

GAO

Testimony

Before the Subcommittee on Economic Development, Public Buildings and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives

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HOMELAND SECURITY

Preliminary Observations
on the Federal Protective
Service's Efforts to Protect
Federal Property

Statement of Mark L. Goldstein, Director
Physical Infrastructure Issues





Highlights of [GAO-08-476T](#), a testimony to Chair, Subcommittee on Economic Development, Public Buildings and Emergency Management, Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

In 2003, the Federal Protective Service (FPS) was transferred from the General Services Administration (GSA) to the Department of Homeland Security (DHS) and is currently tasked with providing physical security and law enforcement services to about 8,800 facilities owned or leased by GSA. To accomplish its mission, FPS currently has a workforce of about 1,100 employees and about 15,000 contract guards located throughout the country.

While there has not been a large-scale attack on a domestic federal facility since the terrorist attacks of September 11, 2001 and the 1995 terrorist attack on the Oklahoma City Federal Building, it is important that FPS has sufficient resources and an effective approach to protect federal employees and members of the public that work in and visit federal facilities from the risk of crime and terrorist attacks. GAO was asked to provide information and analysis on (1) the extent to which FPS is fulfilling its mission to protect federal employees and facilities and (2) the management challenges FPS faces. To address these objectives, GAO analyzed FPS staffing data and interviewed numerous FPS officials, GSA, tenant agencies, and local police departments.

What GAO Recommends

We have ongoing work addressing these issues and will report our complete evaluation along with any appropriate recommendations at a later date.

To view the full product, including the scope and methodology, click on [GAO-08-476T](#). For more information, contact Mark L. Goldstein at (202) 512-2834 or goldsteinm@gao.gov.

HOMELAND SECURITY

Preliminary Observations on the Federal Protective Service's Efforts to Protect Federal Property

What GAO Found

Due to staffing and operational issues, FPS is experiencing difficulties in fully meeting its facility protection mission. According to many FPS officials at regions we visited, these difficulties may expose federal facilities to a greater risk of crime or terrorist attack. FPS' workforce has decreased by nearly 20 percent from almost 1,400 in fiscal year 2004 to about 1,100 at the end of fiscal year 2007. In fiscal year 2007, FPS had about 756 inspectors and police officers, and about 15,000 contract guards who are used primarily to monitor facilities through fixed post assignments and access control. FPS is also implementing a policy to change the composition of its workforce whereby it will essentially eliminate the police officer position and mainly utilize inspectors. One consequence of this change is that, with the exception of a few locations, FPS is not providing proactive patrols in and around federal facilities in order to detect and prevent criminal incidents and terrorism related activities before they occur. FPS has also reduced its hours of operation in many locations and has not always maintained security countermeasures and equipment such as security cameras, magnetometers, x-ray machines, radios, building security assessment equipment, and access control systems at some facilities we visited. For example, at one location we visited, a deceased individual had been found, after three months, in a vacant GSA facility that was not regularly patrolled by FPS.

FPS continues to face several management challenges that, according to many FPS officials at regions we visited, have hampered its ability to accomplish its facility protection mission. These include budgetary challenges, a lack of adequate contract guard oversight, and the absence of agreements with local police departments regarding response capabilities or jurisdictional issues at federal facilities. Historically and recently, FPS' revenues have not been sufficient to cover its operational costs. To address its recent revenue shortfall FPS has restricted hiring and travel, limited training and overtime, and eliminated employee performance awards. These measures have had a negative effect on staff morale, contributed to FPS' high attrition rates, and may affect the performance and safety of FPS personnel. Moreover, many FPS officials expressed concern about the lack of oversight of the 15,000 contract guards and poor performance by some guards when responding to crime and incidents at federal facilities. FPS has indicated that they are covering facility protection gaps through increased reliance on local law enforcement but it has not signed any agreements with local law enforcement agencies to ensure local assistance or resolved jurisdictional issues, which could authorize local police to respond to some incidents at federal facilities. Multiple local police departments said they were not aware of FPS' expected reliance on their services.

Madam Chair and Members of the Subcommittee:

We are pleased to be here to discuss the efforts of the Federal Protective Service (FPS) in protecting federal employees, the public, and federal facilities. As you know, in 2003, FPS was transferred from the General Services Administration (GSA) to the Department of Homeland Security (DHS) and is currently tasked with providing physical security and law enforcement services to about 8,800 facilities owned or leased by GSA. Within DHS, FPS is part of the Immigration and Customs Enforcement (ICE) component, the largest investigative arm of DHS. To accomplish its facility protection mission, FPS currently has a workforce of about 1,100 employees and about 15,000 contract guards located throughout the country. While there has not been a large-scale attack on a domestic federal facility since the terrorist attacks of September 11, 2001 and the 1995 terrorist attack on the Oklahoma City Federal Building, it is important that FPS has sufficient resources and an effective approach to protect the over one million employees as well as members of the public that work in and visit federal facilities from the risk of terrorist attacks, crime, or related activities.

This testimony provides preliminary information and analysis on (1) the extent to which FPS is fulfilling its mission to protect federal employees and facilities and (2) the management challenges FPS faces. It is based on the preliminary results of our ongoing review of FPS which we are doing at the request of this Subcommittee and several other congressional committees.

To determine the extent to which FPS is fulfilling its facility protection mission and to identify the management challenges it faces, we analyzed FPS staffing data from fiscal year 2004 through fiscal year 2007 to identify trends in staffing. We interviewed FPS officers, inspectors, and administrators at headquarters and at six of FPS' 11 regions. We also interviewed GSA, tenant agencies, and local police departments about FPS' efforts to protect federal employees, facilities, and the public. Due to the sensitivity of some of the information in this report we cannot provide information about the specific locations of crime or other incidents discussed. We conducted our work between April 2007 and February 2008 in accordance with generally accepted government auditing standards.

In summary

Due to staffing and operational issues, FPS is experiencing difficulties in fully meeting its facility protection mission. According to many FPS officials at regions we visited, these difficulties may expose federal

facilities to a greater risk of crime or terrorist attack. FPS' workforce, including both operational and support personnel, has decreased by about 20 percent from almost 1,400 in fiscal year 2004 to about 1,100 at the end of fiscal year 2007. In fiscal year 2007, FPS had 756 inspectors and police officers responsible for law enforcement, and about 15,000 contract guards who are used primarily to monitor facilities through fixed post assignments and access control. FPS is also implementing a policy to change the composition of its workforce whereby it will essentially eliminate the police officer position and mainly utilize inspectors, which have both physical security training and federal law enforcement authority. According to FPS officials, this policy change will allow it to address longstanding challenges such as funding and help ensure that it has the right mix of staff to carry out its facility protection mission. One consequence of this change is that, in many federal facilities FPS is not providing proactive patrol in and around federal facilities in order to detect and prevent criminal incidents and terrorism related activities before they occur. For example, at one location we visited, a deceased individual had been found in a vacant GSA facility that was not regularly patrolled by FPS. The deceased individual had been inside the building for approximately three months before the individual was found. In addition, reports issued by multiple government entities acknowledge the importance of proactive patrol in detecting and deterring terrorist surveillance teams, which frequently use information such as the placement of armed guards and proximity to law enforcement agency stations when choosing targets and planning attacks. These sophisticated surveillance and research techniques can potentially be derailed by active law enforcement patrols in and around federal facilities. FPS has also reduced its hours of operation in many locations and has not always maintained security countermeasures and equipment such as security cameras, magnetometers, x-ray machines, radios, and building security assessment equipment at some facilities we visited.

FPS continues to face several management challenges that many FPS officials at regions we visited say have hampered its ability to achieve its mission and increased the risk of criminal and terrorist attacks on federal employees, facilities, and members of the public. These include budgetary challenges, a lack of adequate contract guard oversight and the absence of agreements with local police departments regarding response capabilities or jurisdictional issues at federal facilities. Historically and recently, FPS' revenues have not been sufficient to cover its operational costs. This revenue shortfall has been addressed in a variety of ways. For example, when FPS was located at GSA it received additional funding from the Federal Buildings Fund. These funds were not available after FPS was

transferred to DHS, which caused FPS to experience a revenue shortfall and to subsequently implement cost saving measures as well as increase security fees charged to tenants. For example, in fiscal year 2005 FPS faced a projected revenue shortfall of \$70 million and instituted cost saving measures that included restricted hiring and travel, limited training and overtime, and no employee performance awards. These measures have had a negative effect on staff morale, are partially responsible for FPS' high attrition rates, and could potentially impact the performance and safety of FPS personnel. In addition to these measures, FPS raised the basic security fee charged to tenants from \$.35 per square foot in fiscal year 2005, to \$.39 per square foot in fiscal year 2007, and to \$.57 per square foot in fiscal year 2008. FPS and tenant officials stated that contract guards are an important part of security at federal facilities and that many are very effective. However, many other FPS officials at regions we visited expressed concern about the adequacy of contract guard oversight and poor performance by some guards when responding to crime and incidents at federal facilities. FPS stated that it is covering facility protection gaps through increased reliance on local law enforcement. However, according to FPS, it has not signed any agreements with local law enforcement agencies to ensure local assistance or to resolve jurisdictional issues, which could authorize local police to respond to incidents at federal facilities. Also, local law enforcement officials in most of the cities we visited said they do not have the capacity to respond to calls for service at federal facilities and would not sign agreements that require them to take on additional responsibility. Moreover, officials at multiple local police departments said they were not aware of FPS' operational challenges or expected reliance on their services.

Background

As the primary federal agency that is responsible for the protection and security of GSA-managed federal facilities and employees across the country, FPS has the authority to enforce federal laws and regulations aimed at protecting federally owned and leased properties and the persons on such property, and to conduct investigations related to offenses against the property and persons on the property.¹ At the end of fiscal year 2007, FPS had about 215 police officers, 541 inspectors, and about 15,000 contract guards to protect federal employees and facilities from the risk of terrorist attacks, crime, or related activities. FPS inspectors are responsible for overseeing the contract guards, completing building

¹40 U.S.C. §1315

security assessments for numerous buildings², serving as contracting officer technical representatives (COTR) for guard contracts, responding to criminal incidents, collecting time cards for guards, and supporting tenant Building Security Committees, among other duties. FPS police officers are primarily responsible for patrolling federally owned and leased facilities, responding to criminal incidents, and assisting in the monitoring of contract guards. They also are the primary response force to demonstrations at federal facilities and perform basic criminal investigations. According to FPS, the 15,000 contract guards generally do not have the authority or training to detect suspicious terrorist or criminal activity and are used primarily to monitor facilities through fixed post assignments and access control. Most guards also do not have authority to detain or arrest individuals.

The level of physical protection services FPS provides at each building varies depending on the building's security level. To determine a building's security level, FPS uses the Department of Justice standards listed below.

- A level I facility has 10 or fewer federal employees, 2,500 or less square feet of office space and a low volume of public contact or contact with only a small segment of the population. A typical level I facility is a small storefront-type operation, such as a military recruiting office.
- A level II facility has between 11 and 150 federal employees, more than 2,500 to 80,000 square feet; a moderate volume of public contact; and federal activities that are routine in nature, similar to commercial activities.
- A level III facility has between 151 and 450 federal employees, more than 80,000 to 150,000 square feet and a moderate to high volume of public contact.
- A level IV facility has over 450 federal employees, more than 150,000 square feet; high volume of public contact; and tenant agencies that may include high-risk law enforcement and intelligence agencies, courts, judicial offices, and highly sensitive government records.

²Building Security Assessments (BSA) are conducted periodically according to a schedule based upon each building's threat level. For example, a level IV building receives a BSA every 2 years, a level III building receives a BSA every 3 years, a level II building receives a BSA every 4 years, and a level I building receives a BSA every 5 years.

In some cases, FPS has delegated the protection of facilities to tenant agencies, which may have uniformed officers of their own or may contract separately for guard services.

To fund the security services it provides, FPS charges each tenant agency a basic security fee per square foot of space occupied in a GSA owned or leased facility. In fiscal year 2008, the basic security fee is 57 cents per square foot. FPS also charges tenant agencies a building specific security fee for additional security countermeasures such as access control to facility entrances and exits, employee and visitor checks; and the purchase, installation, and maintenance of security equipment including cameras, alarms, magnetometers, and x-ray machines. In addition to these security services, FPS also provides agencies with additional services, upon request, which are funded through reimbursable Security Work Authorizations (SWA). For example, agencies may request additional magnetometers or more advanced perimeter surveillance capabilities.

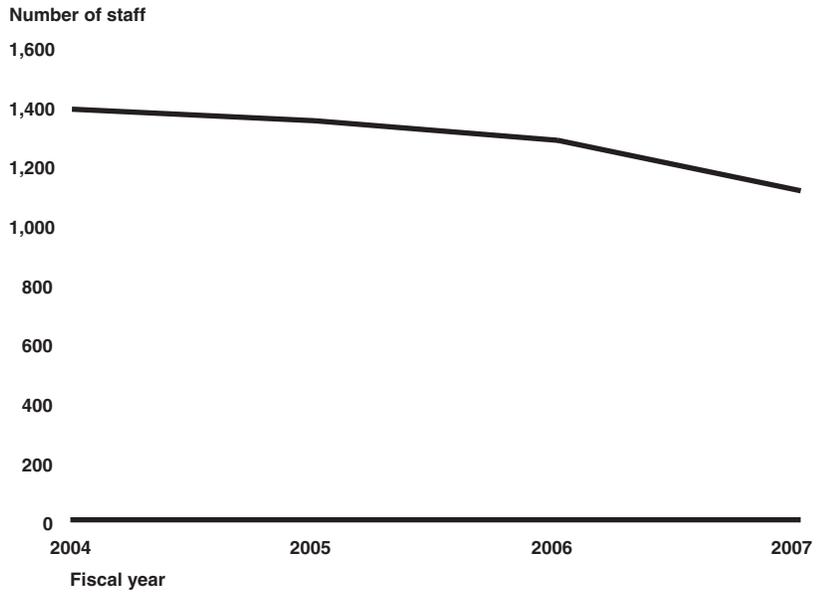
FPS Faces Difficulties in Fully Meeting Its Mission to Protect Federal Facilities

FPS is having difficulty fully meeting its mission to provide law enforcement and security services at some of the 8,800 federal facilities it is responsible for protecting and these facilities face a greater risk of crime or terrorist attacks. Based on our preliminary analysis, a steady decrease in FPS' workforce is a significant difficulty that FPS faces in protecting federal facilities and this decrease, along with policy changes to reduce the number of police officers, has hampered its ability to provide proactive patrols. In addition, budgetary challenges have hampered FPS' ability to maintain security countermeasures and equipment at some facilities we visited.

FPS Workforce Issues

FPS faces several unresolved workforce issues. First, FPS' workforce has decreased by about 20 percent since fiscal year 2004 from almost 1,400 to about 1,100 in fiscal year 2007, as shown in figure 1.

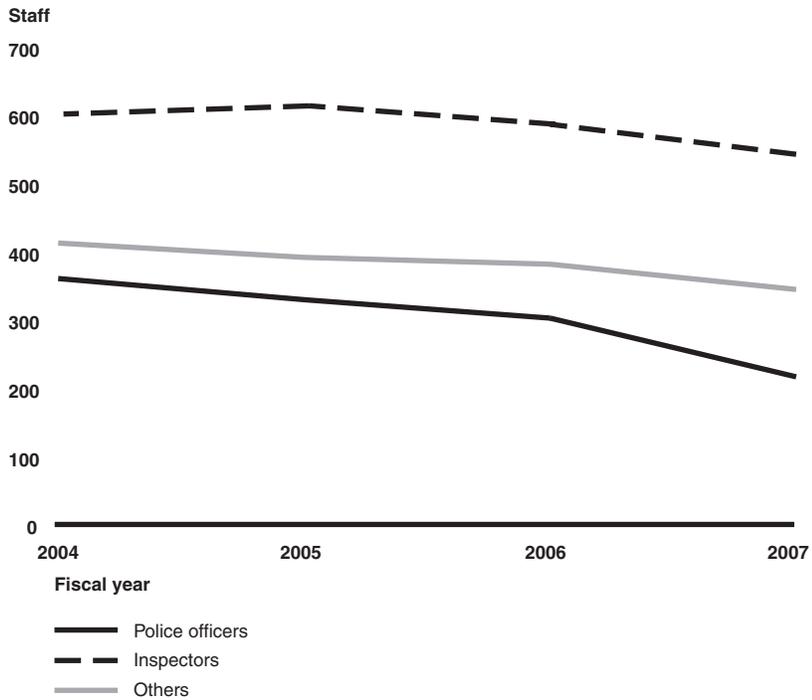
Figure 1: FPS Workforce, Fiscal Years 2004 through 2007



Source: Federal Protective Service.

During this timeframe, the number of employees in each position also decreased, with the largest decrease occurring in the police officer position. For example, based on FPS reports, the number of police officers decreased from 359 in fiscal year 2004 to 215 in fiscal year 2007 and the number of inspectors (sometimes referred to as physical security specialists) decreased from 600 in fiscal year 2004 to 541 in fiscal year 2007, as shown in figure 2.

Figure 2: Comparison of FPS Workforce By Position, Fiscal Years 2004 through 2007



Source: Federal Protective Service.

Note: Others include FPS special agents and administrative and support staff.

According to FPS officials, the decreases in FPS' workforce are primarily the result of cost saving measures taken to address its budgetary challenges.

Second, FPS has also adopted a policy that will change the composition of its workforce from a combination of inspectors and police officers to a workforce comprised mainly of inspectors and will essentially phase out police officers. Under this new policy, FPS will rely on local police departments for assistance with crime and other incidents at federal facilities. This new policy will increase FPS' focus on the physical security components of its mission, such as building security assessments and contract management. FPS stated that this new policy will ensure that it is equipped with the right people who have the right mix of skills and training to carry out its mission and will help to address its budgetary challenges. While the new policy has not been approved by DHS, FPS has started transitioning to an inspector based workforce. Many FPS officials

at locations we visited believe this transition and recent staffing reductions have increased the risk of terrorist or criminal activities at some federal facilities. Moreover, one consequence of these changes is that it has left some federal facilities in regions that we visited with little or no coverage by a FPS police officer or inspector. For example, the number of FPS officers assigned to one level IV facility decreased from six to zero. In another example, at the time we visited one region, FPS had not reassigned about 70 buildings that were the responsibility of an inspector who had retired six months ago, leaving the contract guards at those facilities without supervision.

Third, FPS also may have difficulty determining how to allocate its limited resources effectively because of concerns about the reliability of information in its data management systems for tracking and monitoring crime and other incidents. While FPS maintains nationwide data on reported crimes and other incidents, according to many FPS officials at the regions we visited, the agency's data may not be a reliable indicator of crimes and other incidents for a number of reasons. In addition, our preliminary analysis of the data shows a significant discrepancy between the information maintained at FPS headquarters and a regional office. Specifically, FPS headquarters' data shows that crime is decreasing in that region while the region's reports show that crime is increasing. As such, we are in the process of determining the reliability of this data and plan to include the results of our analysis in our final report to this Subcommittee.

Issues With Limited Proactive Patrol

In many federal facilities FPS is not currently providing proactive patrol to detect and prevent criminal incidents and terrorist attacks before they occur. The elimination of proactive patrol has a negative effect on security at federal buildings because law enforcement personnel cannot effectively monitor individuals surveilling federal buildings, inspect suspicious vehicles (including potential vehicles for bombing federal buildings), and detect and deter criminal activity in and around federal buildings. According to many FPS officials at regions we visited, this has effectively limited its law enforcement personnel to a reactive force. In addition, FPS officials at several regions we visited said that proactive patrol has, in the past, allowed its officers and inspectors to identify and apprehend individuals that were surveilling federal facilities (potentially for use in a future attack). In contrast, when FPS is not able to patrol federal buildings, there is increased potential for illegal entry and other criminal activity at federal buildings. For example, at one city we visited, a deceased individual had been found in a vacant GSA facility that was not regularly patrolled by FPS. FPS officials stated that the deceased

individual had been inside the building for approximately three months. Reports issued by multiple government entities acknowledge the importance of proactive patrol in detecting and deterring terrorist surveillance teams, which frequently use information such as the placement of armed guards and proximity to law enforcement agency stations when choosing targets and planning attacks. These sophisticated surveillance and research techniques can potentially be derailed by active law enforcement patrols in and around federal facilities.

In addition to eliminating proactive patrol, FPS regions have reduced their hours of operation in many locations, which has resulted in a lack of coverage when most federal employees are either entering or leaving federal buildings. Moreover, FPS officers and inspectors in two cities explained that this lack of coverage has left some federal day care facilities vulnerable to loitering by homeless individuals and drug users. Many FPS officers and inspectors also said that reducing hours has increased response time in some locations by as much as a few hours to a couple of days, depending on the location of the incident. For example, one consequence of reduced hours is that some officers often have to travel from locations in another state in order to respond to incidents in both major metropolitan and rural locations.

Additionally, FPS has a decreased capacity to handle situations in which a large FPS presence is needed while maintaining day-to-day operations. For example, during a high-profile criminal trial approximately 75 percent of one region's workforce was detailed to coordinate with local police to provide perimeter security for a courthouse, leaving few FPS officers and inspectors to respond to criminal incidents and other tenant needs in the rest of the region. This problem was also reported by inspectors in several other regions in the context of providing law enforcement at public demonstrations and criminal trials, which can occur frequently at some federal facilities.

The decrease in FPS' staff and duty hours has had a potentially negative effect on officer and inspector safety, as well as building security. Because FPS regions have reduced their hours of operation and overtime, officers and inspectors said that they are frequently in dangerous situations without any backup. In one region, FPS officials said that a public demonstration in a large metropolitan area required that all eight officers and inspectors scheduled to work during the shift be deployed to the demonstration for crowd control. During the demonstration, however, two inspectors had to leave the demonstration to arrest a suspect at another facility; two more also left to respond to a building alarm. Four FPS

personnel remained to cover the demonstration. The officials stated that several years ago the minimum manpower guidelines required that at least 12 law enforcement personnel be on duty each shift in order to ensure officer safety. These officials stated that they no longer have the personnel to comply with this guideline.

Some Security Countermeasure Equipment Has Not Been Maintained

According to officials at FPS, GSA, and tenant agencies in the regions we visited, many of the security countermeasures, such as security cameras, magnetometers, and x-ray machines at some facilities, as well as some FPS radios and building security assessment equipment, have been broken for months or years and are poorly maintained. At one level IV facility, FPS and GSA officials stated that only 11 of 150 security cameras were fully functional and able to record images. Similarly, at another level IV facility, a large camera project designed to expand and enhance an existing camera system was put on hold because FPS did not have the funds to complete the project. While ongoing, this project has not been completed. FPS officials stated that broken cameras and other security equipment can negate the deterrent effect of these countermeasures as well as eliminate their usefulness as an investigative tool. For example, according to FPS, at multiple level IV facilities it has investigated significant crimes, but the security cameras installed in those buildings were not working properly, preventing FPS investigators from identifying the suspects.

Complicating this issue, FPS officials, GSA officials, and tenant representatives stated that additional countermeasures are difficult to implement because they require approval from building security committees, which are comprised of representatives from each tenant agency who generally are not security professionals. In many of the buildings that we visited, security countermeasures were not implemented because building security committee members cannot agree on what countermeasures to implement or are unable to obtain funding from their agencies. In addition, several FPS inspectors stated that their regional managers have instructed them not to recommend security countermeasures in building security assessments if FPS would be responsible for funding the measures because there is not sufficient money in regional budgets to purchase and maintain the security equipment.

Several Management Challenges Hamper FPS' Ability to Protect Federal Facilities

FPS continues to face several management challenges that have hampered its ability to achieve its mission which, according to many FPS officials at regions we visited, have increased the risk of criminal and terrorist attacks on federal employees, facilities, and members of the public. These include budgetary challenges, a lack of sufficient contract guard oversight to ensure adequate performance, and the absence of agreements with local police departments regarding response capabilities or jurisdictional issues at federal facilities.

FPS Has Taken Some Steps to Address Budgetary Challenges But These Steps Have Some Adverse Implications

Historically and recently, FPS' fee revenues have not been sufficient to cover its operational costs. When FPS was located at GSA it received additional funding from the Federal Buildings Fund but these funds were not available after FPS was transferred to DHS. The loss of this support has contributed to FPS' budgetary challenges in recent years. For example, FPS faced projected revenue shortages in fiscal years 2005 and 2006 and has addressed them through a variety of measures. In fiscal year 2005, FPS projected revenues were \$70 million short of operational costs. To make up for this and to avoid a potential Anti-deficiency Act violation FPS instituted a variety of cost saving measures that included restricted hiring and travel, limited training and overtime, and no employee performance awards. FPS officials said they faced another projected shortfall in fiscal year 2006 of \$57 million and kept existing cost saving measures in place, including:

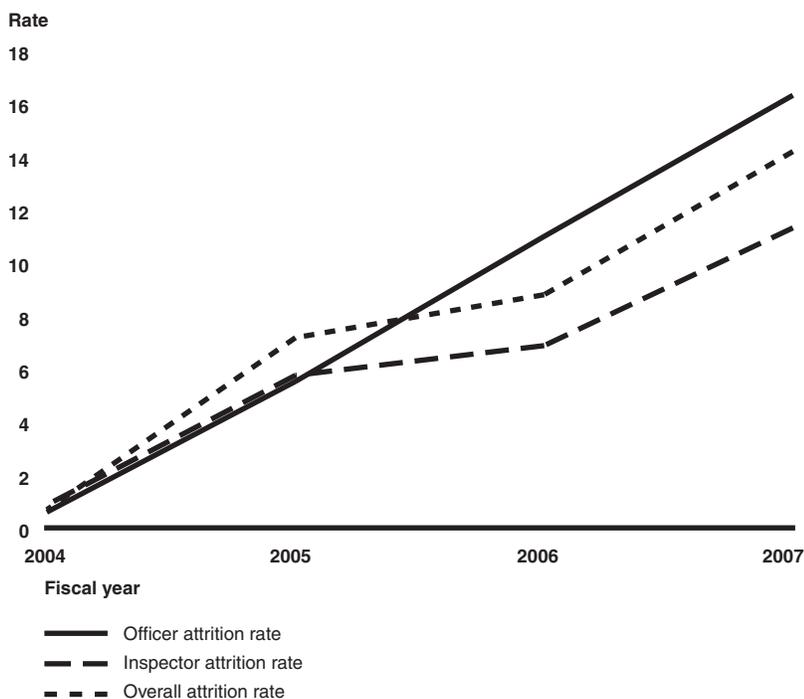
- forgoing the purchase of new radios which yielded almost \$2 million,
- canceling employee performance awards which yielded about \$1 million, and
- reducing overtime and travel restrictions which yielded almost \$1 million.

Despite these measures, in fiscal year 2006, DHS also had to transfer about \$29 million in emergency funding to FPS. In fiscal year 2007, FPS reported saving approximately \$27 million from continued cost saving measures. In addition to these measures, FPS raised the basic security fee charged to tenants from \$.35 per square foot in fiscal year 2005, to \$.39 per square foot in fiscal year 2007, and to \$.57 per square foot in fiscal year 2008.

According to FPS, its efforts to avoid revenue shortfalls have had adverse implications, including low morale among staff, increased attrition and the loss of institutional knowledge, as well as difficulties in recruiting new staff. In addition, several FPS officers and inspectors said that

overwhelming workloads, uncertainty surrounding their job security, and a lack of equipment have diminished morale within the agency. These working conditions could potentially impact the performance and safety of FPS personnel. FPS officials said the agency has lost many of their most experienced law enforcement staff in recent years and several officers and inspectors said they were actively looking for new jobs outside FPS. For example, FPS reports that 73 inspectors and police officers left the agency in fiscal year 2006, representing about 65 percent of the total attrition in the agency for that year. Attrition rates have steadily increased from fiscal years 2004 to 2007, as shown in figure 3. The attrition rate for the inspector position has increased in recent years, despite FPS' plan to increase the number of employees in this position.

Figure 3: FPS Attrition Rates, Fiscal Years 2004 through 2007



Source: Federal Protective Service.

Adequate Oversight of Contract Guard Performance Remains a Challenge

At the end of fiscal year 2007, FPS had 541 inspectors, whose responsibilities included overseeing 15,000 contract guards. FPS and tenant officials stated that contract guards are an important part of security at federal facilities and that many are very effective. However, many FPS officials we interviewed expressed concern about inadequate

contract guard oversight and poor performance of some contract guards responding to criminal incidents. In addition, several FPS inspectors we interviewed reported difficulty finding time to adequately oversee contract guards in conjunction with their other responsibilities, which include completing building security assessments for numerous buildings and responding to criminal incidents. For example, in one region we visited, inspectors stated that FPS regional management instructed them to conduct contract guard inspections over the telephone, instead of in person. We also found that, in many of the regions we visited, FPS officers and inspectors are not always on duty during times when contract guards are protecting federal facilities, such as at buildings with 24 hour and weekend guard coverage, limiting their ability to ensure guards are performing their duties. At one level IV facility, for example, 20 handguns were stolen from a contract guard office with the assistance of a contract guard. FPS officials in one region said that reduced duty hours significantly limit their ability to oversee guards and ensure they are performing their mission. For example, according to this official, some contract guards could be sleeping while on duty in federal buildings but FPS is not able to stop it because of its inability to inspect locations during off-hours.

FPS officials also questioned the quality of the security services provided by many contract guard companies, observing that many guards are poorly trained and are reluctant to act in emergency situations. For example, according to federal law enforcement and GSA officials from one of the regions we visited, contract guards failed to report the theft of a federal law enforcement agency's large surveillance trailer worth over \$500,000, even though security cameras captured the trailer being stolen while guards were on duty. The federal law enforcement agency did not realize the trailer was missing until three days later. Only after the federal law enforcement agency started making inquiries did the guards report the theft to that agency and FPS. During another incident, FPS officials reported contract guards—who were armed — taking no action as a shirtless suspect wearing handcuffs on one arm ran through the lobby of a level IV building while being chased by a FPS inspector. Additionally, GAO officials personally witnessed an incident in which an individual attempted to enter a level IV facility with illegal weapons. According to FPS policies, contract guards are required to confiscate illegal weapons, detain and question the individual, and to notify FPS. In this instance, the weapons were not confiscated, the individual was not detained or questioned, FPS was not notified, and the individual was allowed to leave with the weapons.

Finally, according to FPS officials, contract guards generally do not have the training to detect suspicious terrorist or criminal activity and generally are not authorized to make arrests in most cities. FPS inspectors and officers also said contract guards have limited capability to deter crimes around federal buildings since guards are required to stay at fixed posts or, in some cases, may patrol limited portions of a building's perimeter. In addition, officials reported instances in which large trucks or suspicious individuals were parked outside federal facilities for long periods of time without being approached by guards.

Memoranda of Agreement with Local Law Enforcement Not Reached and Jurisdictional Issues are Not Resolved

To protect the over one million employees as well as members of the public that work in and visit federal facilities, FPS is converting its current workforce to an inspector-based force and has stated it will rely more on local police departments to handle crime and protection issues at federal facilities. At about 380 federal facilities across the United States the federal government has exclusive federal jurisdiction³ and it is unclear if local police have the authority to respond to incidents inside those facilities. However, FPS has not entered into any memoranda of agreement for increased law enforcement assistance at federal facilities. In most of the cities we visited, local law enforcement officials said they would not enter into any agreements with FPS that involve increased responsibility for protecting federal facilities because of liability concerns, existing shortages of staff, and high levels of crime in their cities that would make it difficult to divert resources away from their primary mission. For example, local law enforcement officials from one location we visited said they are significantly understaffed and overburdened with their current mission and would not be able to take responsibility for protecting federal facilities. At another location, senior officials from a local precinct just blocks from a level IV federal facility were not aware of the operational and staffing changes FPS is implementing.

Concluding Observations

As stated earlier, our results are preliminary. We plan to provide this Subcommittee with our complete evaluation and a final report on FPS' facility protection efforts in May 2008. We plan to begin our review of FPS'

³The United States Constitution provides that Congress has the power to exercise exclusive jurisdiction in all cases in lands within a state purchased by the United States with the consent of the state for various purposes, including buildings (Article 1, Section 8, Clause 17 and 40 U.S.C. § 3112). If a crime is committed in an area under exclusive federal jurisdiction, federal criminal law applies to the exclusion of the state law.

contract guard program as requested by this Subcommittee and other congressional committees in the near future.

Agency Comments

We provided a draft of the testimony to DHS for review by FPS and ICE. FPS and ICE commented that the report was fair and generally agreed with our preliminary findings.

This concludes our testimony. We are pleased to answer any questions you might have.

Contact Information

For further information on this testimony, please contact Mark Goldstein at 202-512-2834 or by email at goldsteinm@gao.gov. Individuals making key contributions to this testimony include Daniel Cain, Tammy Conquest, Katie Hamer, Daniel Hoy, and Susan Michal-Smith.

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