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Report to Congressional Requesters

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March 1986

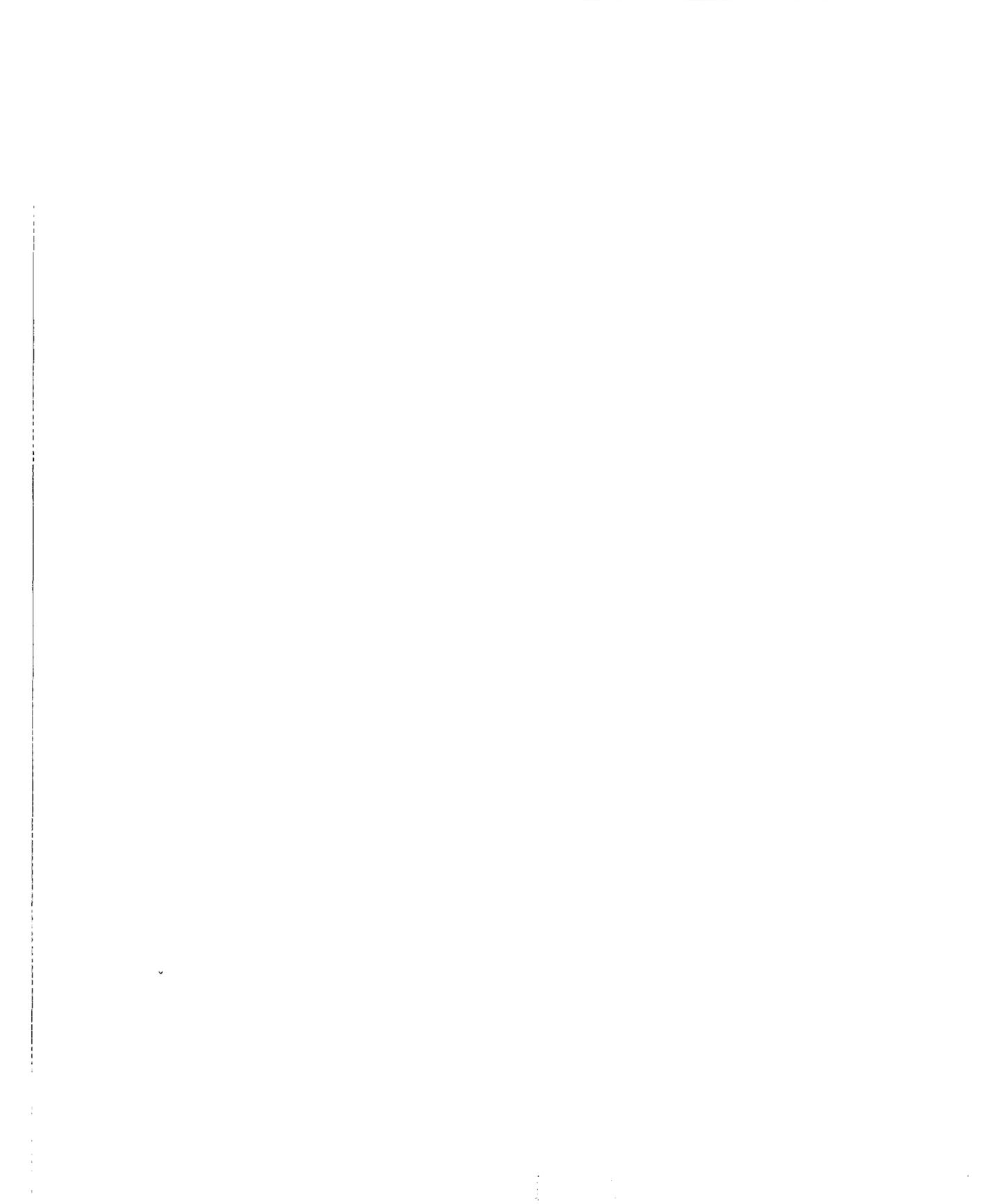
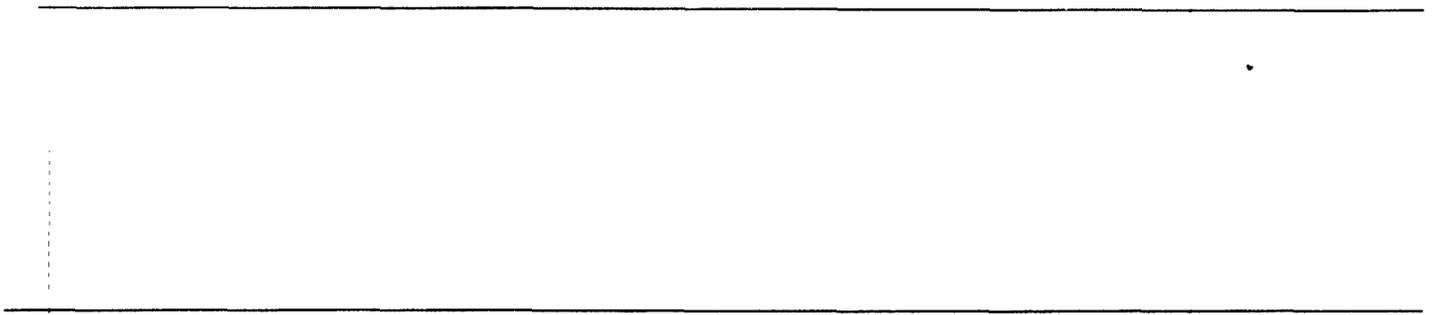
NATIONAL PARKS

Emergency Law Enforcement Expenditures at Two Recreation Areas



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Resources, Community and
Economic Development Division
B-218958

March 7, 1986

The Honorable James A. McClure
Chairman, Subcommittee on Interior
and Related Agencies
Committee on Appropriations
United States Senate

The Honorable Sidney R. Yates
Chairman, Subcommittee on Interior
and Related Agencies
Committee on Appropriations
House of Representatives

Your letter of December 17, 1985, requested a review of how the National Park Service uses its emergency law enforcement expenditure authority at the Gateway, New York, and Golden Gate, California, National Recreation Areas.¹ As agreed with your offices, we limited the scope of our work to emergency expenditures incurred at both of the gateway areas in fiscal year 1984. Your request stemmed from our work on the law enforcement capabilities and cost comparisons of U.S. Park Police and Park Rangers at Gateway and Golden Gate,² which we performed at your request.

In summary, the National Park Service is responsible for maintaining law and order and protecting persons and property within the National Park System. These law enforcement services are provided at Gateway and Golden Gate by the Park Service's two law enforcement organizations, the Park Rangers and the U.S. Park Police. The Park Service receives annual congressional appropriations to pay for these recurring and routine law enforcement activities.

The Park Service may use its emergency law enforcement expenditure authority to pay for emergency and other unforeseen law enforcement activities. This authority allows the Park Service to use any of its appropriated funds for emergency and other unforeseen law enforcement situations, such as unplanned public demonstrations and, since fiscal year 1982, for emergency search and rescue operations, such as accidents or

¹Gateway and Golden Gate National Recreation Areas are two of several "urban parks" in the country. These parks were created near urban centers to give residents easier access to the National Park System.

²National Parks: Law Enforcement Capability and Cost Comparisons at Two Recreation Areas (GAO/RCED-86-40, Mar. 7, 1986).

natural disasters, in the park system. We found, however, that in fiscal year 1984 the Park Service incurred \$726,338 in emergency law enforcement costs for anticipated, routine, and recurring law enforcement activities at Gateway and Golden Gate. These costs represented law enforcement coverage for such activities as high park visitation during summer months, conventions, and folk festivals. By using funds budgeted for other activities to pay for routine law enforcement activities at Gateway and Golden Gate, the Park Service has been using congressionally approved appropriations for construction, land acquisition, and other activities. The Park Service has taken this approach because past efforts to include funds for these activities in its budgets have proven unsuccessful.

Scope and Methodology

During our review, we obtained and analyzed pertinent legislative, administrative, and budgetary information from the Park Service and Park Police headquarters offices in Washington, D.C.; regional offices in Boston, Massachusetts; and San Francisco, California; and field offices at Gateway and Golden Gate. We also reviewed the Park Service's fiscal year 1984 Gateway and Golden Gate emergency expenditure documents and obtained information and opinions from Park Service officials regarding the use of funds at both gateway areas for emergency law enforcement purposes. Our review was conducted during January and February 1986, in accordance with generally accepted government auditing standards.

Law Enforcement Responsibilities

The National Park Service is responsible for maintaining law and order and protecting persons and resources within the National Park System. The Park Service's law enforcement powers are provided for in the 1976 "General Authorities Act" (Public Law 94-458) 16 U.S.C. 1a-6, which gives the Secretary of the Interior specific statutory authority to designate Park Service employees to maintain law and order within the park system. All Park Police and Park Rangers who have received "commissions" as a result of special police training were granted the right by the Secretary of the Interior to exercise this authority.

Law enforcement at Gateway and Golden Gate is divided between the Park Police and commissioned Park Rangers by park areas. Generally, the Park Police are assigned to the park units that are nearest to the urban population centers while commissioned Park Rangers are responsible for law enforcement in the parks' more rural areas.

- At Gateway, the Park Police have the law enforcement responsibilities for the New York park units of Breezy Point, Jamaica Bay, and Staten Island. Commissioned Park Rangers are responsible for law enforcement at the Sandy Hook, New Jersey, park unit.
- The Park Police have the law enforcement responsibility for all of the urban portions of Golden Gate in San Francisco and part of Marin County, while commissioned Park Rangers are responsible for law enforcement in the rural areas of Marin and San Mateo Counties.

The Park Rangers were assigned to Gateway and Golden Gate when both parks were established in 1972. As of September 30, 1984, there were 15 and 19 commissioned Park Rangers at Gateway and Golden Gate, respectively. The Park Police were assigned to Gateway and Golden Gate in 1974. As of September 30, 1984, there were 47 and 37 Park Police at Gateway and Golden Gate, respectively.

Expenditure Authority

Funding of law enforcement costs for the Park Rangers and Park Police is provided in the Park Service's annual appropriation. Park superintendents have the overall responsibility for developing policy and direction for law enforcement activities within areas of the park system, including Gateway and Golden Gate. Park superintendents develop annual park management plans for law enforcement that outline specific objectives, level of effort, responsibilities, and anticipated costs. These costs include (1) personnel compensation, such as regular salaries, overtime, holiday, longevity, night and Sunday differential pay and (2) benefits, such as retirement, life and health insurance, and medicare contributions. The respective Park Police field office commanders have the responsibility for providing technical advice and recommendations to the Park Service's superintendents in the development of the annual law enforcement plans.

On August 10, 1971, the Congress approved the Interior and Related Agencies Appropriations Act of 1972 (Public Law 92-76), which, under its administrative provisions, gave the Park Service authority to use any of its appropriated funds, with the approval of the Secretary of the Interior, for "emergency and other unforeseen law enforcement situations." Interior's fiscal year 1982 and subsequent appropriation acts have also authorized the use of emergency law enforcement expenditures to conduct "emergency search and rescue operations in the National Park System." Emergency law enforcement expenditures may be incurred for various incidents such as an unplanned public demonstration or when required by an accident or natural disaster, according

to the Park Service's Associate Director for Park Operations. This emergency law enforcement expenditure authority has been included in each of the subsequent fiscal year appropriation acts for the Park Service.

The Park Service's emergency law enforcement expenditure reporting procedure requires each regional director to submit a quarterly written report detailing the actual unbudgeted costs of each emergency incident occurring in their respective regions during that period. Incident reports, which make up the quarterly reports, are developed by (1) park superintendents when emergency costs are incurred by commissioned Park Rangers or by (2) Park Police commanders when emergency costs are incurred by Park Police officers. These reports are then sent to the appropriate regional directors who, in turn, send the reports to the Park Service's headquarters, where they are analyzed and consolidated.

Until fiscal year 1984, these consolidated reports were submitted to the Secretary of the Interior for review and approval. Beginning with fiscal year 1985, the consolidated reports were forwarded to the Interior Department's Assistant Secretary for Fish and Wildlife and Parks, who reviews and approves the emergency expenditures for the Secretary. Approved emergency law enforcement expenditures include personnel compensation (overtime and medicare contribution), travel, transportation, and miscellaneous expenses associated with emergencies.

During fiscal year 1984, the Park Service incurred a total of about \$2.8 million in emergency law enforcement costs. Of this amount, about \$2.4 million was obtained from the Park Service's construction and land acquisition appropriations. The construction appropriation provides funds for activities such as (1) rehabilitation and restoration of historic and cultural resources, (2) rehabilitation of operational structures such as visitor use and maintenance facilities, trails, and utility systems, and (3) rehabilitation and construction of park roads and bridges. The land acquisition appropriation provides funds to acquire certain lands, or interests in land, for inclusion in the National Park System. The remaining balance of about \$400,000 was obtained from various other Park Service appropriation accounts. About \$726,000, or about 26 percent of the total \$2.8 million, was expended at Gateway and Golden Gate. Table 1.1 shows the amount of emergency law enforcement costs incurred by commissioned Park Rangers and Park Police at both gateway areas.

**Table 1.1: Summary of Approved
Emergency Law Enforcement Costs at
Gateway and Golden Gate for Fiscal
Year 1984**

Park Service personnel	Gateway	Golden Gate	Total
Park Rangers	•	\$54,868	\$54,868
Park Police	\$531,444	140,026	671,470
Total	\$531,444	\$194,894	\$728,338

The Park Service provided the information shown in tables 1.2 and 1.3 on the specific purposes of the emergency law enforcement funds shown above.

**Table 1.2: Emergency Funds Incurred
at Gateway**

Purpose	Amount
Personnel compensation:	
Permanently assigned Park Police staff	\$216,128
Temporarily assigned Park Police from Washington, D.C.	67,414
Park Police backfill expenses in Washington, D.C. ^a	130,433
Total personnel compensation	413,975
Travel, transportation, and other expenses	117,469
Total	\$531,444

^a"Backfill" expenses are those costs incurred when officers must work overtime to provide the law enforcement coverage normally provided by officers who have been temporarily assigned to other duties.

Of the \$413,975 in emergency law enforcement personnel costs that Gateway incurred, (1) \$216,128 was for permanently assigned Park Police staff at Gateway, including \$213,359 for routine overtime costs, and (2) \$67,414, which included \$66,326 in overtime costs, was for a special 12-member Park Police detail sent from Washington, D. C., to Gateway from May 25 to September 30, 1985, and 29 additional officers assigned to Gateway for various weekends during this period. These temporarily assigned officers provided additional law enforcement coverage at Gateway during the high-visitation summer months. Such details have been sent to Gateway from Washington, D.C., every year since fiscal year 1972, and Park Service officials at Gateway anticipate a continuing need for the Park Police summer detail in future years.

An additional \$130,433 in personnel costs was incurred to pay overtime—backfill—expenses of the Park Police in Washington, D.C., who covered the patrols of those officers temporarily assigned to Gateway. In addition to personnel costs, Gateway also incurred \$117,469 in law enforcement travel and transportation expenses, including per diem, lodging, car rentals, and other miscellaneous expenses of the temporarily assigned Park Police.

Table 1.3: Emergency Funds Incurred at Golden Gate

Purpose	Amount
Personnel compensation:	
Permanently and temporarily assigned Park Police and Park Rangers	\$124,211 ^a
Park Police backfill expenses in Washington, D.C.	21,912
Total personnel compensation	146,123
Travel, transportation, and other expenses	48,771
Total	\$194,894

^aThe Park Service's emergency law enforcement expenditure reports did not separately account for \$124,211 in personnel compensation costs incurred by permanent and temporary park staff.

Of the \$146,123 in emergency law enforcement personnel costs incurred at Golden Gate, \$89,056 was for commissioned Park Ranger and Park Police expenses associated with the 1984 Democratic National Convention held in San Francisco, and \$35,155 in overtime costs for the annually held Western Region Folklife Festival and other planned or recurring events held at Golden Gate. In addition, \$21,912 in backfill costs was incurred by Park Police officers located in Washington, D.C., who covered the patrols of officers temporarily assigned to Golden Gate during the convention.

Emergency Expenditures Were Not Justified

The expenditure of \$726,338 in fiscal year 1984 funds for emergency law enforcement purposes at Gateway and Golden Gate was for recurring activities or events that the Park Service knew of in advance. Any additional law enforcement funding needed for these events should have been included in the Park Service's annual or supplemental budget requests.

Park Police officials at Gateway and Golden Gate have agreed that there has been a continuing need for the additional law enforcement funds provided each fiscal year under the Park Service's emergency law enforcement expenditure authority. For example, on March 29, 1985, Gateway's Acting Park Police Commander requested the Park Service to temporarily assign a detail of Park Police to Gateway for visitor protection services during the summer months of fiscal year 1985. His request noted that:

"The current staffing level of the United States Park Police, New York Field Office, (46 sworn officers) is insufficient to provide adequate protection during this peak visitation time. As we have seen during the last ten summers, additional personnel assigned from Washington, D.C. are critical to providing adequate protection services."

"In past years a detail of 12 officers has been reassigned from Washington, D.C. to assist in these areas. We request that this same number be assigned again this year."

The Acting Commander noted that the additional Park Police officers were being requested "to cover the routinely increased visitation and accompanying activity" for the upcoming summer months.

Golden Gate's Park Police Commander told us that it was common practice to charge routine and predictable overtime costs as an expenditure under the emergency law enforcement authority. Golden Gate's Park Service administrative officer also noted that Park Police requests in prior years for funding of anticipated overtime costs have not been approved by the Park Service because of budget restrictions. As a result, the Park Police at Golden Gate did not make a request for routine overtime funds for fiscal year 1984. Instead, these costs were planned to be charged as emergency law enforcement expenditures.

The Park Service's North Atlantic Regional Director told us that he did not believe it was appropriate to repeatedly use the emergency law enforcement expenditure authority to pay for Gateway's routine and annually recurring law enforcement costs. Instead, he noted, "These costs should be included in the annual appropriation."

The Park Service's Associate Director for Park Operations told us that the government's budget-cutting measures have made it very difficult for the Park Service and the Park Police to obtain additional law enforcement funding even for planned special events in or near park system areas. He noted that special events at either Gateway or Golden Gate often require additional law enforcement coverage that results in increased funding needs. However, he added that since anticipated funds requested to cover these costs have not been approved in past years' budget requests, the Park Service has used its emergency law enforcement expenditure authority in order to provide adequate law enforcement coverage as determined by events at each gateway area.

Conclusions

Each of the Interior Department's appropriation acts since 1972 for the Park Service has included emergency expenditure authority for the Park Service for unforeseen or other emergency law enforcement expenses. The Park Service, however, used this emergency law enforcement

expenditure authority during fiscal year 1984 to fund routine and annually recurring law enforcement costs at Gateway and Golden Gate.

The use of emergency law enforcement authority to fund anticipated, recurring, and routine law enforcement costs is understandable, given the Park Service's stated need to provide adequate law enforcement while the government pursues its budgetary reduction efforts. However, the National Park Service is using congressionally approved funds from other approved budget areas for law enforcement activities. We are not questioning the need for these law enforcement activities, but we are concerned that this funding approach works against efforts in the construction, land acquisition, and other Park Service appropriation areas from which the emergency law enforcement funds were obtained.

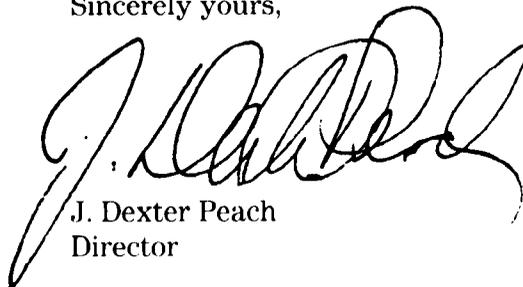
Although we did not review the Park Service's use of its emergency law enforcement authority beyond Gateway and Golden Gate, to the extent that this may be occurring at other parks, it is inconsistent with the Park Service's emergency law enforcement expenditure authority.

Recommendations

We recommend that the Secretary of the Interior direct the Director of the National Park Service to ensure that emergency law enforcement expenditures are made for the purposes authorized by the Congress by requesting funds for anticipated, recurring, and routine law enforcement costs through the annual budget process.

In accordance with your offices' request, we did not obtain official agency comments on this report. We did, however, discuss the contents of this report with Park Service and Park Police Gateway, Golden Gate, regional, and headquarters officials and have incorporated their comments, where appropriate, in this report. Also at your offices' request, we will restrict our general distribution of this report for 10 days unless you publicly release its contents earlier. Copies of this report will be sent to the Secretary of the Interior and other interested persons upon request.

Sincerely yours,



J. Dexter Peach
Director

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