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Report to the Honorable
Atorney General U.S. Justice

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General Government Division

B-257088.1

July 7, 1994

The Honorable Alfonse M. D'Amato
United States Senate

Dear Senator D'Amato:

This report responds to your request for information on the Immigration and Naturalization Service's (INS) participation in the Organized Crime Drug Enforcement Task Force (OCDETF). OCDETF was created in 1982 to carry out a comprehensive, multiagency attack on drug-related and money laundering enterprises. Section 6151 (b) of the Anti-Drug Abuse Act of 1988 directed INS to establish an OCDETF pilot project and authorized \$8.2 million to increase the commitment of INS personnel to OCDETF.¹ In fiscal year 1991, INS established pilot projects in 4 of the 13 OCDETF cities. In the pilot project cities, INS OCDETF staff are under the direct control of the INS OCDETF Pilot Director at INS headquarters in Washington, D.C. This organizational structure differs from the structure INS uses to carry out investigative operations in field offices, including OCDETF activities in nonpilot cities. In these locations, INS investigative staff report to the local INS district director.

As agreed with your office, we (1) compared INS staffing and efforts on OCDETF in the pilot cities to nonpilot cities and (2) obtained the views of officials from INS and various other federal law enforcement agencies participating in OCDETF on INS' responsiveness to inquiries from law enforcement organizations and participation in OCDETF criminal investigations.

To do this, we reviewed INS staff-year data on OCDETF investigations in pilot and nonpilot district offices and interviewed INS and OCDETF officials in Washington, D.C., and in four pilot and four nonpilot OCDETF cities. Appendix I provides a more detailed discussion of our objectives, scope, and methodology.

Results in Brief

INS increased its staff years spent on OCDETF in the pilot cities relative to the nonpilot cities. INS increased its total staff years for OCDETF by about 25 percent (from 108 to 135) from fiscal year 1990 to 1992. But in some cities, INS decreased the staff years for OCDETF for the same period. However, in the four pilot cities, INS increased the staff years from 21 to 49 (133 percent) for the same period. The four pilot cities also increased their

¹Public Law 100-690, enacted November 18, 1988.

share of the total INS OCDETF staff-year budget from about 19 percent in fiscal year 1990 to about 36 percent in fiscal year 1992.

Officials from other OCDETF participating agencies told us that they were very positive about INS' participation in both OCDETF pilot and nonpilot cities. They added that INS agents were quite knowledgeable and willing to participate in all aspects of OCDETF investigations. In the eight OCDETF cities that we contacted, the participating agency officials said they were generally aware of available INS staff and set their expectations concerning INS participation in OCDETF investigations accordingly. In the four pilot cities, INS staff were dedicated exclusively to OCDETF activities. This dedication provided assurances to the other OCDETF participating agencies that INS would be able to respond to OCDETF requests. Some participating agency officials in the nonpilot cities said they did not expect major commitments from INS because of its limited staff. However, in both pilot and nonpilot cities, participating agency officials said that INS was doing its best with available staff.

The act requires that INS OCDETF staff in the pilot cities report directly to headquarters and, as a result, the pilot cities staff are autonomous from INS district management. INS staff had differing views on the pilot reporting structure. INS OCDETF agents in the pilot cities preferred the pilot's reporting structure because they were assured of working on OCDETF investigations without being reassigned to other non-OCDETF activities. In nonpilot cities, INS district directors can and have shifted staff on the basis of changing priorities.

In contrast, INS district directors in pilot and nonpilot cities told us that they were not always aware of INS OCDETF activities. For example, even though they were the local INS spokespersons, they could not always respond to inquiries about INS OCDETF activities. In addition, they may be asked to provide assistance to OCDETF staff, such as providing detention space, but may not be given sufficient advance notice. The district directors in both the pilot and nonpilot cities said that INS could successfully participate in OCDETF activities under the traditional reporting structure if INS headquarters makes OCDETF a priority and specifies the level of resource commitment. According to INS officials in headquarters and the field, both organizational structures have advantages and disadvantages.

Background

OCDETF was established in 1982 to coordinate the investigation and prosecution of drug-related and money laundering enterprises. The OCDETF working group was established to provide national oversight by clarifying policy, reviewing resource allocations, and resolving issues that cannot be resolved at the local level. The working group is headquartered in Washington and composed of high-level representatives of the nine participating federal agencies and officials.²

The nine federal agencies and various state and local law enforcement organizations comprise individual task forces. There are 13 task forces located throughout the country.³ Each task force has unique geographic boundaries and a major city, known as the "core city" designated as the regional headquarters. A task force's region may encompass several federal judicial districts and may not coincide with the region, district, or office boundaries of the participating agencies. OCDETF investigations are conducted in the core cities as well as areas outside the core city but within a task force's region. The OCDETF program is to utilize the special skills and expertise of all participating agencies and rely on the jurisdictional authority of those agencies for OCDETF investigations. Thus, when carrying out OCDETF investigations, INS would contribute its alien-related expertise and its jurisdictional authority to apprehend and remove criminal alien drug traffickers from the country.

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 responsible for the task force's operations. The task force's responsibilities include

- evaluating cases submitted for selection to be investigated as task force cases,
- ensuring that all appropriate cases in the region are brought to the group's attention, and
- monitoring the use of task force resources.

²The nine participating agencies and officials are the Drug Enforcement Administration; the Federal Bureau of Investigation; INS; the U.S. Attorneys; the U.S. Marshals Service; the U.S. Coast Guard; the Bureau of Alcohol, Tobacco, and Firearms; the Internal Revenue Service; and the U.S. Customs Service.

³The core cities are Houston, TX (Gulf Coast Task Force); Los Angeles (Los Angeles-Nevada Task Force); Miami, FL (Florida-Caribbean Task Force); New York (New York-New Jersey Task Force); Atlanta (Southeast Task Force); Baltimore (Mid-Atlantic Task Force); Boston (New England Task Force); Chicago (North Central Task Force); Denver (Mountain States Task Force); Detroit (Great Lakes Task Force); San Diego (Southwest Border Task Force); San Francisco (Northwest Task Force); and St. Louis (South Central Task Force).

Essentially, the task forces are a confederation of agencies. Agents participating in OCDETF investigations remain under the authority of their own agencies with task force operational decisions made on the basis of a consensus of the agencies involved.

Generally, the agency that proposes an OCDETF investigation to the task force has been designated as the lead agency for that investigation. For some investigations, more than one agency has jointly proposed an investigation. In such situations, the proposing agencies have coled the investigation. In other investigations, one of the agencies provided assistance. The task force makes the leadership decision on a case-by-case basis.

The OCDETF program operates under a single Department of Justice appropriation that reimburses the nine participating agencies for their OCDETF-related activities. Under this consolidated appropriation, funding is made available to participating agencies through reimbursement agreements between the Deputy Attorney General and heads of the participating agencies. The agencies generally use the funds for staffing. For fiscal year 1992, OCDETF received more than \$390 million and about 4,000 staff years, of which INS received \$10.6 million for 125 of its 135 OCDETF staff years.

Before INS became an OCDETF participating agency, INS senior special agents worked on OCDETF investigations when other participating agencies requested INS assistance and it had staff available. Basically, any of INS' 33 district offices could have participated in investigations on an as-needed basis. Due to the dramatic rise in serious crimes committed by foreign-born individuals, the Attorney General made INS an OCDETF program participant in December 1986. In May 1987, before the OCDETF pilot project, INS appointed full-time coordinators to each of the 13 task forces and designated 87 senior special agents as full-time INS OCDETF agents.

The 1988 act required INS to establish a pilot project but did not specify the duration of the pilot project.⁴ The act required that in the pilot project the INS OCDETF staff be under the supervision of a pilot director and used exclusively to assist federal, state, and local law enforcement agencies in

⁴The act required the Attorney General to provide an evaluation of the pilot's effectiveness, including an assessment by federal, state, and local prosecutors and enforcement agencies, after the first year of its establishment. The INS headquarters OCDETF Pilot Director prepared a draft evaluation report on the pilot project in August 1992, but as of March 1994, the report was not final.

combating illegal alien involvement in drug trafficking and crimes of violence. The act also required the INS OCDETF Pilot Director to report directly to the INS Assistant Commissioner for Investigations.

For fiscal year 1992, INS used 135 INS agent staff years on OCDETF investigations, which included 13 INS OCDETF coordinators and 5 headquarters staff.⁵ As a result, INS expended more staff on OCDETF activities than the \$10.6 million for 125 staff years for which it was reimbursed.

INS Pilot Project

INS selected four pilot cities—Miami, New York, Houston, and Los Angeles—on the basis of the extent and seriousness of the local drug and criminal alien problems relative to other INS districts. At these locations, separate pilot staff and offices were established.

The pilot staffs report to a local INS OCDETF assistant director who reports to the INS OCDETF Pilot Director in INS headquarters. In accordance with the statute, the INS pilot cities established direct managerial and reporting systems between the participating pilot field office staffs and INS headquarters. This differs from the traditional INS enforcement organizational structure in which the district directors usually direct all local staff, including INS agents assigned to OCDETF investigations. Appendix II shows INS' reporting structure from the district level to headquarters under the pilot and traditional organizations.

Under the traditional organization, the district director can move staff among various INS activities, including OCDETF. For example, according to an INS OCDETF agent in a nonpilot city, he performed detention officer duties for about 16 hours each week. In the reporting structure for the pilot cities, the district directors in these cities cannot move INS OCDETF staff to other INS activities on the basis of other priorities.

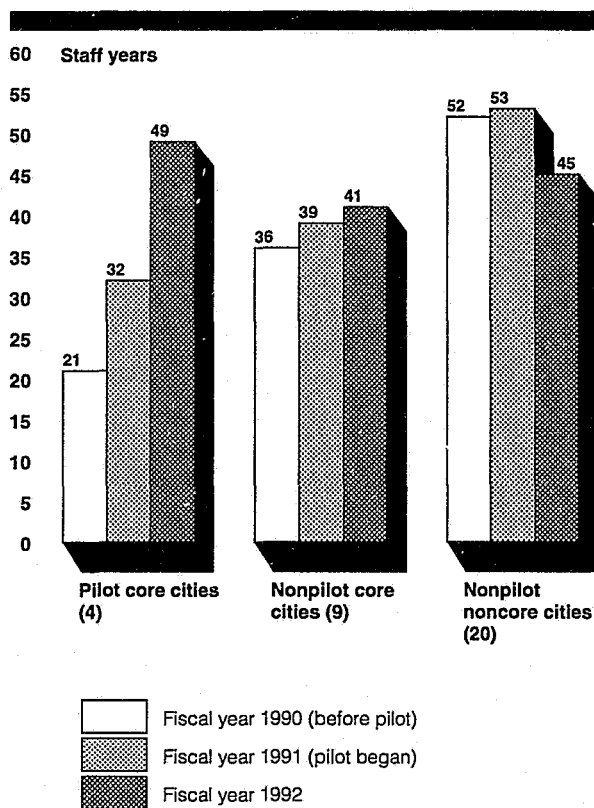
INS OCDETF Staff Years

While INS carried out OCDETF activities in all of its 33 district offices, 13 of its offices are located in core cities and 20 are not. INS' level of OCDETF effort varies among districts. The OCDETF staff years were concentrated in the 4 pilot core cities, followed by the 9 nonpilot core cities, with a much lower concentration in the 20 INS district offices in noncore cities. For example, in fiscal year 1992, OCDETF staff-year averages were about 12 for the 4 pilot cities, 5 for the 9 nonpilot cities, and 2 for the 20 noncore cities.

⁵The use of staff years is based on time charges by INS OCDETF staff.

Between fiscal years 1990 and 1992, INS increased its total ODETF investigative staff by almost 25 percent, from about 108 to 135 agent staff years. Staff years increased in the four pilot core cities by almost 133 percent from 21 to 49, and about 14 percent from 36 to 41 staff years in the remaining nine nonpilot core cities. Staffing in the nonpilot noncore cities decreased by 13 percent from 52 to 45 staff years.⁶ Figure 1 shows the staff-year comparison among the pilot core cities, nonpilot core cities, and noncore cities. Figure 2 shows the staff years spent in the four pilot cities. (See app. III for the staff years spent for each of the 33 cities.)

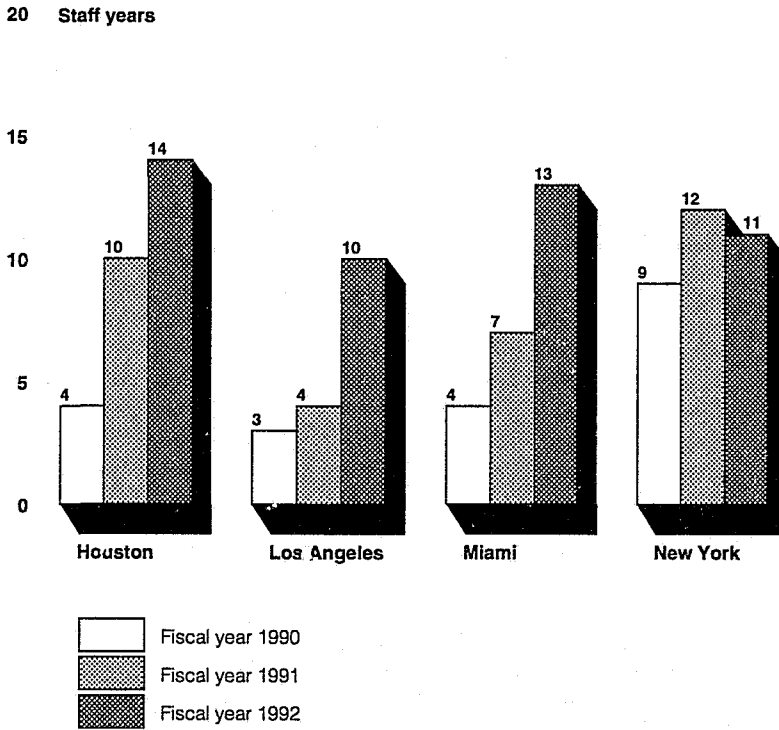
Figure 1: INS ODETF Staff Years



Source: INS.

⁶A one staff-year difference exists due to rounding.

Figure 2: INS OCDETF Staff Years for Pilot Cities

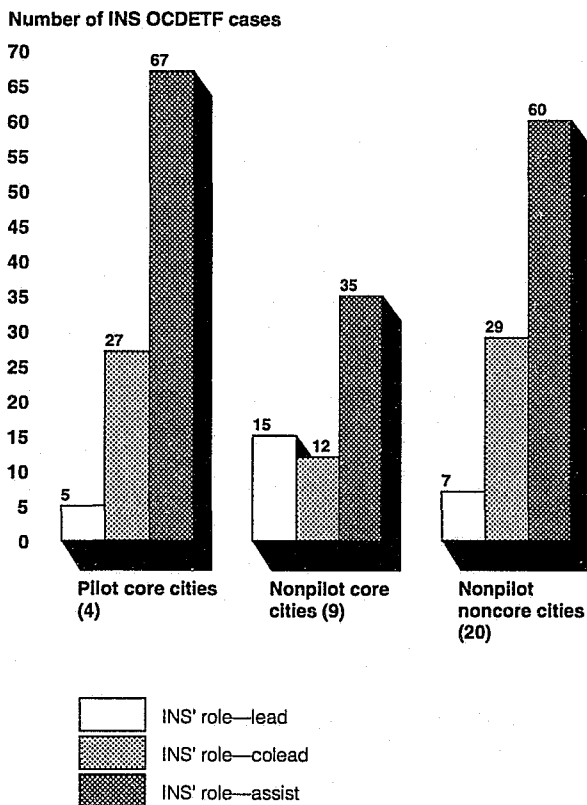


Source: INS.

As of January 1994, INS was involved in 257 OCDETF investigations—27 as the lead agency, 68 as the colead agency, and 162 in which it had assist roles.⁷ The 4 INS pilot cities had 5 lead investigations, 27 colead investigations, and 67 assist investigations. See figure 3 for a comparison of INS' role in OCDETF investigations for pilot, nonpilot, and noncore cities.

⁷According to INS, an assist role includes its participation as an active member of the investigation.

Figure 3: INS' Role in OCDETF Investigations as of January 1994



Source: INS.

Views on INS OCDETF Participation and Reporting Structure

Participating agency officials working with INS on OCDETF investigations told us that they believe INS is doing its best with the available staff. Generally, OCDETF officials whom we contacted in the four pilot and four nonpilot core cities were not concerned about INS' enforcement reporting structure. They were more interested in INS staff available to OCDETF and the INS agents' efforts to carry out or support OCDETF investigations.

Our discussions with 32 participating agency OCDETF coordinators, excluding the INS OCDETF coordinators, in the four pilot core cities indicated that these officials were very positive about INS participation in OCDETF investigations. The coordinators pointed out that the INS OCDETF agents were quite knowledgeable and eager to participate in all aspects of investigations.

In addition, our discussions with 15 participating agency OCDETF coordinators, excluding the INS OCDETF coordinators, in the four nonpilot core cities showed that they were also generally satisfied with INS participation in OCDETF investigations. The coordinators in two of these core cities were similarly positive about INS participation in OCDETF as the coordinators in the four pilot cities. While the OCDETF coordinators in the other two nonpilot core cities were also positive about INS' participation, they stated that limited INS staff and other INS priorities resulted in INS agents supporting or assisting in OCDETF investigations more than leading them. These coordinators generally expect that due to INS staff limitations in nonpilot core cities, INS agents will not play major leadership roles in OCDETF investigations but rather will assist as needed when the task force determines that INS assistance is warranted.

Headquarters and local INS OCDETF officials in the four pilot cities favored the pilot project's direct line of supervision from the district INS OCDETF assistant director to the OCDETF Pilot Director at INS headquarters. According to these officials, this structure provides the OCDETF district level supervisors direct access to INS program management without having to go through a district office chain of command. They believe that this reporting structure allows more efficient and effective management because the pilot project's single mission enables the staff in the pilot cities to be more responsive to the task force and not be diverted to other INS priorities. Further, they added that this structure has expedited OCDETF decisions because of reduced levels of review. INS OCDETF pilot city agents make requests directly to the OCDETF Pilot Director in headquarters for those matters requiring headquarters approval. With the traditional reporting structure, agents would have to make their requests through the district chain of command to the district director and then to headquarters for approval.

However, INS district directors in pilot and nonpilot cities did not favor the pilot project's reporting structure. As the senior local INS officials, they were concerned about not being regularly informed about INS OCDETF activities in their districts, which could make effectively responding to media and public inquiries concerning INS OCDETF activities difficult. For example, a district director said that some district directors in INS OCDETF pilot cities are responsible for INS detention facilities that support INS OCDETF agents and INS agents involved in non-OCDETF investigations. To properly manage limited detention space, district directors require current and accurate information on space needs requirements and availability. Without timely notification of INS OCDETF space requirements, district

directors can find themselves with insufficient space, which may require them to release some criminal aliens, spend money on alternate detention arrangements, or decline INS OCDETF agents' requests for detention space.

INS OCDETF agents and supervisors in the pilot cities preferred the pilot's reporting structure because it allowed them to work only on OCDETF investigations without being assigned other duties. For example, some INS OCDETF agents in pilot cities commented that before the pilot they were routinely given non-OCDETF activities such as attending naturalization ceremonies or serving as guards at INS detention facilities.

The district directors argued that INS could participate successfully in OCDETF under the traditional managerial structure if headquarters were to make OCDETF activities a priority and require district directors to commit sufficient staff.

Agency Comments

On April 25, 1994, we discussed the information in this report with INS officials responsible for INS' OCDETF activities, including the Associate Commissioner, Enforcement. They agreed with the information and provided clarification and technical corrections, which we made.

We plan no further distribution of this report until 30 days after its issue date, unless you publicly release its contents earlier. At that time, we will send copies to the Attorney General, the Commissioner of INS, and other interested parties. Copies will also be made available to others upon request.

Major contributors to this report are listed in appendix IV. Please contact me on (202) 512-8777 if you have any questions concerning this report.

Sincerely yours,



Henry R. Wray
Director, Administration
of Justice Issues

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Abbreviations

INS	Immigration and Naturalization Service
OCDETF	Organized Crime Drug Enforcement Task Force

Objectives, Scope, and Methodology

Senator Alfonse M. D'Amato requested that we examine the implementation of an Immigration and Naturalization Service (INS) pilot project mandated by section 6151 (b) of the Anti-Drug Abuse Act of 1988. Specifically, we agreed to

- compare INS staff and efforts in the four pilot cities with INS nonpilot city Organized Crime Drug Enforcement Task Force (OCDETF) activities and
- obtain the views of various federal law enforcement agency and INS officials on INS' responsiveness to inquiries from law enforcement organizations and participation in OCDETF criminal investigations.

Neither the authorizing statute nor its legislative history established specific criteria or anticipated results for the pilot project. Furthermore, INS did not identify specific desired outcomes for measuring enhanced OCDETF involvement in the four pilot cities. In the absence of such evaluation criteria, we relied extensively on interviewing INS officials in headquarters and in selected pilot and nonpilot cities. We also interviewed those individuals most familiar with INS involvement and contributions to the task forces, the various local federal OCDETF participants.

Specifically, at INS headquarters in Washington, D.C., we interviewed the Assistant Commissioner for Investigations and the INS OCDETF Pilot Director. We also met with officials of the Deputy Attorney General's Office and the OCDETF Executive Office. We interviewed INS and other OCDETF participating agency OCDETF officials and representatives in the four pilot cities located in OCDETF core cities as well as those in four nonpilot cities—Baltimore, Chicago, Boston, and San Francisco—also located in OCDETF core cities. Table I.1 provides an overview of officials contacted.

Initially, we selected and visited two nonpilot cities, Baltimore and Chicago. Baltimore was selected because it is an OCDETF core city that we could visit without expending significant travel funds and because local INS officials are actively involved in dealing with criminal alien issues. Chicago was selected because of its involvement in criminal alien issues and because it was among the cities considered for the INS OCDETF pilot project. It, too, is an OCDETF core city.

INS officials, including the Assistant Commissioner for Investigations, expressed concern that we were relying on comparative data from only two nonpilot cities, both of which were enforcement-oriented locations. To address their concerns, we agreed to do additional work at two

Appendix I
Objectives, Scope, and Methodology

nonpilot cities—Boston and San Francisco—selected from a list of several cities suggested by the Assistant Commissioner for Investigations. We selected these two cities because both are in OCDETF core cities and provided additional geographic coverage. We contacted by telephone INS district office officials, agency OCDETF coordinators, and INS OCDETF coordinators in these cities.

In addition, we analyzed INS district-specific data on staff expended on OCDETF investigations before and after the INS pilot project's implementation. Also, we developed data on INS' role in OCDETF investigations, i.e., lead, colead, and assist as of January 1994. Finally, we reviewed our prior reports dealing with INS' management structure, INS' approach and commitment to criminal alien issues, and OCDETF organizational issues. We also reviewed INS memoranda concerning the implementation of the pilot project.

The results of our work apply only to the four pilot and four nonpilot cities and the corresponding eight OCDETF task forces and therefore cannot be generalized to other INS offices or OCDETF task forces. We did not verify the data INS provided.

We did our work between January 1993 and March 1994 in accordance with generally accepted government auditing standards. On April 25, 1994, we discussed the information in this report with INS officials responsible for INS' OCDETF activities, including the Associate Commissioner, Enforcement. They agreed with the information and provided clarification and technical corrections, which we made.

**Appendix I
Objectives, Scope, and Methodology**

Table I.1: Matrix of Local Officials Interviewed

Agency official	Pilot core cities					Nonpilot core cities					Total
	Houston	Los Angeles	Miami	New York	Subtotal	Baltimore	Chicago	Boston	San Francisco	Subtotal	
District director	X	^a	X	X	3	X	X	X	^a	3	6
Assistant district director for investigations	X	X	X	X	4	X	X	^b	X	3	7
USAO OCEETF coordinator	X	X	X	X	4	^c	X	X	X	3	7
ATF OCEETF coordinator	X	X	X	X	4	^c	X	^b	^b	1	5
Coast Guard OCEETF coordinator	X	X	X	X	4	^c	^e	^b	^b	0	4
Customs OCEETF coordinator	X	X	X	X	4	^c	X	^b	^b	1	5
DEA OCEETF coordinator	X	X	X	X	4	^c	X	X	X	3	7
FBI OCEETF coordinator	X	X	X	X	4	X	X	X	X	4	8
INS OCEETF coordinator	X	X	X	X	4	X	X	X	X	4	8
IRS OCEETF coordinator	X	X	X	X	4	X	X	^b	^b	2	6
Marshals OCEETF coordinator	X	X	X	X	4	^c	X	^b	^b	1	5
OCEETF assistant director	X	X	X	X	4	^d	^d	^d	^d	0	4
Number of INS OCEETF agents	2	2	3	2	9	4	3	1	1	9	18
Totals	14	13	15	14	56	9	13	6	6	34	90

Legend
x = interviewed

Note: These are the abbreviations for the following agencies and office: Bureau of Alcohol, Tobacco, and Firearms (ATF); Drug Enforcement Administration (DEA); Federal Bureau of Investigation (FBI); Internal Revenue Service (IRS); U.S. Attorney's Office (USAO).

^aINS district director preferred that we speak with the assistant district director for investigations.

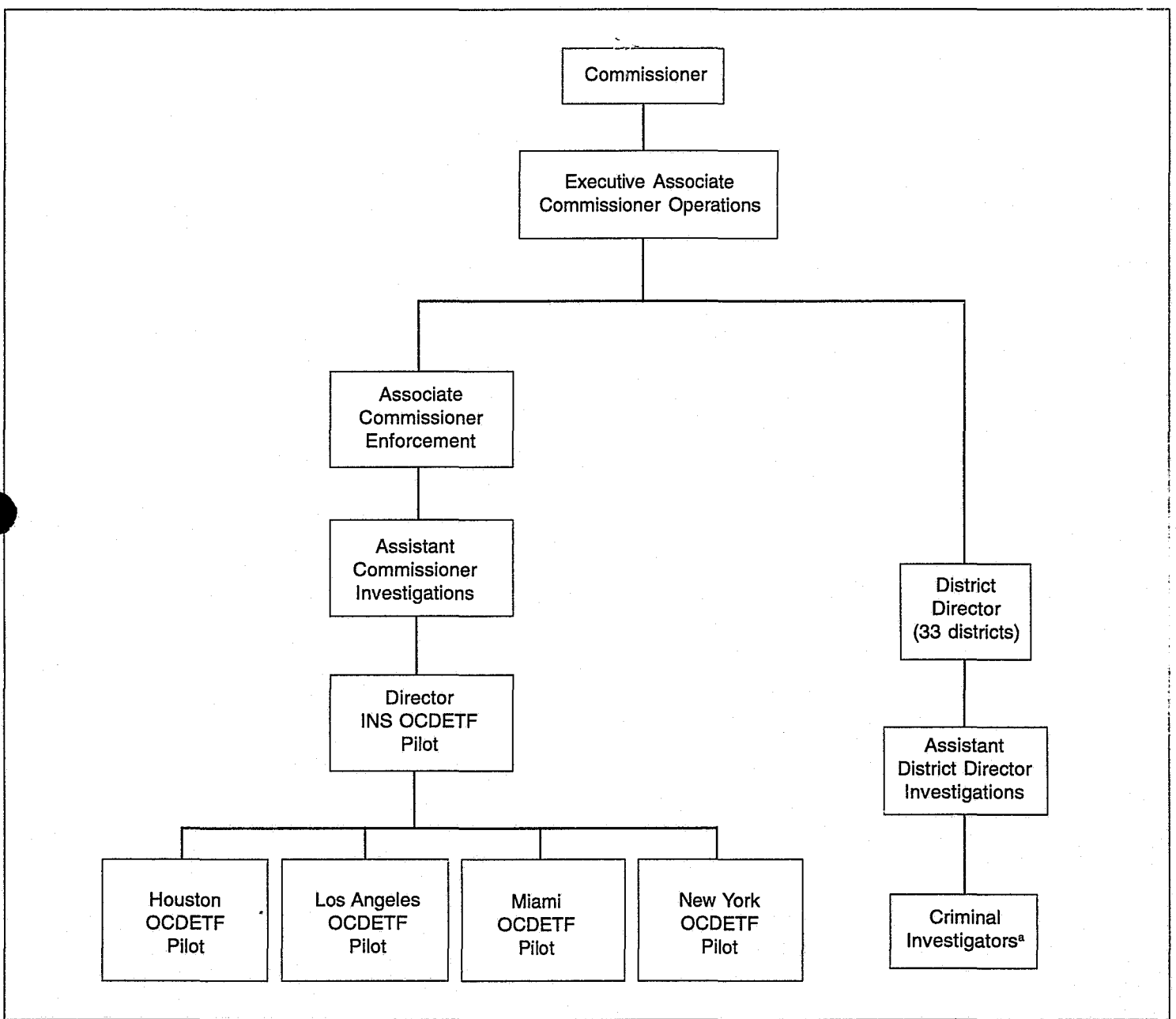
^bNot interviewed due to scheduling.

^cDuring the time of our visit, the person was not available.

^dPosition does not exist in core nonpilot cities.

^ePosition does not exist in this core nonpilot city.

Organization Chart of INS' OCDETF Investigations



Note: In nonpilot districts OCDETF cases are generally done by investigators in the criminal aliens section.

Source: INS.

INS OCDETF Staff Years

INS district office	Staff years		
	1990	1991	1992
Pilot core cities			
Houston, TX	4.4	10.0	14.2
Los Angeles, CA	3.0	4.2	10.4
Miami, FL	4.1	6.6	13.4
New York, NY	9.0	11.6	11.4
Subtotal	20.5	32.4	49.4
Nonpilot core cities			
Atlanta, GA	3.8	6.4	5.6
Baltimore, MD	3.8	3.4	4.3
Boston, MA	5.1	7.5	6.4
Chicago, IL	3.0	3.3	3.2
Denver, CO	5.4	4.5	4.4
Detroit, MI	2.2	2.3	3.3
Kansas City, MO	3.1	3.9	4.4
San Diego, CA	2.4	2.6	3.0
San Francisco, CA	6.8	5.5	6.4
Subtotal	35.6	39.4	41.0
Nonpilot noncore cities			
Anchorage, AK	.3	.2	0.0
Buffalo, NY	2.5	2.3	4.0
Cleveland, OH	2.2	2.0	1.6
Dallas, TX	5.1	5.0	3.6
El Paso, TX	4.1	3.8	3.6
Harlingen, TX	1.9	1.8	2.7
Helena, MT	1.1	1.3	1.6
Honolulu, HI	1.1	1.7	1.1
Newark, NJ	2.5	3.0	2.5
New Orleans, LA	4.5	5.0	4.6
Omaha, NE	1.5	1.2	1.2
Philadelphia, PA	3.7	3.0	1.4
Phoenix, AZ	4.1	5.9	5.2
Portland, ME	1.8	1.8	1.1
Portland, OR	2.0	1.9	1.9
San Antonio, TX	2.4	2.1	1.0
San Juan, PR	1.5	1.9	2.1
Seattle, WA	2.9	2.9	2.4
St. Paul, MN	1.9	1.6	2.0

(continued)

Appendix III
INS OCDETF Staff Years

INS district office	Staff years		
	1990	1991	1992
Washington, DC	4.7	4.5	1.4
Subtotal	51.8	52.9	45.0
OCDETF total	107.9	124.7	135.4

Note: Staff years do not include 4 years of headquarters time for each fiscal year.

Source: INS.

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