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REPORT BY THE U.S.

General Accounting Office

FBI-DEA Task Forces: An Unsuccessful Attempt At Joint Operations

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This study covers the only previous attempt at joint operations between the Federal Bureau of Investigation and the Drug Enforcement Administration to combat drug abuse. The task forces were beset with problems and efforts to correct them were unsuccessful. The program was terminated in 1979 and in January 1982 the Attorney General assigned responsibility for general supervision of drug enforcement to the FBI.

RELEASED

The report also discusses the serious problems and long, drawn out process GAO encountered in obtaining records during this review.



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WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

B-206462

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

Dear Mr. Chairman:

Your June 11, 1981, letter requested that we review the Federal Bureau of Investigation (FBI) and Drug Enforcement Administration (DEA) task force program to gauge the success the two agencies have had working together in the past. Formal FBI-DEA task forces have been tried on only one previous occasion beginning in September 1977 in three cities--Chicago, Los Angeles, and New York. The purpose of the task forces was to combine the investigative resources of the two agencies to pursue organized crime figures engaged in large-scale drug trafficking. As you know, the Department considered the program a failure and it was terminated in August 1979. However, because of the success the Los Angeles task force achieved, it continues to exist.

As you are aware, obtaining the information we needed to respond to your request has been a long, drawn out process. Furthermore, we have not been able to independently verify the accuracy of data furnished to us by the FBI and DEA. However, we interviewed task force supervisors as well as other individuals familiar with the program and found them to be very cooperative. Our limited analysis of the task forces revealed:

- The program was beset with problems from the beginning because of restrictions on the selection of investigative targets, the lack of progress of investigations, and the disagreements between FBI and DEA supervisors over investigative procedures.
- An effort was made to correct the difficulties by substituting new targets and changing supervisory personnel.

--Following the changes, the Chicago and New York task forces were still not able to achieve satisfactory results and the program and these task forces were abolished in 1979. However, the Los Angeles task force has achieved success and continues to exist.

--An FBI internal evaluation concluded that joint operations under formal arrangements were not effective because of inherent differences in investigative methods which led to disagreements between personnel of the two agencies.

--In June 1979, DEA Administrator Peter Bensinger stated in congressional testimony that he and FBI Director William Webster agreed that informal working relationships were a better approach than formalized joint operations such as the FBI-DEA task forces.

On January 21, 1982, the Attorney General announced that the FBI had been assigned jurisdiction to investigate drug offenses and that responsibility for general supervision of drug enforcement efforts had been assigned to the Director of the FBI. The Attorney General's decision was based on the recommendations of a committee of senior Justice Department officials appointed by him in June 1981 to study ways to better coordinate the efforts of DEA and the FBI. This was not the first time such a study had been initiated. In fact, the task force program resulted from a similar study group appointed by Attorney General Griffin Bell in early 1977.

Additional details are provided in the sections below.

DEPARTMENT OF JUSTICE ACTIONS
PRECLUDED GAO FROM PROVIDING
A PROMPT AND COMPLETE RESPONSE

Although in the past we have experienced a cooperative working relationship with the Department of Justice, we encountered serious problems in obtaining records during this review. Specifically, we experienced long delays before receiving data we had requested; we received inaccurate, incomplete, and/or conflicting information; and we were denied access to certain files and records. In essence, the scope of our work was limited to interviewing task force and other agency officials and to reviewing those documents the Department prepared for or made available to us. Under these circumstances and because we did not have "hands on" access to the source documents concerning the task force program, we were not able to independently verify the accuracy of data that the FBI and DEA provided to us. This has affected the completeness of our response.

Your June 11, 1981, letter asked that we evaluate the FBI-DEA task force program as an indication of the success the two agencies have had working together in the past. Shortly thereafter, we notified the FBI and DEA of our planned work and at the same time requested certain background information on the task force program. On July 2, 1981, the FBI asked that we delay our work while the Attorney General's committee was studying the ways in which to better coordinate the efforts of DEA and the FBI. This delay was not acceptable to the subcommittee and we so notified the Department.

During the next 2 months, through numerous meetings and telephone conversations, we attempted to obtain access to task force records and supervisors. The involved parties included DEA, Department of Justice, FBI, and GAO officials as well as your staff. These efforts were unsuccessful. On August 17, 1981, GAO issued a 20-day demand letter to the Attorney General pursuant to the General Accounting Office Act of 1980 (31 U.S.C. 54(b)) requesting access to certain information. Subsequently, the Department began providing information on September 25, 1981. The Department also dropped its objection to our interviewing its personnel.

Problems with the information provided to us by the FBI and DEA have caused difficulties in responding to your request. For example, one of the items of information requested in our demand letter was certain caseload data, including the number of individuals indicted and convicted as a result of the task forces' efforts. The statistics provided by both the FBI and DEA were either incomplete or of unknown reliability. For instance, we followed up with the FBI and found that its statistics were basically estimates derived from a review of information available at headquarters only. We also noted that DEA's statistics were taken from a management information system which was known to contain incomplete data on the task forces.

We explored with FBI officials the option of our reviewing case files and extracting the information needed. This option was totally unacceptable to them. FBI officials informed us that the case files for the task forces are not maintained separately but rather are mixed with the Racketeer Influenced and Corrupt Organizations case files. FBI officials stated that these files contain information, such as informants' names and investigative techniques, which the FBI does not want GAO to see. Our lack of direct access to agency records precluded us from independently verifying the data provided.

At this point we considered pursuing access to needed information under the legislation cited earlier; however, as a

practical matter, it was highly unlikely that the information could be obtained in time to be of use in meeting our report target date. Also, as a result of subsequent discussions between FBI officials and your staff, the FBI provided us certain additional data on task force results which we have included in our report.

TASK FORCE PROGRAM--A PILOT EFFORT
AT CONDUCTING JOINT OPERATIONS

In September 1977, three FBI-DEA task forces were established to test the feasibility of joint operations. Throughout the nearly 2-year program, considerable difficulties were encountered which were not resolved. The Department considered the program a failure, and it was terminated in August 1979.

Origin and scope of the
task force program

To eliminate overlap and competition between Justice and Treasury Department entities, all drug enforcement responsibility was consolidated under DEA in 1973. At the time a larger FBI role in drug enforcement was envisioned but not clarified. Early on, the idea of combining the two agencies was considered, and, in early 1977, Attorney General Griffin Bell commissioned a study group to explore the idea.

In September 1979 testimony before the Subcommittee on Criminal Justice, Senate Committee on the Judiciary, the Acting Deputy Attorney General said that the study group had recommended an increased FBI drug enforcement role. According to the records furnished to us, DEA proposed creation of joint task forces. The Attorney General accepted this proposal and the joint task forces were established in September 1977. Information on the duration, agent complement, and estimated cost of the task forces is provided on the following page.

<u>Location</u>	<u>Duration</u>	<u>Agent complement</u>	<u>Estimated cost (note a)</u>
			---(millions)---
Chicago	Sept. 1977- Aug. 1979	7 (DEA) 8 (FBI)	\$1.4
New York	Sept. 1977- Aug. 1979	7 (DEA) 8 (FBI)	1.4
Los Angeles	Sept. 1977- Present	7 (DEA) <u>5 (FBI)</u>	<u>b/1.8</u>
Total		21 (DEA) 21 (FBI)	\$4.6

a/Cost information was not maintained. Estimates of salaries and related benefits were calculated on the basis of the known GS grades of agents assigned. Other cost information on items such as equipment and supplies and funds for purchase of evidence and information was also included where known.

b/DEA cost data were provided only through September 1979.

The stated purpose of these joint task forces was to combine both agencies' resources in order to achieve successful prosecution of organized crime figures engaged in high-level narcotics trafficking. This approach would combine the FBI's expertise in the areas of organized crime and conspiracy (particularly financial investigations) with DEA's specialized expertise in narcotics. Each agency--by employing its own specialized techniques of investigation, by having its own network of informants and other information, and by possessing its own jurisdictional authority--was to augment the other's efforts.

The task forces were organized under the Deputy Attorney General's direction and were assisted by two prosecutors in each city. Task forces' operations were under the direction of the Assistant Attorney General for the Criminal Division. The New York and Chicago task forces were supervised by FBI special agents, whereas the Los Angeles task force was supervised by a DEA special agent. Biweekly progress reporting to both FBI and DEA headquarters was required. Central files were maintained, and each agency designated an individual as liaison with the task forces.

Task force operations beset with difficulties

The task forces were originally intended to prosecute and neutralize high-level narcotics traffickers who were also members

of the "organized crime element"--organized crime being any group of two or more individuals associated in common enterprises to commit crime for profit. However, their scope was narrowed to include only high-level traffickers having La Cosa Nostra affiliations. An internal Department of Justice evaluation conducted while the task forces were still operational stated that it could not be determined why the scope was narrowed, nor could we determine this from our discussions with personnel who had served on the task forces. In any event, DEA regional intelligence units in all three cities limited their selection of potential targets to La Cosa Nostra affiliated individuals. From the lists of potential targets developed by these DEA units, targets were jointly agreed upon by local management of the two agencies.

Task force operations were limited to investigations of these preselected targets only. This seemed logical since it was unlikely either agency would refer a quality case to the task force if there was a possibility to successfully work the case within its own jurisdiction. As a result, however, the targets selected were individuals assumed to be high-level traffickers but where little information existed upon which to build cases.

For several months, task force resources were expended investigating these preselected targets using traditional methods of investigation--primarily various forms of surveillance. According to task force officials, although such methods are successful against individuals who participate in the actual smuggling and sale of drugs, they ordinarily yield little against high-level traffickers since these individuals remain physically removed from drug transactions and movements. Task force officials explained that informant and/or undercover techniques are needed to document the criminal involvement of high-level traffickers. Without witnesses to testify on drug activities of high-level traffickers, links between the traffickers and drug transactions cannot be made. Further, without evidence as to criminal involvement, investigators' ability to gather data on financial activities is limited.

Task force officials believed they were also hindered by restrictions on their flexibility to pursue individuals who might have led them to the main target. Unless a direct connection to a targeted individual was apparent, the task forces could not pursue these other individuals and had to refer their criminal activities to the parent agency having jurisdiction.

Some task force supervisors attributed the lack of success to poor targeting. On one task force, both the DEA and FBI supervisors told us that despite substantial investigative effort, it could not be determined if the primary target was involved in

drug trafficking. An FBI supervisor on one task force told us that its primary target had been the subject of unsuccessful DEA investigations for nearly 30 years. FBI supervisors from all three task forces told us selection of unapproachable targets was a deliberate attempt by DEA to ensure that the task force would fail. FBI and DEA supervisors alike thought that the original targets were "pies-in-the-sky" and that there was little chance of developing a successful case.

During the early months of task force operations, relationships among the supervisors were far from harmonious. Disagreements over investigative approaches to be employed occurred and were undoubtedly heightened by the lack of progress being achieved. Although disagreements between the supervisors were widespread, the extent to which they adversely affected task force operations is uncertain.

This situation led to a joint FBI-DEA review of the task forces, held in Washington, D.C., approximately 6 months after they had begun operations. The outcome of this review was the replacement of five of the six task force supervisors (only the FBI supervisor in Chicago was retained) and adoption of new criteria for selecting targets. The revised criteria clarified that organized crime figures other than those having La Cosa Nostra affiliations were considered appropriate targets if they were involved in substantial narcotics trafficking. However, the concept of investigating only preselected targets was reaffirmed.

Over the next several months, the task forces operated under the revised target guidelines and without the previous strained relations among supervisors. Operationally, the task forces functioned as drug investigative units which employed traditional investigative techniques, such as "buy/bust," in which drug purchases from traffickers are arranged by agents and the seller is arrested upon sale. We were told that FBI agents worked as traditional drug investigators rather than employing their specialized expertise on financial and conspiracy matters. We were advised that, because no financially oriented cases were developed by either the New York or Chicago task forces, a philosophy of "getting someone for something" eventually evolved.

As a result, another review of the task forces was made in October 1978. Two attorneys from the Department's Criminal Division were dispatched to evaluate the efforts at each location. The attorneys talked to supervisors and members of the task forces as well as regional personnel and prosecutors. The attorneys reported that, although the concept was supposed to entail indepth tracing of an enterprise's financial flow to ensure the seizure of assets as well as narcotics, what

happened in practice was that conventional drug investigations were made.

The attorneys concluded that the concept of preselecting targets, as implemented, doomed the task forces to failure. In their opinion, financial cases could not be developed because individuals, rather than organizations, were selected as targets. They noted that attempts by the task forces to move in on someone believed to have links to a target inevitably encroached on other DEA or local police investigations. The attorneys concluded that the task forces would not have a significant impact on drug traffickers unless a means could be designed to accurately target enterprises or organizations vulnerable to financial flow investigations. They recommended that the task force program be abolished unless a vehicle could be developed that would select targets warranting the amount of resources being expended.

Further, a March 30, 1979, FBI evaluation agreed with the Criminal Division's onsite evaluation regarding problems with task force operations. It concluded that the most difficult problem was the concept itself--attempting to combine agency personnel having divergent methods of investigation which resulted in broad disagreements. The evaluation also concluded that targeting violators and then attempting to develop narcotics cases against them that would ultimately lead to forfeiture of their financial assets was not a viable technique. It emphasized that FBI agents had to function as narcotics agents and could not apply their investigative expertise. We were advised by DEA officials that DEA made no internal evaluations.

Task force program abolished

By January 1979, it was apparent that the New York and Chicago task forces had failed. In New York, the supervisors from each agency were replaced again. Both new supervisors told us their assignment was merely to wrap up operations and no new investigations were subsequently initiated. The situation in Chicago was essentially the same in terms of closing down the task force. For all practical purposes, the New York and Chicago task forces had finished operating by the beginning of 1979. However, it took until the summer of that year to secure formal headquarters' approval to abolish the task force program. In August 1979 the task force program was abolished. However, the Los Angeles task force continued to operate.

In discussing task force operations, task force personnel from both agencies told us they did not see what unique skills personnel from the other agency could provide to drug investigations. For example, although DEA personnel expected the FBI

to provide extensive intelligence from its informants, DEA personnel told us they were unimpressed by the quantity and quality of intelligence provided. Furthermore, DEA personnel felt that, since the FBI agents worked primarily as drug investigators for the reasons cited earlier, FBI participation was unnecessary. We were told that the only investigative technique that FBI agents employed extensively, but that DEA rarely uses in its investigations, was the interview. However, DEA felt this technique hindered, rather than aided, a drug investigation. In fact, one supervisor told us he had received feedback that a preselected target had become aware he was under investigation by the task force from an associate that the FBI had interviewed. DEA personnel also complained that they did not have full access to FBI information available from informants and other sources.

FBI agents felt they were as capable as DEA to conduct drug investigations and better qualified to develop the financial aspects of such cases. They stated that the emphasis on arrests and seizures in DEA's system of rewards was a disincentive for agents to go beyond an arrest and develop the financial aspects of investigations. Since development of financial cases was the intended result of task force operations, the FBI agents felt that DEA's participation was essentially unnecessary.

Finally, the FBI and DEA agents viewed themselves as being inherently incompatible because of their differing backgrounds, training, and investigative philosophies. This view existed despite a general feeling by personnel from both agencies that all agents assigned were hardworking and competent in their own areas of experience and expertise.

In June 1979 congressional testimony, DEA Administrator Peter Bensinger stated that he and FBI Director William Webster agreed that informal working relationships--in which the degree of cooperation was determined on the basis of the circumstances in specific cases--were more successful than formalized joint operations such as the task force program.

Los Angeles task force
still operating

Despite abolition of the program, the Los Angeles task force continued to operate. Both the DEA and FBI task force supervisors told us it continued primarily because cases were being successfully developed. The Criminal Division evaluation also noted that the FBI special agent-in-charge of the Los Angeles Regional Office believed it provided better communication between the agencies than had previously existed. The Los Angeles task force supervisor believed they had been more successful because of greater flexibility to pursue leads and develop their own targets.

Although neither the New York nor Chicago task forces developed any financially oriented cases, the DEA supervisor in Los Angeles told us of a case that had financial aspects. He explained that the case represented the first successful use of the Racketeer Influenced and Corrupt Organizations statute in that Federal judicial district. In 1981, the FBI reported this case had seizures of \$5.6 million. We know from previous audit work of another financially oriented case having been successfully developed by the Los Angeles task force with \$800,000 in real property ordered forfeited to the U.S. Government. The accomplishments of the task forces are mentioned briefly in enclosure I.

FBI'S EXPANDING DRUG
ROLE--AN OVERVIEW

When DEA was established in 1973, the FBI's drug mission was to provide support and coordination. The FBI and DEA have had procedures to minimize duplication as well as to assist each other. Specifically, these include FBI debriefing its sources, subjects, suspects, and informants and disseminating drug-related information to DEA. Also, FBI's support services, such as fingerprint identification, arrest records, name checks, etc., are available to DEA. Narcotics coordinators are located in each FBI field office and in headquarters to provide liaison and to serve as conduits for exchanges of information. Senior officials of the agencies also meet at regular intervals.

As a practical matter, however, the extent of coordination and cooperation has been determined on a case-by-case basis at the local level. Historically, close cooperation has occurred when it was learned that the same targets were being pursued. In these situations ad hoc task forces, such as operation BANCO, were created. This operation involved efforts to obtain the financial assets of drug organizations. Because of subcommittee interest in this particular operation, additional details are provided in enclosure II.

The FBI-DEA task force program was the only attempt at formalized joint operations. Currently, closer coordination is being attempted on some 125 DEA cases, according to the Acting Administrator of DEA. Because these are active investigations, we are unaware of what this involves. This effort, however, is part of the expanding drug enforcement role of the FBI.

Combatting illegal drugs has again been designated a top enforcement priority by the Department of Justice. Creating a more active FBI drug enforcement role and improving the working relationships between the FBI and DEA are key aspects of the current administration's efforts to improve Federal efforts

against drug abuse. The new administration is pursuing a number of initiatives designed to "get tough" with drug violators. For example, it wants tighter bail requirements, stiffer sentences, more active pursuit and apprehension of drug fugitives, use of military surveillance capability to combat smuggling, and greater access to tax and financial records by law enforcement personnel. However, the Attorney General has said the centerpiece of the administration's approach is improved coordination and cooperation by the various Federal, State, and local investigation, prosecution, court and correction entities comprising our criminal justice systems. For domestic law enforcement, this includes creating a broader drug enforcement role for the FBI. A combination of factors have led to this approach being adopted.

The first factor is the drug problem itself. Few believe that any real progress is being made in reducing drug abuse. According to the National Narcotics Intelligence Consumers Committee, illegal narcotics is an estimated \$70-90 billion-a-year business and growing. The Attorney General has estimated that 25 percent of the nearly 30,000 pending prosecutions are for violations of Federal narcotics laws. Direct correlations have been made between drug use and violent criminal activity (another enforcement priority). While a massive dose of law enforcement resources is not the panacea for the country's drug problem, virtually everybody agrees more resources are needed.

Realistically, the current budgetary climate makes any large funding increases for DEA in the foreseeable future unlikely. Creating a larger drug role for the FBI increases the agent resources available to combat the drug problem. The FBI has roughly five times the number of agents as DEA. Additionally, due to the nature of its investigative responsibilities, FBI deployment is such that it has agents assigned in areas where DEA presence is minimal.

Another contributing factor has been changes in the FBI's investigative approaches. In recent years, the FBI has increased its use of undercover operations--a key investigative technique against major drug violators. Examples include "sting" operations against people attempting to fence stolen goods and the ABSCAM public corruption cases. In 1981, wide publicity was given to FBI infiltration of the Bonnano family in New York and operation BANCOSHARE in south Florida. This latter operation was an FBI undercover drug money laundering operation and has resulted in numerous indictments and seizures. It has been highlighted as an example of the type of contribution the FBI can make in drug enforcement.

Lastly, financial-flow investigations have become more popular as a tool in drug cases. Major drug traffickers are sophisticated,

organized criminal business entrepreneurs. Recently, increasing emphasis has been placed on taking away financial assets through use of the Racketeer Influenced and Corrupt Organizations and Continuing Criminal Enterprise statutes. Since 1981, it has been Department of Justice policy to seek criminal forfeiture under these statutes where there are substantial forfeitable assets and a reasonable likelihood of success. Financially oriented investigations involve a thorough review and analysis of corporate books and files, bank transactions, tax records, etc. These types of investigations have long been a strong suit of the FBI.

For these reasons, the Attorney General appointed a committee of senior Justice Department officials to determine various options for improving coordination of Federal efforts to fight the drug problem, including the feasibility and practicality of merging the FBI and DEA. In July 1981, a senior FBI official was made Acting Administrator of DEA. By November 1981, the study group had completed its work and the Attorney General studied the recommendations made. On January 21, 1982, he assigned responsibility for general supervision of drug enforcement efforts to the FBI. Although DEA remains a separate entity, the DEA Administrator now reports to the Director of the FBI.

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At your request we did not obtain formal agency comments on the matters discussed in this report. We plan no further distribution of this report until 30 days from its issue date, unless you publicly announce its contents earlier. At that time we will send copies to the Attorney General and other interested parties. Copies will be made available to others upon request.

Sincerely yours,



William J. Anderson
Director

Task Force Results

<u>Location</u>	<u>Accomplishments</u> <u>(note a)</u>
Chicago	Six indictments were returned in which 10 defendants were charged in violation of 21 U.S.C. 841(a), a drug statute.
Los Angeles	Twenty indictments were returned under 21 U.S.C. 841, a drug statute. Thirteen indictments were returned under 18 U.S.C. 1962 (Racketeer Influenced and Corrupt Organizations statute). The number of individuals indicted was not provided.
New York	Ten indictments were returned in which 10 defendants were charged under 21 U.S.C. 841, a drug statute. One defendant was also charged in violation of 21 U.S.C. 812, a drug statute.

a/Accomplishments are based on FBI information furnished to us in January 1982.

BANCO

According to both the FBI and DEA, BANCO was an operation where jurisdiction was shared successfully. In 1977, the two agencies began independent investigations reviewing large currency deposits in Miami banks. After coordinating informally for several months, BANCO was created in November 1977. The staff consisted of DEA and FBI special agents, DEA intelligence analysts, Department of Justice attorneys, and computer specialists. Assistance was also provided by the U.S. Customs Service and by State and local law enforcement organizations.

BANCO personnel analyzed data provided by financial institutions in compliance with the Bank Secrecy Act of 1970. This law requires the recording of bank transactions of \$10,000 or more with information on the type of deposit, receiving account, currency denominations, and name, address, and social security number of the depositor. Since drug traffickers handle large sums in cash, it was felt these individuals could be identified by following the money trail--a switch from the traditional approach of trying to seize drugs and the persons handling them.

According to the FBI, this operation involved three major cases and netted recoveries of \$156 million in narcotics and narcotics associated properties. Ninety-six indictments with numerous convictions also resulted.

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