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# Administration of Justice Issue Area

# Active Assignments

GAO/AA-98-8(2)

# Foreword

This report was prepared primarily to inform Congressional members and key staff of ongoing assignments in the General Accounting Office's Administration of Justice issue area. This report contains assignments that were ongoing as of May 3, 1998, and presents a brief background statement and a list of key questions to be answered on each assignment. The report will be issued quarterly.

This report was compiled from information available in GAO's internal management information systems. Because the information was downloaded from computerized data bases intended for internal use, some information may appear in abbreviated form.

If you have questions or would like additional information about assignments listed, please contact Norman Rabkin, Director, on (202) 512-8777; or Richard Stana, Associate Director, on (202) 512-8777.

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## LAW ENFORCEMENT ISSUES

TITLE: **REVIEW OF THE HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM (182038)**

KEY QUESTIONS : The Office of National Drug Control Policy (ONDCP) is charged with oversight of the High Intensity Drug Trafficking Areas (HIDTA) program, whose mission is to reduce drug trafficking in the U.S. The program is designed to strengthen America's drug control efforts by intensifying the impact of drug control agencies through partnerships of local, state, & Federal drug control agencies in designated regions & creating systems for them to synchronize their drug efforts. How is the ONDCP implementing the HIDTA program? Is the program meeting the objectives established by the areas it serves? How are HIDTA funds being allocated? What lessons have been learned from the program to date? What affect has the expansion of the number of HIDTAs had on the administration of the program?

TITLE: **REVIEW OF THE QUANTITY AND USE OF FINCEN PRODUCTS AND SERVICES (182040)**

KEY QUESTIONS : The Financial Crimes Enforcement Network (FinCen) supports federal, state, local, and foreign authorities by analyzing and disseminating a variety of financial, commercial, and law enforcement data that are collected and processed by others. (1) For fiscal years 1991 to the present, what are the trends in the types and quantities of support (i.e., products and services) provided by FinCEN to the law enforcement community? (2) To what extent have FinCEN's operations (products and services) been useful to the law enforcement community in identifying, developing, investigating, or prosecuting money laundering cases?

TITLE: **INFORMATION ON DRUG-REATED POLICE CORRUPTION (182043)**

KEY QUESTIONS : To help the requester formulate congressional policies and legislative proposals to address the impact of drug trafficking on police corruption, we agreed to provide him with information to address the following three questions: (1) What is the nature and extent of drug-related police corruption in certain large cities? (2) What are some of the factors associated with police corruption? (3) What practices have been implemented by certain police departments to prevent or detect drug-related police corruption?

TITLE: **HRA:27 PREVALENCE OF IDENTITY FRAUD AND THEFT NATIONWIDE AND STATE BY STATE, WHERE AVAILABLE (182049)**

KEY QUESTIONS : Identity fraud/theft occurs when someone "steals" another's personal identifying information, such as a SSN, then uses it for fraudulent purposes. The requesters asked us to answer the following: (1) What is law enforcement's responsibility for tracking identity fraud/theft, and what are the difficulties they see in tracking this crime? (2) How prevalent is identity fraud/theft? (3) How much does identity fraud/theft cost federal and state government, businesses, and individuals? (4) Do credit bureaus track errors or corrections on credit history reports? (5) How much do credit bureaus earn from selling credit header information, and how would businesses be affected if this information could not be sold? (6) How has Internet growth contributed to identity fraud/theft?

TITLE: **REVIEW OF UTILIZATION OF VEHICLES BY TREASURY LAW ENFORCEMENT AGENCIES (182050)**

KEY QUESTIONS : Public Law 105-61, the Treasury, Postal Service, and General Government Appropriations Act of 1998, requires GAO to review the utilization of vehicles by Treasury's law enforcement agencies. Congress is concerned that the agencies may not be following prescribed procedures for the proper use of the vehicles by allowing law enforcement personnel to use the vehicles for other than direct protective, investigative, or emergency response. Congress is also concerned about the cost to acquire and equip these vehicles. (1) What are the Department's and agencies' policies and procedures regarding authorized usage of law enforcement vehicles? (2) How are these policies implemented? (3) What are the costs to acquire and equip law enforcement vehicles?

TITLE: **REVIEW OF CUSTOMS AND INS DRUG-RELATED SOUTHWEST BORDER CORRUPTION (182054)**

KEY QUESTIONS : A hearing held on potential corruption of federal employees assigned to anti-smuggling activities along the Southwest border raised several concerns about what the agencies should be and are doing to ensure the integrity of their personnel. We plan to describe, compare, and assess (1) policies and procedures INS and the Customs Service have designed to ensure the integrity of their personnel who are engaged in anti-drug smuggling activities; and, (2) Justice and Treasury Department organizational structures, staffing, funding, and processes designed to receive, investigate, and resolve allegations of wrongdoing by INS and Customs personnel.

TITLE: **REVIEW OF THE FBI'S USE OF COUNTERTERRORISM FUNDS, FISCAL YEARS 1995-1997 (184421)**

KEY QUESTIONS : In the wake of domestic terrorist incidents, Congress passed the Anti-Terrorism and Effective Death Penalty Act of 1996 expanding the FBI's authority to conduct counterterrorism (CT) activities and authorizing significant funding for the FBI's CT activities. Specifically, FBI funding for such activities has increased from about $77 million in FY93 to about $243 million in FY97. Similarly, staff resources have about tripled, from about 1,000 employees in FY93 to over 2,600 in FY97. GAO will determine: (1) What are the CT activities of the FBI? (2) What funds has the FBI received during FYs 1995-1998 for CT activities? (3) How has the FBI spent these funds?

TITLE: **REVIEW OF DEA'S MISSION, STRATEGIES, AND OPERATIONS (186768)**

KEY QUESTIONS : The federal drug control effort, of which the Drug Enforcement Administration (DEA) is a major player, has had very mixed results. This has led some to question DEA's mission and its strategies for achieving it. We will address the following questions: (1) how has DEA's mission, investigative strategy, and priorities changed, (2) are DEA's mission and strategies consistent with the National Drug Control Strategy and Justice's strategic plan, (3) how does DEA allocate its resources to carry out its mission and strategies, (4) how does DEA coordinate with other federal agencies, and (5) how does DEA evaluate its performance and respond to such evaluations?

**ADJUDICATION & CORRECTIONS**

TITLE: **VICTIMS' RESTITUTION AND CRIMINAL FINES (182832)**

KEY QUESTIONS : (1) What are the numbers and characteristics of federal offenders ordered to pay restitution and fines, and how do these vary by judicial districts? (2) What processes do selected districts use to assess offenders' ability to pay resititution and fines, and can these processes be improved?

TITLE: **REVIEW OF DISTRICT AND COURT OF APPEALS JUDGESHIPS (188629)**

KEY QUESTIONS : An additional 53 article III judgeships were requested in the Mar. '97 request sent to Congress. (1) What processes, policies, and standards did the federal judiciary use to assess the need for additional district and appellate judgeships in the 1995 and 1997 assessment cycles? (2) What is the basis for these processes, policies, and standards and how have they changed since the 1995 assessment cycle? (3) How did the federal judiciary apply its policies and standards across districts and circuits requesting additional judgeships in 1995 and 1997 assessment cycles? (4) What was the workload of magistrate (district only) and senior judges in those districts and circuits requesting additional judgeships and how did the federal judiciary use this workload data in assessing judgeship needs?

TITLE: **CHARACTERISTICS OF OFFENDERS WITH RESTITUTION AND FINES (188640)**

KEY QUESTIONS : This is the second of two studies stemming from a request that GAO evaluate certain aspects of criminal fines and victim restitution. The first study (code 182832), which has been completed, describes how an offender's ability to pay a fine or restitution was determined by the courts. In this second study, we will provide information on the characteristics of offenders who are ordered to pay fines and restitution and those who are not. (1) What are the numbers and characteristics of federal offenders ordered to pay restitution and fines and those who are not? (2) How do these differ by judicial district? (3) What do court officials believe are the reasons for the differences?

## IMMIGRATION ISSUES

TITLE: **ATTORNEY GENERAL'S STRATEGY TO DETER ILLEGAL ENTRY: ILLEGAL ALIEN EMPLOYMENT (183620)**

KEY QUESTIONS : The 1996 Immigration Act mandates that GAO evaluate the Attorney General's strategy to deter illegal entry into the U.S. and report once a year for 6 years. Our first report focused on the southwest border. Our second effort, with the concurrence of the congressional requesters, will evaluate INS' enforcement efforts to curb the employment of unauthorized workers. We will examine (1) what the goals of INS' worksite enforcement program are; (2) what program results have been obtained and how they have been measured, and (3) what factors facilitate and impede INS' worksite enforcement efforts. We will also determine what INS has undertaken since our last report to deter illegal entry and evaluate the effectiveness of the southwest border strategy.

TITLE: **REVIEW OF RANDOMLY SELECTED CASE FILES OF NATURALIZED ALIENS (183621)**

KEY QUESTIONS : The requester is interested in the consultant's review of INS' handling of aliens who may have been improperly naturalized. Is the process used by Justice to review the case files of aliens naturalized adequate to (1) identify internal control problems and (2) identify aliens who may not have met the criteria for being naturalized?

TITLE: **CONTINUING OVERSIGHT OF THE INSTITUTIONAL HEARING PROGRAM (183629)**

KEY QUESTIONS : In July 1997 testimony, we identified shortcomings in the Department of Justice' Institutional Hearing Program (IHP). The goal of IHP is to place incarcerated criminal aliens in deportation hearings so they can be readily deported on their release from prison. We were requested to continue to monitor the IHP program and its effectiveness, updating information on (1) the extent to which INS removed deportable criminal aliens who were released from federal and state prisons; (2) whether deportable criminal aliens were released into communities and committed additional crimes; (3) INS' detention costs for deportable aliens who did not complete the IHP; and (4) INS' progress in implementing a nationwide database for identifying and tracking criminal aliens.

## CUSTOMS SERVICES ISSUES

TITLE: **CUSTOMS' SOUTHWEST BORDER DRUG INTERDICTION EFFORTS II (264439)**

KEY QUESTIONS : The Customs Service is responsible for ensuring that goods that enter the country are in compliance with federal laws, including those concerning drug smuggling. The requester is concerned whether Customs has devoted adequate resources to inspect goods entering at certain ports on the Southwest border and whether Customs officials at those ports are complying with selected internal controls. (1) What is Customs' basis for projecting and allocating drug enforcement resources nationally and among ports? (2) Did Customs, at selected ports, comply with policies and procedures for certain entry processes? (3) Did Customs, at selected ports, comply with policies and procedures for safeguarding records in its law enforcement data base.

TITLE: **ANALYSIS OF CUSTOMS SERVICE RESOURCE ALLOCATION PROCESS (264441)**

KEY QUESTIONS : The Customs Service is responsible for inspecting all goods, conveyances, and persons that enter the United States. We will provide information on (1) the process by which Customs allocates inspectional resources to its ports, (2) current staffing levels and the implications of differences between assessed and actual levels, and (3) current workload/staffing ratios at 4 major ports and the rationale for any significant differences.

TITLE: **CUSTOMS CARGO ENTRY PROCESSES (264442)**

KEY QUESTIONS : The Customs Service is responsible for ensuring that goods that enter the country are in compliance with federal laws, including those concerning drug smuggling. The requester is concerned that certain Southwest Border cargo ports using low-risk cargo entry processes are vulnerable to drug smuggling. This review will address three questions: (1) What are Customs' policies and procedures for Line Release and other low-risk cargo entry processes, such as "Gate-to-Gate," both nationally and at selected ports? (2) Does Customs have internal controls in place to ensure that Line Release participants are low-risk for drug smuggling? (3) What are Customs' policies and procedures for the Three Tier Targeting Program, and to what extent have selected ports implemented this program?

TITLE: **CUSTOMS TREASURY ENFORCEMENT COMMUNICATIONS SYSTEM (TECS) INTERNAL CONTROLS (264443)**

KEY QUESTIONS : The Customs Service is responsible for ensuring that goods that enter the country are in compliance with federal laws, including those concerning drug smuggling. The requester is concerned that certain law enforcement data in the Treasury Enforcement Communication System (TECS) may be vulnerable to unauthorized deletion. This review will address three questions: (1) What are Customs' policies and procedures for safeguarding records in the TECS? (2) Did Customs, at selected ports, comply with policies and procedures for creating and deleting TECS records? (3) What is the frequency of TECS "down time" in general, and at selected ports? What steps has Customs taken to minimize "down time?"

**OTHER ISSUE AREA WORK - ADJ**

TITLE: **REVIEW OF THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1994 (FACE) (182048)**

KEY QUESTIONS : The Freedom of Access to Clinic Entrances Act of 1994 (FACE) made it a federal offense to engage in violent, threatening, obstructive, or destructive conduct that is intended to injure, intimidate, or interfere with persons seeking or providing reproductive health services. We have been asked to (1) study how key stakeholders, particularly clinic directors and local and federal law enforcement, view the implementation of FACE and its effects on abortion clinic violence, and (2) summarize court cases that have been brought pursuant to FACE and their results.

TITLE: **REVIEW OF THE INTERNATIONAL ROLE OF THE TREASURY DEPARTMENTS'S FINANCIAL CRIMES ENFORCEMENT NETWORK (FINCEN) (182052)**

KEY QUESTIONS : The Treasury Department's Financial Crimes Enforcement Network (FinCEN) was established in 1990 to support law enforcement by analyzing and coordinating financial intelligence information to combat money laundering. The requester asked that we review FinCEN's international role in addressing money laundering. (1) What is the authority for FinCEN's international role, and what are the general responsibilities associated with that role? (2) What are the principal actions undertaken by FinCEN in carrying out its international responsibilities, how are these actions coordinated with other entities (U.S. and foreign), and what outcomes resulted from FinCEN's actions?

TITLE: **REVIEW OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK'S (FINCEN) EFFORTS TO PROCESS CIVIL PENALTY REFERRALS UNDER THE BANK SECRECY ACT (BSA) (182053)**

KEY QUESTIONS : The Bank Secrecy Act (BSA) requires financial institutions to maintain records and file certain reports. Failure to file any of these reports can result in civil penalties. From 1985 until 1994, Treasury's Office of Financial Enforcement (OFE) was responsible for developing referrals of alleged BSA violations and deciding the appropriate civil or administrative action. In May 1994, the Secretary of the Treasury delegated authority to administer and enforce the Act to Financial Crimes Enforcement Network (FinCEN). The requester asked us to (1) update the case statistics and related information presented in our 1992 report (GAO/GGD-92-46) and (2) determine whether FinCEN has changed its management of civil penalty referrals for BSA violations since our 1992 report.

TITLE: **REVIEW OF JUSTICE'S ANNUAL PERFORMANCE PLAN (188636)**

KEY QUESTIONS : The Results Act requires that agencies prepare annual performance plans. Our objectives are to analyze how the Justice annual plan address the three core questions and associated issues detailed in GAO's guide..

TITLE: **PERSONAL BANKRUPTCY: THE CREDIT RESEARCH CENTER REPORT AND ERNST & YOUNG REPORTS ON DEBTORS' ABILITY TO PAY (188638)**

KEY QUESTIONS : The requester asked that we testify on our recent report (GAO/GGD-98-47, 02/09/98) on the strengths and limitations of the Credit Research Center study of personal bankruptcy debtors' ability to pay their debts. He has also requested that we comment on the strengths and limitations, if any, of two recent Ernst & Young studies that apply the CRC methodology to a different dataset of bankruptcy petitions.

TITLE: **PERSONAL BANKRUPTCY: THE CREDIT RESEARCH CENTER AND ERNST & YOUNG REPORTS ON DEBTORS' ABILITY TO PAY (188639)**

KEY QUESTIONS : The requester asked that we testify on our reviews of the Credit Research Center and Ernst & Young reports on the ability of debtors who file for personal bankruptcy to pay some portion of their debts. Specifically, what are the strengths and limitations, if any, of the data and methodology used in these reports?

TITLE: **PERSONAL BANKRUPTCY: DEBTORS' ABILITY TO PAY THEIR DEBTS (188641)**

KEY QUESTIONS : The requester asked us to provide answers for the record to four questions following our March 11, 1998, testimony on three reports on bankruptcy debtors' ability to pay their debts. Those questions asked us (1) to discuss the most serious statistical shortcomings of the Credit Research Center report; (2) to elaborate on the sampling errors or inconsistencies we found in reviewing that report; (3) to provide our views on whether a longitudinal study is the best way to obtain information for predicting debtors' ability to pay their debts; and (4) whether creditors were likely to take advantage of the provisions in S.1301 to file a motion to transfer a bankruptcy case from chapter 7 to chapter 13.