



United States
General Accounting Office
Washington, D.C. 20548

General Government Division

B-277187

July 23, 1997

The Honorable Bill McCollum
Chairman, Subcommittee on Crime
Committee on the Judiciary
House of Representatives

Subject: Federal Law Enforcement: Investigative Personnel and Authority for Selected Organizations Not Covered by Law Enforcement Retirement

Dear Mr. Chairman:

This letter contains additional information in response to your September 18, 1995, request that we provide you with information on federal law enforcement investigative personnel and authority. Previously, as agreed with your office, we provided you with information on selected law enforcement organizations' investigative personnel and authority.¹ The information that we provided pertained to those personnel both employed in investigative work and covered by certain law enforcement retirement provisions.

In subsequent discussions with your office, we learned that the Subcommittee was interested in similar information from selected organizations whose personnel are not covered by the law enforcement retirement provisions. Specifically, the Subcommittee asked us to survey the AMTRAK Police Department, the U.S. Tennessee Valley Authority Police and Office of Inspector General, the Library of Congress Police, and the Supreme Court of the United States Police. We were asked to determine (1) the types of violations these federal organizations investigate; (2) the authorities under which these organizations investigate suspected federal criminal law violations, execute search warrants, make arrests, and/or carry firearms; (3) the number of investigative personnel in these organizations as of September 30, 1996, and the number of these personnel who

¹Federal Law Enforcement: Information on Certain Agencies' Criminal Investigative Personnel and Salary Costs (GAO/T-GGD-96-38, Nov. 15, 1995); Federal Law Enforcement: Investigative Authority and Personnel at 13 Agencies (GAO/GGD-96-154, Sept. 30, 1996); and Federal Law Enforcement: Investigative Authority and Personnel at 32 Organizations (GAO/GGD-97-93, July 22, 1997).

were authorized to execute search warrants, make arrests, and/or carry firearms; and (4) how the number of investigative personnel in these organizations has changed since the end of fiscal year 1987.

To collect this information, we administered a survey to each organization. We did not independently verify the accuracy of the information provided by the organizations. The detailed results are contained in enclosures I through IV.

Overall, the organizations reported being generally responsible for enforcing laws on their lands and premises and deriving their authority primarily from statutory provisions set out in the U.S. Code. The organizations reported having 710 investigative personnel at the end of fiscal year 1996, most of whom were authorized to execute search warrants, make arrests, and carry firearms. This number was about one-half of the number of investigative personnel at these organizations at the end of fiscal year 1987. This personnel decrease occurred primarily at the U.S. Tennessee Valley Authority's organizations.

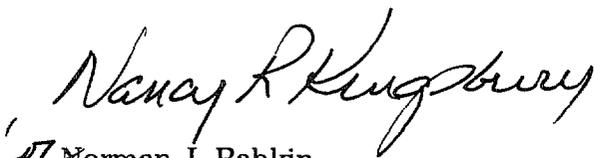
We conducted this review between October 1996 and May 1997 in Washington, D.C., in accordance with generally accepted government auditing standards. We obtained comments on the contents of this letter from cognizant organization officials between May 23, 1997, and June 9, 1997.² These officials suggested only technical or clarifying changes to the information pertaining to their organizations. We have made those changes as appropriate.

- - - - -

We are sending copies of this letter to the Ranking Minority Member of your Subcommittee and the Chairman and Ranking Minority Member of the Senate Committee on the Judiciary. We will also make copies available to others on request.

Please contact me at (202) 512-8777 if you or your staff have any questions.

Sincerely yours,



Norman J. Rabkin
Director, Administration of
Justice Issues

Enclosures - 4

²We spoke with the Project Manager, Strategic Planning, AMTRAK; the Washington Representative, U.S. Tennessee Valley Authority; the Captain, Library of Congress Police; and the Marshal of the Court, Supreme Court of the United States.

SELECTED ORGANIZATIONS' INVESTIGATIVE RESPONSIBILITIES

| Organization | Type of criminal violations investigated |
|---------------------------------------|---|
| AMTRAK Police Department | <p>The AMTRAK Police Department is authorized to enforce the laws of any jurisdiction in which the rail carrier owns property for the purpose of protecting: (1) the employees, passengers, or patrons of the rail carrier; (2) the property, equipment, and facilities owned, leased, operated, or maintained by the rail carrier; (3) property moved in interstate or foreign commerce in the possession of the rail carrier; and (4) personnel, equipment, and materials moved via railroad that are vital to the national defense, to the extent of the authority of a police officer who is properly certified or commissioned under the laws of that jurisdiction. For example, the Department investigates narcotics trafficking offenses that occur on AMTRAK property.</p> |
| U.S. Tennessee Valley Authority (TVA) | <p>The TVA Police is authorized to protect visitors and public users of its lands and recreational facilities as well as its employees, resources, and billions of dollars of facilities, equipment, and properties by maintaining law and order on all properties managed by TVA. Specifically, the TVA Police is responsible for maintaining law and order on the following properties: dams and recreational areas (32), metropolitan areas (3), lakes (24), shorelines (11,000 miles), acreage (483,000 acres), and TVA facilities (986). The TVA Police's primary duties are the following: perform law enforcement work in the preservation of peace; prevent, detect, and investigate crime; arrest or apprehend violators; and assist citizens in emergency situations. The purpose of this police work is to ensure compliance with federal, state, and county laws and ordinances and with agency rules and regulations pertaining to law enforcement work.</p> |
| Office of Inspector General (OIG) | <p>The TVA OIG is responsible for investigating any potential criminal violation involving TVA programs and operations. These types of investigations include contractual fraud (and various other white-collar crime schemes), health care fraud, environmental crimes, false statements, false claims, conflicts of interest, mail fraud, vandalism, and major thefts.</p> |
| Library of Congress Police | <p>The Library of Congress Police is responsible for investigating all D.C. Code and D.C. Regulation violations that are committed within its jurisdiction as well as all violations under Title 18 of the U.S. Code for crimes committed within its jurisdiction.</p> |

| Organization | Type of criminal violations investigated |
|---|---|
| Supreme Court of the United States Police | The Supreme Court of the United States Police has authority for investigating violations of federal law relating to its protective mission. This authority is usually accomplished through coordination with other federal law enforcement agencies, primarily the Federal Bureau of Investigation. The Supreme Court of the United States Police is responsible for investigating D.C. Code and D.C. Regulation violations that are committed within its jurisdiction as well as violations under Title 18 of the U.S. Code for crimes that are committed within its jurisdiction. The Supreme Court of the United States Police is also responsible for enforcing various provisions found at 40 U.S.C. §§13a-13p, which, among other things, restricts certain activities on the grounds of the Supreme Court. |

LEGEND:

U.S.C. - United States Code

§ - Section

Source: Organization survey data.

PRIMARY LEGAL AUTHORITIES CITED BY SELECTED ORGANIZATIONS AS ENABLING THEM TO PERFORM CERTAIN INVESTIGATIVE FUNCTIONS

| | | | | |
|---------------------------------|--|---|------------------------------------|---|
| Organization | Authority to conduct criminal investigations (1) | Authority to execute search warrants (2) | Authority to make arrests (3) | Authority to carry firearms, if necessary (4) |
| AMTRAK Police Department | 49 U.S.C. §24305(e); 18 U.S.C. §922(w); 21 U.S.C. §878 (Additional authority: 49 U.S.C. §28101; 49 C.F.R. Part 207) | 49 U.S.C. §§24305(e), 28101 | Same as the authority in column 2. | 49 U.S.C. §24305(e); 18 U.S.C. §922(w) |
| U.S. Tennessee Valley Authority | | | | |
| U.S. TVA Police | The Tennessee Valley Authority Act of 1933 (16 U.S.C. §831); §320929 of P.L. 103-322; §10(a) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. §470ii) | Same as the authority in column 1. | Same as the authority in column 1. | Same as the authority in column 1. |
| Office of Inspector General | Inspector General Act of 1978, as amended, (5 U.S.C. App. 3) | Special deputation by the U.S. Marshals Service, when requested and approved. | Same as the authority in column 2. | Same as the authority in column 2. |

| | | | | |
|---|---|---|-----------------------------------|--|
| Organization | Authority to conduct criminal investigations (1) | Authority to execute search warrants (2) | Authority to make arrests (3) | Authority to carry firearms, if necessary (4) |
| Library of Congress Police | 2 U.S.C. §167; P.L. 81-659; P.L. 100-135 | Same as the authority in column 1. | Same as the authority in column 1 | Same as the authority in column 1. |
| Supreme Court of the United States Police | 40 U.S.C. §13n (also §§13a-13p for additional provisions) | 40 U.S.C. §13n | 40 U.S.C. §13n (a)(3) | 40 U.S.C. §13n (a)(5) |

LEGEND:

- App. - Appendix
- C.F.R. - Code of Federal Regulations
- P.L. - Public Law
- U.S.C. - United States Code
- § - Section

Source: Organization survey data.

NUMBER OF PERSONNEL AUTHORIZED TO PERFORM
CERTAIN INVESTIGATIVE FUNCTIONS AS OF THE END OF FISCAL YEAR 1996

| Organization | Total number of investigative personnel | Execute search warrants | Make arrests | Carry firearms, if necessary |
|--|---|-------------------------------|-----------------|---------------------------------|
| AMTRAK Police Department | 303 | 303 | 303 | 303 |
| U.S. Tennessee Valley Authority | | | | |
| U.S. TVA Police | 193 | 193 | 193 | 193 |
| Office of Inspector General | 27 | 3 | 3 | 3 |
| Library of Congress Police | 109 | 109 | 109 | 109 |
| Supreme Court of the United States Police | 78 | 78 | 78 | 78 |
| Total | 710 | 686 | 686 | 686 |

Source: Organization survey data.

NUMBER OF INVESTIGATIVE PERSONNEL AT THE END OF
FISCAL YEARS 1987, 1991, 1995, AND 1996

| Organization | Number of personnel, by fiscal year | | | |
|---|-------------------------------------|------------------|------|------|
| | 1987 | 1991 | 1995 | 1996 |
| AMTRAK Police Department | 302 ^a | 290 ^a | 311 | 303 |
| U. S. Tennessee Valley Authority | | | | |
| U.S. TVA Police | 998 | 675 | 179 | 193 |
| Office of Inspector General | 37 | 36 | 28 | 27 |
| Library of Congress Police | 112 | 108 | 105 | 109 |
| Supreme Court of the United States Police | 72 | 72 | 75 | 78 |
| Total | 1,521 | 1,181 | 698 | 710 |

^aEstimated. According to an AMTRAK Police Department official, actual numbers for these years are not available due to a number of factors, including a loss of records during an office relocation and a fire that destroyed other records.

Source: Organization survey data.

(182037)

Ordering Information

The first copy of each GAO report and testimony is free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. VISA and MasterCard credit cards are accepted, also. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

Orders by mail:

**U.S. General Accounting Office
P.O. Box 6015
Gaithersburg, MD 20884-6015**

or visit:

**Room 1100
700 4th St. NW (corner of 4th and G Sts. NW)
U.S. General Accounting Office
Washington, DC**

**Orders may also be placed by calling (202) 512-6000
or by using fax number (301) 258-4066, or TDD (301) 413-0006.**

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512-6000 using a touchtone phone. A recorded menu will provide information on how to obtain these lists.

For information on how to access GAO reports on the INTERNET, send an e-mail message with "info" in the body to:

info@www.gao.gov

or visit GAO's World Wide Web Home Page at:

<http://www.gao.gov>

**United States
General Accounting Office
Washington, D.C. 20548-0001**

**Bulk Rate
Postage & Fees Paid
GAO
Permit No. G100**

**Official Business
Penalty for Private Use \$300**

Address Correction Requested
