

March 2002

INS FORENSIC
DOCUMENT
LABORATORY

Several Factors
Impeded Timeliness of
Case Processing



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Abbreviations

ASCLD	American Society of Crime Laboratory Directors
EOIR	Executive Office for Immigration Review
FACETS	Forensic Automated Case and Evidence Tracking System
FBI	Federal Bureau of Investigation
FDL	Forensic Document Laboratory
FTE	full-time equivalent
INS	Immigration and Naturalization Service
OMB	Office of Management and Budget



G A O

Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

March 13, 2002

The Honorable F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary
House of Representatives

The Honorable George W. Gekas
Chairman, Subcommittee on Immigration and Claims
Committee on the Judiciary
House of Representatives

With nearly 200 countries using unique passports, official stamps, seals, and visas, the potential for immigration document fraud is great. In addition, more than 8,000 state and local offices issue birth certificates, drivers' licenses, and other documents that aliens can use to establish residency or identity. This further increases the number of documents that can be fraudulently used by aliens to gain entry into the United States, obtain asylum or relief from deportation, or receive such other immigration benefits as work permits or legal permanent residency.

The Immigration and Naturalization Service's (INS) Forensic Document Laboratory (FDL) is the only federal forensic crime laboratory dedicated almost exclusively to document fraud detection. Each year INS and other government officials send thousands of documents suspected of being fraudulent to FDL for examination.

Since the terrorist attacks on September 11, 2001, FDL has been extensively involved in federal efforts to combat terrorism. For example, FDL has worked jointly with the Federal Bureau of Investigation (FBI) to identify and develop evidence against suspected terrorists. As part of this effort, FDL has examined passports removed from aircraft crash sites; conducted fingerprint analyses to determine whether the "Shoe Bomber," who sought to ignite a bomb aboard a trans-Atlantic flight in December 2001, had previously entered the United States under another identity; and conducted forensic examinations for the Joint Terrorism Task Force.¹

¹ The Joint Terrorism Task Force includes more than 140 federal and local agencies who respond to terrorist incidents and investigate terrorist groups and individuals targeting or operating within the New York metropolitan area.

FDL's analyses in cases involving suspected terrorists, criminal aliens, and illegal immigrants have provided such information as a suspect's travel itinerary, criminal history, and identity.

For several years, FDL has reportedly been unable to complete many of its cases by the requested deadlines. As a result, its customers are concerned that documents will not be examined in time for scheduled court hearings and that hearings may be held without forensic evidence or testimony. As agreed with your offices, we reviewed FDL's work and workload and the factors that affect them, particularly with respect to FDL's forensic examination of documents. Specifically, this report addresses the following questions: (1) What were FDL's budget, staffing, and workload in fiscal years 1999, 2000, and 2001? (2) What key factors have affected FDL's ability to carry out its mission in a timely and efficient manner?

Results in Brief

Although FDL's budget and staffing levels increased from fiscal years 1999 to 2001, its workload varied. FDL's budget was about \$4.1 million in fiscal year 2001, about \$549,000 (or 15 percent) higher than in fiscal year 1999. FDL's staff level was 35 full-time equivalent (FTE) staff, three more FTEs (or about 11 percent higher) than in fiscal year 1999. While FDL's total forensic caseload declined from fiscal years 1999 to 2001, the number of forensic cases pending at the beginning of each year increased. The total number of forensic cases that FDL received and completed rose from fiscal years 1997 to 1999 and decreased each year thereafter. In fiscal year 1999, INS established a forensic case priority system intended to ensure that certain categories of cases received priority attention by FDL examiners. Despite the new system, FDL's overdue caseload and case completion time for its highest-priority cases—custody and criminal cases—were higher in fiscal year 2001 than in fiscal year 2000. Although we do not know what the case completion time would have been without the case priority system, case completion time increased on average from 12 to 19 days for custody cases and from 11 to 34 days for criminal cases.

According to FDL officials, FDL's ability to process forensic cases in a timely manner has been affected by staff shortages, despite increases in staff levels, and laboratory accreditation requirements. In fiscal year 2001, FDL forensic examiners completed an average of 32 cases per month out of an assigned caseload of about 44 cases per month. FDL officials said that, as a result of the laboratory earning accreditation by the American Society of Crime Laboratory Directors (ASCLD) in February 2001, it now has additional documentation and case review responsibilities that have led to increases in average case completion time and overdue cases. A

January 2002 supplemental appropriation by Congress will result in a near doubling of FDL's staff size and budget. However, because FDL will need time to recruit, hire, and train the new staff, the impact of these increases on case completion time and reduction in pending caseload will not be immediate and remain to be seen.

FDL's ability to effectively manage its caseload has been affected by data limitations. For example, FDL does not maintain data in its database on the court deadline for all administrative cases in which hearings have been scheduled. Instead, FDL considers such a case to be overdue if it is not completed within 90 days, a deadline FDL established internally, even if the court hearing is scheduled further than 90 days away. FDL also does not maintain complete information on the total amount of time that forensic staff works on a case. Without these types of information, FDL is limited in its ability to make fact-based decisions about how to manage workflow, manage staff time, or set realistic case completion goals.

We are making recommendations to the attorney general regarding the recording of additional information in its database to help FDL better manage and monitor its workload. The Department of Justice was provided a draft of this report for comment and concurred with our recommendations.

Background

Established in 1979 as part of INS's intelligence program, FDL's mission is to provide a variety of forensic and intelligence services to INS and other federal, state, local agencies, and foreign governments. FDL's library of international travel and identity documents, the largest such library in the Western Hemisphere and possibly the world according to FDL officials, helps document examiners determine the authenticity of a document through comparison with valid exemplars.

FDL is organized into forensic and intelligence sections. The forensic section consists of forensic scientists — including document examiners and fingerprint specialists — who have completed extensive training and have been certified by a professional association within their field. Among other activities, examiners study handwriting, fingerprints, digital evidence, stamps, and seals; attempt to restore obliterated or altered documents; examine suspected counterfeit documents to identify forgeries or alterations; and process evidence submitted to the laboratory to

develop latent fingerprints.² In addition, examiners testify as expert witnesses in judicial proceedings and provide technical advice and assistance in developing major cases involving fraudulent documents.

In general, FDL's intelligence section provides technical advice to domestic and foreign government officials on the authenticity of travel and identity documents and collaborates with these government officials to combat illegal immigration and international document fraud. The intelligence section operates during extended hours 7 days a week. Among their other activities, intelligence officers (1) conduct training programs on fraudulent document detection for immigration officers and other government officials; (2) produce document intelligence alerts, which are color photo bulletins that depict recently encountered fraudulent documents; (3) update and maintain FDL's library of document exemplars, and (4) provide information on a real-time basis to inquiries from INS field offices using the Image Retrieval Terminal (IRT)³ and Photophones. Photophones allow two users to simultaneously view an image and are used by FDL to respond to questions about suspect travel documents. They are based on a tele-imagery system that integrates a computer, video camera, printer, and a display monitor, each of which is connected to a telephone. Using the video camera, a user can capture a high-resolution image of a document, photograph, or fingerprint and transmit the image to any other photophone through a regular telephone line in approximately 20 seconds.

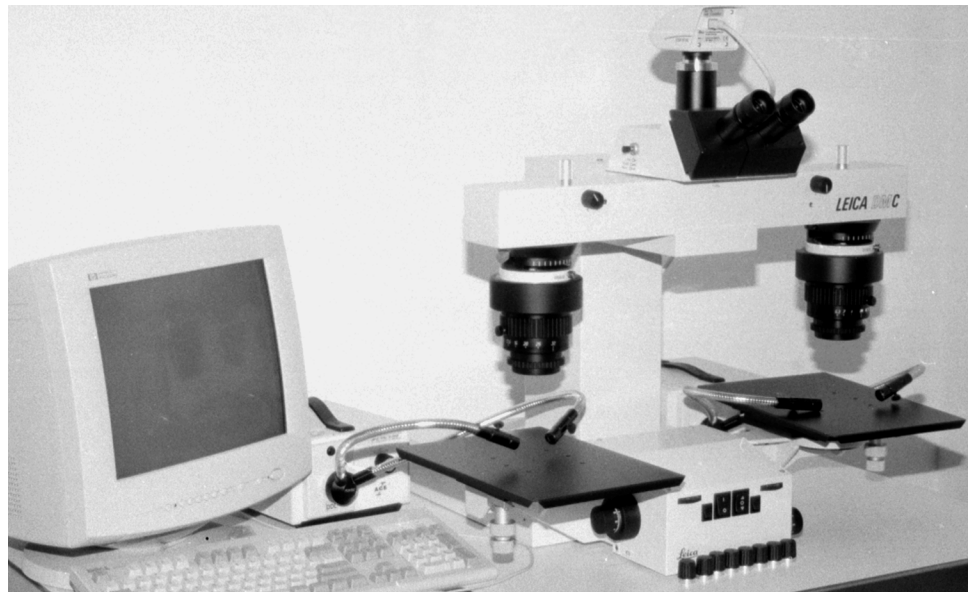
The following steps are to occur in FDL's processing of forensic cases: (1) FDL receives the initial request for examination of evidence and enters preliminary information on the request (defined by FDL as a "case") into its Forensic Automated Case and Evidence Tracking System (FACETS) database; (2) depending on the type of case, FDL assigns the case to one or more specialists. A document case is assigned by country of origin of the evidence to the examiner with the greatest knowledge of that country; a case requiring fingerprint analysis is assigned to a fingerprint specialist; a case requiring intelligence analysis, such as producing photographic slides

² Fingerprint specialists compare latent fingerprints with known fingerprints in order to identify an individual or to establish conspiratorial links among known and suspected criminal targets.

³ IRT is part of an INS database that includes the photograph, fingerprint, and signature of aliens issued Permanent Resident Cards. FDL uses IRT to respond to inquiries about the authenticity of these cards.

comparing a suspect document to an exemplar, is assigned to an intelligence officer for examination;⁴ (3) the examiner(s) analyze the evidence and prepare a report of findings; (4) the case findings undergo an administrative review by a supervisor and, in some cases, a technical review by a peer;⁵ and (5) when the case is complete, FDL closes the case in FACETS, packages the evidence, and returns it with a report on the case to the requester. Figure 1 shows a comparison microscope, which forensic examiners use to compare microscopic elements of two documents side-by-side. Each microscope is connected to the computer monitor, allowing images of the two documents to be displayed for the examiner.

Figure 1: Comparison Microscope



Source: FDL.

⁴ A small number of forensic cases have an intelligence component. For example, according to FDL, in fiscal year 2001, FDL received 58 cases that involved both forensic and intelligence work.

⁵ In an administrative review, a supervisor reads the report for organization and clarity. All cases undergo administrative review. In a technical review, another examiner reworks the case to independently verify the findings. A minimum of 5 percent of all forensic cases undergo technical review.

Intelligence officers in FDL's intelligence section receive different types of requests for assistance. For the majority of their work, intelligence officers are asked to provide real-time responses to requests for information. These requests include Photophone and IRT inquiries,⁶ as well as requests for other assistance (e.g., requests to query other agencies' databases or check an exemplar in FDL's library). Intelligence officers may also be asked to respond to longer-term requests, such as developing training materials on document fraud detection. In these instances, the intelligence officer is to bring the request to the evidence technician and the request is to be logged into FACETS as an intelligence case. Finally, an intelligence officer may work collaboratively with a forensic examiner when a case involves both an intelligence and a forensic component (e.g., when a document is examined both for authenticity and to determine if it may be part of a document fraud scheme). Appendix I contains a flow chart of how cases are processed at FDL.

Objectives, Scope, and Methodology

We reviewed the work and workload of FDL and identified factors that have affected FDL's ability to perform its mission in a timely manner, particularly with respect to FDL's forensic examination of documents. Specifically, we addressed the following questions in this report:

- What were FDL's budget, staffing, and workload in fiscal years 1999, 2000, and 2001?
- What key factors have affected FDL's ability to carry out its mission in a timely and efficient manner?

We reviewed FDL policies and procedures and directly observed case processing steps conducted by FDL forensic document examiners and intelligence officers. To describe FDL's workload, budget, and staffing levels, we interviewed officials at FDL, INS headquarters, and the Office of Management and Budget (OMB). We obtained workload data from FDL's FACETS database showing the number and types of cases received and completed, and the number of cases pending for fiscal years 1997 to 2001. We also reviewed FDL's budget requests and allocations for fiscal years 1999 to 2001.

⁶ According to FDL, often a Photophone or IRT inquiry about a document will result in a forensic case when the requester submits the suspect document to FDL for forensic examination. FDL does not keep track of the number of intelligence requests that are subsequently submitted to the forensic section.

To identify key factors that affect FDL's performance, we reviewed documentation and interviewed officials at FDL; INS headquarters; INS district counsel offices in Los Angeles, New York, and Miami; the Executive Office for Immigration Review (EOIR);⁷ and the American Society of Crime Laboratory Directors.

We did not independently verify the reliability and accuracy of workload data provided by FDL. Through discussions with FDL officials, we learned that FDL conducts some checks on the data in FACETS. These include (1) periodic reviews of the database for typing and format errors; (2) automatic checks for certain data fields, such as date fields, that prevent the entry of inaccurate information; and (3) semiannual audits of open cases at FDL, during which each case is physically accounted for and the case information is verified against the data recorded in FACETS. Our analyses of FDL's workload data indicated that the data were generally valid and useful for understanding trends in FDL's workload. However, we identified discrepancies between FDL's pending caseload statistics and our estimates of the size of the pending caseload based on other FDL data provided to us. FDL officials agreed with our methodology for calculating its annual pending caseload and were able to account for some of the difference between the two sets of numbers. FDL provided data on withdrawn cases for fiscal years 1999 through 2001 indicating that these cases accounted for a portion of the discrepancy. However, the gap between their figures and ours was not completely closed, and we point this out in table 3.

We conducted our work between June 2001 and February 2002 in accordance with generally accepted government auditing standards.

⁷ EOIR, an agency within the Department of Justice, is responsible for adjudicating immigration cases, including cases involving aliens seeking asylum and detained aliens.

FDL's Budget and Staffing Were Somewhat Higher in Fiscal Year 2001 than Fiscal Year 1999 and Will Increase Substantially in the Future

FDL's budget was about \$4.1 million in fiscal year 2001, about 15 percent higher than in fiscal year 1999 (see table 1). This increase was due largely to increases in the salaries and benefits for permanent INS staff who were transferred to FDL and for contractor staff—both of which were funded from other INS programs.⁸ As shown in table 1, there was a nearly twofold increase in both the salaries and benefits for staff who were transferred to FDL (from about \$174,000 to about \$490,000) and in funding for contractor staff (from about \$134,000 to about \$363,000).

Table 1: FDL's Annual Budget, Fiscal Years 1999 to 2001

	FY 1999	FY 2000	FY 2001
Total personnel salaries and benefits	\$2,727,153	\$2,818,589	\$3,274,500
Salaries & benefits of FDL permanent staff ^a	2,419,294	2,292,045	2,421,734
Salaries & benefits of permanent staff transferred to FDL from other INS programs	174,084	222,698	489,833
Salaries & benefits of contractor staff ^b	133,775	303,846	362,933
Operating expenses ^c	854,643	848,452	856,688
Total	\$3,581,796	\$3,667,041	\$4,131,188

Note: FDL's activities were funded through INS's intelligence program. Neither FDL nor the intelligence program budget office maintains a separate, comprehensive annual budget for FDL. The figures in the table represent a combination of expenditures and budgeted funds. Personnel salaries and benefits represent actual expenditures, and operating expenses are based on FDL's annual authorized spending levels from INS's intelligence program.

^aIncludes full-time and part-time staff.

^bFDL budgeted funding for contractors in the fiscal year in which the contract is signed. The figures in table 1 reflect FDL's expenditures in the fiscal year in which the contractor staff actually performed the work. If contractors worked only a portion of the year, our calculations took that into account.

^cIncludes travel, supplies, equipment, and overtime, but not funding from other programs.

Source: INS intelligence program and GAO's analysis of FDL's data.

In fiscal year 2001, FDL's total staff level was 35 full-time equivalent staff, up from FDL's fiscal year 1999 level of 31 full-time equivalent staff. From fiscal year 1999 to fiscal year 2001, FDL increased its full-time equivalent forensic examiner staff by about two FTE's and its intelligence officers by about three FTEs. In fiscal year 2001, there were three document examiner trainees at FDL who were enrolled in FDL's in-house training program but

⁸ Funding sources include INS's intelligence, inspections, field operations, and border patrol programs.

were not yet independently working on cases. Table 2 presents FDL's staffing levels by type of position for fiscal years 1999 through 2001.

Table 2: Number of Full-Time Equivalent FDL Staff, Fiscal Years 1999 to 2001

	Full-time equivalents ^a		
	FY 1999	FY 2000	FY 2001
FDL director	1.0	1.0	1.0
Total forensic examiners	14.8	15.2	16.6
Forensic document examiners, including trainees	10.6	10.3	11.8
Contract document examiners	1.2	1.9	2.1
Fingerprint technicians	3.0	3.0	2.7
Intelligence officers	7.2	8.0	10.0
Forensic support	3.0	3.0	3.4
Administrative	5.3	3.7	3.6
Total	31.3	30.9	34.6

^aFTE calculations account for staff leave time, but not for factors such as section chiefs' and supervisors' time spent on managerial duties and trainees who are not allowed to independently work on cases.

Source: GAO's analysis of FDL's data.

Subsequent to the terrorist attacks on September 11, 2001, INS submitted an emergency supplemental appropriation request to Congress that included 31 additional positions and technology enhancements totaling about \$7.5 million for FDL. In January 2002, Congress enacted the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act (P.L. 107-117). FDL was provided the additional 31 positions and about \$8 million from this appropriation.⁹

⁹ In addition to funding for additional staff, approximately \$5.7 million will be used for microfilm conversion to electronic images, and \$413,000 will be used for FDL technology enhancements such as laboratory equipment, library automation, and a new and enhanced case management and evidence tracking software application.

FDL's Workload Has Varied Over Time, While the Number of Pending and Overdue Forensic Cases Has Increased

The total number of forensic cases that FDL received and completed¹⁰ increased from fiscal years 1997 through 1999 and decreased from fiscal years 1999 through 2001. In contrast, the number of forensic cases pending at the beginning of each year increased between 1999 and 2001. In an effort to ensure that certain types of cases received priority attention by FDL forensic examiners, INS established four categories of priorities in 1999. Cases involving individuals held in INS custody and criminals were designated as FDL's two highest priorities. Notwithstanding the new priority system, FDL's pending and overdue caseload for custody and criminal cases were higher in fiscal year 2001 than in fiscal year 2000.

FDL's intelligence work is multifaceted, involving responding to requests for information, providing training for other government officials, and issuing document alerts. In each of these intelligence areas, FDL's workload has increased over time.

FDL's Forensic Caseload Declined Since Fiscal Year 1999, but Pending Cases Continued to Increase

As shown in table 3, FDL's total forensic caseload¹¹ declined 16 percent, from 7,723 cases in fiscal year 1999 to 6,471 cases in fiscal year 2001. In fiscal year 1999, FDL implemented its FACETS database and began tracking pending cases. The number of cases pending at the beginning of the fiscal year increased 80 percent, from 1,019 in fiscal year 1999 to 1,837 in fiscal year 2001. This may be a conservative estimate of the increase because, according to FDL officials, the number of cases pending at the beginning of fiscal year 1999 includes cases that were entered into FACETS during the first month of fiscal year 1999. According to FDL officials, the increase in the number of cases pending occurred primarily as a result of FDL's preparation and implementation of ASCLD standards, and the conversion of experienced document examiners to supervisors.

The number of forensic cases FDL received and completed peaked in fiscal year 1999, then declined in fiscal years 2000 and 2001 to the lowest

¹⁰ FDL considers a case to be completed when all of the following steps have occurred: (1) the forensic examiner has completed his/her investigation of the questioned documents; (2) the examiner has prepared a report detailing his/her findings; (3) the case has undergone administrative and, in some instances, a technical review; and (4) the case has been closed and logged out of the FACETS database.

¹¹ Caseload is the sum of the number of cases pending at the beginning of the fiscal year (i.e., cases that FDL did not complete from the prior fiscal year) and the number of cases FDL received during a given fiscal year, minus the number of withdrawn cases. The requester can withdraw a case at any time during case processing.

levels in 5 fiscal years. The number of cases received increased 29 percent between fiscal years 1997 and 1999 (from 5,211 to 6,718 cases) and decreased 28 percent between fiscal years 1999 and 2001 to 4,833 cases. Similarly, the number of cases completed increased 17 percent between fiscal years 1999 and 2001 (from 4,996 to 5,850 cases) and decreased 18 percent between fiscal years 1999 and 2001 to 4,781.

FDL did not have data on the status of a number of cases during each of fiscal years 1999 through 2001. As shown in table 3, there were 135, 223, and 56 cases with an unclear case status in fiscal years 1999, 2000, and 2001, respectively. FDL plans to use \$150,000 of the January 2002 emergency supplemental appropriation to upgrade or modify its automated case management system. FDL officials believe that such an upgrade will help FDL maintain better and more complete data on the status of its cases.

Table 3: FDL’s Forensic Cases Received, Completed, and Pending, Fiscal Years 1997 to 2001

Number of forensic cases	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Total caseload ^a	^b	^b	7,723	6,949	6,471
Cases pending at the beginning of the fiscal year	^b	^b	1,019 ^c	1,738	1,837
Cases received during fiscal year	5,211	6,022	6,718	5,292	4,833
Withdrawn cases	^b	^b	14	81	199
Cases completed	4,996	5,122	5,850	4,889	4,781
Unclear case status ^d	^b	^b	135	223	56

Note: The number of cases completed per forensic examiner FTE cannot be directly calculated using figures presented in tables 2 and 3. Table 2 does not account for factors such as supervisors’ time spent on managerial duties or trainees not independently working on cases. These factors would need to be accounted for to accurately portray the number of cases completed by forensic examiners.

^aTotal caseload is the sum of the number of cases pending at the beginning of the fiscal year and the number of cases FDL received during a given fiscal year, minus the number of withdrawn cases.

^bReliable data were not available.

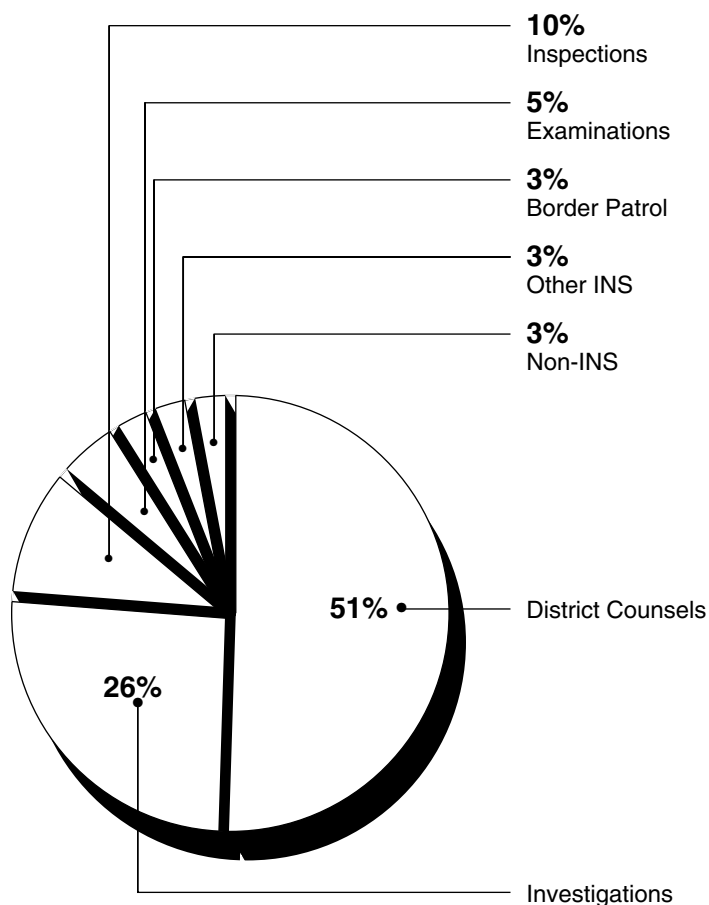
^cAccording to FDL officials, the number of cases pending at the beginning of fiscal year 1999 may be an overstatement of the true number of pending cases because of the inclusion of cases that were entered into the FACETS database in the first month of fiscal year 1999.

^dCases with unclear case status are calculated as the total caseload minus completed cases minus the number of cases pending at the beginning of the next fiscal year. For example, in fiscal year 1999, subtracting 5,850 completed cases from the total caseload of 7,723 equals 1,837. Cases with an unclear status in fiscal year 1999 are the difference between 1,837 and 1,738, or 135 cases.

Source: GAO’s analysis of FDL’s data.

According to FDL officials, field office personnel from within INS accounted for about 97 percent of all requests submitted to FDL for examination in fiscal year 2001. Officials from other agencies, such as the Department of State and the FBI, submitted 3 percent of FDL's requests in fiscal year 2001. Within INS, district counsels submitted about half of the requests, and investigators submitted about one-fourth of the requests. Figure 2 depicts the various sources of requests for FDL examination.

Figure 2: Sources of Requests for FDL Examination, Fiscal Year 2001



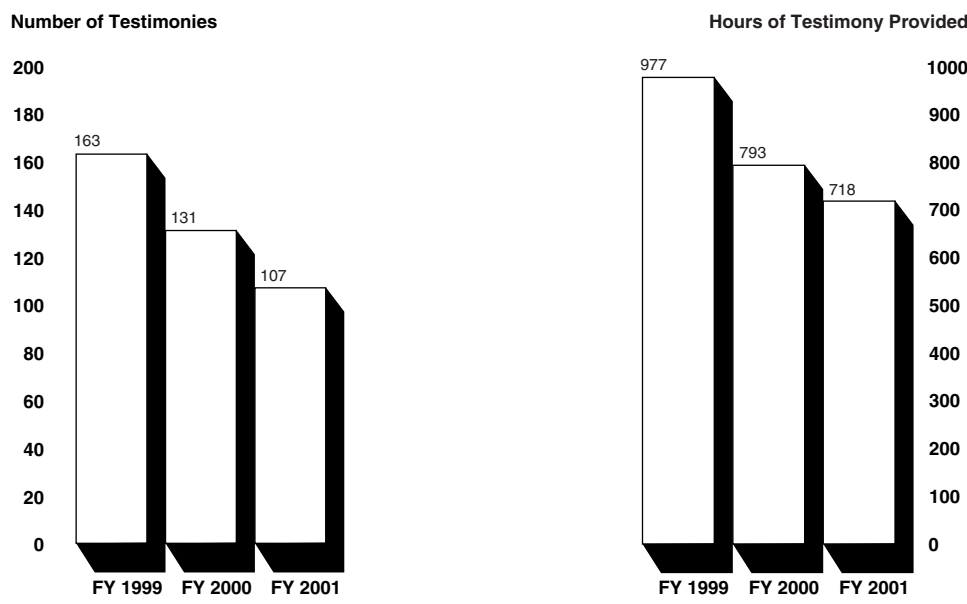
Notes: Includes both requests for forensic and intelligence case examinations.

Percentages do not sum to 100 percent due to rounding.

Source: FDL.

Forensic examiners receive subpoenas to present expert witness testimony in criminal prosecutions regarding examinations they conduct and also receive requests to testify in administrative proceedings. There was a decline from fiscal year 1999 to fiscal year 2001 in both the number of testimonies given by FDL examiners and the amount of time they spent giving testimony. As shown in figure 3, in fiscal year 2001 FDL examiners spent 718 hours delivering 107 testimonies, a decrease from fiscal year 1999 when examiners spent 977 hours delivering 163 testimonies. According to FDL officials, the data on testimonies for fiscal year 1999 are underreported because this was the first year the FACETS database was implemented. The officials said that cases completed before fiscal year 1999 that resulted in hearings during fiscal year 1999 were not entered into the FACETS database because the cases they pertained to were not in the database. Consequently, relative to fiscal year 1999, FDL experienced an even greater decline in testimony activity than is reflected in figure 3. FDL officials said they do not control the number of testimonies they receive in a given fiscal year because testimonies are initiated by requesters (e.g., INS district counsels).

Figure 3: Number and Hours of Testimony Provided by FDL Examiners, Fiscal Years 1999 to 2001



Source: FDL.

Case Prioritization Has Not Had Positive Discernable Effects on the Number and Speed of Case Completions

FDL has sought to expedite the processing of higher-priority forensic cases by classifying cases into categories and generally focusing first on the higher-priority categories before initiating lower-priority cases. INS revised FDL's case priorities in July 1999 in an effort to ensure that criminal cases received priority attention from FDL examiners. In order of priority, FDL's four case categories are: (1) service custody cases, where individuals are being held in INS custody; (2) criminal cases, where the results of forensic examinations can be used as evidence in criminal investigations; (3) administrative cases (e.g., asylum cases) with a court deadline, such as a hearing scheduled before an immigration judge from EOIR; and (4) administrative cases without a court deadline. By priority category, table 4 shows the number and percent of cases FDL received and completed in fiscal years 2000 and 2001—the 2 years for which FDL had complete data with similar case category definitions recorded by priority.

Table 4 indicates that service custody and criminal cases each accounted for about one-fourth of the total number of cases received and completed by FDL in fiscal years 2000 and 2001. Administrative cases with a court deadline represented the largest category of cases received and completed in both fiscal years. Administrative cases without a court deadline represented the smallest category of cases received and completed in both fiscal years. In general, the proportion of cases FDL completed in fiscal years 2000 and 2001 was similar to the proportion of cases FDL received by priority.

Table 4: FDL Forensic Cases Received and Completed by Priority Category, Fiscal Years 2000 and 2001

Priority category	Cases received				Cases completed			
	FY 2000		FY 2001		FY 2000		FY 2001	
	No.	Percent	No.	Percent	No.	Percent	No.	Percent
(1) Service custody	1,195	23	1,132	23	1,122	23	1,165	24
(2) Criminal	1,355	26	1,247	26	1,282	26	1,275	27
(3) Administrative with a court deadline	2,216	42	2,023	42	1,747	36	2,003	42
(4) Administrative without a court deadline	526	10	431	9	738	15	338	7
Total	5,292	101^a	4,833	100	4,889	100	4,781	100

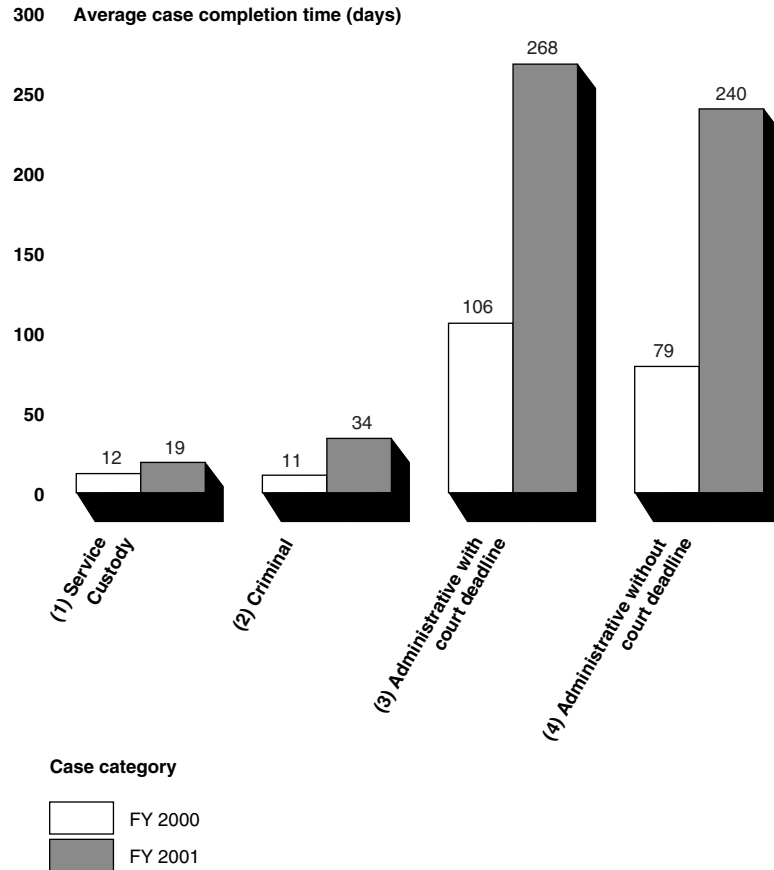
Note: The number of cases completed in a given fiscal year may exceed the number of cases received because FDL's total forensic workload includes cases pending from one fiscal year to another. However, FDL could not provide the number of pending cases by priority category for prior fiscal years.

^aPercentages do not sum to 100 percent due to rounding.

Source: GAO's analysis of FDL's data.

Although we do not know what the case completion time would have been without the case priority system, FDL's data indicate that in fiscal year 2001, service custody cases took an average of 19 days to complete, 7 days longer than in fiscal year 2000. According to FDL officials, case completion time is calculated as the number of calendar days that have elapsed between a case being logged in and out of the FACETS database. Criminal cases took an average of 34 days to complete in fiscal year 2001, compared with 11 days in fiscal year 2000. As shown in figure 4, case completion time for administrative cases both with and without a court deadline increased by an even greater magnitude.

Figure 4: Average Completion Time for Processing Forensic Cases, by Priority Category, Fiscal Years 2000 and 2001



Note: According to FDL officials, the fourth case priority category, “administrative without a court deadline” includes a small number of intelligence cases in addition to forensic cases. The number of intelligence cases included in this category is reportedly small — less than 10 percent per year. Officials said that these intelligence cases often take longer to complete. Therefore, the actual average completion time for forensic cases in the fourth priority category may be less than shown in the figure.

Source: FDL.

In addition to the increase in the number of days FDL took to complete cases, there was an increase in the number and percent of cases that were overdue in fiscal year 2001 compared to fiscal year 2000. Overall, 64 percent of forensic cases were overdue in fiscal year 2001, compared with 26 percent in fiscal year 2000 (see table 5). FDL deems a case overdue if the actual number of days it took to complete a case exceeded FDL’s benchmark, or internal deadline, for completing the case. The second

column in table 5 shows the number of days FDL has set as a benchmark for determining whether a case is overdue in each priority category. According to FDL officials, FDL has used a 3-day deadline for service custody cases since 1980. For the remaining three case priority categories, the benchmarks were established in 1999 as reasonable internal deadlines given FDL's workload and case processing times.

Table 5: Overdue Forensic Cases by Case Priority, Fiscal Years 2000 and 2001

Priority category (1)	FY 2000				FY 2001		
	FDL's benchmark for overdue cases (2)	Total number of cases completed (3)	Number of cases overdue (4)	Percent of completed cases overdue (5)	Total number of cases completed (6)	Number of cases overdue (7)	Percent of completed cases overdue (8)
(1) Service custody	3 days ^a	1,122	500	45	1,165	660	57
(2) Criminal	30 days	1,282	116	9	1,275	329	26
(3) Administrative with a court deadline	90 days ^b	1,747	502	29	2,003	1,771	88
(4) Administrative without a court deadline ^c	90 days	738	144	20	338	319	94
Total		4,889	1,262	26	4,781	3,079	64

^aIf the requester needs FDL's results by a given date, FDL will replace its 3-day benchmark with the requester's actual deadline. Therefore, the number of service custody cases overdue in columns 4 and 7 does not necessarily mean that these cases took longer than 3 days to complete. Instead, they represent the number of cases that FDL took more than 3 days to complete if there was no external deadline plus the number of cases that were not completed by an external deadline.

^bIf the requester's deadline is less than 90 days, then FDL will attempt to complete the case by the external deadline and consider it overdue if it is completed beyond that date.

^cAccording to FDL officials, this category includes a small number of intelligence cases in addition to forensic cases. The number of intelligence cases included in this category is reportedly small—less than 10 percent per year. Officials said that these intelligence cases often take longer to complete. Because of the mixture of forensic and intelligence cases in the fourth priority category, the percentages of cases reported as overdue in columns 5 and 8 are slightly overstated.

Source: GAO's analysis of FDL's data.

In general, FDL's benchmarks for completing cases have not been directly linked with the requester's need for a case to be completed by a given date. For example, FDL's benchmark for completing administrative cases with a court deadline is 90 days, even if the court date is more than 90 days away. According to FDL officials, they use a 90-day benchmark even if the court deadline exceeds the 90 days because it allows cases to be entered

into FACETS in the order in which they are received in the laboratory. Administrative cases with a court deadline are to be completed in the order in which they are received. Considering that FDL took an average of 268 days—about 3 times longer than its benchmark goal—to complete these types of cases in fiscal year 2001 (see figure 4), the likelihood that it would be able to meet its internal deadline of 90 days was low.

FDL missed its internal deadline of 3 days for its highest-priority category, service custody cases, by a greater proportion of days than for administrative cases with a court deadline. In fiscal years 2000 and 2001, respectively, FDL took an average of 12 days (or 4 times longer than its benchmark goal of 3 days) and 19 days (or more than 6 times longer than its benchmark goal), to complete its highest-priority cases (see figure 4 and table 5). Criminal cases fared better, with FDL generally completing these cases in less time than its benchmark goal of 30 days in fiscal year 2000 and slightly more than its benchmark goal in fiscal year 2001. However, in every case priority category, FDL's average case completion time exceeded its benchmark goal in fiscal year 2001.

Workload of FDL's Intelligence Section Has Increased

To assist others in detecting document fraud, FDL's intelligence section performs varied services, including responding to information requests concerning the authenticity of travel and identity documents, conducting training programs, and producing intelligence alerts about recently identified fraudulent documents. In addition, intelligence officers assist forensic examiners with document examinations.

In general, FDL's training and intelligence workload increased from fiscal years 1999 to 2001. As shown in table 6, FDL intelligence officers responded to 3,534 Photophone and IRT inquiries in fiscal year 2001, a 152-percent increase in these activities compared with fiscal year 1999. FDL intelligence officers conducted 2,177 hours of external training in fiscal year 2001, a 26-percent increase from fiscal year 1999 when FDL conducted 1,729 hours of training. The majority of FDL's students during fiscal years 1999 to 2001 were INS inspectors, Border Patrol agents, and adjudicators (e.g., district counsels). Requests for intelligence information also increased. FDL issued 84 document intelligence alerts in fiscal year 2001, a 68-percent increase over the number of alerts issued in fiscal year 1999.

Table 6: Intelligence Activities Performed by FDL

Activity	FY 1999	FY 2000	FY 2001
Responses to information requests:			
Total number of Photophone and IRT inquiries	1,401	2,810	3,534
Training:			
Hours spent by intelligence officers conducting external training	1,729	1,835	2,177
Number of students trained	4,260	3,585	4,030
Intelligence alerts:			
Number of alerts issued	50	73	84

Source: FDL.

FDL officials told us that intelligence officers and forensic document examiners are paired into geographically assigned teams to facilitate the exchange of information regarding document fraud trends and to identify and acquire needed exemplars. While the teams meet monthly, intelligence officers regularly assist document examiners with case examinations by maintaining books of travel documents organized by country, collecting document exemplars, and issuing document alerts as required.

FDL Cited Forensic Staff Shortage As Having Impeded Case Completions, but Anticipates that New Hiring Authority Will Ultimately Help It Address Workload Problems

According to FDL officials, shortages in its previous funding and staffing levels have affected average case processing time and the percent of overdue cases. With a fiscal year 2001 level of about 17 full-time equivalent forensic staff—a number of whom have supervisory roles that reduce the time they can spend examining their own cases and three of whom are document examiner trainees who are unable to conduct forensic examinations until their 30-month training program is complete—FDL has found it difficult to keep up with its workload. However, as a result of a January 2002 supplemental appropriation that will result in the addition of 17 FTE forensic examiners, FDL expected to eliminate its pending caseload by the end of fiscal year 2006.

According to FDL officials, the number of cases that each forensic examiner completes varies depending on the number of documents to be reviewed, the complexity of the case, and the ancillary duties assigned to the examiner. In fiscal year 2001, FDL forensic examiners, which includes document examiners, contract examiners, and fingerprint specialists, each completed an average of 32 cases a month, out of an average monthly assignment of 44 cases (see table 7). This represents 74 percent of each examiner's average monthly caseload. From fiscal years 1999 to 2001, on

average, FDL forensic examiners completed about three-fourths of their assigned cases each month.

Table 7: Average Monthly Case Completions and Caseload^a

Case statistics	Monthly cases per forensic FTE		
	FY 1999	FY 2000	FY 2001
Average number of case completions	35.4	33.3	32.2
Average caseload assigned	46.7	47.3	43.5
Percent of caseload completed	76	70	74

^aOur calculations of average caseload took into account that nonsupervisory forensic examiners spent all of their time on case examination (except for collateral duties, such as travel, communications with requesters, and briefings to foreign government officials), supervisors spent approximately 30 percent of their time, and the chief of the section spent almost no time examining cases. We also did not include document trainees in the calculations who should not impact average monthly caseload per FTE because they are enrolled in an in-house training program and do not independently work on cases.

Source: GAO's analysis of FDL's data.

The estimates in table 7 take into account the amount of time a supervisor spent on case examination. According to FDL officials, the promotion of experienced journeyman examiners to supervisory positions has reduced the amount of time they spend on primary forensic examinations. FDL officials said that a section chief performs almost no casework and that supervisors spend approximately 30 percent of their time on casework and 70 percent of their time on management responsibilities.¹² In fiscal years 2000 and 2001, FDL promoted five journeyman examiners to supervisor and one supervisor to chief. FDL officials said that they promoted examiners to supervisors to more closely approximate INS's standard for staff-to-supervisor ratio. The standard, contained in INS's Administrative Field Manual, states that INS managers and supervisors should make every effort to attain a ratio of eight employees to one supervisor. In fiscal year 1999, 17 forensic FTEs, including examiners and forensic support staff, reported to the chief of the forensic section. During fiscal year 2000, 14 forensic FTEs reported to three supervisors, creating a ratio of five employees to one supervisor. During fiscal year 2001, 17 forensic FTEs reported to 2 supervisors, a ratio of eight employees to one supervisor. However at the end of fiscal year 2001, with the promotion of a third supervisor, the ratio of employee to supervisor decreased to about five forensic FTEs to one supervisor.

¹² Management responsibilities include 100 percent administrative review of cases, development of standards for forensic examinations, participation in domestic and international law enforcement initiatives, and the enhancement and promotion of FDL's digital evidence capability.

According to FDL officials, FDL's policies on case assignment and the use of contractors could affect case completion averages. Cases are assigned to examiners according to the country of origin of the evidence submitted and are examined in order of the priority of the case. Therefore, although some examiners have a larger workload than others, FDL officials believe that the specialized regional expertise that different forensic examiners have facilitates the timeliness and quality of their document examinations. Additionally, FDL utilizes contract document examiners to assist with case examinations, but limits them to processing lower priority casework (i.e., non-criminal cases) to minimize their need to travel to testify in judicial proceedings. According to FDL officials, contractors are able to complete more of their assigned cases, on average, than full-time FDL staff because lower priority cases are not subject to the same ASCLD requirements for documentation, and contractors, who frequently are required to testify, provide testimony telephonically.

Although FDL plans to hire 31 additional staff, of which 17 are designated to be forensic examiners, the impact of new staff on FDL's ability to stay current with its forensic caseload will not be immediate. The majority of FDL's document examiners have masters degrees in forensic science. However, to comply with professional standards and to earn certification as a forensic document examiner, inexperienced graduates of master's programs are required to undergo a 30-month training program during which they are not allowed to independently examine cases.¹³ During the apprenticeship period, new hires receive close supervision and assistance from experienced journeyman examiners. According to the FDL training director, any time savings in case completions that may result from trainees assisting experienced examiners is offset by the amount of time that the examiners spend supervising and mentoring trainees. FDL officials said that newly hired forensic examiners who have completed equivalent training in another laboratory typically do not have to complete FDL's training program, but there are very few experienced examiners who are expected to be available for hire.

FDL officials expect that their workload of forensic and intelligence cases will increase. They believe that the following factors, among others, will contribute to the increased workload: (1) INS's officer workforce has grown rapidly, and as these officers gain more experience recognizing potential document fraud, they will form an increasingly large customer

¹³ After 6 months in the program, trainees can assist examiners with case preparation, and after 1 year, they can examine cases and write reports under the review of an experienced examiner.

base for FDL's services; (2) legislative changes have expanded INS's law enforcement authority and investigative tools,¹⁴ increasing the potential for FDL to be involved in both more and more complex forensic cases; and (3) a greater emphasis on identifying terrorists due to the attacks on September 11, 2001. FDL anticipates that its service custody and criminal cases will grow commensurate with the national effort to crack down on terrorism and that the number of administrative cases will rise due to expected increases in the prevalence of document fraud and awareness of the link between document fraud and terrorism. FDL officials said that the September 11 attacks have already resulted in an increase in forensic and intelligence cases from the Middle East.

Although FDL anticipates that its workload will increase, its capacity to handle the increased workload will also increase. The addition of 17 full-time equivalent forensic positions will double FDL's fiscal year 2001 level of about 17 forensic FTE positions. However, it will take time for FDL to recruit, hire, and fully train the new forensic staff. In addition, to maintain FDL's targeted ratio of supervisors to examiners, FDL will likely need additional supervisors. This means that some forensic examiners will assume managerial duties and spend less time examining documents. Therefore, while the addition of new staff should help FDL address its growing pending caseload, FDL's capacity to increase its workload will not necessarily be commensurate with the increase in staffing. The extent to which FDL's staffing and funding increase will result in improvements in response time to requesters and reductions in the number of pending cases remain to be seen. According to FDL officials, FDL's pending caseload should be eliminated by the end of fiscal year 2006. We did not independently assess the validity of the assumptions behind FDL's caseload projections because FDL did not have systematic data on which they based their assumptions.

¹⁴ For example, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Antiterrorism and Effective Death Penalty Act of 1996, the Victims of Trafficking and Violence Protection Act of 2000, and the Uniting and Strengthening America By Providing Appropriate Tools Required To Intercept And Obstruct Terrorism Act of 2001 have given INS officers new law enforcement authority and investigative tools, such as wiretap intercepts and the authorization to operate undercover businesses.

FDL Obtained Professional Accreditation, but Accreditation Has Slowed Criminal Case Processing

According to FDL officials, additional documentation and review requirements associated with ASCLD accreditation have led to recent increases in average case processing time and the percent of overdue cases. According to FDL and ASCLD officials, the accreditation signifies that FDL adheres to quality standards, which, in turn, enhances the credibility of FDL's analyses in court settings. FDL officials noted, however, that adhering to ASCLD requirements has increased the time and effort needed to complete criminal cases.

ASCLD's Crime Laboratory Accreditation Program is a voluntary program in which qualifying laboratories can participate if they meet established standards. The program is intended to (1) improve the quality of laboratory services provided to the criminal justice system; (2) develop and maintain criteria that can be used by a laboratory to assess its level of performance and to strengthen its operation; (3) provide an independent, impartial, and objective system by which laboratories can benefit from a total operational view; and (4) offer to the general public and to users of the laboratory services a means of identifying those laboratories which have demonstrated that they meet established standards. ASCLD grants accreditation for a 5-year period, provided that the laboratory maintains standards during the period. In addition, to maintain accreditation, a laboratory must submit a new application and undergo an on-site inspection every fifth year.

FDL earned ASCLD accreditation in February 2001. In preparation for review by ASCLD inspectors, FDL stated that it was processing cases in accordance with ASCLD standards by September 2000. FDL received accreditation in the areas of questioned documents and latent prints in February 2001. To comply with the accreditation requirements, FDL was required to carry out some additional steps in processing cases. Specifically, FDL was required to (1) conduct reviews of case reports and case notes for criminal cases, (2) conduct proficiency testing of its forensic examiner staff, (3) file an annual accreditation review report, (4) submit to external proficiency testing by test providers, (5) conduct technical reviews of a minimum of 5 percent of all forensic cases for technical accuracy and completeness, (6) conduct 100 percent administrative review of all cases, (7) conduct an annual quality audit, (8) conduct bi-annual safety inspections, and (9) conduct an annual review of quality systems.

ASCLD and FDL officials said that ASCLD's formal documentation and peer review standards tend to increase case processing time. At FDL, the impact has been greatest on criminal cases, where officials estimated that the increased documentation and peer review requirements have

increased the amount of time spent on criminal cases by an average of 20 minutes per case.¹⁵ According to FDL officials, this increase in the amount of time needed to process criminal (and to a lesser extent, custody) cases has, in turn, slowed the processing of other types of cases. This notwithstanding, FDL officials believe that changes made because of the accreditation requirements have improved the quality of their forensic reports, enhanced the laboratory's credibility in court settings, and improved their stature in the criminal justice community. According to INS district counsels, while FDL continues to produce high quality examinations and testimonies, FDL's reports have recently become more standardized and easier to understand, thus increasing their influence in court proceedings.

Data Limitations Impede FDL's Ability to Better Manage Its Workload

FDL's database, FACETS, does not contain sufficient data for managers to know the exact size and status of FDL's pending workload at a prior point in time, how much time is spent on each forensic case by priority category, and how best to assign staff to improve case processing time.

FACETS is a 4-year old database that uses Lotus Notes software to track cases and pieces of evidence through the case examination process at FDL. According to FDL officials, FACETS was not designed as a case management analytical tool. They said that FACETS is used to record information on (1) the evidence submitted to or transferred between FDL staff; (2) FDL activities, such as administrative activities, IRT and Photophone inquiries, photography production, and training; (3) laboratory reports; (4) case information, such as case definition and hours spent working on a case; (5) testimony provided; and (6) intelligence alerts produced.

Better data could help FDL managers make fact-based decisions about deadlines for forensic cases. Rather than setting the same deadline for every case within a priority category, an effective case management system would enable managers to monitor when case results are needed by requesters and assign cases in a way that would increase the likelihood of responding to the requesters in a timely fashion. FDL's current practice of setting 3-, 30-, 90-, and 90-day deadlines for priority one through four cases, respectively, frequently does not reflect the requester's external deadlines for case completion. For priority 3 cases with external

¹⁵ FDL officials stated that, on average, a document case examination takes 2.3 hours and a fingerprint case examination takes 2.9 hours. This includes "bench" or actual examination time and technical review, if required.

deadlines, the largest category of cases which FDL receives, adhering to a 90-day case completion standard when the requester may not need the results within 90 days has the effect of making FDL's performance appear worse than it may be in reality. Also, for priority 3 cases, FDL does not currently record data in FACETS on the requester's external deadline, unless the deadline is sooner than 90 days. Collecting and analyzing such data could assist FDL management in forming a more realistic match between FDL's internal and external deadlines and better ensure that cases are processed in the order that would meet requesters' needs.

Better data could also help FDL managers make fact-based decisions about staffing and budgetary resource needs. Specifically, FDL collects limited information on the amount of time examiners take to process cases. Examiners record in FACETS the number of hours spent on direct case examination, including the amount of time it takes to conduct a technical review of a case. According to FDL, in fiscal year 2001, direct case examination time averaged 2.3 hours per document case.¹⁶ However, according to FDL officials, staff do not regularly record the amount of time spent on the following case processing steps: (1) time evidence technicians or other administrators spend processing a case, (2) time supervisors spend conducting administrative reviews of cases, and (3) time examiners spend in indirect case processing, for example, preparing for a testimony on a particular case or consulting with intelligence officers about a recently encountered fraudulent document. Furthermore, intelligence cases are sometimes recorded in FACETS as administrative cases without a court deadline. This mixing of intelligence and forensic cases makes it more difficult for managers to determine how long forensic cases actually take to process and how many are overdue. Absent a complete accounting of the amount of time it takes staff to process a forensic case, FDL managers are limited in the staffing projections that they make. Collecting data on total staff time spent on cases would assist FDL managers to better determine how many cases examiners can be expected to complete, how to possibly improve staff efficiency in case processing, and how long it would take and with how many additional staff, to reduce or eliminate FDL's pending caseload.

According to FDL officials, the FACETS database is not an effective tool to help it manage staff time, justify budget requests, or set case completion goals. The officials also said that FACETS is a 4-year old system that uses

¹⁶ Fingerprint specialists spent on average 2.9 hours on fingerprint cases.

outdated algorithms and has limited search capabilities, thereby limiting FDL's ability to identify patterns within its caseload statistics and produce intelligence reports. FDL officials would like to replace FACETS with an Oracle-based system that possesses advanced statistical algorithms and multivariable searching capabilities.

Conclusions

As the federal government's only forensic laboratory dedicated almost exclusively to the examination of fraudulent documents, FDL's staff performs valuable work and provides an important service to INS and other domestic and international agencies. However, FDL has faced several challenges in performing its mission, including (1) forensic staff shortages, (2) accreditation requirements, and (3) data limitations.

According to FDL officials, staff shortages have made it difficult for FDL to stay current with its workload and produce timely responses to requests for forensic document examination. With the addition of about \$8 million to its budget and 31 additional positions, FDL should, over time, have the staffing capacity to increase its output of case completions and improve response time to requesters.

FDL sought and earned accreditation from ASCLD, a designation that reflects to the criminal justice and forensic science communities FDL's capabilities for producing high-quality forensic work. However, the documentation and review requirements associated with accreditation have increased FDL's case processing time for certain cases and this will continue to occur as long as FDL retains ASCLD accreditation.

Limitations in the data collected by FDL and entered into its database have adversely affected FDL's ability to manage its workload and project resource needs. FDL could take steps to better ensure that external deadlines for case completions are met and that it has good estimates of total staff time spent on forensic cases. Collecting and analyzing such information could help FDL managers make better decisions about how to deploy staff, manage the workload, project staffing and budgetary needs, and potentially realize case processing efficiencies.

Recommendations for Executive Action

We recommend that the attorney general direct the commissioner of INS to

- Collect and analyze data on requesters' deadlines for obtaining forensic case results so that FDL can better ensure that cases are processed in an

order that is optimally responsive to both the requesters' needs and INS's case priority system.

- Collect and analyze data on the total amount of time spent processing forensic cases in order to help FDL better manage its workload, project staff and budgetary needs, and establish benchmarks for case deadlines that are based on requesters' needs.
- Separate intelligence cases from the priority four forensic case category in FACETS when computing case completion times and overdue cases in order to help FDL more accurately determine case completion times for the different case categories.

Agency Comments and Our Evaluation

We requested comments on a draft of this report from the attorney general. In a letter dated February 28, 2002, which is included in appendix II, the commissioner of INS concurred with our findings and recommendations.

FDL also provided us with technical comments, which we incorporated where appropriate.

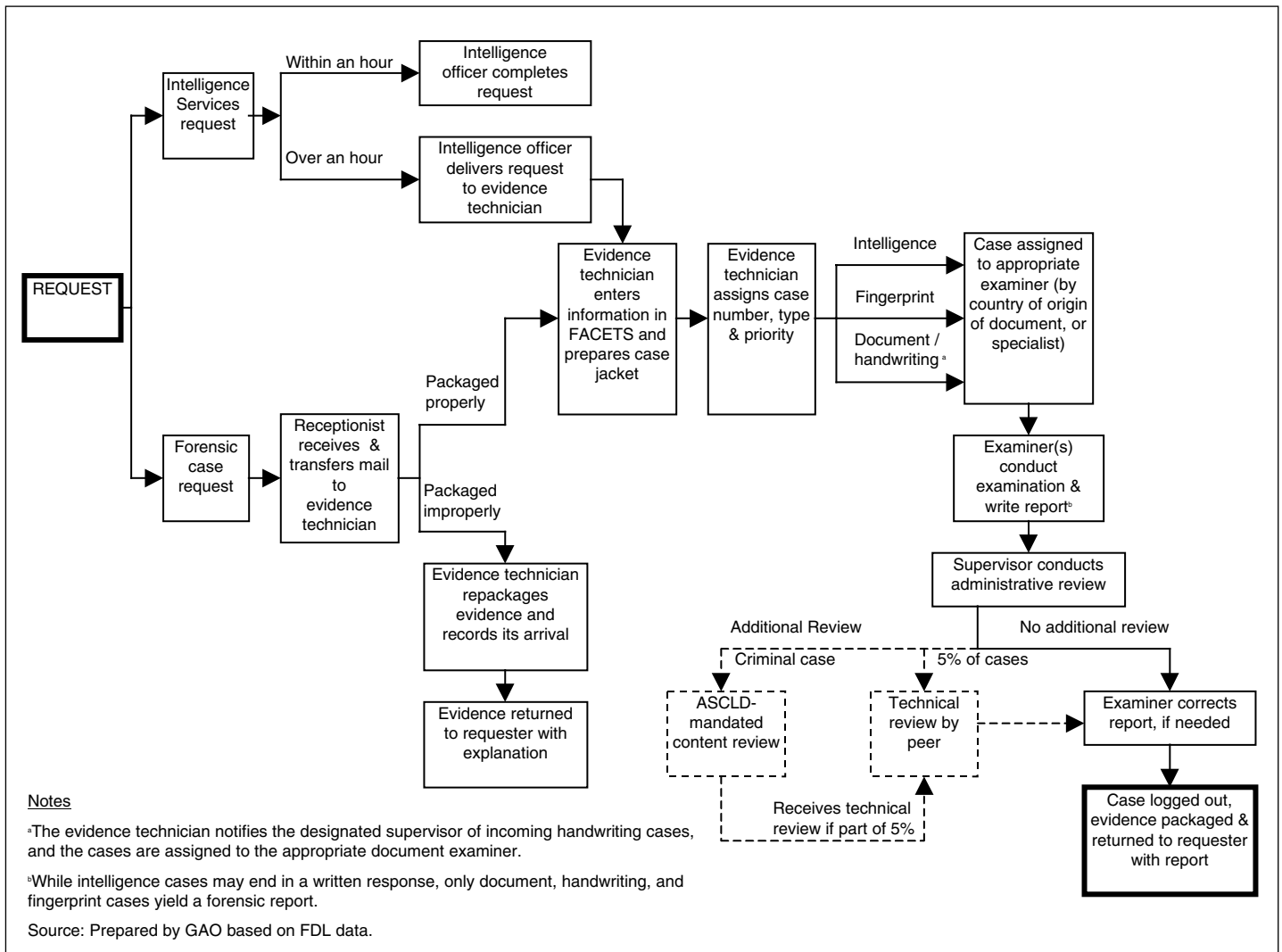
As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until 30 days from the date of this letter. At that time, we will send copies to the chairmen and ranking minority members of the Senate and House Judiciary Committees; the attorney general; the commissioner of INS; the director, OMB; and other interested parties. We will also make copies available to others upon request.

If you or your staff have any questions about this report, please contact Evi Rezmovic or me at (202) 512-8777. Key contributors to this report are acknowledged in appendix III.



Richard M. Stana
Director, Justice Issues

Appendix I: FDL Caseflow Process



Appendix II: Comments from the Immigration and Naturalization Service



U.S. Department of Justice
Immigration and Naturalization Service

HQINT 50/17

Office of the Commissioner

425 I Street NW
Washington, DC 20536

2/28/02

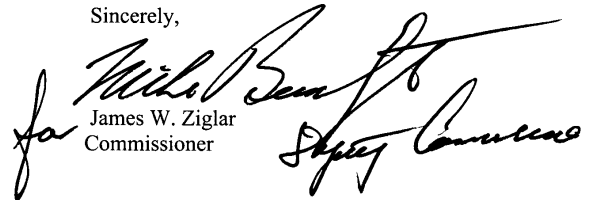
Richard Stana
Director, Justice Issues
U.S. General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Stana:

In reference to the General Accounting Office (GAO) draft report entitled INS FORENSIC DOCUMENT LABORATORY: *Several Factors Impeded Timeliness of Case Processing* (GAO-02-410), the Immigration and Naturalization Service (INS) concurs with the observations made in the report and the three report recommendations. We are currently evaluating requirements for an enhanced automated case management system that will enable the Forensic Document Laboratory (FDL) to effectively implement the report recommendations.

If you have any further questions, please contact the FDL Director, Kathryn E. Sheehan, at 703-285-2482.

Sincerely,


James W. Ziglar
Commissioner

Appendix III: GAO Contacts and Staff Acknowledgments

GAO Contacts

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Evi L. Rezmovic (202) 512-8777

Acknowledgments

In addition to the above, Mary Catherine Hult, Brian M. Sklar, David P. Alexander, Ann H. Finley, and Mary Hall made key contributions to this report.

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