

United States General Accounting Office

GAO

Report to the Chairman, Subcommittee on
Government Information, Justice and
Agriculture, Committee on Government
Operations, House of Representatives

November 1985

COORDINATION

Referral of Federal Criminal Cases to Local Law Enforcement Agencies



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General Government Division

B-220355

November 19, 1985

The Honorable Glenn English
Chairman, Subcommittee on Government
Information, Justice, and Agriculture
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

On November 8, 1984, you requested that we assist the Subcommittee in determining whether state and local law enforcement officials are of the opinion that they have been "overburdened" with federally referred criminal cases and that meritorious cases were going unprosecuted. This letter summarizes the results of our work and information provided in a briefing for your office on August 29, 1985.

As agreed with your office, we concentrated on the following steps in responding to your request:

- Plot responses to the Subcommittee's 1982 law enforcement survey questionnaire on a map of the United States to ascertain whether there were any geographic patterns associated with the distribution of data supplied by state and local law enforcement officials regarding federally referred criminal cases.
- Determine the availability of data on federal investigative and prosecutive caseloads and dispositions and rates of referral to state and local law enforcement agencies.
- Design a questionnaire for use in conducting an opinion survey of state and local police, sheriffs, and prosecutors to ascertain whether they felt that they were overburdened with federally referred cases and that meritorious cases were not prosecuted.

During our briefing, your office decided that we should consider each of the above steps to be satisfactorily completed. The following summarizes the results of our work on these tasks.

1982 Law Enforcement Survey

To display the data from the Subcommittee's 1982 law enforcement survey, we created a series of computer-generated, color-coded maps of the United States which illustrated the distribution of responses by counties to selected questions as received from state and local police and sheriffs' departments and prosecutors. After reviewing the maps, your office

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concluded that meaningful geographic patterns were not evident in the response distributions.

Analysis of Federal Agency Data

There are no data compiled by federal agencies on the number of criminal complaints, matters, or cases they referred to state and local authorities. Also, data on federal investigative and prosecutive workloads and case disposition are incomplete and not sufficient to infer that changes in these data constitute evidence (a) of an increase or decrease in the number of federal origin complaints, matters, or cases referred to state and local agencies, (b) of a burden on state and local resources, or (c) that meritorious cases referred by federal agencies are not being prosecuted.

GAO Survey Questionnaire

We designed questionnaires to obtain the views of officials of state and local investigative and prosecutive agencies on whether they were overburdened with federal referrals and whether, in their opinion, meritorious criminal cases were not prosecuted.

As we were identifying and developing survey questions, we met or talked by phone with state and local prosecutors, police, and sheriffs to determine the availability of data and information on investigative and prosecutive workloads and disposition of cases. We asked 17 of these officials whether their agencies maintain records showing the number of federally referred criminal cases received; all responded that such records are not kept. They told us that considerable time and resources would have to be devoted to compile available data and develop estimates of federal referrals and their disposition. One official commented that filling out a questionnaire on this subject would represent more of a burden than handling the few federally referred criminal cases received in recent years.

We asked 20 state and local agency officials their opinion as to whether or not their agencies were “overburdened” with federally referred cases. Seventeen responded that their agencies were not overburdened, while three stated that their agencies were overburdened with such cases. Also, we asked 11 state and local officials whether meritorious criminal cases referred to their agencies by federal authorities go unpursued. Six officials said that they did not think these cases go unpursued, three said that this was possible but that they were not sure, and two officials told us that, in their opinion, some cases referred by federal agencies had not been pursued.

In addition to briefing your office on the results of our inquiries, and at your office's request for our opinion on anticipated responses to a questionnaire, we stated that officials would probably respond in a manner which would indicate that they have not had much, if any, problem in handling criminal case referrals. As arranged with your office, we will send copies of this report to others upon request.

Please contact us if we can be of any further assistance.

Sincerely yours,



William J. Anderson
Director

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