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Briefing Report to the
Honorable Joseph R. Biden, Jr.
United States Senate

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DRUG INVESTIGATIONS

Organized Crime Drug Enforcement Task Force Program: A Coordinating Mechanism



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General Government Division
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July 17, 1986

The Honorable Joseph R. Biden, Jr.
United States Senate

Dear Senator Biden:

On May 23, 1985, you requested that we review the activities of the Organized Crime Drug Enforcement Task Force (OCDETF) Program. As agreed with your office, the primary objectives of our review were to obtain information on how (1) individual Task Forces are organized and operated and (2) Task Force personnel resources are accounted for and managed. This briefing report responds to your request. It provides information on the drug problem in the United States, the role of the OCDETF Program in combatting this problem, and how the OCDETF Program is operated.

In reviewing Task Force activities, our work included interviews with Task Force Coordinators representing U.S. Attorneys' Offices and the principal participating federal agencies (the Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Customs Service, Internal Revenue Service, and Bureau of Alcohol, Tobacco and Firearms) at 8 of the 13 Task Forces. The Coordinators are central to Task Force operations. A detailed description of our objectives, scope, and methodology is included in appendix I.

The OCDETF Program was established in January 1983 as the cornerstone of the Administration's efforts against organized crime and drug trafficking. The program's mission is to identify, investigate, and prosecute high-level members of drug trafficking enterprises and to destroy their operations by adding new federal resources and fostering coordination and cooperation among the agencies involved. Task Force Coordinators in the eight Task Forces we visited generally believe the program has enhanced drug law enforcement. The advantages they cited most often were additional resources and better interagency coordination and cooperation.

The OCDETF Program was designed to give individual Task Forces wide flexibility in dealing with drug trafficking problems in their regions. In establishing the OCDETF Program framework, planners also provided that participants in the Task Forces would remain under the authority of their own agencies and that Task Force operational decisions would be based on a consensus of those agencies involved. The Task Forces, therefore, are an affiliation of independent agencies and have no single leader with the authority to direct operations.

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ACQUISITIONS

Representatives of participating agencies told us that because of this condition the Task Forces are not really task forces.

This flexibility provides each participating agency and office discretion in deciding how it will work with and support the Task Forces. The agencies have different views, policies, and practices regarding certain key elements of Task Force operations, and these differences have affected how the Task Forces have been implemented. Disagreements and concerns exist regarding whether:

- Task Force agents and attorneys should be dedicated full-time to the Task Forces;
- Task Force Coordinators, agents, and attorneys should be housed together at one location;
- Task Force Coordinators should supervise Task Force agents; and
- the Customs Service (or all non-Justice) agents working on Task Force cases should be given Title 21 authority (i.e., authority to conduct drug investigations).

These issues have persisted since the start of the OCDETF Program. OCDETF officials in Washington, D.C., are conducting a study of these and other concerns to determine what corrective actions, if any, are necessary to improve the program. Justice Department officials told us that OCDETF's flexible structure and consensus decisionmaking process makes it difficult to resolve problems.

The lack of centralized authority at the national level complicates the decisionmaking process regarding OCDETF resources. The authority for deciding the level, mix, and geographic allocation of resources is divided among the participating agencies and departments. The OCDETF Working Group, chaired by the Deputy Attorney General and composed of ranking officials from participating agencies and departments, is responsible for setting OCDETF policy and monitoring the program, including making recommendations relating to resource allocations. The Attorney General and the National Drug Enforcement Policy Board are ultimately responsible for assuring that the OCDETF Program achieves an appropriate balance of needed resources.

The Working Group, however, does not collect data necessary to make resource allocation decisions. The Working Group does not require participating agencies to report attorney and agent time spent on Task Force cases to help in deciding if there is a need to reallocate, add, or reduce Task Force resources. Early in the program, the Justice Department recognized the need for this information, but Justice Department officials told us no mechanism was established to collect it because such a mechanism would have been too complex and costly.

The impact of the OCDETF Program is difficult to assess. One measure of the program's success is the prosecution of high-level drug traffickers, seizure of their assets, and the destruction of their illegal operations. The OCDETF Program reported through December 31, 1985, that Task Force cases had resulted in 2,453 individuals convicted, including 271 convictions under statutes aimed at heads of criminal organizations; fines, seizures, and forfeitures of property and cash exceeding \$440 million; and large quantities of drugs removed from the market. Drug abuse, however, is unlikely to be eliminated by domestic law enforcement efforts, such as the OCDETF Program. Other factors, such as drug abuse prevention efforts, drug interdiction activities at U.S. borders, and crop eradication in source countries, play important roles in controlling the drug problem.

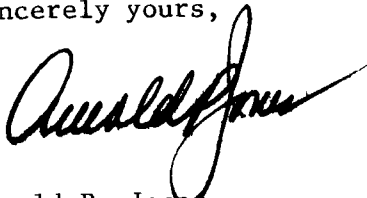
The results of our review of the OCDETF Program are discussed in detail in appendix I, and comments by the Department of Justice and the Department of the Treasury are shown as appendices II and III, respectively. In commenting on the report, both Justice and Treasury stated that overall the report presents a balanced assessment of the OCDETF Program. Justice and Treasury comments reflected their concern that the report appears to suggest the need for greater central control over operations and resources. While the report discusses organizational, operational, and funding aspects of the program, often in the context of centralized and decentralized control, it does not conclude or presume that greater central control is needed.

Regarding the appropriate balance and allocation of program resources, Justice acknowledged that fulfilling this management goal requires a mechanism to review and evaluate OCDETF resource utilization. Justice agreed that as noted in our report, a more consistent system of recording the number of agents and attorneys assigned to cases and the total number of staff hours expended on such cases would help in evaluating the effectiveness of the Task Forces' use of resources. Justice noted that further developments in this area are expected.

As arranged with your office, unless you publicly announce the contents of the report earlier, we plan no further distribution until 30 days from the date of the report. At that time, we will send copies to interested parties and make copies available to others upon request.

If there are any questions regarding the contents of this briefing report, please call me on (202) 275-8389.

Sincerely yours,



Arnold P. Jones
Senior Associate Director

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ABBREVIATIONS

ATF	Bureau of Alcohol, Tobacco and Firearms
AUSA	Assistant United States Attorney
CCE	Continuing Criminal Enterprise
DEA	Drug Enforcement Administration
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
IRS	Internal Revenue Service
OCDETF	Organized Crime Drug Enforcement Task Force
PCP	Phencyclidine
RICO	Racketeer Influenced and Corrupt Organization
SAC	Special-Agent-In-Charge

OCDETF: A COORDINATING MECHANISM
FOR RESOURCES CONTROLLED BY
PARTICIPATING AGENCIES

BACKGROUND

In response to the growing scope and complexity of the drug problem in the United States, the federal government has significantly expanded its law enforcement efforts in recent years to reduce the supply of illegal drugs. The cornerstone of these efforts was the establishment of the Organized Crime Drug Enforcement Task Force (OCDETF) Program to identify, investigate, and prosecute members of high-level drug trafficking enterprises.

Drug abuse and drug
trafficking problems
persist

The consumption of illegal drugs in the United States is enormous. Cocaine, heroin, marijuana, and dangerous drugs¹ remain readily available. According to estimates for 1984 and near-term projections by the National Narcotics Intelligence Consumer Committee:

- The use of cocaine continues to grow across all socio-economic levels. Between 55 and 76 metric tons of cocaine were consumed in the United States in 1984, an 11-percent increase over 1983. Cocaine-related hospital emergencies increased 51 percent from 1983 to 1984, and total deaths as a result of cocaine use increased 77 percent. Cocaine availability in the United States is expected to remain high.
- Heroin use remains a significant problem in this country, with nearly 6 metric tons of heroin consumed in 1984. Heroin users continue to be mostly long-time users or recidivists. The number of heroin-related deaths in 1984 increased 31 percent over 1983, an increase attributed almost exclusively to that population which uses heroin in combination with other drugs. Heroin use is not expected to change significantly in the near future.

¹The term "dangerous drugs" refers to those drugs manufactured legally and illegally, such as tranquilizers, barbiturates, and amphetamines, that are used for nonmedical purposes.

--An estimated 7,800 to 9,200 metric tons of marijuana were consumed during 1984, a 3-percent decrease from 1983. This decrease is believed to be due to declining use among young people (age 25 and under). Marijuana remained readily available in all major metropolitan areas, however, and was increasingly used in combination with other drugs, such as alcohol, phencyclidine (PCP), and cocaine. Marijuana consumption trends are not expected to change in the near term, but a greater availability of generally higher potency varieties of U.S., Mexican, and Thai marijuana is projected.

--The use of dangerous drugs has been increasing in the United States. Total consumption during 1984 was estimated at more than 3 billion dosage units, a 15-percent increase over 1983. This increase was largely due to greater use of methamphetamine and PCP. The use of dangerous drugs is expected to remain relatively unchanged in the near future. However, the use of methamphetamine, PCP, and codeine combinations is expected to increase, resulting in more hospital emergencies and deaths.

The huge demand for illegal drugs has created a multibillion-dollar industry in the United States. According to a March 1986 report issued by the President's Commission on Organized Crime:

"Drug trafficking is the most widespread and lucrative organized crime operation in the United States, accounting for nearly 40 percent of this country's organized crime activity and generating an annual income estimated to be as high as \$110 billion."

Drug trafficking involves a wide variety of complicated organizational and financial structures. Large drug trafficking organizations may employ many people, including financiers, logistics experts, exporters, importers, wholesalers, retailers, and money launderers. Some organizations may depend on or ally with other groups to accomplish a particular aspect of the operation. In other instances, trafficking organizations may be structured along corporate lines with members operating conglomerates of several small groups that handle one or more of the drug trafficking activities.

Federal government increases emphasis on drug enforcement

The 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking outlines the nation's approach to reducing the availability of illegal drugs and reducing the adverse effects of drug abuse. The five major elements of the strategy are: drug abuse prevention, drug law enforcement, international

cooperation, medical detoxification and treatment, and research. These elements are designed essentially to reduce the supply of and demand for illegal drugs.

The national strategy emphasizes that the Administration has expanded federal drug law enforcement to the highest level in U.S. history. The federal budget for drug law enforcement, as contained in the President's budget submitted to the Congress, was over \$1.4 billion for fiscal year 1986. This is more than double the amount budgeted for fiscal year 1981, and it does not include Department of Defense law enforcement support for border interdiction, which has increased since 1981.

The role of drug law enforcement is to reduce drug availability by destroying criminal drug trafficking networks, both international and domestic, and intercepting and eradicating illegal drugs which are en route to consumers. A primary objective of drug law enforcement is the aggressive investigation and prosecution of the full range of criminal activities associated with drug trafficking organizations, with emphasis on a full-scale attack on the financial aspects of drug trafficking. The strategy continues to emphasize expanding the involvement of every federal enforcement agency which has any capability for contributing to the fight against drug abuse.

The strategy also recognizes that law enforcement agencies working together often can accomplish more than the same agencies working separately, and one of the objectives for drug law enforcement is to improve interagency cooperation and coordination. Historically, federal drug law enforcement efforts have been hindered by coordination problems among the involved agencies.

OCDETF Program established
to bolster attack on major
drug trafficking organizations

President Reagan announced the formation of the OCDETF Program on October 14, 1982. The program's overall goal is to identify, investigate, and prosecute members of high-level drug trafficking enterprises and destroy the operations of those organizations by means of

- adding new federal resources for the investigation and prosecution of major drug trafficking organizations, and
- fostering interagency coordination and cooperation in the investigation and prosecution of major drug cases.

The Task Force program was initially comprised of 12 regional Task Forces covering all of the country with the exception of

Florida, where the South Florida Task Force had been operating under a different program since January 1982. The 12 Task Forces became operational in 1983. A 13th Task Force, in the Florida/Caribbean region, was added in 1984. (A map depicting the 13 Task Force regions is contained on page 36.)

Each Task Force region encompasses a number of federal judicial districts and has a major city, known as the "core-city," designated as the regional headquarters. Federal agencies participating in the Task Forces include the U.S. Attorneys' offices; the Drug Enforcement Administration (DEA); the Federal Bureau of Investigation (FBI); the U.S. Customs Service; the Bureau of Alcohol, Tobacco and Firearms (ATF); the Internal Revenue Service (IRS); the U.S. Marshals Service; and the U.S. Coast Guard. Consistent with the objective of fostering interagency coordination, state and local law enforcement agencies also participate in the Task Force program.

Task Force resources were intended to be an addition to existing federal drug law enforcement efforts, and positions were to be filled by experienced personnel from the participating agencies. In January 1983, authorization was received for 200 attorney positions and 1,000 agent positions for the initial 12 Task Forces. The first year of operations that these 12 Task Forces were at full-strength was 1984. The 13th Task Force, which started on October 1, 1984, had 26 attorneys and 131 agents assigned by the end of 1984. The attorney, agent, and U.S. Marshal positions allocated to the OCDETF Program--1,586 as of December 31, 1985--are spread throughout most of the 94 federal judicial districts, with the majority of the allocations in the core-cities. The following table shows various position allocations by agency as of December 1985.

Table I.1:
OCDETF Attorney and Agent
Position Allocations December 1985

<u>Department of Justice</u>	<u>Number of</u> <u>positions allocated</u>
Attorneys	306 a
DEA agents	457 b
FBI agents	362
U.S. Marshals	<u>13</u>
Total allocation	<u>1,138</u>
 <u>Department of the Treasury</u>	
IRS agents	215
Customs agents	164
ATF agents	<u>69</u>
Total allocation	<u>448</u>
 <u>Department of Transportation</u>	
Coast Guard personnel	<u>11</u> c
Total assigned	<u>11</u>

^aThis figure includes 4 Task Force attorney positions added to the Criminal Division, 9 attorney positions added to the Tax Division, and an allocation of 76 attorneys provided for by the 1985 Supplemental Budget Appropriation Act.

^bIncludes 155 DEA agents provided for by the 1985 Supplemental Budget Appropriation Act.

^cThe Coast Guard receives no budget allocation for Task Force personnel, but it has stationed Coordinators with 11 Task Force offices.

OBJECTIVES, SCOPE,
AND METHODOLOGY

By letter dated May 23, 1985, Senator Joseph R. Biden, Jr., requested that we review the activities of the OCDETF Program. In accordance with the Senator's office, the primary objectives of our review were to obtain information on (1) how individual Task Forces are organized and operated, and (2) how Task Force resources are budgeted, accounted for, and managed.

To accomplish our objectives, we performed work at OCDETF headquarters in Washington, D.C., and in the core-cities (Baltimore, Detroit, Houston, Los Angeles, Miami, New York, San Francisco, and St. Louis) for 8 of the 13 Task Forces. In addition, we performed work at the headquarters of DEA, FBI, Customs, IRS, ATF, U.S. Marshals Service, and the Coast Guard; the Executive Office for U.S. Attorneys; and the headquarters of the Departments of Justice and the Treasury. Our work included:

- discussions with agency officials;
- review of the OCDETF Program Guidelines and the OCDETF Annual Reports;
- examination of A Caseload Study of the Organized Crime Drug Enforcement Task Force Program conducted by Aurora Associates, Inc.;
- review of OCDETF budget information, resource allocations, staff-years consumed, and statistical achievements;
- review of correspondence, reports, and statistical data related to OCDETF and federal drug law enforcement; and
- examination of the 1984 Narcotics Intelligence Estimate of the National Narcotics Intelligence Consumers Committee.

At the eight Task Force core-cities, we conducted structured interviews² with the Task Force Coordinators representing the U.S. Attorneys' Office and the federal investigative agencies (DEA, FBI, Customs, IRS, and ATF). We used one structured interview document for the coordinators from the U.S. Attorneys' Offices--called Assistant U.S. Attorney (AUSA) Task Force Coordinators--and a separate (but very similar) structured interview document for the coordinators from the investigative agencies--referred to as Agency Task Force Coordinators. We selected the eight Task Force core-cities based on several criteria, including the extent of: drug trafficking activity, reported statistical accomplishments, and reported agency participation in OCDETF investigations. We also considered geographic coverage in our selection.

We supplemented our work with information in related GAO reports, congressional reports, and congressional hearings. Our review was performed in accordance with generally accepted government

²A structured interview is one in which a questionnaire-type document is used so that each person interviewed is asked the same questions.

auditing standards. Our field work was conducted from July 1985 through January 1986.

OCDETF ACHIEVEMENTS

The OCDETF Program reports a number of indictments, convictions, asset forfeitures, and drug seizures. In addition, our work shows that AUSA and Agency Task Force Coordinators generally believe the Task Forces have enhanced drug law enforcement efforts by adding resources and by helping to improve interagency cooperation and coordination.

The impact of drug law enforcement, including the OCDETF Program, is difficult to gauge. If drug availability were the sole measure, drug enforcement efforts have not had a great impact--every indication is that illegal drugs remain readily available for consumption in this country. Drug abuse, however, is unlikely to be eliminated by domestic law enforcement efforts alone. Other factors, such as drug abuse prevention efforts, drug interdiction activities at U.S. borders, and crop eradication in source countries, play important roles in controlling the drug problem. Perhaps a better measure of the OCDETF Program is its progress in successfully prosecuting high-level drug traffickers, seizing their assets, and destroying their illegal operations.

Statistical accomplishments

The OCDETF Program reported that as of December 31, 1985, 1,162 Task Force cases had been initiated resulting in 6,794 individuals charged in indictments and informations and 2,453 individuals convicted. Fines, seizures, and forfeitures of property and cash reportedly exceeded \$440 million. In addition, the program cited large quantities of drugs that were removed from the illegal market through Task Force seizures.

Convictions under the Racketeer Influenced and Corrupt Organization (RICO) and Continuing Criminal Enterprise (CCE) statutes--the so-called "kingpin" statutes--indicate that heads of criminal organizations were pursued. The OCDETF program reported 166 RICO convictions and 105 CCE convictions through December 1985.

As part of a separate review, we are assessing certain accomplishments (sentences imposed, criminal fines assessed, and nondrug assets seized and/or forfeited) reported by the Task Forces. As part of that evaluation, we are (1) comparing the actual penalties imposed (sentences and fines) to the maximum penalties authorized by law at the time of sentencing, (2) comparing the amount of criminal fines assessed to the amount collected, (3) determining whether Task Force attorneys are using

statutes with enhanced drug penalties in cases where a defendant had a prior drug conviction, and (4) determining whether Task Force attorneys are complying with OCDETF guidelines regarding the use of plea agreements.

Coordinators cite
advantages of the
OCDETF Program

The AUSA and Agency Coordinators we met with said they believe that the OCDETF Program has been beneficial to drug law enforcement. The advantages most often cited were additional resources and better cooperation and coordination among the agencies involved.

The Coordinators generally recognize that interagency rivalries, conflicts, and jurisdictional disputes still exist and serve as impediments to greater Task Force success. Nevertheless, most Coordinators (42 of 48) said the program has improved this situation. Examples of specific improvements mentioned by some of the Coordinators are: increased sharing of intelligence, better knowledge and combined use of agency expertise, and the establishment of an institutional setting for cooperation on drug cases.

Most of the Coordinators (35 of 48) also said that the Task Force program has enhanced AUSA involvement in investigations, helped improve the full use of investigative techniques (47 of 48), and achieved positive results, such as a greater number of RICO and CCE cases (44 of 48). Most Coordinators (40 of 46)³ said that if the OCDETF Program were to be removed, drug law enforcement would be adversely affected.

OCDETF ORGANIZATIONAL STRUCTURE

National oversight of the OCDETF Program is provided by various groups in Washington, D.C. The official responsible for the performance of each Task Force is the U.S. Attorney in the core-city.

National oversight

The senior oversight group for the Task Force program is the National Drug Enforcement Policy Board, chaired by the Attorney

³Two Coordinators did not provide an answer.

General.⁴ The Board is responsible for providing top-level review of the national policies, interagency coordination, and intergovernmental cooperative efforts of OCDETF. The Board reports directly to the White House. At the next level is the OCDETF Working Group, chaired by the Deputy Attorney General and composed of ranking officials from Justice, Treasury, and Transportation agencies. The Working Group's role is to establish policy and coordinate the development and progress of the Task Force program. It is also responsible for resolving interagency administrative or policy disagreements that cannot be settled in the field.

The Washington Agency Representatives Group, composed of representatives of the participating agencies, was established to assist the Working Group and to meet with the OCDETF Administrative Unit so that regular coordination and problem resolution is achieved. In the Justice Department, the OCDETF Administrative Unit has day-to-day responsibility for providing administrative support to the Task Forces and is responsible for records management. The Director of the Administrative Unit said the unit also directly supports the Office of the Deputy Attorney General, who is Chairman of the Working Group, and coordinates departmentwide reports regarding the OCDETF Program. (An organization chart depicting national oversight of the OCDETF Program is contained on page 37.)

Task Force field structure

Each regional Task Force is coordinated by the U.S. Attorney for the district where the core-city is located. The core-city U.S. Attorney is accountable to the Deputy Attorney General regarding the conduct of the Task Force. The U.S. Attorney's responsibilities include establishing a Task Force Advisory Committee, establishing a Task Force Coordination Group, and selecting an AUSA Task Force Coordinator to manage the administrative operations of the Task Force and the Coordination Group. (An organization chart depicting the structure of a regional Task Force is contained on page 38.)

The Task Force Advisory Committee is to be composed of the core-city U.S. Attorney, as chairman; the other U.S. Attorneys in the region; the AUSA Task Force Coordinator; the Agency Task Force

⁴Other members include the Secretaries of State, Treasury, Defense, Transportation, and Health and Human Services; the Directors of Central Intelligence and the Office of Management and Budget; the Deputy Assistant to the President for Drug Abuse Policy; and the Vice President's Chief of Staff.

Coordinators; the agency Special-Agents-in-Charge⁵ (SAC) in the region; and the Organized Crime Strike Force Chief(s) in the region. The Advisory Committee is responsible for overseeing the Task Force and providing guidance on policy and procedures.

The Task Force Coordination Group is the central administrative element for each Task Force. It is composed of the AUSA Task Force Coordinator; Agency Task Force Coordinators (one representative from each of the participating federal investigative agencies, the U.S. Coast Guard, and the U.S. Marshals Service);⁶ and representatives from other appropriate agencies (e.g., state or local law enforcement agencies). The Coordination Group is to serve all districts within a Task Force, and the group's responsibilities include:

- evaluating cases submitted for selection as Task Force cases;
- ensuring that all appropriate cases in the region are brought to the group's attention;
- facilitating the exchange of investigative information between judicial districts;
- monitoring the use of Task Force resources;
- resolving any cooperation problems among personnel from different Task Force agencies;
- monitoring changes in drug trafficking patterns in the region;
- ensuring that federal, state, and local law enforcement agencies are coordinating on Task Force matters to the fullest extent practical; and
- designating attorney and agent specialists within the Task Force (i.e., forfeiture, tax, financial investigations, and drug diversion specialists).

In the judicial districts without a core-city, the U.S. Attorney is responsible for coordinating and overseeing Task Force operations. The U.S. Attorney is to provide the administrative

⁵The senior supervisory personnel of investigative agencies' offices have a variety of titles. Since several are called Special-Agent-in-Charge, for simplicity they are all referred to in this report by the acronym "SAC".

⁶The Coast Guard is not represented in two Task Forces.

support and organizational leadership for the District Drug Enforcement Coordination Group, which is responsible for reviewing case selection, resource allocation, and operational progress of Task Force efforts. Each U.S. Attorney is to also designate a Lead Task Force Attorney for the district. The Lead Attorney has responsibility for managing Task Force administrative requirements, overseeing the case selection process, providing necessary reporting, and serving as a liaison point with the core-city Task Force office.

TASK FORCES DESIGNED TO
HAVE NO CENTRAL AUTHORITY

The OCDETF Program was designed so that the individual Task Forces would have wide flexibility in dealing with drug trafficking problems specific to their regions. In establishing the OCDETF framework, Justice program planners also provided that participants in the Task Forces would remain under the authority of their own agencies and that Task Force operational decisions would be based on a consensus of those involved. Consequently, the Task Forces are an affiliation of agencies that have no single leader with the authority to direct operations.

The planners of the OCDETF Program sought to avoid pitfalls encountered by earlier drug task forces and devised certain guiding principles to enhance the program's chances for success. The principles are integrated into the structural and operational design of the program. Three of them affect authority and control over Task Force operations.

- The program was to be highly decentralized. It was intended that each Task Force would have the flexibility to use available resources in the most appropriate manner for a given location. Primary decisionmaking would be in the field, not in Washington, D.C.
- Participants in the OCDETF Program were to retain their organizational affiliations. The program was not supposed to create a new bureaucracy; and the Task Forces were not to be elite "superagencies" with the accompanying potential for infringing on citizens' rights.
- Task Force operational decisionmaking would be based on a consensus model, not an authoritarian model. The participating agencies have varying methods of operation, philosophies, jurisdictions, and types of expertise. Program planners believed a consensus approach would prevent institutional differences from blocking a cooperative effort.

OCDETF Program guidelines developed by the OCDETF Working Group and issued over the signature of the Attorney General are consistent with these principles. While the guidelines provide for national oversight, the established standards and procedures are purposely broad and flexible so that individual Task Forces can be tailored to meet regional needs. The OCDETF Program's March 1984 annual report noted that the guidelines are meant to be viewed not as a "bureaucratic straitjacket," but as the "polestar" by which the development of the Task Forces might be guided.

The guidelines provide that the Task Forces will not operate as separate law enforcement agencies--attorneys and agents working on Task Force cases will remain under the command of their own agencies and offices. The core-city U.S. Attorneys are the senior officials responsible and accountable for overall Task Force coordination, but they have no authority over Task Force agents or over Task Force attorneys in other judicial districts.

Advisory Committees not
providing guidance

The OCDETF guidelines require each core-city U.S. Attorney to establish an Advisory Committee (see page 14) responsible for overseeing Task Force operations and providing guidance on policy and procedures within the framework of the guidelines. The core-city U.S. Attorney, in consultation with the Advisory Committee, has various responsibilities. Some of these include:

- developing guidance for selecting Task Force attorneys and agents to be followed by U.S. Attorneys and SACs in the Task Force region,
- developing plans and strategies for the aggressive investigation and prosecution of targeted violators and organizations, and
- developing any Task Force policies and standards more detailed than those enunciated in the guidelines.

Our work showed that the core-city U.S. Attorneys and Advisory Committees generally were not directing Task Force operations. At the eight core-cities we visited, most (28 of 48) of the Task Force Coordinators either were not certain of the Advisory Committee's role or said the Committee had provided little or no guidance to the Task Force. The Coordinators were similarly negative or uncertain about whether the core-city U.S. Attorney and Advisory Committee had carried out the specific responsibilities mentioned above.

The majority of the Coordinators (32 of 48) indicated that the U.S. Attorney and/or the Advisory Committee does not serve as a central authority to provide overall direction to Task Force operations. In discussing our work with an Associate Deputy Attorney General and the Director of the OCDETF Administrative Unit, they stated that the AUSA Coordinators generally serve as the overall leaders of the Task Forces and are looked to for guidance.

We also asked the Coordinators if they believe stronger direction is needed for more effective Task Force operations. Over 80 percent (26 of 32) of the AUSA, Customs, IRS, and ATF Coordinators said that it is needed; generally, they believe that stronger direction should be provided at the national level (e.g., the Attorney General, agency headquarters). On the other hand, almost 70 percent (11 of 16) of the DEA and FBI Coordinators said stronger direction for the Task Forces is not needed.

CONCERNS EXIST REGARDING
CERTAIN TASK FORCE
OPERATIONAL MATTERS

The flexibility and lack of centralized authority to direct operations in the OCDETF Program provide each participating agency and office discretion in deciding how it will work with and support the Task Forces. The agencies have different views, policies, and practices regarding certain key elements of Task Force operations, and these differences have affected how the Task Forces have been implemented. In some instances, agencies are not following all policies set out in the program guidelines.

Four operational elements over which disagreements and concerns exist are: staffing of agents and attorneys; housing of Coordinators, agents, and attorneys; Agency Coordinators' authority; and Title 21 authority for agents who are not DEA or FBI agents. In addition, some officials told us they were concerned about over-involvement of attorneys in drug investigations.

These issues have persisted since the start of the OCDETF Program. Task Force Coordinators and headquarters officials have discussed these and other concerns, and OCDETF is conducting a study, scheduled for completion in May 1986, to determine what corrective actions may be necessary to improve the program.

Task Force staffing

The agency SACs and the U.S. Attorneys determine which of their agents and attorneys are designated as Task Force personnel. In some instances, specific personnel are permanently assigned to

the Task Forces, and at other times personnel are rotated on and off the Task Forces on a case-by-case basis. There is no agreement among participating agencies on whether agents and attorneys should be dedicated full-time to the Task Forces.

According to OCDETF Program guidelines, agents and attorneys officially designated as Task Force resources ordinarily will be measured in full-time permanent positions, not in staff years (full-time equivalents) contributed by an agency to Task Force work. This is considered necessary to ensure accountability of Task Force resources and to facilitate the monitoring of Task Force performance. A portion of an agency's allocated Task Force positions, not to exceed 25 percent, may be filled on a staff-year basis rather than by full-time assignments. This permits temporary use of individuals with special skills and provides some managerial flexibility.

Personnel designated as full-time Task Force personnel may work only on cases that have been approved as Task Force cases. The guidelines recognize that extraordinary circumstances may require temporary diversion of these persons. Non-Task Force personnel may work on Task Force cases at the discretion of the responsible SAC or U.S. Attorney.

Our interviews with Task Force Coordinators in eight core-cities disclosed that DEA and the FBI typically (seven of eight core-cities) assign staff to the Task Forces on a case-by-case basis (e.g., when a case becomes a Task Force case, the agent(s) developing it follows it into the Task Force). The other agencies generally designate specific personnel to permanently work on the Task Forces. Twenty of 46 Coordinators⁷ we met with also told us that staff from their agencies who are designated as full-time Task Force personnel (in the core-cities) work at least some of the time on non-Task Force cases.

An August 1985 report (A Caseload Study of the OCDETF Program) by Aurora Associates, Inc.,⁸ pointed out that the guideline requirements for staffing are often not met. The report noted that other than ATF, every investigative agency had far more than 25 percent of its Task Force positions on a staff-year basis, and the 75/25 rule was not met or even approached for attorneys in some locations.

Opinions vary regarding how the Task Forces should be staffed:

⁷Two Coordinators could not provide an answer.

⁸This study was commissioned by the Department of Justice.

- The OCDETF Program's March 1985 annual report noted that some managers have found that the use of full-time equivalent personnel affords them greater flexibility in responding to day-to-day fluctuations in requirements, while others feel strongly that a dilution of personnel dedication (i.e., full-time permanent positions) results in a reduction of availability and responsiveness.
- The subject of staffing was brought up at an OCDETF Coordinator's conference held in Virginia Beach, Virginia, in September 1985. Some Coordinators suggested that dedicated Task Force staffing with specific individuals assigned could increase Task Force productivity.
- Most of the Coordinators we interviewed (38 of 47)⁹ agreed that Task Force attorneys should be dedicated to the Task Force on a permanent basis. Fewer (29 of 48) agreed that Task Force agents should likewise be dedicated. Regarding the agents, the DEA and FBI Coordinators generally agreed (12 of 16) that staffing should be on a case-by-case basis.

The report by Aurora Associates, Inc., said the OCDETF guidelines on staffing provide the only assurance that agents and attorneys will actually be assigned to and remain with the Task Forces, and they are the only proof that the OCDETF Program is not merely a method of gaining federal law enforcement funding that would gradually be distributed among existing agencies. The report also said it appears that local autonomy has been a strong factor in OCDETF success, and this suggests that both full-time equivalents and the dedicated force are effective operating methods. The report identified various pros and cons to the full-time operation prescribed by the guidelines. It concluded that a decision must be reached and enforced on what constitutes an appropriate mix of dedicated and full-time equivalent personnel so that Task Force momentum and quality of outcome can be maintained while new cases are accepted at the 1984-85 rate.

Housing of Task Force personnel

The housing of Task Force Coordinators at one location is considered by many Coordinators as a key to improved cooperation and greater information sharing among OCDETF participants, but the Coordinators are not always located together as required by OCDETF guidelines. The agents and attorneys assigned to Task Force cases are housed in various ways, often working out of their agencies' offices and meeting when necessary.

⁹One Coordinator had no opinion.

OCDETF guidelines require that a separate Task Force office be established in each core-city to provide adequate space for the Task Force Coordinators and administrative support personnel. Coordinators are to be assigned full-time to the Task Force office.

According to the guidelines, the Task Force agents and attorneys will be housed at their own agencies. If a multiagency case can be investigated best by agents sharing space on a full-time or part-time basis, arrangements can be made for space in existing agency offices or, if adequate space is not available, other secure space can be acquired.

When we visited the eight core-cities, the Coordinators generally had office space available so they could be housed at one location. The extent of co-housing varied, however.

- In Los Angeles, the DEA, IRS, Customs, and ATF Coordinators had co-housing space at the DEA office. The AUSA and FBI Coordinators were at their own agencies' offices. Coordination Group meetings were held at the U.S. Attorney's Office.
- Office space for co-housing the Coordinators in New York was not available until September 1985. When the space became available, the Coordinators generally used it for Coordination Group meetings only.
- Six of the eight Coordinators in Baltimore have been co-housed in the Task Force office, along with ATF agents, since the program started. We were told that a space shortage had prevented any further co-housing of Task Force staff, including the DEA and Customs Coordinators. OCDETF officials said that in 1983 the General Services Administration, as part of a federal space reduction plan, took some of the Task Force office space away.
- At each of the Task Forces, the amount of time that the Coordinators spend at the co-housing location varies considerably. Nearly half of the Coordinators (21 of 48) told us they spend 90 percent or more of their time at the co-housing location. Ten Coordinators spend 50 to 89 percent of their time there, 14 Coordinators are there 11 to 50 percent of their time, and 3 Coordinators spend 10 percent or less of their time at the co-housing location.

Almost all of the Coordinators we interviewed (42 of 48) agreed that Task Force Coordinators should be located together. They said that the advantages of co-housing Coordinators include better communication, greater sharing of information, and enhanced coordination and cooperation.

In a memorandum to the OCDETF Working Group summarizing the September 1985 Coordinators' conference, the Associate Deputy Attorney General noted that the Coordinators see their role principally as that of facilitators of cooperation and information sharing. He said the U.S. Attorneys and a majority of the Coordinators agree that the core-city Coordination Group is a key to the successful operation of a Task Force. When some Coordinators are not permitted by their supervisors to co-house, communication is diminished and information sharing damaged. He said that the Coordinators at the conference registered a very strong vote for requiring and enforcing co-housing of all Coordinators, and he said that they cited this as the single most needed change to improve cooperation and information sharing.

Regarding the housing of agents and attorneys, the Coordinators we interviewed said all Task Force members are not located together--a variety of different arrangements exists. In Los Angeles, for example, all Task Force attorneys are located at the U.S. Attorney's Office; DEA, IRS, Customs, and ATF agents are housed together at the DEA offices; and the FBI agents are located at the FBI office approximately 12 miles from DEA and the U.S. Attorney's Office. Another example is Houston, where the agents work mostly out of their own agencies' offices and the attorneys are co-housed with Coordinators in space provided for the Task Force.

During our review, we noted that opinions were mixed on whether all Task Force members should be co-housed. The coordinators cited advantages such as enhanced communication and building of trust among task force members, and disadvantages such as agents losing contact with their home agencies. At the Coordinators' conference, suggestions for improving operations included permanent co-housing of agents, co-housing of Task Force personnel in major cities, and requiring all agents to be located together on a case-by-case basis.

Agency Coordinators' authority

OCDETF guidelines call for Agency Coordinators to be supervisory level agents, but there is no requirement that they supervise agents assigned to the Task Forces. Coordinators' duties include reviewing the assignment of their agencies' agents to Task Force cases in all districts within the Task Force; working with the SACs in the districts to ensure that the agents effectively participate in multiagency cases; coordinating their agencies' role in core-city district Task Force cases; and monitoring their agencies' activities throughout the Task Force region.

At the eight core-cities we visited, we asked the Coordinators whether they directly supervised Task Force agents from their

respective agencies and if they believed that Agency Coordinators should have this responsibility.

Table I.2:
Agency Coordinators' Supervising
Task Force Agents

<u>Agency</u>	<u>Is supervision provided?</u>		<u>Should supervision be provided?</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
DEA	0	8	0	8
FBI	0	8	0	8
Customs	5	3	6	2
IRS	2	6	3	5
ATF	8	0	7	1

The Coordinators who favored having supervisory authority over Task Force agents generally said it would allow them to easily commit and reallocate resources for Task Force cases. Some said it was not necessary to directly supervise the agents, but only to have authority over the agents' supervisors. The perceived need for line authority over agents was also brought up at the September 1985 Coordinators' conference.

Those we interviewed who did not believe Agency Coordinators should supervise the agents essentially either (1) pointed out that the Task Force region was too large geographically to make this practical or (2) said that one person could not effectively perform both Coordinator and supervisory responsibilities.

Title 21 authority for Task Force agents

President Nixon's Reorganization Plan No. 2 of 1973 created DEA in the Department of Justice and assigned it the responsibility and authority for investigating all drug law enforcement cases under Title 21 of the U.S. Code. In January 1982, the Attorney General assigned to the FBI concurrent jurisdiction for drug investigations with DEA.

A January 5, 1984, document from the Attorney General formally requested the assistance of the Secretary of the Treasury in conducting certain domestic drug investigations under Title 21. The Attorney General delegated authority to the DEA Administrator to designate specific Customs agents identified by Customs to participate in drug trafficking investigations under the supervision of DEA. The document provided that Customs shall submit requests for the designation of identified Customs personnel to the appropriate DEA SAC. On February 6, 1984, the Secretary of the Treasury formally granted the Attorney General's request for assistance. The DEA Administrator and Customs

Commissioner subsequently established procedures for Title 21 designation of Customs agents.

Title 21 designations have occurred in the OCDETF Program. A Customs agent assigned to the OCDETF Washington Agency Representatives Group told us that agents are usually designated for a period of 120 days, and some of the agents were designated more than once for a total of 55 designations in 1985. Customs headquarters officials told us that Title 21 designation has not occurred more often because Customs agents do not want to be directly supervised by DEA agents.

At the Coordinators' conference, the subject of Title 21 drug investigation authority and DEA/Customs relationships was discussed. The Coordinators had a variety of ideas and suggestions, including: (1) grant full Title 21 authority to Customs, (2) no Title 21 authority for Customs, (3) modify formally established DEA/Customs roles and relationships to better facilitate Customs' acceptance and use of Title 21 authority, (4) clarify and enforce DEA/Customs agreements in the Task Force setting, and (5) grant Title 21 authority to all agents assigned to the Task Forces. In a November 1985 memorandum to the OCDETF Working Group summarizing the Coordinators' conference, the Associate Deputy Attorney General concluded that a clarification of the national policy with special reference to the OCDETF environment is desired on this issue. As of April 1986, no such clarification had been provided, but the issue is under study by OCDETF officials.

Attorney involvement in investigations

Early attorney involvement in developing investigative strategy is one of the cornerstone principles of the Task Force program. According to the OCDETF Program's March 1985 annual report, it is widely recognized that the more complex the case, the greater the need for expert attorney involvement during the investigative stages to ensure the admissibility of evidence collected and to maintain the integrity of the impending prosecution. The report states that the range and nature of the Task Force investigative techniques require, more often than not, continuing and intensive participation by attorneys.

We have previously recognized the importance of early attorney involvement in major drug cases. In one report (Gains Made In Controlling Illegal Drugs, Yet The Drug Trade Flourishes GGD-80-4, October 25, 1979), we pointed out that effective drug enforcement requires an unusually high degree of communication and coordination among agencies, and full-time attorneys experienced in drug cases occupy the best position to accomplish

the necessary oversight and coordination through their early involvement in conspiracy case investigations.

During our preliminary work on this review, investigative agency officials at two field offices expressed concern regarding attorney involvement in investigations. The officials were concerned that attorneys may go beyond assisting with the development of investigative strategies and become operationally involved in cases (i.e., conduct activities which are the responsibility of agents). As noted in the OCDETF Program's March 1984 report, there are those who strongly believe that investigative rather than prosecutorial agencies should retain professional control of intelligence gathering and investigative functions.

In our visits to the eight core-cities, we asked the Agency Coordinators if they were satisfied with the current level of involvement by attorneys in Task Force investigations. All of the Coordinators said they were satisfied. The increased attorney involvement in Task Force investigations was considered to be an advantage and not an impediment.

OCDETF policymakers are
studying Coordinators'
concerns

At the Coordinators' conference in September 1985, a variety of concerns and suggestions were discussed. Some of these are mentioned above. Others, as summarized by the Associate Deputy Attorney General for the Working Group, included the following.

- Coordinators feel constrained by the variety of and often conflicting agency policies and procedures.
- OCDETF Program guidelines are not being followed. Some Coordinators indicated that the guidelines should be changed to directives and enforced.
- Coordinators indicated there is a need to clarify their responsibilities. It was also suggested that there should be a line relationship between agency headquarters, Agency Coordinators, and Task Force field supervisors and/or agents.
- Quality control of Task Force investigations and prosecutions was a major issue. Coordinators indicated there are organizational and procedural barriers and inadequate incentives to insure that all of the major cases are submitted to the Task Forces. There was concern that modifications in policies and practices are needed to

insure the submission of better investigations for the continued improvement of case management.

--Coordinators believed there needs to be a re-emphasis of the responsibility of the core-city U.S. Attorneys to supervise and manage the program in their regions and to be held responsible for less-than-productive Task Forces.

The OCDETF Administrative Unit conducted a preliminary analysis of the Coordinators' issues and ideas. This information was presented to the OCDETF Washington Agency Representatives Group in November 1985, and members of that group were asked to conduct further analysis from their respective agency perspectives. The group is to prepare a comprehensive report for the Working Group--the report will address both the Coordinators' concerns and the Aurora Associates, Inc., caseload study. The Working Group plans to use the information to refine the OCDETF Program.

In discussing the results of our review with an Associate Deputy Attorney General and the Director of the OCDETF Administrative Unit, they emphasized that the Justice Department has undertaken three major initiatives to monitor, evaluate, and improve the OCDETF program: (1) the Aurora Associates, Inc., study commissioned in July 1984 to analyze the OCDETF caseload and develop information that will assist in determining future Task Force agent and attorney needs; (2) an April 1985 conference in El Paso attended by the Attorney General, U.S. Attorneys, and AUSA Task Force Coordinators, at which problems facing the OCDETF Program and possible solutions were discussed; and (3) the September 1985 Coordinators' conference in Virginia Beach. The Director noted that the Washington Agency Representatives Group's report addressing the Coordinators' concerns and the caseload study was expected to be presented to the Working group in May 1986.

OCDETF DOES NOT HAVE AN INTEGRATED SYSTEM FOR MANAGING RESOURCES

To effectively manage resources, the Working Group needs (1) knowledge of the tasks performed; (2) information on resources used to accomplish the tasks; and (3) the authority to direct and control needed changes in the level, mix, and allocation of resources.

While the Working Group has a Case Monitoring System which provides information on Task Force cases, it does not have a system that provides needed information on attorney and agent resources.

OCDETF does not collect data
on resources actually expended

A February 1983 Justice Department report on data collection options for the OCDETF Program stated that data needed to ensure efficient management of the individual Task Forces and to provide a basis for program evaluation generally fall into two categories: case monitoring information and personnel time-keeping information. According to the report, case monitoring and personnel data from each Task Force would essentially serve three purposes.

- First, the data would provide core-city U.S. Attorneys with the information needed to coordinate the planning and management of Task Force resources in their regions. To carry out their responsibilities, core-city U.S. Attorneys, through their Task Force Coordinators, must be able to track the progress of cases, the resources applied to each case, and the results of their efforts.
- Second, collecting such information would provide the data needed by the OCDETF Working Group to carry out its oversight responsibilities for Task Force operations nationwide. The Working Group needs sufficiently detailed information to determine when a reallocation of resources among Task Forces might be necessary, whether cases are meeting promulgated standards, and whether other programwide management concerns are being met.
- Third, the information, and any necessary special analyses, should allow evaluation of the program's effectiveness and enable the Attorney General to make the required reports to the President, the Congress, and the public. The most immediate use of information at this level would be to support budget requests for the Task Forces by demonstrating that they are a viable enforcement response to the national drug problem.

The OCDETF Case Monitoring System was designed and implemented to meet the management needs of the Deputy Attorney General, the U.S. Attorneys, the OCDETF Working Group, and the regional Task Forces. According to program guidelines, this information system will provide the data necessary to evaluate Task Force Program performance and will provide significant information regarding the need to maintain or shift resources among and within Task Forces. The OCDETF Administrative Unit is the central repository for the data.

The Case Monitoring System consists of five standard report forms: the Investigation Initiation Form, the Indictment or Information Form, the Disposition and Sentencing Report, the

Asset Forfeiture Form, and the Quarterly Report. These reports provide information on Task Force cases, activities, and issues. The reports do not, however, contain information on the actual amount of time spent by attorneys and agents on Task Force cases.

Justice Department officials involved in developing the February 1983 report on collection options told us that no mechanism was established to compile the amount of Task Force attorney and agent time expended because such a mechanism would have been too complex and costly. They said the time-keeping systems of the participating agencies were not the same, and questions arose as to whether the data was collected by all agencies and could be put in the desired format.

Because OCDETF does not collect actual expenditure data, the total amount of resources devoted to the program is not known. The March 1985 OCDETF annual report noted that the participating investigative agencies had assigned more agents to OCDETF cases than were allocated, and some U.S. Attorneys had spread their expanding workload to attorneys not designated as Task Force personnel. For example, the FBI reported that it "has dedicated 550 Special Agents (based on direct agent work years) to Task Force investigations, although allocated only 362 agents for that purpose."

During our review, agency headquarters and regional officials told us that OCDETF attorney and agent allocations are often exceeded. For example, our analysis of responses by 26 Coordinators in the eight core-cities we visited showed 19 instances where the average number of staff working on Task Force cases during fiscal year 1986 was greater than the number of staff allocated.¹⁰ A 1985 report sent to U.S. Customs headquarters by the Customs OCDETF Coordinator in San Diego illustrates this point.

--The Coordinator reported that 10 Customs agents were assigned to the OCDETF Program, and an additional 6 to 10 non-Task Force agents were routinely assigned to Task Force cases. During one investigation, 20 to 25 non-Task Force agents were required to support the case. The report further stated that a lack of personnel had forced Customs to decline or limit participation in cases initiated by other agencies.

Information on the amount of attorney and agent time actually spent on Task Force cases is important to decisions regarding the

¹⁰Twenty-two Coordinators provided estimates that could not be compared to the number allocated because of part-time assignments.

need to reallocate, add, or reduce OCDETF Program resources. An August 1985 study of the OCDETF caseload conducted by Aurora Associates, Inc., commented on the limited information available to OCDETF.

"In preparing forecasts of Task Force performance and outcome, it is worthwhile to consider the question of the type, quantity and reliability of information which will be available to program managers and upon which policy and tactical decisions will be based. Although this was not the primary focus of our investigations, in the course of conducting the Caseload Studies, we were able to assess the quality and utility of the databases and information systems available to the Task Force. As documented in this report, these systems are severely limited. With the completion of the Caseload Study, there exists no ongoing system to monitor such essential operational variables as personnel allocation per case phase or overall utilization of attorney time. These information gaps could prove to be a significant liability in assessing program performance and predicting future needs." (Underscoring added for emphasis.)

The OCDETF Program's lack of information on the actual amount of attorney and agent time spent on Task Force cases could hinder needed resource management decisions. One of the principal findings in the Aurora Associates, Inc., study was that additional personnel will be required to maintain Task Force momentum and quality of outcome while accepting new cases at the 1984-85 rate, and Task Force personnel allocations and utilization practices should be evaluated by region to determine where and when adjustments in attorney, agent, or support strength are required. The Justice Department has recognized that the mix of resources will change over time. Decisions regarding the need to reallocate, add, or reduce Task Force resources can benefit by the collection and review of data on resources actually expended.

Decentralized funding divides authority for deciding the level, mix, and allocation of resources

The OCDETF Program was initially funded with a single appropriation under the authority and control of the Attorney General--participating agencies were reimbursed from this one appropriation. Funds for Task Force operations are now provided directly to seven agencies in two Departments. With this change to decentralized funding for the program, it is not clear how decisions are reached concerning the level and mix of attorney and agent resources needed for the Task Forces.

Initially, the Justice Department requested a single OCDETF appropriation to provide the Attorney General with the necessary flexibility for allocating funds to participating agencies and for assuring the proper mix of law enforcement resources in the program. The Justice Department said a single appropriation would permit the expeditious reallocation of resources in response to changing patterns of organized drug activity, should reduce competition among participating agencies, and would facilitate legislative oversight.

After fiscal year 1983, the OCDETF appropriation was split between the Departments of Justice and the Treasury.¹¹ The Administration requested and received funds in the fiscal year 1984 OCDETF appropriation to reimburse only Department of Justice components for participation in Task Force activities. Funds for Department of the Treasury participation were requested and received as part of direct appropriations to the Treasury agencies involved. Starting in fiscal year 1985, the participating Justice Department agencies also received direct funding for their Task Force efforts.

The U.S. Senate Committee on the Judiciary opposed this decentralization of the OCDETF Program funding. The committee concluded in fiscal year 1984 that centralized funding was one of the keys to effective coordination in the Task Force efforts. The committee also concluded that the Department of Justice had not made an adequate case for transferring the fiscal year 1985 funding of these activities from a centralized line-item to the individual agencies involved. Nevertheless, the funding was decentralized.

The Congress received various explanations of how the decentralized funding would affect OCDETF resource decisions. The Associate Attorney General in March 1983 testified that "the Attorney General will continue to have full responsibility for the program and will determine the level of participation required from the Department of the Treasury." The Treasury Department said it would determine its own level of participation in consultation with the Justice Department. The Assistant Secretary of the Treasury for Enforcement and Operations, also testifying in March 1983, said "participation in the Task Forces by Treasury is solely an option by the Treasury Department, and is under the complete control of the Treasury Department." We also noted that the FBI, in responding to congressional questions on the OCDETF Program in April 1984, stated that without a single Department of Justice appropriation, "discretion to determine where resources are most needed will reside with each agency."

¹¹The Coast Guard received OCDETF funding only in 1983.

According to OCDETF Program guidelines, the Attorney General is responsible for determining if reallocation of Task Force resources is necessary. He is to annually review the allocation of attorneys and agents among the Task Forces and districts considering recommendations of the OCDETF Working Group. The Director of the Task Force Administrative Unit told us, however, that the Working Group does not periodically review the need for reallocating resources. He said the Working Group has made two resource decisions: (1) to establish the 13th Task Force in the Florida/Caribbean region and (2) to add more attorneys to the program.

The Director stated that management decisions regarding Task Force resources are made at various levels without the involvement of the Working Group. He said the decentralized OCDETF funding allows each agency to determine the amount of resources they devote to the program, and the agencies are able to shift resources as needed. He noted that agency field office SACs play a major role in deciding how agent resources are used on Task Force cases.

Policy Board responsible for
reviewing OCDETF resource
decisionmaking

Without a single appropriation for the OCDETF Program, the authority to direct and control Task Force resources is divided. If a need to change the level or mix of resources affects more than one participating agency or department, the responsible officials must coordinate, reach agreement, and effectively implement the agreed-upon decision. The National Drug Enforcement Policy Board is ultimately responsible for assuring that such decisions are properly reached and that the OCDETF Program budget achieves an appropriate balance of needed resources.

The National Drug Enforcement Policy Board was established to oversee and coordinate all federal drug law enforcement efforts. The Board is responsible for reviewing, evaluating, and developing U.S. drug law enforcement policy, strategy, and resources, including budgetary priorities; facilitating the coordination of all federal drug law enforcement operations; and coordinating the collection and evaluation of information necessary to implement U.S. drug law enforcement policy. The Board, which is chaired by the Attorney General, is also the senior oversight group for the OCDETF Program.

In the Board's July 1985 interim report to the Congress, it was noted that the Board is an ideal forum for considering the federal government's overall drug law enforcement budget because of the numerous agencies and departments involved in combatting

drug trafficking. The report stated that the Board may undertake budget reviews to determine whether resources are appropriately allocated. Consideration will also be given to insuring proper interagency balance and the optimal use of resources in the drug war.

Carrying out such budget reviews and insuring that the resources of the agencies involved in drug law enforcement are properly balanced and used is consistent with (1) the Board's responsibility for developing budgetary priorities and (2) the Attorney General's authority, in carrying out his responsibilities as Chairman of the Board, to review and approve the reprogramming of funds relating to the established budgetary priorities. It is also consistent with a previous GAO report recommending strong central oversight of federal drug enforcement programs, including the development of a unified budget that shows all federal resources devoted to drug enforcement and that provides recommendations for rationalizing these efforts in terms of budgetary priorities.¹²

OCDETF officials said the Board had not reviewed the OCDETF budget. Such action cannot be accomplished since the OCDETF Working Group does not prepare an integrated budget for the program or compile information on the actual amount of attorney and agent time spent on Task Force cases.

In commenting on this report the Department of Justice stated that while our discussion of the Board was factual, it should be understood that the Board's role does not include "micro-managing" resource matters within the OCDETF program.

FULL EXTENT THAT OCDETF
ADDED RESOURCES TO TOTAL
DRUG LAW ENFORCEMENT EFFORT
IS UNKNOWN

One of the objectives of the OCDETF Program is to add new federal resources for the investigation and prosecution of major drug trafficking organizations. According to the program guidelines, attorneys and agents assigned to the Task Forces from the participating agencies are required to be experienced in handling drug trafficking cases or cases of a similar nature. The vacated drug enforcement positions in the agencies are to be "backfilled"

¹²Federal Drug Interdiction Efforts Need Strong Central Oversight (GAO/GGD-83-52, June 13, 1983).

by bringing on additional staff for assignment to drug cases. Agency drug enforcement resource commitments in effect at the start of the program are to be maintained.

When asked about backfilling, the Associate Deputy Attorney General told us that neither the Working Group nor the Washington Agency Representatives Group required the agencies to furnish data on backfilling. Headquarters officials at Customs, IRS, and the Executive Office for U.S. Attorneys (agencies that participated in drug enforcement long before the OCDETF Program was established) told us that the necessary data are not readily available. The officials stated, however, that backfilling had occurred.

The March 1985 OCDETF annual report noted that earlier in the program the participating agencies made good faith efforts to backfill, but shortages of experienced and trained personnel made it impossible to always sustain prior levels of effort while devoting staff to OCDETF. The report stated that these shortfalls persisted for some time, but as additional personnel became available the backfills were accomplished.

AGENCY COMMENTS AND OUR EVALUATION

The Departments of Justice and the Treasury commented on a draft of this report (see apps. II and III). Both stated that the report presents a balanced assessment of the OCDETF Program and identifies a number of issues. Justice said that while the issues raised are not new to OCDETF officials, they are significant, and that the Department of Justice, in conjunction with the Departments of Treasury and Transportation, is currently reviewing most if not all of them. Beyond their general comments, Justice and Treasury also provided specific comments centering on their concerns that the report suggests greater central control over operations and resources.

The Department of Justice commented that one of the major issues of this report is the organizational structure of the OCDETF Program and its effectiveness in providing overall direction to Task Force operations. Justice further commented that our report appears to be based, in part, on the presumption that only through strict national oversight can the OCDETF Program be made to work optimally. Justice said that to a certain extent, such a contention runs counter to one of the program's underlying purposes: to decentralize control over large drug investigations and prosecutions so the "field" will have the authority to pursue cases and allocate resources as needed.

Similarly, the Department of the Treasury commented on the need to maintain decentralized control over Task Force operations. Treasury noted that under the concept of a multidepartmental operation such as the OCDETF Program, any centralized authority which does not adequately provide for a balance of jurisdictional priorities will not serve the best interests of the government or the people. Treasury said the OCDETF organization provides for administrative guidelines from a centralized authority and allows decentralized operational authority. Treasury believes that excessive centralized control over field operational resources and activity would be counterproductive to good case management.

Our report discusses in detail the Department of Justice's rationale for designing the OCDETF Program in a highly decentralized fashion. The report notes that the differing views, policies, and practices of the participating agencies have raised concerns about key elements of Task Force operations. It also notes that the core-city U.S. Attorneys and Advisory Committees generally were not directing the operations of their Task Forces as provided in the OCDETF guidelines, and that the Task Force Coordinators we interviewed had varying opinions on whether stronger direction is needed for more effective Task Force operations. However, while it presents some concerns regarding certain aspects of OCDETF's decentralized operations, our report does not conclude that greater centralized control is needed.

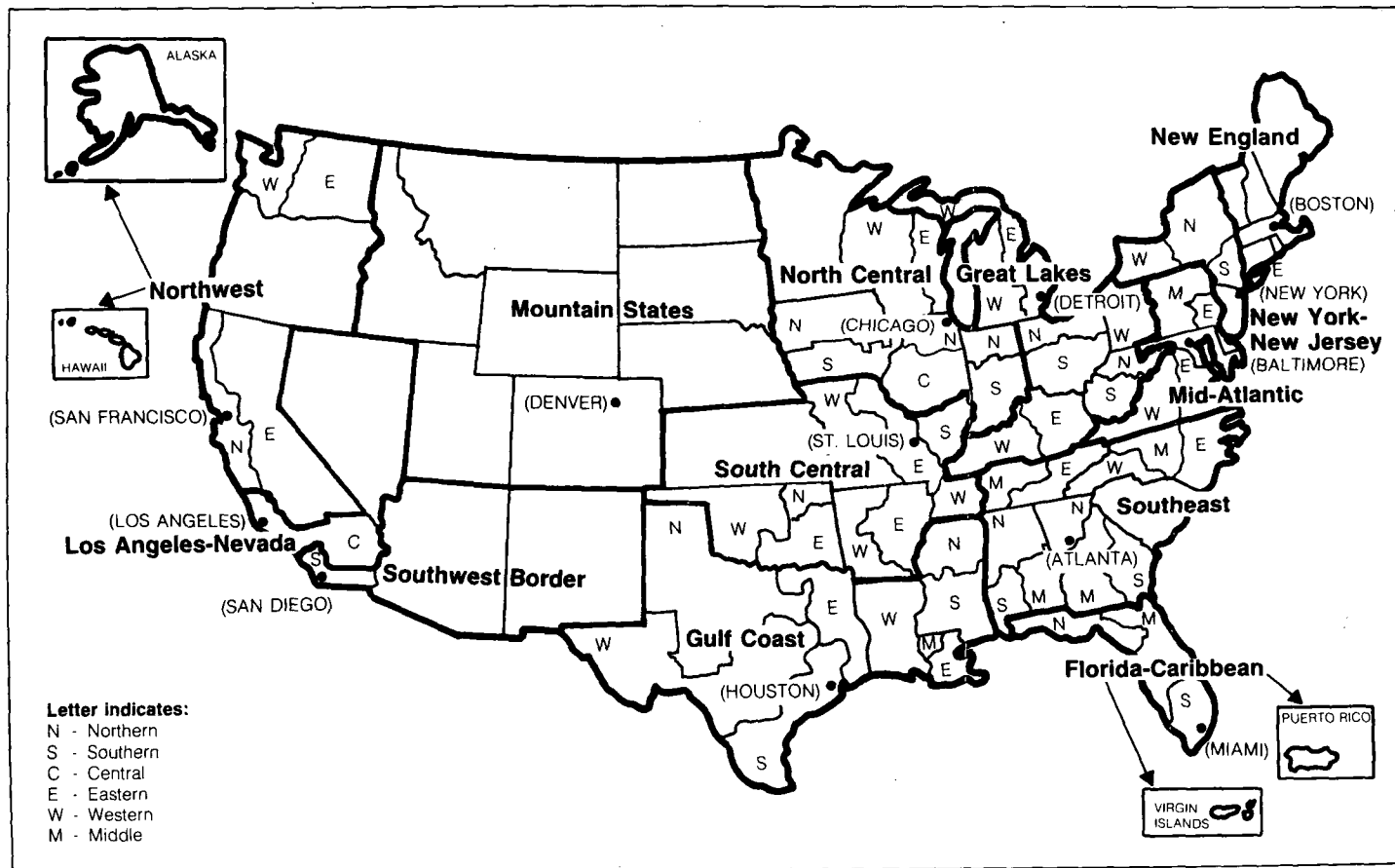
Related to its concern about central control over operations, the Department of Justice also commented that the report suggests centralized funding of the program through a single appropriation. According to Justice, the assumption that a centralized budget will better assist in managing Task Force resources--thereby ensuring the correct balance of resources needed--ignores other management tools which would achieve this goal without creating a large central management authority. Justice commented that the formulation of a national strategy by the National Drug Enforcement Policy Board and a concurrent requirement that the allocation of OCDETF Program resources be limited to circumstances that comport with the national strategy would fulfill this management goal.

Our report takes no position on the merits of a single appropriation for ensuring a proper balance of resources for OCDETF operations. We point out that the method of direct funding to participating agencies results in divided authority for deciding the level, mix, and geographic allocation of resources. However, we do not disagree with Justice that the National Drug Enforcement Policy Board might achieve a proper balance through other management means.

Justice acknowledged that fulfilling this management goal of proper resource allocation requires a mechanism to review and evaluate OCDETF resource utilization. Justice agreed that as noted in our report, a more consistent system of recording the number of agents and attorneys assigned to cases and the total number of staff hours expended on such cases would help in evaluating the effectiveness of the Task Forces' use of resources. Justice noted that further developments in this area are expected.

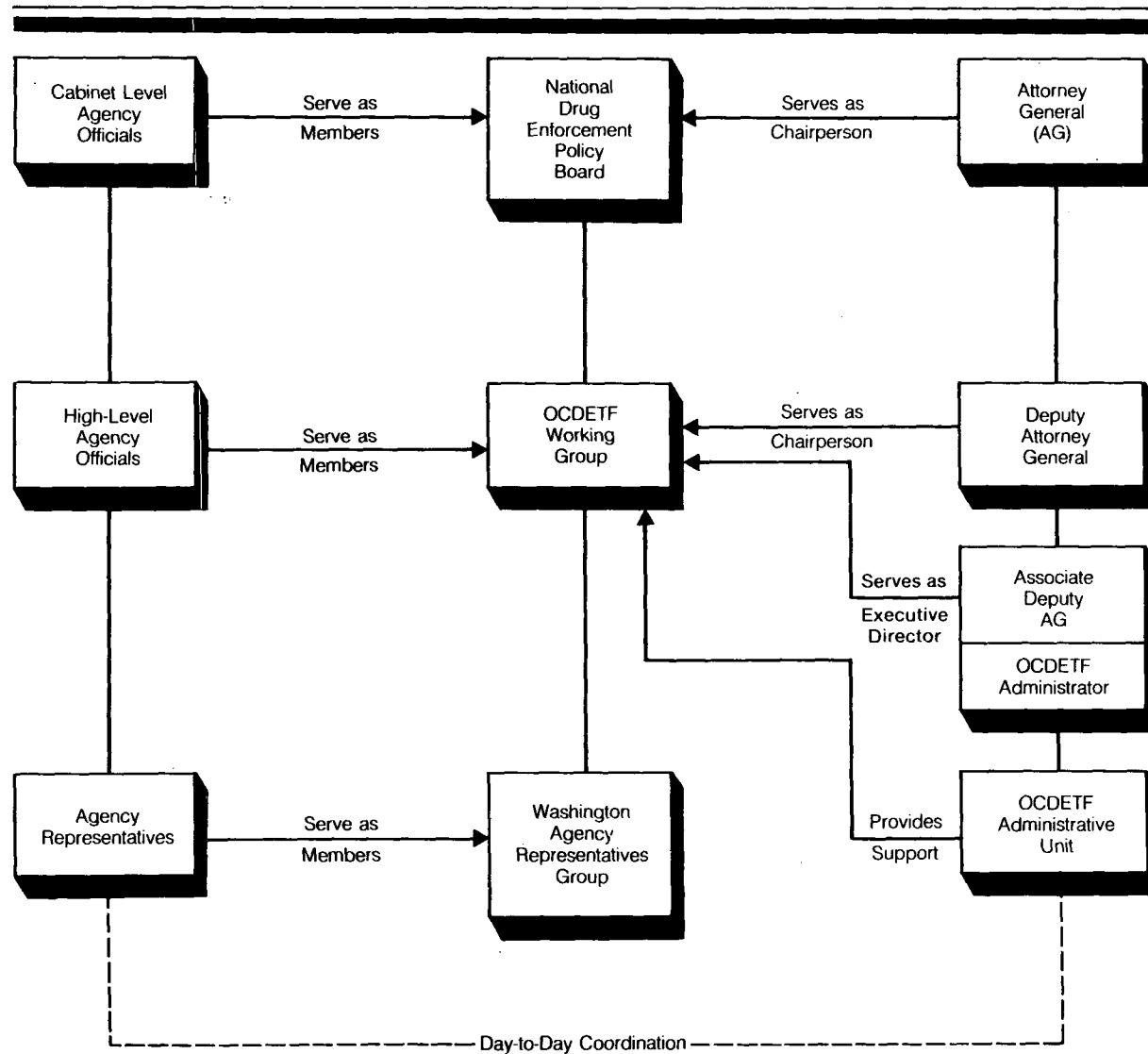
Figure I.1:

Organized Crime Drug Enforcement Task Forces (Regions)



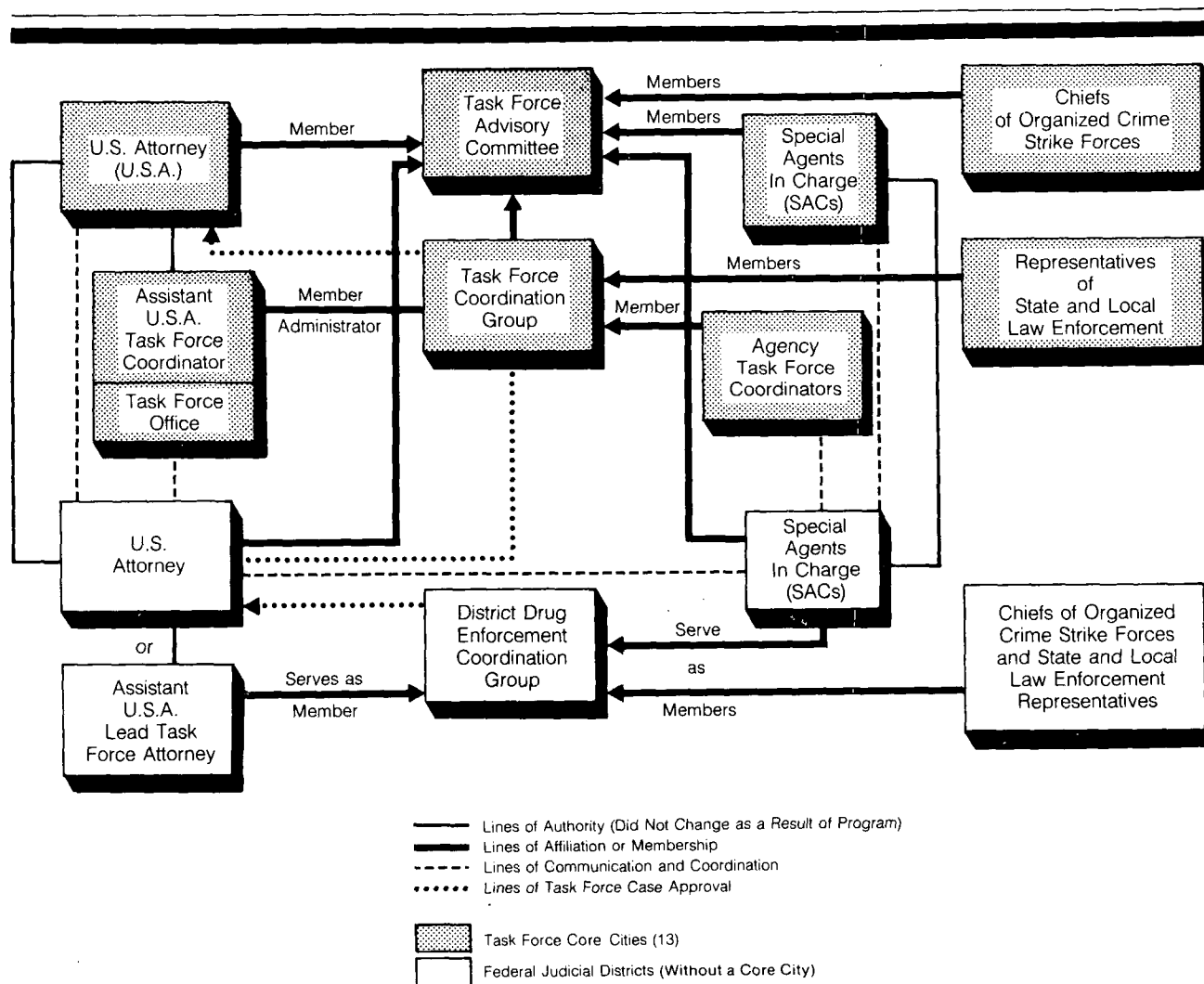
Source: Department of Justice

Figure I.2:
National Oversight of the OCDETF Program



Source: Department of Justice

Figure I.3:

Regional Task Force Structure

Source: Department of Justice



U.S. Department of Justice

Washington, D.C. 20530

MAY 19 1986

Mr. Arnold P. Jones
Senior Associate Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Jones:

This letter responds to your request to the Attorney General for the comments of the Department of Justice on your draft report entitled "Organized Crime Drug Enforcement Task Force Program: A Coordinating Mechanism."

In general, the report finds that the multi-agency investigative approach reflected in the Organized Crime Drug Enforcement Task Force (OCDETF) Program has contributed significantly to the federal prosecution of key drug-trafficking operators, has resulted in the seizure of sizeable amounts of assets and illegal drugs, and has led to the conviction of almost 2,500 individuals, including the heads of many criminal organizations. Additionally, one of the program's most frequently cited advantages was the increased interagency coordination and cooperation, which enhanced Assistant United States Attorney involvement in investigations, helped improve the use of various investigative techniques, and achieved positive results, such as a greater number of prosecutions under the Continuing Criminal Enterprise and the Racketeer Influenced and Corrupt Organization statutes.

Overall, we believe that the report presents a balanced review of the OCDETF Program and identifies a number of issues that require continued study and analysis. While the issues raised are not new to OCDETF officials, they are significant, and as the report points out, the Department of Justice, in conjunction with the Departments of Treasury and Transportation, are currently reviewing most if not all of them. The issues relate to:

- The role of the Advisory Committees.
- Task Force staffing.
- Housing of Task Force personnel.

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- Agency Coordinator's authority.
- Title 21 Authority for Task Force agents.
- Attorney involvement in investigations.

Following completion of the analysis and review of the above issues by the Washington Agency Representatives Group of the OCDETF Program, suggested changes will be recommended to the OCDETF Working Group, which is chaired by the Deputy Attorney General and comprised of ranking officials from participating agencies and departments. This review of Task Force activities is part of a continuing effort to further the goals and objectives of the program by providing refinements of the policies and procedures and thereby insuring the continued vitality of the program.

In its discussion of the functional responsibilities of the National Drug Enforcement Policy Board, the report focuses on the Policy Board's budgetary overview functions. As the General Accounting Office (GAO) points out, because the Policy Board is charged with assessing the Federal Government's overall drug enforcement budget, it must review the OCDETF Program budget in relation to other drug enforcement programs and strategies. While the report is factual in its portrayal of these functions, the possibility of misinterpretation exists. A point which must be understood is that the Policy Board's broad oversight role does not include "micro-managing" resource matters within the OCDETF Program.

One of the major issues of the report focuses on the organizational structure of the OCDETF Program and its effectiveness in providing overall direction to Task Force operations. Essentially, GAO's suggested deficiencies appear to fall into four basic areas: (1) the lack of a national mechanism to establish uniform methods for dealing with recurring problems among the thirteen Regional Task Forces, (2) the failure to accurately monitor the investigative and prosecutive resources allocated between the Task Forces, (3) the lack of reliable statistics at both the national and local levels to ascertain the effectiveness of the OCDETF approach in individual cases and the need for reallocation of resources, and (4) the lack of consistent national or local authority over attorneys and agents assigned to OCDETF investigative cases.

The concerns expressed by GAO in the report appear to be based, in part, on the presumption that only through strict national oversight can the OCDETF Program be made to work optimally. To a certain extent, however, this contention runs counter to one of

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the underlying purposes of the OCDETF Program: to decentralize control over large criminal drug investigations and prosecutions in order to give the "field" the authority to determine, as conditions and situations emerge, the appropriate allocation of resources needed in individual cases. The 13 Task Forces were set up in recognition of the fact that each region of the country is confronted with criminal practices, distribution methods, and demands for law enforcement which are unique to that particular location.

This localized approach was favored in order to streamline the decision-making process and provide those agents and prosecutors familiar with local needs and resources the discretion to pursue methods best suited to the characteristics of the drug trade in each area. In other words, the establishment of decentralized Task Forces was based upon a belief that drug trafficking and ancillary criminal activity can be most effectively handled at the regional rather than the national level. The organizational structure of the OCDETF Program follows this approach. The National Drug Enforcement Policy Board, the OCDETF Working Group, and the Washington Agency Representatives Group, all housed in Washington, D.C., make major policy decisions in "exceptional, national-scale" areas, as well as in matters involving the resolution of nonlegal disputes which cannot be determined within or among the Task Forces themselves.

The practical, day-to-day leadership for the Task Forces is provided at the core-city and district levels, under the overall authority of the core-city United States Attorney. Decisions are made with the advice and deliberation of the other United States Attorneys whose districts comprise the region, Task Force Coordinators, and special agents in charge of the investigative agencies. The determination of whether to proceed on a particular investigation or prosecution is made at this level, as is the decision as to what specific resources are to be allocated. This approach -- which is more consensual than authoritative -- presumes that each particular agent or attorney can best evaluate what techniques within their area of expertise would be most appropriate in a particular case. This decision-making process includes an appraisal of the particular number of personnel necessary to most effectively carry out the investigation. As cases progress, these decisions are subject to revision, with the number of agents and attorneys assigned to a particular investigation increased or decreased as the needs of the case demand. As for the day-to-day management and direction of a specific investigation, a lead agent who is called the "case agent," is assigned to each case because it has been long recognized that the intricate needs and oftentimes spontaneous decisions required in an investigation cannot be successfully

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accomplished by committee action. The designation of a case agent is a mechanism for centralizing information and decision-making, which is used by every agency in every case, and is a necessary element in every investigation. In some OCDETF investigations, because of the multi-regional characteristics of the criminal activity being investigated, more than one "case agent" is designated.

Intercession from the headquarters level in these areas would be counterproductive in the sense of delaying such local "field" decisions. Moreover, considerations outside of the specific needs of a case might be present, especially in the area of personnel deployment by agency heads. This kind of situation could easily lend itself to political interference, especially in times of budgetary constraints. From a practical standpoint, the headquarters groups would need a significant infusion of administrative and clerical support in order to initiate a centralized approach toward "screening" the initiation of OCDETF cases, as well as in monitoring any changes in status of the cases.

This is not to say that the headquarter's role should be limited solely to resolving conflicts among the Task Forces and compiling periodic reports of statistical information. A national focus on the overall drug problem is necessary to determine whether individual Task Force cases will have a significant impact on reducing drug trafficking in the United States. Such case-initiation standards are best established at the national level in order to ensure that purely local crime problems are not given undue emphasis by specific districts. These standards should be articulated at the headquarters level, and should be applied by the Task Force Coordinators prior to approval of a case. Upon submission to the OCDETF Administrative Unit, there should be sufficient information provided to establish that the initiation of a specific investigation is consistent with these standards.

Moreover, as noted in the report, a more consistent system of recordkeeping is necessary among the task forces regarding the number of agents and attorneys assigned to particular cases and the total number of staff hours expended in such cases. Such records would help to evaluate the effectiveness, vel non, of the Task Force's use of resources in terms of the number and level of defendants convicted, the amount of seized or forfeited drugs and criminal proceeds, and the extent that drug activity has been reduced in that region. The Justice Management Division has already conducted an audit in this area and further developments in the area are expected.

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The GAO report also expresses concern with the budgeting method currently employed to appropriate OCDETF Program funds. As of Fiscal Year 1985, each participating agency receives direct funding for their OCDETF activities. The audit suggests that a centralized approach to funding may better reflect a proper balance of resources needed to achieve a national policy concerning the reduction of drug activity. The audit further suggests that centralized budgeting would help to insulate OCDETF Program funding from expenditure on the unrelated needs of individual agencies. The assumption that centralization of the budget will better assist in managing task force resources -- and thereby ensure the correct balance of resources needed to achieve the national policy of reducing drug activity -- ignores other management tools which would achieve this goal, but which would not create a large central management authority. We suggest that the current formulation of a National Strategy by the National Drug Enforcement Policy Board and a concurrent requirement that the allocation of OCDETF Program resources be limited to circumstances which comport with the National Strategy would fulfill this management goal. In so doing, we acknowledge that this mandate must be accompanied by a mechanism to review and evaluate OCDETF Program resource utilization as referred to above. However, the need for centralized evaluation does not require that operational control be so centralized, which, as indicated earlier, is best done regionally, where resource availability and case significance can be monitored on a continuous basis and where Task Force personnel can exercise the flexibility necessary to quickly and accurately reallocate resources to immediate needs.

In summary, while we recognize that some refinements can be made to improve the effectiveness of the OCDETF Program, we believe a more accurate perception of the program could be achieved if the proven accomplishments were recognized and balanced against the areas in which the program can be improved. Unfortunately, although GAO's report does provide limited data on program accomplishments and points out suggested deficiencies in OCDETF's flexible organizational structure, an assessment of the degree of cohesiveness with which Task Force investigations are carried out at the regional level was not the objective of the report. Recent OCDETF Program statistics, some of which are identified in GAO's report, reveal that 1,156 cases have been initiated, 7,695 defendants indicted, and 3,073 persons convicted. In Fiscal Year 1985 alone, over 29 kilograms of heroin, 1,350 kilograms of cocaine, 4,957 kilograms of cannabis, and 693,065 dosage units of dangerous drugs were removed through OCDETF cases. Additionally,

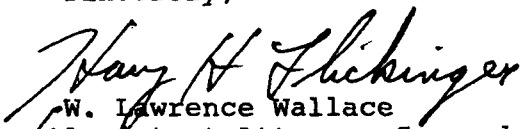
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over \$440 million worth of traffickers' assets were seized. These data clearly determine that the President's goal to immobilize major drug organizations is being accomplished.

We appreciate the opportunity to respond to your report while in draft form. Should you have need for any additional information, please feel free to contact me.

Sincerely,


W. Lawrence Wallace
for Assistant Attorney General
for Administration



ASSISTANT SECRETARY

DEPARTMENT OF THE TREASURY
WASHINGTON

MAY 27 1986

Dear Mr. Jones:

Thank you for giving us the opportunity to comment on the draft report to Senator Biden entitled "Organized Crime Drug Enforcement Task Force Program: A Coordinating Mechanism."

In general, I believe that the report presents a balanced assessment of the overall program. The report states that the multi-agency investigative approach has made significant contributions to the federal prosecution of major drug traffickers and has resulted in the seizure of sizeable amounts of illegal drugs and assets. The report also states that the program has increased interagency coordination and cooperation with significant positive results in the number of prosecutions under the Racketeer Influenced and Corrupt Organization (RICO) and Continuing Criminal Enterprise (CCE) Statutes.

It is important to note that the Treasury Department applies significant law enforcement resources to the program by participating in the great majority of OCDETF investigations. For example IRS Special Agents participate in 67% of all OCDETF investigations. Also, the Department of Justice has established an organizational structure within Justice which encourages Treasury involvement at various policy levels, thus allowing a multijurisdictional approach to be maintained at the operational level.

While the report appears to be somewhat critical regarding an apparent lack of centralized authority, it should be noted that under the concept of a multidepartmental operation such as this, any centralized authority which does not adequately provide for a balance of jurisdictional priorities will not serve the best interests of the government nor the people. The OCDETF organization provides for administrative guidelines from a centralized authority and allows decentralized operational authority. We believe that excessive centralized control over field operational resources and activity would be counterproductive to good cash management.

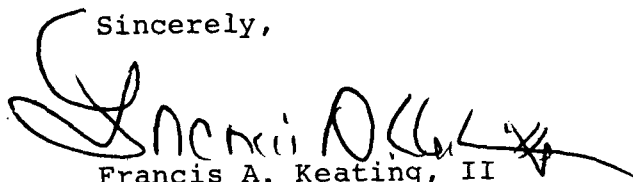
The report raises the following issues as disagreements and concerns:

1. Task Force Agents and attorneys should be dedicated full-time to the Task Forces;
2. Task Force Coordinators, agents, and attorneys should be housed together at one location;
3. Task Force Coordinators should supervise Task Force agents; and
4. The Customs Service (or all non-Justice) agents working on Task Force cases should be given Title 21 authority.

Each of the above issues was identified by the Washington Agency Representatives Group (WARG) in the course of its responsibility to monitor the program, surface important issues, and make recommendations to the working group for policy adjustment. The Treasury Department strongly supports the WARG mechanism as an appropriate level of centralized authority and encourages enhancement of that role in lieu of greater centralized operational authority.

Thank you for the opportunity to comment on the draft report. If you need further information, please do not hesitate to contact me.

Sincerely,


Francis A. Keating, II
Assistant Secretary
(Enforcement)

Mr. Arnold P. Jones
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