



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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The Honorable Charles H. Percy
Ranking Minority Member
Committee on Government Operations
United States Senate

Dear Senator Percy:

In a June 9, 1975, report to you we provided budgetary, organizational, and personnel data for Federal departments and agencies doing police and investigative work. We identified 33 departments and agencies requiring \$2.6 billion in funding and 169,625 people to do or directly support, police and investigative work for fiscal year 1975.

On August 18, 1975, you asked our Office to follow up on this information. On October 8, 1975, we advised you of certain work we had underway and that we had begun a survey of the Federal guard activities identified in our June 9 report. This is our report on the results of that survey.

Twenty-three agencies were funded at \$551.4 million and staffed with 46,878 police and guards during fiscal year 1975. We surveyed 10 of the 23 agencies, representing about 28 percent of the funding and 22 percent of the personnel reported to you as in the guard category for fiscal year 1975. Although protective services at several of the agencies involved essentially the same duties and responsibilities, salaries and basic training provided varied:

--Salaries, because some agencies had special legislation authorizing higher salary rates.

--Training, because training standards had not been prescribed for Federal protective services.

We recommend that the Civil Service Commission and the Office of Management and Budget take actions to correct the variances.

SALARY VARIANCES

Persons providing protective services at the 10 agencies were classified by the Civil Service Commission as either guards or police. Salaries varied widely..

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<u>Agency</u>	<u>Salary range for ranks of Private through Captain</u>
Police:	
Executive Protective Service	<u>a</u> /\$11,600 to 24,810
U.S. Capitol Police	<u>a</u> /11,130 to 26,394
National Zoological Park	<u>b</u> /11,046 to 16,800
Federal Aviation Administration	9,572 to 17,523
General Services Administration, Federal Protective Service	7,976 to 21,133
Guards:	
U.S. Postal Service	11,444 to 23,432
Library of Congress	11,046 to 19,507
Defense Mapping Agency	7,976 to 17,523
U.S. Information Agency	<u>c</u> /7,976 to 14,358
National Gallery of Art	7,102 to 19,270
Smithsonian Institution	7,102 to 17,523

a/Executive Protective Service officers and Washington Metropolitan Police detailed to the Capitol Police receive longevity salary increases which are not reflected in these salary figures.

b/A recently instituted policy permits hiring trainees at an \$8,508 annual salary. The agency requires a minimum of 5 years experience for people hired at the \$11,046 salary but only 2 years experience for people hired at the \$8,508 salary. The National Zoological Park is organizationally part of the Smithsonian Institution.

c/The highest position is equivalent to a Lieutenant.

Except for the U.S. Information Agency, the police and guards of the agencies listed above carry guns and can make arrests (excluding the Defense Mapping Agency). The basic difference between the two categories is that police usually protect people and guards usually protect property. U.S. Information Agency guards are mostly responsible for protecting classified documents.

The agencies paying higher salaries for police and guards--those in the \$11,000 plus starting salary bracket--are authorized to do so by special legislation. Those paying the lower salaries are subject to the General Schedule pay structure. Most Federal white collar workers are

classified and paid under this system, which was established by the Classification Act of 1949, as amended, (5 U.S.C. 5101 et seq.), and supervised by the Commission.

The Capitol Police and Executive Protective Service are not regulated by the General Schedule pay system. Capitol Police salaries are paid by the Congress; Executive Protective Service salaries are required by law (3 U.S.C. 204) to equal Washington Metropolitan Police salaries.

Public Law 86-379 (Sept. 23, 1959) increased the salaries of the National Zoological Park Police above the then authorized General Schedule rates. Public Law 91-34 (June 30, 1969) removed the Zoological Park Police from that pay system and revised the salaries to the present levels. Serious recruitment and retention problems (attributed to salaries considerably lower than other police organizations in the District of Columbia) were cited as reasons for the legislation.

Pay rates for Postal Service guards are determined through collective bargaining in accordance with the Postal Service Reorganization Act of 1970.

Before 1968, the Library of Congress guard salaries were subject to the General Schedule system. Because of alleged difficulties in recruiting and retaining guards, the Library attempted, unsuccessfully, to have the Commission administratively approve increases in those pay scales. The Library later proposed legislation to remove the guard force from the General Schedule pay system and to increase salary levels, since its salaries were lower than both the Capitol Police and the Supreme Court Police and the pay scale was not sufficient to recruit and retain guards. Public Law 90-610 (Oct. 21, 1968) removed the guard position from the General Schedule system and increased the guard salary levels.

Public Law 93-175 (Dec. 5, 1973) increased Library guard salaries to the current rates. In support of the legislation, the Library compared its salaries to those of the Supreme Court, Capitol, and National Zoological Park Police, which were then higher, noting that this situation created a serious morale problem for its guards.

The Director, Administrative Department, Library of Congress said the Library of Congress guards perform both police and guard duties and suggested including them in the police category. The hearings which supported the most

recent salary increase for Library of Congress guards brought out, however, that the actual duties of the Library guard force were more custodial than law enforcement (police).

Problems associated with salary differences

Several problems arise when people with similar duties and responsibilities are paid different salaries.

When one or two agencies receive special pay rates through legislative or other means a precedent is set. Other agencies performing similar activities then seek similar legislative treatment. The Library of Congress used the special pay rates of other agencies to justify an increase in its salary levels. The General Services Administration is attempting to upgrade the salaries and benefits of its Federal Protective Service officers by submitting proposed legislation through the Office of Management and Budget. The General Services Administration has attempted to improve the benefits of its Federal Protective Officers through administrative appeals to the Civil Service Commission. In support of these actions, General Services has cited its lower pay and benefits compared to the Library of Congress, National Zoological Park Police, and the Executive Protective Service. Thus far the Commission and the Office of Management and Budget have refused the General Services' effort to upgrade its force's salaries and benefits. However, the effort is still being pursued.

Those groups not receiving the higher salary levels have low morale and high turnover rates. For example, according to General Services documentation, the Federal Protective Service has had major problems retaining highly qualified officers. Since 1972, about 1,700 (43 percent) of the guards left the Federal Protective Service. About 60 percent of those who left cited higher pay and/or better opportunities as the reason for leaving. According to Federal Aviation Administration officials, their agency has high turnover rates and morale problems. Even though the Federal Aviation Administration pays slightly higher General Schedule salaries to its police officers, the rates authorized are still less than those paid by activities with legislatively authorized rates, such as the Library of Congress and the Zoological Park Police.

The Commission strongly opposed the legislation which authorized both the Library of Congress guards and the National Zoological Park Police special pay rates. It believed the measures would result in highly preferential treatment for a limited segment of the overall Government guard and police positions. A Commission official said the agency has always opposed special pay treatment for a limited segment of Government workers.

Need for fair and equitable salary treatment

To provide employees under the General Schedule pay structure equal pay for equal work, the Civil Service Commission attempts to group the General Schedule positions into similar classes by (1) kind or subject matter of work, (2) level of difficulty or responsibility, and (3) qualification requirements. In developing the job classification series, the Commission described guard and police work and set salary levels based on the experience, training, and related requirements of people working as guards or police.

We and others believe the current pay systems which cover many heterogeneous occupations should be grouped by major occupation. This would result in closer compatibility to market rates and a more rational series of pay rates.

--A September 1972 Task Force Report 1/ on job evaluation and pay in the executive branch recommended that, to attract and appropriately compensate specialized talent, certain occupations such as protective service, teaching, and law have special occupational pay categories in the Federal system.

--In an October 30, 1975, report to the Congress, 2/ we stated that some occupational groups should have special pay. We recommended that the Commission and the Office of Management and Budget (1) develop logical, homogeneous groupings of white collar occupations, (2) design pay standards and systems appropriate to each group, and (3) develop an assessment and adjustment process for each system.

1/Frederick F. Richter, "A Summary of the Job Evaluation and Pay Review Task Force Report," Sept. 1972.

2/Report to the Congress, "Federal White Collar Pay Systems Need Fundamental Changes," (FPCD-76-9, Oct. 30, 1975).

--The President's Panel on Federal Compensation, in its December 1975 report, recommended that the executive branch be authorized to establish special occupational groups and personnel systems when the regular systems hamper management's ability to recruit and manage a well qualified work force.

In a January 1976 staff report, the panel stated that separate pay systems frustrate the application of uniform compensation policies and produce inequities among employees doing the same kinds and levels of work. The panel recommended that the Office of Management and Budget and the Commission review the need for the many separate Federal civilian pay systems now in existence and propose legislation to eliminate or combine separate plans wherever appropriate. According to the panel, separate systems should probably be absorbed by one of the major systems; others should be combined with special occupational schedules, which should be separated from the General Schedule. The panel added that this would provide for improved administration of compensation policies for all Federal workers and greater central control of the Federal compensation system.

In January 1974, the Congress provided the Commission funds to do studies on the desirability and feasibility of (1) subdividing the General Schedule pay system into major homogeneous groupings and (2) basing Federal pay rates on local prevailing rates. The objective of one study is to determine the need and feasibility for a separate classification and pay system for protective service occupations. According to Commission officials, this study is being used to draft legislation to establish salaries for special occupational groups.

Conclusions

Equal pay should be received for substantially equal work. The General Schedule pay and classification system is based on this principle. Because of exceptions, this principle is not being followed for protective service jobs in many agencies surveyed. Piecemeal pay legislation for this group has caused morale and turnover problems among the agencies not receiving special pay treatment.

We made no attempt to assess the reasonableness of the salary levels in the activities surveyed. However, can such widely varied salaries be justified?

Studies have shown the need for special job classifications within the Federal pay structure. It may be appropriate for protective service occupations to receive special treatment.

Since the Commission is now drafting legislation to establish salaries for special occupational groups, we are making no recommendations.

However, in a separate letter to the Chairman, Civil Service Commission, we are encouraging that he complete the drafting of special legislation concerning a separate pay system for protective service occupations as soon as possible, giving full recognition to the recommendations and ideas of the President's panel and of our previous report.

TRAINING VARIANCES

Officials at each agency surveyed said they provided formal basic training and/or on-the-job training for newly employed police and guards. As the following table shows, the formal basic training provided varied.

<u>Agency</u>	<u>Weeks of formal basic training</u>	<u>Training conducted by</u>
Police:		
Executive Protective Service	15	<u>a</u> /Agency and FLETC
Capitol Police	14	Agency and FLETC
Federal Aviation Administration Police	10	Agency and FLETC
National Zoological Park Police	8	FLETC
General Services Administration Federal Protective Service	6	Agency
Guard:		
Library of Congress	5	<u>b</u> /FLETC
U.S. Postal Service	3	Agency
Smithsonian Institution	2	Agency
National Gallery of Art	2	Agency
Defense Mapping Agency	<u>c</u> /1	Agency
U.S. Information Agency	None	N/A

a/Federal Law Enforcement Training Center.

b/Beginning January 1976, the Library plans to conduct a 2-week formal basic training course for its guards who have not yet attended the FLETC.

c/Defense Mapping Agency guards in Washington, D.C., receive no formal basic training, except about 2 hours training on the use of firearms. Defense Mapping Agency guards in St. Louis, Missouri, receive 1 week of basic training.

Formal basic training differs because no requirements or standards specify the training needed for Federal employees. According to Civil Service Commission officials, training standards have not been prescribed because 5 U.S.C. 4103 states that the head of each agency is responsible for establishing, running, and maintaining training programs for agency employees. However, Executive Order 11348 (Apr. 22, 1967) makes the Commission responsible for advising the President about ways to improve Federal training programs. Thus, we believe that a framework exists to allow the Commission to initiate actions that would lead to training standards.

Agency officials think different amounts of training are needed for their employees. For example, National Gallery of Art officials believed the basic training (2 weeks) provided to their guards was sufficient because of their type work. Executive Protective Service officials believed a minimum of 12 weeks basic training was needed for officers who carry firearms and can make arrests.

With the few exceptions stated on page 2, all or some guards and police at the agencies surveyed can make arrests and carry firearms. Each agency requires its police or guards to qualify at least annually with their firearms. However, the formal training in the use of firearms, constitutional and criminal law, and arrest authority varies among the agencies.

<u>Agency</u>	<u>Hours of basic training provided for</u>	
	<u>Firearms</u>	<u>Law and arrest authority</u>
Capitol Police	56 3/4	94
Executive Protective Service	48	67
Federal Aviation Administration Police	44	43
National Zoological Park Police	43	38
General Services Administration- Federal Protective Service	40	20
Library of Congress	43	22
U.S. Postal Service	25	9
Smithsonian Institution	6	11
Defense Mapping Agency	2 to 4	5
National Gallery of Art	<u>a/2</u>	<u>a/8</u>

a/A National Gallery of Art official stated that the formal basic training devoted to firearms, law, and arrest authority would vary from class to class. He estimated, however, that a minimum of 2 hours of the 80-hour basic training course are devoted to firearms training; about 8 hours, to law-arrest authority.

Five agencies use the Treasury Department's Federal Law Enforcement Training Center to provide basic training for their police and guards. The training center is an inter-agency facility for 26 Federal agencies with protective service responsibilities. About 15 other agencies are served on a space-available basis. The training center administers two major programs: a criminal investigator school and a police school.

Training center officials said the center offers three basic training courses in the police school for 5, 8, and 12 weeks. Both training center and Commission officials said that an agency considers its budget when selecting a course for its personnel to attend. The 8-week course was created because some agencies with tight budgets needed a course less than 12 weeks long. Although training center officials could not state what the minimum basic training for police or guards should be, they believed minimum training standards for Federal protective service and other law enforcement personnel should be established.

The Executive Protective Service, Capitol, National Zoological Park, and Federal Aviation Administration Airport Police all participate in the training center's 8-week police school. The Library of Congress participates on a space-available basis in the 5-week police school.

Legal implications of training variances

Until March 16, 1974, the Government generally could not be held liable for any negligent or wrongful conduct by police or guards when assault, battery, false arrest, or false imprisonment were alleged. The Federal Torts Claims Act (28 U.S.C. 2674) makes the United States liable for negligent or wrongful actions by its employees when they are on the job "in the same manner and to the same extent as a private individual under like circumstances." But a section of the act, (28 U.S.C. 2680(h)), specifically exempted the United States from liability for any claim arising out of assault, battery, false imprisonment, and false arrest.

That section was amended in 1974. The Government was made liable for certain negligent or wrongful actions (such as assault, battery, false imprisonment, or false arrest) committed by Federal investigative or law enforcement officers (Public Law 93-253, Mar. 16, 1974). "Investigative or law enforcement officer" is defined as any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law. Except for the U.S. Information Agency and the Defense Mapping Agency, the police and guards of the other agencies surveyed can make arrests on Federal property. Therefore, Federal police and guards may be considered "investigative or law enforcement officers," exposing the United States to liability for their negligent or wrongful actions.

The recent legislation thus increases the importance of the amount of training given to Federal police and guards. Different legal, arrest, or firearm training among Federal agencies whose police and/or guards have similar jobs suggests that training in some instances may be inadequate or at least in need of improvement. Establishing minimum standards for legal, arrest, and firearms training for all Federal police and guards could alleviate this apparent problem and, thus, lessen the possibility of a lawsuit against the United States under the Federal Torts Claim Act.

The Chief of the Capitol Police said his organization is being sued by a private citizen who claims he was illegally arrested. The citizen also contends that the Capitol Police was negligent for not sufficiently training the two policemen involved in the suit. For obvious reasons this suit may be of major concern to all Federal law enforcement groups.

Conclusion

In view of the 1974 legislation which makes the United States liable for the negligent or wrongful actions of its investigative and law enforcement officers (apparently including police and guards), all concerned agencies should thoroughly train such officers in legal requirements, arrest procedures, and proper use of firearms. We cannot conclude if any agencies surveyed have, in fact, provided too little or possibly too much training in these areas. But, the very existence of such wide variations, coupled with Public Law 93-253, calls for a study by the Civil Service Commission and the Office of Management and Budget to establish proper training standards. After the standards are established, the Commission could use its leadership to implement the standards.

Recommendation

In separate letters to the Civil Service Commission and the Office of Management and Budget, we recommend that they initiate a study to establish standards for the training that Federal investigative and law enforcement officers need in legal requirements, arrest procedures, and use of firearms.

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The information in this report was discussed with officials of the Office of Management and Budget and the Civil Service Commission and their views were considered in finalizing the report.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas B. Staats". The signature is written in a cursive style with a large initial 'T'.

Comptroller General
of the United States