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STATEMENT OF
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BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION,
JUSTICE, AND AGRICULTURE
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
ON
INTERDEPARTMENTAL COOPERATION OF
DRUG ENFORCEMENT PROGRAMS



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Mr. Chairman and Members of the Subcommittee:

We are pleased to be here, at your request, to participate in hearings on the interdepartmental cooperation of Federal drug enforcement efforts. Our testimony today will deal with Federal drug interdiction efforts. Our draft report on these efforts was sent for comment to the agencies involved on December 15, 1982, and all comments have been received. We are now incorporating the agencies' comments and expect to issue our report in March 1983.

Mr. Chairman, I would like to first briefly summarize our overall conclusions from the draft report and then continue in

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more detail on each one of these points. As we are all aware, drug abuse in this country is a persistent and growing problem. Federal interdiction efforts have been unable to stop or substantially impair drug trafficking. Although the volume and street value of drugs seized in recent years have been most impressive, such seizures are dwarfed by estimates of the total drugs available.

The authority and responsibility for Federal drug interdiction efforts are split among three executive departments, each with different programs, goals, and priorities. Congressional oversight and Executive Department resource allocation decisions relative to drug interdiction are, at best, difficult under these circumstances. To overcome this fragmentation we see the need for strong central leadership and a more definitive strategy to clarify the various agencies' drug interdiction roles. Also, Federal interdiction programs can be further strengthened by improving the quality and timeliness of intelligence and through the well planned and coordinated use of military assistance.

DRUG PROBLEM PERSISTS

Vast quantities of illicit drugs--heroin, cocaine, marijuana, and dangerous drugs--are entering the country. Recent estimates indicate the quantity of drugs supplied to the illicit U.S. market has increased.

The majority of marijuana and cocaine smuggled into the country enters through Florida. According to intelligence

sources, in 1981 Florida was targeted for 68 percent of all maritime drug smuggling and 47 percent of all air smuggling destined for the United States. On the other hand, large quantities of heroin are smuggled into the country through the major international airports in New York and California.

INTERDICTION--ONE PART OF
THE FEDERAL DRUG STRATEGY

Federal efforts to attack the supply of illegal drugs have three major components. One component--international programs--involves working with foreign drug-producer countries. These programs are implemented primarily by the Department of State and the Drug Enforcement Administration. A second component involves interdiction of drugs at the border. The U.S. Customs Service, the Coast Guard, and the Drug Enforcement Administration are primarily responsible for these efforts. The third component is domestic drug law enforcement which is the primarily the responsibility of DEA with concurrent jurisdiction by the FBI.

Federal interdiction efforts, on which our draft report focusses, include inspections of international travelers and cargo by the U.S. Customs Service inspectors, air and marine interdiction efforts of Customs patrol officers, and sea interdiction by the U.S. Coast Guard. The Drug Enforcement Administration, and now the FBI, support interdiction through the provision of intelligence and by investigating and presenting interdiction cases to U.S. attorneys for prosecution.

INTERDICTION RESULTS
REMAIN LIMITED

Federal resources devoted to drug interdiction more than tripled from 1977 to 1982--from \$83 million to \$278 million. The Coast Guard's drug interdiction program accounted for the majority of this increase, rising by more than 900 percent during this period. Meanwhile, funds for other facets of the Federal drug supply reduction program--international programs and domestic law enforcement--remained relatively constant.

Despite these increases, interdiction results remain limited. First, only a small percent of the estimated drug supply is seized. Specifically, in fiscal year 1982, drug seizures comprised only 16 percent of the marijuana, 10 percent of the heroin, 11 percent of the cocaine, and 1 percent of the dangerous drugs.¹ Recent street price and purity statistics indicate an increased availability of most drugs. For example, during fiscal year 1982, marijuana street prices declined from \$1.78 per gram in the first quarter to \$1.64 per gram in the fourth quarter. Cocaine street prices registered a similar decline from \$.63 per milligram to \$.53. In addition, 95 percent of the individuals arrested in interdiction cases are low level violators, and when convicted usually spend less than a year in jail.

¹These estimates are developed by GAO analysis of Customs, Drug Enforcement Administration, and National Narcotics Intelligence Consumers Committee data.

SOME SUCCESS WITH JOINT PROJECTS

Even though interdiction has generally had little impact on drug trafficking, there have been some successes. Certain joint special projects conducted by two or more agencies have proven especially effective in attacking drug smuggling. Of particular note are special DEA investigations that involve Customs and Coast Guard resources. Such joint projects have resulted not only in large quantities of drug seizures, but also arrests of major traffickers. One such investigation concluded in March 1981, was Operation Grouper. This operation resulted in 155 indictments, of which 81 were major violators, and the seizure of 1.2 million pounds of marijuana and 831 pounds of cocaine.

Other joint special projects aimed primarily at interdiction have resulted in increased drug seizures and improved coordination. However, they are costly and may have only limited long term impact. By far the largest project is the South Florida Task Force formed in March 1982. Although designed to be a broad multi-faceted, anti-crime program for South Florida, the bulk of the Task Force focusses on drug interdiction. Assistance for the Task Force was obtained from several Federal agencies including DEA; Customs; Coast Guard; Alcohol, Tobacco, and Firearms; and the Department of Defense. Official cost estimates for the Task Force have not been made by the Executive Branch; however, we estimate that total costs through December 1982 were about \$66 million.

The Departments of Justice and Treasury have reported some very positive achievements of the Task Force. Thus, they claim that:

- The crime rate in South Florida has dropped significantly.
- Drug arrests and seizures in Florida have increased.
- Follow-up drug interdiction investigations have been carried out in almost every case with positive results.
- Overall drug enforcement program cohesiveness has been strengthened.

It should be noted that officials of DEA and other agencies told us that even though the task force has caused many traffickers to curtail or move their smuggling operations, it is doubtful whether the task force can have any substantial long-term impact on drug availability.

PROGRAM FRAGMENTATION LIMITS
EFFECTIVENESS OF INTERDICTION
EFFORTS

The positive results of the joint projects, however, are not typical of the day-to-day operations of Federal investigative agencies. Rather, Federal interdiction efforts are for the most part fragmented.

Responsibility for
interdiction is split

First, the authority and responsibility for Federal drug interdiction efforts are split among three separate agencies in

three executive departments. Each agency has different programs, goals, and priorities. And as I noted before, although the level of cooperation is increasing, especially in south Florida, such fragmentation has a certain amount of inefficiency and interagency conflict built in.

Congressional oversight and Executive branch resource allocation decisions relative to drug interdiction are difficult under these circumstances. The budgets of the three agencies are developed in separate departments, reviewed by different OMB branches, and funds are authorized and appropriated by separate congressional committees. Also, very little information is available, either by agency or in the aggregate that can be used as a basis for evaluating program results. Aggregate seizure statistics are sometimes inflated when there is more than one participating agency, and very little case disposition information on arrestees is maintained.

Lack of follow-up investigations

A second issue related to program fragmentation is the lack of a definitive policy regarding follow-up investigations of interdiction cases. Reorganization Plan #2 of 1973 gave the Department of Justice primary responsibility for drug enforcement and created DEA as the lead agency. Under the Plan, Customs is not permitted to conduct drug investigations; only DEA, and the FBI can perform follow-up investigations of Customs and Coast Guard drug interdiction arrestees and present cases to

the U.S. attorney for prosecution.² Customs has long taken the position that it cannot effectively carry out its interdiction responsibilities without the authority to conduct follow-up investigations relative to interdiction cases.

DEA generally investigates only those interdiction cases that are likely to be prosecuted by the U.S. attorneys. We found that more than 60 percent of Customs Patrol and Coast Guard drug interdiction cases are not prosecuted in Federal court and, therefore, are not afforded follow-up investigations. Although DEA has the authority and responsibility to investigate interdiction cases, DEA officials told us that they believe their investigative resources can often be put to better use. DEA officials pointed out that interdiction cases typically involve low level violators, not the major violators they attempt to focus their resources on.

Recognizing that the majority of interdiction cases are not afforded follow-up investigations, a joint DEA/Customs task group composed of DEA agents and Customs patrol officers and agents was formed in south Florida as a part of the South Florida Task Force. To support this task group, the Attorney General in a letter dated March 20, 1982, granted limited authorization to Customs' special agents and patrol officers,

²In January 1982, the Attorney General assigned to the FBI the authority to investigate drug offenses. In addition, although the Coast Guard is not specifically mentioned in Reorganization Plan #2, DEA currently performs follow-up investigations of Coast Guard cases acceptable for Federal prosecution.

working under the direction of DEA, to investigate drug smuggling cases. The authority was limited to the State of Florida and to the activities of the South Florida Task Force. Customs officials told us that the results of the task group and the increased Customs investigative authority has proved very beneficial. They pointed out that this increased authority has resulted in the development of additional informants and conspiracy cases.

Treasury Department officials recently informed us that the task group will be made permanent in south Florida to conduct follow-up investigations of interdiction cases; although the staff level will be reduced. Staffing will decline from 337 DEA and Customs personnel to 157. They also told us that negotiations were currently underway with the Department of Justice to extend the task group concept to an additional four or five areas. At present, no agreement has been reached on the organization, staffing, or timing of these additional groups.

More needs to be done

Fragmentation of Federal efforts has long been recognized as a major problem. To help remedy this situation, Congress passed legislation in 1972 and 1976 that requires the President to develop a comprehensive national drug strategy and to appoint a drug abuse policy coordinator. While various drug strategies have been prepared over the years, the most recent in October 1982, none has adequately defined the various agencies' drug

interdiction roles. Furthermore, the drug abuse policy coordinator has never had the authority to oversee all Federal drug efforts.

The current administration has established numerous drug enforcement coordination groups in addition to bringing the FBI into the drug enforcement picture. For example, at the national level the following groups have been charged with the responsibility for some aspect of drug enforcement coordination.

--The Office of Drug Abuse Policy in the White House.

--The Cabinet Council on Legal Policy chaired by the Attorney General.

--The Narcotics Working Group chaired by the Associate Attorney General.

--The new regional Drug Task Forces administered by the Justice Department.

--An Interdiction Coordination Group which is chaired by the Treasury Department.

--A Military Assistance Coordination Group to help coordinate law enforcement requests for military assistance.

Additionally, in October 1982, President Reagan announced that he would establish three other groups to help coordinate law enforcement efforts, including drug law enforcement--a Presidential Commission on Organized Crime, a Governors Project, and a Cabinet-level Committee on Organized Crime. At the local level numerous coordination groups have also been established.

The Justice Department, in its comments on our draft report, said that many of the problems discussed in our report concerning interdiction program coordination would be solved by the new regional Drug Enforcement Task Forces. Yet, as currently constituted, none of the 12 new Task Forces have an interdiction component. There is continuing disagreement over the role of interdiction in the new Task Forces and whether Customs officers will have investigative authority to pursue follow-up drug investigations.

Interdiction difficulties are only one manifestation of a broader coordination problem that we have previously reported on. Thus, although the numerous coordination groups at the national and local levels may improve operational coordination, no one person has the information or responsibility to evaluate Federal drug efforts and recommend corrective actions. Under the current arrangement there is no mechanism for optimizing the allocation of limited Federal drug enforcement resources. For example, currently no one can determine whether the \$175 million spent on marijuana interdiction by the Coast Guard could be used more effectively on the international narcotics control program. The Attorney General said in testimony last month before the Senate Judiciary Committee that one dollar spent on drug enforcement overseas is worth ten spent in the United States. Yet, over the last 5 years international drug program expenditures have remained constant, while interdiction expenditures have more than tripled.

To remedy these and other problems one person or group must have the responsibility to

- Develop and review United States Government policy with respect to illegal drugs.
- Make recommendations to improve the coordination of Federal efforts to control the production of, halt the flow into the United States of, and stop the sale and use of illegal drugs.
- Develop a unified budget that will present a composite picture of all Federal resources being devoted to the drug war and present recommendations for rationalizing these efforts in terms of budgetary priorities.
- Coordinate the collection and dissemination of information necessary to implement and evaluate United States policy with respect to illegal drugs.

Mr. Chairman, the agencies have already recognized the need for increased coordination, as is evidenced by the new groups established at both the national and local levels. Giving an individual or group the responsibility to oversee the entire Federal drug program is just an extension of this concept. We are not advocating any particular person or group to carry out these responsibilities. A new cabinet level position would be one avenue. But these responsibilities could also be carried out by expanding the scope of an existing group, such as the Cabinet Council on Legal Policy.

BETTER, MORE TIMELY
INTELLIGENCE NEEDED

The effectiveness of Federal interdiction efforts depends a great deal on intelligence support capabilities. If accurate, timely intelligence is available on drug smugglers, chances are good that Customs or Coast Guard can effect an interdiction. Statistics on the use of prior intelligence to support interdiction, as well as certain special projects, indicate the value of good, timely intelligence.

Drug source and transit countries are valuable sources of intelligence that can be used to support interdiction efforts. However, Customs and Coast Guard must rely on the Drug Enforcement Administration to provide this intelligence. The Drug Enforcement Administration's foreign intelligence program, however, does not place a high priority on developing intelligence that can be used to support interdiction efforts.

The Drug Enforcement Administration, Customs, and the Coast Guard all have domestic intelligence programs, but information gathering as well as processing and analysis are uncoordinated and sometimes duplicative. Processing and analysis of some intelligence has been centralized at the El Paso Intelligence Center. The Center can be more effective if better supported and utilized by the agencies involved in drug interdiction.

MILITARY ASSISTANCE
INCREASING

The military departments have provided some limited assistance to drug enforcement agencies over the last several years. Changes to the Posse Comitatus Act in December 1981, which further defined the extent of allowable military involvement in support of civilian law enforcement, have resulted in a greater role for military resources in drug interdiction.

Initially following the enactment of the amendments to the Act, law enforcement agencies independently requested military assistance with little coordination among themselves. The result was some poorly planned projects that did not make the most of military resources. The Posse Comitatus implementation hearings you held last year, Mr. Chairman, identified many of these problems and encouraged Federal agencies to improve planning and cooperation when utilizing military resources. To better coordinate, Department of Defense and law enforcement agency officials formed a special group to discuss all requests for military assistance to law enforcement to maximize the benefits of such assistance.

Although military assistance is beneficial, it is also necessarily limited because:

- major long-term commitments of military assistance can adversely impact the military's primary mission;

--military equipment is expensive to operate and, for the most part, reimbursement is beyond the financial capabilities of law enforcement agencies; and
--disclosure of classified military systems in court could compromise national security.

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In summary, Mr. Chairman, Federal drug interdiction has been a dynamic area. Resources have been expanded and new joint enforcement groups have been thrown into the fray. We applaud these efforts. It is important to remember, however, that interdiction is only one part of the Federal effort to reduce the drug supply and alone cannot be expected to solve our drug problems. The Executive Department should have one individual or group with the responsibility for evaluating operations and making recommendations on resource allocation, not only for interdiction, but within and across all components of the Federal drug effort.

That concludes my statement Mr. Chairman. We will be happy to answer any questions for you or other members of the Subcommittee.