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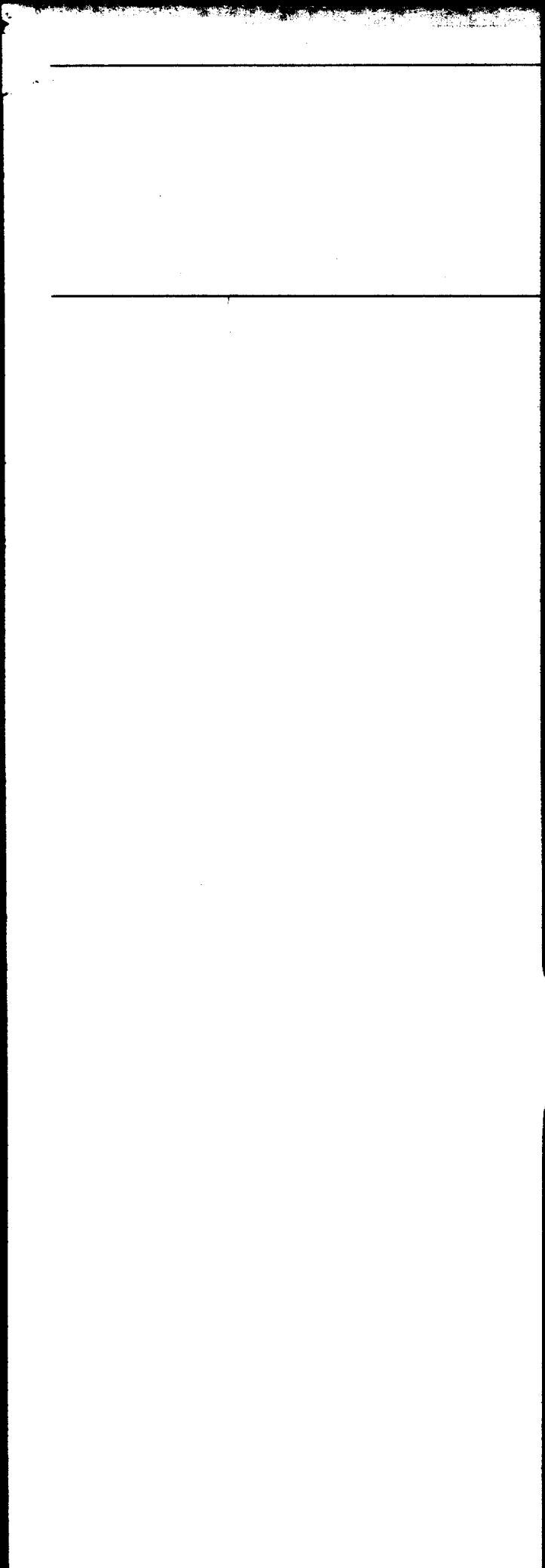
Report to the Chairman, Permanent  
Subcommittee on Investigations  
Committee on Governmental Affairs  
U.S. Senate

April 1989

# ORGANIZED CRIME

## Issues Concerning Strike Forces







United States  
General Accounting Office  
Washington, D.C. 20548

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**General Government Division**

B-198049

April 11, 1989

The Honorable Sam Nunn  
Chairman, Permanent Subcommittee  
on Investigations  
Committee on Governmental Affairs  
United States Senate

Dear Mr. Chairman:

In response to your request, this report discusses Department of Justice Organized Crime Strike Force efforts to increase interagency planning and coordination of investigations and prosecutions of organized crime groups.

As agreed with the Subcommittee, unless you publicly announce the contents of this report earlier, we will not distribute it until 30 days from the date of this report. At that time, we will send the report to the Director of the Office of National Drug Control Policy, the Attorney General, and other interested parties. Major contributors to the report are listed in appendix II.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Arnold P. Jones'.

Arnold P. Jones  
Director, Administration  
of Justice Issues

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# Executive Summary

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## Purpose

Fourteen federal Strike Forces operate around the country to plan and coordinate a unified federal effort against organized crime. The Chairman, Permanent Subcommittee on Investigations, Senate Committee on Governmental Affairs, requested that GAO determine whether Strike Forces have increased interagency planning and coordination of federal investigations and prosecutions of organized crime.

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## Background

The Justice Department began establishing Strike Forces in late 1966 and early 1967. Strike Forces were to combine the skills and resources of investigative agencies and federal prosecutors in teams focusing on organized crime in specific geographic areas. Strike Force prosecutors are Department of Justice Criminal Division attorneys, rather than attorneys from U.S. attorney offices. However, Strike Forces are required to coordinate with U.S. attorney offices, which also prosecute organized crime cases. (See pp. 8 to 10.)

As required by the Attorney General, Strike Force executive committees—headed by U.S. attorneys—are to (1) review federal efforts against organized crime, (2) formulate and implement programs and plans to break up organized criminal activities, and (3) devise ways to facilitate communication among federal agencies fighting organized crime. Since 1988, U.S. attorneys have also been responsible for developing written strategic plans for efforts against organized crime and annually updating them. (See p. 11.)

During this review, GAO visited eight Strike Forces around the country, interviewed officials from various organizations having Strike Force-related responsibilities, and reviewed relevant records. (See pp. 12 to 13.)

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## Results in Brief

Federal initiatives against organized crime, including Strike Forces, have led to many prosecutions and convictions of traditional organized crime leaders. However, all of the mechanisms required by the Attorney General for planning and coordinating a unified federal effort against organized crime are not being fully used. Also, over the years, U.S. attorneys have reported conflicts and competition with Strike Forces and they, as well as a presidential commission, have recommended merging Strike Forces into their offices. The Attorney General is currently considering this option.

Regardless of the organizational arrangement chosen, however, it is essential that federal resources be applied in a well planned, coordinated, and managed effort against organized crime. Making appropriate management judgments on the success of current or future efforts is largely dependent on accomplishing the difficult task of developing measures for assessing the effectiveness of anti-organized crime efforts.

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## GAO's Analysis

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### Planning and Coordination

GAO reported in 1977 and 1981 that Strike Forces were not achieving a planned and coordinated, multiagency effort against organized crime. In this review, GAO found that national oversight of Strike Forces has continued; Strike Force-level executive committees have not functioned as intended, but Strike Force attorneys have sometimes informally coordinated with investigative agencies primarily on a case-by-case basis; and U.S. attorneys have not fully complied with a requirement to develop strategic plans. (See pp. 15 to 21 and 26.)

The Organized Crime and Racketeering Section, Department of Justice, and the National Organized Crime Planning Council have provided a national management structure for the federal organized crime program. They have facilitated top-level program planning, oversight, priority setting, and coordination. (See pp. 17 to 18.)

To help achieve Strike Force-level planning and coordination, the Attorney General requires that the U.S. attorney in each Strike Force city form and head an executive committee that includes the Strike Force attorney-in-charge and key investigative agency officials. Executive committees are required to review and plan federal enforcement efforts against organized crime and devise ways to facilitate communication among the agencies involved. (See pp. 16 and 19 to 21.)

As it did in its 1981 review, GAO found that none of the Strike Forces visited during this review had an executive committee operating as required. However, Strike Force attorneys have sometimes informally coordinated efforts in their regions, generally on a case-by-case basis, by serving as intermediaries among investigative agencies. In addition, fewer than half of the affected U.S. attorneys had filed strategic plans for fighting organized crime 9 months after the Attorney General required that they be submitted. (See pp. 20 to 21 and 26.)

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## Conflicts Between Strike Force and U.S. Attorneys

A 1970 presidential Advisory Council and U.S. Attorney Advisory Committees in 1974 and 1987 recommended integrating Strike Forces into U.S. attorney offices. According to the 1987 Advisory Committee report to the Attorney General, determining which investigations involve organized crime is difficult early in investigations, resulting in conflicts over prosecutive jurisdiction between Strike Forces and U.S. attorneys. The then heads of the Criminal Division and Organized Crime and Racketeering Section opposed a merger, primarily because they feared attorneys would be shifted away from organized crime cases. (See pp. 21 to 24.)

After the 1987 Advisory Committee and Criminal Division officials had submitted proposals to the Attorney General, the Advisory Committee proposed a compromise wherein merger would not occur but U.S. attorneys' influence over Strike Forces would be increased. The Attorney General implemented the compromise, issuing a January 1988 order aimed at improving federal efforts against organized crime, including coordination between Strike Forces and U.S. attorney offices. The order makes U.S. attorneys responsible for preparing annual ratings that assess the performance of Strike Force attorneys-in-charge. The first performance ratings are not due until June 1989. (See pp. 24 to 26.)

The question of whether or not to merge the Strike Forces with U.S. attorney offices is again being evaluated by the Attorney General. In addition, the Anti-Drug Abuse Act of 1988 requires a study by the Director, Office of National Drug Control Policy, in consultation with the Attorney General, of possible reorganizations within the Justice Department, including the Strike Forces. (See pp. 26 to 27.)

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## Effectiveness Measures

The Justice Department has not developed measures to assess the effectiveness of Strike Forces. The Organized Crime and Racketeering Section chief agreed that measures of effectiveness for Strike Forces would be desirable. However, he said that Justice has consulted evaluation experts but has not found a system that would better assess performance than current procedures that provide for communications and visits with local Strike Forces and reviews of their case initiation reports and prosecutive memoranda. (See pp. 16 and 18.)

GAO recognizes the difficulties involved in measuring the effectiveness of law enforcement efforts, but asserts that improving effectiveness measures for anti-organized crime efforts would greatly assist the executive

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branch and Congress in making informed decisions on the attack on organized crime. (See p. 28.)

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**Recommendations**

GAO is making no recommendations.

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**Agency Comments**

GAO discussed the facts presented in this report with the Organized Crime and Racketeering Section chief, and he generally agreed with the facts presented. However, in accordance with the Subcommittee's request, GAO did not obtain written comments on a draft of this report.

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## Abbreviations

BATF	Bureau of Alcohol, Tobacco, and Firearms
AUSA	Assistant United States Attorney
DEA	Drug Enforcement Administration
DOL	Department of Labor
FBI	Federal Bureau of Investigation
IRS	Internal Revenue Service
OCRS	Organized Crime and Racketeering Section



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# Strike Forces Established to Combat Organized Crime

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As of February 1989, the Department of Justice had 14 federal Strike Forces located around the country to fight organized crime by planning and coordinating investigative and prosecutive efforts against these criminal groups. The Chairman of the Permanent Subcommittee on Investigations, Committee on Governmental Affairs, United States Senate, requested that we assess how well the Strike Forces have worked to increase interagency planning and coordination of federal investigations and prosecutions of organized crime groups.

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## Organizational Roles in the Federal Effort Against Organized Crime

As field offices of the Organized Crime and Racketeering Section (OCRS), Organized Crime Strike Forces work with investigative agencies in federal efforts against organized crime. In addition, U.S. attorney offices and the Organized Crime Drug Enforcement Task Forces have responsibilities in the fight against organized crime.

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## Organized Crime and Racketeering Section

In 1954, the Attorney General established OCRS within the Department of Justice's Criminal Division to (1) coordinate enforcement activities against organized crime, (2) initiate and supervise investigations, (3) accumulate and correlate intelligence data, (4) formulate general prosecutive policies, and (5) assist federal prosecuting attorneys located in U.S. attorney offices throughout the country.

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## Strike Forces

In late 1966 and early January 1967, the first "field office" operation of OCRS was established in Buffalo, New York. With the cooperation of the U.S. attorney, the Buffalo "Strike Force," as it became known, brought together a team of OCRS attorneys and agents from various federal investigative agencies to mount a coordinated, planned attack against local organized crime. The team jointly (1) identified the power structure of the local organized crime family, (2) targeted individuals whose removal would most severely damage criminal operations, and (3) initiated prosecutions that they believed would likely succeed and seriously curtail the activities of the criminal organization. The Buffalo Strike Force operated until November 1968. Through its team approach, indictments were brought against more than 30 persons involved in organized crime.<sup>1</sup>

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<sup>1</sup>As reported in Howard Abadinsky's Organized Crime (Nelson-Hall: Chicago, 1987), p. 297.

Because of the success achieved in Buffalo, the Attorney General decided to locate permanent Strike Forces throughout the country. These Strike Forces concentrated their efforts on "traditional" organized crime, also known as "La Cosa Nostra" or the "Mafia." Between 1968 and 1983, OCRS established 19 federal Strike Forces, including reactivating the Buffalo Strike Force. Four Strike Forces have been closed and the one in New York City was merged into the U.S. Attorney's Office for the Southern District of New York. As of February 1989, 120 Strike Force attorneys, who are Justice Department employees of OCRS, were assigned to 14 Strike Force offices and 11 suboffices.<sup>2</sup> OCRS had 18 attorneys on its headquarters staff.

OCRS sets policy and monitors, directs, and evaluates the Strike Forces. The OCRS chief allocates the attorneys among the Strike Forces and provides information to the Assistant Attorney General of the Criminal Division, who has final authority to open and close the offices.

The Attorney General has charged the 14 Strike Forces with supervising organized crime matters within their assigned regions, which generally overlap more than one federal judicial district. In a series of orders dating back to 1970, Attorneys General have required that Strike Forces coordinate their work with U.S. attorneys. This requirement was reemphasized and strengthened in a January 1988 order. Strike Force attorneys-in-charge must now report both to the U.S. attorney in their headquarter's city and to OCRS. They must also participate in meetings and operations of U.S. attorney offices as principal advisors for organized crime matters. Federal investigative agencies are to submit to Strike Forces organized crime cases that require extensive investigation or need the resources and facilities of a Strike Force. All other cases, including less extensive organized crime cases, should be submitted to the U.S. attorney.

The Attorney General's guidelines for the relationship between Strike Forces and U.S. attorneys require interaction between the offices from commencement to conclusion of cases. However, OCRS must also be involved at key points during cases and when the Strike Force attorney-in-charge and the U.S. attorney disagree. If disputes do arise between the two, Strike Force attorneys can appeal to OCRS. If OCRS disagrees with

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<sup>2</sup>Appendix I lists Strike Force offices and suboffices. The Anti-Drug Abuse Act of 1988 authorized additional attorney positions for use in asset forfeiture/civil enforcement, of which 13 have been allocated to Strike Forces. None were on board as of February 1989.

the U.S. attorney's position, it forwards the matter to the Assistant Attorney General of the Criminal Division for final resolution.

When a Strike Force begins a case, they must send a case initiation report to the U.S. attorney and OCRS for approval. When a Strike Force wants to use court authorized electronic surveillance, the U.S. attorney must agree to it before the request is forwarded to the Criminal Division of the Justice Department for a final decision on whether to submit the request to the Attorney General for approval. Before prosecution, Strike Force attorneys must send a prosecutive memorandum describing how the case will be prosecuted to the U.S. attorney and OCRS and obtain their approval. U.S. attorney approval must also be obtained for documents to be filed with the court to initiate Strike Force cases. Additionally, the U.S. attorney is to determine the composition and duties of the litigation team, one or more of whom must be a Strike Force attorney. The U.S. attorney must also approve negotiated settlements and sentencing recommendations at the end of a case.

Strike Force attorneys, like U.S. attorneys, do not have authority over investigative agencies. Rather, Strike Force offices are primarily involved in prosecuting cases that investigative agencies have developed. Strike Force cases generally involve the following sequence of events: (1) initial investigation by a law enforcement agency, (2) review and acceptance of the case by the Strike Force, (3) indictment by a grand jury, and (4) prosecution by Strike Force attorneys. In addition, investigators sometimes need prosecutors' assistance early on in the investigations to obtain legal authorizations for certain investigative techniques. Also, when an investigative grand jury is used, Strike Force attorneys and investigators work together in conducting the investigation for the grand jury. The Federal Bureau of Investigation (FBI) initiated 55 percent of all cases that the Strike Forces were involved in from October 1980 through October 1986. The remaining cases were initiated by various agencies, including the Internal Revenue Service (IRS); Department of Labor (DOL); Bureau of Alcohol, Tobacco, and Firearms (BATF); Drug Enforcement Administration (DEA); U.S. Customs Service; Immigration and Naturalization Service; Securities and Exchange Commission; U.S. Postal Service; U.S. Marshals Service; and U.S. Secret Service.

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## **U.S. Attorneys**

U.S. attorneys are appointed by the President for a 4-year term with the advice and consent of the Senate. They are the chief federal prosecutors in the 94 federal judicial districts. They are subordinate to the Attorney

General and their litigative efforts are subject to his supervision. Because U.S. attorneys are subject to removal by the President, not Justice, and are geographically separated from Justice headquarters, they have traditionally operated with much autonomy. U.S. attorneys have much operating independence because of their position in their local community and the expectation that they will address the crime conditions within their jurisdictions. As a result, U.S. attorneys have significant discretion in prosecutive policies and the management of their offices.

Generally, each U.S. attorney office has a criminal and a civil unit, and each unit prosecutes and litigates cases within its respective area. Although 94 U.S. attorney offices currently exist, only 93 persons hold the position because 1 U.S. attorney, located in Guam, administers the activities of the judicial districts in both Guam and the Northern Mariana Islands.

The Attorney General has also required the U.S. attorney in each of the Strike Force cities to form and head an executive committee that includes the Strike Force attorney-in-charge, the FBI special agent-in-charge, key IRS officials, and key officials from other agencies having enforcement responsibilities for organized crime. The executive committee is responsible for the following: (1) reviewing federal efforts against organized crime, (2) formulating and implementing programs and plans to break up organized criminal activities, and (3) devising ways to facilitate communication among federal agencies fighting organized crime.

In addition, under the Attorney General's January 1988 order, U.S. attorneys are responsible for developing written strategic plans for federal efforts against organized crime and annually updating them. Finally, the 1988 order requires that U.S. attorneys in Strike Force headquarters cities prepare annual ratings that assess the performance of Strike Force attorneys-in-charge.

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## **Organized Crime Drug Enforcement Task Forces**

Organized Crime Drug Enforcement Task Forces, headed by U.S. attorneys, were established in fiscal year 1983 to identify, investigate, and prosecute high-level drug traffickers. The task forces are intended to destroy high-level drug operations by adding new federal resources and fostering coordination and cooperation among the various involved agencies' investigators and prosecutors. Agencies participating in the 13 drug task forces around the country include U.S. attorney offices, DEA, FBI, U.S. Customs Service, BATF, IRS, U.S. Marshals Service, U.S. Coast

Guard, and state and local law enforcement agencies. Because both traditional organized crime and nontraditional groups, such as Asian crime gangs, are involved in drug trafficking, some overlap exists between Strike Force and drug task force efforts. According to the OCRS chief, the triggering mechanism for coordinating the two offices' activities is the U.S. attorneys' review of case initiation reports filed by Strike Forces.

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## **Objectives, Scope, and Methodology**

The Chairman of the Senate Governmental Affairs Permanent Subcommittee on Investigations requested that we review Strike Force operations. As agreed with the Subcommittee, our objective was to determine if the Strike Forces had increased interagency planning and coordination during the investigation and prosecution of organized crime groups.

We did work at the Justice Department, DOL, and the FBI headquarters in Washington D.C., and at law enforcement agencies in 8 of the 14 Strike Force cities (Brooklyn, Chicago, Kansas City, Las Vegas, Los Angeles, Newark, New Orleans, and San Francisco). We selected these locations to respond to the Subcommittee's interests and to reflect differences in Strike Force size, geographic location, and type of organized crime threat.

To determine the role of Strike Forces in planning and coordinating federal efforts against organized crime, we

- reviewed Attorney General orders, guidelines, and memoranda governing Strike Force operations; and
- interviewed officials in the Justice Department's OCRS.

To determine if the Strike Forces are increasing interagency planning and coordination of federal investigative and prosecutive efforts against organized crime, we

- interviewed appropriate officials at Justice's OCRS, Strike Forces, U.S. attorney offices, the FBI, and DEA; as well as at DOL, IRS, local police departments, state and local crime commissions, District Attorneys offices, and a State Attorney General's Office;
- reviewed reports and statistical data regarding Strike Force budgets, resource allocations, and achievements;
- examined the February 18, 1987, and February 25, 1974, United States Attorneys' Advisory Committee reports concerning the relationship between Strike Forces and U.S. attorney offices;

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**Chapter 1**  
**Strike Forces Established to Combat**  
**Organized Crime**

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- attended April 1988 hearings on organized crime held by the Senate Governmental Affairs Permanent Subcommittee on Investigations;
- attended a December 1988 National Organized Crime Planning Council open session in Newark, New Jersey, and reviewed the minutes for the field visits and the Washington, D.C., follow-up meetings (with material related to ongoing cases deleted) from Council sessions in San Francisco, Los Angeles, Boston, and Newark; and
- interviewed the OCRS chief and a deputy, four U.S. attorneys and two assistant U.S. attorneys in January and February 1989 regarding the effect of the January 1988 Attorney General order that revised the relationship between Strike Forces and U.S. attorneys.

We discussed the facts presented in this report with the OCRS chief, and he generally agreed with the facts as given. His views are incorporated in the report where appropriate. However, in accordance with the Subcommittee's request, we did not obtain written comments on a draft of this report.

We did our audit work from September 1987 through March 1989 and in accordance with generally accepted government auditing standards.

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# Strike Force Organizational Location Is Under Review

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Federal initiatives against organized crime, including Strike Forces, have led to many criminal prosecutions and convictions of major organized crime figures. However, not all mechanisms for planning and coordinating a unified federal effort against organized crime—as required by the Attorney General—are being fully used. In February 1989, the Attorney General announced that he is considering merging the Strike Forces into U.S. attorney offices. We do not know the potential effect of this organizational change or the sufficiency of current planning and coordination efforts. Judging the success of current or future efforts against organized crime is, in large part, dependent on accomplishing the difficult task of developing measures for assessing effectiveness.

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## Success Against Organized Crime

The Strike Forces and U.S. attorneys have won convictions in many organized crime cases over the years, including convictions of major organized crime leaders. During 1988 hearings before the Senate Permanent Subcommittee on Investigations, various federal, state, and other witnesses attributed successes against organized crime to several factors, including (1) the Racketeer Influenced and Corrupt Organizations Act, (2) wiretapping authority, (3) the Witness Protection Program, and (4) cooperation among law enforcement agencies.

The Strike Forces have concentrated their efforts on “traditional” organized crime also known as “La Cosa Nostra” or “Mafia,” which law enforcement agencies continue to identify as the most significant criminal organization in the United States. Some recent successful Strike Force prosecutions include conviction of the head of the Boston branch of a traditional organized crime group, with a 45-year prison sentence; conviction of a Chicago organized crime group leader, with a 28-year sentence; and conviction of leaders in Milwaukee and Cleveland. The Southern District of New York, where a Strike Force was merged into the U.S. attorney’s office, has also successfully prosecuted traditional organized crime groups, obtaining the conviction of the bosses of four of the five New York groups, with each receiving sentences of up to 100 years.

Justice Department officials believe the convictions being achieved by the Strike Forces, U.S. attorneys, and federal investigative agencies are hurting traditional organized crime. They also believe that a strong continuing enforcement effort is needed to maintain pressure on traditional organized crime and to dismantle other organized crime groups that have escalated their activities and are cause for increased concern. These other organizations include the Japanese Yakuza and other Asian



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organized crime groups, and Jamaican crime gangs, all of which are considered dangerous and violent groups involved in drug trafficking and other crimes.

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## GAO Previously Reported Planning and Coordination Problems

We previously issued two reports discussing Strike Force operations.<sup>1</sup> In both reports, we expressed concern over the lack of planning and coordination by the Strike Forces, which we attributed primarily to the fact that Strike Force attorneys-in-charge lack authority over participants from other agencies. They could not direct investigative priorities, require agencies to make specific investigations, or assign agents and other resources to the Strike Forces. The investigative agencies made these decisions, not the Strike Forces, and the agencies decided at what stage in an investigation the Strike Force attorneys could become involved.

We also pointed out that investigative agencies' participation in the Strike Forces was uneven. Some representatives did not work full-time on Strike Force matters and did not work out of the Strike Force offices. The Strike Forces were largely dependent on the cooperation of participating agencies and the development of personal relationships. In practice, each participating agency was fighting organized crime as it saw fit and used Strike Force attorneys for advice and prosecution.

In the 1977 report, we recommended that the Attorney General develop, in conjunction with the other participating agencies, agreements delineating each agency's role in the Strike Force, including the role of the attorney-in-charge, and the commitment of resources. We also recommended that the Attorney General seek a presidential order requiring the other agencies' cooperation and commitment if he did not receive it.

In 1981, we reported that the Justice Department had taken steps to address the planning and coordination problems outlined in our 1977 report. Justice established the National Organized Crime Planning Council to develop national priorities for organized crime investigations and promote a more structured and coordinated approach to federal efforts against organized crime.

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<sup>1</sup>War on Organized Crime Faltering—Federal Strike Forces Not Getting the Job Done (GGD-77-17, Mar. 17, 1977); and Stronger Federal Effort Needed In Fight Against Organized Crime (GGD-82-2, Dec. 7, 1981).

Our report also noted that the Attorney General had required the establishment of executive committees, chaired by U.S. attorneys and including Strike Force heads and key investigative agency officials, to review, plan, and coordinate enforcement activities. However, we found that none of the four Strike Forces we reviewed had established an executive committee. Instead, the Strike Forces held informal meetings intermittently, at which they exchanged general information. These meetings did not result in a coordinated approach to reviewing each agency's activities or in the formulation of specific priorities and targets. Investigative agencies independently developed their own priorities and targets on the basis of broad Justice Department priorities, and they coordinated their activities with the Strike Forces only on a case-by-case basis.

To improve the focus and direction of the program, we recommended that the Attorney General establish an executive committee in each Strike Force and ensure that all involved federal law enforcement agencies actively participate in the committees and help to set Strike Force priorities and targets. Thus, our recommendation called for implementing the executive committee requirement already contained in Attorney General guidance.

Although Justice said in comments on our report that it strongly believed efforts should be made to enhance cooperation among the investigative agencies and prosecutors, it said that conferences of the high-level officials on executive committees would not benefit, and might impede, cooperation and planning. Justice said that coordination was better handled through smaller working groups composed of attorneys and representatives of agencies involved in particular investigations. But, executive committees continued to be required.

In our 1977 and 1981 reports, we also recommended that the Attorney General develop means to evaluate the effectiveness of Strike Forces. In both instances, Justice agreed that such a mechanism would be valuable, indicated that efforts were being made to develop an evaluation system, but cautioned that developing such a system would be extremely difficult. In lieu of a formal evaluation mechanism, Justice was overseeing Strike Force performance through informal methods. In 1981, Justice indicated that these methods included OCRS reviews of case initiation reports and prosecutive memoranda and its frequent communications with Strike Force attorneys. In addition, Justice noted that the National Organized Crime Planning Council visits were a means to evaluate Strike Force efforts.

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## Current Strike Force Planning and Coordination Efforts

In our review of eight Strike Forces, we found that top-level planning and coordination has continued, but Strike Force-level executive committees have not functioned as intended. However, Strike Forces have achieved some informal interagency planning and coordination, generally on a case-by-case basis. Evaluating the success of these efforts is difficult because objective measures for assessing the effectiveness of Strike Forces are not available.

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## National Oversight of Organized Crime Program

The operations of the 14 Strike Forces are overseen by OCRS and the National Organized Crime Planning Council, which together constitute the management structure for the Strike Force program. OCRS is responsible for developing, implementing, and coordinating a nationwide enforcement program against organized crime in major cities. Although U.S. attorney offices have duties related to the operation of Strike Forces and planning efforts against organized crime in their jurisdictions, OCRS is responsible for overseeing Strike Force activities throughout the Nation. As noted earlier, OCRS reviews case initiation reports and prosecutive memoranda for all Strike Forces. It has also been developing a nationwide plan against organized crime and, in conjunction with the National Organized Crime Planning Council, has set national organized crime priorities, has monitored local conformance with those priorities, and has promoted coordination of effort among Strike Forces and between Strike Forces and law enforcement agencies.

The National Organized Crime Planning Council was established in 1977 to promote closer cooperation between Strike Force attorneys and law enforcement agencies as well as to facilitate exchange of information among all parties involved in organized crime investigations and prosecutions. The Planning Council is to promote a more structured and coordinated approach to federal efforts against organized crime. Planning Council membership includes the OCRS chief as chairman; the Strike Force attorney-in-charge; the U.S. attorney in the Strike Force's headquarters city; and representatives of federal, state, and local law enforcement agencies. Planning Council meetings are generally held every 18 months to 2 years in each Strike Force city to review the federal effort against organized crime. The Planning Council has developed national priorities for organized crime investigations and, during the Council sessions in Strike Force cities, the Strike Force members' conformance with those priorities is reviewed. Local priorities may also be established.

The Planning Council meetings have an open session with all agencies present that generally focuses on reviewing the overall status of work related to the Strike Force. This session is followed by closed sessions in which representatives of investigative agencies individually meet with local Strike Force officials and officials from OCRS to discuss current investigations, prosecutions, and organized crime conditions. Finally, representatives from investigative agency headquarters meet with OCRS officials in Washington, D.C., to reach a consensus on the status of the Strike Force's operations and, perhaps, on those operations that should be modified.

Our review of the minutes of four Planning Council meetings showed that they coordinated agencies' efforts and set priorities. Both closed and ongoing cases were discussed during the Planning Council meetings. Ongoing cases generally were discussed in private sessions among single investigative agencies, Strike Force attorneys, and OCRS officials. Coordination among agencies concerning ongoing cases therefore occurred through the intermediary services of Strike Force and OCRS officials. During the closed sessions, agency officials sometimes discussed difficulties encountered with other agencies or with the Strike Force attorneys and actions were at times suggested to correct the problems. Broad investigative strategies and priorities were also discussed. Such discussions in the Planning Council meeting for San Francisco prompted a Justice Department study of the significance of Asian organized crime. Later, the Acting Assistant Attorney General of the Criminal Division established a pilot project in four cities wherein investigative agencies are encouraged to present appropriate Asian organized crime cases to Strike Forces.

Regarding means to evaluate Strike Force effectiveness, the OCRS chief said that OCRS assesses performance through (1) direct communications with Strike Force attorneys, (2) reviews of case initiation reports and prosecutive memoranda, and (3) National Organized Crime Planning Council visits to Strike Forces. According to the OCRS chief, Justice has consulted with evaluation experts over the years to develop objective measures of effectiveness, but it has not found a system that would assess performance better than the one currently in use. However, OCRS does use a case weighing form suggested by evaluation experts to determine the merits of investigations and to consider Strike Force priorities.

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## Strike Force-Level Planning and Coordination

While OCRS and the National Organized Crime Planning Council seem to have done useful top-level planning and coordination, investigative agency officials told us they have established their priorities and plans independently of the Strike Forces. Executive committees, which were established to formally coordinate efforts between the Strike Force attorneys and investigative agencies and among the investigative agencies, have still not met as intended. Instead, informal coordination has occurred on a case-by-case basis, with Strike Force attorneys sometimes holding meetings and serving as intermediaries among investigative agencies.

Planning and coordination are necessary in fighting organized crime because cases can involve criminal charges falling under the jurisdiction of various federal investigative agencies, which are independent of each other and the prosecutive offices. Although the original Buffalo Strike Force planned and coordinated the work of investigative agents and prosecutors who were assigned to the joint "team," Strike Forces no longer operate this way. They essentially are prosecutors who, for organized crime cases, function the same as U.S. attorney offices.

In general, investigative agency officials said they do not want to assign their agents to the Strike Forces, and they gave us various reasons why they do not consider this to be productive. Their reasons included (1) the Strike Force workload is not constant and (2) investigative agencies need to control their own resources.

For example, the FBI, which initiated 55 percent of all Strike Force cases from October 1980 through October 1986, establishes priorities for its investigations; decides the targets of those investigations; and operates its own task forces with the participation of other federal, state, and local agencies. FBI agents are not assigned to Strike Forces. Several FBI officials said that some cases are prosecuted by the Strike Forces, while others are prosecuted by U.S. attorney offices, depending upon the willingness and availability of attorneys to prosecute the case.

The head of DOL's Office of Labor Racketeering told us that DOL had changed its policy of assigning agents to work with the Strike Forces and now investigates cases independently and takes cases to U.S. attorneys when Strike Forces do not meet their needs. As would be expected, DEA's participation in Strike Force efforts decreased when the drug task force program began. DEA officials said that its involvement with the Strike Forces is now entirely on a case-by-case basis, with no agents

assigned full-time. Conversely, IRS has testified that it does assign full-time agents to Strike Forces.

Several investigative agency officials told us that they seek prosecution from either the Strike Forces or U.S. attorneys depending upon such factors as (1) the availability and capabilities of attorneys, (2) established working relationships, (3) the willingness to prosecute, and (4) the efficiency with which cases are prosecuted. The OCRS chief acknowledged that investigative agencies' perceptions regarding the adequacy of Strike Forces' prosecutive services and personal relationships between the investigative officials and Strike Force attorneys can affect where the agencies take their cases. He said that he stresses at all National Organized Crime Planning Council meetings that the Attorney General has designated Strike Forces as the entity for prosecution of significant organized crime cases.

The Attorney General requires Strike Force executive committees to (1) review federal efforts against organized crime, (2) develop and implement plans to break up organized criminal activity, and (3) devise methods to increase communication among federal agencies. So far, these committees have not achieved their objectives. Since January 1988, executive committees, headed by U.S. attorneys, have been required to meet at least monthly. Before January 1988, they were to meet no less than every 2 weeks. In each of the eight cities we visited, no Strike Force executive committee met as required. One Strike Force held meetings that focused on specific cases rather than on reviewing and planning the federal effort against organized crime in the Strike Force region. In a February 1989 interview, the OCRS chief observed that executive committees had largely stopped functioning, in part because Law Enforcement Coordinating Committees may do part of their function. Law Enforcement Coordinating Committees, established in the early 1980s, are not directly part of the organized crime program management structure. They are headed by U.S. attorneys and include representatives of federal, state, and local law enforcement agencies. They were formed to ensure that workload is properly divided and priorities are properly established among the participating agencies.

Although executive committees have not met as required, Strike Forces have informally coordinated some federal efforts, generally on a case-by-case basis, with attorneys both serving as intermediaries among investigative agencies and holding meetings with agency officials. Strike Force attorneys have developed knowledge of various investigative agencies' activities and have sometimes suggested the involvement of

additional agencies when they thought cases might benefit. Also, Strike Force attorneys have sometimes held meetings with representatives of investigative agencies to discuss multiagency cases.

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## Conflicts Between Strike Forces and U.S. Attorney Offices

Jurisdictional disputes and other conflicts have occurred over the years between the Strike Forces and U.S. attorney offices. The U.S. attorneys are the chief federal prosecutors in the judicial districts. They and their assistants prosecute a wide variety of cases, including organized crime cases, in the same regions covered by the Strike Forces. Several Attorneys General have tried to clarify each group's responsibilities and to improve coordination between them.

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## 1970 Presidential Advisory Council Report

President Nixon's Advisory Council on Executive Organization (the "Ash Council") reported in 1970 that the operation of the Strike Forces resulted in the creation of a direct competitor to the U.S. attorney offices, producing conflict, tension, and confusion.<sup>2</sup> The Council further concluded that the Strike Forces had not improved cooperation, coordination, and the exchange of information between investigative agencies. The Council recommended that the Strike Forces be incorporated into the U.S. attorney offices as special units, rather than reporting directly to Washington, D.C., and that the personnel not be diverted from organized crime work.

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## 1974 Justice Department Report

The tensions and conflicts between Strike Forces and U.S. attorney offices were cited again in a 1974 report by a subcommittee of the United States Attorneys' Advisory Committee to the Attorney General of the United States.<sup>3</sup> The tensions and conflicts concerned, among other things, (1) prosecutive jurisdiction for cases, (2) the U.S. attorney's statutory position as the chief federal prosecutor in the district, and (3) lines of authority for the investigation and prosecution of organized crime cases. The subcommittee recommended that the existing Strike Forces be "'phased out' and consolidated into separately funded organized crime units within the U.S. attorney's office." The subcommittee noted that the Ash Council had reached similar conclusions and observed that:

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<sup>2</sup>Information regarding the Ash Council is from a 1974 report by a subcommittee of the United States Attorneys' Advisory Committee to the Attorney General of the United States.

<sup>3</sup>The report is commonly referred to as the "Thornburgh report" because Dick Thornburgh, who became Attorney General in August 1988, was chairman of the subcommittee.

“The Assistant Attorney General testified before Congress in 1969 that ‘While it is good to emphasize organized crime work . . . it is thought that the danger of competing offices having jurisdiction of the same subject will more than offset the advantages . . . great care must be taken that [Strike Forces] do not become competing prosecutorial offices to those of the United States Attorneys.’”

The subcommittee concluded that

“ . . . in the final analysis, it should be reaffirmed that the Department of Justice, as well as the entire criminal justice system, is well served by the presence ‘in the field’ of competent, energetic and largely independent U.S. attorneys and any impetus toward eroding their historical prerogatives can only harm the effectiveness of the Federal law enforcement effort.”

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## **1987 Advisory Committee Report**

Despite Attorney General guidelines issued in 1970 and 1976 governing the relationship between the Strike Forces and U.S. attorney offices, reports of conflicts have continued. In February 1987, the Attorney General’s Advisory Committee, composed of U.S. attorneys, issued a report addressing the situation. The committee said that there have been periodic jurisdictional struggles over what cases belong to U.S. attorneys and what cases belong to the Strike Forces. The report concluded that determinations regarding which investigations involve organized crime are elusive, difficult to make during the early stages of an investigation, and invite conflicts and disagreements.

The Advisory Committee urged the Attorney General to integrate the existing Strike Forces into U.S. attorney offices and reported that all U.S. attorneys with Strike Forces in their districts agreed with this proposal. The report proposed that Strike Force attorneys become Assistant U.S. attorneys (AUSA) and continue their efforts as part of dedicated, separately funded organized crime units in the districts where the Strike Forces are presently located.

The committee listed three principal reasons why the Strike Forces should be merged into U.S. attorney offices: (1) the Justice Department’s efforts against organized crime would be revitalized and strengthened by adding the experience and resources of U.S. attorneys; (2) there would be significant operational and administrative efficiencies, including cost savings; and (3) sound management and organizational principles dictate that there should only be one chief federal prosecutor in each judicial district who has supervisory status over all federal prosecutors within that district. The committee concluded that a merger



would eliminate jurisdictional disputes, end outright "turf" battles, and halt periodic "prosecutor shopping" by investigative agencies.

The report cited several arguments against a merger, including the following: (1) U.S. attorneys might shift attorney resources to cases other than organized crime, (2) U.S. attorneys do not have the capability or inclination to handle complex organized crime cases, and (3) Strike Forces are responsible for cases involving more than one judicial district.

Responding to the first argument, the committee said that its proposal provides that the U.S. attorneys establish organized crime units staffed by a number of AUSAs at least equal to the number of Strike Force attorneys transferred, with the AUSA positions being dedicated and separately funded as they are for drug task forces. They responded to the second argument by pointing out that U.S. attorney offices already develop and prosecute major complex cases in various areas, including cases involving organized criminal activity investigated by the drug task forces. Thirdly, although Strike Forces' geographic scope includes more than one judicial district, they rarely prosecute cases outside the districts in which they are located. The committee concluded that integrating Strike Force attorneys into U.S. attorney offices would retain all of the benefits of the current program but in a less costly, more efficient operation, without the burden of jurisdictional disputes.

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### Assistant Attorney General and OCRS Views

In separate memoranda, a former Assistant Attorney General of the Criminal Division and the OCRS chief gave the Attorney General their views on the merger proposed in the Advisory Committee's 1987 report. The Assistant Attorney General, who was previously a U.S. attorney, opposed the merger. He said that his experience indicated that U.S. attorneys would find it difficult to keep individual prosecutors assigned to organized crime cases, which can take a long time to develop, when seemingly more pressing needs exist. In addition, he noted that U.S. attorney offices had received staffing increases since 1981 and, under the Attorney General's guidelines, they have authority to pursue organized crime efforts if they so desired. He did not object to them doing so.

The OCRS chief cited several reasons why a merger would be ill-advised. The chief raised concerns regarding personnel. He said that experienced prosecutors are essential to the development of organized crime cases. However, he said that many of the senior personnel currently working for Strike Forces would leave if a merger occurred, because service

within the U.S. attorney offices would not be consistent with their goals as career criminal prosecutors. Similar to the Assistant Attorney General's position, the OCRS chief also said that experience indicates that U.S. attorneys shift experienced personnel out of units dedicated to specific crime problems. Consequently, assigning the same identifiable expert personnel to an organized crime unit for a long term would be difficult to achieve. He noted that the Advisory Committee's proposal did not contemplate audit or control devices to assure long-term dedication of the same staff members throughout organized crime case investigations and prosecutions.

The chief expressed concern regarding whether U.S. attorneys would continue to achieve the successes that have flowed from the Strike Forces' efforts. Although some U.S. attorneys have achieved substantial successes against organized crime in recent years, he raised a concern as to whether this would necessarily be true in all U.S. attorney offices in the future. In light of what he considered would be dysfunctional consequences of a merger, he suggested it would be inappropriate to abandon a program of proven success for one lacking such a record. He also indicated that U.S. attorneys had not been adequately communicating with Strike Forces. For instance, some U.S. attorneys have not held the executive committee meetings that the Attorney General's guidelines direct them to chair.

Finally, the OCRS chief said experience does not support the Advisory Committee's claims regarding continuous contention between the U.S. attorney offices and Strike Forces. He said that disputes rarely arose that required use of the procedures specified in guidelines for settling jurisdictional disputes between the two offices.

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## New Attorney General Order

The 1987 Advisory Committee's report and the Assistant Attorney General and OCRS chief's memoranda stating their views were given to the Attorney General in 1987. Additional papers were provided by both parties, and the Advisory Committee proposed a compromise in which Strike Forces would not be merged into U.S. attorney offices, but U.S. attorneys' influence over Strike Force operations would be increased. The Attorney General issued an order on January 20, 1988, that reflected this compromise position. The order is intended to enhance federal efforts against organized crime partly by improving coordination between the Strike Forces and U.S. attorney offices.

The new order repeated various provisions of previous guidelines. It also expanded on some previous requirements and directed certain actions, such as the following:

- Within 90 days of the order's issuance, U.S. attorneys in districts where Strike Forces are located were required to submit to the Attorney General plans for addressing organized crime. The plans were to be devised with the participation of the local Law Enforcement Coordinating Committees and the Strike Force executive committees, if any, and were to be updated annually.
- The Strike Force attorney-in-charge was to consult, brief, and participate with the U.S. attorney in a variety of ways on different matters relating to organized crime.
- Executive committees were required to meet at least monthly rather than every 2 weeks as under the 1976 order.
- The Strike Force was to be housed in close proximity to the U.S. attorney's office.
- The U.S. attorney in the headquarters city of each Strike Force was made responsible for preparing the annual performance rating for the Strike Force attorney-in-charge. The Assistant Attorney General of the Criminal Division is to be the reviewing official.

In discussions with GAO and in April 11, 1988, testimony before the Senate Permanent Subcommittee on Investigations, the OCRS chief said that the new order essentially reemphasized what was already contained in previous Attorney General guidelines governing the relationship between the Strike Forces and U.S. attorneys. He said that the only substantive change was that the U.S. attorney was now responsible for annually assessing the performance of the Strike Force attorney-in-charge. Further, he said that the effect of this change was offset to some extent because the Assistant Attorney General of the Criminal Division will be the reviewing official for Strike Force heads' performance ratings.

We interviewed four U.S. attorneys and two AUSAs 1 year after the order's issuance to obtain preliminary information regarding the order's effect. These officials said that the basic relationship between the two offices had not yet been altered by the Attorney General's order. The OCRS chief believes the new order does increase U.S. attorneys' influence over Strike Forces. However, he had not seen a significant change in behavior, which he attributed to the order basically reflecting actual practices that already existed.

We believe the 1988 order provision requiring U.S. attorneys to rate Strike Force chiefs has the greatest potential among the 1988 order provisions to seriously alter the relationship between Strike Forces and U.S. attorney offices. However, the procedures governing the performance rating process were not promulgated until December 1988 and the first performance ratings are not due until June 1989. It could take several rating cycles before it is known whether this will alleviate the conflicts between Strike Forces and U.S. attorney offices.

One other new requirement, that U.S. attorneys in districts where Strike Forces are located file a plan for combatting organized crime, has not been fully implemented. The U.S. attorneys were to file their plans for addressing organized crime within 90 days of the January 1988 order. In response to our inquiry, the OCRS chief said that fewer than half of the U.S. attorneys had filed the plans with OCRS as of January 1989. OCRS has been developing a national plan for the organized crime program on the basis of the plans that it has received.

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## Recent Developments

Recent developments emphasize the close relationship between Strike Force and U.S. attorney office activities. During a 1988 Senate hearing on organized crime, several witnesses indicated that organized crime groups, including traditional and non-traditional crime groups, are becoming more involved in drug trafficking. Drug trafficking by organized crime is within the purview of Organized Crime Drug Enforcement Task Forces that are headed by U.S. attorneys, while traditional organized crime has been the major focus of Strike Force operations, at least until recently. In a pilot project authorized by the acting Assistant Attorney General of the Criminal Division, Strike Forces are expanding their focus in four cities to include Asian organized crime. With these trends, the distinction between drug task force and Strike Force missions may blur.

Part of the current strategy for attacking organized crime involves dismantling the organizations through the seizure and forfeiture of assets and other civil remedies. Congress recently indicated that high priority should be given to the enforcement of civil sanctions against organized crime groups and drug networks. The Anti-Drug Abuse Act of 1988 requires that the Director of the Office of National Drug Control Policy, in consultation with the Attorney General, report on possible reorganizations within the Justice Department, including the Criminal Division, Organized Crime Drug Enforcement task forces, and Strike Forces, that

could facilitate this objective. The act requires a report to Congress in November 1989.

In February 1989, the Attorney General announced that he is inclined to merge the Strike Forces into U.S. attorney offices, saying that they often unnecessarily duplicate the work of U.S. attorneys, are sometimes staffed with inexperienced lawyers, and often run into conflict with federal prosecutors. Before merging the Strike Forces, the Attorney General said he wants to "make sure it won't hamper our effort against organized crime." The head of the Criminal Division at the Justice Department is studying the proposal to merge the Strike Forces.

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## Conclusions

Since their inception in late 1966 and early 1967, Strike Forces have achieved many successful prosecutions of traditional organized crime group leaders. However, in this review and in earlier reports in 1977 and 1981, we found that the Strike Forces have not fully met expectations for planning and coordinating federal efforts against organized crime. Justice has taken several actions to improve the planning and coordination process. OCRS and the National Organized Crime Planning Council have provided top-level planning and coordination by setting national priorities and monitoring Strike Force activities. However, attempts to formalize planning and coordination of efforts at the individual Strike Forces through executive committees have not worked as intended. Instead, informal coordination that generally focused on specific cases, has sometimes occurred through the Strike Force attorneys. In addition, at the time we completed our audit work, fewer than half of the U.S. attorneys had submitted strategic plans for combatting organized crime as required by the January 1988 Attorney General order. Given the unavailability of effectiveness measures, we do not know whether the extent of planning and coordination that occurs is sufficient, or whether the lack of adherence to Attorney General requirements is causing any adverse effects.

U.S. attorneys have also successfully prosecuted organized crime cases. Over the years, however, U.S. attorneys have reported conflicts and competition with Strike Forces and they, as well as a presidential commission, have recommended merging the Strike Forces into their offices. The availability of two prosecutive offices enables investigative agencies to turn to the U.S. attorney offices when they are not satisfied with Strike Force services. However, it is unclear whether this arrangement has impeded the Strike Forces' ability to plan and coordinate federal efforts against organized crime in their regions.

Several proposals have been made to address problems in the relationship between Strike Forces and U.S. attorneys by merging Strike Forces into U.S. attorney offices. In each instance, however, the Attorney General decided against merger. Rather, guidelines and orders were issued requiring increased coordination between these offices. In January 1988, the Attorney General issued an order that fell short of merger but gave U.S. attorneys in Strike Force headquarters locations potentially significant control over Strike Forces by making them responsible for preparing annual performance ratings for the Strike Force attorneys-in-charge. If fully implemented, this order could improve the relationship between Strike Forces and U.S. attorney offices. However, it is too early to tell whether this change will be effective.

The Attorney General is currently reexamining the advantages and disadvantages of merging Strike Forces into U.S. attorney offices. The Director of the Office of National Drug Control Policy is required to report to Congress in November 1989 on this and other Justice organizational issues. Advantages associated with a merger might include reinforcing the U.S. attorneys' position as the chief federal law enforcement officials in their judicial districts. It would also restrict "prosecutor shopping" and thereby perhaps increase the ability to coordinate multi-agency investigations, and eliminate conflicts and tensions between the two prosecuting entities. Disadvantages might include reducing long-term devotion of staff to organized crime cases if U.S. attorneys shift staff to other priorities. Also, as new U.S. attorneys periodically are appointed, U.S. attorney office interest in and capabilities related to organized crime might fluctuate.

In summary, we believe that the war against organized crime deserves careful planning, coordination, and centralized management and monitoring by the Department of Justice. Regardless of the organizational structure employed, it is essential that the resources applied to efforts against organized crime are used in an effective manner. Thus, the Attorney General must ensure that prosecutors and investigative agencies cooperate and communicate with each other, and work as partners to implement a unified federal attack on organized crime. Similarly, it is essential that, regardless of the organizational structure employed, Congress be kept apprised of the results and effectiveness of those efforts. We recognize the difficulties involved in measuring the effectiveness of law enforcement efforts, but improving effectiveness measures for anti-organized crime efforts would greatly assist decisionmaking by the executive branch and Congress.



# Location of Strike Forces and Their Suboffices

<b>Strike Forces</b>	<b>Suboffices</b>
Boston	New Haven Providence
Brooklyn	
Buffalo	Rochester Syracuse
Chicago	Milwaukee
Cleveland	
Detroit	
Kansas City	
Las Vegas	
Los Angeles	
Miami	Atlanta Fort Lauderdale Tampa
Newark	Camden
New Orleans	Houston
Philadelphia	
San Francisco	Honolulu



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