United States General Accounting Office

GAO

Report to the Honorable Mike DeWine
U.S. Senate

October 1999

CRIME TECHNOLOGY

Department of Defense Assistance to State and Local Law Enforcement Agencies

GAO/GGD-00-14

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Assistant Comptroller General

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

General Government Division

B-283095

October 12, 1999

The Honorable Mike DeWine
United States Senate

Dear Senator DeWine:

This report responds to your request for information about crime technology assistance[1] provided by the Department of Defense (DOD) to state and local law enforcement agencies during fiscal years 1996 through 1998.[2] As agreed, we categorized the assistance into the following three categories: (1) grants or other types of direct federal funding; (2) access to support services and systems, such as counterdrug or other intelligence centers; and (3) in-kind transfers of equipment or other assets. Also, to provide perspective, we identified several relevant DOD research and development efforts that may have indirectly benefited state and local law enforcement agencies.

Results in Brief

Regarding the first category, DOD said it provided no crime technology-related grants to state and local law enforcement agencies during fiscal years 1996 through 1998. Although each state's National Guard received funds for its counterdrug program, these funds did not meet our definition of crime technology assistance, with one exception.[3] We also did not find any other type of direct funding.

In the other two categories, identifiable crime technology assistance provided by DOD to state and local law enforcement agencies during fiscal years 1996 through 1998 totaled an estimated $125.9 million, as table 1

[1] In developing the information in this report, we defined "crime technology assistance" as any technology-related assistance provided to state and local law enforcement agencies, including those of Indian tribes, for establishing and/or improving (1) criminal justice history and/or information systems and specialized support services or (2) the availability of and capabilities to access such services and systems related to identification, information, communications, and forensics. (See app. I.)

[2] At your request, we previously reported on crime technology assistance to state and local law enforcement agencies provided by the Departments of Justice and the Treasury and the Office of National Drug Control Policy, Crime Technology: Federal Assistance to State and Local Law Enforcement (GAO/GGD-99-101, June 7, 1999).

[3] The one exception involved courses at two of the National Guard's three counterdrug training locations. We considered these courses to be a "support service," and we included the relevant funding in that category.

shows. Of this amount, about $95.9 million involved in-kind transfers, representing about 76 percent of the total.

Table 1: Estimated DOD Funding for Crime Technology Assistance, Fiscal Years 1996 Through 1998

Dollars in thousands

Category of assistance	Amount
Support services and systems	$29,985.5
In-kind transfers	95,877.2
Total	**$125,862.7**

Source: GAO summary of data provided by DOD components.

Although not directly intended for state and local law enforcement agencies, some of DOD's research and development efforts in recent years have had spin-off benefits for these agencies—particularly DOD's efforts to develop technologies for federal use in detecting explosives and narcotics. For example, proven technologies have resulted in crime-fighting products—such as bomb detection equipment—becoming commercially available for purchase by all levels of law enforcement. We did not attempt to identify all relevant examples nor to quantify the costs associated with specific products because (1) DOD's research and development efforts primarily and directly support federal agency needs and (2) the acquisition of any resulting commercially available products generally is dependent on state and local law enforcement agencies' own budgets.

Background

Under long-standing law, the so-called Posse Comitatus Act of 1878 (18 U.S.C. 1385) prohibits the use of the Departments of the Army or the Air Force to enforce the nation's civilian laws except where specifically authorized by the Constitution or Congress. While the language of section 1385 lists only the Army and the Air Force, DOD has made the provisions of section 1385 applicable to the Department of the Navy and the U.S. Marine Corps through a DOD directive (DOD Directive 5525.5, Jan. 15, 1986).

Congress has enacted various pieces of legislation authorizing a military role in supporting civilian law enforcement agencies. For example, in the Department of Defense Authorization Act for Fiscal Year 1982 (P.L. 97-86), Congress authorizes the Secretary of Defense to provide certain assistance-type activities for civilian law enforcement activities. This legislation also provided, however, that such U.S. military assistance does not include or permit participation in a search, seizure, arrest, or other similar activity, unless participation in such activity is otherwise authorized by law.

Beginning in the early 1980s, Congress authorized an expanded military role in supporting domestic drug enforcement efforts.[4] As part of the national counterdrug effort, for example, the U.S. military provides federal, state, and local law enforcement agencies with a wide range of services, such as air and ground transportation, communications, intelligence, and technology support. DOD counterdrug intelligence support is provided by Joint Task Force Six, which is based at Fort Bliss (El Paso, TX). This component coordinates operational intelligence in direct support of drug law enforcement agencies.[5]

Moreover, under congressional authorization that was initially provided in 1989 (32 U.S.C. 112), DOD may provide funds annually to state governors who submit plans specifying how the respective state's National Guard is to be used to support drug interdiction and counterdrug activities. Such operations are conducted under the command and control of the state governor rather than the U.S. military. Also, federal, state, and local law enforcement personnel may receive counterdrug training at schools managed by the National Guard in California, Florida, and Mississippi.

In 1989, Congress authorized the Secretary of Defense to transfer to federal and state agencies excess DOD personal property suitable for use in counterdrug activities, without cost to the recipient agency. In 1996, Congress authorized such transfers of excess DOD personal property suitable for use in law enforcement generally and not just specifically for counterdrug efforts. This Law Enforcement Support Program[6] is managed by the Defense Logistics Agency.

Military law enforcement agencies are major consumers of forensic laboratory services.[7] The Army operates the U.S. Army Criminal Investigation Laboratory (Fort Gillem, GA), which provides forensic support regarding questioned documents, trace evidence, firearms and tool marks, fingerprints, imaging and technical services, drug chemistry, and serology. The Navy operates two limited-service forensic laboratories, which are referred to as Naval Criminal Investigative Service Regional

[4] See, Nina M. Serafino, Congressional Research Service, U.S. Military Participation in Southwest Border Drug Control: Questions and Answers (CRS 98-767F), updated September 17, 1998.

[5] Drug Control: An Overview of U.S. Counterdrug Intelligence Activities (GAO/NSIAD-98-142, June 25, 1998).

[6] This program is referred to as the 1033 program named after section 1033 of the National Defense Authorization Act for fiscal year 1997.

[7] Forensic science refers to the systematic application of scientific techniques and methods that are based on academic disciplines, such as chemistry, physics, medicine, anthropology, and toxicology.

Forensic Laboratories (Norfolk, VA, and San Diego, CA).[8] Both Navy laboratories provide forensic support regarding latent prints, drug chemistry, arson, and questioned documents. The Air Force is the executive agent of the DOD Computer Forensics Laboratory (Linthicum, MD), which processes digital and analog evidence for DOD counterintelligence operations and programs as well as fraud and other criminal investigations. Generally, with the exception of participating with state or local law enforcement agencies in cases with a military interest, the military laboratories do not provide support to these agencies.[9]

Grants or Other Direct Federal Funding

In response to our inquiries, officials at each of the DOD components we contacted told us that they did not provide grants for any purposes, including crime technology-related assistance, to state and local law enforcement agencies during fiscal years 1996 through 1998. Moreover, we found no indications of crime technology-related grant assistance provided by DOD during our review of various DOD authorization, appropriations, and budget documents.

According to the General Services Administration's Catalog of Federal Domestic Assistance,[10] DOD can provide grants for a variety of purposes to some non-law enforcement agencies. For example, some DOD grants may assist state and local agencies in working with the Army Corps of Engineers to control and eradicate nuisance vegetation in rivers and harbors.

DOD direct funding—$563.3 million total appropriations for fiscal years 1996 through 1998—was provided for the National Guard Bureau's counterdrug program, which covers the following six mission areas: (1) program management, (2) technical support, (3) general support, (4) counterdrug-related training, (5) reconnaissance/observation, and (6) demand reduction support. However, we determined that, with one exception, these mission areas did not involve activities that met our definition of crime technology assistance. The one exception involved courses at two of the National Guard's three counterdrug training

[8] The Marine Corps does not operate a forensic laboratory. Rather, the Marine Corps mainly uses the Navy and Army laboratories. The Air Force uses Army; Navy; and other federal, state, or local laboratories for forensic analyses that are not computer-related.

[9] DOD, Office of the Inspector General, Criminal Investigative Policy & Oversight: Evaluation of the Department of Defense Forensic Laboratories (Report Number 9850008X), September 16, 1998.

[10] Published annually, the Catalog of Federal Domestic Assistance is a reference source of federal programs, projects, services, and activities that provides assistance to a variety of potential beneficiaries, including states and localities. For purposes of our review, we consulted the 1996, 1997, and 1998 editions.

locations in operation during fiscal years 1996 through 1998. We considered these courses to be a "support service," and they are discussed in the following section.

Support Services and Systems

Regarding support services and systems, DOD's crime technology assistance to state and local law enforcement totaled an estimated $30 million for fiscal years 1996 through 1998. As table 2 shows, this assistance was provided by various DOD components—the Defense Security Service, the DOD Computer Forensics Laboratory, the Intelligence Systems Support Office, Joint Task Force Six, the military branch investigative agencies, National Guard Bureau counterdrug training schools, and the U.S. Army Military Police School. More details about the assistance provided by each of these components are presented in respective sections following table 2.

Table 2: DOD Support Services and Systems Provided to State and Local Law Enforcement Agencies, Fiscal Years 1996 Through 1998

Obligations in thousands of dollars

Component and assistance	1996	1997	1998	Total
Defense Security Service:				
Defense Clearance and Investigations Index	$1.8	$2.4	$1.0	$5.2
DOD Computer Forensics Laboratory[a]	N/A	N/A	14.0	14.0
Intelligence Systems Support Office:				
Gulf States Initiative	6,100.0	8,900.0	13,100.0	28,100.0
Joint Task Force Six:				
Communications assessment	16.3	0.0	0.0	16.3
Intelligence architecture assessment	0.0	15.0	17.5	32.5
Military branch investigative agencies:				
Army Criminal Investigation Command[b]	N/A	N/A	N/A	N/A
Air Force Office of Special Investigations	0.0	8.4	0.0	8.4
Naval Criminal Investigative Service:				
Forensic analyses	63.0	9.0	34.0	106.0
Technical training[c]	0.0	0.4	2.1	2.5
Marine Corps Criminal Investigation Division[d]	N/A	N/A	N/A	N/A
National Guard Bureau:				
Counterdrug training schools[e]	62.1	72.8	145.8	280.7
Other training:				
U.S. Army Military Police School	579.1	385.8	455.0	1,419.9
Total	**$6,822.3**	**$9,393.8**	**$13,769.4**	**$29,985.5**

Legend: N/A = Not applicable.

Note: Dollar amounts are estimated and have been rounded to the nearest thousand.

[a]The laboratory became operational in July 1998. Thus, the funding figure shown for 1998 covers 3 months (July through Sept.).

[b]In joint investigations with state and local law enforcement agencies, the Army may conduct forensic analyses. However, because the Army has an independent interest in such investigations, it does not categorize its participation in these investigations as providing assistance to state and local law

enforcement agencies. Thus, the Army did not provide us any prorated funding data for these investigations.

[c]The Naval Criminal Investigative Service was unable to provide estimated funding data by fiscal years. Therefore, the funding data are by calendar year.

[d]The Marine Corps does not have a forensics laboratory. Rather, for its forensic analysis needs, the Corps relies on other military or state laboratories.

[e]Crime technology-related courses were provided at two of the National Guard Bureau's three counterdrug training schools. According to DOD, National Guard Bureau counterdrug program funding is provided by the Office of Drug Enforcement Policy and Support.

Source: GAO summary of data provided by DOD components.

Defense Security Service

As table 2 shows, the Defense Security Service estimated that its assistance to state and local law enforcement totaled approximately $5,200 during fiscal years 1996 through 1998. This total represents responses to 59 requests—with estimated assistance costs ranging from $75 to $100 per request (or an average of $87.50 per request)—for information from the Defense Clearance and Investigations Index.[11]

A single, automated central repository, the Defense Clearance and Investigations Index, contains information on (1) the personnel security determinations made by DOD adjudicative authorities and (2) investigations conducted by DOD investigative agencies. This database consists of an index of personal names and impersonal titles that appear as subjects, co-subjects, victims, or cross-referenced incidental subjects in investigative documents maintained by DOD criminal, counterintelligence, fraud, and personnel security investigative activities. For example, state and local law enforcement agencies may request and receive completed Defense Security Service investigations in support of criminal investigations or adverse personnel actions.

DOD Computer Forensics Laboratory

The DOD Computer Forensics Laboratory (Linthicum, MD) became operational in July 1998. The laboratory is responsible for processing, analyzing, and performing diagnoses of computer-based evidence involving counterintelligence operations and programs as well as fraud and other criminal cases. According to DOD officials, forensic analyses can be provided to state and local law enforcement when there is a military interest or, in certain other instances, when specific criteria are met. In the last 3 months of fiscal year 1998 (July through Sept.), according to DOD officials, the laboratory performed 84 forensic analyses, 2 of which were

[11]According to a Defense Security Service official, these costs do not include self-help assistance (i.e., instances whereby state and local agencies directly access the database through the Department of the Treasury's Financial Crimes Enforcement Network). We accounted for this assistance in our earlier report, GAO/GGD-99-101, which discussed assistance provided by the Departments of Justice and the Treasury and the Office of National Drug Control Policy.

for law enforcement officials in the states of North Carolina and Tennessee, respectively. As table 2 shows, DOD estimated that its costs (which were based on prorated staff hours) in providing forensic assistance to the states were $14,000 (or $7,000 per analysis).

Intelligence Systems Support Office

For fiscal years 1996 through 1998, DOD obligated $28.1 million for the Gulf States Initiative. Using law enforcement intelligence software, the Gulf States Initiative is an interconnected communications system among the states of Alabama, Georgia, Louisiana, and Mississippi. Included in this system are (1) specialized software for the analysis of counterdrug intelligence information, (2) a secure and reliable communications network, and (3) standardized tools to analyze and report counterdrug intelligence information. Each state operates a drug intelligence center (located in the capital city) that is connected to the hubs in other states. This system allows states to process and analyze intelligence information.

Joint Task Force Six

At the request of a domestic law enforcement agency, DOD's Joint Task Force Six coordinates operational, technological, intelligence, and training support for counterdrug efforts within the continental United States. For fiscal years 1996 through 1998, Joint Task Force Six officials estimated that the costs of crime technology assistance provided by this DOD component to state and local law enforcement totaled $48,800. As table 2 shows, this assistance consisted of two types—communications assessments ($16,300) and intelligence architecture assessments ($32,500). In providing such assistance, military personnel essentially acted as technical consultants in evaluating state or local agencies' (1) existing communications systems, including their locations and the procedures for using them, and/or (2) intelligence organizations, functions, and systems.

Military Branch Investigative Agencies

The military branch investigative agencies generally do not unilaterally provide assistance to state and local law enforcement. However, if there is a military interest, a military investigative agency may jointly conduct an investigation with state or local authorities. (See table I.1 in app. I.) During such collaborative efforts, the Army, Air Force, and Navy may provide forensic support in areas involving, for example, fingerprints, drug chemistry, and questioned documents.

The cost data presented for the military branch investigative agencies in table 2 are the costs associated with (1) forensic analyses involving joint or collaborative cases and (2) other technology-related assistance, such as technical training. For example:

- In 1997, the Air Force enhanced the quality of an audiotape used as evidence for a homicide investigation for Prince George's County, MD. The Air Force estimated its costs to be $8,400 for this assistance.
- In addition to the forensic analyses conducted during fiscal years 1996 through 1998, the Navy also provided technical training to 386 state and local law enforcement personnel. Such training covered various aspects of forensic technology, such as conducting DNA analyses and using computer databases.

Although it does not have a forensic laboratory, the Marine Corps Criminal Investigation Division provided state and local law enforcement agencies with other types of assistance, such as the use of dog teams to detect explosives. However, we determined that these activities did not meet our definition of crime technology assistance.

National Guard Bureau

At two of its three counterdrug training locations in operation during fiscal years 1996 through 1998, the National Guard Bureau provided state and local law enforcement with courses that met our definition of crime technology assistance. According to National Guard Bureau officials, the two locations and the relevant courses (with a prorated estimated funding total of about $281,000 for the 3 fiscal years) are as follows:

- Multijurisdictional Counterdrug Task Force Training (St. Petersburg, FL): At this training location, the relevant course covered the use of technical equipment to intercept secure communications. This course accounted for about $60,000, or about 21 percent of the total $281,000 funding.
- Regional Counterdrug Training Academy (Meridian, MS): At this location, National Guard Bureau officials identified the following three relevant courses: (1) Basic Technical Service/Video Surveillance Operations, (2) Counterdrug Thermal Imagery Systems, and (3) Investigative Video Operations. These courses accounted for about $221,000, or the remaining 79 percent of the $281,000 funding total.

U.S. Army Military Police School

The U.S. Army Military Police School (Fort Leonard Wood, MO) provided counterdrug training to state and local law enforcement agencies. Eight courses were conducted that focused on drug enforcement training for non-DOD students, including state and local law enforcement personnel. In response to our inquiry, DOD officials indicated that two of these courses—(1) Counterdrug Investigations and (2) Basic Analytical Investigative Techniques—fit our definition of crime technology assistance. For example, the Counterdrug Investigations course covered such topics as (1) criminal intelligence, (2) surveillance operations, and (3) technical surveillance equipment (audio/video). The Basic Analytical

Investigative Techniques course trained law enforcement personnel how to maintain an automated criminal intelligence system under multijurisdictional narcotics scenarios. This course also covered such topics as (1) the analytical process, (2) sources of information, and (3) flowcharting.

Regarding these 2 courses, Military Police School officials told us that training was provided to 2,121 state and local law enforcement personnel during fiscal years 1996 through 1998, at an estimated cost of over $1.4 million.

In-Kind Transfer Programs

During fiscal years 1996 through 1998, DOD's in-kind assistance to state and local law enforcement totaled about $95.9 million. As table 3 shows, this category of assistance was provided by two DOD components—the Defense Information Systems Agency (about $24 million in the procurement and transfer of new equipment) and the Defense Logistics Agency (about $72.0 million in the transfer of surplus equipment). More details about the in-kind assistance provided by each of these two components are presented in respective sections following table 3.

Table 3: DOD In-Kind Transfers Provided to State and Local Law Enforcement Agencies, Fiscal Years 1996 Through 1998

Obligations in thousands of dollars

Component and assistance	1996	1997	1998	Total
Defense Information Systems Agency:				
Regional Police Information System[a]	$0.0	$0.0	$3,000.0	$3,000.0
Southwest Border States Anti-Drug Information System[b]	7,460.0	9,457.0	4,000.0	20,917.0
Subtotal	**$7,460.0**	**$9,457.0**	**$7,000.0**	**$23,917.0**
Defense Logistics Agency:				
Alarm, signal, and security detection equipment	56.9	54.9	166.3	278.1
Automated data processing units, equipment, components, software, and control systems[c]	6,218.4	10,824.5	12,492.6	29,535.5
Chemical analysis instruments	109.9	41.8	17.4	169.1
Communications security equipment and components	37.6	30.7	25.8	94.1
Cryptologic equipment and components	23.9	0.0	0.0	23.9
Night vision equipment (emitted and reflected radiation)	7,051.9	3,199.4	6,648.8	16,900.1
Radar equipment (except airborne)	1,151.7	177.8	68.8	1,398.3
Radio and television communication equipment (except airborne)	7,738.2	5,730.3	6,698.4	20,166.9
Stimulated coherent radiation devices, components, and accessories	62.6	1.8	0.0	64.4
Underwater sound equipment	2.6	0.6	52.2	55.4
Video recording and reproducing equipment	388.5	600.4	896.5	1,885.4
Visible and invisible light communication equipment	702.9	339.0	347.1	1,389.0
Subtotal	**$23,545.1**	**$21,001.2**	**$27,413.9**	**$71,960.2**
Total	**$31,005.1**	**$30,458.2**	**$34,413.9**	**$95,877.2**

Note: Dollars were rounded to the nearest thousand.

[a]This system was procured by DOD and given to the states in fiscal year 1998.

[b]According to DOD officials, during fiscal years 1996 and 1997, equipment was procured and given to the states, although the legal transfer of the equipment from DOD to the states did not occur until September 1997. For fiscal year 1998, the officials explained that equipment was procured and given to the states; but, as of August 1999, DOD had not legally transferred ownership of the equipment to the states.

[c]This line item consists of nine separate federal supply classes. For table presentation purposes, we combined the nine supply classes into one line item.

Source: GAO summary of data provided by DOD components.

Defense Information Systems Agency

The in-kind assistance (about $24 million) provided by the Defense Information Systems Agency consisted of the procurement and transfer of equipment for the following information-sharing or communications systems:

- Regional Police Information System ($3 million): Arkansas, Louisiana, and Texas use this system, which (1) provides automated information capabilities for detecting and monitoring illegal drug activities within each state's jurisdiction and (2) facilitates the sharing of both strategic and tactical intelligence among participating agencies.
- The Southwest Border States Anti-Drug Information System (about $21 million): This is a secure law enforcement counterdrug information-sharing system that connects intelligence databases of four southwest border states (Arizona, California, New Mexico, and Texas); the three Regional Information Sharing Systems in that area; and the El Paso Intelligence Center. This system provides for secure E-mail transmissions and includes a preestablished query system. The system allows all participants to query the databases of all other participants and has an administrative Web site server that offers key electronic services, such as providing agency contact information and system usage statistics.

Defense Logistics Agency

Through its Law Enforcement Support Program, the Defense Logistics Agency provided about $72.0 million of crime technology-related, in-kind assistance to state and local law enforcement during fiscal years 1996 through 1998. As table 3 shows, most of this assistance consisted of the following three types of equipment or assets:

- Automated data processing units, equipment, components, software, and control systems ($29.5 million);
- Radio and television equipment ($20.2 million); and
- Night vision equipment ($16.9 million).

Collectively, these three categories accounted for $66.6 million or about 93 percent of the total crime technology-related, in-kind assistance (about $72.0 million) provided to state and local law enforcement by the Defense Logistics Agency during fiscal years 1996 through 1998.

Indirect Assistance May Result From DOD Research and Development Efforts

In its counterterrorism and counterdrug efforts, the federal government has invested considerable funds in recent years to develop technologies for detecting explosives and narcotics. For example, in 1996, we reported that DOD had spent over $240 million since 1991 to develop nonintrusive cargo inspection systems and counterdrug technologies for the Customs Service, the Drug Enforcement Administration, and other federal agencies.[12] Although not directly intended for state and local law enforcement agencies, some of DOD's research and development efforts have had spin-off benefits for these agencies. That is, proven technologies have resulted in crime-fighting products' becoming commercially available for purchase by all levels of law enforcement. In citing two examples, DOD officials commented basically as follows:

- A "percussion actuated neutralization disruptor"—funded by DOD's Office of Special Operations and Low-Intensity Conflict—can be used to disarm or neutralize pipebombs. Since becoming commercially available, this device has widespread applicability in all states and municipalities.
- A "temporal analysis system" has been developed under DOD's Counterdrug Technology Development Program Office. This computer-based system, which analyzes time-series and other event-related data, allows law enforcement to predict a criminal's activities and movements.

The DOD officials further commented that, while these items first became commercially available some time during fiscal years 1996 through 1998, the research and development funds associated with the items were obligated in years before 1996.

We did not attempt to identify all relevant examples nor to quantify the costs associated with specific products because DOD's research and development efforts primarily and directly support federal agency needs rather than those of state and local law enforcement. Also, (1) any spin-off benefits to state and local law enforcement may not occur until years after federal research and development funds are expended and (2) the acquisition of commercially available products generally is dependent on these agencies' own budgets.

Scope and Methodology

To identify relevant crime technology assistance programs, we reviewed, among other sources, the General Services Administration's Catalog of Federal Domestic Assistance. Also, to identify funding amounts, we contacted cognizant DOD officials and reviewed budget and other

[12] Terrorism and Drug Trafficking: Threats and Roles of Explosives and Narcotics Detection Technology (GAO/NSIAD/RCED-96-76BR, Mar. 27, 1996).

applicable documents provided by DOD components. We did not independently verify the accuracy or reliability of the components' funding data. However, to obtain an indication of the overall quality of these data, we contacted DOD officials to clarify the funding data when needed. Appendix I presents more details about our objectives, scope, and methodology.

We performed our work from May 1999 to September 1999 in accordance with generally accepted government auditing standards.

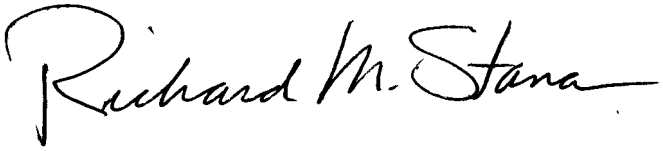
Agency Comments and Our Evaluation

On September 14, 1999, we provided DOD with a draft of this report for comment. On September 23, 1999, DOD's Office of the Inspector General orally informed us that the draft report had been reviewed by officials in relevant DOD components, and that these officials agreed with the information presented and had no comments.

As arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days after the date of this report. We are sending copies of this report to Senator Orrin G. Hatch, Chairman, and Senator Patrick J. Leahy, Ranking Minority Member, Senate Committee on the Judiciary; Representative Henry J. Hyde, Chairman, and Representative John Conyers, Jr., Ranking Minority Member, House Committee on the Judiciary; the Honorable William S. Cohen, Secretary of Defense; and the Honorable Jacob Lew, Director, Office of Management and Budget. Copies will also be made available to others upon request.

If you or your staff have any questions about this report, please contact me on (202) 512-8777 or Danny R. Burton on (214) 777-5700. Key contributors to this assignment are acknowledged in appendix II.

Sincerely yours,



Richard M. Stana
Associate Director, Administration
of Justice Issues

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Objectives, Scope, and Methodology

Objectives

Senator Mike DeWine requested that we identify crime technology assistance provided by the Department of Defense (DOD) to state and local law enforcement agencies. Specifically, for fiscal years 1996 through 1998, Senator DeWine requested that we identify the types and amounts of such assistance. As agreed, we categorized the assistance into the following three categories: (1) grants or other types of direct federal funding; (2) access to support services and systems, such as counterdrug or other intelligence centers; and (3) in-kind transfers of equipment or other assets. Also, to provide a supplemental perspective, we identified several relevant DOD research and development efforts that may have indirectly benefited state and local law enforcement agencies.

Definition of "Crime Technology Assistance"

As we discussed in our previous report covering assistance provided by the Departments of Justice and the Treasury and the Office of National Drug Control Policy, there is no commonly accepted definition of "crime technology assistance."[1] Thus, for our previous report and for this report, we developed our own definition by reviewing (1) a then pending bill (S. 2022), which has since been enacted into law,[2] related to crime technology assistance introduced by Senator DeWine during the second session of the 105th Congress, and its legislative history; (2) Senator DeWine's request letter and subsequent discussions with his office; (3) the General Services Administration's Catalog of Federal Domestic Assistance, which is a reference source of federal assistance programs, including crime control programs; and (4) Congressional Research Service reports on federal crime control assistance.

Accordingly, we defined crime technology assistance as "any technology-related assistance provided to state and local law enforcement agencies, including those of Indian tribes, for establishing and/or improving (1) criminal justice history and/or information systems and specialized support services or (2) the availability of and capabilities to access such services and systems related to identification, information, communications, and forensics." We used this definition in working with DOD officials to identify and quantify relevant assistance provided by DOD to state and local law enforcement agencies.

Overview of Scope and Methodology

To obtain an overview of the potentially relevant types and amounts of crime technology assistance provided by DOD to state and local law enforcement, we reviewed documentary materials, such as the General

[1] Crime Technology: Federal Assistance to State and Local Law Enforcement (GAO/GGD-99-101, June 7, 1999).

[2] P.L. 105-251 (Oct. 9, 1998).

Services Administration's Catalog of Federal Domestic Assistance, DOD directives, and various fiscal year authorization and appropriations laws. Also, we reviewed the U.S. Government Manual and worked closely with DOD officials to identify the DOD components that were most likely to have provided such assistance during fiscal years 1996 through 1998. In so doing, we identified and contacted the following DOD components:

Office of the Secretary of Defense

- Counterdrug Technology Development Program Office
- Intelligence Systems Support Office
- Office of the Department of Defense Coordinator for Drug Enforcement Policy and Support
- Office of Reserve Affairs
- Office of Special Operations and Low-Intensity Conflict

Defense Agencies

- Defense Information Systems Agency
- Defense Intelligence Agency
- Defense Logistics Agency
- Defense Security Service
- National Imagery & Mapping Agency
- National Security Agency

Department of the Army

- Army Criminal Investigation Command

Department of the Air Force

- Air Force Office of Special Investigations
- Air Force Security Service
- DOD Computer Forensics Laboratory

Department of the Navy

- Naval Criminal Investigative Service
- Marine Corps Criminal Investigation Division

Joint Task Force Six

- J-5 Plans

National Guard Bureau

- Counterdrug Directorate

U.S. Army Military Police School

- Directorate of Training

In contacting each of these DOD components, we interviewed responsible officials and reviewed relevant information, including organizational and mission descriptions. In addition, at each component contacted, we discussed our definition of "crime technology assistance" in relation to the range of possible examples applicable to the respective component.

Moreover, to further verify that we had identified the DOD components that most likely provided crime technology assistance to state and local law enforcement, we submitted a letter to the Deputy Assistant Secretary of Defense for Drug Enforcement Policy and Support. In our letter, we included a list of the DOD components contacted, and we requested that the Office for Drug Enforcement Policy and Support review the list for completeness. In responding, the Special Assistant for Intelligence and Technology commented that the list was extensive, and he was not aware of any other relevant DOD components or offices.

The following sections give more details about the scope and methodology of our work regarding each of the three assistance categories—grants or other types of direct federal funding, support services and systems, and in-kind transfers—and about indirect assistance resulting from DOD's research and development projects.

Scope and Methodology Regarding Grants or Other Direct Funding

In contacting each DOD component, we asked whether any grants or other types of direct federal funding were provided to state and local law enforcement agencies for crime technology purposes. According to responsible officials, DOD did not provide grants or other types of direct federal funding involving crime technology assistance. To corroborate this information, we reviewed the Catalog of Federal Domestic Assistance to identify any grants available from DOD. We determined that, of the available DOD grants, none met our definition of crime technology assistance.

Other DOD direct funding we identified involved funds to support the National Guard Bureau's counterdrug program. However, with one exception,[3] this funding did not meet our definition of crime technology assistance. Under 32 U.S.C. 112, this funding is provided to cover pay and allowances, clothing, operation and maintenance of equipment and facilities, and other related expenses of National Guard personnel engaged in counterdrug activities. The amount of funding available to each state's National Guard is based on a counterdrug plan approved by the respective state's governor. Each plan is to identify counterdrug missions that the state's National Guard will undertake during a given year.

Scope and Methodology Regarding Support Services and Systems

In interviewing DOD officials and reviewing applicable documents, we determined that the following DOD components had support services and systems that provided crime technology assistance to state and local law enforcement during fiscal years 1996 through 1998: the Defense Security Service, the DOD Computer Forensics Laboratory, the Intelligence Systems Support Office, Joint Task Force Six, the military branch investigative agencies, National Guard Bureau counterdrug training schools, and the U.S. Army Military Police School.

Defense Security Service

To determine the amount of assistance that the Defense Security Service provided to state and local law enforcement agencies through the Defense Clearance and Investigations Index, we asked for funding data related to the total number of responses made to these agencies' requests for information. However, because the Defense Security Service does not charge fees or track the costs of releasing investigation information to state and local law enforcement agencies, we were provided with an estimated funding range of $75 to $100 per request (which is an average of $87.50 per request).

According to Defense Security Service officials, this funding range included the costs associated with searching the database, retrieving the data, reproducing the files, and paying personnel and administrative expenses. The officials also told us that during fiscal years 1996 through 1998, they provided responses to 59 requests from state and local law enforcement agencies. To calculate the costs of providing this assistance, we multiplied the number of requests during each fiscal year by the average estimated cost of responding to each request ($87.50). The results are presented in table 2.

[3] The one exception involves courses at two of the National Guard's three counterdrug training locations in operation during fiscal years 1996 through 1998. We considered these courses to be "support services."

DOD Computer Forensics Laboratory

We requested descriptive information on the types of assistance that the DOD Computer Forensics Laboratory provided to state and local law enforcement agencies in 1998, which was the first year of its operations. More specifically, we asked for and obtained information on (1) the number of forensic analyses that were conducted, (2) the number of analyses that were conducted for state and local law enforcement, and (3) funding data on the costs associated with providing this assistance. Since laboratory officials were not required to separately track their costs for supporting state and local law enforcement, we relied on an agency estimate that was based on prorated staff hour and workload data.

Intelligence Systems Support Office

The Intelligence Systems Support Office has oversight responsibility for the Gulf States Initiative. As table 2 shows, for fiscal years 1996 through 1998, Congress appropriated $28.1 million in support of this initiative. We reviewed funding data provided to us by officials at the Intelligence Systems Support Office. According to the officials, all appropriated amounts were fully obligated during the respective fiscal years.

Joint Task Force Six

Joint Task Force Six officials provided us with descriptions of the types of assistance that this DOD component provided to state and local law enforcement agencies during fiscal years 1996 through 1998. Our review of this information and subsequent discussions with the officials indicated that 4 missions—of the 1,446 missions completed during the 3 fiscal years—met our definition of crime technology assistance. These four missions consisted of the following three types of crime technology assistance: (1) communications assessment, (2) intelligence architecture assessments, and (3) a technology demonstration (no cost).

Military Branch Investigative Agencies

We met with responsible officials from the various military branch (Army, Air Force, Navy, and U.S. Marine Corps) investigative agencies. We reviewed documents describing the organization and mission of these agencies. Also, for each investigative agency, we sought to obtain information on (1) the number of investigations that were completed for each fiscal year and (2) how many of the total involved investigations conducted jointly with state or local law enforcement agencies, as indicated in table I.1.

Table I.1: Number of Cases Closed by Military Branch Investigative Agencies, Fiscal Years 1996 Through 1998

Military branch investigative agency	Total closed cases	Joint closed cases[a]	Joint cases as a percentage of total cases
Army Criminal Investigation Division	21,846	2,468	11.3%
Air Force Office of Special Investigations[b]	13,203	N/A	N/A
Naval Criminal Investigative Service	31,213	3,677	11.8
Marine Corps Criminal Investigation Division[c]	N/A	N/A	N/A
Total	**66,262**	[d]	**N/A**

Legend: N/A = Not available.

[a]A joint case is one with a military interest and, thus, a military branch component jointly participated with a state or local law enforcement agency in investigating the case.

[b]Air Force officials indicated that their database was unable to separately identify closed cases that involved joint investigations with state or local law enforcement. However, the Air Force officials did identify one instance (in 1997) wherein the Air Force assisted Prince George's County, MD, by enhancing the quality of an audiotape used as evidence in a homicide investigation.

[c]Marine Corps officials told us that they do not track jointly conducted investigations with state or local law enforcement agencies. Rather, the Marine Corps' interests in applicable cases are handled by the Naval Criminal Investigative Service and included in their total cases.

[d]Total joint closed cases could not be determined because the Air Force Office of Special Investigations does not separately identify these data.

Source: GAO summary of data provided by DOD components.

In addition to working jointly with state or local enforcement agencies on selected cases, the Navy also provided relevant technical training. For this type of technology-related assistance, the Navy provided us cost estimates that were based on (1) the number of state and local personnel trained and (2) training program budgets.

National Guard Bureau Counterdrug Training

On the basis of information provided by the National Guard Bureau and review of mission-related and other documents, including course descriptions, we determined that two of the National Guard Bureau's three counterdrug training locations in operation during fiscal years 1996 through 1998, provided courses that met our definition of crime technology assistance. For the relevant courses, National Guard Bureau officials calculated funding amounts that were based on (1) the number of state and local law enforcement personnel trained and (2) instructor pay and allowances.

Other Training

We obtained descriptive information and estimated funding data on two training courses offered by the U.S. Army Military Police School's Advanced Law Enforcement Training Division (Fort Leonard Wood, MO)—(1) Counterdrug Investigations and (2) Basic Analytical Investigative

Techniques. Both courses covered crime technology-related topics and were made available to state and local law enforcement agencies. U.S. Army Military Police School officials provided us with estimated funding data for these two courses that were based on (1) the number of state and local law enforcement personnel trained and (2) prorated operating budgets.

Scope and Methodology Regarding In-Kind Transfers

In interviewing DOD officials and reviewing applicable documents, we determined that the following two DOD components made in-kind transfers of crime technology-related equipment to state and local law enforcement during fiscal years 1996 through 1998: (1) the Defense Information Systems Agency and (2) the Defense Logistics Agency.

Defense Information Systems Agency

The Defense Information Systems Agency transferred the following two automated information systems to state or local law enforcement: (1) the Regional Police Information System and (2) the Southwest Border States Anti-Drug Information System. For each of these systems, the Defense Information Systems Agency provided us with information on the funding amounts obligated annually for the 3-year period covered by our study.

Defense Logistics Agency

We worked with Defense Logistics Agency officials to identify which of the federal supply classes (639 classes) possibly met our definition of crime technology assistance. We determined that 20 of the federal supply classes contained equipment that met the definition. Of these 20 federal supply classes, 9 involved various types of automated data processing equipment or components. For funding presentation purposes, we combined these nine classes into a single line item. Thus, table 3 presents funding data for this combined line item and for the other 11 federal supply classes. The funding amounts shown in the table are based on original acquisition costs.

Scope and Methodology Regarding Research and Development

To obtain information about DOD's research and development projects that may have indirectly benefited state and local law enforcement during fiscal years 1996 through 1998, we contacted (1) the Counterdrug Technology Development Program Office and (2) the Office of Special Operations and Low-Intensity Conflict. We obtained descriptive information on (1) the types of technologies that these offices developed and (2) examples of related crime-fighting products that had subsequently become commercially available to all levels of law enforcement.

We did not attempt to identify all relevant examples nor to quantify the costs associated with specific products because DOD's research and development efforts primarily and directly support federal agency needs

rather than those of state and local law enforcement. Also, (1) any spin-off benefits to state and local law enforcement may not occur until years after federal research and development funds are expended and (2) the acquisition of commercially available products generally is dependent on state and local law enforcement agencies' own budgets.

Data Accuracy and Reliability

Generally, we relied on funding information that DOD officials provided to us. Since DOD accounting systems are not required to and typically do not specifically track crime technology assistance, officials used various methods to estimate the amounts of such assistance provided to state and local law enforcement. We did not independently verify the accuracy or reliability of the funding data provided by DOD officials. However, to help ensure the overall quality of the funding data, we contacted DOD officials to clarify the funding data when needed. In addition to this, we

- reviewed corresponding fiscal year authorization and appropriation legislation and
- obtained information on and reviewed the processes used by agency officials to calculate the estimated amounts of crime technology assistance.

GAO Contacts and Staff Acknowledgments

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