departments, the two departments mainly addressed in our earlier fugitive work.

To accomplish our objectives, we analyzed principally the wanted person file data obtained on a prior review of interagency cooperation of federal fugitive activities. We also interviewed officials and reviewed various documents obtained at the headquarters offices of the FBI, INS, USMS, ATF, and the Customs Service. The wanted person data involved federal fugitive records on the wanted person file as of April 6, 1994. We did not update these data by obtaining and analyzing more recent files since the agencies expressed the willingness to look into or otherwise act to address actual or potential problems with entry time.

Sufficient data were available on the wanted person file we earlier obtained to identify the elapsed time between the date of the arrest warrant, or other document authorizing apprehension, and the date of record entry for at least 99 percent of the April 6, 1994, individual records of the FBI, USMS, ATF, and the Customs Service. INS' wanted person file records did not have this information and thus were excluded from our analysis.<sup>1</sup> Table I.1 shows by agency the number of records we analyzed.

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<sup>1</sup>According to INS officials, INS' wanted person file records mostly involved (a) other than Mexican aliens who had been ordered deported for entering the United States illegally and the entry was within the previous 5 years and (b) aliens who were ordered deported based on a criminal conviction or an aggravated felony due to legal opinions requiring underlying criminal activity. For these wanted persons, INS entered the date of the general deportation order but not the date of the document authorizing apprehension because of the alien's subsequent failure to surrender for deportation or the alien's escape from custody.



Table I.1: Number of Wanted Person File Records Used in Analysis of Entry Times

Agency	4/6/94 Wanted person file			
	All	Those entered after 9/30/93	Those with caution notation	Caution notation entered after 9/30/93
FBI	5,593	1,275	3,325	820
USMS	14,048	2,284	3,960	895
ATF	493	118	484	116
Customs Service	834	117	95	7
<b>Total</b>	<b>20,968</b>	<b>3,794</b>	<b>7,864</b>	<b>1,838</b>

Source: GAO analysis of NCIC wanted person file.

We briefed FBI, INS, USMS, ATF, and Customs Service officials responsible for fugitive policies on the results of our analyses. We also interviewed them as to any (1) current information they might have on entry policies and times; (2) means their agencies had for staying abreast of entry times and for ensuring timely entries; (3) known or possible causes and effects of delayed entries; and (4) actions that had been taken to address entry time problems or actions that would be or could be taken as a result of our findings. We also interviewed NCIC officials and FBI and USMS officials responsible for conducting reviews of field office operations (called “inspections” in FBI and “program reviews” in USMS) about their findings regarding entry times. We reviewed sections of inspection reports that represented, according to FBI officials, all findings on entry time problems from inspections conducted from October 1993 to July 1995. We did not review any USMS reports since officials told us they generally did not find problems with entry times. Officials at the other agencies we contacted said they did not have such reviews (INS) or that their reviews did not look at entry times (ATF and the Customs Service).

We also interviewed a representative of the International Association of Chiefs of Police about the importance of the wanted person file in fugitive apprehension and public and law enforcement personnel safety.

# Entry Times for Fugitive Records on the Wanted Person File as of April 6, 1994

**Table II.1: Fugitive Entries on the Wanted Person File as of April 6, 1994**

Entered within	Percent of fugitives entered	
	All	Those entered after 9/30/93
Same day	16	22
Next day	28	36
2 days	34	41
1 week	54	61
2 weeks	64	70
3 weeks	68	73
4 weeks	70	75
3 months	80	85
6 months	84	90
1 year	88	94
Over 1 year	100	100

Source: GAO analysis of NCIC wanted person file.

**Table II.2: Caution Fugitive Entries on the Wanted Person File as of April 6, 1994**

Entered within	Percent of caution fugitives entered	
	All	Those entered after 9/30/93
Same day	20	28
Next day	32	39
2 days	36	42
1 week	52	59
2 weeks	61	66
3 weeks	64	69
4 weeks	67	71
3 months	77	82
6 months	82	90
1 year	86	93
Over 1 year	100	100

Source: GAO analysis of NCIC wanted person file.

**Appendix II**  
**Entry Times for Fugitive Records on the**  
**Wanted Person File as of April 6, 1994**

**Table II.3: Entry Times by Agency for Fugitives on the Wanted Person File as of April 6, 1994**

Numbers in percents				
Entered within	FBI	USMS	ATF	Customs Service
Same day	31	11	3	4
Next day	48	23	7	7
2 days	53	29	9	10
1 week	68	52	21	21
2 weeks	74	62	34	32
4 weeks	79	70	49	42
3 months	86	79	71	64
6 months	89	83	79	75
1 year	91	87	88	84
Over 1 year	100	100	100	100
Average (days)	201	269	220	267
Median (days)	2	7	29	41

Source: GAO analysis of NCIC wanted person file.

**Table II.4: Entry Times by Agency for April 6, 1994, Fugitive Records Entered on the Wanted Person File After September 30, 1993**

Numbers in percents				
Entered within	FBI	USMS	ATF	Customs Service
Same day	44	12	3	5
Next day	61	25	9	9
2 days	65	31	11	9
1 week	76	58	21	17
2 weeks	81	68	32	24
4 weeks	84	74	52	31
3 months	94	82	71	60
6 months	96	89	81	70
1 year	97	93	88	87
Over 1 year	100	100	100	100
Average (days)	51	118	262	231
Median (days)	1	6	28	55

Source: GAO analysis of NCIC wanted person file.

**Appendix II**  
**Entry Times for Fugitive Records on the**  
**Wanted Person File as of April 6, 1994**

**Table II.5: Entry Times by Agency for April 6, 1994, Wanted Persons With Caution Notation on Record**

Numbers in percents				
Entered within	FBI	USMS	ATF	Customs Service
Same day	34	11	3	5
Next day	50	20	7	8
2 days	55	25	9	14
1 week	68	44	21	20
2 weeks	74	54	34	28
4 weeks	78	61	49	34
3 months	85	71	71	59
6 months	87	78	79	67
1 year	90	82	88	81
Over 1 year	100	100	100	100
Average (days)	245	351	218	404
Median (days)	1	11	29	42

Source: GAO analysis of NCIC wanted person file.

**Table II.6: Entry Times by Agency for April 6, 1994, Wanted Persons With Caution Notation Entered on the Wanted Person File After September 30, 1993**

Numbers in percents				
Entered within	FBI	USMS	ATF	Customs Service
Same day	48	13	3	29
Next day	63	21	10	29
2 days	66	25	11	29
1 week	75	49	22	29
2 weeks	79	60	32	29
4 weeks	82	64	52	29
3 months	94	73	72	71
6 months	96	86	81	71
1 year	97	90	89	100
Over 1 year	100	100	100	100
Average (days)	60	155	263	88
Median (days)	1	8	28	58

Source: GAO analysis of NCIC wanted person file.

# Major Contributors to This Report

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