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The Federal role in bank robbery is a result of legislation providing punishment for robberies of financial institutions operating under Federal law or with Federal insurance. The legislation was one of a series of antigangster bills directed at crimes perpetrated by organized groups of gangsters who move across State lines in committing crimes. However, Federal law enforcement policy calls for restrictive application of Federal resources in areas of concurrent jurisdiction. Findings/Conclusions: In spite of this policy, the practices of the Federal Bureau of Investigation (FBI) and U.S. attorneys relating to bank robberies have resulted in a subordinate role for local authorities. In fiscal year 1977, the FBI applied 8.5% of its investigative resources to investigating forcible crimes against financial institutions. This effort was not warranted because bank robberies are not substantially different from robberies of other commercial establishments, bank robbers did not generally use sophisticated methods of operation and few operated beyond the borders of one State, and gang operations were minimal. Solutions to bank robberies indicated that most were accomplished with techniques that could have been performed by local police, and few involved interstate investigations. The FBI does have an advantage in investigating multiple bank robberies committed by a single robber. U.S. attorneys prosecute most bank robbers. The Department of Justice, in 1975, sought to reduce the Federal role by encouraging deferment of prosecutions to local authorities when appropriate. However, U.S. attorneys have continued to prosecute the major proportion of bank robbers and most have not reduced the Federal role. A reduced Federal role would permit more attention to other priorities. Recommendations: The Attorney General should direct the FBI to establish and carry out a plan which would provide that, after a reasonable transition period, the FBI's involvement in bank robberies would generally be limited to assisting police by serving as a clearinghouse for linking bank robberies in various jurisdictions and aiding in interstate investigations of bank robberies. He should also

establish prosecutive guidelines for bank robbery to minimize Federal prosecution except in cases where Federal procedures facilitate prosecution. (H'W)

7469

BY THE COMPTROLLER GENERAL

Report To The Congress

OF THE UNITED STATES

Bank Robbery--The Federal Law Enforcement Role Should Be Reduced

The Federal Government has long assumed the dominant role for bank robbery investigations and prosecutions despite the intent of the Congress that State and local authorities maintain primary responsibility in this area and Justice Department policy which calls for a conservative use of Federal funds and personnel where there is concurrent Federal-State jurisdiction.

GAO's analysis and discussions with Federal, State, and local law enforcement officials showed that bank robberies do not represent a unique problem for law enforcement in the United States and that local jurisdictions generally could assume greater investigative and prosecutive responsibility. Reducing the Federal role in bank robberies would permit the Federal Bureau of Investigation to devote more attention to such priorities as organized crime, white collar crime, and foreign counterintelligence.





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

B-179296

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

This report discusses the divergence of Federal policy and practice with regard to the investigation and prosecution of bank robberies. It also comments on the ability of State and local law enforcement to assume a greater portion of the efforts to combat these crimes. Recommendations are made to the Attorney General.

We undertook the review of Federal efforts to combat bank robberies because it represents a significant portion of FBI investigative effort and because it provides an excellent starting point for considering the relationship of Federal to State and local law enforcement.

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). A special interest in the review was expressed by the Chairman of the Subcommittee on Civil and Constitutional Rights, House Committee on the Judiciary.

We are sending copies of this report to the 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 "James G. Atchafalua".

Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

BANK ROBBERY--THE FEDERAL
LAW ENFORCEMENT ROLE
SHOULD BE REDUCED

D I G E S T

The Federal Government should reduce its investigations and prosecutions of bank robbery crime in the United States and redirect its energies from these purposes to areas such as organized crime, white collar crime, and foreign counterintelligence.

Despite a Federal law enforcement policy which has consistently called for a restrictive application of Federal resources in areas of concurrent jurisdiction, the FBI and U.S. attorneys have established investigative and prosecutive practices relating to bank robberies, resulting in local authorities playing a subordinate role. (See pp. 1 to 3.)

Bank robberies do not represent a unique problem for law enforcement and local jurisdictions generally could assume a greater investigative and prosecutive burden.

Local police authorities generally are satisfied with the current Federal role, as it allows use of their limited resources for other needs. However, the additional workload resulting from a reduced Federal bank crime role would be small for most police agencies. (See pp. 22 to 23.)

The FBI and U.S. attorneys also have limited funds and staff. They share national priorities of organized crime and white collar crime, while the FBI also has responsibility for foreign counterintelligence. The Director of the FBI has said that more of its attention needs to be directed to these priorities.

The cost of the current Federal role in bank crime investigation and prosecution is shown by the following:

GGD-78-87

In fiscal year 1977 the FBI applied 8.5 percent of its investigative resources to investigating forcible crimes against financial institutions. In turn, U.S. attorneys prosecute most bank robbers, with the result that over 23 percent of the Federal prison population are convicted bank robbers.

The Attorney General also said recently that routine offenses which can be investigated equally well by Federal or local authorities should be left to local law enforcement agencies.

While the Federal role in bank robberies can and should be substantially reduced, it may be useful to alter the role gradually to minimize the potentially disruptive effects on some local agencies. Likewise the ultimate balance between the Federal, State, and local law enforcement efforts may also vary due to varying circumstances in State and local jurisdictions.

GAO's observations and conclusions are based primarily on an analysis of 230 bank robbery cases randomly selected from 1,462 bank robbery investigative matters closed during fiscal year 1977. Its work was carried out at FBI field offices in Charlotte, Cleveland, Dallas, Detroit, Houston, Los Angeles, and Philadelphia. These jurisdictions accounted for 27 percent of the Nation's total bank robberies during fiscal year 1977.

WHY BANK ROBBERIES DO NOT WARRANT THE PRESENT FBI EFFORT

Law enforcement officials generally characterized bank robberies as little different from robberies of other commercial establishments. Bandits in GAO's sample cases generally had prior criminal backgrounds, but their methods of operation usually were not sophisticated and few operated beyond the borders of one State.

Nearly 65 percent of the 237 identified robbers involved in our sample had been previously convicted of crimes--principally

robbery, burglary, and drug offenses. While 9 percent had previously been convicted specifically for bank robbery, 31 percent of the robbers in our sample had been involved in four or more bank robberies.

Drug use was also quite prevalent in the criminal history of the bandits. FBI records indicated that 42 percent of the bank robbers in our sample were drug users.

Despite the criminal background of many bandits, most bank robberies were of a relatively uncomplex nature indicating that planning was not very extensive and gang operations were minimal.

The 230 bank robberies showed that bandits in the majority of cases

- acted alone (72 percent);
- were not disguised or wore only a hat and/or sunglasses (53 percent);
- attempted to rob only one teller (57 percent); and
- did not indicate any awareness of bank security devices such as alarms, bait money, or dye packs (67 percent).
(See p. 7.)

In addition, only 17, or 7.2 percent, of the 237 bandits involved committed robberies in more than 1 State.

The FBI and police solved 83 percent, or 191, of GAO's sample cases. These 191 solutions were accomplished through straightforward investigative techniques, the same as local police could perform if they applied sufficient resources.

Straightforward techniques which figured in every solution included such routine actions as

- quick law enforcement response resulting in capture of the bandit(s) at the crime scene or during the attempted getaway,
- followup of leads available at or in the vicinity of the crime scene, and
- followup of tips. (See pp. 16 to 19.)

Interstate investigations did not play a major role in solving our sample bank robberies. Only 9 of the 191 solutions were facilitated by interstate investigation. Thus, the FBI's nationwide jurisdiction and organization were not vital to most bank robbery solutions.

The FBI's investigative scope, transcending local jurisdictions, does place it in an advantageous position to link bandits to multiple bank robberies through comparison of physical descriptions and methods of operation.

Linking bandits to multiple robberies offers several advantages:

- Investigative effort in several cases may be focused against a single robber or group of robbers, thus saving investigative time.
- Many cases may be removed from an unsolved status through the identification of a bandit.
- A stronger prosecutive case may be possible.

FBI and police efforts to link bandits to multiple robberies removed 74 cases (39 percent) from an unsolved status in the GAO sample. Even with a reduced investigative role, GAO believes the FBI could continue to assist State and locals by linking bandits to multiple robberies.

If the FBI were to reduce its role, local police officials generally indicated that their agencies could assume a greater investigative responsibility. However, several

officials said their agencies would have to apply additional police officers and equipment.

Although the agents in charge of two of the seven FBI field offices GAO reviewed favored a reduced FBI investigative role, other FBI officials were generally opposed to this. These officials speculated that the number of bank robberies would increase substantially once criminals became aware of a reduced FBI role. This concern would appear unfounded if, as appears likely, the probability of apprehension remains essentially unchanged and would-be robbers perceive no significant change in the risks associated with bank robbery.

U.S. ATTORNEYS HAVE DONE LITTLE TO
REDUCE THE FEDERAL PROSECUTIVE ROLE

In 1975 Justice's Criminal Division sought to reduce the Federal role in bank robberies by encouraging U.S. attorneys to defer prosecutions of bank robbers to local authorities when appropriate. The Department recognized that the Federal role exceeded both the congressional intent and the Federal interest.

Nevertheless, most apprehended bank robbers continued to be prosecuted federally unless the subjects were juveniles, mentally incompetent, or involved in a more serious local violation. U.S. attorneys prosecuted 77 percent of the identified bank robbers in GAO's sample. To date only two of the eight U.S. attorneys GAO reviewed have taken action to reduce the Federal role. (See pp. 25 to 27.)

With one exception, local prosecutors generally believe that their agencies could handle the prosecution of bank robbers should the Federal involvement lessen. (See pp. 27 to 28.)

RECOMMENDATIONS

The Attorney General should direct the FBI to establish and carry out a plan to minimize the Federal investigative involvement in bank robberies. The plan should provide that, after a reasonable transition period, the FBI's involvement in bank robberies would generally be limited to assisting police by

--serving as a clearinghouse for linking bank robberies in various jurisdictions and

--aiding in interstate investigations of bank robberies.

The Attorney General should also establish prosecutive guidelines for bank robbery to minimize Federal prosecution except in cases where Federal procedures facilitate prosecution.

AGENCY COMMENTS

The Department of Justice generally agreed (see ch. 6 and app. I) with GAO's basic conclusion that the Federal role in the investigation and prosecution of bank robberies within Federal jurisdiction should be reduced. The Department, however, did not fully agree with GAO's recommendations if they are construed or intended to eliminate the discretion of the U.S. attorneys or remove the FBI from the realm of bank robbery investigations.

GAO did not intend that uniform and rigid national guidelines be established. GAO recognizes that local conditions vary and, therefore, flexibility in Federal investigative and prosecutive approaches is desirable. However, GAO believes that the current Federal role in bank robbery investigations and prosecutions exceeds and will continue to exceed the role intended by the Congress, unless the Department of Justice strongly encourages State and local law enforcement officials to take a more active role in bank robbery investigations and prosecutions.

The Department also said that the favorable level of success achieved through the cooperative efforts of the FBI and the local law enforcement agencies would certainly diminish if the FBI restricts its activities to that of a clearinghouse for bank robbery investigations.

GAO's recommended role does not preclude the FBI from responding to each bank robbery, especially during the transition period, if it believes this is necessary. GAO believes that, in most locations, the initial response to the scene should be minimal. After a period of operating at this reduced level, the investigative experience may indicate that further reductions in the Federal effort may be feasible.

GAO believes the report's recommendations offer a proper goal for the ultimate Federal response to bank robberies, considering the nature of the crimes, the methods of solution, and Attorney General policy statements regarding the appropriate Federal role relative to State and local jurisdictions. Unless a clear, broad goal is established providing direction and unless specific steps toward achieving the goal are implemented, GAO believes efforts to reduce the Federal response may falter.

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DIGEST

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ABBREVIATIONS

FBI	Federal Bureau of Investigation
GAO	General Accounting Office

CHAPTER 1

INTRODUCTION

At a time when the Congress is considering the Federal law enforcement role relative to that of State and local jurisdictions, we sought to provide information on which to base policy decisions. We began with a review of bank robbery investigations, devoting specific attention to the

- nature of the bank robbery crime,
- investigative efforts of police and the Federal Bureau of Investigation, and
- prosecutive practices of local and Federal prosecutors.

The information and conclusions in this report are based on our work at FBI headquarters in Washington, D.C., and in seven field offices (Charlotte, Cleveland, Dallas, Detroit, Houston, Los Angeles, and Philadelphia) which were selected to insure broad geographic and demographic coverage of the bank robbery problem. These jurisdictions accounted for 27 percent of the Nation's total bank robberies during fiscal year 1977.

FEDERAL LAW ENFORCEMENT POLICY RESTRICTS FEDERAL INVOLVEMENT

The Congress passed legislation in 1934 providing punishment for robberies of financial institutions operating under Federal law or with Federal insurance. ^{1/} The legislation was part of a series of antigangster bills proposed by the Department of Justice to provide assistance to State and local authorities in dealing with a specific crime problem. The antigangster bills were directed at crimes " * * * perpetrated by organized groups of gangsters who * * * move rapidly from the scene of one crime of violence to another across State lines * * *."

^{1/}Title 18, U.S. Code, Section 2113.

State and local authorities, however, bear the primary responsibility for law enforcement in the United States. This was recognized by the Attorney General in a February 15, 1934, letter to the Chairman of the Senate Judiciary Committee. The Attorney General said:

"I have attempted to keep in mind the fundamental principle of law enforcement--that generally the suppression of crime is the obligation of the various States and local political subdivisions. It is, of course, on this theory that the structure of our form of government was erected and there is no intention to do violence to this principle."

The House Report, which accompanied the 1934 bank-related legislation, noted there was no intention that the Federal Government would supersede State and local authorities in dealing with bank robberies.

This concept was given more recent expression in a United States Attorneys Bulletin dated May 30, 1975. The bulletin pledged support by the Criminal Division of the Justice Department for U.S. attorneys' efforts to encourage State prosecution of bank robberies. Noting that bank robberies are matters of great local concern, the bulletin drew support from a letter of April 23, 1974, from the Attorney General to all U.S. attorneys stating that "* * * cooperation between Federal and State law enforcement authorities should be 'predicated on Federal efforts encouraging local prosecution, not only of those cases with minimal Federal interest, but of all cases with strong state or local interest.'"

FEDERAL LAW ENFORCEMENT EFFORTS PREDOMINATE

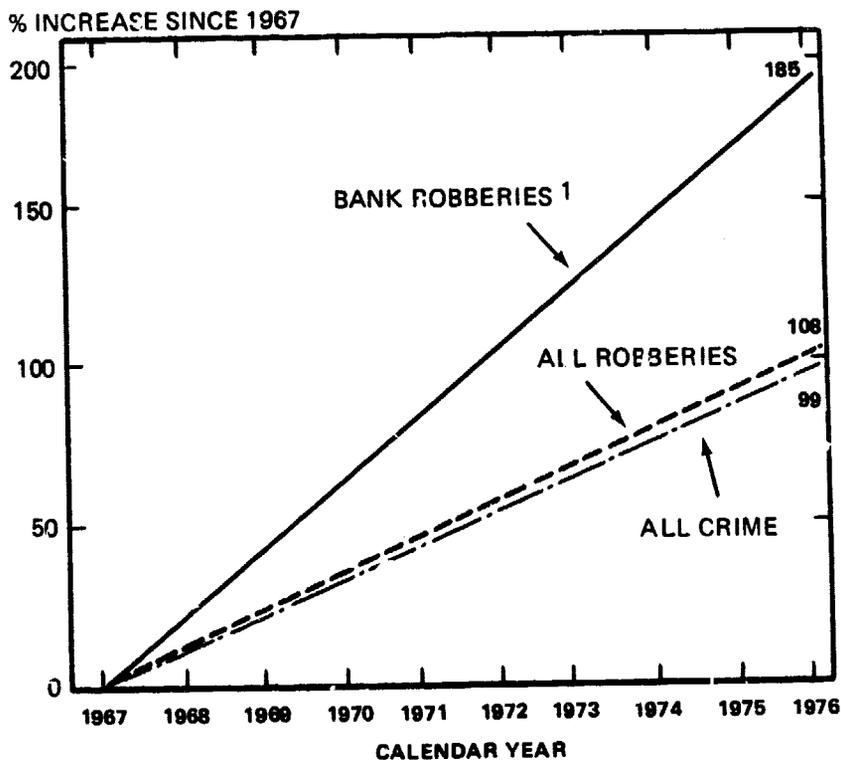
Despite the clear intent that State and local authorities bear the primary responsibility for bank robbery investigations, the Federal Government has assumed the dominant role. The FBI's general policy is to fully investigate all bank robberies within Federal jurisdiction, which covers nearly 90,000 financial offices within the United States. As a result, in fiscal year 1977 the FBI expended 980 work years, or 8.5 percent, of its investigative resources in responding to and investigating forcible crimes against financial institutions.

In addition, U.S. attorneys prosecute most bank robbers, generally leaving only cases involving juveniles and mentally incompetent subjects to local prosecution. As a result, over 23 percent of the Federal prison systems' 22,557 inmates, as of December 31, 1977, were convicted bank robbers.

BANK ROBBERIES ARE A SMALL PORTION OF THE TOTAL ROBBERY PROBLEM

Despite a substantial rise in the occurrence of bank robberies, they remain a small part of the overall robbery crime problem. Bank robberies increased at a faster rate from 1967 to 1976 than all robberies and all crime as shown by the following graph.

TRENDS IN ROBBERIES AND CRIME, 1967 THROUGH 1976



1/ BANK ROBBERY DATA IS BY FISCAL YEAR

SOURCE: PREPARED BY GAO FROM INFORMATION OBTAINED FROM THE FBI.

The growth in bank robberies has also increased faster than the growth in the banking industry. In 1960 a banking office had only 1 chance in 92 of being robbed during the year. By 1968 the risk increased to 1 in 36. By 1976 the risk had further increased to 1 in 21. However, as reported by the FBI's Uniform Crime Report, bank robberies in 1976 accounted for only 1 percent of the estimated 420,000 robberies committed in the United States. In contrast, robberies of service stations, liquor stores, and other commercial establishments made up 26.2 percent of the total robberies.

CHAPTER 2

THE NATURE OF BANK ROBBERY CRIME DOES NOT WARRANT THE PRESENT FEDERAL INVESTIGATIVE EFFORT

Over the years, various rationales have emerged to justify Federal investigations of bank robberies. A major rationale is that bank robberies are committed by organized gangs, often operating beyond the boundaries of one State. Additionally, bank robbers are viewed by some to be more experienced and more sophisticated than other robbers. The fact that bank robberies involve losses to financial institutions operating under Federal law or with Federal insurance is a third reason offered to justify Federal jurisdiction. And lastly, although merely implied as a reason for Federal involvement, bank robbery is regarded as a violent crime.

Our analysis of 230 bank robberies seriously challenges the rationales offered in justification of the Federal presence.

BANDITS USUALLY ACT ALONE, WITHIN ONE STATE, AND WITHOUT EXTENSIVE PLANNING

Law enforcement officials generally characterized bank robberies as little different from robberies of other commercial establishments. Bandits in our sample cases generally had prior criminal backgrounds but their methods of operation usually were not sophisticated and few operated beyond the borders of one State.

Nearly 65 percent of the 237 identified robbers involved in our sample had been previously convicted of crimes--principally robbery, burglary, and drug offenses. While only 9 percent had previously been convicted specifically for bank robbery, a sizable minority of the robbers in our sample were quite experienced in robbing banks. Prior to apprehension, 31 percent of the bandits in our sample had been involved in four or more bank robberies. As demonstrated by the following examples, some were quite active:

- One bandit robbed 25 financial institutions during a 4-month period. On four different occasions he robbed two banks the same day.

--Another bandit robbed 15 financial institutions during a 5 1/2-month period.

--A third bandit robbed 16 banks in a 4-month period.

Drug use was also quite prevalent in the criminal history of the bandits. Each of the three robbers cited above was a drug user. Two of these robbers indicated in interviews with the FBI that their addiction cost \$200 per day. Another bandit involved in six robberies stated that her habit cost \$850 every 3 days. She had also previously been imprisoned for two bank robberies. FBI records indicated that 42 percent of the bank robbers in our sample were drug users. However, this may understate drug usage since the records would not indicate drug usage unless the subject admitted usage or unless other positive evidence was developed indicating usage.

Despite the criminal background of many bandits, most bank robberies were of a relatively uncomplex nature. The characteristics typical of most bank robberies in our sample would indicate that planning was not very extensive and gang operations were minimal. The bandits in the majority of the robberies

--acted alone (72 percent);

--were not disguised or wore only a hat and/or sunglasses (53 percent);

--attempted to rob only one teller (57 percent); and

--did not indicate any awareness of bank security devices, such as alarms, bait money, or dye packs (67 percent).

In addition, only 17, or 7.2 percent, of the 237 bandits involved in our sample committed robberies in more than 1 State.

The following examples illustrate the nature of most robberies in our sample:

- In Cleveland an undisguised subject approached one bank teller and asked for change. He subsequently simulated a gun, pushed a note across the counter and said, "I want it all now." He handed a paper bag to the teller and she put in \$2,429.50. He ran out of the bank and escaped.
- In Los Angeles an undisguised subject approached a teller and stated, "I came to rob your bank and I have a gun in my pocket." After obtaining \$780 in cash, the bandit made his getaway. This was the second time in 4 months that the subject had robbed this bank.
- In Detroit a subject wearing a hat approached a teller and presented her with a demand note. She ignored the note. He then took the demand note to a second teller. As she proceeded to get him the money, he had second thoughts and walked out of the bank without any money.
- In Greensboro an undisguised subject obtained \$4,979 from a single teller by orally threatening her with a firearm, which he never displayed.

Although most of the sample robberies evidenced little planning and were committed by lone bandits, some were more sophisticated. Usually, these were committed by groups of two or more bandits, or gangs as defined by the FBI. For example:

- Two bandits robbed a bank of \$6,155 in a Dallas suburb. They had cased the bank earlier in the day and, just prior to the robbery, called in a false accident report to divert the town's only patrol car. The bank employees were ordered to hang up telephones and move to the center of the bank away from alarms. The subjects escaped in a vehicle stolen prior to the robbery.

--In Damascus, Ohio, three bandits entered a bank wearing ski caps and masks. One bandit stood guard, the second forced one teller to empty the tellers' drawers, and the third bandit jumped over the counter and took the money from the drive-up window drawer. They escaped with \$6,386.

--A Fallston, North Carolina, bank was robbed of \$62,857 by two subjects wearing ski masks. Employees and bank customers were ordered to lie down on the floor away from any alarm buttons. The subjects robbed the vault first, then emptied the tellers' drawers, made their getaway in a stolen car, and later switched to another vehicle. A third subject drove the getaway car.

MONETARY LOSS RESULTING FROM BANK ROBBERIES
DOES NOT THREATEN FINANCIAL STABILITY

In proposing the original bank robbery crime legislation, the Justice Department reasoned that

"There would seem to be no logical reason why the Federal Government should not protect the institutions in which it is interested from robbery by force and violence equally as well as from defalcation, embezzlement, and willful misapplication of funds."

However, in 1971 the National Commission on Reform of Federal Criminal Laws, noting the intent of the original legislation to have the Federal Government aid the States and commenting on the lack of jurisdictional restraint regarding Federal law enforcement policy on bank robberies, said

"Although the actual Federal interest in most banks (for example, government insurance through the Federal Deposit Insurance Corporation) cannot really be said to be as great as is the local interest in protecting local businesses, including banks, from robbery, State prosecutors throughout the Nation have

deferred to the Federal Government in prosecution of bank robbery cases, and bank robbery is regarded as primarily a Federal crime."

Without question, protecting financial institutions operating under Federal law or with Federal insurance is in the Federal interest. But this offers little justification for the present degree of Federal involvement in bank robbery investigations and prosecutions when considering the original intent of the Congress.

Further, losses from bank robberies have much less impact upon the financial stability of financial institutions than do routine operating losses or frauds and embezzlements. An official at the Federal Deposit Insurance Corporation indicated there has never been a bank robbery causing payment of insurance by the Corporation. The official noted that bank frauds and embezzlements, however, have caused some bank failures and have been a major reason that banks face escalating premiums for insurance against losses.

INCIDENCE OF VIOLENCE IS LOW

Although there is at least an implicit, if not direct, threat of violence in every bank robbery, the incidence of violence is relatively low. This results, in part, from general instructions given by banks to employees to cooperate with robbers. Some law enforcement officers cited a relative lack of violence as a characteristic distinguishing bank robberies from other robberies.

During fiscal year 1977, the FBI recorded a total of 274 acts of violence in the 3,998 bank robberies. In all, 121 persons were injured and 30 were killed. Those killed included 19 bank robbers.

Physical acts of violence occurred in 27 of the 230 bank robberies we analyzed. In the 27 acts of violence, 7 persons were injured and 2 were killed. The injuries included one bank robber, five employees, and one customer. One policeman and one bank employee were killed. The following examples illustrate the violence that occurred.

--In Philadelphia a lone bandit got into a scuffle with a customer. During the scuffle the bandit accidentally shot himself.

--In Pantego, North Carolina, three bandits bound and gagged a teller and then killed her with a shot through the chest.

--In Caddo Mills, Texas, the bandits took a bank employee hostage. While being pursued, they threw her out of the car and shot at her but missed.

In the few cases where employees did not comply with the robber's demands, the robber left without causing violence. For example:

--In Philadelphia, after being approached by a lone bandit with a demand note but no weapon, the victim teller stalled and did not give any money. The bandit became impatient and left the bank without obtaining any money. After being apprehended by local police for another crime, the bandit confessed to the local police that he had attempted to rob the bank involved.

--In Dover, Ohio, a bandit approached the teller window and said, "I want some money." The teller responded, "Where's your book?" The bandit put his hand into his jacket pocket and said, "This is a stickup." The teller responded, "You're kidding?" The bandit answered, "No, I'm not." The teller activated the alarm and replied, "I can't give you any money; you don't have a book." The police arrived while the bandit was conversing with the teller.

CHAPTER 3

THE STRAIGHTFORWARD NATURE OF BANK ROBBERY INVESTIGATIONS DOES NOT REQUIRE THE PRESENT LEVEL OF FBI INVOLVEMENT

Despite Congress' intent that the Federal Government would supplement State and local efforts in investigating bank robberies, the FBI has become the principal investigative agency. The FBI specializes in these investigations and attaches a high priority to them.

In contrast, the police have a clearly secondary investigative role. Police do not assign greater priority to bank robbery investigations than to investigations of other robberies. Although police personnel resources generally substantially exceed FBI resources, police generally (1) respond to bank robberies in less strength than the FBI, and (2) leave the FBI with principal responsibility for investigative actions beyond the immediate crime scene. Representatives of several local police agencies stated that the FBI's willingness to pursue bank robbery investigations allowed them to use their resources in other ways.

Police and the FBI justify the present FBI role because the FBI's nationwide jurisdiction facilitates the pursuit of interstate investigations as well as the ability to link bandits to multiple robberies, often encompassing more than one intrastate jurisdiction. While these factors do support some FBI involvement in bank robbery investigations, our analysis of bank robbery solutions does not support the present extent of Federal involvement. The 191 solutions from our sample were universally accomplished through straightforward investigative techniques 1/, which we believe the local police could perform if they applied sufficient resources.

1/We use the term "straightforward techniques" to describe routine investigative actions. These involve the pursuit of leads readily available at or in the vicinity of the crime scene or provided subsequently by tips from citizens.

THE FBI PROVIDES THE PRINCIPAL
INVESTIGATIVE EFFORT

The FBI places a high priority on solving all bank robberies. On the other hand, the local police generally treat bank robberies as just another robbery unless there are injuries or significant losses. Consequently, the FBI and local police differ substantially in the resources they apply to investigating bank robberies. In addition, the FBI's commitment to solving bank robberies enables it to actively pursue investigations longer than local police generally consider justifiable in light of their other investigative priorities.

The FBI specializes in bank robbery
investigations; local police do not

Within each FBI field office, the FBI has a cadre of bank robbery specialists who are assigned few other investigative responsibilities. Local police, on the other hand, assign bank robbery investigations to personnel who have other substantial investigative responsibilities.

The following table shows the FBI's staff commitment to bank robbery investigations during fiscal year 1977 for the seven field offices included in our review.

<u>FBI field office</u>	<u>Total agents assigned</u>	<u>Bank robbery specialists</u>	<u>work years expended on bank robbery investigations</u>
Charlotte	93	5	11.4
Cleveland	155	8	11.3
Dallas	119	4	6.8
Detroit	240	11	17.5
Houston	64	2	2.9
Los Angeles	434	36	31.9
Philadelphia	268	11	11.4
	<u>1,373</u>	<u>77</u>	<u>93.2</u>

In addition to the bank robbery specialists, other agents in each field office and resident agency may be assigned to bank robbery investigations as a part of their overall investigative load. This situation occurs frequently during

the initial response to bank robberies. Thus, as shown by the preceding table, more work years are expended on bank robberies than the work years attributed solely to bank robbery specialists.

Despite their suostantially larger resources, local police generally have not established specific groups for dealing with bank robberies. Bank robberies are considered along with other robberies in assigning investigative resources. Because bank robberies are only a very small part of the overall robbery problem in the United States, we believe they would not add appreciably to workloads of most police departments. The table below shows the resources of the larger police departments located within the geographical jurisdiction of the seven FBI field offices included in our review.

<u>Department</u>	<u>Number of sworn personnel</u>	<u>Number of detectives</u>	<u>Number of bank robbery detectives</u>
Charlotte Police	592	22	0
Cleveland Police	1,906	343	0
Dallas Police	1,996	393	0
Detroit Police	5,824	1,400	0
Houston Police	2,894	330	0
Philadelphia Police	8,051	503	0
Los Angeles Police	7,327	1,250	9
Los Angeles County Sheriff	<u>5,665</u>	<u>562</u>	<u>3</u>
Total	<u>34,255</u>	<u>4,803</u>	<u>12</u>

The larger police departments generally assigned bank robbery investigations to detectives from their robbery units. In smaller police departments, bank robbery investigations were assigned to detectives responsible for all investigative work or, in one small department, to the chief of police.

In addition to their own resources, some local police can request the assistance of State police agencies. This option appeared particularly viable in Michigan, North Carolina, and Pennsylvania, as these locations had relatively large State police agencies. These State agencies were also

already involved in the investigations of some bank robberies, primarily in rural areas. Representatives of these agencies indicated that they could play an even greater role in investigating bank robberies, if necessary.

FBI has assumed principal investigative responsibility

While both the FBI and local police respond to bank robberies and jointly participate in the initial investigation, responsibility for following up on information obtained and any further investigative effort is generally left to the FBI. Representatives of several local police agencies said that the FBI's willingness to pursue bank robbery investigations allowed them to use their resources in other ways.

Response to the robbery

Where we could make a determination, the FBI generally dispatched more personnel to bank robberies than did the local police. The FBI generally responds in force to all bank robberies. In our sample cases, the number of agents responding ranged from 1 to 21. In most cases, five to nine agents responded.

The police send one or two patrol units, which generally are the first to respond to bank robberies. Their objectives are to close the escape routes, apprehend the bandit(s) if still in the vicinity, secure the crime scene for processing by police detectives and the FBI, and obtain descriptions of the bandits and their getaway vehicles for broadcasting to other patrol units. The police also send one or two detectives to the scene to interview victim tellers and other witnesses and to gather other evidence. On the average, the police respond by sending from three to six patrol officers and detectives.

Initial investigation

While the police role during the initial investigation is secondary to the FBI's, the police do assist in most investigative activities. These include

- interviewing witnesses to the robbery;
- obtaining film from surveillance cameras; and

--searching for and collecting physical evidence, including processing the bank for fingerprints of the bandit.

In addition, the FBI and police conduct a neighborhood search to locate the getaway vehicle or witnesses who may have identified the bandits or their vehicle.

Representatives of several police agencies indicated that their detectives' principal objective at the crime scene is to assist the FBI. The police detectives usually process the scene for fingerprints and often jointly participate with the FBI in interviewing a few key witnesses. The only situations in which the police may have the primary investigative role are robberies in rural areas, where the FBI's response is sometimes more limited.

Followup investigations

Generally, followup investigation of bank robberies is left to the FBI. These investigations consist mainly of pursuing leads obtained during the initial investigation, reinterviewing witnesses, and displaying photographs to, or discussing descriptions of bandits with, persons who may have knowledge of the bandit, such as witnesses, other local police, informants, parole officials, and prison officials.

Representatives of several local police agencies said that if an investigative lead did come to their attention, from an informant for example, the lead would be turned over to the FBI for investigation. The FBI, in turn, indicated that it keeps local police informed of the progress of the investigation.

MOST BANK ROBBERIES CAN BE SOLVED BY LOCAL POLICE

The FBI's contribution to solving bank robberies is substantial. According to the FBI, of 191 sample cases solved, it was responsible for 76 solutions; the police, 34; and joint police-FBI efforts, 81. In all, FBI-police efforts led to the solution of 83 percent of our sample cases.

Bandits were universally identified, however, through straightforward investigative actions; few bandits were identified through interstate investigation. Therefore, despite the primacy of the FBI role, we believe the police could successfully complete most of these investigations. The scope of FBI operations, which transcends local jurisdictions, however, provides the FBI with the capability to solve many bank robberies by linking previously identified bandits to multiple bank robberies. We believe the FBI could continue to link bandits to multiple robberies with a reduced investigative role.

Bank robberies are solved through straightforward actions

Straightforward investigative actions routinely taken by both the police and FBI led to all 191 solutions in our sample of 230 cases. Such actions include

- capture at the crime scene or during the attempted getaway,
- followup of leads available at or in the vicinity of the crime scene, and
- followup of tips.

Capture at the crime scene or during attempted getaway

Law enforcement officers agree that the best opportunity for solving bank robberies is to respond quickly and apprehend the bandit at the bank or during the getaway. Police patrol officers normally arrive at the crime scene before the FBI or police detectives. Thus, they dominate in bandit apprehensions at the scene or during the getaway.

The following examples were among the cases solved by quick response.

- While being robbed, a teller was able to signal another employee of the robbery in progress. Police were notified and responded in time to arrest the bandit at the scene before he obtained any loot.

- The bandit fled on foot after robbing a bank of \$2,025. He was apprehended within 20 minutes, only 10 blocks from the bank, by responding police detectives.
- The bandit robbed a bank of \$3,500 and fled with three hostages. Responding police observed the bandit leaving the scene and gave chase. After a 45-mile chase, police, assisted by a helicopter, stopped the getaway vehicle and captured the bandit. The hostages were not injured.

Followup of leads available at or in the vicinity of the crime scene

Most solutions result from investigative leads available at or in the vicinity of the crime scene. Most leads are provided by witnesses or by physical evidence. Without the FBI presence, however, police would follow up on these leads since the general police policy is to pursue any investigation with promising leads.

Witnesses frequently provide such information as vehicle license numbers and descriptions and physical descriptions of bandits. Witness information is usually readily available and most frequently is provided by bank employees or by persons in the immediate vicinity of the bank. Display of surveillance photographs, a form of physical evidence, frequently facilitates witness leads.

Gathering physical evidence at the crime scene usually consists of searching for anything left behind by the bandit, such as a demand note, and dusting for fingerprints. In banks with surveillance cameras, the film is obtained and quickly developed. The FBI and police also search the vicinity of the crime for evidence left behind by the bandits, such as disguise material, weapons, or a getaway car.

Surveillance photographs are an invaluable investigative aid. The photographs are routinely displayed to bank employees and potential witnesses in the bank's vicinity. Photographs may also be displayed in newspapers and on television and may be disseminated among law enforcement officials.

The following are examples of solutions resulting from investigative leads available at or around the crime scene:

- The FBI traced the getaway vehicle license number provided by a witness. The owner of the vehicle identified the bandit from a surveillance photograph.
- Witnesses provided local police with the getaway car's license plate number and a description of the bandit. Tracing the license plate number led the police to the bandit's home, where the stolen money and other evidence was obtained.
- A witness directed the FBI and police to a house where the bandit had been seen. A search of the house located the bandit hiding in a closet. The \$69,344 stolen in the robbery was found in the basement.
- The bandit was identified by a service station attendant after local police displayed a surveillance photograph. The bandit subsequently confessed during an FBI interview.
- The FBI obtained a paper found by police with the robber's name on it in a change of clothes left by the bandit near the bank. The FBI displayed surveillance photographs to members of the bandit's family who confirmed the identification.
- The FBI identified the bandit after displaying surveillance photos to individuals at an address found on the demand note recovered by police at the scene.

Followup of tips

Tips come from a variety of sources and can be very important to the solution of bank robberies. Police or FBI informants provided the following types of crucial information in sample case solutions.

--An informant provided information that certain persons had possessed dye-stained money. The FBI compared these persons' fingerprints with those found at the robbery scene and found that one person was the bandit.

--A police informant identified the two bandits and described the getaway car. The police notified the FBI and subsequently apprehended the bandits after an armed robbery in which one bandit shot and killed a drugstore employee.

--An FBI informant provided a possible name of the bandit. A background check connected the name to the getaway car and confirmed the subject as the bandit.

--An informant told local police that the subject was robbing banks. Evidence obtained as a result of a police surveillance of the subject's home confirmed the subject as the bandit in a robbery.

Tips are also provided by citizens who volunteer information, usually on a confidential basis. Tips may also come from associates of the bandits, some of whom are in police custody. Other tips are provided by persons who telephone the police or the FBI with information in response to reward programs. For example:

--An anonymous caller to the FBI identified one bandit from a photograph broadcast on television. During a joint FBI-police interview, the bandit implicated his accomplice.

--After a surveillance photograph was shown on television and in the newspaper, a person contacted the FBI and provided the name of a subject matching the photograph. Subsequent investigation confirmed that the subject was the bandit.

Interstate investigation
solved few cases

Interstate investigations do not play a major role in solving most bank robberies. Only 9 of the 191 sample cases solved were facilitated by interstate investigation. Thus, the FBI's nationwide jurisdiction and organization were not vital to most bank robbery solutions.

However, in those cases involving bandits operating interstate, the FBI's nationwide jurisdiction and organization are important. They facilitate (1) pursuing investigative leads obtained at the crime scene or during subsequent investigation in other States and (2) sharing information obtained by agents in several field offices. By contrast, police must rely on informal agreements with other police agencies, the effectiveness of which varies greatly.

The following are examples of the few solutions which were facilitated by interstate investigation:

- Local police provided the FBI with information obtained from a confidential source. FBI followup investigation in another State led to the identification of a subject--already in custody for escaping from a Federal prison--as the robber in this case.
- The FBI conducted an extensive investigation to identify a bandit who robbed a Texas bank of over \$14,000 in cash and travelers' checks. Nine other FBI field offices and the Identification and Laboratory Divisions participated in following leads as the bandit traveled through various States cashing the stolen checks. Nearly 9 months later an FBI agent in another State recognized the bandit in a surveillance photo taken while the bandit was cashing one of the stolen checks. The agent had arrested the bandit the previous month in connection with a New Mexico bank robbery.

The FBI does play a role in
linking bandits to multiple robberies

Although police officials generally indicated they could assume a greater responsibility for bank robbery investigations, they did say they would prefer to rely upon the FBI to help link bandits to multiple robberies. Fifty-four percent of the identified robbers in our sample had robbed two or more banks.

Once a bandit has been identified or apprehended in connection with a bank robbery or some other crime, the FBI or local police may be able to solve other crimes, including bank robberies, by linking the bandit to them. This is usually done by comparing photographs and methods of operation from unsolved robberies and may be facilitated by bandit confessions.

Linking bandits to multiple robberies offers several advantages:

- Investigative effort in several cases may be focused against a single robber or group of robbers, thus saving investigative time.
- Many cases may be removed from an unsolved status through the identification of a bandit.
- A stronger prosecutive case may be possible.

Linking bandits to multiple robberies removed 74 cases (39 percent) from an unsolved status in our sample. In all these cases, however, the bandits were identified as a result of straightforward investigative actions as described previously.

Local police routinely attempt to link suspects to multiple crimes. However, the FBI is in a better position to link bandits to multiple bank robberies because its investigative scope transcends local jurisdictions. The Los Angeles field office, for example, according to the FBI, encompasses 113 city police departments and 7 county sheriff departments. Thus FBI agents in a given field office are in a position to note similarities in bandit descriptions and methods of operation which occur in several local jurisdictions. We believe the FBI could continue to link bandits to multiple bank robberies with a reduced investigative role.

Following are examples of cases solved by linking:

--This bandit was identified as a bank robbery suspect after his third robbery as the result of tracing a getaway vehicle license number. He was linked to our sample robbery and 8 other subsequent robberies, for a total of 12, by comparing surveillance photographs and methods of operation.

--By comparing methods of operation and surveillance photographs, the FBI linked 4 unknown subjects to a series of 14 robberies committed over a 3-year period. The subjects were ultimately identified when the wife of one informed on him. He subsequently identified the other bandits.

VIEWS OF LAW ENFORCEMENT OFFICIALS ON A REDUCED FEDERAL INVESTIGATIVE ROLE

State and local law enforcement authorities were generally satisfied with the current level of FBI involvement in bank robbery investigations. They indicated that the FBI's ability to devote extensive resources to bank robbery investigations and to conduct interstate and multi-jurisdictional investigations would be difficult for local agencies to duplicate. The views of Federal law enforcement officials varied.

Views of local police and our observations

If the FBI were to reduce its role, local police officials generally believed their agencies could assume a greater investigative burden. However, several officials said their agencies would have to apply additional resources to bank robbery investigations. Considering the resources available to metropolitan police departments and the relatively small portion of total robberies which bank robberies represent, the additional workload for most police jurisdictions would be small.

Several police officials also indicated that the overall bank robbery solution rate may diminish because police would not give the same level of investigative attention to all bank robberies that the FBI currently does. They said that police would generally treat bank robberies the same as robberies of other commercial establishments, giving more investigative attention to those involving violence or large losses. The setting of investigative priorities, though, is a common practice. Because the losses associated with bank robberies are substantially larger than with all other robberies--\$3,190 versus \$338 in 1976--banks would still probably receive more attention than other types of robberies.

Police officials also said they would have the same difficulty in connecting multi-jurisdictional bank robberies as they have with other crimes because of their limited jurisdictional oversight. For this reason, several thought the FBI should continue to act as a focal point for matching bank robber methods of operation and descriptions. State police agencies in North Carolina, Pennsylvania, and Michigan indicated they could also provide such assistance to local police if necessary.

Views of Department of Justice and FBI officials and our observations

FBI field office reaction to a reduced FBI role varied, although most were opposed. Los Angeles field office representatives, for example, stated that the FBI could not remain effective unless its investigative effort were maintained at current levels. In addition, they speculated that the number of bank robberies would substantially increase once the criminals became aware of a reduced FBI role.

We have no certain knowledge of the deterrent effect on potential robbers of the risks they run because of FBI involvement. However, on the basis of our analysis of bank robbery solutions, we believe that most bank robberies could be solved by local police with a supplemental FBI role. Hence, any deterrent effect of a high likelihood of apprehension would remain.

Special agents in charge of the Charlotte and Philadelphia field offices were in favor of a reduced FBI role in order to devote more resources to the FBI's highest priority areas of organized and white collar crime. They said that some local police agencies may need additional

investigative training to be effective but said that the FBI could probably provide such training.

Recent events suggest that the Federal role in bank robbery investigations will be reduced in the near future. In a February 28, 1978, statement before the House Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, the Attorney General said that the future emphasis of FBI criminal investigations should be on the investigation of offenses which, because of their nature and scope, can be better handled at the Federal level. He added that routine offenses, which can be investigated equally well by Federal or local authorities, should be left to local law enforcement agencies. In addition, the Department of Justice had previously identified bank robbery as a crime of great local concern for which, in many instances, local law enforcement agencies may provide the most appropriate response.

Further, the FBI's fiscal year 1979 budget appropriation request for bank robbery investigations has been reduced 22 percent by the Office of Management and Budget. A Department official told us that the reduction was based on the theory that State and local police can handle a greater share of the investigative responsibilities. During testimony given on March 14, 1978, before a House Appropriations Subcommittee, the Attorney General said,

"The local police in the metropolitan areas are doing a much better job of catching bank robbers. That is what we would like to see done. In the rural areas I think it is not realistic to say that the FBI can get out of that business, but in the cities they can."

Subsequently, in discussing investigative priorities and resource allocation, the FBI Director said less attention may be devoted to bank robberies in order to devote sufficient resources to the priority investigative areas of organized crime, white collar crime, and foreign counter-intelligence.

CHAPTER 4

MORE BANK ROBBERY PROSECUTIONS ARE POSSIBLE AT THE LOCAL LEVEL

In 1975 the Department of Justice's Criminal Division sought to reduce the Federal role in bank robberies by encouraging U.S. attorneys to defer prosecutions of bank robbers to local authorities, when appropriate. The Department took this action because it recognized that the Federal role in bank robbery investigations and prosecutions exceeded both congressional intent and Federal interest. To date, however, only two of the eight U.S. attorneys included in our review have taken action to reduce the Federal role.

JUSTICE DEPARTMENT PROSECUTIVE POLICY ENCOURAGES DEFERRAL BUT FEDERAL PROSECUTIVE POLICY HAS NOT CHANGED

Generally, apprehended bank robbers were prosecuted federally unless the subjects were juveniles, mentally incompetent, or involved in a more serious local violation. Officials at six of the eight U.S. attorneys' offices told us they had taken little or no action to change the Federal prosecutive role as suggested by a 1975 Department of Justice memorandum to all U.S. attorneys. In that memorandum, the Department's Criminal Division said it would support efforts of U.S. attorneys to encourage State prosecution of bank robberies.

As shown by the following table, U.S. attorneys prosecuted 77 percent of the 237 identified robbers involved in our sample.

<u>FBI field office</u>	<u>Number of identified robbers</u>	<u>Prosecuted by</u>			
		<u>U.S. attorneys</u>	<u>Local attorneys</u>	<u>Both</u>	<u>Not prosecuted</u>
Charlotte	45	28	7	0	10
Cleveland	25	20	3	0	2
Dallas	26	18	5	0	3
Detroit	29	25	3	0	1
Houston	11	5	4	2	0
Los Angeles	75	66	7	0	2
Philadelphia	<u>26</u>	<u>20</u>	<u>3</u>	<u>0</u>	<u>3</u>
Total	<u>237</u>	<u>182</u>	<u>32</u>	<u>2</u>	<u>21</u>

Representatives of the Dallas and Houston U.S. attorneys believed that their bank robbery prosecution policies generally met the intent of the Department's memorandum and, as a result, saw no need to change their policies. These offices generally support local prosecution of bank robberies when the FBI does not play a major investigative role.

In Charlotte, Cleveland, Raleigh, and Los Angeles, the U.S. attorneys generally prosecute all bank robbers unless the subjects are juveniles, mentally incompetent, or are charged with a more serious local crime such as murder. These U.S. attorneys had not changed their prosecution policies in response to the Department's memorandum.

The Cleveland U.S. attorney said he would maintain the present Federal prosecutive role in his district until the Department of Justice issued specific guidelines to do otherwise. He believed, however, that local prosecutors could handle the responsibility.

The Raleigh U.S. attorney said he discussed the possibility of deferring bank robbery cases with representatives of 3 of the 10 prosecuting agencies in his district and found them receptive to the idea. He said, however, that no changes would be made in his current policies as long as the FBI carried out the primary responsibility for investigating bank robberies.

The chief deputy U.S. attorney in Los Angeles said that no changes have been made in prosecutive policies principally because (1) the substantial volume of robberies in the Los Angeles area constitutes a major crime problem which the numerous local police agencies could not coordinate against effectively without the FBI's assistance and (2) the local prosecuting agency which would receive the bulk of deferred bank robbery cases indicated it would have difficulty accepting any additional burden.

U.S. attorneys in Philadelphia and Detroit are taking steps to reduce the Federal prosecutive role. In Philadelphia the chief of the General Crime Unit said the U.S. attorney began in late 1977 deferring cases to local prosecutors involving bank robbers apprehended principally as a result of local police efforts. In addition, he indicated cases are being deferred which involve an unarmed lone bandit using a demand note. This official commented that the

Department of Justice should issue clear and specific national guidelines for deferring bank robbery cases to local prosecutors.

The U.S. attorney in Detroit was in the process of developing guidelines for deferring bank robbery cases to local prosecutors. He said that the guidelines were still in their "infancy" but that interstate robbers would probably continue to be prosecuted federally.

In April 1978 the Department of Justice's Criminal Division asked U.S. attorneys to provide recommendations regarding bank robbery prosecutive guidelines in anticipation of a budget reduction in FBI bank robbery investigations. U.S. attorney responses to this request could provide further insight into the effect of fewer Federal prosecutions.

LOCAL PROSECUTORS' VIEWS ON FEWER FEDERAL PROSECUTIONS

With one exception, local prosecutors generally believed their agencies could handle the prosecution of bank robbers should the Federal involvement lessen. Several indicated, however, that Federal prosecution offers certain advantages, such as

- less crowded local court dockets allowing speedier trials and

- more consistent sentencing by Federal judges.

Local prosecutors or their representatives gave the following reactions to fewer Federal prosecutions.

- In Pennsylvania three local prosecutors stated their agencies had sufficient expertise and resources to handle all bank robber prosecutions. They did not believe bank robberies had any unique characteristics which necessitated Federal prosecution. One prosecutor, however, thought Federal sentencing practices were better than those of local courts.

--In North Carolina two local prosecutors said their agencies could prosecute all bank robbers, although they would prefer not to handle the more complex cases involving a large amount of time. They did not believe bank robberies generally had characteristics which required Federal prosecution.

--In Ohio and Michigan four local prosecutors said their agencies could prosecute all bank robbers. However, one Michigan prosecutor said his agency may need to add one or two attorneys to handle bank robbery prosecutions.

The Los Angeles County district attorney's office, however, was concerned that it did not have sufficient resources to handle prosecutions of bank robbers. The chief deputy district attorney said that his agency was already seriously understaffed and would have difficulty absorbing additional workload of any kind. He agreed that the nature of the crime was local and could appropriately be handled by local prosecutors but preferred to maintain the present prosecutive arrangement because of resource limitations.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

Federal law enforcement policy has consistently called for a restrictive application of Federal resources in areas of concurrent jurisdiction, particularly with regard to bank robbery. Even though bank robberies do not represent a unique problem for law enforcement, the FBI and U.S. attorneys have established investigative and prosecutive practices which result in local authorities playing a subordinate role.

In effect, the Federal Government has assumed responsibility for a State and local problem. Local authorities are generally satisfied with the current Federal role, as it allows them to use their limited resources in other ways. However, the additional workload resulting from a reduced Federal role would be small for most police agencies.

The FBI and U.S. attorneys also have limited resources. They share priorities of organized and white collar crime, while the FBI also has responsibility for foreign counter-intelligence. The Director of the FBI has said more resources need to be applied to these national priorities. In addition, the Attorney General recently said that routine offenses which can be investigated equally well by Federal or local authorities should be left to local law enforcement agencies.

We believe the Federal role in bank robberies can and should be substantially reduced. To minimize the potentially disruptive effects on some local agencies, it may be useful to reduce the Federal role gradually. A transition period would permit local authorities to prepare for assuming a greater investigative and prosecutive role. The length of the transition period may vary by locality due to variations in State and local law enforcement capabilities and the willingness of local officials to assume the primary responsibility for pursuing these crimes. Likewise the ultimate balance among the Federal, State, and local law enforcement efforts may also vary due to varying circumstances in State and local jurisdictions.

RECOMMENDATIONS

We recommend that the Attorney General direct the FBI to establish and carry out a plan to minimize the Federal investigative involvement in bank robberies. The plan should provide that, after a reasonable transition period, the FBI's involvement would generally be limited to assisting police by

- serving as a clearinghouse for linking bank robberies in various jurisdictions and
- aiding interstate investigation of bank robberies.

We also recommend that the Attorney General establish prosecutive guidelines for bank robbery to minimize Federal prosecution except in cases where Federal procedures facilitate prosecution.

CHAPTER 6

AGENCY COMMENTS AND OUR RESPONSE

The Department of Justice generally agreed with the basic conclusion of our report that the Federal role in the investigation and prosecution of bank robberies within Federal jurisdiction should be reduced. The Department, however, did not fully agree with our recommendations if they are construed or intended to eliminate the discretion of the U.S. attorneys or remove the FBI from the realm of bank robbery investigations.

We did not intend that uniform and rigid national guidelines be established. We recognize that local conditions vary and, therefore, flexibility in Federal investigative and prosecutive approaches is desirable. However, we believe that the current Federal role in bank robbery investigations and prosecutions exceeds and will continue to exceed the role intended by the Congress, unless the Department of Justice strongly encourages State and local law enforcement officials to take a more active role in bank robbery investigations and prosecutions.

Unless the Federal Government encourages State and local jurisdictions to fully exert their law enforcement responsibilities, we can see little prospect for putting into practice the policies consistently articulated by the Attorney General. In this regard, the Assistant Attorney General, Criminal Division, in a memorandum dated September 8, 1975, to the Attorney General recommended efforts to reduce the Federal law enforcement role in bank robbery:

"It is suggested that State and local law enforcement agencies in such [high bank robbery volume] cities are competent to handle typical bank robbery cases, which usually involve fairly straightforward principles of investigation and prosecution. It is also suggested that State and local law enforcement officials, not unlike their counterparts, view bank robberies as holding considerable interest for their communities and would naturally like to handle them. It should be of prime importance to us, as federal officials, that the State and local law enforcement remain strong and determined. To take all the attractive cases for federal prosecution seems a curious way by which to encourage vigorous State and local efforts."

Our concern centers primarily on the fact that only two of the eight U.S. attorneys included in our review had taken steps to reduce the Federal prosecutive role. (See p. 26.) In addition, the Criminal Division has suggested that U.S. attorneys consider eight factors to determine whether Federal prosecution for bank robbery is appropriate. The first factor is the degree of Federal investigative involvement in the matter. Thus, unless the FBI investigative practice changes, Federal prosecution is likely to remain dominant.

The Department also said that the favorable level of success achieved through the cooperative efforts of the FBI and local law enforcement agencies would certainly diminish if the FBI restricts its activities to that of a clearinghouse for bank robbery investigations.

Our recommended role does not preclude the FBI from responding to each bank robbery, especially during the transition period, if it believes this is necessary. We believe that, in most locations, the initial response to the scene should be minimal. This response would not make the FBI dependent upon obtaining the facts of these crimes from the local investigating agency, and would put the FBI in a position to actively pursue those seemingly few cases involving interstate investigation. Naturally, these cases would be among those which the FBI would most actively investigate because these would be the type cases in which Federal prosecutions would be most appropriate. The minimal response would place the FBI in the position of supplementing the police, as the legislation intended, rather than the FBI superseding the police as is the current situation.

Additionally, FBI participation in the initial investigation would also alleviate the problem raised by the Department of not being able to follow up leads in other local jurisdictions.

After a period of operating at this reduced level, the investigative experience may indicate that further reductions in the Federal effort may be feasible.

We believe our recommendations offer a proper goal for the ultimate Federal response to bank robberies, considering the nature of the crimes, the methods of solution, and Attorney General policy statements regarding the appropriate Federal role relative to State and local jurisdictions. Unless a clear, broad goal is established providing direction and unless specific steps toward achieving the goal are implemented, we believe efforts to reduce the Federal response may falter.

The Department also takes issue with our reference to the FBI Director's statement that less attention may be devoted to bank robberies in order to devote sufficient resources to priority investigative areas. It cautions against inferring that the enforcement of the Federal Bank Robbery and Incidental Crimes Statute is hindering or preventing the allocation of manpower resources to these priority areas. We believe our reference to the Director's statement is appropriate. Given budget restrictions, decisionmakers must make hard decisions regarding the most effective use of limited resources. The FBI Director recognized this in a March 1978 directive to the field offices. That directive stated:

"FBIHQ [headquarters] is aware that many offices are currently encountering staffing problems to meet their top priority investigations. We must recognize that, in the future, it may not be possible to commit extensive manpower resources to every BR [bank robbery] investigation as has been the policy in the past."

CHAPTER 7

SCOPE OF REVIEW

The information and conclusions in this report are based on our work between December 1977 and April 1978 at FBI headquarters and field offices in Charlotte, North Carolina; Cleveland, Ohio; Dallas and Houston, Texas; Detroit, Michigan; Los Angeles, California; and Philadelphia, Pennsylvania. These seven field offices provide broad geographic and demographic coverage of the bank robbery problem. Furthermore, 27 percent of the Nation's bank robberies in fiscal year 1977 occurred within their jurisdictions.

Our work included analyzing bank robbery cases, interviewing law enforcement and financial institution officials, and examining pertinent legislation.

Each FBI field office provided GAO with a list of bank robbery cases closed during fiscal year 1977 for which it served as office with prime investigative responsibility. A closed case represents a solved case or one with no further logical investigative leads. After verifying the lists, we randomly selected 230 cases for analysis, as shown below:

<u>Field division</u>	<u>Number of bank robbery cases</u>	
	<u>closed during</u>	<u>Sample cases</u>
	<u>fiscal year 1977</u>	
Charlotte	110	30
Cleveland	78	25
Dallas	33	15
Detroit	189	35
Houston	63	15
Los Angeles	842	80
Philadelphia	<u>147</u>	<u>30</u>
Total	<u>1,462</u>	<u>230</u>

We did not have access to FBI investigative files. However, we were allowed access to copies of selected reports describing each sample robbery and summarizing the investigative actions. Where these reports did not answer our questions, we interviewed the special agents or their super-

visors, who worked on the cases. Further, analysis of many cases included interviewing local police officials and reviewing their investigative files.

In addition to our discussions with the FBI headquarters and field office officials, we also held discussions with representatives of

- the Department of Justice,
- 8 U.S. attorneys,
- 16 local prosecutors, and
- 27 State and local police agencies.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

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

AUG 17 1978

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

Dear Mr. Lowe:

We appreciate the opportunity given the Department to review and comment on the draft of your proposed report to the Congress entitled "Bank Robbery--The Federal Law Enforcement Role Should Be Reduced."

We have carefully reviewed the draft report, and we are in general agreement with its basic conclusion, namely, that the Federal government should assume a less dominant role in the investigation and prosecution of bank robberies within Federal jurisdiction. To this end, the Department has encouraged State prosecution of bank robberies when, in the judgment of the U.S. attorneys, the case could be handled more appropriately in State court. Many U.S. attorneys have responded to such encouragement by establishing guidelines within their districts whereby certain types of bank robbery matters are normally referred to State or local prosecutors. The issuance of such guidelines, on a district-by-district basis, is consistent with Department policy to allow U.S. attorneys the prosecutorial discretion needed in areas of concurrent jurisdiction.

However, we do not fully agree with the recommendations contained in the report if they are construed or intended to eliminate the discretion of the U.S. attorneys or remove the FBI from the realm of bank robbery investigations. We do, of course, recognize that increased demands are being placed upon the limited manpower resources available to the FBI to carry out its overall law enforcement mission and that some limitations are necessary in certain areas of the FBI's work, such as bank robbery matters. To meet

this problem, the FBI has begun taking steps to insure that manpower resources allocated to the bank robbery program are in line with current investigative and prosecutive priorities.

Following an extensive analysis of the FBI's bank robbery program in March 1978, the Special Agents in Charge of FBI field offices were directed to re-evaluate bank robbery response plans to determine whether the resources allocated in this area were being used in a responsible, effective, and efficient manner. Factors considered in this evaluation included the expertise of local law enforcement authorities, field office priorities, ability and cooperativeness of local prosecutors, and manpower requirements. As a result of this analysis, the Department conceived the "area approach" as a viable solution. With the adoption of this approach, the Department has purposely refrained from establishing national prosecutive guidelines which would determine for each and every U.S. attorney the types of bank robbery cases to be prosecuted and the types to be referred for State or local prosecution. Under the "area approach," local law enforcement and prosecutive agencies and the FBI and U.S. attorneys establish law enforcement committees in each district to discuss investigative and prosecutive guidelines. These committees enhance the enforcement of concurrent jurisdiction crimes, such as bank robbery, and promote cooperation and efficient use of Federal, State, and local prosecutorial and investigative resources. At the present time such committees have been formed in 27 districts.

Each of the U.S. attorneys has to consider a variety of factors before determining whether it is appropriate to automatically refer certain types of bank robberies to State prosecutors. The abilities of rural police departments to solve bank robberies vary substantially, as do the abilities of large-city local prosecutors to add bank robberies to their case loads. U.S. attorneys have to consider such factors as:

- The degree of Federal investigative involvement in the matter.
- The involvement by the offender in multi-jurisdiction activities.

- The use of a firearm or other dangerous weapon during the offense.
- The prior committing of similar offenses by the offenders.
- Whether or not there is a backlog of Federal cases awaiting trial.
- The ability and determination of State and local authorities to prosecute effectively.
- The relative sentences imposed in Federal and State or local courts.
- The commission of other crimes during the course of the bank robbery.

Hence the Department is extremely hesitant to support rigid national investigative and prosecutive guidelines.

In regard to the report recommendation relating to investigations, we would like to point out that the favorable level of success achieved through the cooperative efforts of the FBI and local law enforcement agencies would certainly diminish if the FBI restricts its activities to that of a "clearinghouse" for bank robbery investigations as recommended by GAO.

The current success of the FBI in linking bank robberies lies in its ability to respond to the crime scene, gather the facts of the violation, and conduct an appropriate investigation in a matter of hours--not days or weeks as would result if the FBI were forced to be dependent upon reports from local agencies.

Another problem which would arise if the FBI limited itself to a "clearinghouse" role lies in the area of the follow-up investigations which would be required after FBI analysis. A local agency would not be bound to follow up on leads provided by the FBI.

In regard to that part of the recommendation which proposes to limit the FBI to "aiding interstate investigation of bank robberies," GAO gives no indication of the

criteria that should be used for judging the interstate nature of a violation and the appropriateness of an FBI investigation.

On page 31, the report states that the FBI Director said less attention might be devoted to bank robberies in order to devote sufficient resources to the priority investigative areas of organized and white-collar crime and foreign counterintelligence because these areas have been designated as national priority matters. These priority designations were made to assist the Special Agents in Charge of FBI field offices in assigning manpower resources to investigations, evaluating local law enforcement needs, and encouraging the development, where appropriate, of higher priority cases. It would be erroneous to construe the Director's statement as implying the enforcement of the Federal Bank Robbery and Incidental Crimes Statute is hindering or preventing the allocation of manpower resources to these priority areas.

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

Sincerely,



Kevin D. Rooney
Assistant Attorney General
for Administration