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REPORT TO THE CONGRESS

BY THE COMPTROLLER GENERAL
OF THE UNITED STATES



The FBI's System For Managing Investigative Resources And Measuring Results--Improvements Are Being Made

The FBI's new information system provides a tool for more effectively managing its investigative resources and measuring their results. This should aid its evaluation of the quality over quantity investigative approach, which identifies priority cases and is a major step toward indicating the effectiveness of its criminal investigations. However, close coordination of priorities between the FBI and U.S. attorneys is essential.

The Attorney General should make sure that:

- The Resource Management Information System is closely followed so that it adequately addresses the problems cited in this report.
- U.S. attorneys and the FBI establish mutual priorities and develop prosecutive guidelines to identify complaints that will not be prosecuted and thus should not be fully investigated.
- Department of Justice and FBI officials discuss ways to make Federal law enforcement more effective.



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

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To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the information system the FBI uses to manage its criminal investigative resources and report on their results. Because problems existed in the traditional management and reporting procedures, the FBI developed a new system, which should resolve most of these problems. However, improved coordination between the FBI and U.S. attorneys is needed to achieve the greatest possible impact on crime.

Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Acting Director, Office of Management and Budget; the Attorney General; and the Director, Federal Bureau of Investigation.

A handwritten signature in black ink, appearing to read "Thomas B. Staats".

Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

THE FBI'S SYSTEM FOR MANAGING
INVESTIGATIVE RESOURCES AND
MEASURING RESULTS--IMPROVEMENTS
ARE BEING MADE

D I G E S T

Traditionally, the FBI has managed its investigative staff on the basis of caseload and accomplishments, not on the nature and importance of its investigations.

Realizing the limitations of this method, the FBI implemented a new approach, called quality over quantity--a concentration on the most important crime problems in each area of jurisdiction instead of using caseload statistics as priorities. (See p. 9.)

This approach was a major step forward, but improvements were needed. A clear definition of a quality case or priority area was lacking. Existing information concerned mostly the number of cases, information on the results of field operations was limited, and routine statistics were not available on all cases. Coordination with U.S. attorneys to set priorities was needed. (See pp. 10 to 23.)

Accomplishment statistics are the FBI's only systematically recorded information on investigative results. They consist of convictions, fines, savings, recoveries, and fugitive locations. They are important because they are used internally as a management tool and because they are the major indicator the Congress, the Office of Management and Budget, the Department of Justice, and the public have of the FBI's investigative effectiveness.

Accomplishment statistics were misleading because:

--The format did not explain what the statistics meant and how dollar values had been determined.

--The FBI had not established specific criteria on how accomplishments were to be claimed by field offices. (See pp. 34 to 36.)

Accomplishment statistics included cases that:

--Had resulted from investigations in which another law enforcement agency had made a major but unrecognized contribution. (See pp. 29 to 31.)

--Had been based on estimated or potential dollar amounts. (See pp. 31 to 33.)

--Either were inaccurate or duplicated other reported statistics. (See p. 33.)

Realizing the problems in its new approach, the FBI developed a new information system to manage and allocate resources more effectively. It should, if properly monitored, resolve most of these problems. (See ch. 5.)

The Attorney General should make sure that:

--The Resource Management Information System is monitored closely so that it adequately addresses the problems cited in this report.

--U.S. attorneys and FBI field office personnel establish and pursue mutual priorities and develop prosecutive guidelines to identify complaints that will not be prosecuted and thus should not be fully investigated.

--Department of Justice and FBI headquarters officials meet regularly to discuss ways to make Federal law enforcement more effective, such as by establishing nationwide prosecutive guidelines where possible.

The Department had no major disagreements with GAO's findings and recommendations. It plans to further emphasize the importance of strengthening coordination procedures. It was reluctant, however, to require each U.S.

attorney to issue specific formal prosecutive guidelines.

GAO believes that guidelines are necessary for the quality over quantity approach to be effective. They should, however, be flexible enough to deal with special circumstances.

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C o n t e n t s

		<u>Page</u>
DIGEST		i
CHAPTER		
1	INTRODUCTION	1
2	ORGANIZATION AND ADMINISTRATION OF CRIMINAL INVESTIGATIVE ACTIVITIES	2
	Headquarters organization	2
	Field office organization	2
	Administration of criminal investigations	3
3	FBI'S NEW APPROACH TO MANAGING INVESTIGATIVE RESOURCES IS BETTER, BUT PROBLEMS EXIST	6
	Past bases for managing investigative resources	7
	New approach to managing investigative resources needs to be improved	9
4	ACCOMPLISHMENT STATISTICS CURRENTLY ARE MISLEADING--THIS IS CHANGING	24
	Accomplishment statistics categories	25
	Use of accomplishment statistics	26
	Accomplishment statistics are misleading	27
	Why accomplishment statistics are misleading	34
5	FBI EFFORTS TO IMPROVE ITS MANAGEMENT OF INVESTIGATIVE RESOURCES AND MEASUREMENT OF INVESTIGATIVE RESULTS	37
	Better basis for determining quality and allocating resources	37
	More comprehensive and integrated data	39
	Better criteria for determining and controlling the validity of investigative results	40
6	CONCLUSIONS, RECOMMENDATIONS, AGENCY COMMENTS, AND OUR EVALUATION	42
	Conclusions	42
	Recommendations	44
	Agency comments and our evaluation	45

CHAPTER		<u>Page</u>
7	REVIEW SCOPE AND METHODOLOGY	47
APPENDIX		
I	FBI functional organization chart	49
II	Summary of statistics for the 1976 fiscal year	51
III	May 24, 1977, memorandum from the FBI Director to the Comptroller General	53
IV	October 12, 1977, memorandum from the FBI Director to the Comptroller General	61
V	January 20, 1978, letter from the Department of Justice	64
VI	Principal officials responsible for administering activities discussed in this report	68

ABBREVIATIONS

FBI	Federal Bureau of Investigation
GAO	General Accounting Office
SAC	Special Agent in Charge
TURK	Time Utilization Record Keeping System

CHAPTER 1

INTRODUCTION

As the principal investigative arm of the Department of Justice, the Federal Bureau of Investigation (FBI) has either concurrent or exclusive investigative jurisdiction over a wide variety of criminal matters. The extent of these criminal matters ranges in seriousness from bank robbery, kidnaping, extortion, bank fraud and embezzlement, and the pursuit of dangerous fugitives to the unauthorized use of the Woodsy Owl and Smokey the Bear symbols. The FBI also (1) investigates matters affecting national security, such as the espionage activities of foreign powers within the United States and domestic attempts to overthrow the Government, (2) assists the Department of Justice in civil matters, such as suits under the Federal Tort Claims Act, and (3) conducts background investigations of certain applicants for, and holders of, Federal employment.

The FBI's primary activity is investigating criminal violations. For recording and reporting purposes, the FBI's activities were divided into 170 investigative and administrative classifications as of February 1977. Each case is classified by type of investigation, such as kidnaping or bank robbery. Of these 170 classifications, 108 (about 63 percent) involved criminal matters. About \$330 million (approximately 68 percent) of the FBI's \$486 million fiscal year 1976 appropriation was expended on criminal investigative activities.

In addition to the wide range and differing nature of the criminal activities under the FBI's investigative jurisdiction, violations of the same classification vary in their degree of seriousness and complexity. The way the FBI manages its criminal investigative activities, allocates its resources, and measures its results is important in achieving the greatest possible impact on crime. Our review focused on the management of FBI investigative resources and the usefulness and validity of data the FBI compiles to indicate the effectiveness of its criminal investigations.

Our results are based primarily on a review of 1,197 criminal cases sampled from six field offices' investigations--Boston, Chicago, Los Angeles, Milwaukee, Sacramento, and San Francisco. The scope of, and the methodology used in, our review are explained more fully in chapter 7.

CHAPTER 2

ORGANIZATION AND ADMINISTRATION

OF CRIMINAL INVESTIGATIVE ACTIVITIES

HEADQUARTERS ORGANIZATION

FBI operations are directed, coordinated, and supported by 13 headquarters divisions and offices. (See app. I.) All but three of the divisions report directly to the FBI Director through the Associate Director and either the Deputy Associate Director for Administration or the Deputy Associate Director for Investigation. The Legal Counsel Division reports to the Director and his Associate; the Planning and Inspection Division and Public Affairs Office report directly to the Director.

The Criminal Investigative Division is responsible for managing all criminal investigations. These investigations include personal and property crimes, organized crime, and white-collar crime.

The Finance and Personnel Division and the Planning and Inspection Division also have some involvement in the FBI's criminal investigative activities. The former is responsible for preparing and controlling the FBI's budget, reviewing operational priorities, and allocating investigative resources. The latter is responsible for conducting internal reviews and studies of all FBI operations.

FIELD OFFICE ORGANIZATION

The FBI's investigative activities are conducted by special agents located in 59 field offices and about 495 resident agencies in the United States and Puerto Rico. The field offices coordinate their investigations with the U.S. attorneys' offices having prosecutive responsibility for these jurisdictions.

All but two field offices are headed by Special Agents in Charge (SACs), who are also responsible for the resident agencies within their jurisdictions. The New York and Los Angeles field offices, which have both the largest force of agents and volume of investigative activity, are headed by assistant directors.

Field offices are organized into squads headed by an agent supervisor. In the smaller offices, the SAC and his assistant often head squads in addition to performing their

normal duties. Each squad generally has the responsibility for a specific investigative area, such as organized crime, white-collar crime, internal security, or specific violations (such as bank robbery).

In larger field offices a squad may specialize in one investigative area, while in smaller offices a squad may cover more than one area. For example, the FBI field office in Los Angeles had two squads which handled bank robbery violations exclusively. The Milwaukee office had one squad handling bank robbery, as well as other violations.

As of June 30, 1976, the FBI's 59 field offices had a total of 7,569 agents, 439 squads, and 89,716 office of origin ^{1/} pending investigative matters. The following table shows this information for total and criminal-related investigative activities at the six field offices.

Field office	Agents		Squads		Pending investigative matters as of 6/30/76 (note a)	
	Total	Criminal-related	Total	Criminal-related	Total	Criminal-related
Los Angeles	482	373	23	18	6,253	4,754
San Francisco	348	184	17	9	4,068	1,923
Chicago	343	201	17	11	2,770	1,770
Boston	176	142	10	7	1,887	1,482
Sacramento	83	79	5	4	698	526
Milwaukee	88	74	6	5	1,028	813
Total	<u>1,520</u>	<u>1,053</u>	<u>78</u>	<u>54</u>	<u>16,704</u>	<u>11,268</u>
Percent of all field offices	20	21	18	19	19	17

^{a/}Does not include cases where these offices assisted in an investigation opened by another office.

ADMINISTRATION OF - CRIMINAL INVESTIGATIONS

Although the criminal violations within the FBI's investigative jurisdiction vary greatly in nature, investigations of those violations are generally administered in similar ways. FBI field offices follow the same basic steps in initiating, conducting, and terminating all criminal investigations.

^{1/}Office of origin investigative matters are those initiated by the reviewed office. Other pending matters include those in which the reviewed office provided assistance to another field office that actually initiated the case.

FBI field offices are advised of crimes in various ways. For example, complaints are received directly from citizens, local police, U.S. attorneys' offices, and officials of institutions (such as banks and Government agencies). The field offices monitor police radios to learn of bank robberies and other reported crimes. They also receive information from informants.

Complaints are received by a complaint clerk and forwarded to the squad responsible for investigating that particular type of violation. The squad supervisor screens the complaint and assigns it to an agent. Then the squad investigates the case until all logical leads are exhausted or evidence is sufficient for presentation of the case to the U.S. attorney for a prosecutive decision.

Generally, if investigative efforts fail to either identify a suspect or prove that a Federal violation has occurred, the FBI closes the case administratively and no contact is made with the U.S. attorney's office. Administrative closures are made at the squad supervisor's discretion, under the authority of the SAC, and are generally documented by an internal memorandum giving the reasons for closing the case.

If the FBI determines that a Federal violation has occurred, a suspect has been identified, and evidence exists linking the suspect to the violation, the investigating agent refers the case to a U.S. attorney's office for a prosecutive decision. The U.S. attorney's office may either accept or decline the case for prosecution in Federal court. Factors considered in this decision are whether (1) the investigation clearly shows a Federal crime has occurred, (2) the evidence is sufficient to try the suspect, (3) the violation is substantive enough to justify the effort and expense of court proceedings, and (4) other action (such as non-Federal prosecution or pretrial diversion) is more appropriate.

If any of these elements is missing, the U.S. attorney's office may decline prosecution and close the case. If a case involves a local or State violation as well as a Federal violation, the U.S. attorney's office may decline to prosecute, in favor of State or local prosecution. Also, the U.S. attorney may decide that pretrial diversion or plea bargaining is more appropriate than prosecution, depending on the circumstances.

If a case is authorized for prosecution, the investigating agent is responsible for tracking its progress, developing additional information if necessary, testifying if appropriate, and recording any resulting accomplishments (such as convictions and fines).

Regardless of their disposition, cases may produce certain indicators of investigative effectiveness or accomplishments. Whether prosecuted or not, a criminal case may result in recovery or savings expressed in dollars or in the location of a fugitive. If prosecuted, a case can produce a conviction and a related fine and/or sentence.

CHAPTER 3

FBI'S NEW APPROACH TO MANAGING INVESTIGATIVE RESOURCES IS BETTER, BUT PROBLEMS EXIST

Historically, FBI investigative resources have been managed and allocated without considering the wide range of criminal violations within the FBI's jurisdiction or the differing degree of complexity and importance of its investigations. The FBI's interpretation of its investigative responsibilities placed equal weight on all its investigations. As such, it managed and allocated its resources and measured its productivity on the basis of caseload and other limited information, such as the number of convictions. Thus, the FBI was spending an unknown amount of time on cases of marginal importance that had no prosecutive merit and did not produce notable results.

Although the FBI is responsible for investigating all violations within its jurisdiction, from a practical standpoint this is not feasible. Therefore, it must establish priorities and focus its efforts on the most important crime problems.

In 1975, recognizing the problems with the "caseload management" approach, the FBI changed its philosophy and initiated the "quality over quantity" approach to investigations. This is a program management approach aimed at establishing priorities for reported violations and directing resources at those areas where they will have the most effect on serious crime.

The FBI's adoption of the quality over quantity approach is a major step forward. It could help the FBI channel its investigative resources into those areas where the need is greatest.

At the time of our review, however, the FBI had no system for effectively implementing and monitoring the new approach. As we testified in September 1976 before the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, certain problems existed. The FBI had not

--established criteria for determining quality versus marginal cases,

- developed sufficient management information for implementing and measuring its effectiveness under the quality over quantity management approach,
- used correct information to measure investigative effectiveness (see ch. 4), or
- adequately coordinated with the U.S. attorneys in selecting priority areas and quality cases for investigative concentration.

Recognizing these problems--particularly the limitations of the management information system--the FBI Director established a task force during our review and asked our assistance in developing a new system for reporting FBI efforts, activities, and accomplishments. As discussed in chapter 5, the FBI has developed a new Resource Management Information System, which should provide the basis for effectively implementing the quality over quantity approach.

PAST BASES FOR MANAGING INVESTIGATIVE RESOURCES

Prior to September 1975, the FBI had allocated its investigative resources based on the average number of cases handled by a special agent. Generally, headquarters gave little attention to the quality, nature, or scope of the cases. Management information was limited and was primarily related to the caseload.

FBI headquarters decisions concerning investigative priorities and staffing allocations and conclusions regarding the success of the agency's operations were based on information from administrative reports, accomplishment reports, periodic staffing surveys, and annual inspections. Field office staffing decisions were based on the caseload, on the squad supervisors' and field office managers' knowledge of resource needs in specific areas, and on the capabilities of personnel working those areas.

The most important means of managing programs and allocating staff, however, was the average caseload. At the end of each month, the 59 FBI field offices reported the number of agents assigned and the number of investigations opened, closed, and in process. This data was processed at FBI headquarters, and a monthly administrative report presenting this data by investigative classification was printed for each field office. FBI headquarters used this information as a basis for allocating its staff among the field offices.

For example, a field office with an average of 30 investigations in process per special agent could be allocated staff over an office having an average of 15 investigations in process per special agent.

Caseload alone, however, is not a good indicator of staffing needs, because investigations vary in their nature, complexity, and importance. Therefore, the time and resources needed to conduct each investigation are different. Considering a field office's average caseload without considering the quality of its individual cases tends to give equal weight to all investigations, leading to misinterpretations at FBI headquarters about the staffing needs of individual field offices.

For example, the staffing needs of the field office cited above as having an average of 15 cases per agent could be greater than those of the office having 30 cases per agent, particularly if the former was handling mostly complex organized crime and white-collar crime investigations and the latter was handling mainly routine cases of theft from interstate shipment. Also, a 1975 FBI study showed that under the caseload resource allocation system, a tendency developed at the field office level to maintain a high caseload by opening and retaining relatively inconsequential cases to justify existing staff levels. Field offices should strive to concentrate resources on major criminal matters and staffing should be allocated accordingly.

In allocating resources, reliance was also placed on the Inspection Division's assessment of the caseload and the adequacy of staffing levels. Since the mid-1930s the FBI has performed periodic inspections of field offices, basically to determine whether operations are in compliance with FBI rules and regulations. Until recently, inspections were performed once a year at each field office. Inspections typically last from 1 to 2 weeks and consist of reviewing case files for conformance with regulations, established investigative practices, and reporting procedures. Although officials in the headquarters office in charge of inspections told us that one of the objectives of these inspections is to assess the adequacy of staffing levels, few staffing changes were made as a result of an inspection.

As another basis for allocating resources, the FBI began conducting staffing surveys in 1972 to give management an estimate of the resources being expended in various investigative areas. The surveys consisted of an estimate by selected field offices of the percentage of time allocated to

each investigative and administrative classification. Although the surveys became increasingly refined, they still only approximated the percentage of total agent effort expended in each classification. In addition, with certain exceptions, the surveys did not go beyond these classifications to categories or types of cases. The surveys were performed periodically until November 1975 when they were replaced by an automated system.

Statistics on quantifiable results of FBI investigations--called accomplishment statistics--have been used to evaluate the performance of field offices as well as individual agents. Accomplishment reports, compiled monthly by headquarters, showed fines, savings, recoveries, convictions, and fugitive locations claimed by field offices. These statistics were limited as a basis for managing investigative resources because they were misleading and applied only to a small portion of the total cases the FBI investigated. (See pp. 14 and 15 ch. 4.)

FBI investigative resources are also sometimes allocated as a result of direct requests from SACs. Staff allocations are sometimes made to meet special needs that arise at a field office to cover important cases, such as kidnaping or the pursuit of dangerous fugitives.

NEW APPROACH TO MANAGING
INVESTIGATIVE RESOURCES
NEEDS TO BE IMPROVED

In late 1974, recognizing the limitations of past methods of resource management, the FBI initiated a "use of personnel" study in four field offices to determine whether it could improve its investigative products by dropping the caseload system. It also wanted to find out whether office efficiency, productivity, and morale would be positively affected by a managerial approach emphasizing quality over quantity.

As a result of the study, the FBI, in September 1975, ordered implementation of the quality over quantity approach to resource management at all field offices. The approach is based on the premise that the FBI can achieve the best results by concentrating investigative resources on the most serious crime problems in each geographic area. Instructions were issued to the field offices to (1) conclude as expeditiously as possible cases of marginal importance, (2) establish investigative priorities in conjunction with the local U.S. attorneys, and (3) concentrate on quality cases and on major criminal and security problems within their

respective territories. The FBI Director suspended use of average caseload as the principal determinant in allocating personnel. He did this to encourage the concentration of field resources on quality cases and to quicken the termination of relatively inconsequential cases.

FBI field offices were directed to identify, in writing, areas of investigative concentration and to set forth specific plans and objectives for investigating those areas. They were encouraged to coordinate with U.S. attorneys in establishing priority areas and in developing prosecutive guidelines to help minimize investigative effort expended on areas of marginal importance that would normally be declined by U.S. attorneys for prosecution.

The FBI's acceptance of the quality over quantity approach to conducting investigations and managing its investigative resources is a major step forward. Problems need to be resolved, however, before this approach can be successful in channeling investigative resources into those criminal areas where the need is greatest.

No criteria for identifying quality cases

FBI headquarters had not clearly defined what constitutes a priority investigative area or quality case, nor had it provided criteria for making such a determination. As a result, FBI field offices varied greatly in their interpretation of what was a quality case and differed in their selection of areas for concentrated investigative effort.

Of the six offices we reviewed, some selected a limited number of investigative areas, such as white-collar crime and organized crime. Other offices continued to cover their overall investigative workloads as they had historically. Continued coverage of broad and general areas is contrary to the objective of the quality over quantity management approach--to achieve maximum impact by concentrating investigative resources on the most serious crime problems.

The six FBI field offices we visited had selected, with the approval of FBI headquarters, the following areas as priorities for concentrated investigative effort.

	Field office					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
General criminal investigations (note a)	X	X	X	X	<u>b/X</u>	X
Organized crime	X	X	X	X	X	X
White-collar crime	X	X	X	X	X	X
Counterintelligence	X	X	X	X		X
Internal security	<u>b/X</u>	X		X	<u>b/X</u>	X
Terrorism	<u>b/X</u>	X		X		X
Top thief program	<u>b/X</u>		X	X		
Fugitive program	<u>b/X</u>	X		X	<u>b/X</u>	X
Training program	<u>b/X</u>	X		X		
Applicant investigations	<u>b/X</u>			X		X
Dissemination of information				X		
Criminal rights and civil investigations				X		
Aircraft hijackings				X		

a/This category includes, among other investigative areas, bank robbery, theft from interstate shipment, theft of Government property, and interstate transportation of stolen property.

b/Dropped as a target area after we began the review.

Upon listing specific areas as priorities or targets, a field office commits itself to pursuing important investigative matters in those areas. Some of the selected targets, however, are very broad, especially general criminal investigations, which include several investigative classifications. Yet all six offices selected this as a target area. Even the classifications themselves may contain a wide variety of investigative matters, some quality and some marginal. For example, the interstate transportation of stolen motor vehicles classification includes investigations of major car rings as well as routine single thefts.

We question whether some of the targets selected could be the most important criminal and security problems referred to by the FBI Director in his instructions implementing the quality over quantity approach. Considering the prevalence of serious crime in America today, training programs and applicant investigations may not be areas deserving the FBI's immediate and concentrated attention. Several headquarters officials said applicant investigations is an area in which the FBI should spend less time because of its relative insignificance. Headquarters' officials told us it was the responsibility of the inspection teams to determine the appropriateness of a field office's priorities. However, members of the inspections staff told us they only determined whether priorities had been selected in each field office and did not systematically question their appropriateness.

For the quality over quantity approach to be effective it should focus on important cases relating to national priorities, such as white-collar crime or organized crime. Otherwise, this approach becomes diluted and less useful. Irrespective of the Director's order that each office select priority areas, when considering national priorities, not all field offices necessarily have important cases because of the differences in the nature and amount of criminal activity within jurisdictions. For example, New York should have more investigations in areas considered important on a national basis than Butte, Montana.

Some of the field offices we visited selected almost all the possible investigative areas as priorities, instead of focusing on a limited number. Each office had conducted some investigations under each area designated as a priority, and each had provided a description of each case in its quarterly progress reports to FBI headquarters. The selection of priority areas and particularly of quality cases, however, had been subjective. Headquarters had not provided any criteria or standards, such as a monetary value, for determining which investigative areas and cases merited being classified as quality.

More comprehensive resource
management information needed

Although the FBI changed its policy and approach toward managing investigative resources, it did not have adequate data to properly implement the approach and measure its effectiveness in directing resources into major criminal and security problem areas. Available information did not provide a complete picture of the FBI's investigative efforts.

Better information was needed to select target areas effectively for concentrated efforts and to allocate resources among field offices.

Existing caseload information did not distinguish between quality and marginal cases within each general investigative classification. Without more detailed information the FBI cannot distinguish between quality and marginal cases and thus cannot successfully implement the quality over quantity approach.

Near the end of our review, the FBI improved its information on resources expended by implementing a system which routinely accounts for agent time expended by general investigative classifications. The FBI did not, however, systematically record data relating the time expended and expenses incurred to an investigation's seriousness, complexity, importance, and final disposition. Also, information on the disposition of investigations was incomplete and misleading and was oriented toward cases producing accomplishments.

Information on investigative time

In late 1976, after about 2 years of design and development, the FBI implemented an automated system to replace the previously mentioned periodic staffing survey. The system, called the Time Utilization Record Keeping (TURK) system, routinely accounts for agent time expended by general investigative classifications and subclassifications. It is a component of the FBI's cost accounting system which was formally approved by GAO in April 1977.

Prepared biweekly, TURK reports show the staff-days and approximate cost of each investigative and administrative program and classification. For example, the system shows the cost and number of staff-days used by each field office in carrying out priority programs like the white-collar crime and organized crime investigative programs. Although this information is useful and important from a cost accounting standpoint, its usefulness in managing and allocating resources under the quality over quantity approach is limited unless it is correlated with corresponding information on the relative importance of the cases.

Information on the results
and final disposition of
investigations

The FBI did not have sufficient information on investigative results with which to measure the effectiveness of FBI field offices in reducing efforts in marginal areas. The only systematically recorded information on investigative results was limited to five categories of accomplishment statistics--convictions, fines, savings, recoveries, and fugitive locations. In addition to being misleading (as discussed in ch. 4), this data does not adequately portray the impact and effectiveness of the FBI's total investigative effort.

The FBI's accomplishment statistics relate to only a small percentage of the total criminal investigations it conducts. Most investigations do not produce one of the traditional accomplishments, but are terminated either (1) administratively because no Federal crime was committed or suspect identified or (2) by a U.S. attorney declining to prosecute. During the period July 1975 through April 1976, accomplishment statistics were claimed in only about 20 percent of all investigations closed. 1/

To obtain a clearer picture of the overall results of FBI investigations, we asked the FBI to record the results of all criminal investigations concluded at the six offices during the period April through July 1976. As shown below, only 9 percent of the cases were accepted for prosecution. About 50 percent of the cases were closed administratively by SAC authority, and about 41 percent of them were declined for prosecution.

	<u>Administrative closure</u>	<u>Prosecutive opinion obtained</u>		
		<u>U.S. attorney declined prosecution</u>	<u>U.S. attorney authorized prosecution</u>	<u>Total</u>
Number of cases	3,114	2,597	570	6,281
Percent	50	41	9	100

We reviewed 516 randomly selected cases from among the three categories to determine their nature and seriousness,

1/During this period, 6,673 accomplishments were claimed in the 31,543 cases closed by the six field offices.

the estimated amount of time expended, and the reasons for their particular disposition. None of this information was available to the FBI on a routine basis. The results of our analysis of each category with case examples follow.

Administrative closures--Of the 184 administrative closures we reviewed, 63 involved no crime, 28 involved no Federal crime, 62 had no suspects, 9 had insufficient evidence, and 22 had been closed for other reasons. Based on estimates from special agents, we determined that the 184 cases were open an average of 130 calendar days and involved an average expenditure of about 2-1/2 staff-days. The cases covered a variety of violations; however, 50 percent involved theft of Government property, theft from interstate shipment, or interstate transportation of stolen motor vehicles.

The following are examples of investigations closed administratively.

- A car dealer reported to the FBI that a car he had bought might have been stolen. The FBI checked the car's serial number, determined it had not been stolen, and closed the investigation because no crime had occurred. The case was open 1 day, and less than 1 staff-day was expended.
- The FBI closed its investigation of a series of bank robberies after the suspect had been killed by local police while attempting another robbery. Although the case was open 455 days, the field office could not estimate how much time had been expended on the investigation.
- A trucking company notified the FBI that a shipment was 2 weeks overdue. The next month, police in another State found the trailer abandoned with the merchandise intact. The FBI investigation was closed because no Federal violation had occurred. An estimated 2 staff-days were expended on the case, which was open 83 days.
- An oil company owner reported that an audit of his company had disclosed a \$20,000 theft of tires, batteries, etc. It was presumed that the theft involved interstate transportation of stolen property for which the FBI has jurisdiction. The case was closed after the FBI found that a complete audit had not occurred in over 5 years and it could not be established that a loss had

in fact occurred, because of sloppy bookkeeping practices. An estimated 5-1/2 staff-days were expended on the case, which was open 148 days.

--A case was opened when the FBI learned a suspect might be in possession of \$200,000 in stolen jewelry. The FBI interviewed the suspect's friends and acquaintances. Local authorities searched the suspect's residence but did not find any jewelry. The case was closed because no Federal violation had been established. An estimated 2-1/2 staff-days were expended on the case, which was open 148 days.

--Another case, at a national park, involved the alleged theft of a bicycle valued at \$100. Three field offices were trying to locate the owner to obtain an identification number for the bicycle. The owner, when finally located, could not supply the bicycle's identification number. The case was then closed because there was no suspect and the stolen property could not be identified if recovered. The case was open 210 days and involved the estimated expenditure of 2 staff-days by the originating office and an unknown number of staff-days by two assist offices.

U.S. attorney declinations--Of the 185 U.S. attorney declinations we reviewed, 79 were declined for prosecution because they lacked prosecutive merit, 23 because there was no criminal intent, 16 because no Federal crime was involved, 13 because no suspect had been identified, and 15 because they were concurrently being investigated by local police. Another 39 cases were declined for Federal prosecution but referred to appropriate State or local authorities for prosecution.

Cases involving interstate transportation of stolen motor vehicles, crime on Government reservations, bank fraud and embezzlement, and extortion constituted about 40 percent of all declinations. The cases were open an average of about 146 days and involved an average expenditure of about 2-1/2 staff-days.

Two factors that stand out as possibly contributing to so many cases being declined are concurrent jurisdiction and the minor amounts involved. All the stolen car cases declined were also being investigated by local authorities having concurrent jurisdiction, and most were declined in favor of local prosecution. Other Federal investigative

agencies were involved in most of the crime on Government reservation cases, and in 70 percent of these cases the amount involved was less than \$100. In 67 percent of the bank fraud and embezzlement cases declined, the amount involved was less than \$500 and, in most cases, restitution had been made.

The following are examples of investigations that U.S. attorneys declined for prosecution.

- Military police contacted the FBI regarding a civilian teenage girl they had detained for arguing with her boyfriend after drinking with him at a service club. She had been held by the military police until sober and then released. The FBI interviewed the girl, who had since been barred from the club, and then contacted the U.S. attorney to see if he wanted to prosecute her for being drunk and disorderly. The U.S. attorney declined prosecution. The case was open 51 days, and about 1 staff-day was expended.
- The FBI interviewed a suspect in possession of a car that had been reported stolen from a rental agency in another State. He showed them a copy of a rental extension and identified the clerk who had given the extension. The rental agency could not find its copy of the extension and the clerk had quit. The U.S. attorney declined prosecution. The case was open 25 days, and an estimated 3 staff-days were expended.
- The FBI opened an investigation after a bank robbery had been committed. The thief fled with \$339 but was identified by the local police through photographs. The suspect later surrendered to police in another city. The U.S. attorney declined prosecution in favor of prosecution by local authorities. An estimated 5-1/2 staff-days were expended, and the case was open 30 days.
- A suspect was apprehended by a security officer at a military base exchange after allegedly changing the price tag on an item from \$2.50 to \$1.75. The FBI entered the case because the suspect was a civilian. The U.S. attorney declined prosecution because, in his opinion, the case lacked prosecutive merit. About 1 staff-day was expended, and the case was open 26 days.

--The FBI opened another case after a review of its records showed that two suspects with previous criminal records had been arrested by local police for possessing a stolen car. The FBI estimated it had expended about 1-1/4 staff-days requesting and reviewing the suspects' criminal records, interviewing the arresting officer, determining the disposition of local charges, requesting that other field offices interview the car owner and verify the theft, and finally presenting the case to the U.S. attorney for a prosecutive decision. The U.S. attorney then declined the case in favor of local prosecution. The case was open 29 days.

U.S. attorney authorizations--Cases involving bank robbery, bank fraud and embezzlement, crime on Government reservations, and theft from interstate shipment constituted 65 percent of the 147 cases authorized for prosecution which we reviewed. Generally, these cases were more serious and complex than those the FBI closed administratively or those the U.S. attorney declined for prosecution. About 31 percent of the 147 randomly selected cases authorized involved actual or threatened violence. The monetary amounts involved were also larger than the other categories of cases-- 35 percent involved more than \$5,000.

More staff-days were expended on cases authorized for prosecution--an average of about 64 staff-days. The cases were open an average of 276 days.

The following are examples of investigations authorized for prosecution.

--The Federal Deposit Insurance Corporation contacted the FBI regarding questionable loans made by a bank. The FBI found a suspect had set up several companies to circumvent the bank's lending limit of \$75,000 per business. A bank official was also taking kick-backs in the scheme. The bank involved failed because of \$2 million in bad loans. Several individuals involved had been convicted or were under indictment. At the time of our review, the case had been open over 2-1/2 years and an estimated 370 staff-days had been expended.

--The FBI opened an investigation when a federally insured bank was robbed in August 1975. The FBI apprehended the suspect after he had robbed four more banks over the next year. The U.S. attorney authorized

prosecution and the suspect was convicted on five counts of bank robbery. The case was open over 1 year at the time of our review, and the investigating agent was unable to estimate the time he had expended on the investigation.

--A suspect allegedly provided a bank false information to obtain loans totaling almost \$1 million. When the loans defaulted, the bank found the business collateral offered was nonexistent. The FBI entered the case upon a complaint from the victim bank. The case was open 485 days, and an estimated 19 staff-days were expended.

--Two suspects wanted by the FBI for over 20 other bank robberies were caught by local authorities while attempting to rob another bank with a third suspect. Prosecution of all three suspects (two of whom had stolen about \$25,000 in total) was authorized and they were convicted. About 170 staff-days had been expended on this case, which was being held open pending further investigation. The case had been open about 10 months at the time of our review.

The fact that many cases do not produce a measurable accomplishment or are not authorized for prosecution may not necessarily be bad. The situation is somewhat attributable to the reactive nature of law enforcement and to the FBI's general view that, unless otherwise directed by the Department of Justice, it must investigate all situations in which it has enforcement responsibility and present each case to the U.S. attorney's office for a prosecutive opinion.

Unfortunately, the FBI expended resources on marginal cases where either no crimes had been committed or the U.S. attorney had decided the violations were not substantive enough to justify a court proceeding. Few investigative resources were expended on any one of these cases. However, because most cases terminate without being authorized for prosecution, combined, these consume a large amount of FBI resources. The effect these investigations have on crime--except for any possible deterrent effect--may be limited. Yet the FBI did not have any information on the disposition of its cases. It could identify neither the number of nor amount of effort expended on cases that had been (1) declined for prosecution, (2) closed by SAC authority, or (3) accepted for prosecution.

Together with knowledge of the nature of such cases--quality or marginal--information on the disposition of

cases should be useful in assessing the effectiveness of the quality over quantity approach.

Coordination of priority investigative areas with U.S. attorneys needs to be improved

The U.S. attorneys are responsible for prosecuting most criminal violations investigated by Federal law enforcement agencies, including the FBI. Primarily because of staffing constraints, however, U.S. attorneys have had to establish priorities and be selective in the criminal violations they prosecute. These priorities vary from one jurisdiction to another. Therefore, it is essential that each FBI field office have the cooperation and agreement of the appropriate U.S. attorney when selecting criminal and security areas for investigative concentration. Because the FBI is generally required to investigate all valid complaints of criminal violations within its authority, even where State and local agencies have concurrent jurisdiction, the U.S. attorneys' concurrence is necessary if the FBI is to reduce its efforts on nonpriority matters, particularly those routinely declined for prosecution.

In initiating the quality over quantity approach, the FBI Director instructed field offices to (1) coordinate with U.S. attorneys in selecting major criminal and security problems for investigative concentration and (2) obtain prosecutive guidelines as a means of reducing their efforts on investigative matters of marginal importance. These instructions had not been fully implemented by the six FBI field offices we reviewed. As a result, these offices were investigating a large number of cases that were being closed administratively or declined for Federal prosecution.

Although all six field offices had set priorities in implementing the quality over quantity approach, most had not coordinated with U.S. attorneys in setting these priorities and in establishing ways to expeditiously conclude marginal investigations. Systematic coordination was lacking between top FBI field office officials and representatives of the respective U.S. attorneys' offices. In none of the jurisdictions did the SAC or assistant SAC and the U.S. attorney or an assistant U.S. attorney meet regularly to discuss mutual plans or problems. Most contact occurred between assistant U.S. attorneys and FBI agents when cases were presented for prosecutive decision. Of the 10 U.S. attorneys located within the investigative jurisdictions of the 6

field offices, only 5 were contacted by the FBI regarding the selection of priority areas for investigation.

FBI field office managers and the U.S. attorneys gave several reasons for this lack of coordination in setting priorities. Although the SACs of some FBI field offices said they have an excellent relationship with the U.S. attorneys, others said that the U.S. attorneys are unwilling to accept suggestions or hold discussions with FBI personnel regarding priorities. The main reason the SACs gave for this reaction was the autonomy of U.S. attorneys--as Presidential appointees they believe they can run their operations independently of any outsiders.

Some U.S. attorneys and their assistants were satisfied with their relationship with the FBI, but others said that the FBI was uncooperative or had not contacted them regarding mutual priority setting. Reasons given by the U.S. attorneys for this lack of coordination included (1) a lack of expertise among some FBI investigators in complex areas, such as white-collar crime, (2) the reluctance of FBI field office managers to consider suggestions or accept advice offered by anyone outside their offices, and (3) the failure of FBI personnel to contact them regarding priority setting.

The six FBI field offices were also unsuccessful in obtaining prosecutive guidelines from U.S. attorneys. Such guidelines (more commonly referred to as blanket declinations)--whether written or oral, general or specific--provide for the automatic declination of certain types of complaints a U.S. attorney chooses not to prosecute. The FBI must only confirm that a case in question falls within the guidelines and then notify the U.S. attorney that it is closing the case for that reason. For example, a U.S. attorney might decide for various reasons that his office normally will not prosecute bank embezzlement violations involving \$500 or less. The FBI would have to investigate such cases only to the extent necessary to confirm that they fall under those guidelines.

The 6 FBI field offices were able to work out prosecutive guidelines with only 4 of the 10 U.S. attorneys' offices within their jurisdictions. One other U.S. attorney was considering issuing certain guidelines. The U.S. attorneys expressed differing views on the benefits and limitations of prosecutive guidelines. Those who had issued the guidelines viewed them as being necessary from a practical standpoint.

Some U.S. attorneys did not issue prosecutive guidelines because they wanted to maintain the right to exercise discretion on each case. Another U.S. attorney and some FBI officials considered such guidelines potentially dangerous because the guidelines could become known to criminals who might then commit crimes falling just below the amounts established as prosecutable. One U.S. attorney's office had developed internal guidelines concerning certain violations that would not be prosecuted. It would not issue these guidelines to the FBI, however, and requested that we not inform the FBI of them. Two U.S. attorneys said the FBI had not contacted them regarding guidelines. One said he had been contacted for his preliminary opinion but the FBI had never followed up.

Obvious disadvantages exist in having individual prosecutive priorities and automatic declinations, such as certain criminal violations not being prosecuted fully or uniformly among U.S. attorneys. Some U.S. attorneys, however, reserve the right to prosecute cases falling under the guidelines in certain circumstances. For example, they might prosecute a suspect involved in several cases which have not been prosecuted because each violation involved a dollar value just below that specified in the guidelines. Until ways are developed to efficiently and expeditiously handle all prosecutable cases, either through the courts or some other means, U.S. attorneys will continue to set priorities for their work and routinely decline to prosecute certain criminal violations. Without guidelines, the FBI will continue to expend its resources on investigating marginal violations when resources could be used to investigate serious violations, which are more likely to be prosecuted.

As noted on page 14, however, 41 percent of the cases terminated in a 4-month period were declined for prosecution. Fifty percent were investigated but closed internally and never presented to U.S. attorneys. Of our sample cases, about 72 percent of those declined by U.S. attorneys were declined because they (1) lacked prosecutive merit or (2) had been referred to State or local authorities having concurrent jurisdiction. Also, about 15 percent of the administrative closure cases we sampled were closed because no Federal violation was involved.

We do not know how many of these cases could have involved automatic declinations in areas which the U.S. attorneys do not prosecute. Nor do we know how much of its resources the FBI could have redirected to a more efficient use had the U.S. attorney provided prosecutive guidelines. Better management information might have revealed this.

Based on these results, however, the FBI might be able to (1) reduce its efforts on the large number of cases not being prosecuted and (2) focus its efforts on greater priorities by assuming a more supplemental role in areas of concurrent jurisdiction and obtaining more guidance from U.S. attorneys on the types of cases normally not prosecuted.

Although the FBI has urged field offices to coordinate with the U.S. attorneys, differing philosophies on setting priorities and establishing prosecutive guidelines and the autonomy of the U.S. attorneys make such coordination difficult without central direction from the Department of Justice. What is needed is positive direction from the Attorney General who is responsible for assuring that both the Department's prosecutive and investigative resources are used efficiently and effectively.

The Department of Justice had taken some initiative in the past to establish nationwide prosecutive guidelines. In 1970 the Justice Department, after consulting with the FBI, issued a nationwide blanket declination for certain interstate transportation of stolen motor vehicles cases.

In commenting on another GAO report, the Department of Justice stated that in 1975 it had begun a task force project on prosecutive discretion which had led to prosecutive guidelines on several criminal violations being distributed to U.S. attorneys. However, the guidelines were distributed only informally, and only recently has the Attorney General requested the Department to examine the possibility of developing prosecutive guidelines for other areas and look into the desirability of formally distributing prosecutive guidelines.

CHAPTER 4

ACCOMPLISHMENT STATISTICS CURRENTLY

ARE MISLEADING--THIS IS CHANGING

Each year, primarily in its annual report and budget justification, the FBI reports the results of its investigative activities by five types of accomplishment statistics--convictions, fines, savings, recoveries, and fugitive locations. These statistics are how the Department of Justice, the Office of Management and Budget, the Congress, the public, and even the FBI judge and evaluate the FBI's performance and effectiveness.

Many of the accomplishment statistics were misleading in valuing the FBI's efforts because of the nature of their presentation and lack of detail. Some gave the FBI full credit for accomplishments achieved jointly with other law enforcement agencies, regardless of its degree of involvement. Many statistics were estimated or potential rather than actual dollar amounts. A few contained duplications or errors.

The FBI investigated most of these cases and therefore should appropriately take some credit for its efforts. The FBI has been taking credit for efforts, however, where it has had only minimal involvement.

The accomplishments claimed in about 30 percent (or 205 of the 681 cases sampled) were misleading in the absence of further detail or explanation. We questioned 27 percent (186) of these because:

- The accomplishment claimed either was inaccurate or was a duplication.
- The role of the FBI in achieving the accomplishment was clearly supportive, or another agency played an important role in the accomplishment that was not recognized.
- The amount claimed was based upon an estimated or a potential loss that could have occurred had a scheme been successful or had a suit against the Government been successful.

In addition, 19 of the 681 accomplishment cases sampled involved reduced or suspended fines that we considered misleading, since they represented amounts not paid and therefore not properly attributable to FBI efforts.

We brought the above facts to the FBI's attention in July 1976 and testified on the problems with the FBI's accomplishment statistics before the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, in September 1976.

In May 1977, the FBI Director stated that our observations confirmed the FBI's thoughts on the limitations of its management information system. He said the FBI had revised and expanded the categories of investigative statistics. The FBI's objective was to identify and define its accomplishments so that they could not be misinterpreted and so they would serve to present a complete and accurate picture of the agency's work.

The data available under the revised categories is a great improvement over the accomplishment data available in the past. These revisions should eliminate the problems we identified. It will take time, however, to integrate the revised categories of data into the FBI's information system. Therefore, the following sections present the problems we identified in the FBI's accomplishment statistics presentation.

ACCOMPLISHMENT STATISTICS CATEGORIES

Convictions

The FBI expresses its convictions in terms of the number of persons convicted and the sentences imposed. The format for presenting convictions treats all convictions similarly and does not recognize the relative importance of their effect on crime. Sentences imposed are presented in terms of the number of years, months, and days, regardless of whether the sentence involved incarceration, probation, or suspension.

Fugitive locations

FBI claims of fugitives located include subjects wanted on Federal charges found either by the FBI or other law enforcement agencies. Fugitives include deserters from the military services, parole and probation violators, and persons fleeing across State lines to avoid State or local prosecution.

Fines

The FBI reports fines, whether they are actual or suspended, as accomplishments. If a fine is imposed when sentencing a defendant and the FBI was somewhat involved with

the case, the investigating office reports the amount of the actual or suspended fine as an accomplishment.

Savings

Savings claimed by the FBI include not only the actual amounts saved but also the estimated amount of money or value of property that could have been lost as the result of a criminal act. Savings also include amounts that could have been awarded in civil suits brought against the Government under the Federal Tort Claims Act, if the FBI had provided investigative assistance.

Recoveries

This category includes confiscations of stolen, duplicated, or created property, money, and other financial documents. The FBI's formats for reporting recovery values imply that the FBI was solely responsible for recovering all items, even though some recoveries were made either by other law enforcement agencies or in a coordinated effort between the FBI and another agency.

This category includes the confiscation of pirated movie films and recording tapes, whose value is based on losses that may have occurred if the pirated items had been distributed for monetary gain.

USE OF ACCOMPLISHMENT STATISTICS

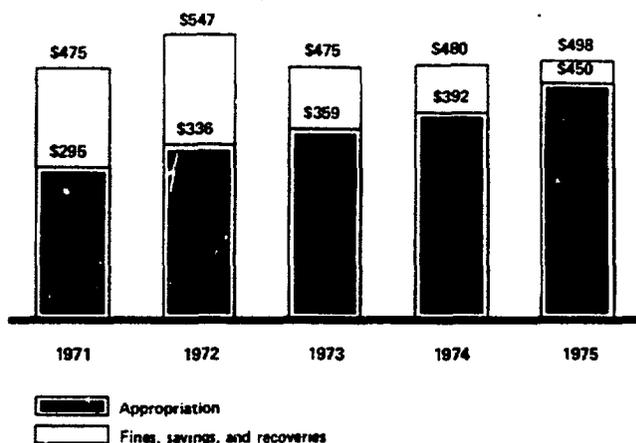
The FBI uses accomplishment statistics in budget justifications, congressional testimony, speeches, and informational pamphlets and reports. For example, during fiscal year 1977 appropriations hearings, the FBI presented the following analysis comparing fines, savings, and recovery accomplishments with its appropriations. The FBI Director testified that fines, savings, and recoveries had averaged \$1.11 for every \$1 of direct funds appropriated to the FBI in fiscal year 1975.

In a booklet entitled "99 Facts About the FBI," which is distributed to the public, the FBI stated:

"Appropriations for the fiscal year 1975 amounted to \$449,546,000. Fines, savings, and recoveries in cases investigated by the FBI amounted to \$498,030,442 and averaged out to \$1.11 for each \$1 of direct funds appropriated to the FBI."

FBI ACCOMPLISHMENTS AND APPROPRIATIONS
FISCAL YEAR 1971-1975

(Rounded to nearest million)



The FBI's annual report, which is widely distributed, lists its accomplishments by the following five categories--convictions, fines, savings, recoveries, and fugitive locations. (See app. II.) Certain priority accomplishments are highlighted in the annual report.

ACCOMPLISHMENT STATISTICS
ARE MISLEADING

Our review of 681 sampled cases, discussions with FBI field office and headquarters personnel, and examination of various FBI internal and external reports and documents showed that accomplishment statistics are misleading. The FBI has not (1) presented accomplishment statistics in formats which clearly explain their meanings or (2) established sufficient criteria on how accomplishments are to be claimed. As a result, the statistics claimed included accomplishments that

- had resulted from investigations in which other agencies had made unrecognized major contributions,
- were based on estimated or potential dollar amounts, or
- either were inaccurate or duplicated other reported statistics.

About 27 percent (186 of the 681 sampled cases) included misleading accomplishments, even though they had been approved by FBI headquarters. These cases totaled about

\$161 million, which is about 98 percent of the monetary value of all cases sampled and about 30 percent of the total amount of combined fines, savings, and recoveries claimed by all 59 field offices during fiscal year 1976.

Another 19 of the 681 accomplishment cases were misleading because they involved fines that had been reduced to lesser amounts or completely suspended. The suspended or reduced amounts totaled about \$3,000. FBI policy allowed agents to claim the total fines assessed in cases they investigated, even though many of the fines were either reduced or completely suspended by the courts. This practice is misleading because it overstates the amounts assessed as a result of the FBI's investigative activities.

The following table shows how many of the 681 sampled cases were misleading and the reasons why.

Accomplishment Cases Sampled and the Number of Accomplishments Considered Misleading

Category	Number of accomplishments cases sampled	Number of cases in which accomplishments questioned	Reasons accomplishments misleading		
			Inaccurate or duplicate	Nonrecognition of another agency's major contribution	Based on potential or estimated dollar amount
Fugitive locations	177	61	-	61	-
Convictions	167	5	3	2	-
Fines	123	a/22	-	3	-
Savings	58	58	-	1	57
Recoveries	<u>156</u>	<u>b/59</u>	<u>2</u>	<u>47</u>	<u>10</u>
Total	<u>681</u>	<u>a/205</u>	<u>5</u>	<u>114</u>	<u>67</u>

a/Nineteen of the 22 fines were misleading because they included amounts that had been reduced or suspended. Since this reason does not fall within the three general criteria for questioning accomplishments, the total fines questioned and total accomplishments questioned do not add across.

b/One case was questioned for two reasons but counted only once, under the "inaccurate or duplicate" column.

The following table shows the amounts claimed for the 337 fines, savings, and recovery accomplishment cases we sampled and why we found 120 of these misleading.

Number and Amount of Fines, Savings, and Recovery Accomplishments That Contained Misleading Information

Category	Number of accomplishments cases sampled	Amounts claimed	Number of cases in which accomplishments questioned	Amounts questioned		reasons amounts misleading		
				Amount	Percent	inaccurate or duplicate	Nonrecognition of another agency's major contribution	Based on potential or estimated dollar amounts
Fines	123	\$ 1,042,330	3	\$ 514,500	49	\$ -	\$514,500	\$ -
Savings	58	128,996,447	48	128,996,447	100	-	19,038	128,977,409
Recoveries	156	33,462,997	8/59	31,172,060	93	347,627	161,713	30,662,720
Total	337	\$163,501,774	120	\$160,683,007	98	\$347,627	\$695,251	\$159,640,129

a/One case was questioned for two reasons but was counted only once. Total claims in the case were 659,254. Half, or 329,627, was questioned because it involved potential dollar amounts; the remainder was questioned because the recovery amount was incorrectly credited twice.

Contributions of other agencies not recognized

Many FBI investigations concern crimes that are also State or local violations or are under the jurisdiction of other Federal agencies. For example, robbery of a federally insured bank is a local as well as a Federal crime and is thus investigated by both the local police and the FBI. In addition, if a stolen gun is used in a bank robbery, the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms could also become involved in the investigation.

When investigations are conducted concurrently, it is often difficult to decide which agency should be credited with the accomplishment. FBI headquarters has established broad guidelines on how field offices are to report accomplishments. Specific criteria for determining how accomplishments should be claimed and the circumstances under which they should be claimed, however, are lacking. The rule followed is that all accomplishments are claimed when any investigation is done. Reported accomplishments are consistently presented to the public as the FBI's accomplishments, without any recognition given to other contributing law enforcement agencies.

We found examples in our sample cases of the FBI field offices claiming and receiving credit for stolen vehicles that had been actually recovered by local police--the FBI had performed only limited investigative work. Also, the FBI claimed credit for fugitive locations, although its only

involvement was having provided the National Crime Information Center 1/ for a local law enforcement agency's use in listing the wanted person and verifying the identity when apprehended.

In the following investigations another agency made a major contribution that was not recognized in the accomplishment statistics. We found this problem in about 17 percent (114 of the 681) of the accomplishment cases reviewed. Accomplishments claimed in these cases totaled about \$695,000 in monetary value.

--In an investigation concerning an antitrust violation, the FBI, at the request of the Antitrust Division of the Department of Justice, identified the source of some correspondence. It was determined that the sender was already scheduled as a witness in the trial, but the Department had not realized that he had also sent the correspondence. The FBI never interviewed the sender. The Department eventually obtained six convictions and fines of \$133,000, which the FBI, in turn, reported as accomplishments.

--The military services asked the FBI to locate a deserter. After determining his possible location, they went to the address. His girlfriend told them he had already been apprehended by military police. The FBI claimed a fugitive location.

--The highway patrol stopped a car for a traffic violation and observed Government property in the car (smoke and tear gas grenades). The highway patrol called the FBI, which investigated and obtained three complaints against the suspect for possession of Government property. The suspect was convicted on three misdemeanor charges of possession of Government property having a value of less than \$100. The FBI claimed three convictions.

--A game warden apprehended a suspect for possession of undersized abalone, taking abalone after legal hours, and entering a military reservation illegally.

1/The National Crime Information Center is a computerized system which contains information on missing and stolen property, wanted persons, and criminal histories. This information is available for use by Federal, State, and local criminal justice agencies in carrying out their missions.

The FBI interviewed the suspect, who subsequently pled guilty to complaints of illegal entry and violating the fish and game code. He was sentenced to pay a \$40 fine. The FBI took credit for two convictions and a fine.

In most of these cases the FBI performed a limited amount of investigative work. Under the FBI's accomplishment format, the statistics generated from these cases are misleading, because they do not recognize the contributions of other law enforcement agencies.

Accomplishments based on estimated or potential amounts

Many FBI investigations result in savings or recoveries of personal, business, or Government property or documents that do not have a specific value. There is little written guidance available to field offices on what constitutes an accomplishment, how to place a dollar value on accomplishments, or the circumstances under which an accomplishment should be claimed.

Many claimed savings are for potential dollar amounts. For example, if a pirated copy of a motion picture is recovered, the field office is credited with a savings based on a certain percentage of the gross box office receipts to date. This valuation is based on the presumption that had the FBI not recovered the pirated film, the film owners would have suffered a loss of revenue.

Another example of claiming potential savings occurs when counterfeit bonds that have not been negotiated are recovered. The investigating field office can claim the face value of the bonds as a savings, although no money was actually lost by anyone. Also, the recovery of an estimated amount can be claimed even though no crime was committed. For example, if an automobile were reported stolen by its owner and the field office investigating the report discovered it had been repossessed, the field office could claim the estimated value of the automobile as a recovery, even though the automobile was not stolen.

Field offices also report savings from civil suits brought against the Federal Government under the Federal Tort Claims Act, if they provided investigative assistance. The field offices claim as savings the difference between the amount sued for and the amount, if any, awarded, regardless of the significance of the FBI's work in obtaining settlement. For example, if the Federal Government were sued for \$500,000, the FBI provided a background

investigation on the plaintiff, and the suit were settled out of court for \$25,000, the investigating office would claim and be credited with a \$475,000 savings, although the FBI background investigation might have been relatively unimportant in securing the settlement.

About 10 percent of the cases reviewed (67 of 681) were considered misleading because they were merely estimates of savings. These 67 cases represented about \$160 million, which is about 98 percent of the value of all cases sampled and about 30 percent of the total amount of fines, savings, and recoveries claimed by all 59 field offices during fiscal year 1976.

The following are some examples we identified.

--A company official notified the FBI that a former employee was involved in an industrial espionage scheme involving industrial secrets with an estimated value in excess of \$20 million. The suspect admitted possession of the documents and aided the FBI in recovering them from a garbage can. The company placed a value of about \$16 million on the recovered documents, based upon their research and development costs and what the formulas in the documents might be worth to competitors. The company said it could have reconstructed the formulas, however, had they not been recovered. The results of the investigation were presented to the grand jury, which returned a true bill. The suspect surrendered and was subsequently fined \$2,000 and placed on probation for the theft. The FBI claimed a \$16,060,000 recovery and a fugitive apprehension although the suspect was never in FBI custody.

--In a civil suit for \$40 million brought against the Government, 400 plaintiffs complained they had been denied federally insured housing loans because of "redlining" in certain neighborhoods. At the request of the U.S. attorney, the FBI interviewed the Government appraisers, reviewed loan records, and investigated the plaintiffs' backgrounds. The effort was extensive, using 92 agents. The plaintiffs eventually dropped the suit because they could not prove a conspiracy against them. The U.S. attorney said the extensive investigation by the FBI had contributed to the settlement. The FBI claimed a \$40 million savings as an accomplishment.

Although the FBI did investigate these cases, the savings and recovery statistics are misleading because there was no cause and effect relationship between the FBI's contribution and the dollar amounts claimed as accomplishments. The reader is led to believe the FBI's contribution was entirely responsible for the accomplishments claimed.

Inaccuracies and duplications

The FBI has certain procedures for reviewing accomplishments. Sometimes, however, inaccurate or duplicate claims made by field offices are approved by FBI headquarters. A duplication occurs when an office is credited with the same accomplishment more than once or when more than one office is inadvertently credited for the same accomplishment.

We identified only 5 cases of the 681 cases reviewed that were inaccurate based on the FBI's broad criteria for claiming accomplishments. Although the dollar amounts involved in these cases totaled only about \$348,000 (one case accounted for about \$330,000), these errors indicate that headquarters review procedures could be improved. The FBI agreed that the errors and duplications had occurred because of weaknesses in its review procedures and said it would take appropriate action to eliminate such mistakes.

The following examples show some of the inaccuracies and duplications that have occurred.

--During the investigation of the theft of a small truck and its cargo, the FBI eventually located the abandoned truck with the cargo missing. The owner of the truck estimated its value at \$2,000. The recovery value was recorded as \$20,000.

--In an investigation involving the recovery of copies of copyrighted movie films from a collector, a value of \$329,627 was assigned to the films. There was no indication the collector planned to use the films for financial gain, and the U.S. attorney declined prosecution on that basis. The recovery value was credited to the field office twice for a total of \$659,254 under two different file numbers.

--Following an FBI investigation of the theft of \$360 of Government property, a suspect was charged with six complaints, convicted on all six, and fined \$100. The FBI recorded six convictions instead of one.

WHY ACCOMPLISHMENT STATISTICS
ARE MISLEADING

Problems in presenting an accurate and valid picture of FBI investigative results occurred because

- the format used for presentations did not include an explanation of what the statistics meant or how dollar values had been determined and
- the FBI had not established specific criteria that clearly stated how accomplishments were to be claimed by field offices.

Formats used did not provide
an adequate explanation

The formats used to present accomplishment statistics contributed to the misleading nature of the statistics, because they did not adequately explain what the statistics represented.

All the budget documents and many of the speeches made by the FBI Director, as well as some testimony, reports, and pamphlets, contained statements regarding the number of dollars in fines, savings, and recoveries attributable to FBI investigations. The dollar amounts attributed to these accomplishment categories were stated as a dollar total and compared to the FBI appropriation. There was no explanation that fines, savings, and recoveries contained not only actual dollar amounts, but also estimated and potential dollar amounts. Budget documents, the annual report, and congressional testimony also contained information on the number of convictions and fugitive locations without citing the contributions of other law enforcement agencies.

The FBI's fiscal year 1975 annual report contained a comprehensive presentation of accomplishment data. This report contained a two-page listing by investigative classification of the amount of fines, savings, and recoveries; the number of fugitives located; and the number of convictions, including the length of sentences imposed. The report highlighted some priority investigative areas, such as organized crime. It did not, however, explain how the accomplishment statistics were valued or what they meant.

The result of using these formats is that in all material presented to those outside the FBI, actual and suspended fines were shown in a combined figure; actual, suspended, and pro-

bationary sentences were combined; actual, estimated, and potential savings and recoveries were combined; and no explanation was provided to show what the statistics actually meant. Also, it was not explained that many of the statistics had resulted from the combined efforts of the FBI and other law enforcement agencies.

We went on record in testimony before the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary, in September 1976 regarding the misleading nature of accomplishment statistics and the importance of presenting a clear picture to the country of the effectiveness of FBI criminal investigations. We contacted FBI officials and all agreed that the presentation needed to be amended to correct the problems we cited. The fiscal year 1976 annual report, which did not go to press until December 1976, contained the same misleading two-page listing of accomplishments as the fiscal year 1975 annual report. (See app. II.) The Attorney General's fiscal year 1976 annual report, however, which also presents this information, contained a qualifying statement. It stated that a task force was devising a new approach and format for collecting and reporting statistical accomplishments to eliminate any misinterpretation.

If past formats for presenting FBI investigative results and accomplishments continue, they must contain supplementary explanations of how the statistics are determined and what they mean. Otherwise, they will continue to be misleading.

Lack of criteria that clearly state how accomplishments are to be claimed

FBI headquarters had not established specific criteria to aid field offices in claiming accomplishments. Most criteria for claiming accomplishments were informal and had been established through practice. The FBI searched its manuals of instruction at our request but found little specific written headquarters guidance concerning what constituted an accomplishment, how to determine dollar value, and the circumstances under which the FBI could legitimately take credit for accomplishments. The only exception was that detailed instructions were provided on how to value recovered cars. The lack of specific criteria causes confusion and results in improper claims for accomplishments, as exemplified in the following cases.

--At the request of a branch of the military services, agents from two field offices tried to locate a deserter. When found, he had a valid discharge from the

military and was therefore not a deserter. The field office that found him did not claim an accomplishment, but the other field office claimed and was credited with a fugitive location.

- During the trial of a person suspected of interstate transportation of a stolen motor vehicle, the defendant and his attorney failed to appear in court as scheduled. The defendant had been admitted to the hospital. The judge continued the case for 2 days and ordered the defense attorney to appear and show cause why the defense attorney should not be held in contempt of court for his failure to appear. The attorney appeared, was found guilty of contempt, and was fined \$300. The field office claimed and was credited with the attorney's fine as an accomplishment, although its investigation of the suspect had no relationship to the attorney's fine.
- Two suspects robbed a bank using a toy gun. Customers pursued the suspects into a nearby wooded area where the suspects were arrested by local police. The suspects had dropped the money in the woods and the local police found it. The suspects were tried and convicted in local court. An FBI field office was credited with a \$14,000 recovery, because its agents participated in the search for the money although they did not recover it.
- A truck owner/driver complained to the FBI that his truck with a semitrailer full of produce had been stolen from a motel parking lot. The FBI determined that a finance company had repossessed the truck because of delinquent payments. Although no crime had been committed and no one had suffered economic loss, the FBI claimed recoveries totaling \$24,200 for the truck and its cargo.

CHAPTER 5

FBI EFFORTS TO IMPROVE ITS

MANAGEMENT OF INVESTIGATIVE RESOURCES

AND MEASUREMENT OF INVESTIGATIVE RESULTS

During our review the FBI began designing and developing a resource management and allocation information system to facilitate the implementation and evaluation of the quality over quantity program management approach. We advised FBI officials in July 1976 of our observations regarding the misleading nature of FBI accomplishment statistics and the limitations of its management information as a basis for implementing and measuring the effectiveness of the quality over quantity approach.

FBI officials had already recognized the inadequacy of existing caseload information for use under the new management approach and were in the process of redesigning the format for collecting such data. They also had recognized the need to revise the format of the Time Utilization Record Keeping system. In August 1976, as a result of ongoing FBI efforts and our observations, the FBI Director established a task force and asked us to work with its members to develop a new management information system for reporting all FBI efforts, activities, and accomplishments.

The task force effort led to the design and development of the Resource Management Information System. The system was implemented in October 1977. (See app. IV.)

If properly monitored and used, the system should provide a better basis for managing and allocating investigative resources and measuring investigative results under the quality over quantity approach. Specifically, the new system will provide (1) some criteria for determining priority investigative areas and quality cases, thus providing a better basis for allocating investigative resources, (2) more comprehensive and integrated data for making management decisions, and (3) detailed criteria for recording investigative results and assuring their validity. The new system is discussed below in the context of these potential benefits.

BETTER BASIS FOR DETERMINING QUALITY AND ALLOCATING RESOURCES

Under the old caseload reporting system (as discussed in ch. 3), the FBI could not distinguish a quality case from

one of marginal importance. It had not clearly defined what constitutes a priority investigative area or quality case, nor provided criteria for making such a determination. Thus, the FBI had no basis for directing its resources toward quality cases and monitoring the results.

Information under the Resource Management Information System will be categorized by programs and in turn will be given priorities. Each program will comprise a certain number of the FBI's 170 active investigative and administrative classifications. These will be divided into subclassifications, determined by such factors as dollar amounts, to show the relative importance of the cases conducted within each classification. The cases in some predetermined subclassifications would be known as priority cases, and greater importance would be attached to them.

This system of categorization, in essence, defines priority investigative areas and quality cases as they relate to each investigative classification. For example, the white-collar crime program would be composed of 27 investigative classifications. Investigations under one of the white-collar crime classifications--bank fraud and embezzlement--would be subclassified as follows:

- Cases involving losses exceeding \$100,000.
- Cases involving losses from \$1,500 to \$100,000.
- All other cases including those involving amounts under \$1,500.

Cases investigated under the first two subclassifications would be considered priority cases.

Investigations under another classification--theft of Government property--would be handled under the General Government Crimes program and be subclassified as follows:

- Theft of Government property in excess of \$5,000 and Government-owned weapons or explosives.
- All other cases.

Cases investigated under the first subclassification would be considered priority cases.

Unlike the old system, which relied on average caseload data to allocate staff, the Resource Management Information System will allocate staff based on the following factors.

--First, each field office will have to justify the minimum staff or nondiscretionary staff needed to keep the office open (based on certain static factors) and respond to general criminal activity. Static factors include population, geography, the size of the area covered, the amount of industry, and the size of Government facilities in the area.

--Second, needs for additional staff or discretionary staff will have to be justified based on certain dynamic factors. These factors include (1) the level of white-collar and organized crime activity in a field office's jurisdictional area and (2) the extent to which the office is involved in certain special programs (such as crime prevention and the training of local police). Field offices would be given credit for investigations of significant cases in priority areas. This would be determined through the use of a priority case indicator based on the number of cases investigated by a field office under those classifications designated as priority.

MORE COMPREHENSIVE AND INTEGRATED DATA

We pointed out in chapter 3 that the FBI did not have adequate information on its investigative results to implement and measure the effectiveness of the quality over quantity approach. The Resource Management Information System will produce data on caseload, investigative results, and the amount of resources expended. It will also provide for the integration of all three types of information.

The Resource Management Information System is composed of three separate subsystems that each produce information under the same system categories--programs, classifications, and subclassifications--discussed in the previous section.

--The Monthly Administrative Reporting Subsystem will record information on the number of cases opened and closed during each month and those pending at the end of each month. The system will also highlight quality cases.

--The Investigative Results and Accomplishment Subsystem will cover both the investigative and judicial processes, tracking all investigations from their initiation to conclusion and recording all significant results. The subsystem will record under the investigative process (on a biweekly basis) information on cases closed

administratively, declined by U.S. attorneys, and introduced into preliminary judicial process. It will also record information on recoveries, including potential economic losses prevented, and on arrests, including fugitives located. Under the judicial process the subsystem will record information on prosecutions, convictions, and sentences, including fines. (The investigative results and accomplishment subsystem is explained in more detail in app. III.)

--TURK will continue to record information on the number and cost of staff-days assigned to investigations. (See p. 13.) The format, however, will be revised to conform with the categories designated for the overall Resource Management Information System.

The information contained in the individual subsystems, particularly the Investigative Results and Accomplishments Subsystem, is much more comprehensive than was collected in the past. The biggest advantage of the system will be the capability to integrate and correlate data from the different subsystems. For example, information in the Investigative Results and Accomplishments Subsystem could be correlated with information from the TURK subsystem to determine the cost effectiveness of (1) investigative programs, (2) classifications, (3) subclassifications, and (4) even some individual cases. Such information would help the FBI determine its effectiveness in the different investigative areas. This information could provide a basis for meeting with U.S. attorneys to establish and/or review existing priorities and prosecutive guidelines.

**BETTER CRITERIA FOR DETERMINING
AND CONTROLLING THE VALIDITY
OF INVESTIGATIVE RESULTS**

The Resource Management Information System should provide FBI field offices a better basis for determining investigative results and accomplishments. The system should also enable the FBI to better control the accuracy and validity of such data and to present a clearer picture of its investigative results.

The Investigative Results and Accomplishments Subsystem of the Resource Management Information System recognizes the contributions of other law enforcement agencies. An arrests category, substituted for a fugitives located category, is stratified into FBI arrests (cases in which the FBI actually arrests a suspect) and FBI locates (cases in which the FBI locates a fugitive who is already in the custody of or has been arrested by another jurisdiction).

A new recoveries category is stratified into actual recoveries, potential economic losses prevented, and civil matters (suits against the Government). This changes the misleading current practice of combining all actual, estimated, and potential dollar amounts. Civil matters would be further divided into amount of suit and settlement or award. No attempt is made to subtract one from the other and attribute the entire difference to FBI investigative efforts as was done in the past.

The subsystem also incorporates other changes that should make the FBI's investigative data less misleading. Convictions are stratified into misdemeanors and felonies, each containing the number of subjects and violations. This should alleviate any misunderstanding that might arise when a person is convicted of multiple offenses or multiple counts of the same offense. Convictions are no longer expressed in terms of the length of the sentence imposed.

Sentences will be listed separately and stratified into the number of subjects receiving confinement, probation, and suspended sentences. This should alleviate the problem of stating the total time of sentences imposed, which includes actual, probationary, and suspended sentences.

The manner in which fines are reported will not change. Agents will still be able to report the total fine assessed, with no followup required to see if it was reduced or suspended. Although such followup might require more effort than practical, one of the objectives of the new subsystem is to clarify the FBI's investigative results. Failure to distinguish between actual, suspended, and reduced fines leaves the meaning of the category unclear. Thus, the FBI should either drop the category as a measure of its investigative effectiveness or properly qualify it when used.

The new subsystem also provides for strengthened controls over statistical reporting and review procedures which could help alleviate recording misleading and erroneous data. All significant events occurring in every investigation will be recorded. This provision should provide for a clear audit trail. Although headquarters program managers will be responsible for insuring the data's validity, periodic audits of the accomplishment statistics and the other subsystems are necessary.

CHAPTER 6

CONCLUSIONS, RECOMMENDATIONS, AGENCY COMMENTS, AND OUR EVALUATION

CONCLUSIONS

The FBI is making progress in improving its management and allocation of investigative resources and measurement of investigative results. Its institution of the quality over quantity management approach, aimed at focusing investigative resources on the most serious criminal and security problems, was a major step forward. Certain problems existed, however, that inhibited effective implementation of the approach.

- The FBI had not clearly defined what constitutes a priority investigative area or established criteria for identifying quality cases versus cases of marginal importance.
- The FBI had not developed sufficient management information for implementing and measuring the effectiveness of the quality over quantity approach. Existing information was primarily caseload related. Information on the results of investigations and on the application of resources did not interrelate. Information on investigative results was limited to a few categories of accomplishment statistics that were misleading because of the way they were presented.
- The FBI and U.S. attorneys generally were neither coordinating the selection of criminal and security problems for priority investigative and prosecutive attention nor developing prosecutive and investigative guidelines for violations not normally prosecuted.

The FBI has taken steps to correct some of these problems by developing the Resource Management Information System. The system is composed of three subsystems that will provide information on the status of caseload, investigative results, and resources expended. The subsystems will have the same categories--programs, classifications, and subclassifications--and thus will be able to be integrated for purposes of management analysis, resource allocation, and budget presentation.

The Resource Management Information System provides the criterion, particularly through its subclassifications, for identifying priority investigative areas and quality cases. If properly monitored and used, the system should provide the information base needed to carry out and evaluate effectively the quality over quantity approach. Therefore, to help assure that FBI resources are directed at investigating major crime problems, information from the Resource Management Information System must become available for FBI management use as soon as possible. In addition, the system's implementation should be monitored closely in the early stages to assure that it is serving management as was intended.

Although the system became operational in October 1977, it will probably be about 1 to 2 years before the system achieves its full potential because of (1) the lack of a data base, particularly for comparison purposes, and (2) the time required for FBI headquarters and field office managers to become familiar with the system and make adjustments to meet their specific needs. Also, since the system was not implemented until after fiscal year 1977, the FBI will still have to rely on its traditional accomplishment statistics as a measure of its investigative effectiveness during that year. Thus, the FBI should qualify any reports or presentations that cite those statistics.

Information generated by this system, if properly presented, would better reflect the total effect of FBI criminal investigations. The Investigative Results Subsystem will provide information on investigative and judicial phases of cases. Provisions in the new system for systematic review and audits should help insure the validity and accuracy of the data. The FBI should take steps, however, to assure that all the information is accurate and complete and is adequately qualified.

Despite the actions the FBI is taking, it cannot achieve the objectives of the quality over quantity approach without the cooperation of the Department of Justice and the U.S. attorneys in selecting investigative priorities and developing guidelines, which would permit the FBI to deemphasize the investigation of complaints not likely to be prosecuted. Coordination between the U.S. attorneys and FBI officials in the six field offices we visited was inadequate. Many did not make a concerted effort to select mutually agreeable areas for investigative and prosecutive concentration.

Also, most did not work out prosecutive guidelines. As a result, U.S. attorneys declined to prosecute about 41 percent of the investigations that the six FBI offices closed in a 4-month test period. Another 50 percent of the investigations--some of which the FBI may not have had to investigate--were closed administratively by the FBI. Among the reasons given for the lack of coordination were the autonomy and independence of U.S. attorneys and the failure of FBI officials to initiate contact regarding priority setting.

The Attorney General, as the chief law enforcement officer of the United States, has authority over all operations within the Justice Department, including the FBI and the U.S. attorneys. The only practical way to insure better coordination is for the Attorney General to (1) establish requirements for both agencies to meet periodically to discuss their efforts and set priorities and (2) monitor their compliance with these requirements. This should be done at both the national level between the Department of Justice and FBI headquarters and at the local level between U.S. attorneys offices and FBI field offices. In this way the Attorney General would also better insure more efficient use of the Department's prosecutive and investigative resources. We consider this an important issue because of the prevalence of crime in the United States and the limited amount of enforcement and prosecutive resources to combat it. To be effective, these resources should be concentrated on the critical crime problems facing the country.

RECOMMENDATIONS

We recommend that the Attorney General make sure that:

- The Resource Management Information System is monitored closely and properly used to achieve the goals of the quality over quantity management approach and to resolve the problems cited in this report.
- U.S. attorneys and FBI field office personnel establish and pursue mutual priorities and develop prosecutive guidelines to identify complaints that will not be prosecuted and thus should not be fully investigated.
- Justice Department and FBI headquarters officials meet regularly to discuss ways to make Federal law enforcement more effective (such as establishing nationwide prosecutive guidelines).

AGENCY COMMENTS AND OUR EVALUATION

The Department of Justice had no major disagreements with the findings and recommendations in this report. The Department agreed that, when fully operational, the FBI's Resource Management Information System will provide a sound basis for more effectively managing and allocating resources as well as measuring the impact and effectiveness of investigative operations. (See app. V.)

In response to our recommendations, aimed at improving the coordination of priorities between the FBI and U.S. attorneys, the Department plans to further emphasize the importance of strengthening coordination procedures to the greatest extent possible. Also, the Department was not opposed to the establishment of broad policy guidelines regarding prosecutive decisions or to informal prosecutive guidelines for the purpose of distinguishing between priority and nonpriority matters. However, the Department said it was reluctant to require each U.S. attorney to issue specific formal prosecutive guidelines for use by the FBI because of (1) their potential for restricting the freedom of U.S. attorneys to prosecute or not to prosecute a particular case and (2) their sensitivity and potential for litigation.

The Department's position in this regard is contrary to that which it took in a letter to our Office dated December 12, 1977, commenting on another GAO report. In this letter the Department said that (1) some U.S. attorneys had developed more restrictive guidelines for some offenses (than those established by the Department) to accommodate variations in local conditions and needs and (2) such variations require some distinctions in prosecutive policies and priorities throughout the country. It further stated that differences in formal prosecutive policy among U.S. attorneys do not necessarily result in a wide divergence in actual prosecution of criminal conduct. Finally, it stated that the Attorney General had recently ordered (1) the examination of the possibility of developing guidelines for areas of prosecutive discretion not already covered and (2) the reexamination of the desirability of formally distributing the prosecutive guidelines already developed.

We agree that establishing formal prosecutive guidelines is extremely sensitive, but do not believe this is just cause for avoiding such guidelines. Without guidelines which formally allow the FBI to deemphasize investigating complaints not likely to be prosecuted by the U.S.

attorneys, the FBI cannot effectively allocate its resources to have maximum impact on major crime problems and thus achieve the objectives of the quality over quantity management approach. Therefore, we believe that prosecutive guidelines should be developed nationally by the Department and locally by the U.S. attorneys for as many prosecutive areas as possible. Obviously, care must be taken to make sure that such guidelines are sufficiently flexible to allow the U.S. attorneys the necessary decisionmaking latitude to deal with special circumstances. The guidelines--even though formal--should be handled in a way which is commensurate with their sensitive nature.

On page 41 of this report, we suggested that the FBI either drop "fines" (imposed by the courts) as a measure of investigative effectiveness or properly qualify their use because there is no way of knowing, without some followup, whether the total fines claimed were suspended or reduced. The Department of Justice disagreed, stating that the original imposition of a fine is a valid indicator of the results of investigative activity and any subsequent alteration does not detract from the significance of the original fine. It stated that following up to determine whether fines have been altered would be impractical, of minimal value, and a misuse of manpower.

We agree, as stated on page 41, that followup might require more effort than practical. However, continuing to use "fines" as a measure of effectiveness without distinguishing between actual fines and those which have been suspended or reduced is misleading and lessens any usefulness fines may have as a measure. Furthermore, while we believe a fine can be a valid indicator of the seriousness of an offense, we do not agree that it is a valid indicator of the results of investigative activity. Therefore, we believe that the FBI should either drop "fines" as a measure of its investigative effectiveness or qualify any figures used to indicate that they may include suspended or reduced fines.

CHAPTER 7

REVIEW SCOPE AND METHODOLOGY

This report is based primarily on our review of criminal investigations at FBI headquarters and the Boston, Chicago, Los Angeles, Milwaukee, Sacramento, and San Francisco field offices. Fieldwork was conducted during the period May to October 1976. Selection of the six FBI field offices was based on data available for the first 10 months of fiscal year 1976 and provides a diversity in office size, magnitude of statistical accomplishments claimed, and geographic locations. We also talked with officials at Department of Justice headquarters, FBI headquarters, and the 10 U.S. attorneys' offices responsible for prosecuting cases investigated by the 6 FBI field offices.

To enable us to examine statistical accomplishments, we randomly selected 681 cases from among 6,673 accomplishments credited to the 6 FBI field offices during the period July 1975 through April 1976, as shown below. Cases were selected from all five accomplishment categories at each office.

<u>Field office</u>	Number of statistical accomplishments <u>claimed</u>	GAO sample <u>size</u>
Boston	700	109
Chicago	926	114
Los Angeles	3,055	144
Milwaukee	327	82
Sacramento	733	100
San Francisco	<u>932</u>	<u>132</u>
Total	<u>6,673</u>	<u>681</u>

Because only about 20 percent of the criminal cases investigated result in accomplishments, reviewing accomplishment statistics does not provide an insight into the total criminal investigation process. We therefore requested that for our use the FBI maintain special records of all investigations concluded. These statistics were recorded daily at the six FBI field offices as administrative closures, cases accepted for prosecution, and cases for which prosecution had been declined. We randomly selected 516 of the 6,281 cases recorded during the period April through July 1976, as shown below. Cases were selected from all three categories at each office.

<u>Field office</u>	<u>Total cases</u>	<u>GAO sample size</u>
Boston	729	73
Chicago	1,568	90
Los Angeles	2,366	90
Milwaukee	423	86
Sacramento	479	78
San Francisco	<u>716</u>	<u>99</u>
Total	<u>6,281</u>	<u>516</u>

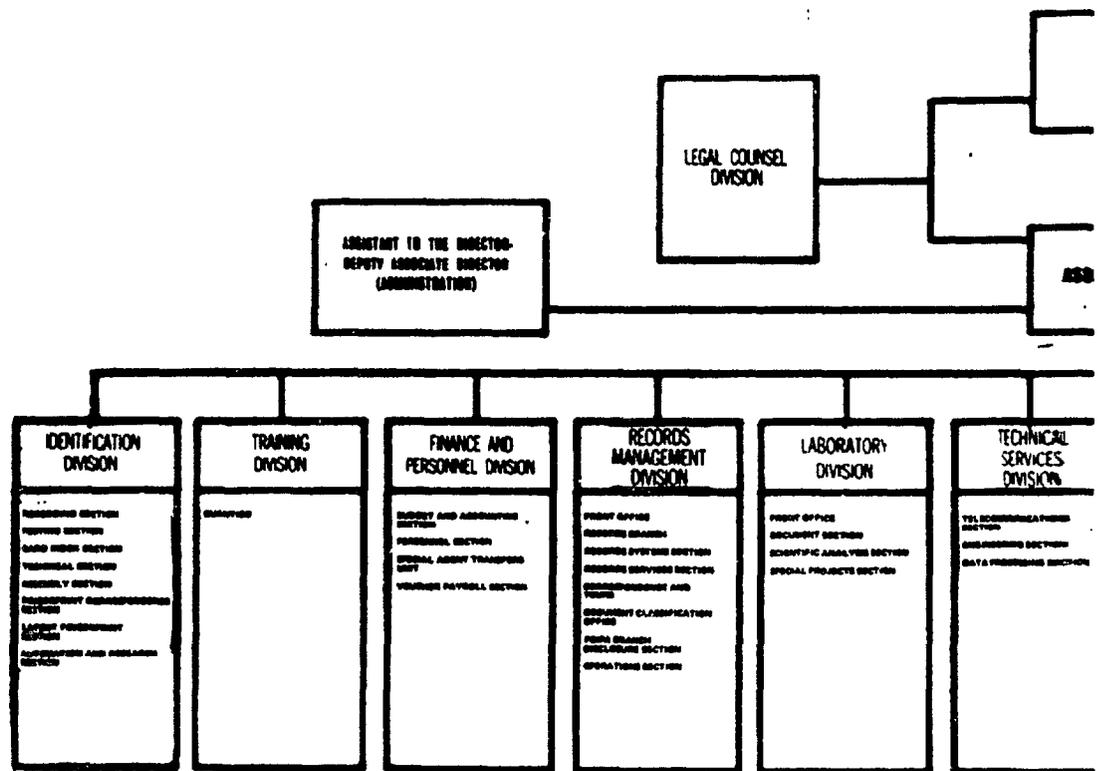
We interviewed the special agent or agents who investigated each sampled case. Prior to these interviews, we were furnished edited copies of portions of final reports for accomplishment cases and copies of correspondence with the U.S. attorney's office for each case for which prosecution had been declined. Other than brief synopses of accomplishments claimed, we were not furnished any written data on cases accepted for prosecution or those closed administratively. At no time during the review were we allowed to see investigative files or original file documents.

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APPENDIX I

FBI FUNCTIONAL

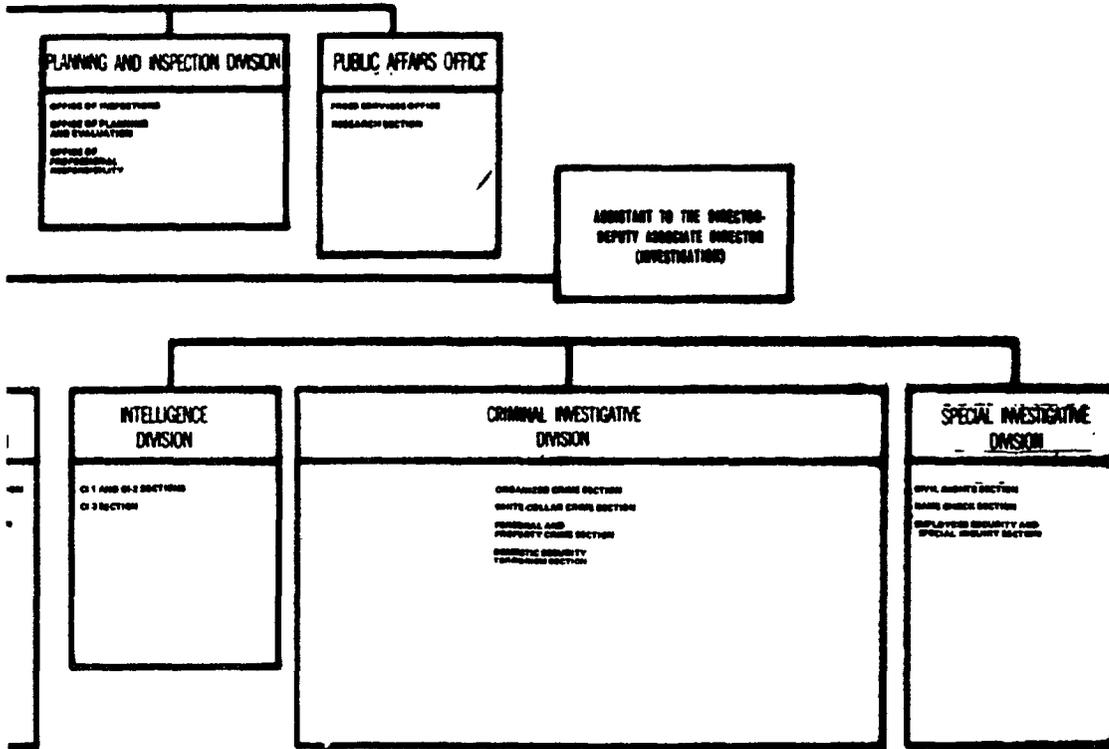
FIELD OFFICES		
ALBANY	CHARLOTTE	INDIANAPOLIS
ALBUQUERQUE	CHICAGO	IRVING
ALEXANDRIA	CINCINNATI	JACKSON
ANCHORAGE	CLEVELAND	KANSAS CITY
ATLANTA	DALLAS	KANSAS CITY
BALTIMORE	DENVER	MEMPHIS
BIRMINGHAM	Detroit	NEW ORLEANS
BOSTON	Detroit	PHOENIX
BUFFALO	EL PASO	PORTLAND
Butte	HONOLULU	RENO



APPENDIX I

ORGANIZATION CHART

FIELD OFFICES		
MEMPHIS	OKLAHOMA CITY	SAN ANTONIO
MINNAPOLIS	OMAHA	SAN DIEGO
MILWAUKEE	PHILADELPHIA	SAN FRANCISCO
MOBILE	PHOENIX	SAN JUAN
NEWARK	PITTSBURGH	SEASIDE
NEW HAVEN	PORTLAND	SEATTLE
NEW ORLEANS	RICHMOND	SPRINGFIELD
NEW YORK	SACRAMENTO	TAMPA
NOBLESVILLE	ST. LOUIS	WASHINGTON D.C.
	SALT LAKE CITY	WHEELING, WV



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Summary of Statistics for the 1976 Fiscal Year

CLASSIFICATION TITLE	CONVIC- TIONS	ACTUAL SUSPENDED AND PROBATIONARY SENTENCES *			FINES IMPOSED	SAVINGS	RECOVERIES	POSITIVES LOCATED
		Years	Months	Days				
TOTALS	17,344	75,835	11	29	\$10,581,889	\$208,151,436	\$237,988,288	32,286
ADMIRALTY MATTERS								
ANTHRACKETEERING	125	304	2	9	176,100	8,883,421	4,453,239	44
ANTHRIFT LAWS	8	13	3	26			688,888	44
ANTITRUST	146	154	4		3,610,000		486,232	1
ASCERTAINING FINANCIAL ABILITY							2,169,377	
ASSAULTING OR KILLING A FEDERAL OFFICER	115	376	4	26	12,900		17	41
ASSAULTING PRESIDENT OR VICE-PRESIDENT								1
AUTOMOBILE INFORMATION DISCLOSURE ACT	6				6,800			1
BANK FRAUD AND EMBEZZLEMENT - BANKS	1,551	4,970	7	28	443,900	31,767	28,232,957	375
BANK FRAUD AND EMBEZZLEMENT - FEDERAL CREDIT UNION	92	296	6	7	18,000		363,477	26
BANK FRAUD AND EMBEZZLEMENT - SAVINGS AND LOAN ASSOCIATION	146	464	9	1	63,700		1,889,151	53
BANK ROBBERY, BURGLARY AND LARCENY	2,864	39,772	6	21	133,230	2,886,912	3,754,942	1,191
BILLS OF LADING ACT	2	7					2,940	2
BOMBING MATTERS	22	133						20
BOND DEFAULT	327	981	9	1	25,295			525
BRIBERY AND CONFLICT OF INTEREST	139	395	5	2	978,700		31,391	23
CIVIL RIGHTS	23	46	6		3,670			2
CIVIL RIGHTS ACT OF 1964	1	1						1
CONTEMPT OF COURT	46	26	1	21	10,300			1
COPYRIGHTS	115	224	4	1	172,400		98,316,512	19
COURT OF CLAIMS						15,178,081	48,964	
CRIME ABOARD AIRCRAFT	83	299	2	10	8,775		783	21
CRIMES ON THE HIGH SEAS	51	85	5	1	3,350		112,887	7
DESERTION, HARBORING DESERTERS, ENTICING TO DESERT	3	9						16,343
DESTRUCTION OF AIRCRAFT	30	5	5		13,300			13
DESTRUCTION OF INTERSTATE PROPERTY	2	5						
DISCRIMINATION IN HOUSING	4	3	1		24,400		2,800	1
ELECTION LAWS	15	10	4		48,930		4,400	
ESCAPED FEDERAL PRISONERS, PAROLE, PROBATION, AND CONDITIONAL RE- LEASE VIOLATORS	798	1,590	7	12	2,600		17,825	4,387
ESPIONAGE	1	22					34,890	
EXTORTION	82	345	3	3	2,300	180,000	6,278	69
EXTORTIONATE CREDIT TRANSACTIONS	82	392	4		151,750		848,830	41
FALSE ENTRIES IN RECORDS OF INTERSTATE CARRIERS	5	6	2		12,000		1,000	
FALSELY CLAIMING CITIZENSHIP	2	2	10					
FEDERAL CORRUPT PRACTICES ACT	3	6			6,000			
FEDERAL FIREARMS ACTS	82	463			59,600		10,486	11
FEDERAL HOUSING ADMINISTRATION MATTERS	154	378	7		329,330	46,800	1,383,423	33
FEDERAL LENDING AND INSURANCE AGENCIES	23	71	11	5	9,000		652,136	7
FEDERAL TORT CLAIMS ACT						110,738,151	29,875	
FEDERAL TRAIN WRECK STATUTE	3	3					2,000	5
FOREIGN POLICE COOPERATION								1
FRAUD AGAINST THE GOVERNMENT GOVERNMENT AND INDIAN RESERVATION MATTERS	382	973	6	5	884,373	1,653,156	4,263,955	98
HARBORING FUGITIVES	2,143	4,812	8	7	92,210	100	306,270	701
ILLEGAL GAMBLING BUSINESS	15	34		1				12
	738	2,476	4	29	1,114,784		1,478,717	233

CONTINUED ON NEXT PAGE

Summary of Statistics for the 1976 Fiscal Year

CLASSIFICATION TITLE	CONVIC- TIONS	ACTUAL, SUSPENDED AND PROBATIONARY SENTENCES *			FINES IMPOSED	SAVINGS	RECOVERIES	FUGITIVES LOCATED
		Years	Months	Days				
ILLEGAL WEARING OF UNIFORM AND RELATED STATUTES	65	68		26	2,720		9,491	10
IMPERSONATION	48	161		1	3,250		17,640	48
INTERCEPTION OF COMMUNICATIONS	20	73	9	1	7,000		975	7
INTERSTATE OBSCENE OR HARASSING TELEPHONE CALLS	5	7	2		900			2
INTERSTATE TRANSMISSION OF WAGERING INFORMATION	49	130	10	5	84,000		2,395	30
INTERSTATE TRANSPORTATION IN AID OF RACKETEERING	86	327	11		161,650	4,275,000	18,914	65
INTERSTATE TRANSPORTATION OF PIREWORKS							35,000	
INTERSTATE TRANSPORTATION OF GAMBLING DEVICES	7	8			5,000		9,794	1
INTERSTATE TRANSPORTATION OF LOTTERY TICKETS	2	2	2		1,000		31,090	
INTERSTATE TRANSPORTATION OF OBSCENE MATTER	30	53	9		143,000		170,260	22
INTERSTATE TRANSPORTATION OF STOLEN CATTLE	4	20					20,000	2
INTERSTATE TRANSPORTATION OF STOLEN MOTOR VEHICLES OR AIRCRAFT	1,684	5,762	9	14	157,570		18,119,062	709
INTERSTATE TRANSPORTATION OF STOLEN PROPERTY	1,744	7,369	11	27	443,384	42,710,761	53,715,875	1,134
INTERSTATE TRANSPORTATION OF WAGERING PARAPHERNALIA	1	3			1,000			
IRREGULARITIES IN FEDERAL PENAL INSTITUTIONS	57	242	8	10			2,000	3
KIDNAPING	94 *	1,404	6				2,616,875	53
LABOR MANAGEMENT RELATIONS ACT LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959	5	4	6		8,500			1
MAIL FRAUDS	31	123	11	1	14,500		384,549	6
MISCELLANEOUS	106	411	11	1	97,250		32,557	4
NATIONAL BANKRUPTCY ACT	354	860	11	10	201,745	86,820,537	3,205,329	9
OBSTRUCTION OF JUSTICE	24	73	7		26,500		462,703	19
PASSPORTS AND VISAS	56	184	10	3	30,050		2,500	12
PERJURY	29	102	7	14	750			30
POLICE KILLINGS	96	307	11	25	99,750			15
PROTECTION OF FOREIGN NATIONALS		16			500		963	2
RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS	9							5
RENEGOTIATION ACT	48	278	5		35,000	237,146	840	74
SELECTIVE SERVICE ACT						5,919,857		
SPORTS BRIBERY	130	303	6	17	10,550			140
THEFT FROM INTERSTATE SHIPMENT	7	30						19
THEFT, EMBEZZLEMENT, OR ILLEGAL POSSESSION OF GOVERNMENT PROPERTY	1,306	4,085	7	6	265,350	576,620	14,935,880	569
UNLAWFUL FLIGHT TO AVOID PROSE- CUTION, CONFINEMENT OR THE GIVING OF TESTIMONY	930	1,768	10	29	157,155		1,297,745	207
VETERANS ADMINISTRATION MATTERS	1	1				10,000	219,564	4,663
WELFARE AND PENSION PLANS	50	106	6		78,000	1,713,527	117,663	25
DISCLOSURE ACT	15	47	8	1	20,500		1,083,762	5
WHITE SLAVE TRAFFIC ACT	36	148	8		4,400		760	30

* LIFE SENTENCES - 33(KIDNAPING - 17; GOVERNMENT AND INDIAN RESERVATION MATTERS - 12; ASSAULTING OR
KILLING A FEDERAL OFFICER - 3; BANK ROBBERY - 1).

DEATH SENTENCES - NONE
GAMBLING DEVICES CONFISCATED - 274

Note: Source of this document was the FBI's fiscal year 1976 annual report.

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

Date: May 24, 1977
To: Comptroller General of the United States
Washington, D. C.
From: *Clarence M. Kelley*
Clarence M. Kelley, Director
Subject: FBI RESOURCE MANAGEMENT AND ALLOCATION

As you will recall, in August, 1976, we personally discussed certain shortcomings in the presentation format of FBI accomplishment statistics; namely, their potential for misinterpretation and questionable utility in measuring the effectiveness of our investigative efforts. Your observations, as subsequently reported in preliminary testimony before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, confirmed our own thoughts on the limitations of our management information system. Based upon these findings I directed the formation of a Task Force to work closely with the General Accounting Office auditors in reviewing and improving not only our representation of statistical accomplishments, but also other aspects of our information system.

The review group has completed its work with respect to revising and expanding our categories of investigative statistics and I am attaching for your information the revised listing. Our principal goal has been to identify and define our accomplishments in such a manner that they cannot be misinterpreted, and they will serve to present a complete and accurate picture of the work of this agency. The assistance of your audit staff in pointing out areas of concern and suggesting methods of improvement has played a significant role in the attached revision. As other aspects of our work in expanding the management information capabilities of the FBI proceed, we hope to borrow again on the knowledge and expertise of your personnel.

Enclosure

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 16, 1977

CATEGORIES OF INVESTIGATIVE RESULTS

CRIMINAL STATISTICS

Investigative ProcessClosings and DeclinationsAdministrative Closings

All cases closed administratively on the authority of the Special Agent in Charge under existing Bureau instructions will be counted in this category.

United States Attorneys Declinations

All cases presented to the United States Attorney wherein he declines prosecution.

Subject Introduced Into Preliminary Judicial ProcessFilingsComplaints

A statistic will be recorded in this category for every subject named in a complaint authorized by the United States Attorney and filed before a U. S. Magistrate.

Informations

A statistic will be recorded in this category for every subject against whom an information is filed.

Federal Grand JuryTrue Bill

A statistic will be recorded in this category for each subject who is indicted by a Federal Grand Jury. Individual counts in the indictment should not be recorded.

CATEGORIES OF INVESTIGATIVE RESULTSNo Bill

If a Federal Grand Jury returns a No Bill on a case presented by the FBI, then a statistic will be recorded for each subject in this category.

RecoveriesRecoveries

When stolen or illegally possessed items, with intrinsic value are recovered as a part of FBI investigative activity, the value of the item, as established by the owner, should be recorded as a recovery.

When items are recovered during joint investigations with another law enforcement agency, the recovery will only be recorded if it was the result of FBI investigative activity and we actually took part in the recovery. Recovery value to be recorded is the actual value of the property at the time of the recovery and should be given either a wholesale or retail value, depending on the value to the owner.

Use fair market value for articles which are subject to depreciation because of wear and tear, age, or other factors which cause the value to decrease with use. Use cost to the merchant (wholesale cost) of goods stolen from retail establishments, warehouses, etc. In other words, use the dollar value representing the actual cash loss to the victim without any mark-up or profit added. Use victim's evaluation of items such as jewelry, watches, and other similar goods which decrease in value slightly or not at all with use or age.

Included in this statistical category are cash, merchandise, vehicles and art work.

Restitutions will be recorded in this category when ordered as part of a court sentence.

Items of exceptionally great value, recovered by a field office, such as large airplanes and boats should be separately recorded with a narrative explanation of the item and its value, and this figure should not be included with the routine statistics maintained in this category.

CATEGORIES OF INVESTIGATIVE RESULTS**Narcotics**

Narcotics recovered as part of FBI investigative activity will be recorded in this category. Recovery value should be fixed as the "street" value of the narcotic in the region where it was seized. Current street values are available from the Drug Enforcement Administration regional offices and the Drug Enforcement Administration headquarters in Washington, D. C., and are updated on a monthly basis.

Potential Economic Losses Prevented

Items recovered, such as counterfeit securities, money orders, cashiers checks, travelers checks and pirated copy-right and patented material should be recorded in the Potential Economic Loss Prevented category. The value of these recoveries is not based on the monetary value of the items seized, but rather the potential loss to the business community if these items were introduced into commerce prior to seizure.

Monetary demands, made in Bureau cases where there is a willingness to pay the demand, but because of the FBI's investigation it becomes unnecessary, can be claimed in this category.

Recoveries will be credited to the field office covering the territory where the recovery was effected.

Civil Matters (Amount of Suit) (Settlement or Award)

In those civil cases where the Government is the defendant and the FBI conducts investigations, both the original amount sought and the damages awarded by the court will be recorded under Amount of Suit and Settlement or Award. The difference in these two figures will not be claimed as a savings to the Government.

This category will reflect claims made against the Government and amounts awarded to the plaintiffs, but no inference will be drawn or noted that the difference in these two figures is a "savings" to the Government.

CATEGORIES OF INVESTIGATIVE RESULTS

In all civil cases investigated by the Bureau wherein the Government is the plaintiff and is awarded all or part of the amount sought, the amount awarded will be recorded.

In Ascertaining Financial Ability cases, the amount sought will be recorded in the Civil Matters category if investigation by the Bureau determines the ability by the subject to pay the Government claim and the claim is paid by the subject.

Arrests**FBI Arrests**

A statistic will be recorded in this category for every subject regardless of fugitive status who is arrested by FBI Agents either acting alone or in conjunction with other law enforcement officers.

FBI Locates

A statistic will be recorded in this category for all persons being sought for violating Federal laws over which the FBI has jurisdiction and who are located as a result of FBI investigative effort or through the cooperative services provided by us, such as the Identification Division, or the National Crime Information Center. This category in effect would include all those individuals not arrested by the FBI but located through our efforts. With regard to investigative effort, an example would be if our Agent makes fugitive inquiries or furnishes information which results in the subject's surrender or arrest by other Federal or local agencies.

Criminal Summons

A statistic will be recorded in this category for every FBI subject who appears in response to a summons by the Federal District Court.

JUDICIAL PROCESS**Prosecution****Pretrial Diversion**

Statistical credit should be claimed by the field office for each subject diverted by the United States Attorney under this plan. Credit should also be claimed in this category for juveniles who are handled either under Pretrial Diversion or the Brooklyn Plan.

CATEGORIES OF INVESTIGATIVE RESULTS

If, however, the diversionary period is terminated at any time prior to its expiration by the United States Attorney for breach of conditions and prosecution is initiated, the field office should claim any additional statistics resulting from this prosecution allowing the original Pretrial Diversion statistic to remain as previously claimed.

Convictions

Credit for convictions will be recorded in this category only in Bureau cases handled in U. S. District Courts or by U. S. Magistrates. Convictions will be credited to the field offices where Federal process was obtained.

Convictions will be divided into misdemeanors and felonies and additionally subdivided to reflect the number of subjects and counts in the indictment. One conviction will be recorded for each individual or corporation convicted and each count in the indictment will be recorded as a violation. Convictions should be recorded by title and section and allocated to the classification covering the violation. If a subject is convicted under a title and section, not ordinarily falling in the classification where the case was investigated, the statistic should be claimed under the appropriate classification. When multiple convictions occur in a case they should be recorded under the classification normally covering the title and section involved. The 62 classification should be used for those matters for which no substantive classification exists, i.e., Interstate Transportation of Untaxed Cigarettes.

For example, an individual could rob a bank, kidnap a teller, and transport the teller in a stolen car across a State line. This example has three separate violations. Under the new recording of accomplishments, this example would be recorded as one subject and three violations. Also, if an individual is convicted of multiple counts within the same violation, i.e., check cases, each count will be recorded as a violation.

For the purpose of recording conviction statistics, no distinction need be made between separate indictments or multiple counts on a single indictment.

CATEGORIES OF INVESTIGATIVE RESULTS**Acquittals**

An acquittal is only recorded if a subject is acquitted of all counts of the indictment. If a subject is convicted on one count of an indictment and acquitted on one or more of the remaining counts of the indictment, only the conviction and the counts on which convicted are recorded.

Dismissals

A statistic will be recorded in this category for each subject against whom all counts of an indictment or information are dismissed by the court.

Sentences**Confinement**

A statistic will be recorded for each subject who is sentenced to serve any amount of time in the custody of the Attorney General. This will include individuals confined to state institutions, and serving concurrent Federal time. It will not be necessary to record the actual amount of time of the sentence.

Probation

A statistic will be recorded for each subject who is placed on probation.

Suspended

A statistic will be recorded for each subject who receives a suspended sentence. If an individual receives a combination of any of the above sentences, only one statistic will be recorded in the more serious category, i.e., probation and suspended sentence, record one statistic under probation.

Fines

Fines imposed by the court in any case investigated by the FBI will be recorded in this category. Fines will be recorded on all counts of the indictment unless these fines are designated as concurrent.

The original fine will be recorded and no follow-up will be required to determine if it is subsequently reduced.

CATEGORIES OF INVESTIGATIVE RESULTS

FOREIGN COUNTERINTELLIGENCE STATISTICS

GAO note: The informatin on this and two additional pages was deleted, at the request of the Department of Justice, because of the sensitive nature of the foreign counterintelligence field.

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

Date: October 12, 1977

To: Elmer B. Staats
Comptroller General of the United States
Washington, D. C. 20548

CMK
Subject: Clarence M. Kelley, Director
FBI RESOURCE MANAGEMENT AND ALLOCATION

By letter dated May 24, 1977, I furnished you with a copy of our revised statistical accomplishment format identifying the expanded categories of investigative results we will have available for management and budget purposes effective October 1, 1977. As you have been advised, this was only one facet in the revision of our investigative information and management structure.

I am pleased to be able to inform you of the completion of the design and implementation of this new management information system. Beginning October 1, 1977, we will collect data utilizing a revised Monthly Administrative Report (MAR) which reports case data; an integrated Time Utilization Record Keeping (TURK) report detailing manpower and cost allocation; and a new statistics letter collecting expanded data on the results of our investigative activities.

For the purpose of monitoring and evaluating our utilization of resources, investigative activities of the FBI have been grouped in terms of programs and this information has been disseminated to all of our field offices.

From a national standpoint considering the nature of the problems presented and potential impact, these programs have been ranked in three levels of priority. While this ranking does not mean that lower

Elmer B. Staats
Comptroller General of the United States

priority programs can be ignored, or manpower curtailed to the extent mandated responsibilities are ineffectually handled, it does direct that from an organizational standpoint investigative emphasis and resource concentration is desired as much as possible in the higher priority areas.

The investigative programs grouped by priority level are as follows. There is no ranking within the separate priority levels.

Priority I	Foreign Counterintelligence Organized Crime White-Collar Crime
Priority II	Antitrust/Civil Matters Civil Rights General Property Crimes Personal Crimes
Priority III	Applicants/Employee Security and Special Inquiry Domestic Security/International Terrorism Fugitives General Government Crimes

Within each of these major program areas different case types and investigative activities are being further delineated and, where appropriate, ranked in order of importance. I am enclosing a breakdown of all of our investigative programs and priorities. The identification of priorities will act as a guide for our field and headquarters managers in evaluating allocation of manpower and other resources. The priorities are designed to achieve concentration of investigative efforts on those critical areas of criminal activity that have been identified as having a severe effect on the American public. (See GAO note, p. 62.)

This development and implementation of our expanded information capabilities was supplemented by the cooperation, encouragement and input from the personnel in your office.

APPENDIX IV

APPENDIX IV

Elmer B. Staats
Comptroller General of the United States

I appreciate the interest you have shown in this program and look forward to further cooperative efforts between our agencies.

Enclosure

GAO note: The enclosure was omitted because it contained classified information.



Address Reply to the
Division Indicated
and Refer to Initial and Number

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

JAN 20 1978

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report entitled "The FBI--Improving Methods of Managing Investigative Resources and Measuring Investigative Results."

We have carefully reviewed the report and have no major disagreements with the findings and recommendations. The report gives full recognition to the progress now being made by the Federal Bureau of Investigation (FBI) in developing a new management information system. The system will provide a sound basis for more effectively managing and allocating resources as well as furnish positive indicators of the investigative impact and effectiveness of operations.

As pointed out in the report, GAO has worked with the FBI in the development of this new management information system. It is designed to report on the overall efforts, activities and accomplishments of the FBI. The new system, called the Case Management Information System (CMIS), was implemented effective October 1, 1977. The system utilizes a revised Monthly Administrative Report (MAR) to reflect case data; a redesigned Time Utilization Recordkeeping System (TURK) to reflect manpower allocations and costs; and a new statistics letter to provide an expanded data base for measuring the results of investigative activities. When fully operational, provisions in the new system will increase the validity and accuracy of the data surrounding investigative activities and provide a sound basis for allocating investigative resources

and evaluating the success of investigative operations. Each of the subsystem elements of the CMIS is fully integrated and data can be correlated to furnish a complete picture of investigative operations.

No attempt has been made to establish a precise definition of quality that will apply to every investigation to determine whether it fits predetermined criteria. Sufficient latitude must be incorporated in any standard of measurement to allow the U.S. attorney and the FBI special agent in charge to respond to local considerations and unique local problems that continually arise in the field of law enforcement.

However, all FBI investigative activities have been defined in terms of 11 programs which, in turn, fall into three priority levels. In addition, each investigative classification, where appropriate, has been divided into subclassifications demonstrating priorities and case types. Those classifications and subclassifications considered to be high priority matters have been further incorporated into a Priority Case Indicator reflecting significant cases. By applying these standards a determination may be made as to whether a case falls within the scope of a high priority or quality investigation based on national standards. GAO discusses the categorization of cases on pages 68-70 of the draft report and concludes that "This system of categorization provides FBI field offices criteria for determining priority investigative areas and quality cases."

However, this does not preclude significant cases falling outside the scope of these priorities, and this determination must be based on local considerations. This system allows an analysis to be made of the investigative workload and a determination made of high priority or quality investigations.

The report leaves the impression that there is little coordination between the FBI and the Offices of the United States Attorneys and that a concerted effort should be made to establish mutually agreeable areas for investigative and prosecutive concentration to assure that the Department's prosecutive and investigative resources are used efficiently and effectively. Further, the report

recommends that the Department and FBI headquarters consider establishing nationwide prosecutive guidelines where possible, and the U.S. attorneys and FBI field offices establish and pursue mutual priorities and develop prosecutive guidelines.

The Department is acutely aware of the need for the FBI and the U.S. attorneys to coordinate their activities in selecting criminal and security areas for investigative concentration. Complete cooperation between the FBI, U.S. attorneys and other investigative agencies has always been encouraged, because such cooperation is needed to achieve successful law enforcement. In consonance with the report recommendation, the Department will further emphasize the importance of strengthening coordination procedures to the greatest extent practicable. As to the development of prosecutive guidelines to define priority vs. non-priority matters, we do not oppose the establishment of broad policy guidelines issued by the Department which may affect prosecutorial decisions, nor do we oppose an informal system of prosecutive guidelines in selected areas which may be utilized by the FBI. However, we are reluctant to require each U.S. attorney to issue specific formal prosecutive guidelines for use by the FBI. Each U.S. attorney should have an opportunity to evaluate the impact of a decision to prosecute or not to prosecute a particular case. The establishment of formal prosecutive guidelines is an extremely sensitive subject and such guidelines have a high potential for increasing litigation in the already overburdened criminal justice system. Priorities should, of course, be set by each U.S. attorney and should be based generally upon guidelines received from the Attorney General, but restrictive guidelines should be avoided because of the potential of being litigated.

The report recommends dropping fines as one of several categories for measuring investigative effectiveness unless a follow-up procedure or qualifying statement is used when this category is reported. It is our position that a fine is one of the logical results of an investigation and should be reported. To expend manpower to follow the sometimes lengthy post-sentencing judicial process would be impractical, of minimal value, and a misuse of manpower. The original imposition of a fine is a valid indicator of the results of an investigative activity and any subsequent alteration does not detract from the significance of the original sentence.

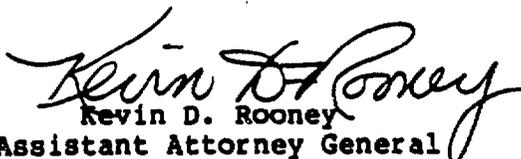
APPENDIX V

APPENDIX V

We recommend that the foreign counterintelligence statistical criteria shown as Appendix III not be included as a part of the final report due to the sensitive nature of this type of work.

We appreciate the opportunity given us to comment on the report. Should you have any further questions, please feel free to contact us.

Sincerely,


Kevin D. Rooney
Assistant Attorney General
for Administration

GAO note: The Case Management Information System referred to in this letter was subsequently changed to the Resource Management Information System.

PRINCIPAL OFFICIALS RESPONSIBLE
FOR ADMINISTERING ACTIVITIES
DISCUSSED IN THIS REPORT

	<u>Tenure of office</u>	
	<u>From</u>	<u>To</u>
<u>DEPARTMENT OF JUSTICE</u>		
ATTORNEY GENERAL OF THE UNITED STATES:		
Griffin B. Bell	Jan. 1977	Present
Edward H. Levi	Feb. 1975	Jan. 1977
William B. Saxbe	Jan. 1974	Feb. 1975
DIRECTOR, EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS:		
William P. Tyson (acting)	Aug. 1977	Present
William B. Gray	Dec. 1975	Aug. 1977
Gerald D. Fines (acting)	Feb. 1975	Dec. 1975
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION		
Clarence M. Kelley	July 1973	Present