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Commissioner
U. S. Customs Service

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Commissioner
Immigration and Naturalization Service

Subject: Customs and INS: Random Inspection Programs Can Be Strengthened

Prior to the tragic events of September 11, 2001, we had initiated a review of the U.S. Customs Service's and the Immigration and Naturalization Service's (INS) random inspection programs—Customs' Compliance Measurement Examination (COMPEX) and INS' Inspections Traveler Examination (INTEX). The purpose of COMPEX and INTEX is to help Customs and INS assess the nature and extent of enforcement risks at ports of entry. The programs measure these agencies' effectiveness by comparing violations found during targeted inspections with violations found during the inspection of random samples. Because circumstances and inspectional activities and priorities have dramatically changed at our nation's ports of entry since September 11, we intend to do no further work on the random inspection programs at this time. However, our observations of each program's operations raised some concerns about the design and implementation of COMPEX and INTEX and suggested some opportunities to combine the two programs. This report presents our concerns and suggestions for strengthening the programs once normal operations resume.

Summary

We found that both Customs and INS inspectors that performed COMPEX and INTEX inspections were not always adhering to guidance on how to properly select samples and were not always conducting inspections with the minimum level of thoroughness required. As a result, the statistical data generated by the programs may not reliably reflect the extent to which travelers who seek entry into the U.S. are in violation of Customs or immigration laws. We also noted that the COMPEX and INTEX programs both draw from the same population of international travelers, have similar purposes and goals, and oftentimes incorporate Customs and INS inspectors who work side by

side, particularly at land border ports of entry. Because of this, Customs and INS might realize some efficiencies if the two random inspection programs were combined. Consequently, we are recommending that Customs and INS (1) consider refresher training or other reminders to inspectors on proper random inspection selection procedures and (2) explore opportunities for combining the random inspection programs. Customs and INS officials concurred with these recommendations.

Objectives, Scope, and Methodology

The objectives of our work were to determine (1) the purpose of Customs' and INS' random inspection programs, (2) how the programs have been designed and implemented, including the sample selection procedures, and (3) the feasibility of combining the programs. To accomplish these objectives, we interviewed Customs and INS officials responsible for overseeing COMPEX and INTEX at both headquarters and at two ports of entry, Los Angeles International Airport (LAX) and the San Ysidro land border port near San Diego, California. In addition, we observed the COMPEX and INTEX inspection processes at the two ports and analyzed COMPEX and INTEX measurement results. We conducted our review from July to September 2001 in accordance with generally accepted government auditing standards. This report provides the results of our limited work.

Background

Customs and INS are authorized to inspect every person coming through a U.S. port of entry. Customs' inspection is aimed at ensuring that incoming travelers do not bring any contraband (e.g., drugs or weapons) into the country, and INS' inspection is aimed at ensuring that the people have proper documentation (e.g., passport or visa) and are admissible to enter the country. Most inspections consist of a brief interview and a cursory document check that takes only a matter of seconds. If intelligence reports, targeted enforcement operations, or the inspector's suspicions lead an inspector to believe that the traveler may be committing a violation, the inspector will refer the traveler for a more intensive "secondary inspection."¹ During the secondary inspection the traveler is extensively questioned and his or her belongings may be examined thoroughly. A very small percentage of travelers are given these intensive inspections.

Both Customs and INS began their random inspection programs (COMPEX and INTEX) to provide data that validates their inspection efforts and addresses the Government Performance and Results Act (GPRA) requirement to identify outcome measures to portray the benefit the agency provides to the American public. COMPEX and INTEX are designed to randomly select and intensively inspect slightly more international travelers than would normally undergo intensive inspection.

¹Targeted enforcement operations make use of intelligence and investigative capability to identify high-risk travelers to prevent and disrupt the smuggling of contraband or other illegal activities.

Combining the results of these random inspections with the results of targeted inspections is intended to allow Customs and INS to estimate the proportion of total violations that each agency identifies.²

In addition, Customs intended that COMPEX data be used to calculate a statistically valid measure of the total number of violations. Customs then compares that measure to the number of violations found during targeted enforcement inspections to determine the effectiveness of targeted enforcement operations.

COMPEX began in 1995, several years before INTEX. Customs fully implemented COMPEX in fiscal year 1997 at 20 airports that each process about a million passengers a year and at about 70³ land border ports. At each airport and land border port that process more than a million passengers a year, Customs samples about 12,000 passengers a year; about 33 a day. INS initiated INTEX in fiscal year 1998 at 20 ports—10 airports and 10 land border ports of various sizes. In fiscal year 2000, INS added an additional airport and land border port for a total of 22 ports. At the time of our review, INS was pilot-testing INTEX and, as of the end of October 2001, had suspended the program indefinitely. Prior to the suspension, INS officials told us that they were considering several options concerning INTEX's future: expanding the program to more ports, ending the program entirely, or possibly merging INTEX into COMPEX.

Concerns about COMPEX Design and Implementation

Customs established criteria stating that all passengers must have an equal chance of being selected for COMPEX inspections. We found, however, that not all passengers necessarily have an equal chance of being selected. For example, Customs did not design COMPEX to have inspections performed on pedestrians and buses at all COMPEX land border ports, including San Ysidro. By excluding pedestrians and others from the sample population, about one-third of San Ysidro's international travelers are excluded from COMPEX. In comparison, INTEX includes pedestrians and buses in its sample population. Customs' officials stated that they are exploring how to conduct COMPEX inspections on these populations in the future.

As a second example, not every passenger arriving at LAX had an equal chance of being selected. Inspectors were given designated times to make COMPEX selections from passengers who were exiting Customs' inspection area. At one international terminal, an inspector who was monitoring two lines of passengers told us that he always makes a COMPEX selection from one line and not from the other.

We also found that inconsistent procedures may affect the quality of COMPEX inspections and subsequent statistics. Customs' criteria states that a thorough inspection must be conducted for COMPEX results to be valid. San Ysidro officials

² One traveler could be charged with one or more violations.

³ Shortly before releasing this report, Customs officials told us that they now conduct COMPEX inspections at 38 land border ports which consist of about 90 percent of the land border traffic.

said, and our observation confirmed, that COMPEX inspectors may not always conduct inspections with the minimum required level of detail. For example, we observed inspectors briefly examining a vehicle selected for a COMPEX inspection. It did not appear that the inspectors interviewed the occupants or conducted computer checks, both mandatory parts of a COMPEX inspection.

Statistics from fiscal year 2000 COMPEX data show that Customs estimated that it apprehended 15.3 percent of serious violations at the land border ports and 20.4 percent at the airports. In addition, for fiscal year 2000, Customs estimated that its targeted inspections were 15.6 times more effective than the random COMPEX inspections at the airports and 12.6 times more effective than the random COMPEX inspections at the land border ports. However, because of the issues that we identified concerning random sample selection, these data may not reliably estimate the extent to which travelers who seek entry into the United States are in violation of Customs laws.

Concerns about INTEX Design and Implementation

Under the INTEX pilot program design, the data being collected cannot be used to make estimates about all ports of entry because the ports conducting INTEX inspections were not randomly selected, according to the INS' Statistics Branch Director. Furthermore, under INTEX, only five travelers a day are inspected at each large port, three at each medium port, and one at each small port. In addition, the ports do not perform the inspections every day; LAX officials said that they do not conduct INTEX inspections about 1 day each week, and San Ysidro officials said that inspections are not conducted on Sundays and holidays.

In addition, INTEX statistics show that no port conducted all of its scheduled inspections. John Fitzgerald Kennedy International Airport conducted the largest proportion of its scheduled INTEX inspections – 95 percent – in fiscal year 1999, while the San Juan, Puerto Rico, Airport performed the smallest proportion – 45 percent. INS' INTEX Fiscal Year 2000 Annual Report cited several factors that could account for the discrepancies. For example, the report noted that port of entry management support for the program varied. Another factor noted was that port of entry workloads and staffing varied among the ports and that some ports may not have enough inspectors to perform the INTEX inspections.

On the basis of our observations at the two ports of entry, we had additional concerns about INTEX implementation. Since INTEX is used to measure actual rates of people incorrectly admitted into the United States, it is important that inspections are done randomly. Each person entering at the port should have an equal probability of being selected for an INTEX inspection.⁴ At LAX, INTEX inspections are conducted at only one of the four international passenger arrival terminals, which processes about two-thirds of the international flights. Consequently, about one-third of the population of international passengers at LAX are excluded from INTEX. At

⁴*Using Statistical Sampling*, (GAO/PEMD-10.1.6, revised May 1992).

San Ysidro, we also identified another issue that could affect INTEX sample selections. While a computer program that schedules daily INTEX inspections specifies a time and passenger lane from which to make a sample selection, the inspector we observed did not follow the instructions. The inspector said that he did not receive any formal training on how to conduct INTEX inspections and had not been provided with the INTEX training manual.

Statistics from fiscal year 2000 INTEX data show that INS estimated that they prevented 20.3 percent of inadmissible aliens from entering the country at the 11 land border ports and prevented 42.4 percent from entering the country at the 11 airports. However, because of the issues that we identified concerning random sample selection, these data may not reliably estimate the extent to which travelers who seek entry into the United States are in violation of immigration laws.

Opportunities to Combine Random Inspection Programs

Customs and INS both conduct intensive random inspections from the same population of travelers. In addition, at land border ports, Customs and INS inspectors work side by side when conducting initial inspections of travelers entering the United States and are cross-trained to be alert for violators of each other's laws and regulations. Customs and INS are also trying to coordinate more of their activities under the Border Coordination Initiative (BCI). The BCI is a comprehensive, coordinated border management strategy between Customs, INS, and other agencies to improve interagency coordination, particularly their joint efforts along the Southwest border.

We asked Customs and INS officials, both in headquarters and at the two ports of entry, whether it might be beneficial to combine the COMPEX and INTEX programs. Most Customs and INS headquarters officials appeared receptive to this idea. In particular, an INS official said that because INTEX was still a pilot program with sample sizes too small to make reliable estimates about the population, it would make sense to merge the INTEX program into the larger, more established COMPEX program. Other Customs and INS officials, however, expressed concerns. Some INS officials believe that a slightly different philosophy behind the two programs could hinder a potential merger. COMPEX, for example, focuses on the proportion of total violations detected through targeting as compared to random (COMPEX) inspections. INTEX is geared toward estimating how effectively INS identifies inadmissible aliens attempting to enter the country. However, as indicated earlier, Customs also uses COMPEX to estimate the total number of violations being committed, similar to INTEX. Some Customs and INS officials also expressed a concern involving logistics; for example, the separation of Customs and INS work areas at some ports of entry and the lack of mutual access to each other's computers. Several officials said, however, that it would be worth the effort to consider combining the random inspection programs and working toward overcoming the philosophical and operational concerns of a combined random inspection program.

Conclusion

Although the concerns we identified at the two selected ports may not be representative of Customs and INS operations nationwide, we believe that our observations are indicators of conditions that could be addressed to strengthen the efficiency and effectiveness of the agencies' random inspection programs and improve the reliability and completeness of the statistics from these programs as normal operations return in the future. The two programs have similar purposes and goals, which might be more closely aligned to satisfy each agency's need to measure its inspectional effectiveness. Moreover, the two programs select travelers for inspection from the same pool of arrivals at our air and land border ports of entry. Combining the two programs into one might increase effectiveness and reduce the burden on the traveling public.

Recommendations for Executive Action

To better coordinate random inspection efforts and to increase the efficiency and quality of the random inspection process, we recommend that Customs and INS

- consider refresher training or other reminders to inspectors conducting random inspections on proper random selection procedures and
- explore the feasibility of combining their random inspection programs.

Agency Comments

We provided the Customs Service and INS an opportunity to comment on the draft of this report. Both Customs and INS officials concurred with the recommendations and provided some technical comments that we incorporated where appropriate. In addition, Customs officials said that because of other pressing priorities, they probably would not be able to address exploring the feasibility of combining random inspection programs until the second quarter in 2002, when they will discuss the matter with INS.

INS officials said that INTEX employed a methodology that INS considered using to measure its operational effectiveness. INS decided, after a pilot test of the program, that INTEX was not the desirable methodology to accomplish this goal and to meet the requirements of GPRA. INS subsequently decided to terminate the program. INS recognizes that it needs to develop a random inspection program to measure the effectiveness of determining travelers' admissibility to the United States and to meet GPRA requirements. In developing the program, INS will look to Customs to harmonize processes with the intention of developing a joint random inspection program that would be more economical and less disruptive to the traveling public.

We will send copies of this report to the Chairman and Ranking Minority Member of the Senate Committee on Finance; the Chairman and Ranking Minority Member of the Senate Governmental Affairs Committee; the Chairmen and Ranking Minority Members of the House Ways and Means Committee and its Subcommittee on Trade; and the Chairman and Ranking Minority Member of the House Government Reform Committee; and others upon request.

This report will be available on GAO's homepage at <http://www.gao.gov>. If you have any questions regarding this report, please contact me on (202) 512-8177. Darryl W. Dutton, Cheryl L. Gordon, and Bradley W. Hunt made key contributions to this report.



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