

WAR ON DRUGS

LESSONS LEARNED FROM 35 YEARS OF FIGHTING ASYMMETRIC THREATS

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A Case Study for the Project on National Security Reform

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About the Author

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Disclaimer

The opinions and conclusions expressed herein are those of Mr. Klun and do not necessarily represent the views of either the Drug Enforcement Administration or any other governmental agency. References to this study should include the foregoing statement. Quotation from, abstraction from, or reproduction of all or any part of this document is permitted provided proper acknowledgement is made.

How to Best Read This Study

For those readers who wish to glean the study's highlights, please read the green section text boxes that contain the key take-away thoughts. If further detail is useful, greater explanations and supporting material can be found within each section.

Study Structure

The structure of this study was adapted from the Project on National Security Reform model:

- Introduction and relevancy to the Project on National Security Reform
- Theoretical constructs used in analyzing the successes and strains
- Task Forces as a Vital Force Enabler
- Network Theory
- DEA Establishment, mission, and operational structures
- DEA agency dynamics and illustrative DEA operations
- Key variables in performance measures, international and domestic operations, DEA's Special Operations Division, and international initiatives
- Explanatory variables for authorities, coordination and funding mechanisms, culture, information sharing, resourcing and resource management, and legal issues
- Interactions among government entities (rule-based organizations or bureaucracies) as they engage with and counter non-state actor drug threats (relationship or role-based organizations or networks)
- Conclusion using the Project on National Security Reform's four guiding questions

List of Abbreviations

ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
CDICG	Counterdrug Intelligence Coordinating Group
CDX	Counterdrug Intelligence Executive Secretariat
CENTAC	Central Tactical Program
CNC	Crime and Narcotics Center
CN-IWG	Counter-Narcotics Interagency Working Group
CPOT	Consolidated Priority Organization Targets
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DOJ	Department of Justice
EPIC	Crime and Narcotics Center
FAST	Foreign-Deployed Advisory Support Teams
FBI	Federal Bureau of Investigations
FinCEN	Financial Crimes Enforcement Network
GCIP	General Counterdrug Intelligence Plan
G-DEP	Geographic Drug Enforcement Program
HIDTA	High Intensity Drug Trafficking Area
ICE	Customs and Immigration Enforcement
ICITAP	International Criminal Investigative Training Assistance Program
INM	Bureau of International Narcotics Matters
JIATF	Joint Interagency Task Force
JIC	Justice Training Center
JICC	Joint Information Coordination Center
NDIC	National Drug Intelligence Center
NDPIX	National Drug Pointer Index
OCDETF	Organized Crime Drug Enforcement Task Force
OFC	Organized Crime Drug Enforcement Task Force Fusion Center
OFDM	Office of Federal Drug Management
ONDCP	Office of National Drug Control Policy
PCCN	President's Council on Counter-Narcotics
PTARRS	Priority Target Activity Resource and Reporting System
PTO	Priority Target Organization
RPOT	Regional Priority Organization Target
SAC	Special Agent in Charge
SAODAP	Special Action Office for Drug Abuse Prevention
SOCA	Serious Organized Crime Agency
SOCOM	Special Operations Command
SOD	Special Operations division
SPRG	Systems Policy Review Group
TAT	Tactical Analysis Team
TIC	The Interdiction Committee
TKO	Targeted Kingpin Organization

Introduction and Relevancy to the Project on National Security Reform

Take-Aways from This Section:

- Reasons this paper is relevant to the Project on National Security Reform
 - Presents lessons learned in addressing long-term, adaptable, asymmetric threats: Illicit narcotics trafficking represents an ongoing, long-term threat vector that spans multiple federal jurisdictions, and narco-terrorism is a particular dangerous development in the drug war. The 35-year federal response discussed within this paper offers insights that could be applied to other national security venues.
 - Insights in striking a strategic and tactical balance in countering non-state actors: Through many innovative approaches, the Drug Enforcement Administration (DEA) has attempted to strike a balance between long-term operational continuity programs, such as capacity building, with operational agility to counter non-state actors threats
 - Value and vulnerabilities of a single mission agency: Like Homeland Security, DEA was created by consolidating existing agencies into a single mission agency for unity of effort. This case provides insights into the advantages of such consolidation as well as the internal and environmental stresses that have influenced the agency's level of success.

For centuries, civic leaders have seen the corruptive, destructive, and exploitive nature of drug abuse as a serious threat to its citizenry, the nation state, and to its society. King Solomon in 900 BC warned of the dangers of intoxication, and in the late nineteenth century, Chinese leaders saw opium as “sapping the strength and initiative of the nation so that it lagged in education, science, technology, and military effectiveness.”¹ In support of the Chinese effort to stop the opium trade, U.S. President Theodore Roosevelt successfully brokered the first International Opium Convention in Shanghai in February 1909, during which the first United States federal opium importation ban was announced.² However, it was not until 1973 that President Nixon declared a “War on Drugs.” President Reagan then renewed the fight in the 1980s in response to the rise of powerful Colombian cartels and the escalating crack cocaine epidemic.

In the 1990s, the Medellin and Cali Cartels were considered narco-terrorists, and today, the symbiotic bond between terror and drug-related non-state actor threats continues to grow, presenting ever stronger and clear-and-present danger to U.S. national security and to its allies

¹ Proverbs 23:29-35.

Musto, David, The American Disease: Origins of Narcotic Control, Yale University Press, 1987, p. 29.

² This Act only banned the importation of opium for smoking. Prior to this time, there were no federal drug laws other than the Pure Food and Drug Act of 1906 because by tradition police powers were reserved the states, yet the lack of a federal drug law posed an embarrassing situation to the United States delegates, who were to host the convention. In response to the first International Drug Convention, the Harrison Act was passed that regulated and taxed the production, importation and distribution of opiates.

Musto, David, The American Disease: Origins of Narcotic Control, Yale University Press, 1987, pp. 3, 30, 33, 34.

around the world. Shortly after the attacks of September 11, 2001, DEA Administrator Hutchinson testified that DEA was committed to attacking drug organizations that fuel some terrorist organizations that span from Afghanistan to Colombia, citing the Taliban, Al-Qa'ida, Kurdistan Workers Party, United Wa State Army, and the Revolutionary Armed Forces of Colombia that have supported their operations through drug proceeds.³ More recently, the 2008 United Nations World Drug Report underscored the narco-terror connection as a rising threat to state sovereignty,⁴ and in October 2008, NATO defense ministers gave its forces in Afghanistan the authority to “attack drug barons blamed for pumping up to \$100 million a year into the coffers of resurgent Taliban fighters” after NATO Commander Craddock called for forces to step beyond crop eradication to destroy the ability of the “. . . Taliban to buy materiel for IEDs, the ability by Taliban to buy the trigger.”⁵ Following this change in military authority in Afghanistan, U.S. Drug Czar John Walters, commenting on the Afghan opium production stated,

“Afghanistan has been victimized for too long by the violence, misery, and addiction caused by the illegal drug trade. We look forward to continuing cooperation with the Government of Afghanistan and our allies as we work to defeat the narcotics industry and the terrorist groups that rely on the drug business to kill innocent people and attack democracy and freedom across the globe.”⁶

Furthermore, DEA Assistant Administrator Chief of Operations Michael Braun spoke at a conference in July 2008 about the growing involvement of Middle Eastern terrorist groups that include the Taliban, Al-Qa'ida, the Kurdistan Workers Party, and Hezbollah in international drug-trafficking activities.⁷ The narco-terror threat alone makes analysis of the United States single mission narcotics enforcement agency, the Drug Enforcement Administration, and the war on drugs important for the Project on National Security Reform.

One of the vital lessons learned from the National Security Act of 1947 and its design to address the eminent threat of the Soviet Union is that the new U.S. national security structure must not be structured to address the perceived immediate threat (terrorism and non-state actors). The new structure must be able to span traditional, long-term focused, state-to-state interactions, and at the same time, have a structure that can adapt to and counter non-state organization threat

³ United States, Administrator of the Drug Enforcement Administration, “Statement of Asa Hutchinson; Administrator, Drug Enforcement Administration; Before the Senate Judiciary Committee Subcommittee on Technology, Terrorism, and Government Information,” March 13, 2002, <http://www.usdoj.gov/dea/pubs/cngrtest/ct031302.html>

⁴ United Nations, 2008 World Drug Report, United Nations Publication, Sales No. E.08.XI.1, pp. 1, 209, 217, http://www.unodc.org/documents/wdr/WDR_2008/WDR_2008_eng_web.pdf.

⁵ Associated Press, “NATO Agrees on Afghan Anti-drug Effort,” October 10, 2008, <http://www.military.com/news/article/nato-agrees-on-afghan-antidrug-effort.html>

North Atlantic Treaty Organization, Commanding General, “SHAPE Quotes,” October 2008, <http://www.nato.int/shape/opinions/quotes/index.htm>.

⁶ United States, Director of National Drug Control Policy, “New Survey Reveals Steep Drops in Opium Production and Cultivation in Afghanistan,” Press Release, October 24, 2008, <http://www.whitehousedrugpolicy.gov/news/press08/102408.html>

⁷ United States, Drug Enforcement Administrator Assistant Administrator and Chief of Operations, “Drug Trafficking and Middle Eastern Terrorist Groups: A Growing Nexus?,” The Washington Institute for Near East Policy, Special Policy Forum, July 18, 2008, <http://www.washingtoninstitute.org/templateC07.php?CID=411>

vectors, such as terrorist and criminal organizations, that are often insularly cell-based networks with extensive fluidity, motivation, and resources.⁸ The United States' thirty-plus year history in fighting a war on drugs offers unique insight in addressing such non-traditional threats and attempts to balance these needs.

Analysis of the U.S. Drug Enforcement Administration's 35-year history also offers insight into a U.S. government attempt to consolidate formerly dispersed federal drug enforcement entities while instilling one organization with sufficient authority and flexibility to confront a cross-jurisdictional threat. Created in 1973, we might be able to forecast the successes and strains that U.S. Department of Homeland Security will face in keeping our nation safe because Homeland was similarly created by combining existing agencies for unity of effort.⁹ The threat of drugs, like terrorism, is a continuum, and most every federal agency mission is affected by this cross-jurisdiction threat. Therefore, it is insightful to discuss the influence of, cooperation among, and integration of, U.S. government capabilities because each agency has a duty to respond with its own unique capabilities to the threat.¹⁰

⁸ United States, Government Accountability Office, "Drug Control: Long-Standing Problems Hinder U.S. International Efforts," GO/NSID-97-75, February 1997, p. 8, <http://www.gao.gov/archive/1997/ns97075.pdf>.

⁹ Susan Glasser and Michael Grunwald, "Department's Mission Was Undermined from Start," *Washington Post*, December 22, 2005, p. A01, <http://www.washingtonpost.com/wp-dyn/content/article/2005/12/21/AR2005122102327.html>.

¹⁰ There are over 400 federal laws and regulations governing the transit of persons and goods across the US border. Along the southwest border US agencies include: Federal Bureau of Investigation; Alcohol, Tobacco, and Firearms; Department of Defense; Federal Aviation Administration; Coast Guard; Department of Agriculture; Public Health Service; Drug Enforcement Administration; and Homeland Security.

United States, Government Accountability Office, "Statement of William J. Anderson, Deputy Director, General Government Division before the House Select Committee on Narcotics Abuse and Control on Federal Drug Law Enforcement Programs," November 16, 1977, p. 3, <http://archive.gao.gov/f1102b/104063.pdf>.

Useful Theoretical Constructs to Keep in Mind, while Reading This Paper

Take-Aways from This Section:

- Two explanatory models offer practitioners and analysts insight into inter-agency friction and why drug war has had the level of success that it has had
 - SOCOM Model: Short-term kinetic action (arrests and seizures) buys time for long-term indirect mechanisms (capacity building) to change the environment that allows the threat to emerge. The indirect mechanism is the key to winning.
 - Network Versus Rule-based Organizations: Any human organization has network (organization based on relationship, such as family membership) and rules (organization based on rules, such as a bureaucracy). Asymmetry in the drug war is due to the fact that federal bureaucracies (law enforcement) are rule-based organizations that are constrained by geography and procedural rules, must counter non-state actor threats (drug organizations) that do not have such constraints.

There are two explanatory models that offer great insight into the “why” of the drug war. The first is the direct and indirect strategic approach used by the U.S. Special Operations Command in the Global War on Terror, and the second is Joint Special Operations University Professor Jessica Turnley’s network and rule-based organization model.

SOCOM Model: Direct and Indirect Approach Strategy

The United States Special Operations Command (SOCOM) in the Global War on Terror exercises this strategy, which offers insightful parallels to the war on drugs. In a 2008 *Special Operations Technology* article, Admiral Eric T. Olson explains SOCOM’s two main approaches: the direct approach (the short war) and the indirect approach (the long war). The direct approach is kinetic and is designed to disrupt violent extremist organizations by capturing or killing their leaders and membership, disrupting their infrastructure, and interrupting their ability to train and finance their operations. This approach is a holding action in order to buy time for the indirect approach to have decisive and long-term effects. As we will see in the war on drugs, law enforcement plays a key “short war” role through arrest and seizures and sustained attacks against drug trafficking support structures.

SOCOM’s “long war” indirect approach, according to Olson:

“enables partners to combat violent extremist organizations, deters tacit and active support for those organizations and those nations that are either less willing or less capable of doing it on their own, and erodes the root causes of extremist ideologies. The indirect approach takes a lot longer to show its effects. In the end, these actions will create enduring success. In order to give the indirect actions time to work, it takes a lot of direct action . . . But the end result is enabling our partners to deal with their own problems, so that, ultimately, we can withdraw.

This occurs all the time and it is, to a large degree, defining what special operations is becoming in this new world.”¹¹

It is key that Admiral Olson believes the decisive battle is fought by the indirect approach. In law enforcement’s “short-war,” arrests and seizures help weed, but in the long-war, changing the environment that allows the drug organizations to exist is the ultimate goal. As we will see further in this paper, there are several indirect approach drug programs and initiatives under way, such as the Weed and Seed Program at home and crop substitution, capacity building, anti-corruption, and rule of law initiatives abroad; however, these programs are not synchronized, and the direct approach gains are not yet leveraged to augment the indirect programs’ efforts.

Network versus Rule-based Organizations

Dr. Jessica Turnley, a Senior Fellow at the Joint Special Operations University, has a very useful model that offers some explanations into the successes and strains that have personified the drug war. Today’s drug organizations “are far more nebulous than traditional organized crime groups [in the early 1960s]. . . with the exception of certain gangs operating in retail dealing, organizations today are better thought of as a confederation or network of free-lance traffickers, or small trafficking groups, than a tight-knit unit.”¹² For example, the Colombian Cartel of the 1980s was very hierarchical (rule-based) as they directed operations from safe havens abroad. As key members in these organizations were arrested by authorities or died at the hands of their competitors in the early 1990s, the organizations began to devolve into a loose federation and now operate as isolated free-market groups: producers, smugglers, distributors, and collectors. These non-state actor drug threats are primarily based upon relationships.¹³ They have no geographic boundaries, respond quickly to a changing environment, are fluid in relation to others, and difficult to define.¹⁴ Drug and terror networks find it easy to intersect as they share in a desire to operate in the underworld and at the jurisdictional and geographic seams of rule-driven organizations.

While today’s traffickers are not rule-based, they certainly have created role-based groups that operate in a capitalist fashion responding to price and availability. However, the danger of trafficking violence remains extreme with each physical exchange as a result of anonymity and mistrust. Even though drug traffickers attempt to obfuscate the technical communications links between the each trafficking node, they remain vulnerable because they have to communicate between the cells at some point in order to move a physical product.

¹¹ “Interview with Admiral Eric T. Olson Commander United States Special Operations Command: Directing, Supporting and Maintaining the World’s Best SOF” *Special Operations Technology*, June 2, 2008. vol. 6, iss. 4.

¹² “Assessment of the HIDTA Program: High Intensity Drug Trafficking Areas,” BOTEC Analysis Corporation, April 2002, p. 197. <http://www.ncjrs.gov/pdffiles1/nij/grants/194118.pdf>.

¹³ Please note that this construct for drugs can be applied to narco-terror and terror networks as well.

¹⁴ Jessica Glicken Turnley, *Implications for Network-Centric Warfare*, Joint Special Operations University, Report 06-03, March 2006, pp. 1, 14, 15, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

In opposition to networks of non-state actors that operate free from geographic boundaries, are rule-driven state bureaucracies that have definite geographic bounds.¹⁵ Government organizations are constrained by rules of jurisdiction (where they can act), authorities (what they can do), and accountability (efficiency and effectiveness of their exercised authorities within their jurisdiction).¹⁶ Rules are necessary in large, multi-faceted institutions for command and control and to sustain a high division of labor and rate of multi-tasking. In addition, government organizations are bound by process. This constriction also offers benefits, however, as rule of law facilitates stability, and a blind, process-oriented bureaucratic system allows for equal protection and prevents mavericks from abusing the system.¹⁷ Bureaucratic law enforcement organizations have a significant advantage over a relationship-based network in that it can maintain sustainability through multiple generations of people in order to accomplish long term goals. For instance, DEA's host nation capacity building functions and long-term, state-to-state interactions have constructed a history of success with generations of counterparts building trust for cooperation and generate mature foreign law enforcement capabilities and intelligence networks.¹⁸

At the tactical level, the individual investigator remains the driving force in countering non-state drug network threats, and task forces are key enabler in coordinating and bringing symmetry to the drug fight. The drug task force is defined as a network of independent investigators that bring to bear their unique authorities and supporting infrastructure to attack a specific drug network. Outside the task force, agencies operate autonomously, frequently with overlapping jurisdictions, and are supported by multiple authorities, procedures, and systems (see chart below). The strength of having agencies that specialize in a function, such as ICE and smuggling, has a downside in that each agency will view problems from their perspective, i.e. drug smuggling is the linchpin to drug enforcement. As the saying goes, "If you are a hammer, everything looks like a nail." In order to bring all of the federal resource "tools" to bear on a problem, task forces are the primary means to do so, and they to overcome the lack of unity of effort caused by the decentralized U.S. law enforcement authority structure.¹⁹

¹⁵ Jessica Glicken Turnley, Implications for Network-Centric Warfare, Joint Special Operations University, Report 06-03, March 2006, p. 11, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

¹⁶ Jessica Glicken Turnley, Implications for Network-Centric Warfare, Joint Special Operations University, Report 06-03, March 2006, p. 1, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

¹⁷ Jessica Glicken Turnley, Implications for Network-Centric Warfare, Joint Special Operations University, Report 06-03, March 2006, pp. 2, 16, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

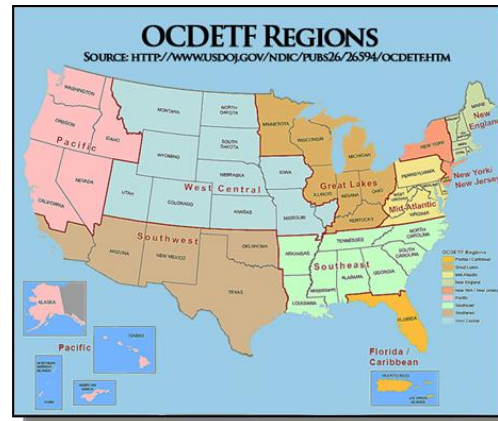
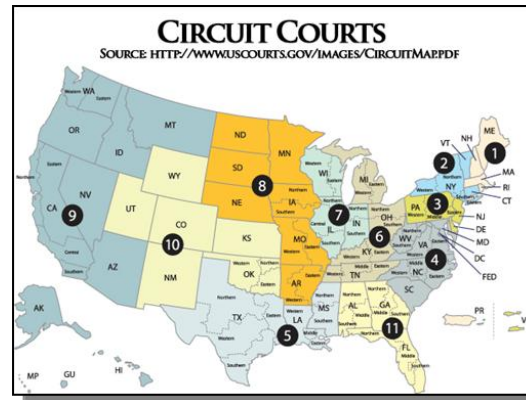
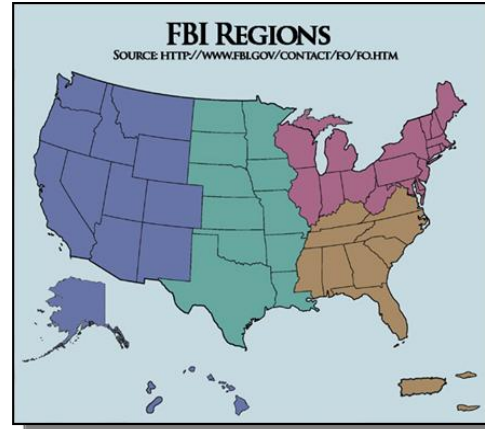
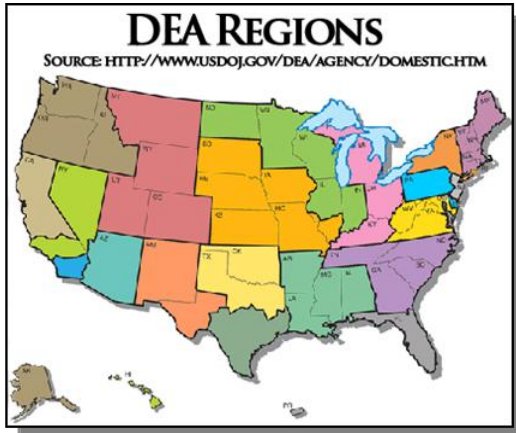
¹⁸ United States, Department of Justice, Office of Inspector General, "The Drug Enforcement Administration's International Operations (Redacted)," Audit Report 07-19, February 2007, pp. 50-53, <http://www.usdoj.gov/oig/reports/DEA/a0719/chapter4.htm#D>.

¹⁹ United States, Office of National Drug Control Policy, "General Counterdrug Intelligence Plan," National Criminal Justice Service Number NCJ 180750, February 2000, p. 31, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

United States, Government Accountability Office, "Federal Law Enforcement: Investigative Authority and Personnel at 13 Agencies," GAO/GGD-96-154, September 1996, pp. 10-13, <http://www.gao.gov/archive/1996/gg96154.pdf>.

DIFFERING OFFICES AND REGIONS

The following charts show the differing federal jurisdictions related to the counter-drug effort. Notice that their structure and area of responsibilities differ significantly.



Commission on the Advancement of Federal Law Enforcement, Law Enforcement in a New Century and a Changing World: Improving the Administration of Federal Law Enforcement. Jan 2000, p. 3.

Task Forces as a Vital Force Enabler

Take-Aways from This Section:

- Task forces are the primary mechanism that law enforcement uses to bring symmetry to the fight against threat networks
- Task forces must have a physical and neutral location for participants to interact
- To overcome jurisdiction boundary issues task force investigations and agency participation are expanded by allowing physical evidence and the threat organization's communications structure to be the guiding factors for action and inclusion
- Task Force Advantages
 - Agile: Able to tailor agency participation to bring unique authorities and capacities against the vulnerability of the unique threat organization
 - Efficient: Able to form and dissolve after threat has been addressed
- Task Force Disadvantages
 - Short-term Impact: Task forces are tactical in nature and address short-term threats; therefore, they do not have the longevity to shape the environment that requires long-term planning and effort.
 - Reactive: Task forces are reactionary in posture, so they do not a good preventive mechanism
 - Limited command authority: Most task forces deconflict or coordinate individual agency activity and do not rise to the level of collaboration or synchronization. In the end, agencies will only do what they want to do.

In addition to serving as a unity of effort mechanism, task forces are the primary cross-agency and cross-jurisdiction enabling mechanism used in the tactical drug fight, and they have a significant efficiency advantage in that they can be mobilized quickly and shift direction quickly in a changing environment and mirror the structure of networks, bringing symmetry to the fight. Task forces do have bureaucratic qualities in the areas of funding mechanisms, authorities, capabilities, and jurisdiction, and a task force provides a neutral ground in which different agencies investigators can come together to investigate a common target through connections of legal evidence.²⁰ While it is yet to be seen if creating a virtual space will have the same cultural impact of having a physical location that people come to in order to work on an agreed upon goal, having a physical location facilitates the integration of legitimate, multiple agendas and to leverage points of commonality and capabilities because it is hard to see the other as an enemy if you are forced to interact on a daily basis.

In the “short war” task forces offer symmetry, are tactical by nature, evolve to the threat, and can equally adapt to a thinking, flexible enemy. As each threat network is discovered, a task force can be tailored to involve and leverage multiple bureaucratic authorities and capabilities to exploit the critical vulnerability of the target network. For example, the Organized Crime Drug Enforcement Task Force (OCDETF), made up of multiple law enforcement agencies, can

²⁰ Sherrie S. Aitken, “Design for a HIDTA/OCDETF Performance Monitoring and Management System,” Office of National Drug Control Policy, January 2003, p. 27, http://www.whitehousedrugpolicy.gov/pdf/hidta_ocdetf.pdf.

penetrate a wide range of drug and non-drug offences through the authorities of participating agencies. Such organizations have demonstrated success; in 2001 and 2002, OCDETFs obtained 96 Continuing Criminal Enterprise convictions and 35 Racketeer Influenced Corrupt Organization convictions.²¹

Because task force participants are on equal ground, leaders must use persuasion because they lack tasking authority, and because task forces identify a common interest, they can mesh the differing, jurisdictions, mission and intents of each participating organization. Task force leaders lead by consensus brought about by persuasion and negotiation, and over time, effective task force leaders build an environment of trust.²² After that trust has been built, participants are more willing to share information and coordinate their future activities within the task force goals. In the case of drug enforcement, case-driven evidence drives the task force forward by revealing the targeted network structure.²³ This allows for the task force to expand and contract depending on the evidence and overcomes jurisdiction conflicts. The level of integration and cooperation depends upon circumstances, culture, personalities, and histories of the participants. However, even task forces can duplicate efforts of other task forces, and agencies will only participate to the degree that their interests are served.²⁴

Targeted networks, based upon relationships, are highly complex, fluid, constantly changing, but “[p]hysical parts of the network may be more amenable to analysis, prediction, and attack due to the nature of physical theory.”²⁵ In other words, drug networks are constrained in two ways. First they are physically constrained by the drug process (production or diversion, transportation, import smuggling, distribution, money collection, export smuggling, and transportation). Second, they must communicate by some type of facilitating mechanism (phone, transmitter, computer, or letter).²⁶ Communications vulnerabilities can be exploited by electronically linking communications identifiers, such as phone calls, to reveal a relationship in a “snapshot” of

²¹ United States, Drug Enforcement Administration, “DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources.” June 1993, p. i.

²² Jessica Glicker Turnley, Implications for Network-Centric Warfare, Joint Special Operations University, Report 06-03, March 2006, pp. 3-5, 16-17, 21-22, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

²³ United States, Government Accountability Office, “Federal Law Enforcement: Information on Use of Investigation and Arrest Statistics,” GAO-04-411, March 2004, p. 14, <http://www.gao.gov/new.items/d04411.pdf>.

²⁴ United States, Department of Justice, Office of the Inspector General, “Coordination of Investigations by Department of Justice Violent Crime Task Forces; Evaluation and Inspections Report I-2007-004; Appendix VIII: OIG Analysis of the DEA Response.” October 7, 2008, App. VIII, <http://www.usdoj.gov/oig/reports/plus/e0704/app8.htm>.

²⁵ Robert Spulak, Jr. and Jessica Glicker Turnley, Theoretical Perspectives of Terrorist Enemies as Networks, Joint Special Operations University, Report 05-03, October 2005, p. 29, https://jsoupublic.socom.mil/publications/jsou/JSOU05-3spulakturnleyNetworks_final.pdf.

²⁶ Jessica Glicker Turnley, Implications for Network-Centric Warfare, Joint Special Operations University, Report 06-03, March 2006, p. 20, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

In addition to illicit production abroad, another avenue threat stream is the diversion of legally made drugs and precursors into the illicit market for abuse and production. The Diversion Control Program began in 1971, prior to DEA’s creation, but it fills an integral part in the continuum of drug enforcement.

dynamic relationships.²⁷ This identifier only indicates a link but does not infer how strong or the significance of that link. The phone call could be birthday best wishes from a cousin, who is also involved with the illicit drug trade, or it could be a phone call to the target's source of supply. Traditional investigative techniques, such as surveillance, human intelligence, and seized physical evidence, can give meaning to the communications link as well as means to establish links. As we will see, DEA's Special Operations Division fulfills this dual role by linking investigations through communications analysis and then bringing together the field investigators, who can provide the link meanings.²⁸

The formation of drug task forces can come from many directions, and there is no doctrine for task force formation, authorities, and procedures. Prosecutors, agents, and law enforcement management can instigate a task force, and for drug enforcement, there is no organizing document, like the U.S. Military's Joint Publication 3-08 (Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination during Joint Operations) or National Response Framework (response to domestic disasters and emergencies).²⁹ One common trait among inter-agency task forces, including within these publications, is what is unique to the authorities of the Department of Defense's operational and tactical control of U.S. military forces – The ability to assign and direct activities.³⁰ Without an agreed upon definition of these types of authorities, the constructs used in the inter-agency framework are supported/supporting and coordinating/cooperating agencies.³¹ Therefore, the level of interaction can be personality dependant and often operates at deconfliction or coordination of individual agency activity; rather than a higher level of synchronization of activity that the military authorities afford.

²⁷ Jessica Glicken Turnley, *Implications for Network-Centric Warfare*, Joint Special Operations University, Report 06-03, March 2006, pp. 1, 9, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

²⁸ United States, Department of Justice, "Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream," February 2006, p. 47, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

²⁹ United States, Department of Defense, Joint Task Force Headquarters, "Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations," Volume I, Joint Publication 3-08, March 17, 2006, pp. I-1, I-4, http://www.dtic.mil/doctrine/jel/new_pubs/jp3_08v1.pdf.

United States, Department of Homeland Security, "National Response Framework," Brochure January 2008, p. 2, http://www.fema.gov/pdf/emergency/nrf/about_nrf.pdf.

³⁰ United States, Department of Defense, Joint Task Force Headquarters, "Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations," Volume I, Joint Publication 3-08, March 17, 2006, pp. III-19, http://www.dtic.mil/doctrine/jel/new_pubs/jp3_08v1.pdf.

United States, Department of Homeland Security, "National Response Framework," January 2008, pp. 10-11, <http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf>.

United States, Department of Homeland Security, "National Incident Management System," 2008, FEMA Publication Number P-501, Catalogue Number 08336-1, pp. 48-50, http://www.fema.gov/pdf/emergency/nims/NIMS_core.pdf.

³¹ United States, Department of Defense, Joint Task Force Headquarters, "Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations," Volume I, Joint Publication 3-08, March 17, 2006, pp. I-4, http://www.dtic.mil/doctrine/jel/new_pubs/jp3_08v1.pdf.

Another downside to the use of drug task forces are that their impact is short-lived, investigations are based upon past offenses (crime has already been committed so they are not adequate as a prevention tool), and their tactical nature does not lend itself to deliberate, long-term, and complex planning. It is likely that because of high operation tempo and large numbers of drug organizations to investigate, law enforcement has not been able to plan and shape environments that allow for illicit networks to thrive, nor have they been able to guide replacement structures that is more in line with U.S. strategic interests and are not offending the core values of the population.³² Unfortunately, new drug leaders may step into the vacuum more quickly than long-term investigations and long trials can put them behind bars.³³ As one DEA official said after Colombian police killed Pablo Escobar, “While the police hunted him down, other criminal groups had a heyday. The bottom line is that the cocaine business is bigger than ever,” and “nothing is easier than replacing Mr. Big.”³⁴ Hence, Pablo Escobar and the rest of the Medellin Cartel were soon replaced by the Cali Cartel.³⁵

³² Jessica Glicker Turnley, Implications for Network-Centric Warfare, Joint Special Operations University, Report 06-03, March 2006, pp. 4, 19, https://jsoupublic.socom.mil/publications/jsou/JSOU06-3turnleyNetworkCentric_final.pdf.

³³ United States, Government Accountability Office, “Drug Control: Long-Standing Problems Hinder U.S. International Efforts,” GO/NSID-97-75, February 1997, p. 3, 8-9, <http://www.gao.gov/archive/1997/ns97075.pdf>.

³⁴ Christopher Schnaubelt, “Can the Military’s Effectiveness in the Drug War be Measured?” *The Cato Journal*, vol. 14, no. 2, Fall 1994. <http://www.cato.org/pubs/journal/cjv14n2-5.html>.

³⁵ United States, Drug Enforcement Administration, “DEA History: 1990-1994,” <http://www.usdoj.gov/dea/pubs/history/1990-1994.html>.

Network Theory

Take-Aways from This Section:

- Dr. Spulak and Dr. Turnley’s seven truths in and means to attacking networks should be considered, while revising the US national security structure
 - Seven Truths about Networks
 - Attacking a network rarely destroys the function of the network fully
 - Ability of a human enemy to adapt, repair, or replace the network is nearly always underestimated
 - The major effect of a network attack is to reduce its effectiveness through reduced efficiency and diversion of resources devoted to defense or repair
 - Attacking a network requires a sustained campaign against a critical node or multiple elements of the network
 - Addressing the technical and human parts of a network should not be addressed separately
 - Isolated portions of a network are more easily attacked
 - Civilian, collateral damage are likely to stiffen the resolve of the enemy or sympathy of the surrounding population
 - Means to attack a network
 - Overwhelm the entire network
 - Interdict critical nodes
 - Establish operational superiority and interdict nodes
 - Isolate and degrade a portion of the network

Doctors Robert Spulak, Jr. and Jessica Glicken Turnley offer seven “truths” may shed light into the reasons behind the short-lived impact of law enforcement’s attempts to counter drug trafficking and narco-terror networks:³⁶

- **Truth 1: Attacking a network rarely destroys the function of the network fully.** At the conclusion of every investigation, there is a fringe element of the network that continues to operate. Reasons for this could be an issue of resources or jurisdiction, but in any case, U.S. Law enforcement is constrained by the rule of law, and it takes a considerable amount of effort and time to bring a case against an individual must be presented to a jury beyond a reasonable doubt to the crime committed. In addition, the fringe was not the primary target of the investigation, there may not be enough evidence to indict, or the targets could not be apprehended. In addition to these investigative realities, law enforcement’s primary strategy of bringing to justice individuals also limits impact. By definition, the role of police is the enforcement of law and the investigation of individual violators. Therefore, law enforcement investigations focus on individuals – specific command and control nodes (e.g. cell head) or a function of a network (e.g. transportation organization) –, but by creating a target focus (individuals), it is inevitable

³⁶ Robert Spulak, Jr. and Jessica Glicken Turnley, Theoretical Perspectives of Terrorist Enemies as Networks, Joint Special Operations University, Report 05-03, October 2005, pp. 22-23, https://jsoupublic.socom.mil/publications/jsou/JSOU05-3spulakturnleyNetworks_final.pdf.

that some portion of the network will lie outside that focus and remain operational. However, law enforcement can then use the leads and evidence to “spin” into the next investigation into the fringe element.

- **Truth 2: Ability of a human enemy to adapt, repair, or replace the network is nearly always underestimated.** Human capacity to reorganize and preserve are very powerful qualities that law enforcement underestimates in its counter strategy.
- **Truth 3: The major effect of a network attack is to “reduce its effectiveness through reduced efficiency and diversion of resources devoted to defense or repair.”** This is the intent of the law enforcement approach to “disrupt” in order to “dismantle” threat organizations.
- **Truth 4: Attacking a network requires a sustained campaign against a critical node or multiple elements of the network.** Sustainment is key to success, and often the task force must direct multiple element attack (command and control as well as financiers, suppliers, transporters, and distributors) for longer-term success against the network.
- **Truth 5: Addressing the technical and human parts of a network should not be addressed separately.** This speaks to the importance of the indirect approach (changing the environment that allows the threat to flourish) in addition to the direct approach to the threat (arrest of the threat).
- **Truth 6: Isolated portions of a network are more easily attacked.** This is true in the arrest of individuals but also in providing a focus for the task force and to prevent mission creep.
- **Truth 7: Civilian, collateral damage is likely to stiffen the resolve of the enemy or sympathy of the surrounding population.** Second-order effects must be considered when action is about to be taken, and this explains the complexity and importance of attempting to shape the threat environment (the indirect approach).

Dr. Spulak and Dr. Turnley also posit four means to attack a network: (1) overwhelm the entire network, (2) interdict critical nodes, (3) establish operational superiority and interdict nodes, and (4) isolate and degrade a portion of the network.³⁷ Until a “whole of government” and inter-government synchronized capability is achieved, the first strategy of overwhelming the entire network is not a viable option. The Joint Interagency Task Forces and Operation All Inclusive in Central America have had success in option three by establishing operational superiority and interdicting the transit of illicit drugs in the Caribbean and Central America approaches to the United States. Drug law enforcement has also applied a combination of options two and four by interdicting critical nodes (Kingpin, Consolidated Priority Organization Targets) and degrading (disrupting) portions of networks.

³⁷ Robert Spulak, Jr. and Jessica Glicken Turnley, Theoretical Perspectives of Terrorist Enemies as Networks, Joint Special Operations University, Report 05-03, October 2005, pp. 16-18, https://jsoupublic.socom.mil/publications/jsou/JSOU05-3spulakturnleyNetworks_final.pdf.

DEA: A Single-Mission Agency

Take-Aways from This Section:

- Consolidation in order to address an identified national security threat and to eliminate overlaps, squabbling, and “seams” between agencies is not a new government strategy. DEA, like Homeland Security, was formed by consolidating multiple, stovepiped entities into one, single-mission organization to improve unity of effort and efficiency.
- Originating documents must be clear
 - Inter-agency Authority: Identifies the single-mission agency as the lead agency
 - Internal Authority: Headquarters is given centralized authority to protect and give incentives for field managers to integrate legacy components
- Care must be taken when creating “Czars,” such as the Director of the Office of National Drug Control Policy
 - Be careful not to create another layer of bureaucracy
 - Budget control and line of authority should not be bifurcated (e.g. President to Attorney General to DEA Administrator *and* President to Office of National Drug Control Policy Director to Attorney General to the DEA Administrator).

The Establishment of DEA

Not unlike the formation of the Department of Homeland Security (DHS) in 2002, the United States Drug Enforcement Administration (DEA) was formed in 1973 by consolidating existing law enforcement entities from various U.S. government organizations. Prior to consolidation into DEA, each of the federal law enforcement entities that dealt with narcotics was located in separate, “stove-piped” entities that attacked illicit drug activity from their own unique perspective. The Department of Treasury’s U.S. Customs Service Drug Investigations Section targeted smuggling; the Narcotics Advance Research Management Team within the Executive Office of the President provided policy guidance; and within the Department of Justice (DOJ), the Office of National Narcotics Intelligence analyzed drug-related intelligence, while the Office of Drug Abuse Law Enforcement and the Bureau of Narcotics and Dangerous Drugs had responsibility for domestic drug law enforcement.³⁸

Also like DHS, DEA was created in response to a perceived imminent threat. In the case of DEA, President Nixon called the mounting drug abuse problem in the early 1970s “Public Enemy Number 1,” and he recognized the need for improving efficiency and coordination among the major U.S. government functional elements in responding to the drug threat.³⁹ At the time, federal law enforcement entities were separate, “stove-piped” organizations that attacked illicit drug activity from their own unique perspective: Department of Treasury’s U.S. Customs Service

³⁸ United States, Drug Enforcement Administration, “Genealogy,” <http://www.dea.gov/agency/genealogy.htm>.

³⁹ Joel Havemann, “White House Report/Drug Agency Reorganization Establishes Unusual Management Group,” *National Journal*, May 5, 1973, p. 653.

Drug Investigations Section (smuggling); Executive Office of the President's Narcotics Advance Research Management Team (policy making); and Department of Justice's Office of Drug Abuse Law Enforcement (domestic enforcement), Office of National Narcotics Intelligence (intelligence analysis), and Bureau of Narcotics and Dangerous Drugs (domestic enforcement).⁴⁰

President Nixon's administration's initial answer was to create the Office of Federal Drug Management (OFDM) within the Office of Management and Budget. The administration mandated this office, like today's Office of National Drug Control Policy (ONDCP), its 1988 echo, "oversee and evaluate Presidential drug policy directives, resolve interagency disputes, help agencies improve the management of their operations, and insure that the public and Congress are fully informed about important drug control developments." Interestingly, even the OFDM lacked full control of the drug issue in that it was required to work closely with (a) the Executive Office of the President's Special Action Office for Drug Abuse Prevention (SAODAP), that focused on drug treatment, rehabilitation, education, and research, and (b) the Cabinet Committee on International Narcotics Control, a seven-department committee, that served as the diplomatic entity to work with other governments in the international drug control effort.⁴¹ This seven-department committee included the Secretary of State (Chair), the Attorney General, Secretary of Defense, Secretary of Treasury, Ambassador to the United Nations, and Director of Central Intelligence.⁴²

The 1973 "Federal Strategy for Drug Abuse and Drug Traffic Prevention" paper, written by SAODAP, cited drug availability as a key contributor to the drug epidemic, and law enforcement's fragmented responsibility, jurisdictional overlap, organizational redundancy, and poor information sharing and expertise were viewed as significantly hindering law enforcement's ability to protect the nation.⁴³ When presidential directives for better enforcement cooperation failed and threats by President Nixon to "bang heads together" did not improve the situation, with the support of Congress Nixon eventually exercised his authority to reorganize the bureaucracy (which was granted to the presidency in 1949).⁴⁴ In his Reorganization Plan No. 2 and Executive Order 11727, President Nixon created "a single federal agency to consolidate and

⁴⁰ United States, Drug Enforcement Administration, "Genealogy," <http://www.dea.gov/agency/genealogy.htm>.

⁴¹ United States, President of the United States, "203 - Special Message to the Congress on Drug Abuse Prevention and Control," June 17, 1971, <http://www.presidency.ucsb.edu/ws/index.php?pid=3048>.

United States, "Federal Strategy for Drug Abuse and Drug Traffic prevention 1973," Special Action Office for Drug Abuse Prevention, page unknown.

⁴² United States, President of the United States, "286 - Memorandum Establishing the Cabinet Committee on International Narcotics Control," September 7, 1971, <http://www.presidency.ucsb.edu/ws/index.php?pid=3139>.

⁴³ United States, House of Representatives, "Remarks of the Honorable Chet Holifield on Reorganization Plan No. 2 of 1973," Congressional Record, May 31, 1973, p. H4217.

United States, House of Representatives, "Compelling Case for Drug Enforcement Reorganization Now," Congressional Record, June 4, 1973, p. H4246.

⁴⁴ "Ambrose to Reorganize War on Drugs: New Badges, New Name, for Narcs; Results Expected," *Tupelo Mississippi Journal*, April 5, 1973.

Joel Havemann, "White House Report/Drug Agency Reorganization Establishes Unusual Management Group," *National Journal*, May 5, 1973, p. 655.

coordinate the government's drug control activities" within the Department of Justice.⁴⁵ President Nixon intended DEA to serve as the lead agency for supply reduction efforts, and his executive order made DEA responsible for developing a national supply reduction strategy.⁴⁶ Although President Nixon's Executive Order 11727 created DEA, DEA derives its law enforcement authority from Title 21 of the United States Code.⁴⁷ The Comprehensive Drug Abuse Prevention and Control Act of 1970, also known as the Controlled Substances Act, sets the legal foundation and regulation of the production, importation, possession, and distribution of "narcotics, stimulants, depressants, hallucinogens, anabolic steroids, and chemicals used in the illicit production of controlled substances." In addition to framing and setting the procedure for classifying drugs in a five-tiered schedule, the law sets the penalties for drug violations.⁴⁸

Interestingly, neither Executive Order 11727 nor Title 21 designates DEA as the lead federal agency for the war on drugs. Thus, DEA has never had sole decision making authority concerning the drug supply and abuse issue as a whole. In 1973, the federal coordination and policy making responsibilities remained in the Office of Management and Budget.

Concerns over a unified federal effort continued in the 1980s.⁴⁹ In 1983, a Government Accounting Office report called for a strong central oversight of federal drug interdiction efforts. The report found that although Congresses' 1972 Drug Abuse Office and Treatment Act had not been fully carried out. The 1972 act required that a single, comprehensive federal strategy and executive office be created whose "responsibilities were to oversee all organizational and policy issues for drug abuse and drug traffic prevention, coordinate the performance of drug abuse functions by Federal departments and agencies, and recommend and implement resource and program priorities. These responsibilities have never been fully carried out."⁵⁰ As a result, Congress passed a Crime Bill on December 22, 1982 that established an "Office of the Director of National and International Drug Operations and Policy" that would manage all Federal drug enforcement programs, but President Reagan withheld his approval of this legislation.⁵¹

⁴⁵ United States, Drug Enforcement Administration, "DEA History: 1970 – 1975," <http://www.dea.gov/pubs/history/1970-1975.html>.

⁴⁶ Mark Moore, "Reorganization Plan #2 Reviewed: Problems in Implementing a Strategy to Reduce the Supply of Drugs to Illicit Markets in the United States," *Public Policy*, vol. 26, no. 2, Spring 1978, p. 246.

⁴⁷ United States, Drug Enforcement Administration, "DEA Agents Manual," 2002 Edition, March 24, 1999, p. 1, <http://www.scribd.com/doc/6491228/DEA-Agents-Manual-2002>.

DEA in cooperation with the Food and Drug Administration identifies new drug abuse substances, and the DEA Administrator has the authority to place the drug on the controlled substance schedule, which is why DEA is an administration and not an agency.

United States, Food and Drug Administration, "Inter-Agency Advisory Regarding Claims That Smoked Marijuana Is a Medicine," Press Release, April 20, 2006, <http://www.fda.gov/bbs/topics/news/2006/new01362.html>.

⁴⁸ United States Drug Enforcement Administration, "Title 21 Food and Drugs," 24 Apr 2008, <http://www.dea.gov/pubs/csa.html>.

⁴⁹ United States, General Accounting Office "Federal Drug Interdiction Efforts Need Strong Central Oversight," GAO/GGD-83-52, June 13, 1983, p. 53, <http://archive.gao.gov/d44t15/121662.pdf>.

⁵⁰ United States, General Accounting Office "Federal Drug Interdiction Efforts Need Strong Central Oversight," GAO/GGD-83-52, June 13, 1983, p. 48, <http://archive.gao.gov/d44t15/121662.pdf>.

⁵¹ United States, General Accounting Office "Federal Drug Interdiction Efforts Need Strong Central Oversight," GAO/GGD-83-52, June 13, 1983, p. 52, <http://archive.gao.gov/d44t15/121662.pdf>.

Associate Attorney General Rudolph Giuliani presented counter arguments for the creation of a drug czar, stating that the office would create an additional layer of bureaucracy, and it would duplicate the work of the attorney general, who as top law enforcement officer has the authority to coordinate and chairs the Cabinet Council on Legal Policy. He also argued that the Department's working group on drug supply reduction was coordinating the agencies involved. This included the newly formed, and Department of Justice led, twelve Organized Crime Drug Enforcement Taskforces. He also posited that, if the drug czar was great, the authority relationship between the Drug Czar and other cabinet officers and resource control would cause friction. If the power be weak, it would result in confusion and duplication of effort, compounding coordination problems.⁵²

Six years later, the White House Conference for a Drug Free America, a presidential panel in June 1988, called once again for a cabinet-level, "National Drug Director," and Congress through legislation created the Office of National Drug Control Policy as a part of the Anti-Drug Abuse Act of 1988.⁵³ The ONDCP Director, who lost cabinet rank under the Obama Administration, retains statutory authorities to establish federal drug control policies and priorities.⁵⁴ The "ONDCP is [also] responsible for producing the national drug control strategy and coordinating its implementation with other federal agencies. Although ONDCP has authority to review various agencies' funding levels to ensure they meet the goals of the national strategy, it has no direct control over how these resources are used."⁵⁵ ONDCP's coordinating and policy authority also extends to federal drug activities abroad: The ONDCP "evaluates, coordinates, and oversees both the international and domestic anti-drug efforts of executive branch agencies and ensures that such efforts sustain and complement State and local anti-drug activities."⁵⁶

⁵² United States, Department of Justice Associate Attorney General, "A 'Drug Czar' Would Just Get in the Way," *Washington Post*, Editorial by Rudolph Giuliani, January 12, 1983.

⁵³ Michael Isikoff, "Panel Says U.S. Needs Top-Level Antidrug Chief; Some Controversial Issues Not Addressed," *The Washington Post*, June 22, 1988.

⁵⁴ Reid Wilson, "Kerlikowski to be Tapped as Drug Czar," *The Hill*, March 11, 2009, <http://thehill.com/leading-the-news/kerlikowski-to-be-tapped-as-drug-czar-2009-03-11.html>.

James Brady, "Press Briefing by Press Secretary Robert Gibbs," White House Briefing Room, March 11, 2009, http://www.whitehouse.gov/the_press_office/Briefing-by-WH-Press-Secretary-Gibbs-3-11-09/.

United States, Office of National Drug Control Policy, "About," <http://www.whitehousedrugpolicy.gov/about/index.html>.

⁵⁵ United States, Government Accountability Office, "Drug Control: Long-Standing Problems Hinder U.S. International Efforts," GAO/NSIAD-97-75, February 1997, p. 2, <http://www.gao.gov/archive/1997/ns97075.pdf>.

⁵⁶ United States, Office of National Drug Control Policy, "Authorizing Legislation," http://www.whitehousedrugpolicy.gov/about/authorizing_legislation.html.

DEA Mission

Take-Aways from This Section:

- Mission and authorities must be carefully chosen when a single-mission agency is created because it sets mission focus and sets boundaries for action. DEA has defined the boundaries of its mission to curb the supply of illicit drugs through law enforcement and *not* to be the federal agency responsible for addressing the drug threat to the United States.
- Agency mission will evolve with changes in the threat environment, Congressional and administrative direction, and internally perceived capabilities and initiatives

DEA 2008 MISSION STATEMENT

“The mission of the Drug Enforcement Administration (DEA) is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.”⁵⁷

Notwithstanding this 2008 DEA Mission Statement, Executive Order 11727 assigns the Attorney General, not the DEA Administrator, authority to “coordinate all activities of executive branch departments and agencies, which are directly related to the *enforcement of laws* respecting narcotics and dangerous drugs.” In addition, “upon request and to the extent permitted by law” the Attorney General also coordinates other federal entities that may be assisting in the enforcement of drug-related laws. Importantly, however, Executive Order 11727 and Title 21 do set DEA as the single-mission, narcotics *enforcement* entity.⁵⁸ In DEA’s self-defined and two-fold mission statement, its main role is to enforce the drug laws of the United States and bring criminals that violate U.S. drug laws to justice. Its second role is to recommend and support “non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.”⁵⁹

The following table outlines the evolution of DEA’s mission from initial Congressional intent to its current self-described mission. Over the 35-year history, the only consistent quality is drug enforcement and intelligence coordination. It is interesting to note where original congressional intent has differed as DEA has evolved and matured. For example, recognizing that drug

⁵⁷ United States, Drug Enforcement Administration, “DEA Mission Statement,” <http://www.usdoj.gov/dea/agency/mission.htm>.

⁵⁸ United States, National Archives, “Executive Order 11727 – Drug Law Enforcement,” <http://www.archives.gov/federal-register/codification/executive-order/11727.html>.

⁵⁹ United States, Drug Enforcement Administration, “DEA Mission Statement,” <http://www.usdoj.gov/dea/agency/mission.htm>.

enforcement would not be enough to address the drug abuse problem, DEA entered the arena of drug prevention and education in 1985.⁶⁰ As a former DEA Regional Director Larry Hollifield, noted “The biggest lesson is for the US . . . is to stop using (drugs). Until that happens, nothing the US does can prevent these people from doing this. There is absolutely no way to stop it.”⁶¹ DEA’s drug prevention program continues to expand to include its on-line teen “Street Smart Prevention” website and parent-oriented website “Get Smart About Drugs,” and the institution of designated demand reduction coordinators in each DEA office.⁶² Nevertheless, DEA’s 2007 drug prevention program was \$3.3 million – less than one percent of DEA’s total budget – indicating its place of importance in the agency’s law enforcement mission.⁶³

EVOLUTION IN DEA’S RESPONSIBILITIES FROM 1973 TO PRESENT

<p align="center">ANTICIPATED BENEFITS FROM THE CREATION OF THE DEA</p> <p align="center">SENATE COMMITTEE ON GOVERNMENT OPERATIONS OCTOBER 16, 1973⁶⁴</p>	<p align="center">DEA PRIMARY RESPONSIBILITIES</p> <p align="center">GOVERNMENT ACCOUNTABILITY OFFICE REPORT JULY 29, 1999⁶⁵</p>	<p align="center">SELF-DESCRIBED DEA PRIMARY RESPONSIBILITIES</p> <p align="center">DEA WEBSITE 2008⁶⁶</p>
<ul style="list-style-type: none"> • End interagency rivalries that have undermined federal drug law enforcement, especially between the U.S. Customs Service and Department of Justice’s Bureau of Narcotics and Dangerous Drugs 		
<ul style="list-style-type: none"> • Give the Federal Bureau of Investigation a significant role as a organized crime subject matter expert for DEA to draw upon to counter the trafficking of illicit drugs 		

⁶⁰ United States, Drug Enforcement Administration, “History: 1980-1985,” <http://www.usdoj.gov/dea/pubs/history/1980-1985.html>.

United States, Government Accountability Office, “Confronting the Drug Problem; Debate Persists on Enforcement Alternative Approaches,” GAO/GGD-93-82, July 1993, p. 1, <http://archive.gao.gov/t2pbat5/149754.pdf>.

⁶¹ Leslie Bernstein, “Can Mexico Learn from the Colombian Drug War?” *Union Tribune*, February 16, 2009, <http://www3.signonsandiego.com/stories/2009/feb/16/1n16colombia00218-colombia-drug-war-continues-desp/>.

⁶² United States, Drug Enforcement Administration, “DEA Launches Drug Education Website for Parents,” February 13, 2009, *Opposing Views*, <http://www.opposingviews.com/articles/news-dea-launches-drug-education-website-for-parents>.

⁶³ United States, Office of National Drug Control Policy, “National Drug Control Strategy FY 2009 Budget Summary,” February 2008, p. 91, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

⁶⁴ United States, Drug Enforcement Administration, “DEA History: 1970 – 1975,” <http://www.dea.gov/pubs/history/1970-1975.html>.

⁶⁵ United States, Government Accountability Office, “Drug Control: DEA’s Strategies and Operations in the 1990s,” GAO/T-GGD-99-149, July 29, 1999, p. 26. <http://www.gao.gov/archive/1999/gg99108.pdf>.

⁶⁶ United States, Drug Enforcement Administration, “DEA Mission Statement,” <http://www.usdoj.gov/dea/agency/mission.htm>.

ANTICIPATED BENEFITS FROM THE CREATION OF THE DEA SENATE COMMITTEE ON GOVERNMENT OPERATIONS OCTOBER 16, 1973⁶⁴	DEA PRIMARY RESPONSIBILITIES GOVERNMENT ACCOUNTABILITY OFFICE REPORT JULY 29, 1999⁶⁵	SELF-DESCRIBED DEA PRIMARY RESPONSIBILITIES DEA WEBSITE 2008⁶⁶
<ul style="list-style-type: none"> • Provide a federal drug coordinating focal point for foreign, federal, state, and local authorities 	<ul style="list-style-type: none"> • Investigating major drug traffickers operating at interstate and international levels and criminals and drug gangs who perpetrate violence in local communities • Coordinating and cooperating with federal, state, and local law enforcement agencies on mutual drug enforcement efforts 	
<ul style="list-style-type: none"> • Safeguard against corruption and enforcement abuses by making a single federal drug law enforcement Administrator accountable 		
<ul style="list-style-type: none"> • Establish a dedicated group of prosecutors in the Narcotics Division within the Department Justice to work closely with the consolidated drug law enforcement to maximize coordination between federal investigation and prosecution efforts and eliminate rivalries within each sphere 		

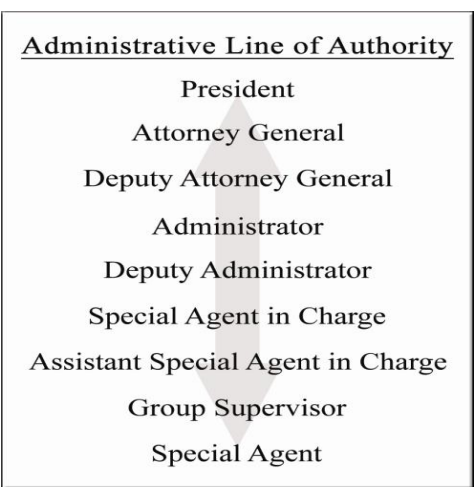
<p align="center">ANTICIPATED BENEFITS FROM THE CREATION OF THE DEA</p> <p align="center">SENATE COMMITTEE ON GOVERNMENT OPERATIONS OCTOBER 16, 1973⁶⁴</p>	<p align="center">DEA PRIMARY RESPONSIBILITIES</p> <p align="center">GOVERNMENT ACCOUNTABILITY OFFICE REPORT JULY 29, 1999⁶⁵</p>	<p align="center">SELF-DESCRIBED DEA PRIMARY RESPONSIBILITIES</p> <p align="center">DEA WEBSITE 2008⁶⁶</p>
<ul style="list-style-type: none"> • Establish the DEA as a “superagency to provide the momentum needed to coordinate all federal efforts related to drug enforcement outside the Justice Department, especially the gathering of intelligence on international narcotics smuggling” 	<ul style="list-style-type: none"> • Manage a national drug intelligence system • Seizing and forfeiting traffickers’ assets • Carrying out, under the policy guidance of the Secretary of State and U.S. Ambassadors, programs associated with drug law enforcement counterparts in foreign countries 	<ul style="list-style-type: none"> • Enforce the Controlled Substances Act that pertain to the manufacture, distribution, and dispensing of legally produced controlled substances • Investigate and prepare for prosecution major controlled substance law violators, who operate interstate and international levels • In cooperation with federal, state, local, and foreign officials, manage a national drug intelligence program in order to collect, analyze, and disseminate strategic and operational drug intelligence • Coordinate and cooperate with federal, state and local law enforcement officials on mutual drug enforcement efforts and enhance these efforts through exploitation of potential interstate and international investigations beyond local or limited federal jurisdictions and resources
		<ul style="list-style-type: none"> • Seize and forfeit illicit drug trafficking assets derived from, traceable to, or intended to be used for drug trafficking.
		<ul style="list-style-type: none"> • Coordination and cooperate with federal, state, and local agencies, and with foreign governments, in non-enforcement programs, such as crop eradication, crop substitution, and training of foreign officials, which are designed to reduce the availability of illicit abuse-type drugs on the United States market

<p style="text-align: center;">ANTICIPATED BENEFITS FROM THE CREATION OF THE DEA</p> <p style="text-align: center;">SENATE COMMITTEE ON GOVERNMENT OPERATIONS OCTOBER 16, 1973⁶⁴</p>	<p style="text-align: center;">DEA PRIMARY RESPONSIBILITIES</p> <p style="text-align: center;">GOVERNMENT ACCOUNTABILITY OFFICE REPORT JULY 29, 1999⁶⁵</p>	<p style="text-align: center;">SELF-DESCRIBED DEA PRIMARY RESPONSIBILITIES</p> <p style="text-align: center;">DEA WEBSITE 2008⁶⁶</p>
		<ul style="list-style-type: none"> • Under Secretary of State and U.S. Ambassadors policy guidance, the responsibility for all drug law enforcement counterparts programs in foreign countries
		<ul style="list-style-type: none"> • Liaison with the United Nations, Interpol, and other organizations on matters relating to international drug control programs

Authorities and Internal Decision Making Structures and Processes

Take-Aways from This Section:

- Advantages of single-mission agency
 - Single chain of command, funding mechanism, personnel structure
 - Shared capabilities, authorities, communications platform, cultural identity
- Disadvantages of single-mission agency
 - Internal geographic authority boundaries and divisions of labor can be source of friction and myopia
 - Defining single mission agencies does not address the overlapping reality of threats, such as criminals who violate multiple statutes, which create jurisdictional overlaps as agencies legitimately pursue their violator and loss of intended unity of effort
- DEA highly decentralized nature allows for agility and ownership by individuals
 - Investigative authority at the lowest levels: Investigative authority (US Code Title 21) is given not to the agency but to the individual agent to investigate drug offences. Individual investigators, forming into task forces as they expand their investigations, and task forces are the primary operational means to counter non-state actor threats and brings symmetry to the fight
 - Administrative authority: This authority flows from the President, through the Attorney General, to the DEA Administrator, and through DEA management to the individual investigator
- Close working relationships with state and local law enforcement are the life blood of operations



DEA benefits from a single, formalized decision making structure and unified organizational processes at the national, regional, and field office levels. DEA employees share a single chain of command, a single mission, a single personnel structure, common communications platforms, and shared capabilities and resources that are funded and distributed through one, clearly defined chain of command. Although the Controlled Substances Act gives investigative authority at the agent level, administrative authority passes from the President through the Attorney General and Deputy Attorney General to the Administrator into DEA.⁶⁷ Yet within this single mission house, there are walls of competing interest, authority, and budget wherever

⁶⁷ Title 21 U.S.C. § 871(a), <http://www.usdoj.gov/dea/pubs/csa/871.htm#a>.

United States, Department of Justice, “Organizational Chart,” <http://www.usdoj.gov/dojorg.htm>.

there is a division of labor or line of responsibility. This is most notably true between DEA's field divisions.

As of 2008, DEA has 227 domestic offices, grouped into 21 regions, called "divisions." Each division is headed by a Senior Executive Service-level Special Agent in Charge (SAC), who has several Assistant Special Agents in Charge, who oversee multiple first-line management Groups Supervisors, who supervise several investigators and/or task force officers. Abroad, there are six similar Senior Executive Service-level Regional Directors, who oversee 87 offices located in 63 foreign countries.⁶⁸

SACs interface with headquarters for event reporting, personnel assignments, and to determine division funding priorities. The SACs receive strategic guidance on how the field will execute DEA's strategic plan through a *contract* with the DEA SAC (domestic) or Regional Director (abroad).⁶⁹ The domestic contracts are called Field Management Plans, and for Regional Directors, they are called Country Office Work Plans.⁷⁰ The SACs report directly through the DEA Deputy Administrator (usually career civil service) to the Administrator (the politically appointed head of DEA), whose SAC management tools include annual evaluations for bonuses (the carrot) or latent threats of transferring uncooperative SAC's to less-than-desirable positions (the stick).

Despite this hierarchical organization, DEA headquarters in Washington delegates significant authority to SACs. Day-to-day DEA operations are thus led from the field as SAC's focus downward on state and local relationships and illicit drug activity within their respective areas of responsibility.⁷¹ SACs have near autonomous authority over their division's activity and have equal footing with other SACs. In the past, SAC operational interest stopped at their kingdom's gate; however, additions to SAC performance evaluations that require inter-division and international investigation contributions and connections have begun to filter down the chain of command.⁷²

DEA's operational (investigative) decisions are driven by the agent in the field as decisions are made at the tactical level, with the bulk of responsibility resting squarely on the shoulders of Special Agent investigators on the street. Weight of evidence, not deliberate planning, determines the main investigative effort and which investigator has the lead. Agents follow the evidence in order to expand their investigations upstream to sources of supply, which often reach beyond an agent's division's area of responsibility. As investigations expand, encompassing the

⁶⁸ United States Drug Enforcement Administration, "DEA Office Locations," <http://www.usdoj.gov/dea/agency/domestic.htm>.

⁶⁹ United States, Drug Enforcement Administration, *The Strategic Plan: Fiscal Years 2003-2008*, p. 31.

United States, Government Accountability Office, "Federal Law Enforcement: Information on Use of Investigation and Arrest Statistics," GAO-04-411, March 2004, pp. 18, 19, <http://www.gao.gov/new.items/d04411.pdf>.

⁷⁰ United States, Drug Enforcement Administration, *The Strategic Plan: Fiscal Years 2003-2008*, p. 31.

⁷¹ United States, Drug Enforcement Administration, "DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources." June 1993, pp. 7-8.

⁷² ExpectMore.gov, "Detailed Information on the Drug Enforcement Administration Assessment," 2003, Question 3.2, <http://www.whitehouse.gov/omb/expectmore/detail/10000170.2003.html>.

jurisdictions of other DEA divisions or law enforcement organizations, an informal working group, or “task force,” of officers and often prosecutors is often established. In addition to federal, state, and local investigators, prosecutors and law enforcement management can initiate a task force, task forces may also be created by the staff coordinators at DEA’s Special Operations Division, which will be discussed below. Task force participants operate on a peer-to-peer and informal basis, and investigators workout day-to-day challenges. For DEA-led task forces, higher levels of DEA management only become involved, when there is a disagreement over jurisdiction, action, or procedure between Groups within the DEA Division, between DEA divisions, or between agencies.

State and local officers are often important task force participants as DEA investigations rely on state and local cooperation to contribute officer authorities and intelligence.⁷⁴ When state and local officers, who retain all the powers of a local police officer, such as the authority to pull someone over for a traffic violation, become involved in a DEA investigation they can be deputized with Title 21 authority, which gives the task force officer the ability to investigate and charge federal drug laws, while maintaining his local authorities that a federal agent does not have. More importantly, state and local narcotics task force officers know their communities; have unparalleled intelligence on the traffickers in their area; have close, long-term working relationships with other state and local prosecutors; and have a passion to protect those in the neighborhoods in which they live. In turn, the federal agents bring federal resources and penalties to the fight as well as the ability to work up the source of supply food chain, which will extend beyond a local officer’s jurisdiction.⁷⁵

STATE AND LOCAL LAW ENFORCEMENT WITH A FULL TIME DRUG UNIT IN 2000 ⁷³	
Entity	Percent
State	71
County Police	87
Municipal Police	79
Sheriff’s Office	69

Meanwhile, headquarters navigates budgeting processes, maintains authority over policy, personnel, and resources, and devises strategies in response to ONDCP guidance. It also responds to Congressional demands in accordance with the 1993 Government Performance and Results Act (Public Law 103-62) that attempts to improve federal government stewardship by “linking resources and management decisions with program performance.” This law requires the development of three to five year strategic plans, the setting of annual performance targets that supports the strategic plan, an annual report evaluating previous year activities and programs to include explanations for successes and failures.⁷⁶ Yet, Headquarters exercises limited tactical

⁷³ United States, Department of Justice, Bureau of Justice Statistics, “Drugs and Crime Facts,” Apr 2004, 13 Sept 2008, <http://www.ojp.usdoj.gov/bjs/dcf/enforce.htm>.

⁷⁴ United States, Government Accountability Office, “Statement of Daniel F. Stanton, Deputy Director of the General Government Division U. S. General Accounting Office Before the Subcommittee on Health and the Environment House Committee on Interstate and Foreign Commerce Federal Drug Enforcement and Supply Control Efforts,” March 10, 1980, p. 5, <http://archive.gao.gov/f0202/111854.pdf>.

⁷⁵ United States, Drug Enforcement Administration, “State and Local Task Forces,” <http://www.usdoj.gov/dea/programs/taskforces.htm>.

⁷⁶ United States, Government Accountability Office, “GPRA Performance Reports,” Report GAO/GGD-96-66R, February 14, 1996, pp. 1-2, <http://archive.gao.gov/papr2pdf/156220.pdf>.

influence over field divisions and operations. For the most part, deliberate, executed planning processes only occur at the tactical level for raids and drug buys. DEA places little emphasis on professional development for planners or investment in planning capacity; headquarters planning and policy sections are very lean with a majority of headquarters personnel serving in positions that are focused on supporting or reporting operational activity. The strategic plans that are generated often reflect the combined operations and intelligence activity currently under way in the field. As a result, headquarters strategy is not always implemented with unity of effort across the agency.⁷⁷ For instance, during DEA's kingpin strategy in the 1990s that attempted to focus the agency on international drug heads, DEA offices in major cities, such as New York and Miami, were able to find direct connections because they were likely investigating importation organizations, but smaller offices that often target distribution cells had very difficult time making direct connections to the foreign-based drug kingpins.⁷⁸ In addition to this unequal yoke, Special Agents in Charge, who have close working relationships with their region's police chiefs, are compelled by those relationships to dedicate resources at the local level because police chiefs view drugs as a local problem.⁷⁹ Thus, DEA's planned main effort is often executed unequally across the agency, yet it has an advantage in being responsive to the rapidly changing field environment.

National Institute of Health, "GPRA Overview," <http://nihperformance.nih.gov/GPRAOverview.htm>.

⁷⁷ United States, Department of Justice Office of Inspector General, "The Drug Enforcement Administration's Implementation of the Government Performance and Results Act," September 2003, <http://www.usdoj.gov/oig/reports/DEA/a0335/exec.htm>.

⁷⁸ United States, Drug Enforcement Administration, "DEA History: 1994-1998; Revision of Geographic Drug Enforcement Program (1994)" http://www.usdoj.gov/dea/pubs/history/deahistory_06.htm.

Parsons, Robert. "DEA's Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation's Drug Supply Reduction Campaign," Joint Military Intelligence College, Nov 1994, pp. 2-3.

⁷⁹ Public Broadcasting Service, "Drug Wars; DEA," *Frontline*, Special Agent in Charge Robert Stutman Interview, October 10, 2000, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/etc/transcript2.html>.

Strategic Direction

Take-Aways from This Section:

- When forming a new single-mission agency, care must be given to give headquarters authority and ability to protect field management in order to encourage the growth of headquarters structure and influence
- Decentralized authority gives agility but can dilute accountability and consistency
- Due to the nature of law enforcement (enforce broken laws, which necessitates an illicit act before law enforcement action) and tactical posture, deliberate planning is not a mature law enforcement trait
- Sustained strategy is difficult to maintain with shifting priorities caused by changes in political management
- Budget and operational synchronization is difficult to achieve with multiple agency involvement (budget, planning, and execution by committee)

Several factors limit the influence of headquarters' guidance in the field and the implementation of a unified strategic vision. The first such factor is the delegation of tactical authority to SACs. Although such delegation has notable benefits as will be described in the next section, decreased headquarters authority necessarily dilutes accountability. This loss of control by headquarters is exacerbated by the fact that the chain of command passes from the Administrator, to the Deputy Administrator to the SACs, bypassing DEA's Chief of Operations, who is responsible for day-to-day enforcement operations.⁸⁰

DEA's bureaucratic conflicts experienced in the early years of the agency as noted in a *Public Policy* review conducted five years after DEA was first established has been ossified into a decentralized culture and structure. According to the 1978 *Public Policy* report, DEA management used as its foundation the existing Bureau of Narcotics and Dangerous Drugs' management system, which had weak personnel, budget, information, and performance monitoring systems. To make the matters worse, the report explained that DEA absorbed high-level personnel from diverse predecessor organizations, and in an attempt to accommodate the pay grades and expertise of these personnel, DEA's headquarters were "Balkanized" into many, small offices wherein responsibilities were diluted, and the modest authority that each office had was zealously guarded. Rather than cohesive functionaries, managers at headquarters were seen by the field and by each other as representatives of some legacy organization faction that had been incorporated into the new organization. Each manager had a constituency.⁸¹

The *Public Policy* report also noted that DEA's internal fragmentation was further frustrated by outside attacks. Powerful predecessor organizations that had lost manpower and authority to

⁸⁰ United States, Drug Enforcement Administration, "Assistant Administrator Michael A. Braun Biography," <http://www.usdoj.gov/dea/agency/braun.html>.

United States, Drug Enforcement Administration, "Organizational Chart," <http://www.usdoj.gov/dea/agency/orgchart.html>.

⁸¹ Mark Moore, "Reorganization Plan #2 Reviewed: Problems in Implementing a Strategy to Reduce the Supply of Drugs to Illicit Markets in the United States," *Public Policy*, vol. 26, no. 2, Spring 1978, pp. 248,249.

DEA, such as the Department of Justice, supported newspaper and congressional attacks on the nascent agency. As the attacks grew, rumors increased that DEA would eventually be incorporated into a larger organization, so those within DEA began to hedge their bets in an attempt to ally themselves in an alliance with which faction would likely wind up on top of the organization. As a result, managers refused to put themselves behind any policy or position could make them vulnerable to a loss of power, which undermined attempts to create a sound, centralized authority in the new agency. In turn, this spurred a vicious cycle: DEA's weak, central authority was not able to provide rewards, resources, and career protection to those field elements who desired unity of effort, and the lack of field element implementation and action further corroded centralized authority.⁸²

A second, related reason for little strategic implementation is a dearth of institutional accountability, especially across divisions and between agencies. In general and irrespective of the unified command structure within DEA, headquarters has shown an aversion to "lowering the boom" on uncooperative divisions. There are three influences that reinforce this tendency within the agency. First, internal political power balances play a role. Second, divisions have a mutual understanding that each agent is seeking to remain loyal to their division colleagues and that each division must demonstrate improved effectiveness in all important performance measures. Third, each realize that in the bigger picture no one case is worth expending one's political capitol in light of the long-term war on drugs.

Fourth, headquarters' strategic planning process minimally incorporates complimentary strategic activities by other federal law enforcement, Department of Defense, and intelligence community. Although DEA receives a guidance (not directive) letter through the Department of Justice from the Office of National Drug Control Policy, the planning and budget process does not fully incorporate non-DEA resources nor coordinates operations across the interagency.⁸³ For example, a 1990 GAO report found that:

DEA and the FBI have the same goal in the war on drugs: to identify, investigate, and arrest members of high-level drug trafficking organizations and to destroy the operations of those organizations. . . [But] for the most part, the two agencies operate independently. Each agency independently establishes investigative strategies and priorities, collects and stores intelligence, and targets drug trafficking organizations. Generally, the two agencies separately initiate and conduct investigations, using different investigative philosophies and techniques. The agencies also differ in the way they measure performance.⁸⁴

⁸² Mark Moore, "Reorganization Plan #2 Reviewed: Problems in Implementing a Strategy to Reduce the Supply of Drugs to Illicit Markets in the United States," *Public Policy*, vol. 26, no. 2, Spring 1978, p. 249.

⁸³ United States, Government Accountability Office, "Drug Control: DEA's Strategies and Operations in the 1990s," GAO/GGD-99-108, July 29, 1999, pp. 82-85, 87. <http://www.gao.gov/archive/1999/gg99108.pdf>.

United States, Drug Enforcement Administration, *The Strategic Plan: Fiscal Years 2003-2008*, p. 31.

⁸⁴ United States, Government Accountability Office, "Justice Department; Coordination between DEA and the FBI," GAO/GGD-90-59, March 1990, p. 4, <http://archive.gao.gov/d24t8/141434.pdf>.

A March 2009 Government Accountability Office report stated that

DEA has also reported that its coordination and collaboration with other federal, state, local, and foreign law enforcement agencies are essential to its work. However, DEA's strategic planning and performance measurement framework does not reflect the importance of such efforts.⁸⁵

However, footnotes on the same page states that the DEA's 2009-2014 strategic plan "includes additional language that supports the post-9/11 goal of addressing counterterrorism," but until the strategy is published, it is unclear whether the strategic planning process will incorporate the strategic activities of other agencies.

Lastly, a coherent, sustained strategy is undermined by the fact that successive DEA administrators have tended to shift DEA's strategic to their own silver-bullet vision for the drug problem. Administrator Jack Lawn (1985-1990) initiated Operation Snow Cap that focused on building up foreign law enforcement capabilities and destroying processing labs abroad. His successor, however, Administrator Robert Bonner (1990-1993), who had previously led a prosecution team against the Mexican killers of DEA Special Agent Enrique "Kiki" Camarena, emphasized cutting the drug supply in source countries through the King Pin Strategy, which targeted the powerful Colombian cartels. Headquarters' strategic emphasis switched again under Administrator Thomas Constantine (1994-1999), a former New York State Police Superintendent. Constantine gutted Operation Snow Cap and the King Pin Strategy to direct resources towards domestic law enforcement's fight against rising drug violence through the establishment of Mobile Enforcement Teams and Regional Enforcement Teams. (These teams would be deployed upon request of a Police Chief on a short-term basis to help bring justice to violent and highly organized criminal organizations that out-resourced local capabilities.) Administrator Hutchinson (2000-2003), a former Congressman, focused DEA on countering the emerging drug threats of ecstasy (MDMA) and ice (methamphetamine). His successor, however, Administrator Tandy (2003-2008), has made countering money laundering her crown jewel, due to her experience attacking the money end of the drug continuum during previous assignment as Associate Deputy Attorney General and Director of the Organized Crime Drug Enforcement Task Forces.⁸⁶

Administrators' visions have often been determined by their own past experiences or theories in dealing with the drug continuum. While these schizophrenic and tectonic shifts in strategy are an advantage in that additional capabilities are created to address a segment of the drug continuum, such as the Mobile Enforcement Teams to aid police chiefs' ability to attack violent and pernicious regional organizations. However, these shifts create internal inefficiencies because momentum is lost and significant effort must be expended to reallocate resources and institutional focus shifted from one focus to another, such as the shift between the foreign-based

⁸⁵ United States, Government Accountability Office, "Drug Control; Better Coordination with the Department of Homeland Security and an Updated Accountability Framework Can Further Enhance DEA's Efforts to Meet Post-9/11 Responsibilities," GAO-09-63, March 2009, p. 52, <http://www.gao.gov/new.items/d0963.pdf>.

⁸⁶ United States, Drug Enforcement Administration, "History Book: 1985-1990, 1990-1994, 1994-1998, and 1999-2003," <http://www.dea.gov/pubs/history/index.html>.

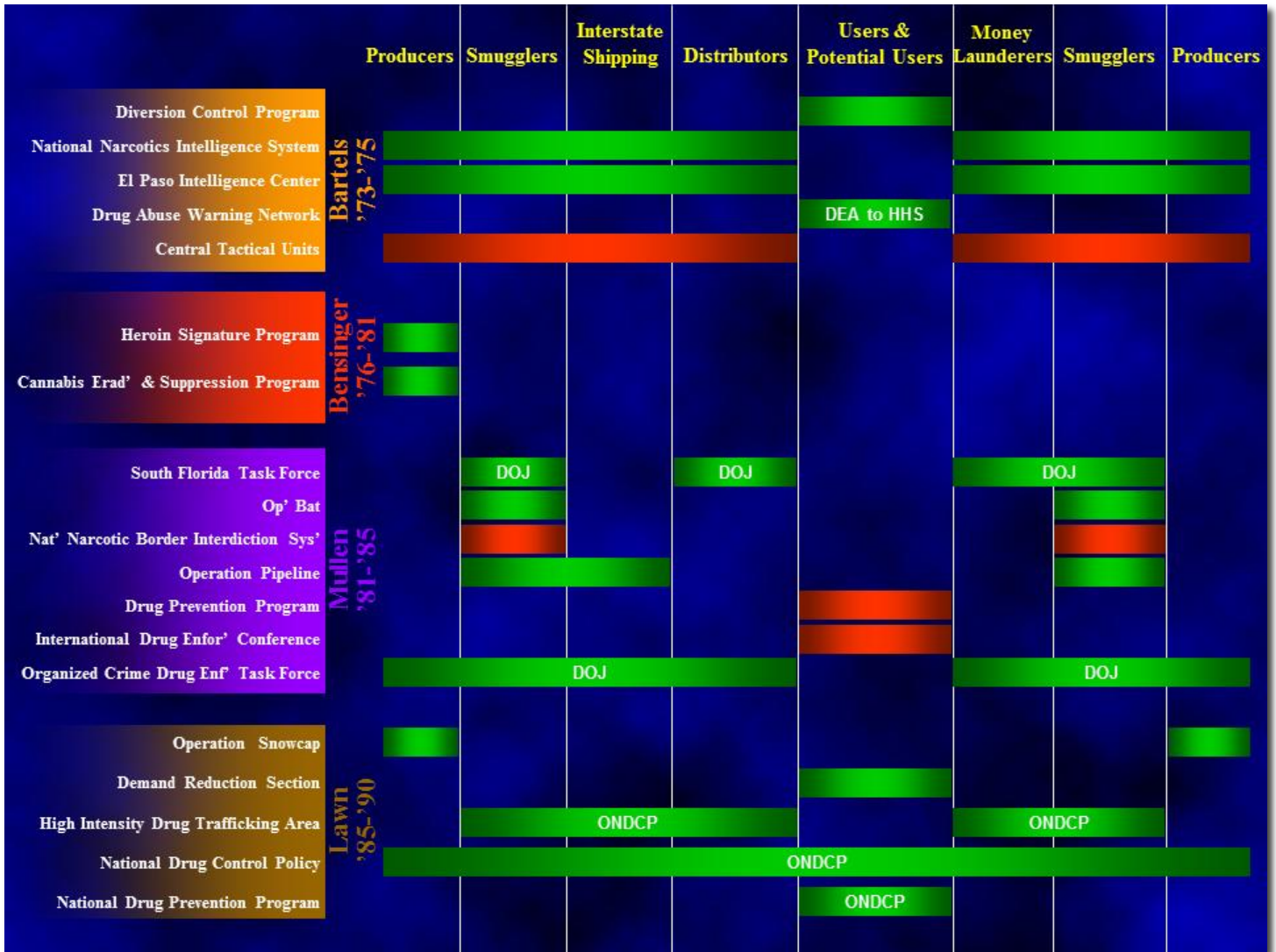
Snowcap effort under Bonner to the domestic MET effort under Constantine. Furthermore, DEA Administrator turnover, whose terms have ranged from one to five years, encourages management myopia to obtain short-term gains to demonstrate significant achievement in fulfilling their duty to respond to the wishes of the Administrator, who is acting in accordance to the President's agenda.⁸⁷

The multiple foci of DEA's initiatives indicate that the agency is not guided by one strategic direction nor is it alone in the counter-drug arena.⁸⁸ The following charts show initiatives within DEA and interagency law enforcement efforts that attempt to address an area along the drug continuum. Please note that although many of these programs continue to function (in green,) there is no means to synchronize their capabilities. In addition, a few of the closed programs (in red) have been resurrected under a different name with a slight change in form due to lessons learned, such as the Central Tactical Program/Kingpin Strategy/Consolidated and Regional Priority Targeted Organization evolution.

⁸⁷ United States, Government Accountability Office, "Justice Department: Improved Management Processes Would Enhance Justice's Operations," GAO/GGD-86-12, March 1986, pp. 20, 21, 26, <http://archive.gao.gov/d13t3/129340.pdf>.

⁸⁸ United States, Government Accountability Office, "Statement of William J. Anderson General Government Division before the Subcommittee on Government Information, Justice, and Agriculture House Committee on Government operations on Interdepartmental Cooperation of Drug Enforcement Programs," February 25, 1983, p. 3, <http://archive.gao.gov/d40t12/120638.pdf>.

DRUG INITIATIVE CROSS-OVER CHARTS⁸⁹



⁸⁹ United States, Drug Enforcement Administration, "History Book: 1970-1975, 1980-1985, 1985-1990, 1990-1994, 1994-1998, and 1999-2003," <http://www.dea.gov/pubs/history/index.html>.

		Producers	Smugglers	Interstate Shipping	Distributors	Users & Potential Users	Money Launderers	Smugglers	Producers	
General Counterdrug Intelligence Plan	Bonner '90-'93	ONDCP					ONDCP			
Joint Interagency Task Forces		DOD					DOD			
Linear & Linkage Approach Program										
Operation Redrum										
Intelligence Division										
Kingpin/Targeted Kingpin Org' Strategy										
Mobile & Regional Enforcement Teams	Constantine '94-'99									
Southwest Border Initiative		DOJ					DOJ			
Justice Training Center										
National Drug Pointer Index										
Computer Forensics Program										
Consolidated/Region Priority Org' Target	Marshall '00-'01	DOJ					DOJ			
Drug Estimates Support										
Narco'-Terrorism	Hutchinson '01-'03									
Hazardous Waste Clean-up Program										
Integrated Drug Enfor' Assistance Prog'										
Nat' Forensic Laboratory Info' System										
Drug Flow Attack Strategy	Tandy '03-'08									
Financial Investigations Strategy										
Foreign-Deployed Advisory Sup't Teams										

Benefits of Decentralization

Take-Aways from This Section:

- Primary advantages of decentralized operations are flexibility and agility
 - Task forces can be tailored and adapt to unique and evolving threats; rather than an ossified structure built to address a single threat.
 - Efficient use of resources in being able to form and dissolve, dispensing with the need for a standing entity
- Disadvantages are short-term results and within area of operations myopia

Although DEA's decentralized structure may handicap the agency's ability to demonstrate a single, enduring strategic approach, decentralization has brought significant benefits. As one retired DEA Senior Executive Service agent commented, DEA's decentralized structure in combination with its thirty-five year legacy of tireless investigators may make DEA "the best failed Agency."⁹⁰

DEA's operational, investigation-driven, ad hoc, peer-to-peer network structure's primary advantage is that it is highly flexible. It is adaptive in identifying threat trends, tactics, and dispositions and focuses on operational support by responding to available resources and prosecutions as well as the needs of communities, state and local law enforcement, and regional prosecutor offices. DEA's decentralized structure and ability to force multiply by creating task forces and reaching out to other agencies and law enforcement officials allows for better symmetry in the war on drugs. By first identifying the cell-based structure of illicit drug organizations and then forming a law enforcement task force that can focus on investigating each cell, the large law enforcement bureaucracy forms a matching, adaptive, and agile investigative body. Rather than fashioning a bureaucratic organization to address a static threat, task forces allow for a tailored response that can be fashioned to unique situations, while taking advantage of each law enforcement entity's unique specialization due to its jurisdiction (area of operations) and expertise (legal authority). For instance, if a task force finds that the threat organization operates across the U.S. borders, Homeland Security's Customs and Immigration Enforcement (ICE) agents, who bring unparalleled experience and statutory authority, can be invited to the enforcement task force effort.

The second benefit of DEA's decentralized dynamics is relatively efficient use of manpower, intelligence, and other resources to address the immediate, specific threat. Through task forces, the needed resources are customized to the specific need to identify the cell-based organization under investigation, attack that organization, and then re-form as portions of the organization are arrested and other violators are identified. This allows for rapid "evolution" in response to the changing environment, and interagency resources are thus available but are only exercised, when a need is identified. Put another way, law enforcement's use of task forces is similar to the benefits derived by the military services that serve as force providers to the operational needs of the combatant commands. The service-combatant command relationship and jurisdictional law

⁹⁰ Retired Senior Executive Service Agent [name withheld upon request], personal interview, April 21, 2008.

enforcement and task forces relationships allow complex, stove piped, and large bureaucratic machines to have highly adaptive, resource efficient, and nimble attributes of a network.

In addition to task forces, the downward operational focus of DEA endeavors enhances effectiveness. As mentioned above, SACs receive strategic guidance from headquarters, but the prime operational question is “What is good for the case?” This downward focused decision making model, which emphasizes “where the rubber meets the road,” directs the agency’s center of attention to action. Some current agents argue that this decision making model is preferable to headquarters-led, deliberate planning because it is best able to keep up with the pace of change in the generally insolvable drug fight and because marginal successes drive the mean of overall success in an upward direction. Contributing to the downward focus and lack of centralized control is the fact that citizens are innocent until proven guilty. This requires acts to be attempted or committed (past tense) in order for law enforcement to gather evidence over time of illicit acts.

In order for the U.S. government to more fully use law enforcement as a national security tool, a new national security structure must:

- leverage the current law enforcement decentralized structure
- broaden jurisdictional perspective towards operational inclusion in a trans-national focus
- overcome management emphasis on short-term results in response to political refocusing
- improve centralized control, the lack of which thwarts long-range planning and whole-of-government integration

Structural Friction

Take-Aways from This Section:

- Creating a single-mission agency will not eliminate competition or structural friction
- Structural friction and competition created by authority and role divisions within DEA and with outside entities are due to authority crossovers, performance measures, and budget monies

The strengths of the task force approach and overall DEA decentralization notwithstanding, structural friction and competition is generated between law enforcement entities, whether between DEA groups, DEA divisions, DEA-sponsored task forces, or outside DEA with other task forces, federal agencies, and foreign law enforcement. Within DEA’s single mission house, there are walls of competing interest, authority, and budget wherever there is a division of labor or line of responsibility. While there is a cultural and authority divide between agents who investigate and intelligence research specialists who provide target analysis, internal structural divides is most notably true between DEA’s 21 geographically delineated domestic field

divisions. Even though there is a decision hierarchy within DEA and everyone has the same badge, there is still arrest and seizure competition.⁹¹

Indeed, competition does promote innovative and aggressive investigations, but rivalry can easily undermine joint synergies as fears of an investigation or high profile arrest being “stolen” foster uncooperative behaviors, such as withholding information or pursuing an investigation without coordination. For instance in a GAO report, the DEA and FBI “considered the joint efforts in Miami, New York, and San Diego less successful because of conflicts and problems, such as disagreements over staffing. DEA and FBI officials said that their offices in Los Angeles no longer participate in the program because of personality differences and conflicts over investigative strategies and approaches.”⁹²

Culturally, a law enforcement officer defines success as (a) identifying a law breaker who is hurting the community and (b) putting the violator behind bars to make the streets once again safe at night. This is a tangible, visceral, and base concept for drug law enforcement and for this reason, becoming the “Elliot Ness” that put “Capone behind bars” is the crowning accomplishment of a career. Therefore, sharing information with other investigators who may get the credit based upon one’s hard-work is counter-intuitive for the individual investigator, who is concerned about their case, as well as the agent’s institution, that is concerned about agency survival. As we will discuss in the next section, arrest and seizure rates were relied upon in countering an FBI 1993 take-over attempt of DEA.

⁹¹ United States, Government Accountability Office, “DEA's Reporting of Arrests,” GAO-02-276R, February 13, 2002, pp. 2, 5, <http://www.gao.gov/new.items/d02276r.pdf>.

⁹² United States, Government Accountability Office, “Justice Department; Coordination between DEA and the FBI,” GAO/GGD-90-59, March 1990, p. 15, <http://archive.gao.gov/d24t8/141434.pdf>.

Performance Measures

Take-Aways from This Section:

- Credible, comparable and, cost-effective performance measures remain elusive
 - Arrest and seizure rates incentivize competition for productivity but also deters collaboration because a statistic can only be claimed once
 - Arrest and seizure rates demonstrate activity but not necessarily reflect productivity nor collaboration
 - Arrest and seizure statistics allow agencies to define own success in that as long as statistics rise, they can claim success. Whether or not efforts are productive is difficult to ascertain.
- Quantitative performance measures: Arrests, seizures, drug price, drug purity
- Current and preferred qualitative measures: Disruption and dismantlement of drug trafficking organizations
- Focusing measure: Department of Justice’s Consolidated Priority Organization Target (CPOT) and Regional Priority Organization Target (RPOT) lists are the “Most Wanted” drug traffickers, and it serves as a law enforcement focusing mechanism because agencies report disruption and dismantlement of these targets.

Congressionally mandated quantitative performance measures of arrest and seizure rates, which are influential resource allocation determinants, have enhanced divisiveness in the already highly competitive law enforcement community not only between agencies but also between DEA divisions.⁹³ At the same time, congress and law enforcement management have shied away from untidy qualitative measures that are required to evaluate cooperation because these measures are not as easy to weight, and they are more open to claims of misrepresentation and obfuscation, such as “piggyback arrests,” where by an arrest is claimed twice by two different entities.⁹⁴

Of course, accurate evaluations of performance are critical in any endeavor, as it is difficult to improve actions when the effects of those actions are not properly gauged. In addition, performance measures are an important part of DEA culture. Although meant for budget and internal accountability, at an agency level, these measures have been used to justify budgets and in maintaining DEA as a single-mission entity. For instance, when DEA was fighting for its life during the 1993 consolidation attempt, which will be discussed later in this study, DEA pointed to per agent arrests, convictions, cases, and indictments to demonstrate agency efficiency in comparison to the FBI. DEA noted that DEA “Special Agents outperformed FBI Special Agents in drug arrests per agent (four to one), convictions per agent (six to one), and assets seized per agent (three to one). As an agency, DEA outperformed the FBI in total deposits to the DOJ

⁹³ Congress uses these measures to evaluate an entities’ effectiveness in making significant arrests, dismantling criminal organizations, and ensuring significant drug seizures.

United States, Government Accountability Office, “DEA’s Reporting of Arrests,” GAO-02-276R, February 13, 2002, pp. 4, 5, <http://www.gao.gov/new.items/d02276r.pdf>.

⁹⁴ United States, Government Accountability Office, “Federal Law Enforcement: Information on Use of Investigation and Arrest Statistics,” GAO-04-411, March 2004, pp. 5, 19, <http://www.gao.gov/new.items/d04411.pdf>.

Assets Forfeiture Fund (three to one) and in number of wiretaps for Title 21 offenses (five to one).”⁹⁵ Statistics are also used within DEA to justify divisions’ funding as well as the compensation/promotion of individual agents.⁹⁶

In 2003, DEA received an “adequate” rating from the Office of Management and Budget’s Program Assessment Rating Tool, recognizing DEA’s achievements in tying budget requests with measures of drug organization disruption *or* dismantlement. However, quantitative assessments of drug availability remain “under development” at the agency in 2007.⁹⁷ Overall, accurate measures of drug availability and enforcement remain elusive.⁹⁸ In a 2003 report, ONDCP underscored the importance and difficulty of finding consistently credible and comparable measures at a reasonable cost, particularly for the High Intensity Drug Trafficking Areas (HIDTA) and OCDETF programs.⁹⁹

Presently, there are three primary sub-categories of drug availability statistics: abuse rate, drug price, and drug purity. World abuse rates are reported in the United Nation’s World Drug Report, and the U.S. Department of Health and Human Service’s Substance Abuse and Mental Health Statistics track U.S. abuse rates.¹⁰⁰ The abuse rate focuses on the demand for drugs, which, though not a direct measure of DEA performance, is influenced by the effectiveness of drug law enforcement.

While abuse rates are informative, drug prices adjusted for purity, which are tracked by DEA’s System to Retrieve Information from Drug Evidence, may be the best available indicator of drug

⁹⁵ United States, Drug Enforcement Administration, “DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources.” June 1993, pp. ii, 2-7.

⁹⁶ United States, Government Accountability Office, “DEA’s Reporting of Arrests,” GAO-02-276R, February 13, 2002, p. 5, <http://www.gao.gov/new.items/d02276r.pdf>.

⁹⁷ United States, Drug Enforcement Administration, “FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission,” p. 8, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

United States, Office of National Drug Control Policy, “National Drug Control Strategy FY 2009 Budget Summary,” February 2008, p. 95, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

⁹⁸ United States, Drug Enforcement Administration, “FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission,” p. 7, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

United States, Government Accountability Office, “Drug Control: Cooperation with Many Major Drug Transit Countries Has Improved, but Better Performance Reporting and Sustainability Plans Are Needed,” GAO-08-784, July 2008, p. 21-24, 50, <http://www.gao.gov/new.items/d08784.pdf>.

⁹⁹ Sherrie S. Aitken, “Design for a HIDTA/OCDETF Performance Monitoring and Management System,” Office of National Drug Control Policy, January 2003, pp. vii, 46-49, http://www.whitehousedrugpolicy.gov/pdf/hidta_ocdetf.pdf.

¹⁰⁰ United Nations, 2008 World Drug Report (United Nations Publication, Sales No. E.08.XI.1) p. 273, http://www.unodc.org/documents/wdr/WDR_2008/WDR_2008_eng_web.pdf.

United States, Department of Health, “Office of Applied Studies,” <http://www.drugabusestatistics.samhsa.gov/>.

availability.¹⁰¹ Yet, this measure also has difficulty demonstrating correlation between drug price changes and law enforcement activity. Price is a function of availability *and* demand. Therefore, it is possible that demand for a particular drug can decrease because of non-law enforcement related factors such as a shift in the economy, or interest in another available drug. Adjusting drug prices to account for purity differentials is also problematic as determining purity is difficult. For example, DEA's Heroin Signature program, which uses chemical analyses of federally seized heroin to determine trends in the source areas of the heroin, does not include samples from state and local agencies, which could skew or mask trends.¹⁰² Furthermore, the causes of fluctuations in drug purity cannot be easily pinpointed. An increase in purity may indicate that more drugs are available, or it may mean that competition for quality has increased or that middlemen, who often dilute their product, have been cut out of the supply chain.

On the enforcement side of the equation, the ONDCP cited measures, based upon data already available, to include arrest and seizure rates, case loads, conviction types, agency and programs involved, sentencing lengths, and number of drug trafficking organizations dismantled or disrupted.¹⁰³ Of these, the three primary measures used by the law enforcement community are arrest rates, seizure rates, and disruption/dismantlement rates.

Long before the Government Results and Performance Act, law enforcement managers in the U.S. Bureau of Narcotics and Dangerous Drugs, were aware that arrest and seizure rates demonstrate law enforcement activity but not necessarily efficiency. Therefore in 1972, the Bureau of Narcotics and Dangerous Drugs initiated the Geographic Drug Enforcement Program (G-DEP), which was intended to evaluate the bureau's performance as well as serve as a means to justify resources to Congress.¹⁰⁴

In August 1995, the one character within the G-DEP that denoted the level of trafficker was eliminated in response to smaller DEA offices who found the measure unfair because they rarely saw "Class 1" violators that trafficked in the largest quantity of drugs. Today, the G-DEP remains as five-character code that is assigned to all criminal investigations: (1) the type of investigative target, (2) whether other agencies are involved in the investigation, (3) the principal controlled substance or commodity involved in the investigation, and (4) the geographic scope of the criminal activity under investigation. These markers are important for trend identification,

¹⁰¹ United States, Drug Enforcement Administration, "System to Retrieve Information from Drug Evidence II," <http://www.usdoj.gov/dea/foia/stride.html>.

United States, Drug Enforcement Administration, "All Cocaine Purchase Prices Domestic STRIDE Data April 2005 - September 2008," http://www.usdoj.gov/dea/pubs/pressrel/pr121108_PPGcocaine_05to08graph111408_with%20box.pdf.

¹⁰² United States, Government Accountability Office, "Heroin Signature and Domestic Monitor Programs," GAO-01-237R, January 21, 2001, pp. 2-4, <http://www.gao.gov/new.items/d01237r.pdf>.

¹⁰³ Sherrie S. Aitken, "Design for a HIDTA/OCDETF Performance Monitoring and Management System," Office of National Drug Control Policy, January 2003, p. 17-19, http://www.whitehousedrugpolicy.gov/pdf/hidta_ocdetf.pdf.

¹⁰⁴ United States, Government Accountability Office, "Justice Department; Coordination between DEA and the FBI," GAO/GGD-90-59, March 1990, p. 6, <http://archive.gao.gov/d24t8/141434.pdf>.

United States, General Accounting Office, "Investigations of Major Drug Trafficking Organizations," GAO/GGD-84-36, March 5, 1984, pp. 4-5, <http://archive.gao.gov/d11t3/123700.pdf>.

understanding the field's focus and accomplishments, and the G-DEP adds a certain degree of qualitative measure, especially for non-arrest or seizure contributions. The G-DEP continues to be the backbone of DEA performance analysis.¹⁰⁵ Adding "meat to the G-DEP bone" are DEA's Case Status Subsystem that includes general case information, such as "the file number, agent's name, entity under investigation, date opened, and identification number," and DOJ's Priority Target Activity Resource and Reporting System (PTARRS) that focuses on the highest-level traffickers.¹⁰⁶ PTARRS "is used to identify and track designated Priority Target Organizations (PTOs) so both operational and financial expenditures can be captured in a single database. Data pulled from the system assists DEA management in assessing established goals, measuring performance, and reporting accomplishments."¹⁰⁷

While federal arrest rates are presently tracked by DOJ's U.S. Marshals Service because each federal agency turns over their arrestee to the Marshals Service, each federal law enforcement agency reports its own seizure rates to the DEA-maintained, Federal-Wide Drug Seizure System.¹⁰⁸ These "hard" statistics have the advantage of easy comparison on a year-to-year and agency to-agency basis, and they are heavily relied upon in evaluating interdiction programs, such as Joint Interagency Task Forces.¹⁰⁹ Arrest and seizure statistics do demonstrate productivity and make it easy for an agency to "claim success" if rates improve, yet arrest and seizure rates have trouble assigning appropriate credit in investigations that required multiple

¹⁰⁵ United States, Drug Enforcement Administration, "Drug Enforcement Administration; A Tradition of Excellence; The History of the DEA from 1973 to 1998," p. 104.

DEA History: 1994-1998; Revision of Geographic Drug Enforcement Program (1994)," DEA Museum Website, http://www.deamuseum.org/dea_history_book/1994_1998.htm.

United States, Department of Justice, Office of Inspector General, "Evaluations and Inspections Report I-2006-004," Appendix II, July 2006. <http://www.usdoj.gov/oig/reports/DEA/e0604/app2.htm>.

Parsons, Robert. "DEA's Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation's Drug Supply Reduction Campaign," Joint Military Intelligence College, Nov 1994, pp. 2-3.

¹⁰⁶ United States, General Accounting Office, "Federal Law Enforcement; Information on Use of Investigation and Arrest Statistics," GAO-04-411, March 2004, p. 14, <http://www.gao.gov/new.items/d04411.pdf>.

¹⁰⁷ United States, Department of Justice, "Privacy Impact Assessment for the Priority Target Activity Resource and Reporting System," February 13, 2008, p. 4, http://www.usdoj.gov/dea/foia/ptarrs_pia_2-13-08-internet_version.pdf.

United States, Department of Justice, Office of the Inspector General, "Department of Justice Drug Demand Reduction Activities, Appendix XI," Report Number 03-12, <http://www.usdoj.gov/oig/reports/plus/a0312/app11.htm>.

¹⁰⁸ United States, Department of Justice, Bureau of Justice Statistics, "Compendium of Federal Justice Statistics, 2004," NCJ 213476, December 2006, p. 13, <http://www.ojp.usdoj.gov/bjs/pub/pdf/cfjs04.pdf>.

United States, Government Accounting Office, "Difficulties in Measuring Costs and Results of Transit Zone Interdiction Efforts," GAO-02-13, January 2002, p. 4, <http://www.gao.gov/new.items/d0213.pdf>.

United States, Census Bureau, "Federal Drug Arrests and Seizures by Type of Drug: 1990 to 2007," Footnote 3, <http://www.census.gov/compendia/statab/tables/09s0317.pdf>.

¹⁰⁹ Richard Yeatman, "JIATF - South: Blueprint for Success" *Joint Forces Quarterly*, Iss. 42, 3rd Quarter 2006, p. 26, http://www.dtic.mil/doctrine/jel/jfq_pubs/4212.pdf.

agency participation to demonstrate collaboration, and they do not give adequate incentive for productivity.

While suffering the same ills as arrest rates, seizure rates are also imperfect indicators of performance because, while a verified measure of drugs captured by law enforcement can be ascertained, it is impossible to get an accurate measure of the amount of drugs that were *not* seized by law enforcement and which therefore entered into U.S. markets. For organic drugs, estimates of available drugs can be made by calculating approximate production amounts through satellite imagery and then subtracting seized amounts to access what was available at market; United Nations Drug Report includes such production estimates.¹¹⁰ The trouble with these production measures, however, is that they are very rough, difficult to correlate, and cannot account for where produced drugs went.

Several DEA administrators have been troubled with the quantity versus quality of arrests issue and obstacles to measuring the quality of DEA arrests. The fourth DEA administrator, Peter Bensinger (1976-1981), shifted DEA's "investigations away from a statistical emphasis on arrest and seizure totals, to a focus on arresting major traffickers who had a large impact on the drug trade."¹¹¹ Similarly, during DEA's 1982 restructuring process, Administrator Mullen, abolished arrest and seizure quotas to pursue major drug traffickers by "concentrating on convictions at the highest levels."¹¹²

This trend towards performance measures that focus on the highest-level traffickers continued in March 2002, when the Department of Justice announced a six-part drug enforcement reinvigoration strategy.¹¹³ At the core of that strategy was the development of first national list of priority drug trafficking targets. This list is divided into two: Consolidated Priority Organization Targets (CPOT) and Regional Priority Organization Target (RPOT). CPOTs are the "most wanted" foreign-based drug trafficking and money laundering organizations believed to be largely responsible for illicit drugs or precursors to the United States.¹¹⁴ RPOTs are usually regional, domestic targets, who are often responsible for distribution.¹¹⁵ This initiative originated out of DEA's Special Operations Division as a means to identify the top traffickers and consolidate known intelligence on them in order to guide field operations and analysis, but it was soon expanded agency-wide, and then adopted by OCDETF for inter-agency targeting

¹¹⁰ United Nations, 2008 World Drug Report (United Nations Publication, Sales No. E.08.XI.1) p. 34, http://www.unodc.org/documents/wdr/WDR_2008/WDR_2008_eng_web.pdf.

¹¹¹ United States, Drug Enforcement Administration, "DEA History: 1975-1980" <http://www.usdoj.gov/dea/pubs/history/1975-1980.html>.

¹¹² United States, Drug Enforcement Administration, "History: 1980-1985," <http://www.usdoj.gov/dea/pubs/history/1980-1985.html>.

¹¹³ Government Printing Office, "Budget of the United States Government: Fiscal Year 2005," February 2, 2004, pp. 212, 214, <http://www.gpoaccess.gov/usbudget/fy05/pdf/budget/justice.pdf>.

¹¹⁴ United States, Drug Enforcement Administration, "FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission," pp. 2-3, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

¹¹⁵ United States, Department of Justice, "FY 2009 Interagency Crime and Drug Enforcement Congressional Submission," p. 22, www.usdoj.gov/jmd/2009justification/office/fy09-icde-justification.doc.

coordination in order to disrupt and over time, dismantle drug trafficking organizations.¹¹⁶ Individual OCDETF agencies nominate targets, and the nominations are reviewed semi-annually by a DOJ-led working group for adoption.¹¹⁷ As we will see, disruption and dismantlement rates of these CPOTs and RPOTs are the current measure of choice. Department of Justice entities track RPOTS and CPOTS successes.¹¹⁸ High Intensity Drug Trafficking Areas, which are regionally focused task forces, annually report on regional success rates; however, they also report on RPOT and CPOT designated investigations in an effort to link their investigations to international traffickers and gain access to CPOT designated funding.¹¹⁹

DEA's Strategic focused is based upon OCDETF's RPOT/CPOT program. DEA cites its main effort as "effects-based targeting" to interdict critical components or links and by arresting the RPOT/CPOT command and control persons, which are critical nodes, defined by the Organized Drug Enforcement Task Force's RPOT and CPOT list, to reduce the supply of illicit drugs.¹²⁰ DEA field and headquarters elements attempt to identify these command and control nodes by the technical network of electronic communications, and they ascribe meaning by traditional

¹¹⁶ United States, Administrator of the Drug Enforcement Administration, "Statement of Asa Hutchinson, Administrator, Drug Enforcement Administration before the Senate Caucus on International Narcotics Control; DEA Priority Targeting System," April 11, 2002, <http://www.usdoj.gov/dea/pubs/cngrtest/ct041102.html>.

United States, Department of Justice, "Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream," February 2006, p. 46, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

United States, Office of National Drug Control Policy, "National Drug Control Strategy FY 2009 Budget Summary," February 2008, p. 95, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

¹¹⁷ United States, Department of Justice, "FY 2007 Performance and Accountability Report; Data Validation and Verification," Text Box, p. II-13, <http://www.usdoj.gov/ag/annualreports/pr2007/sect2/p6-25.pdf>.

¹¹⁸ United States, Office of National Drug Control Policy, "National Drug Control Strategy FY 2009 Budget Summary," February 2008, pp. 92, 95, 98, 101, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

¹¹⁹ United States, Office of National Drug Control Policy, "HIDTA Performance Management Process," <http://www.whitehousedrugpolicy.gov/hidta/perfinfo.html>.

United States, Government Accountability Office, "Drug Control: High Intensity Drug Trafficking Areas' Efforts to Link Investigations to International Drug Traffickers," GAO-05-122, January 2005, pp. i, 1, 15 <http://www.gao.gov/new.items/d05122.pdf>.

United States, Office of National Drug Control Policy, "2005 Program Totals; Table 3. HIDTA Cases with CPOT, RPOT, and OCDETF Designation," <http://www.whitehousedrugpolicy.org/hidta/2005programtotals/table3.html>.

¹²⁰ United States, Drug Enforcement Administration, "FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission; Performance and Resource Table," pp. 34-35, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

United States, Office of National Drug Control Policy, "National Drug Control Strategy FY 2009 Budget Summary," February 2008, pp. 91, 95-96, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

Robert Spulak, Jr. and Jessica Glick Turnley, Theoretical Perspectives of Terrorist Enemies as Networks, Joint Special Operations University, Report 05-03, October 2005, pp. 12-13, https://jsoupublic.socom.mil/publications/jsou/JSOU05-3spulakturnleyNetworks_final.pdf.

investigative means, such as surveillance, and through confidential sources (human intelligence), which provide context.

In the 2008 Drug Control Budget Summary, agencies relied upon qualitative CPOT/RPOT disruption/dismantlement statistics to measure drug enforcement performance; however, a baseline number for drug availability remained a problem.¹²¹ It is important to note that giving indirect measures, such as arrest, abuse, and seizure rates, meaning by qualitative measures (disruption, dismantlement) inadvertently supports the ground-up strategy development.¹²² For instance, rather than ONDCP giving top-down directives, ONDCP asks the HIDTA leadership that is composed of local police chiefs to “Tell me what you said you were going to achieve and tell me what you did” in the performance management process.¹²³ The intent of this national program is to provide resources that allow state and local police chiefs to tailor their own goals to counter the drug threat at the local level. While this provides vital capabilities and flexibility for state and local agencies in addressing one portion of the drug continuum (state and local threats), the downward focus and authority does not spur integration of these efforts into the greater inter-regional or national effort.

Another contributing factor to DEA’s difficulties in achieving top-down strategic development is the fact that drug enforcement performance measures are difficult to quantify.¹²⁴ To help address the issue, ONDCP is working with Department of Justice’s Organized Crime Drug Enforcement Task Force, the DEA, Customs and Border Protection, and Byrne Grant drug task forces to develop proxy measures for drug availability and removal. One measure under consideration by the group is the average price per pure gram of cocaine and methamphetamine purchased domestically.¹²⁵

All of these performance measures emphasize efficiency and question effectiveness of exercised authority, such as the comparison of work hours expended in relation to the level and type trafficker arrested or drug seized. Unfortunately, cooperation among law enforcement agencies is often collateral damage of such statistics as competing agencies seek credit to sustain or expand their budget and authorities.

¹²¹ United States, Office of National Drug Control Policy, “National Drug Control Strategy FY 2009 Budget Summary,” February 2008, pp. 8, 96,

<http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

¹²² Sherrie S. Aitken, “Design for a HIDTA/OCDETF Performance Monitoring and Management System,” Office of National Drug Control Policy, January 2003, p. 45-47, http://www.whitehousedrugpolicy.gov/pdf/hidta_ocdetf.pdf.

¹²³ United States, Office of National Drug Control Policy, “HIDTA Performance Management Process,” <http://www.whitehousedrugpolicy.gov/hidta/perfinfo.html>.

¹²⁴ United States, Office of National Drug Control Policy, “National Drug Control Strategy FY 2009 Budget Summary,” February 2008, pp. 95-96,

<http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

¹²⁵ United States, Office of National Drug Control Policy, “National Drug Control Strategy FY 2009 Budget Summary,” February 2008, pp. 7, 8, 96, 116,

<http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

DEA, Internationally

Take-Aways from This Section:

- Due to the fact that the source of illicit drugs begin overseas, DEA has had an expeditionary mindset from its creation in 1973
- Competing US policy objectives, low funding, and disparate performance measures hamper the drug effort
- DEA's single-mission status aids in access and cooperation with foreign governments
 - A shared national threat: Host nation sees narcotics as destabilizing influence and counter activity is purely law enforcement
 - Danger of integration: This access and trust may be lost should DEA become more integrated with other functions of the US government, such as intelligence gathering

A 1997 Government Accountability Office report puts the challenges of international drug enforcement succinctly:

In the drug-producing and transit countries, counternarcotics efforts are constrained by competing economic and political policies, inadequate laws, limited resources and institutional capabilities, and internal problems such as terrorism and civil unrest. Moreover, drug traffickers are increasingly resourceful in corrupting the countries' institutions. U.S. efforts have been hampered by competing U.S. foreign policy objectives, organizational and operational limitations, difficulty in obtaining bilateral and multilateral support for U.S. drug control efforts, inconsistency in the funding for U.S. international drug control efforts, and the lack of ways to tell whether or how well counternarcotics efforts are contributing to the goals and objectives of the national drug control strategy, which results in an inability to prioritize the use of limited resources.¹²⁶

With a majority of drug source threats to the United States stemming from abroad, DEA has held an expeditionary mindset since its creation. A year after its creation, DEA had 43 foreign offices in 31 countries.¹²⁷ However, low funding levels, personnel numbers, and foreign posting spaces, make long-term foreign operations difficult. As a result, DEA has been quick to seek out and embrace cooperation with foreign law enforcement counterparts to augment investigations and to offer capacity building resources and training. As mentioned before, DEA's single drug enforcement mission resonates with foreign law enforcement and DEA agents are granted unusual status and cooperation because foreign governments view DEA agents as fighting a common stability threat. This unique relationship has allowed DEA to cultivate some of the very best human intelligence networks in the world. This law enforcement status with foreign counterparts remains vulnerable should DEA be seen as becoming more closely synchronized

¹²⁶ United States, Government Accountability Office, "Drug Control: Long-Standing Problems Hinder U.S. International Efforts," GAO/NSIAD-97-75, February 1997, p. 3, <http://www.gao.gov/archive/1997/ns97075.pdf>.

¹²⁷ United States, Drug Enforcement Administration, "DEA History," <http://www.usdoj.gov/dea/history.htm>.

with other U.S. government initiatives to include 2006 membership in the intelligence community.¹²⁸ For instance in 2008, Bolivia was undergoing a referendum to change its constitution in order to return to more indigenous values and decolonization, and Bolivian President Morales expelled all DEA agents in September 2008 under charges of espionage even though coca production and processing in Bolivia was on the increase.¹²⁹ In addition, drug law enforcement agents in the past have been afforded some level protection from extreme violence because the primary motive for drug organizations has been profit. However, this too could change as DEA continues to synchronize operations with the U.S. military in Afghanistan, and as violent ideology, not profit, becomes increasingly a part of illicit drug activity as terrorist organizations turn to such activities to fund their operations.

Certainly, DEA's expeditionary mindset has ebbed and flowed, depending on the Administrator in charge. However, DEA agents abroad are always attempting to enhance law enforcement cooperation in order to further domestic investigations and curb drug threats to the United States. Although not fully appreciated by some domestic SACs, who are in daily contact with state and local officials and respond to their concerns, DEA as an institution has fully recognized that organized drug crime is global in nature. The importance to national security of neutralizing drug organizations which may not yet be trafficking into the United States, has become increasingly accepted among DEA agents.

¹²⁸ United States, Office of the Director of National Intelligence, "An Overview of the United States Intelligence Community for the 111th Congress," p. 13, www.dni.gov/overview.pdf.

¹²⁹ Chris Kraul, "DEA Presence Ends in Bolivia," *Los Angeles Times*, January 30, 2009, <http://www.latimes.com/news/nationworld/world/la-fg-bolivia-dea30-2009jan30,0,5340726.story>.

Matthew Taylor, "Evo Morales Hails 'New Bolivia' as Constitution is Approved," *Guardian*, January 26, 2009, <http://www.guardian.co.uk/world/2009/jan/26/bolivia>.

International Initiatives

Take-Aways from This Section:

- DEA has always had an expeditionary mindset; however high resource cost for overseas operations and mission creep have complicated implementation
 - Example is Operation Snowcap (mid-1980s to mid 1990s): Goal of the program was to “go-to-the-source” of supply in Central and South America
 - Initial focus on chemical control, production facility attacks, vehicular interdiction but evolved to concentrated raids on cocaine processing facilities and air strips in Bolivia, Peru, and Ecuador
 - DEA coordinated with Departments of State and Defense
 - 1989 Inspector General Report found agents on 90-day rotations were untrained, unqualified, poorly resourced, and lacked language skills
 - Limited impact due to local corruption and lack of mobility
 - High cost did not demonstrate a significant reduction in supply of drugs to the United States
 - DEA’s Foreign-Deployed Advisory Support Teams that are modeled off of the Snowcap teams may suffer same programmatic fate

Though DEA has demonstrated an expeditionary mindset, overseas initiatives have proven challenging as resource and mission creep issues have complicated implementation of several internationally focused strategies. Operation Snowcap, begun by Administrator Lawn in 1987, is perhaps the best illustration of this.

Snowcap was inspired by the initial success of Operation Blast Furnace in 1986 that brought Bolivian cocaine production to a virtual standstill. Operation Snowcap aimed to reduce the flow of cocaine by “going-to-the-source” to disrupt the drug production, processing, and transportation systems that supported the cocaine industry, predominantly in Central and South America. To achieve this end, it featured chemical control, production facility attacks, vehicular interdiction, and marine law enforcement interdiction, coordinated among DEA, the Department of State’s Bureau of International Narcotics Matters, and the Department of Defense. The Snowcap concept itself was jointly developed by DEA and the Department of State’s Bureau of

International Narcotics Matters (INM).¹³⁰ INM was created in 1978 by statute (22 USC 2652a) to be responsible for “coordinating all U.S. governmental international drug control activities.”¹³¹

Snowcap operations were conducted in Guatemala, Panama, Costa Rica, Argentina, Brazil, Chile, Venezuela, Colombia, Ecuador, Bolivia, Peru, and Mexico. Agents would volunteer for training and leave their home divisions to be deployed on a temporary basis to law enforcement agencies in Latin America to perform training and investigative work. However, a majority of Snowcap operations soon evolved into concentrated attacks on processing facilities in Bolivia, Peru, and Ecuador, where the majority of cocaine production occurred. Engagement in these regions focused on jungle incursions to blowup laboratories, raids on village markets and airstrips, and other operations against drug traffickers with host nation law enforcement in the lead.¹³²

Becoming operational in 1988, the program received stinging criticism in a March 1989 State Department’s Office of Inspector General report to the Senate Foreign Relations Subcommittee. The report concluded that DEA agents lacked operational expertise. The report also found that the agents were untrained, unqualified, poorly resourced (including insufficient mobility and logistics support), and many suffered from language difficulties because they did not speak Spanish.¹³³

“Although it is not DEA’s role to provide military technical assistance, during the [Office of Inspector General] visit, DEA was doing just that. In addition to providing investigative and intelligence technical assistance, which is a proper role for DEA, the agents assigned to the [Upper Huallaga Valley] were also coordinating the military air assault operations of the [Peru’s Guardia Civil] troops. Thus, the responsibility of coordinating military-type operations was assigned to an agency that lacks operational expertise to conduct missions.

¹³⁰ United States, Drug Enforcement Administration, “DEA History: 1985-1990,” <http://www.usdoj.gov/dea/pubs/history/1985-1990.html>.

Brian Duffy, “Now, for the Real Drug War,” *US News and World Report*, September 11, 1989, p. 20.

Isikoff, Michael, “Anti-Cocaine Programs Called Ineffective, Wasteful” *Washington Post*, July 27, 1989, p. A6.

Isikoff, Michael, “DEA Plans to Scale Back Paramilitary Campaign,” *Washington Post*, July, 13 1990, p. A35.

¹³¹ United States, Department of State, Office of Inspector General, “Report of Audit; International Narcotics Control Programs in Peru and Bolivia,” Memorandum No. 9CI-007, March 1989, p. 2, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB69/col04.pdf>.

¹³² United States, House of Representatives Committee on Government Operations, “Stopping the Flood of Cocaine with Operation Snowcap: Is It Working?” August 14, 1990.

Isikoff, Michael, “Anti-Cocaine Programs Called Ineffective, Wasteful” *Washington Post*, July 27, 1989, p. A6.

United States, House of Representatives Committee on Foreign Affairs, “Operation Snowcap: Past, Present, and Future,” May 23, 1990.

¹³³ Isikoff, Michael, “DEA Plans to Scale Back Paramilitary Campaign,” *Washington Post*, July, 13 1990, p. A35.

Many of the DEA agents were on a 90-day temporary assignment from the United States, and could not speak Spanish. The only military training most of them received was a two-week jungle survival course. Yet, they were responsible for coordinating the [Guardia Civil's] air assault operations, and accompanying the [Guardia Civil] troops on missions. Thus, individuals who may not have had a military background were tasked with providing military technical assistance to combat troops with whom they may not have been able to communicate."¹³⁴

Adding fuel to the fire, a leaked DEA internal memo from DEA Special Training Chief Frank White similarly cited inadequate support of Snowcap agents, who were regularly fired upon.¹³⁵

“Unless we immediately revamp our tactical approach to Operation Snowcap, DEA agents are going to agonize along through an excruciating death on an isolated jungle floor. DEA Senior management must decide, if we are to continue Operation Snowcap, a change must be brought about; for the way we are now going will result in the loss of life. Our agents go out on patrol with poor communications, inadequate support, and absolutely no on-site medical capability.”¹³⁶

In response to these criticisms and other developments, including wide-spread corruption of locals government participants and an 1990 attack on a military base in Peru's Huallaga Valley that housed ten DEA agents and 20 State Department contractors, DEA announced a “phased withdraw” from Snowcap. However, the agency also announced that as part of the phase out plan, Snowcap agents would be replaced by officials on permanent assignment.¹³⁷

In 1994, five Snowcap special agents were tragically killed in a plane crash in Peru's Upper Hauallaga Valley, and because Snowcap was a high-cost drain on DEA resources and did not demonstrate a significant reduction in the supply of drugs into the United States,

¹³⁴ United States, Department of State, Office of Inspector General, “Report of Audit; International Narcotics Control Programs in Peru and Bolivia,” Memorandum No. 9CI-007, March 1989, p. 7, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB69/col04.pdf>.

¹³⁵ Brian Duffy, “Now, for the Real Drug War,” *US News and World Report*, September 11, 1989, p. 20.

Isikoff, Michael, “DEA Plans to Scale Back Paramilitary Campaign,” *Washington Post*, July, 13 1990, p. A35.

¹³⁶ United States, Drug Enforcement Administration Special Training Chief, “Memorandum; Operation Snowcap,” March 8, 1988, p. 1, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB69/col02.pdf>.

¹³⁷ Andrew Schneider, “Death of Five DEA Agents Moves Clinton to ‘Rededicate’ Efforts in Drug War; Those on Frontlines Say Help Needed Now,” Scripps Howard News Service, September 11, 1994.

United States, Drug Enforcement Administration, “DEA History: 1994-1998,” <http://www.usdoj.gov/dea/pubs/history/1994-1998.html>.

United States, Government Accountability Office, “Drug Control: DEA's Strategies and Operations in the 1990s,” GAO/GGD-99-108, July 29, 1999, p. 143, <http://www.gao.gov/archive/1999/gg99108.pdf>.

Isikoff, Michael, “DEA Plans to Scale Back Paramilitary Campaign,” *Washington Post*, July, 13 1990, p. A35.

Administrator Constantine, a former New York State Police Chief, closed Snowcap, and the La Paz, Peru Country Office shifted from jungle operations to investigating organizations. Administrator Constantine created the Mobile Enforcement Teams in 1995 to assist State and Local law enforcement, officially shifting DEA's focus from the foreign to the domestic arena.¹³⁸

In 2005, Administrator Tandy and Chief of Operations Michael Braun, a former Snowcap field participant, resurrected the Snowcap concept with the creation of Foreign-Deployed Advisory Support Teams (FAST) in support of the interdiction pillar of the five pillar U.S. assistance to Afghan counter-narcotics programs: Eradication, interdiction, alternative livelihood development, judicial reform, and public information.¹³⁹ The DEA FAST teams are heavily supported by Department of Defense funding, and they include DEA agents, intelligence analysts, and support staff, on a temporary basis (120-day rotations) to Afghanistan to provide training, guidance and enforcement assistance to Afghan officials, conduct bilateral investigations, and “. . . help with the destruction of existing opium storage sites, clandestine

¹³⁸Andrew Schneider, “Death of Five DEA Agents Moves Clinton to ‘Rededicate’ Efforts in Drug War; Those on Frontlines Say Help Needed Now,” Scripps Howard News Service, September 11, 1994.

United States, Drug Enforcement Administration, “DEA History: 1994-1998,” <http://www.usdoj.gov/dea/pubs/history/1994-1998.html>.

United States, Government Accountability Office, “Drug Control: DEA’s Strategies and Operations in the 1990s,” GAO/GGD-99-108, July 29, 1999, p. 143, <http://www.gao.gov/archive/1999/gg99108.pdf>.

Isikoff, Michael, “DEA Plans to Scale Back Paramilitary Campaign,” *Washington Post*, July, 13 1990, p. A35.

¹³⁹United States, Drug Enforcement Administration “DEA to Play Key Role in New Heroin Interdiction Program for Afghanistan,” Press Release, November 17, 2004, <http://www.usdoj.gov/dea/pubs/pressrel/pr111704.html>.

United States, Administrator of the Drug Enforcement Administration, “Testimony before the U.S. House of Representatives Committee on Armed Services: Status of Security and Stability in Afghanistan,” June 28, 2006, <http://www.usdoj.gov/dea/pubs/cngrtest/ct062806.html>.

United States, Chief of Operations of the Drug Enforcement Administration, “Testimony before the U.S. House of Representatives Committee on International Relations: U.S. Counternarcotics Policy in Afghanistan: Time for Leadership,” March 17, 2005, <http://www.usdoj.gov/dea/pubs/cngrtest/ct031705.html>.

United States, Drug Enforcement Administration, “Assistant Administrator Michael A. Braun Biography,” <http://www.usdoj.gov/dea/agency/braun.html>.

United States, Congressman of the House of Representatives, “Testimony of Congressman Mark Kirk before the House Foreign Affairs Committee, Hearing on Afghanistan, ‘Afghanistan: The Rise of the Narco-Taliban,’” February 15, 2007, p. 3, http://www.globalsecurity.org/military/library/congress/2007_hr/070215-kirk.pdf.

United States, Drug Enforcement Administration Administrator, “Statement of the Honorable Karen P. Tandy before the Committee on Armed Services, U.S. House of Representatives, ‘Status of Security and Stability in Afghanistan,’” June 28, 2006, pp. 4-5, http://www.globalsecurity.org/military/library/congress/2006_hr/060628-tandy.pdf.

Afghanistan, Embassy to the United States, “First Secretary Haidari Visits Afghan Pilots and DEA FAST Agents in El Paso,” Press Release November 2006, <http://www.embassyofafghanistan.org/11.07newselpaso.html>.

heroin processing labs, and precursor chemical supplies.”¹⁴⁰ In 2008, there were five teams in Afghanistan, and there is a 2009 budget request of \$7 million dollars for two more teams to be located in the Western Hemisphere.¹⁴¹

Although U.S. military support is far greater in 2008 Afghanistan than in 1990’s Peru, FAST organization, training, and mission remains based on the Snowcap model. This stance could render the FAST program vulnerable to latent Snowcap criticisms, as discussed above, of poor training, lack of mobility due to logistics and environment of corruption, limited language capabilities, as well as cost/benefit arguments.¹⁴² Afghanistan remains a national security issue due to the presence of Americans serving in theater and due to the narco-terrorism nexus, but this is not DEA’s core mission.¹⁴³

According to DEA’s 2008 performance budget,

Although DEA is involved in counterterrorism-related activities, DEA’s primary mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of

¹⁴⁰ United States, Drug Enforcement Administration, “FY 2006 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission,” p. 15.

United States, Drug Enforcement Administration, “FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission,” pp. 31, 33, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

Christopher Blanch, “Afghanistan: Narcotics and U.S. Policy,” Congressional Research Service, Order Code RL32686, December 7, 2004, p. 29, <http://fpc.state.gov/documents/organization/39906.pdf>.

United States, Department of Homeland Security, Office of Drug Interdiction Director, “Testimony of Gregory Passic; Breaking the Methamphetamine Supply Chain: Law Enforcement Challenges before the Senate Committee on Finance,” September 12, 2006, pp. 4-5, <http://www.finance.senate.gov/hearings/testimony/2005test/091206gptest.pdf>.

¹⁴¹ United States, Office of National Drug Control Policy, “National Drug Control Strategy FY 2009 Budget Summary,” February 2008, p. 93, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

United States, Department of Justice, “Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream,” February 2006, p. 25, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

¹⁴² Bridgett Siter, “Moving FAST; DEA Agents Finish Training,” *The Signal*, March 18, 2005, p. 8, http://www.gordon.army.mil/pao/Signal/Issues/2005/2005_03/0318%20Signal%20online.pdf.

United States, Administrator of the Drug Enforcement Administration, “Testimony before the U.S. House of Representatives Committee on Armed Services: Status of Security and Stability in Afghanistan,” June 28, 2006, pp. 4-6, <http://www.usdoj.gov/dea/pubs/cngrtest/ct062806.html>.

¹⁴³ United States, Drug Enforcement Administration, “FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission,” p. 16, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

organizations involved in the growing, manufacturing, or distribution of controlled substances appearing in or destined for illicit traffic in the United States.¹⁴⁴

Also in the DEA 2008 Performance Budget, bilateral investigations initiated in the Middle East, Central Asia, and Southwest Asia Regions that include Foreign-deployed Advisory Support Team (33 cases or 14 percent of all DEA bilateral investigations worldwide) addressed about eight percent of the heroin drug threat directly to the United States.¹⁴⁵ The largest heroin threat comes directly south of the U.S. border from Mexico and South America.¹⁴⁶ In 2004, DEA's Heroin Signature Program reported that nearly 70 percent of the heroin on American streets originated in South America. The report also noted that Afghanistan, Pakistan, Iran, and Turkey *combined* produced approximately 12 percent of the heroin found in the United States whereas the single state of Mexico that borders the United States also produced 12 percent of U.S. heroin.¹⁴⁷

¹⁴⁴ United States, Drug Enforcement Administration, "FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission," p. 38, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

¹⁴⁵ United States, Drug Enforcement Administration, "FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission," pp. 13, 33, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

¹⁴⁶ United States, Drug Enforcement Administration, "Heroin," <http://www.usdoj.gov/dea/concern/heroin.html>.

Christopher Blanch, "Afghanistan: Narcotics and U.S. Policy," Congressional Research Service, Order Code RL32686, December 7, 2004, p. 18, <http://fpc.state.gov/documents/organization/39906.pdf>.

¹⁴⁷ United States, National Drug Intelligence Center, "The Availability of Southwest Asian Heroin in the United States: A Market Analysis," March 2007, p. 2 <http://www.usdoj.gov/ndic/pubs22/22539/22539p.pdf>.

Take-Aways from This Section:

- Foreign nation sovereignty limits actions and influence
 - Law enforcement operates as a guest in a host nation
 - A host nation's economy, politics, history, culture, and limited capabilities constrain counter-drug impact
- Lack of a single US agency in charge of interdiction hinders coordination abroad
 - DEA, Immigration and Customs Enforcement, and Department of Defense have roles abroad
 - United States Interdiction Coordinator and Interdiction Committee attempt to coordinate, but they lack expertise, funding, and authority over agencies
- 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has 176 signatory countries, and many have gotten past the “blame game” of responsibility and now see drugs as a common threat, especially with narco-terrorism
- DEA and State Department counter-narcotics strategies and priorities are complementary but differ on emphasis
 - State Department focuses on *drug product* elimination: crop eradication, alternative livelihood programs, and host nation police capacity building
 - DEA Country Attaché focuses on attacking drug *organizations* through arrest and extradition
 - DEA direct line of operation: “Through, by, and with” concept by facilitating vetted task forces officers in “Sensitive Investigation Units” in order to cooperatively investigate command and control structures of major drug organizations
 - DEA indirect line of operation: Law enforcement and judicial capacity building through DEA’s International Training section in cooperation with the Department of Justice’s International Criminal Investigative Training Assistance Program
- United States “certification process” of host nation cooperation has facilitated counter-drug legislation and capabilities, but decertification has resulted in cancellation or delays of counter drug operations in the short-term.

There are two systemic factors that complicate counter-drug coordination abroad: Sovereignty of nations and a lack of a single U.S. agency in charge of drug interdiction. U.S. law enforcement operates as a guest in the host country and personnel numbers and activity are typically limited by the host nation, whose history, culture, government traditions, and laws may not see drug trafficking as a criminal act.¹⁴⁸ Even where extradition is possible, it may not occur because the

¹⁴⁸ United States, Government Accountability Office, “Drug Control: Long-Standing Problems Hinder U.S. International Efforts,” GAO/NSIAD-97-75, February 1997, p. 3, <http://www.gao.gov/archive/1997/ns97075.pdf>.

United States, Department of Justice, Office of Inspector General, “The Drug Enforcement Administration's International Operations (Redacted),” Audit Report 07-19, February 2007, <http://www.usdoj.gov/oig/reports/DEA/a0719/chapter4.htm#D>.

host government would suffer politically or economically. Furthermore, countries whose governments do not have the political will and/or economic capacity for crop eradication, policing, prosecution, and jailing may be hindered from developing such capacity because the illicit drug trade may be an economic pillar of the country.¹⁴⁹ As noted above, Bolivian President Evo Morales expelled the U.S. Ambassador and all DEA personnel from Bolivia, charging that the U.S. Ambassador and DEA agents were conducting espionage, although coca production and processing in Bolivia was increasing.¹⁵⁰

There is no single U.S. agency in charge of drug interdiction. The DEA, Immigration and Customs Enforcement, and Department of Defense all have active roles in drugs interdiction. In an attempt to have a focal point, the United States Interdiction Coordinator and the Interdiction Committee was established in 1993, but the specific authorities and roles of the coordinator were not established. The coordinator advises the Director of the Office of National Drug Control Policy, but according to a Government Accountability Office report, coordination officials told them that they lack expertise, funds and authority over drug involved agencies.¹⁵¹

The international community first recognized drugs as a common security threat during the Shanghai Opium Commission in 1909.¹⁵² The latest drug-related international convention, the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, has, as of March 2008, garnered support from 176 countries.¹⁵³ Signatories to this Convention agree to adopting “comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals. [The Convention] provides for international cooperation through, for example, extradition of drug traffickers,

United States, Government Accountability Office, “Drug Enforcement Administration Staffing and Reporting in Southeast Asia,” GAO/NSIAD-93-82, December 1992, pp. 2, 8-9, <http://archive.gao.gov/d36t11/148214.pdf>.

¹⁴⁹ United States, Government Accountability Office, “Observations on the U.S. International Drug Control Strategy,” GAO/T-NSIAD-95-182, June 27, 1995, p. 2, <http://archive.gao.gov/t2pbat1/154576.pdf>.

United States, Government Accountability Office, “Drug Control: Cooperation with Many Major Drug Transit Countries Has Improved, but Better Performance Reporting and Sustainability Plans Are Needed,” GAO-08-784, July 2008, pp. Overview page, 25, <http://www.gao.gov/new.items/d08784.pdf>.

United States, Government Accountability Office, “Statement of Daniel F. Stanton, Deputy Director of the General Government Division U. S. General Accounting Office Before the Subcommittee on Health and the Environment House Committee on Interstate and Foreign Commerce Federal Drug Enforcement and Supply Control Efforts,” March 10, 1980, p. 7, <http://archive.gao.gov/f0202/111854.pdf>.

United States, Government Accountability Office, “Drug Control: Long-Standing Problems Hinder U.S. International Efforts,” GO/NSID-97-75, February 1997, p. 10, <http://www.gao.gov/archive/1997/ns97075.pdf>.

¹⁵⁰ Chris Kraul, “DEA Presence Ends in Bolivia,” *Los Angeles Times*, January 30, 2009, <http://www.latimes.com/news/nationworld/world/la-fg-bolivia-dea30-2009jan30.0.5340726.story>.

¹⁵¹ United States, Government Accountability Office, “Observations on the U.S. International Drug Control Strategy,” GAO/T-NSIAD-95-182, June 27, 1995, p. 4, <http://archive.gao.gov/t2pbat1/154576.pdf>.

¹⁵² United Nations, *2008 World Drug Report*, United Nations Publication, Sales No. E.08.XI.1, pp. 179-180, http://www.unodc.org/documents/wdr/WDR_2008/WDR_2008_eng_web.pdf.

¹⁵³ United States, Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report: Volume 1 Drug and Chemical Control*, March 2008, p. 27, <http://www.state.gov/documents/organization/62379.pdf>.

controlled deliveries and transfer of proceedings.”¹⁵⁴ Importantly and according to the State Department’s 2008 “International Narcotics Control Strategy Report,” many countries have moved past the unproductive producer/transit country “blame game.” In the past, producer/transit countries would blame trafficking on the demand country with the assumption that if demand was reduced their trafficking problems would disappear. Conversely, demand countries would plead for a cut in the supply of illicit drugs to hinder the availability of drugs. Now, countries increasingly see illicit drugs as a common threat, especially with narco-terrorism, and this has helped international drug control efforts because sustained international political will and effective capacity building are key components of the global drug war.¹⁵⁵

In this international environment, DEA’s strategy abroad and the State Department’s strategy are complementary, but the emphasis of each strategy and the manner in which they balance competing priorities are not always in sync.¹⁵⁶ DEA’s country attaché, who serves under the Ambassador but reports to and is evaluated by a DEA SES Regional Director focuses on attacking drug organizations, while the State Department’s drug strategy emphasizes eliminating the product itself.¹⁵⁷ In the State Department’s country strategy, the DEA country attaché is embraced as the country team’s point of contact for drug enforcement, but enforcement is a secondary priority to drug elimination.¹⁵⁸

The State Department drug strategy focuses on source-zone eradication by targeting critical intermediate points along the grower-to-user chain: processing (drug refining), transport, and wholesale distribution stages. The State Department’s crop eradication program is closely linked with “alternative livelihood” programs, as well as host nation law enforcement and judicial capacity building. However, in its 2008 “International Narcotics Control Strategy Report,” the State Department recognizes that these programs will not be successful in the long-term unless they are “backed by effective police forces that can detect and arrest traffickers, and courts that

¹⁵⁴ United Nations, “Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,” <http://www.unodc.org/unodc/en/treaties/illicit-trafficking.html>.

¹⁵⁵ United States, Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report: Volume I Drug and Chemical Control, March 2008, p. 15, <http://www.state.gov/documents/organization/62379.pdf>.

¹⁵⁶ United States, Government Accountability Office, “Drug Control: Long-Standing Problems Hinder U.S. International Efforts,” GO/NSID-97-75, February 1997, p. 14, <http://www.gao.gov/archive/1997/ns97075.pdf>.

¹⁵⁷ US federal drug agents in the Federal Bureau of Narcotics began working abroad in 1949, and in 1976 and through the Mansfield Amendment, DEA’s Country Attachés were given strict rules of operation while abroad to include the prohibition from arrest activity but permission to assist in bilateral investigations, liaison to promote international law enforcement cooperation, institution building, training, and drug intelligence gathering. The Ambassador has ultimate authority in any DEA activity within his country and does not liaise with DEA Headquarters.

United States, Drug Enforcement Administration, “Foreign Cooperative Investigations,” <http://www.usdoj.gov/dea/programs/fci.htm>.

¹⁵⁸ United States, Government Accountability Office, “Drug Control: Counternarcotics Efforts in Colombia Face Continuing Challenges,” GAO/T-NSIAD-98-103, February 26, 1998, p. 2, <http://www.gao.gov/archive/1998/ns98103t.pdf>.

United States, Government Accountability Office, “Observations on the U.S. International Drug Control Strategy,” GAO/T-NSIAD-95-182, June 27, 1995, p. 3, <http://archive.gao.gov/t2pbat1/154576.pdf>.

can prosecute them.”¹⁵⁹ Furthermore, the State Department recognizes the use of extradition to the United States for prosecution and incarceration as a legitimate international instrument that is supported by the 1988 United Nations Drug Control Convention and the UN Convention against Transnational Organized Crime.¹⁶⁰ To underscore the point of these complimentary but competing in priority strategies, the DEA’s international strategy is law enforcement and law enforcement capacity building with eradication and alternative livelihood in a supporting role, while for State Department leadership, law enforcement and eradication is a supporting element to the main effort of eradication and alternative livelihood programs.

Another significant tool for U.S. foreign policy is the “certification process.” Since the mid-1980s, the President has been required by Congress to certify “that specified drug-producing and drug-transit countries are cooperating fully with the United States in counter-narcotics efforts in order to avoid a series of sanctions, including suspension of U.S. foreign assistance and financing, and opposition to loans in the multilateral development banks.”¹⁶¹ The U.S. certification program has been effective in Colombia. Decertification of Colombia in 1996 had a positive influence on the country and encouraged Bogotá to enhance its counter-drug legislation and capabilities. At the same time, however, decertification resulted in the cancellation or delay of counter narcotics, resulting in a scaling back of counter-drug operations and a reduction in U.S. capacity building assistance in the short-term.¹⁶²

In source countries, DEA’s “direct” line of operation strategy focuses on through-by-and-with law enforcement operations, while it attempts to build “indirect” law enforcement and judicial capacity within a host nation. This approach has gone a long way towards preventing states,

¹⁵⁹ United States, Department of State, International Narcotics Control Strategy Report; Policy and Program Developments; Controlling Supply,” <http://www.state.gov/p/inl/rls/nrcrpt/2008/vol1/html/100773.htm>.

¹⁶⁰ United States, Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report: Volume 1 Drug and Chemical Control, March 2008, pp. 16-17, 23-24, <http://www.state.gov/documents/organization/62379.pdf>.

FBI was denied an overseas drug enforcement role in 1982 because the Department of Justice recognized “the need to have a single point of contact on drug enforcement matters when dealing with foreign counterparts.

United States, Drug Enforcement Administration, “DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources.” June 1993, p. 28.

¹⁶¹ Storrs, K. Larry, “Drug Certification Requirements and Proposed Congressional Modifications in 2001,” Congressional Research Service, Order Code RL30892, November 6, 2001, pp. Summary, <http://fpc.state.gov/documents/organization/6555.pdf>.

¹⁶² United States, Government Accountability Office, “Drug Control: Counternarcotics Efforts in Colombia Face Continuing Challenges,” GAO/T-NSIAD-98-103, February 26, 1998, pp. 1-2, <http://www.gao.gov/archive/1998/ns98103t.pdf>.

United States, Administrator of the Drug Enforcement Administration, “Statement by Thomas A. Constantine before the Subcommittee on Western Hemisphere House International Relations Committee regarding Certification of Drug Producing & Transit Countries in Latin America,” March 7, 1996, <http://www.usdoj.gov/dea/pubs/cngrtest/ct960307.htm>.

United States, Administrator of the Drug Enforcement Administration, “Statement by Thomas A. Constantine before the House International Relations Committee regarding Certification and Mexico,” March 4, 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct970304.htm>.

such as Colombia, from falling into pure narco-state status. In support of capacity building, DOJ's International Criminal Investigative Training Assistance Program (ICITAP) seeks to improve host nation law enforcement agencies in an effort to control indigenous crime, and DEA's International Training Section under the Office of Training in Quantico, Virginia, offers drug enforcement seminars, sponsors training academies, and provides sensitive investigative unit training to foreign police officers, since 1969.¹⁶³ Although there is no formal strategy or budget between the two programs, they have a good mutually supporting relationship in responding to requests, which can come to either program. For instance, DEA Training may be asked by ICITAP for assistance in conducting a school for host nation law enforcement personnel. ICITAP may provide the equipment, and DEA would provide training on utilizing the equipment. Vice-versa, a DEA country attaché may ask for specific training from DEA Training, and DEA Training may approach ICITAP to get the funding for the course. Even though the DEA country attaché is most often the requestor, the DEA country attaché is always in the loop for concurrence, since the training would affect their region.

Just as in source countries, DEA also engages in institution building in transit countries, develops personal liaisons with host nation law enforcement authorities, conducts bilateral investigations, and attacks the command and control structures of major drug trafficking organizations in accordance with DEA's 2005-initiated International Drug Flow Prevention/Attack strategy. This strategy seeks to attack transit drug organizations' vulnerabilities in their supply, transportation, and financial infrastructures while intercepting their shipments in order to disrupt the flow of illicit drugs, money, and chemicals between source zones and the United States.¹⁶⁴

¹⁶³ United States, Department of Justice, "International Criminal Investigative Training Assistance Program," <http://www.usdoj.gov/criminal/icitap/>.

United States, Drug Enforcement Administration, "International Training," <http://www.usdoj.gov/dea/programs/training/part18.html>.

¹⁶⁴ United States, Department of Justice, Office of Inspector General, "The Drug Enforcement Administration's International Operations (Redacted); Foreign Counterpart Agencies," Audit Report 07-19, Chapter 4, February 2007, <http://www.usdoj.gov/oig/reports/DEA/a0719/chapter4.htm#D>.

United States, Department of Justice, "Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream," February 2006, pp. 47-48, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

United States, Drug Enforcement Administration Chief of Operations, "Testimony of Michael A. Braun before the House International Relations Committee Subcommittee on Western Hemisphere regarding the Illicit Drug Transit Zone in Central America; International Drug Flow Prevention Strategy," November 9, 2005, <http://www.usdoj.gov/dea/pubs/cngrtest/ct110905.html>.

United States, Department of State, Bureau for International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report: Volume 1 Drug and Chemical Control, March 2008, p. 48, <http://www.state.gov/documents/organization/62379.pdf>.

DEA Domestic Operations

Finding Optimal Centralized-Decentralized Operational Control and Interagency Cooperation

Take-Aways from This Section:

- DEA inherited several institutional tensions
 - Investigative control: Centralized control at headquarters versus decentralized field-led investigations
 - Primary investigative focus: Source of supply, high-level, international drug trafficking organizations versus regional to local-level drug trafficking organizations
- Mechanisms attempted
 - Early 1970s: Traditional military style top-down planning
 - Untouched mid-level traffickers would quickly fill vacant arrested primary and secondary leadership
 - Intelligence became stale because high-level investigations depended upon intelligence from mid-to low level investigations
 - Late 1970s and 1980s: Central Tactical (CENTAC) Program was a special funded investigations directed from command posts in DEA headquarters
 - Effective in arresting 12 percent of DEA's targets with less than three percent staff and budget
 - Initial success became failure with the attempt to expand the program DEA-wide
 - Early 1990s: Kingpin Initiative targeted Colombian Cali Cartel leadership
 - First attempt to focus on organization attack not individual targets
 - Based upon CENTAC, required fresh intelligence through low level investigations
 - Special funding for linked field operations
 - Program successful, but ended
 - High cost of investigation cut feasibility of expansion and hindered other equally important domestic investigations
 - Extensive paperwork and difficult for smaller offices to show link to Kingpen, thus did not receive funding
 - Program budget was taken out of existing DEA monies, draining other operations/programs

Since DEA's inception, there has been tension between headquarters and the field for investigational control as well as a tension as to the role that DEA should play in the drug war: Attack high-level, international drug organizations or work closely with state and local agencies to address domestic and local drug threats. For instance in the mid-1980s, the porous Mexico-U.S. border had made Mexico the major transshipment point for the Colombian cartels, calling for investigations at that level. Meanwhile, cities across the United States were gripped with violent crime due to crack cocaine and demanding DEA assistance. DEA's Chief of Congressional and Public Affairs William Alden underscored this internal tension noting that "We were charged at DEA with attacking the larger global organizations, and [at the same time]

there were a lot within the infrastructure who felt like crack was a local problem.” In addition to external pressures created by angry police chiefs calling for DEA assistance, Congress pressed for action and shift in strategic focus through hearings and by passing many new laws including the “death penalty for major traffickers, life in prison for some repeat offenders, more severe federal penalties for simple possession.”¹⁶⁵

In general, headquarters’ plans attempt to centralize the control of investigations and focus on the highest echelons of illicit drug suppliers. In contrast, the decentralized operations run by the field are traditional agent-driven investigations that first exploit the vulnerabilities of illicit drug organizations in their region and then ricochet or “spin” the investigations upstream to the source of supply through the use of internal and inter-agency task force investigations. Despite headquarters’ attempts, it has proven difficult for DEA to optimally balance the weights between headquarters centralized control and field-driven decentralized investigations. This balancing paradigm also exists in the inter-agency. In order to unearth the lessons learned for the future, the following text discusses the various initiatives that DEA leadership has attempted to find a balancing mechanism.

Difficulties in operational control balance and focus predate DEA. The Bureau of Narcotics and Dangerous Drugs, one of DEA’s legacy agencies, used a System’s Enforcement Approach, which was basically a classic military approach of describing the battlefield and the enemy’s vulnerability before mounting an operation. The traditional military-style planning concept was abandoned in the early 1970s by DEA management for two reasons. The first was because ongoing investigations only focused on the primary or secondary levels (at the top), leaving sub-managers untouched, who would quickly refill the vacant position created by the arrest of the leadership, and the second was that top-level investigations faltered due to stale, tactical intelligence because the field was not focused at the tactical levels of the organization. DEA management realized that lower-level “bread and butter” investigations provide the critical tactical intelligence, and tactical operations were essential to sustain higher-level operations.¹⁶⁶

DEA leadership also found that “due to lack of coordination on a national level, many drug investigations were terminated following the arrest of low-level dealers or an occasional top figure, who was quickly replaced.”¹⁶⁷ Therefore, DEA managers sought a mechanism that would shift the main effort to major drug trafficking organizations, which resulted in the creation of the Central Tactical Program.

¹⁶⁵ Public Broadcasting Service, “Drug Wars,” *Frontline*, October 10, 2000, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/etc/transcript2.html>.

United States, Drug Enforcement Administration, “DEA History: 1980-1985,” <http://www.usdoj.gov/dea/pubs/history/1980-1985.html>.

¹⁶⁶ Robert Parsons, “DEA’s Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation’s Drug Supply Reduction Campaign,” Joint Military Intelligence College, November 1994, pp. 3-4.

¹⁶⁷ United States, Drug Enforcement Administration, “DEA History: 1975-1980,” <http://www.usdoj.gov/dea/pubs/history/1975-1980.html>.

Central Tactical (CENTAC) Program

DEA's 1975 CENTAC pilot program was formalized in 1978.¹⁶⁸ Created to help DEA better target major drug traffickers, the program set up Central Tactical Units, which ran investigations from command posts in Washington. The overall CENTAC initiative was headed by one special agent, who approved all investigations, assigned personnel and resources, and directed investigative methods and targets. In the program's early years, according to DEA, "Eight CENTACs investigated heroin manufacturing organizations in Lebanon, Asia, and Mexico. Three other CENTACs targeted large cocaine organizations from Latin America that operated in the United States. Yet other CENTACs dismantled criminal groups that manufactured and distributed LSD, PCP, and amphetamines."¹⁶⁹ At any one point, the headquarters CENTAC special agent would lead 50 agents from DEA, the Internal Revenue Service (IRS), Customs, Federal Bureau of Investigation (FBI) or local police could be assigned to the five or six ongoing CENTACs.

Judged highly effective by the General Accounting Office, the program's success in the early 1980s was ultimately its demise.¹⁷⁰ Armed with less than 3 percent of DEA's enforcement staff and 1.3 percent of expenditures, CENTAC arrested over 12 percent of DEA's top drug violators during a three-year period.¹⁷¹ This led to a 1980 General Accountability Office recommendation that the CENTAC be expanded agency wide rather than being a specific program within DEA.¹⁷² Some within DEA opposed the expansion, notably Dennis Dayle, the head of CENTAC, who believed that the balance between centralized and regional investigations was optimal, citing lessons learned from BNDD's Systems program. Dayle believed that fewer, not more CENTAC investigations were needed because "as we move higher and higher in the international narcotics conspiracy [pyramid], we have fewer and fewer CENTACs."¹⁷³ Regional offices, slighted by the

¹⁶⁸ United States, Drug Enforcement Administration, "DEA History: 1975-1980," <http://www.usdoj.gov/dea/pubs/history/1975-1980.html>.

United States, Administrator of the Drug Enforcement Administration, "Memorandum: Establishment of DEA Policy and General Procedural Guidelines for the Operation of Central Tactical Units (CENTACS)," March 1, 1978.

¹⁶⁹ United States, Drug Enforcement Administration, "DEA History: 1975-1980," <http://www.usdoj.gov/dea/pubs/history/1975-1980.html>.

¹⁷⁰ United States, Drug Enforcement Administration, "DEA History: 1975-1980," <http://www.usdoj.gov/dea/pubs/history/1975-1980.html>.

Parsons, Robert. "DEA's Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation's Drug Supply Reduction Campaign," Joint Military Intelligence College, Nov 1994, p. 5.

¹⁷¹ Parsons, Robert. "DEA's Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation's Drug Supply Reduction Campaign," Joint Military Intelligence College, Nov 1994, p. 5.

¹⁷² United States Government Accountability Office, "The Drug Enforcement Administration's CENTAC Program – An Effective Approach to Investigating Major Traffickers that Needs to be expanded," GGD-80-52, March 27, 1980, p. ii. <http://archive.gao.gov/f0202/111914.pdf>. In Parsons, Robert. "DEA's Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation's Drug Supply Reduction Campaign," Joint Military Intelligence College, Nov 1994, p. 6.

¹⁷³ Mills, James, *The Underground Empire*, New York, Doubleday & Co, Inc. 1986 in Parsons, Robert. "DEA's Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation's Drug Supply Reduction Campaign," Joint Military Intelligence College, Nov 1994, p. 6.

authority and resources formerly “owned” by the region were reluctant to implement the expanded CENTAC concept.¹⁷⁴

Under the tenure of Administrator Mullen (1981-1985), DEA was reorganized in 1982, just as the FBI was given concurrent Title 21 Authority. Mullen, a former 20-year career FBI agent, initiated a centralizing restructuring program for headquarters that was similar to the FBI Structure. He (a) abolished DEA’s regional structure and had field divisions report directly to headquarters in accordance to FBI procedures in order to mirror FBI structure in hopes of overcoming the DEA-FBI “us versus them” paradigm, and (b) dropped foreign and domestic headquarters offices and created heroin, dangerous drugs, cocaine, and cannabis “drug desks” to coordinate worldwide investigations. CENTAC operations were renamed Special Enforcement Operations and divided among the drug desks in order to incorporate the CENTAC concept into DEA-wide operations.¹⁷⁵ Unfortunately, the CENTAC construct withered because operations soon numbered in the hundreds and lacked their original centralized control philosophy under one agent. Eventually, the controlling influence Special Enforcement Operations and the drug desks became little more than a funding mechanism to the field rather than a coordinating mechanism.¹⁷⁶

The Kingpin Initiative

After Administrator Mullen, however, the CENTAC concept rose once again with Administrator Bonner’s Targeted Kingpin Organizations (TKO) program in 1992. Under the Kingpin strategy, DEA headquarters selected key targets and directed investigations from Washington.¹⁷⁷ The initiative also incorporated a lesson learned from CENTAC that high-level investigations require fresh intelligence gathered through low level-investigations by combining high-level and lower-level investigations as a combined “operation.” The Kingpin strategy also added cooperation with the U.S. Defense and foreign intelligence community agencies to the effort through headquarters points of contact. From headquarters and supported by specially allocated operational funding, the Targeted Kingpin Organization coordinator, with a dedicated staff, directed field activities.¹⁷⁸ The key aim of the strategy was to attack the drug kingpins’ “most vulnerable areas--the chemicals needed to process the drugs, their finances, communications, transportation, and leadership structure.”¹⁷⁹

¹⁷⁴ Parsons, Robert. “DEA’s Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation’s Drug Supply Reduction Campaign,” Joint Military Intelligence College, Nov 1994, p. 6.

¹⁷⁵ United States, Drug Enforcement Administration, “DEA History: 1980-1985,” <http://www.usdoj.gov/dea/pubs/history/1980-1985.html>.

DEA has just recently restructured its headquarters in an attempt to once again drop the wall between foreign and domestic investigations by creating the “Office of Global Operations.”

¹⁷⁶ Robert Parsons, “DEA’s Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation’s Drug Supply Reduction Campaign,” Joint Military Intelligence College, November 1994, pp. 6-7.

¹⁷⁷ United States, Drug Enforcement Administration, “DEA History: 1990-1994,” <http://www.usdoj.gov/dea/pubs/history/1990-1994.html>.

¹⁷⁸ Robert Parsons, “DEA’s Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation’s Drug Supply Reduction Campaign,” Joint Military Intelligence College, November 1994, p. 10.

¹⁷⁹ United States, Drug Enforcement Administration, “DEA History: 1990-1994,” <http://www.usdoj.gov/dea/pubs/history/1990-1994.html>.

As Administrator Bonner explained,

The No. 1 enforcement priority of DEA, indeed, of the administration, is to reduce the amount of cocaine available in the United States. To more sharply focus that effort and DEA's contribution to that effort, I have recently implement[ed] the kingpin strategy at DEA. To affect availability, the major cocaine trafficking organizations, in my judgment, must be disrupted; they must be weakened; and they must be destroyed. DEA's kingpin strategy is designed to do that.

Targeting kingpins, which, by the way, is part of objective III of the President's Andean strategy, DEA has targeted each of the Cali Cartel kingpins and his organization, as well as the remnant of the Medellin Cartel in Colombia.¹⁸⁰

The Kingpin strategy had CENTAC-like centralized control over seven cocaine and three heroin targeted organizations in 1992. TKO Coordinators controlled operational funding and were able to direct field activities. The strategy soon broadened out from focusing solely on the leadership to focus on the "seamless continuum" of drug trafficking as a whole by targeting the key elements of trafficking organizations: Leadership, production, transportation, distribution, communications, narco-proceeds, and chemical supplies.¹⁸¹ Assistant Secretary of State for International Narcotics Arcos underscored the importance of the TKO concept to apply pressure across the drug continuum when he stated that,

Probably the most important lesson we have learned in the last 10 years or so of fighting international narcotic trafficking is the effort must be made on a broad front simultaneously. There is no one single magic solution, the success of our strategy depends on both sustained cooperation and efforts of the producer nations and our commitment to supporting them in the areas of targeting kingpins, interdiction, controlling money laundering, seizing assets, judicial reform and alternative development.¹⁸²

¹⁸⁰ United States, Drug Enforcement Administrator, "Senate Hearings before the Committee on Appropriations; Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations; Fiscal year 1993," S. Hrg. 102-677, Pr. 1, p. 564.

¹⁸¹ United States, House of Representatives, Subcommittee of the Committee on Appropriations, "Drug Enforcement Administration Summary Statement Fiscal Year 1994" Part 2A, 29 Apr 1993, p. 586.

United States, Office of National Drug Control Policy, National Drug Control Strategy: Reclaiming Our Communities from Drugs and Violence. Feb 1994. 42.

Robert Parsons, "DEA's Targeted Kingpin Organization Strategy: Its Origins and Significance in Our Nation's Drug Supply Reduction Campaign," Joint Military Intelligence College, November 1994, p. 9.

¹⁸² United States, Senate, Committee on the Judiciary: Hearing before the Committee on the Judiciary" April 29, 1993, p. 63, in Douglas Beaty, "National Drug Control Strategy: A Strategic analysis," US Army War College, April 15, 1996, p. 20, <http://www.stormingmedia.us/85/8568/A856803.html>.

This pressure in the foreign-based production areas must also be applied along the border and domestically otherwise the problem just shifts. For instance, successful 2008 border interception of methamphetamine and its precursor chemicals has caused “home grown” methamphetamine labs to become more prevalent within the United States.¹⁸³

As a result of the TKO strategy, the Cali Cartel was brought to justice and other “significant accomplishments included \$210 million in drug proceeds seized worldwide, 713 significant drug traffickers arrested, 235 vessels seized (boats, trucks, cars, and aircraft), and hundreds of successful raids in locations throughout the world.”¹⁸⁴ However, the program was costly, and its funding was diverted from the already limited DEA resources.

In testimony to the House Subcommittee on Appropriations in 1994, Administrator Bonner cited the strategy’s successes in bringing justice to the Colombian Cali Cartel Kingpins; however, he noted that this success was tempered by the high cost of the investigations. This cost, according to Bonner, mitigated expansion of the program and he also noted that it had curtailed the feasibility of equally important investigations. Under TKO, an increase in operational resourcing to the field was dependent on agents in the field demonstrating to headquarters that the operation in question was connected to a Kingpin. This entailed extensive paperwork and made it difficult for smaller DEA offices to obtain funding for significant regional and local traffickers. Field offices resented headquarters’ tight control of funding and target selection, generating field office rancor over the lack of funding for legitimate, local targets and heavy-handed control by headquarters.¹⁸⁵ With a change of Administrator, Administrator Constantine (1994-1999), who was a former New York State Police Chief, was sensitive to the plight of state and local police chiefs. He revised the Kingpin Strategy in response to SAC requests for greater operational flexibility, and he gave DEA divisions enhanced authority to select targets.

¹⁸³ Tommy Farmer, “Import Crackdown Led to New Labs,” *The Tennessean*, January 20, 2009, <http://www.tennessean.com/article/20090120/OPINION01/901200317>.

United States, Drug Enforcement Administration, “FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission,” pp. 5-6, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

¹⁸⁴ United States, Government Accountability Office, “Drug Control: DEA’s Strategies and Operations in the 1990s,” GAO/GGD-99-108, July 29, 1999, pp. 51-53. <http://www.gao.gov/archive/1999/gg99108.pdf>

United States, Department of Justice, National Criminal Justice Reference Service, “Colombian Cocaine Cartels: Lessons from the Front,” Abstract, NCJ 17460, Spring 1998, <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=174604>.

¹⁸⁵ United States, House of Representatives, Subcommittee of the Committee on Appropriations, “Drug Enforcement Administration Summary Statement Fiscal Year 1994” Part 2A, 29 Apr 1993, 586.

Take-Aways from This Section:

- DEA-housed, interagency Special Operations Division (SOD) is an excellent model for interagency cooperation
- Participants include: Drug Enforcement Administration, Federal Bureau of Investigation, Internal Revenue Service, Immigration and Customs Enforcement, and Department of Justice
- Participant Task Forces are formed based upon trafficker communications structure where independent field investigations are linked by connecting target communications contacts
- Key aspects that allow for SOD to be seen as a resource and not a threat to the field nor participating agencies
 - SOD has no tasking authority and cannot claim any statistics. Therefore, it is not seen as a threat to the field. Coordination is made through persuasion.
 - SOD only has communications identifiers (e.g. phone numbers) not content or context; therefore, SOD can only bring investigators together. Field investigators maintain control of their information and will cooperate to the level possible.

In the early 1990s, Administrator Bonner created the Special Operations Division (SOD) to support the Kingpin Strategy with the mission to exploit the Cali Cartel's hierarchical communications structure through the use of wiretaps in support of field investigations. SOD, composed of intelligence and investigative officers, was initially a DEA-DOJ only entity, but Administrator Constantine expanded the division to include intelligence and investigative officers from other federal agencies in 1994.¹⁸⁶ SOD now houses seasoned intelligence analysts and investigators (called staff coordinators) from the DEA, FBI, IRS, and ICE, as well as Department of Justice attorneys.¹⁸⁷ SOD also has access to worldwide multi-agency intelligence,

¹⁸⁶ United States, Drug Enforcement Administration, "DEA History: 1990-1994; The Kingpin Strategy," <http://www.usdoj.gov/dea/pubs/history/1990-1994.html>.

United States, Drug Enforcement Administration, "DEA History: 1994-1998; Creation of the 20th Field Division Special Operations," <http://www.usdoj.gov/dea/pubs/history/1994-1998.html>.

¹⁸⁷ United States, Administrator of the Drug Enforcement Administration, "Donnie R. Marshall Testimony before the U.S. House of Representatives Committee on the Judiciary Subcommittee on Crime," March 29, 2001, <http://www.usdoj.gov/dea/pubs/cngrtest/ct032901.htm>.

United States, Department of Justice, "Narcotic and Dangerous Drug Section," <http://www.usdoj.gov/criminal/links/ndds.html>.

United States, Drug Enforcement Administration, "FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission," p. 53, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

United States, Drug Enforcement Administration, "DEA Announces Largest Steroid Enforcement Action in U.S. History," September 24, 2007, <http://www.usdoj.gov/dea/pubs/pressrel/pr092407.html>.

which it collects, analyzes, and sends to divisions to support their operations, and it coordinates the highest-level national and international drug trafficking investigations.¹⁸⁸

The division has significantly improved information sharing among other federal entities and between DEA divisions. For example, SOD augments and links on-going field investigations by cross-referencing targeted networks' communications identifiers (e.g. phone contacts and e-mail).¹⁸⁹ Once a connection is found between cases, such as a FBI and DEA case, the FBI and DEA staff coordinators use their access to their home agency databases to identify the field investigators involved, and the two staff coordinators then put the field investigators in touch with one another, in an effort to create a task force. Staff coordinators then conduct additional analysis to support the joint investigation and serve as conduits for coordination. No matter the agency, SOD staff coordinators, who are seasoned communications intercept investigators, act as neutral arbiter when a conflict between divisions and investigations occurs. They also serve as subject matter experts and maintain focus on the overall picture, while field investigators overcome obstacles and exploit opportunities as circumstances shift and flex in the field.

Unlike the Kingpin Strategy, the SOD's SAC and staff coordinators do not have, nor do they seek, any tasking authority or any tactical or operational control over field investigators.¹⁹⁰ SOD coordinators use informal decision making networks to persuade as much as possible, and only involve SOD's SAC as a last resort. They often appeal to the common trait of the law enforcement brotherhood and their own personal reputation of leading from behind. However, SOD does have control of all DEA wiretap funding. In this case, SOD can use funding as both carrot to encourage participation and stick to persuade field elements to work together. SOD is also not seen as a threat to the field because it does not conduct investigations itself (cannot claim any statistics), and it only connects case information – the field agents maintains control of the investigations. SOD coordinators simply link investigators together and hosts coordination meetings to bring all relevant parties together. In this forum, difficulties can be ironed out, game plans can be determined, potential future conflicts among investigators can be prevented, and

¹⁸⁸ United States, Senate Committee on Appropriations, "Commerce, Justice, and State, the Judiciary, and Related Agency Appropriations; Fiscal Year 1993; Part 1," p. 570.

United States, Department of Justice, "Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream," February 2006, pp. 45-47, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

¹⁸⁹ United States, Drug Enforcement Administration, "FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission," pp. 35, 46, 114, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

United States, Department of Justice, Office of the Inspector General, "Follow-Up Review of the Drug Enforcement Administration's Efforts to Control the Diversion of Controlled Pharmaceuticals; Background; Special Operations Division," Report I-2006-004, July 2006, <http://www.usdoj.gov/oig/reports/DEA/e0604/back.htm>.

United States, Department of Justice, Office of Inspector General, "The Drug Enforcement Administration's International Operations (Redacted); Chapter 4: Relationships; Special Operations Division," Audit Report 07-19, February 2007, <http://www.usdoj.gov/oig/reports/DEA/a0719/chapter4.htm>.

¹⁹⁰ United States, Government Accountability Office, "Drug Control: DEA's Strategies and Operations in the 1990s," GAO/GGD-99-108, July 29, 1999, p. 50. <http://www.gao.gov/archive/1999/gg99108.pdf>.

with the help of in-house DOJ attorneys, disagreements regarding U.S. attorney's potential prosecutions can be prevented.

While SOD now coordinates the largest national and international drug investigations, the current interagency focusing mechanism is the Organized Crime Drug Enforcement Task Force CPOT and RPOT initiative described above, where "over 31 percent of OCDETF's active investigative caseload involves SOD coordination" in 2008, which is up 50 percent since 2002.¹⁹¹

Without a doubt, there are investigative tools within SOD that could be standardized throughout drug enforcement, such as an automated system to show a field investigator his case linkages with other cases, to benefit DEA and other law enforcement agencies. However should there be an effort to give SOD command authority to direct investigations through funding or through the formal decision making system, three key facets that make SOD successful risk being lost. The first is its "neutral arbiter" position. At present, because SOD cannot report seizure statistics and its role is limited to augmenting field investigations, field investigators see SOD as an investigative aid. Second, the flexibility of the field to adapt to the threat network would be hindered and field resentment would build as it did with the CENTAC and Kingpin Strategies. Third is the loss of the unique people, who are selected to become a SOD staff coordinator. Inbound DEA staff coordinators often come to serve their "headquarters time" after just completing their service as a group supervisor (the first level of agent management), and they may lateral in from another headquarters unit. They are selected based upon their demonstrated technical capabilities in using communications intercept investigations to the fullest, as well as their ability to adapt to changing circumstances and difficulties. More importantly, these inbound staff coordinators are selected based upon their skilful ability to work with agents, management, and intelligence analysts from multiple organizations. An additional benefit that these unique investigators have is that they also bring to the division, trusted, informal, reach-back capabilities to their previous field element as well as the state-of-the-art tactics, techniques and procedures used by the field and the drug networks because these agents come directly from working in the field. This quality allows the division to quickly adapt to the environment, which maintains SOD's potential or capability to be "operationalized" anywhere in the world, rather than being designed to counter a threat in a specific time and place.¹⁹²

¹⁹¹ United States, Administrator of the Drug Enforcement Administration, "Statement of Asa Hutchinson, Administrator, Drug Enforcement Administration before the Senate Caucus on International Narcotics Control," April 11, 2002, <http://www.usdoj.gov/dea/pubs/cngrtest/ct041102.html>.

United States, Department of Justice, "Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream," February 2006, p. 46, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

United States, Department of Justice, "FY 2008 Interagency Crime and Drug Enforcement Congressional Justification," p. 32., http://www.usdoj.gov/jmd/2008justification/pdf/32_ocdeft.pdf.

¹⁹² Much of the insight into the potential loss of SOD's "precarious status" comes from Dr. Turnley's book, Retaining a Precarious Value as Special Operations go Mainstream, Joint Special Operations University Report 08-02, Feb 2008. In her text, Dr. Turnley aptly describes the tension that the United States Special Operations Command is having between becoming a conformed, formal, institutionalized command, while trying to maintain the essence that makes special operations force people unique. While impetus for the institutionalization of the Special Operations Command was to give special operations forces a credible voice within the military, the

Overall Assessment

Over the last 35 years, DEA as a single mission agency has done an amazing job at leveraging its very limited resources and authorities. Its small size has forced the agency to be innovative and seek interagency team building by necessity. DEA has forged many initiatives with other federal agencies, state and local agencies, and foreign agencies as a means to force multiply and to interact with these independent agencies. In addition, DEA has internally struggled with the very hard balance of centralized control and decentralized investigations programs as well as significant shifts in effort along the drug continuum in response to the drug threat as well as changes in political leadership, congressional prompting, and state and local pressures.

In facing this non-state-actor threat, the federal government has been structured into distinct agencies that have limited authority to address a single portion along the drug continuum, and DEA has only a small segment of that authority to attack the supply of drugs through law enforcement. The primary advantage of having multiple federal agencies is that there can be long-term expertise in a particular field. Single-mission authority also serves as a focusing mechanism for the agency; provides a measure for oversight, budgeting, and discerning if an agency is operating outside its bounds for Congress; and lastly curbs the potential abuse of power because power is divided among several agencies. However useful this multiple-segment authority is in managing within the federal government, artificial federal authority boundaries do not serve well in addressing a reality that is an integrated whole. In other words, federal authority boundaries assume that a problem is singular and can be addressed in isolation, such as drug supply, rather than seeing the problem as an integrated problem with other issues, such as corruption, terrorism, and demand reduction. Therefore, it isn't surprising that there are inefficiencies of multiple crossovers, lane encroachment, and duplication of effort. The main mechanism to integrate these barriers and to force multiply are the use of task forces, which are tactical in nature, often operate solely to deconflict activity, and do not have unity of command, necessary for long-term capacity building nor higher levels of integration of collaboration and synchronization.

motivation to institutionalize SOD come from the desire for command and control in order to focus DEA's resources on the top drug network nodes.

Explanatory Variables

Take-Aways from This Section:

- Unifying benefits of DEA's creation have eroded over the years mainly due to the issue of authorities.
- Contributing factors include the following:
 - Nature of American decentralized law enforcement structure and traditions
 - Agency "lane encroachment" due to overlapping jurisdictions and complimentary violations
 - Use of deputization, cross-designation, and concurrent authority allows for force multiplication, but dilutes unity of effort
 - Multiple and independent agencies outside of DEA
 - Drug enforcement funding mechanisms
 - Drug intelligence centers
 - Interdiction/enforcement mechanisms

Authorities

While DEA's Title 21 authority and mission give it strength, the intended unifying benefits of the 1973 consolidation that created DEA have eroded over the years. President Carter's government reorganization team in 1979 found that more than 100 agencies spent \$5 billion on law enforcement responsibilities but none had authority to coordinate their activities. They attributed the lack of coordination from "a meteoric growth in the number of federal law enforcement agencies," and "interestingly enough, over one-third of the 1,133 agencies surveyed did not exist at the beginning of 1970." The reorganization team noted that the Attorney General, having control over the FBI, DEA, Immigration and Naturalization service, had no authority over Treasury, such as the Internal Revenue Service or Postal Service Inspectors. The team, lamenting the inefficiencies and waste, attributed this fragmentation as a result of "concerns that civil liberties not be compromised by a large and centralized federal police activity."¹⁹³ In addition to American traditional distrust of a centralized police force, there are several other facets that have contributed to the problem: (a) "lane encroachment" because of overlapping jurisdictions and complimentary violations (b) the use of deputization, cross-designation, and concurrent authority, and (c) the emergence of independent drug enforcement funding and drug intelligence and interdiction/enforcement mechanisms.

¹⁹³ Margaret Gentry, "Management Study Cites Law Enforcement Waste," *The Washington Post*, January 7, 1979.

Jurisdictional Lane Encroachment

Take-Aways from This Section:

- Law enforcement coordination is difficult due to diverse agency cultures, missions, priorities, and unclear areas of responsibility
- Artificial jurisdictional boundaries are misaligned in facing a drug threat that spans multiple jurisdictions. Drug violators are often poly-drug traffickers and violate multiple laws across multiple jurisdictions; therefore, no clear authority line can be made. For instance, is a trafficker that funnels money to terrorist activity a terrorist or a narcotics trafficker?
- Multiple agency efforts have re-emerged with DEA's mission overlapping with Homeland Security's border control mission and Federal Bureau of Investigation's organized crime and terrorism responsibilities
- With a change in the threat environment, such as the fall of the Soviet Union in the late 1980s, agencies seeking to prove their vitality in the new threat environment entered into the counter-drug arena. With the narco-terror nexus, agencies once again have intensified their justification and counter-drug budget size.

The first finding that the 1999 Commission on the Advancement of Federal Law Enforcement cited was the problem of a lack of law enforcement coordination:

“Within the spectrum of Federal agencies involved in law enforcement, it is not always clear which organization has responsibility for handling specific types of crimes. Managing diverse agencies, their missions, and priorities is a constant challenge. . . . The United States lacks clearly articulated, easy-to-understand policies that dictate which agencies have responsibilities for which areas of criminal activities and how the many Federal agencies and officials with law enforcement responsibilities should coordinate their activities.”¹⁹⁴

One of the underlying factors for this is the fact that the drug threat spans multiple jurisdictions – Foreign source of supply (host nation enforcement and judicial agencies and U.S. Department of State), smuggling (ICE), inter-state transportation (FBI), money laundering (IRS), prosecution (DOJ), and DEA along the entire continuum – creates an inherent problem of legitimate jurisdictional lane encroachment by one agency upon another as each exercises their authorities. Consequently, investigation and prosecution processes have become sources of friction as agencies interact or encroach on each other's lane of operations.¹⁹⁵ For example, a 1982 Government Accounting Office report highlighted a lack of clarity in the investigative roles between DEA and Customs. The report explained that the 1973 Reorganization Plan Number 2 gave DEA lead federal agency status, yet “Customs has long taken the position that it cannot effectively carry out its interdiction responsibilities without the authority to conduct drug investigations relative to interdiction cases.” Unfortunately, this has resulted in cases being

¹⁹⁴ Commission on the Advancement of Federal Law Enforcement, Law Enforcement in a New Century and a Changing World: Improving the Administration of Federal Law Enforcement, Jan 2000, p. 1.

¹⁹⁵ United States, Government Accountability Office, “Justice Department: Improved Management Processes Would Enhance Justice's Operations,” GAO/GGD-86-12, March 1986, pp. 19, 22, <http://archive.gao.gov/d13t3/129340.pdf>.

hindered. “[I]n August 1981 the U.S. District Court for the Eastern District of California granted a motion for suppression of evidence in a drug prosecution resulting from a Customs search warrant,” because in the Judge determined that the Customs agents acted outside their authority. This decision was then overturned by the 9th Circuit in July 1982.¹⁹⁶ In addition to domestic jurisdictional crossings, international investigative and judicial boundaries also create authority limitations as well as procedural delays on transferring intelligence between international jurisdictions. This topic will be discussed later in this paper.

The 1973 attempt to have a single-mission agency responsible for drugs as a national security threat has been lost. Even though DEA was created by consolidating multiple law enforcement entities into a single mission agency, 30 years later there are two other major federal law enforcement agency jurisdictions that overlap with DEA’s mission to include Homeland Security’s Office of Counternarcotics Enforcement and the FBI’s Criminal Investigative Division’s Drug, Organized Crime, Violent Crimes and Major Offenders, and Criminal Intelligence branches.¹⁹⁷ This resurrection of multiple efforts is due to the fact that drug violations span across the artificial bureaucratic government structures and the availability of drug budget monies. For instance, the FBI is given statutory authority to investigate organized crime and terrorism, and Immigration and Customs Enforcement has strong smuggling and money laundering authorities along the border.¹⁹⁸ In reality, drug violators do not commit a single violation in a single jurisdiction, but are often poly-drug traffickers and violate multiple laws on a daily basis across multiple jurisdictions. A drug organization that is importing cocaine and funneling its illicit drug proceeds to a terrorist organization could be investigated by all three agencies and is likely guilty of multiple, complimentary drug (DEA), terror and organized crime (FBI), and smuggling (ICE) violations. At best, this gives law enforcement multiple avenues of

¹⁹⁶ United States, General Accounting Office “Federal Drug Interdiction Efforts Need Strong Central Oversight,” GAO/GGD-83-52, June 13, 1983, pp. 39-42, <http://archive.gao.gov/d44t15/121662.pdf>.

¹⁹⁷ United States, Government Accountability Office, “Federal Law Enforcement: Investigative Authority and Personnel at 13 Agencies,” GAO/GGD-96-154, September 1996, pp. 10-13, <http://www.gao.gov/archive/1996/gg96154.pdf>.

United States, Department of Homeland Security, “Organization Chart,” July 17, 2008, http://www.dhs.gov/xlibrary/assets/DHS_OrgChart.pdf.

United States, Department of Justice, Office of the Inspector General, “The External Effects of the Federal Bureau of Investigation’s Reprioritization Efforts” September 2005, <http://www.usdoj.gov/oig/reports/FBI/a0537/chapter2.htm>.

¹⁹⁸ United States, Department of Homeland Security, Office of Inspector General, “Coordination Between FBI and ICE on Investigations of Terror Financing,” OIG-07-55, July 2007, p. 8.

United States, Department of Homeland Security, U.S. Immigration and Customs Enforcement, “ICE Investigations; Missions Roles in Multi-Agency Areas of Responsibility,” August 2007, p.32.

United States, Department of Justice, Office of Inspector General, “The Federal Bureau of Investigation's Efforts to Improve the Sharing of Intelligence and Other Information,” Redacted and Unclassified, December 2003, Report no. 04-10, <http://www.usdoj.gov/oig/reports/FBI/a0410/background.htm>.

approach for dismantling the organization.¹⁹⁹ At worst, it causes the negative tendency for “lane encroachment” during investigations, duplication of effort, lack of synchronization, and unhealthy, distrustful competition that the formation of a single mission entity (DEA) had been intended to resolve.

In addition to the nature of drugs and authorities, drugs money availability is another strong incentive for agency participation however oblique of mission to the drug effort. DEA Administrator Jack Lawn (1985-1990) aptly noted that during his tenure,

“There were some 50 agencies involved not because they have a desire necessarily to do something about drug abuse in the country. Their interest in the issue is fostered by a budget. If there's money available, organizations that may not be able to get sufficient funding for their own operations will say, ‘Well, we're going to form a drug unit.’

For example, someone showed me this training tape. It was a terrific tape of people dressed in camouflage gear, heavily armed, camouflage paint, repelling out of helicopters. And I said, ‘That really isn't the image that we want. We don't want to get into a military mode.’ And they said, ‘Oh, that has nothing to do with us. That's the Bureau of Land Management SWAT team.’”²⁰⁰

At the same time with the fall of the Soviet Union, many agencies were looking at big budget cuts, especially at the Pentagon, CIA, and NSA, and they were attempting to redefine their relevance in a changing world (not unlike today). One way to ensure survival was to prove how vital the agency is in a new struggle, and in September 1989 counter-drugs was a great medium. It was then that Defense Secretary Dick Cheney directed commanders to define counter-drug activity as “a high-priority national mission” and to generate plans for increased involvement. Not every general was enthusiastic about venturing into narcotics because they believed that it would be costly, difficult and futile endeavor, but others thought that going after “narco-terrorists,” like Pablo Escobar would prove that overt and covert intelligence units were smart and agile enough to be effective against a new type of target.²⁰¹ This redefinition continues twenty years later.

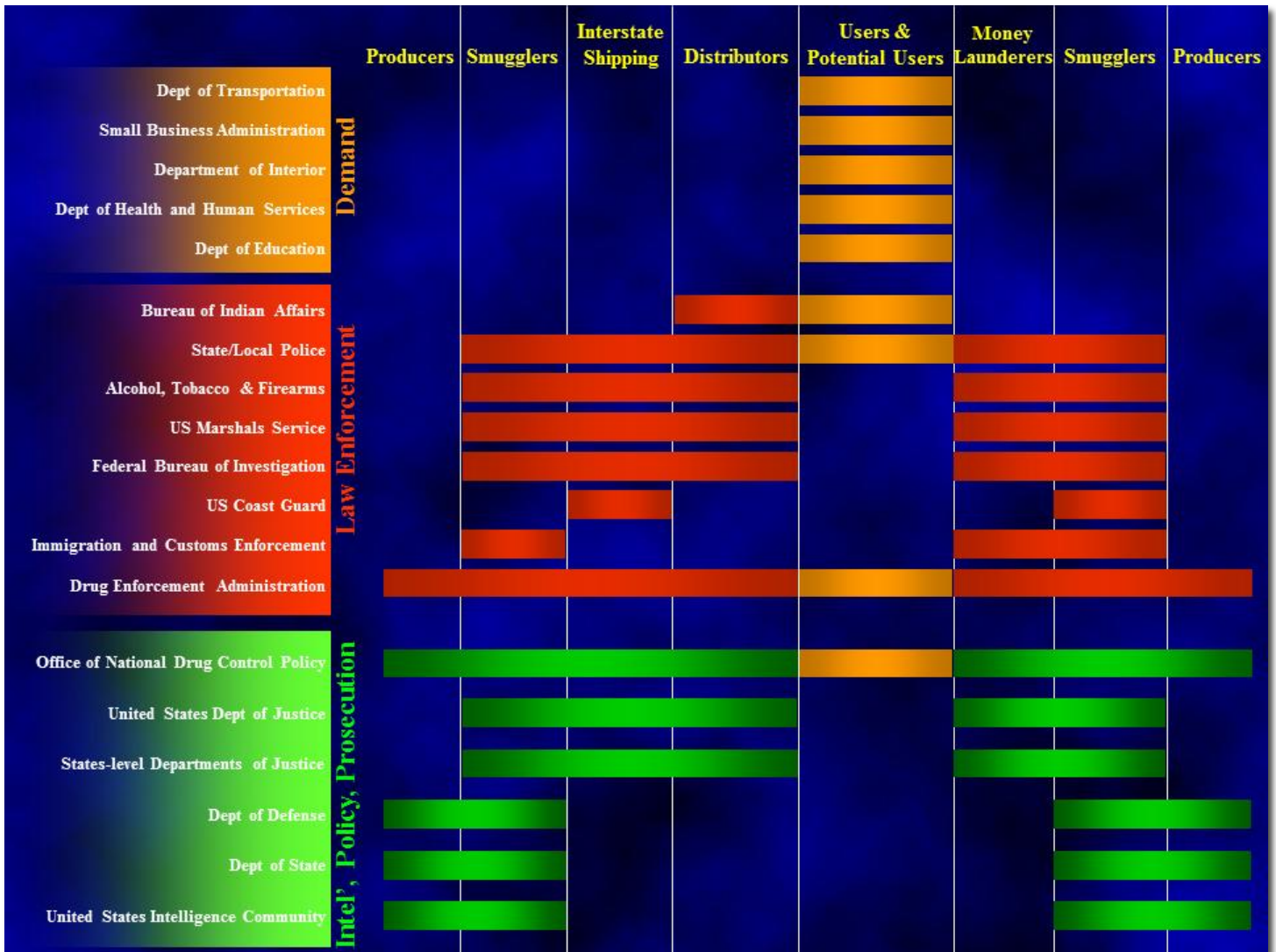
¹⁹⁹ Mark Moore, “Reorganization Plan #2 Reviewed: Problems in Implementing a Strategy to Reduce the Supply of Drugs to Illicit Markets in the United States,” *Public Policy*, vol. 26, no. 2, Spring 1978, p. 243.

²⁰⁰ Public Broadcasting Service, “Drug Wars,” *Frontline*, October 10, 2000, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/etc/transcript2.html>.

²⁰¹ Mark Boden, *Killing Pablo*, Atlantic Monthly Press, 2001, p. 140.

The following graph and table lists the various federal entities that are involved in the war on drugs, their jurisdiction, roles and authorities. Note that all of these efforts are not to be coordinated by DEA (the single-mission agency) but by the Office of National Drug Control Policy.

U.S. FEDERAL AGENCY JURISDICTION IN RELATION TO THE DRUG CONTINUUM



FEDERAL AGENCY ROLES AND AUTHORITIES²⁰²

ARENA	AGENCY	ROLES AND AUTHORITIES
U.S. Drug Control Policy	Office of National Drug Control Policy	By statute and law, ONDCP formulates and coordinates the national drug control policy ²⁰³
Abroad	DEA	Single point of contact for foreign law enforcement officials on drug-related matters ²⁰⁴
	USIAD and State	Formulating and coordinating United States' International drug control policy (diplomacy and programs) and foreign capacity building
	FBI	Based upon a 1994 Department of Justice Office of investigative Agency Policies Resolution 6, it recognizes DEA's role in the country team is to be the focal point with foreign law enforcement matters. ²⁰⁵ Since the attacks of September 11, 2001, the FBI has shifted its resources to counter-terrorism, deferring to DEA for counter-drug investigations. ²⁰⁶
	Department of Agriculture	Crop substitution programs
	U.S. Intelligence Community	On Dec 4, 1981 President Reagan's , Executive Order 12333 1.4(c) directed the intelligence community to collect and analyze counter-narcotics and anti-crime strategic and tactical intelligence in support of drug interdiction and policy ²⁰⁷

²⁰² United States Department of State, "Narcotics and Crime Control: The Role of United States Government Agencies," May 1, 2008, <http://www.state.gov/p/inl/rls/fs/7262.htm>.

²⁰³ United States, Office of National Drug Control Policy, "Authorizing Legislation," http://www.whitehousedrugpolicy.gov/about/authorizing_legislation.html.

²⁰⁴ United States, Department of Justice, "Organization, Mission and Functions Manual," May 23, 1995, <http://www.usdoj.gov/jmd/mps/manual/dea.htm>.

²⁰⁵ United States, Drug Enforcement Administration, Office of Chief Counsel, International Law Section, "Information Paper: Coordinating Foreign Drug Investigations 'Single Point of Contact'," January 2000, p. 2.

²⁰⁶ United States, Department of Justice, Office of the Inspector General, "Federal Bureau of Investigation Legal Attaché Program; Chapter 5: Legal Attaché Offices Coordinate Activities with Other U.S. Law Enforcement Agencies Overseas; DEA" Report 04-18, March 2004, <http://www.usdoj.gov/oig/reports/FBI/a0418/chap5.htm>.

United States, Government Accountability Office, "FBI Transformation: Data Inconclusive on Effects of Shift to Counterterrorism-Related Priorities on Traditional Crime Enforcement" GAO-04-1036, August 2004, p. Highlights, <http://www.gao.gov/new.items/d041036.pdf>.

²⁰⁷ United States, President of the United States, "Executive Order 12333 - United States Intelligence Activities," December 4, 1981, <http://www.presidency.ucsb.edu/ws/index.php?pid=43324>.

ARENA	AGENCY	ROLES AND AUTHORITIES
Border	Bureau of Immigration and Customs Enforcement	Title 18 and 19 give Customs Agents their statutory authority to investigate drugs as a smuggling crime. In 1994, they were given Title 21 cross-designation by DEA, but their investigations are restricted to smuggling organizations and drug enforcement across U.S. international borders or through ports of entry. ²⁰⁸
	Drug Enforcement Administration	Controlled Substances Act gives DEA the authority to investigate the illicit importation of drugs. ²⁰⁹

²⁰⁸ United States, Department of Homeland Security Office of Inspector General, “Coordination between FBI and ICE on Investigations of Terrorist Financing,” OIG-77-55, July 2007, p. 8, <http://grassley.senate.gov/releases/2007/08102007.pdf>.

United States, Drug Enforcement Administration, “Memorandum of Understanding between The Drug Enforcement Administration and the United States Customs Service to Implement Title 21 Cross-Designation Policies and Procedures,” 8 Aug 1994.

United States, Senate Committee on the Judiciary, “Testimony of John P. Clark, Interim Director, Office of Investigations, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, Hearing of the Senate Judiciary Committee,” May 13, 2003, <http://www.ciponline.org/colombia/030513clar.htm>.

United States, US Immigration and Customs Enforcement, “ICE Investigations; Mission Roles in Multi-Agency Areas of Responsibility,” Aug 2007, pp. 2, 10, 32.

United States, Department of Homeland Security, Office of Inspector General, “Coordination between FBI and ICE on Investigations of Terrorist Financing,” July 2007, p. 8.

²⁰⁹ United States Drug Enforcement Administration, “Title 21 Food and Drugs,” <http://www.dea.gov/pubs/csa.html>.

DEA in cooperation with the Food and Drug Administration identifies new drug abuse substances, and the DEA Administrator has the authority to place the drug on the controlled substance schedule, which is why DEA is an administration and not an agency.

ARENA	AGENCY	ROLES AND AUTHORITIES
	Department of Defense, including Joint Inter-Agency Task Forces North, West, and South	In a support role to U.S. federal agencies, the Department of Defense through Title 10 and 32 authorities provides foreign internal defense anti-narcotic support abroad; interdiction support, such as tracking maritime and air approaches along the borders; and through the National Guard intelligence analysis. Public Law 97-86, known as the Posse Comitatus Amendment, removed “certain restrictions and ambiguities and facilitate cooperation between military and civilian officials.” ²¹⁰ “The 1989 National Defense Authorization Act designated the Department of Defense as the lead agency for the detection and monitoring program targeted against the aerial and maritime traffic attempting to bring drugs into the United States.” ²¹¹
	U.S. Coast Guard	Primary maritime U.S. law enforcement agency
Domestic	Drug Enforcement Administration	Controlled Substances Act (Title 21) gives DEA the authority to classify and investigate the production, importation, possession, and distribution of drugs. ²¹²
	Federal Bureau of Investigation	In addition to its authority to investigate organized crime, the FBI has concurrent Title 21 drug enforcement authority as of January 28, 1982 ²¹³

²¹⁰ United States, General Accounting Office, “Statement of Ronald F. Lauve, Senior Associate Director General Government Division before The Subcommittee on Crime House Committee on the Judiciary on Military Cooperation with Civilian Law Enforcement Agencies,” July 28, 1983, <http://archive.gao.gov/d40t12/122004.pdf>.

²¹¹ Donald K. Miskill, “Command, Communications, Control and Intelligence: The Role of the Joint Task Force in the War on Drugs,” The United States Naval War College, May 14, 1990, p. ii, http://www.dtic.mil/doctrine/jel/research_pubs/p105.pdf.

United States, President of the United States, “National Security Decision Directive 221, ‘Narcotics and National Security,’” Ronald Reagan, April 8, 1986, p. 3, <http://www.fas.org/irp/offdocs/nsdd/nsdd-221.htm>.

United States, “Fact Sheet,” NSDD 221, June 5, 1986, <http://www.fas.org/irp/offdocs/nsdd/23-2771a.gif>.

United States, Department of Defense, Counternarcotics “Legal Authorities,” https://www.defenselink.mil/policy/sections/policy_offices/solic/cn/legal_authorities.html.

²¹² United States Drug Enforcement Administration, “Title 21 Food and Drugs,” <http://www.dea.gov/pubs/csa.html>.

²¹³ United States, US Department of Justice Federal Bureau of Investigation, “Implementation Directive for Concurrent Drug Investigation Jurisdiction between the Drug Enforcement Administration and the Federal Bureau of Investigation,” p. 1.

ARENA	AGENCY	ROLES AND AUTHORITIES
	Housing and Urban Development	Cross-designation of HUD Special Agents ²¹⁴
	Organized Crime Drug Enforcement Task Force	DOJ Funding mechanism to target high-level traffickers
	High Intensity Drug Trafficking Area	Drug Trafficking Hub
	State and Local Law Enforcement	DEA utilizes task forces to force multiply and leverage state and local police powers through deputization
	The National Institute on Drug Abuse	Drug abuse research
Prosecution	Department of Justice	11 United States Attorney Districts

²¹⁴ United States, Drug Enforcement Administration, “Memorandum of Understanding between the Department of Justice, Drug Enforcement Administration, and the Department of Housing and Urban Development Office of Inspector General to Implement Title 21 Cross-Designation Policies and Procedures,” February 23, 1998.

Blurring the lines: Deputization, Cross-Designation, and Concurrent and General Authorities

Take-Aways from This Section:

- Executive Authority: In order to increase manpower, the executive branch has the authority under Title 21 to grant to other law enforcement entities the authority to investigate narcotics violations; however, this has undermined the unity of effort.
 - Deputization: Gives state and local officers, such as New York City Police Officers, in a task force environment temporary authority to investigate federal drug offences
 - Cross designation: Gives temporary authority to other federal agents in a task force, such as ATF agents on a task force
 - Concurrent Authority: Gives permanent authority to other federal agents. The FBI was granted concurrent authority in 1982
- Congressional Legislation: Congress has also created authority crossovers
 - Reauthorization of the Patriot Act gave DEA the authority to charge drug traffickers whose proceeds support terror, which risks encroachment on the FBI terrorism authority
 - When the Department of Homeland Security was created in 2004, it was given the responsibility to “sever the connection between drug trafficking and terror,” thus encroaching on DEA’s authority.
- Attorney General Authority: Under the Attorney General’s authority federal agents may arrest and testify to federal crimes that they have witnessed. This further blurs the authority lines.
- Coordination mechanisms have been built to overcome these jurisdiction issues, such as task forces; however, they have not erased the underlying problem of a lack of clearly defined roles.
- Why agencies seek expanded authority
 - Reduce need for coordination
 - Greater budget justification
 - Reduce the likelihood of being subsumed by a larger agency. DEA has survived three attempts of integration into the FBI.

The use of deputization, cross designation, concurrent authority for Title 21 has undermined the drug war unity of effort. In a task force environment, the federal drug statute (Title 21) allows for a local police officer to be deputized so the officer can investigate Title 21 violations under the legal authority and protection of DEA.²¹⁵ Cross-designation gives Title 21 authorities to non-DEA federal agents on the task force, while concurrent authority is permanent authority to another federal agency. The purpose of these mechanisms is for force multiplication, but these tools can also blur jurisdictional lines and foster organizational encroachment. For instance, the

²¹⁵ United States, Department of Justice, “Deputization of State and Local Law Enforcement Officers as Task Force Officers, and Cross-Designation of Federal Law Enforcement Officers; Redelegation of Authority,” 28 CFR Part 0, <http://jya.com/doj100897.txt>.

United States, 21 U.S. Code § 878 (a), http://www2.law.cornell.edu/uscode/21/usc_sec_21_00000878----000-.html.

FBI's concurrent Title 21 authority (explained below) in the early 1980s did add manpower to the drug fight, yet it expanded authorities specifically designated to the DEA to a second and separate chain-of-command law enforcement agency, the FBI; thus, diluting the unity of effort.

The granting of concurrent Title 21 authority to the FBI occurred during the Reagan administration. President Reagan recognized the dangers that the Colombian Cartel posed to the United States, but the President, who ran on a zero government growth platform, could not politically request an increase in the number of DEA agents. To avoid being seen as expanding the federal government, while simultaneously seeking to implement a "clear, coherent and consistent national policy with the regard to narcotics and dangerous drugs," Attorney General William French Smith on January 28, 1982 gave the FBI concurrent authority "to investigate violations of the criminal drug laws of the United States." Based upon Department of Justice committee recommendations for improving coordination between the FBI and DEA, Attorney General Smith also directed that the DEA Administrator report through the Director of the FBI to the Attorney General, instead of direct reporting to the Attorney General.²¹⁶

Under the reorganization, DEA would continue as a "single-mission narcotics enforcement agency" that would "give the drug problem the kind of focus it needs," but would do so in greater coordination with the FBI, thus benefiting from that bureau's organized crime experience.²¹⁷ The FBI would dedicate agents to the issue jointly with DEA, while DEA would keep its role as the single point of contact with foreign drug enforcement counterparts.²¹⁸ At the 1984 joint DEA-FBI Conference, Attorney General Smith extolled the benefits of the joint authorities and shared resources in that the FBI in 1980 had few drug investigations underway, but in March 1983, they were involved with over 1,200 investigations with a quarter working jointly with DEA. While this added investigative manpower, the cost of the expansion was the splitting drug enforcement authority among two entities in that 800 of the mentioned drug investigations did not include DEA agents.²¹⁹

²¹⁶ United States, US Department of Justice Federal Bureau of Investigation, "Implementation Directive for Concurrent Drug Investigation Jurisdiction between the Drug Enforcement Administration and the Federal Bureau of Investigation," March 12, 1982, p. 1.

Federal Bureau of Investigation, "History of the FBI; Rise of International Crime: 1980's," April 25, 2008, <http://www.fbi.gov/libref/historic/history/rise.htm>.

United States, Drug Enforcement Administration, "History: 1980-1985," <http://www.usdoj.gov/dea/pubs/history/1980-1985.html>.

²¹⁷ United States, President's Commission on Organized Crime, *America's Habit*. Ch. IV, part 2, April, 25 2008. <http://www.druglibrary.org/schaffer/govpubs/amhab/amhabc4a.htm>.

²¹⁸ United States, US Department of Justice, Federal Bureau of Investigation, "Implementation Directive for Concurrent Drug Investigation Jurisdiction between the Drug Enforcement Administration and the Federal Bureau of Investigation," March 12, 1982, p. 15.

²¹⁹ United States, Department of Justice Attorney General, "Remarks of William French Smith at FBI/DEA (Drug Enforcement Administration) Conference, Hot Springs, Virginia," Abstract, March 21, 1983, <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=89141>

Homeland Security has sought out Title 21 authority as well. In a March 23, 2009 article, former head of Immigration and Customs Enforcement Julie Myers Wood advocated that ICE be given Title 21 authority, arguing that

“[A] longstanding intergovernmental turf battle exists between DHS and the Department of Justice (DOJ), which prevents all agencies charged with combating cross-border crime from having full drug enforcement or ‘Title 21’ authority. . . . Instead, DHS operates under outdated Memorandums of Understanding with DOJ that impede DHS’ ability to independently investigate cross-border drug cases. Not only do DHS agencies have to seek advance permission from the Drug Enforcement Administration (DEA) at DOJ to investigate transnational drug cases, DEA arbitrarily limits the total numbers of DHS agents who can work drug cases. DEA permits less than 1,500 special agents from ICE to have Title 21 authority. That means more than 5,000 other special agents -- fully trained in all aspects of cross-border crime -- are prevented from participating in these investigations.”²²⁰

In addition to executive authority, Congress has also granted authorities that created lane encroachment. Although not concurrent authority, under the Patriot Act Reauthorization of 2005, DEA received Title 21 United States Code Section 960(a) authority to charge individuals whose drug proceeds support terror. This authority expansion by Congress risks encroaching on the FBI’s counter-terror lead agency status.²²¹ While DEA agents do not investigate terrorism through this statute, they enter a gray area: Where does an individual cross over from a drug dealer, who supports terrorist activity, to become a terror financier, which is clearly under the jurisdiction of the FBI? Department of Defense Secretary Gates has had to address this ambiguity, when he recently attempted to encourage the North Atlantic Treaty Organization Ministers to target Afghani narcotics traffickers that are supporting the Taliban. “[W]e’re not talking about a counter-narcotics strategy – that really is the Afghans’ responsibility What we’re talking about is greater freedom to track down the networks of those who are funding the Taliban, which happens to be drug money.”²²²

As another example, Congress created the Department of Homeland Security in 2004, charging the department with the responsibility to “monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.” Then in the Intelligence Reform and Terrorism Prevention Act of 2004, Congress gave Department Homeland Security’s Office of Counternarcotics Enforcement the specific responsibility “. . . to track and sever connections between illegal drug

²²⁰ Julie Myers Wood, “Julie Myers Wood: Federal agency turf feuds impede transnational drug violence efforts,” *El Paso Times*, March 22, 2009, http://www.elpasotimes.com/opinion/ci_11967683.

²²¹ United States. Congressional Research Service, “USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199): A Side-by-Side Comparison of Existing Law, H.R. 3199 (Conference), and H.R. 3199 (Senate Passed),” Order Code RL33210. December 25, 2005, p. 12.

²²² Jim Garamone, “Defense Ministers Seek Ways to Halt Taliban’s Drug Money,” *American Forces Press Service*, October 9, 2008, <http://www.defenselink.mil/news/newsarticle.aspx?id=51462>.

trafficking and terrorism” through the joint terrorism task force construct.²²³ This authority crosses over with how DEA sees its narco-terror role. In her March 2008 congressional testimony, Acting Administrator Michele Leonhart stated that “The nexus between drugs and terrorism, particularly terrorism financing, has been well documented, particularly in Colombia. Because of this connection, DEA plays a central role in U.S. anti-terrorism efforts by striking at the infrastructure of foreign terrorist organizations.”²²⁴ This vision echoes the language in a 2008 Homeland Security report that describes the activities of the Office of Counternarcotics Enforcement. The OCE staff

“conduct(s) drug-to-terrorist assessments, collaborate with national and local [Joint Terrorism Task Forces], and participate in working groups to facilitate information exchange. The office regularly gathers information with a drug-to-terrorist connection. If the National Joint Terrorism Task Force needs information relating to a potential connection, it calls the Office of Counternarcotics Enforcement.”²²⁵

Further blurring the lines is the fact that under the authority of the Attorney General federal agents may arrest and testify to any federal crime that they have witnessed.²²⁶ For instance, questions arose about DEA participation in investigating the 2002 sniper shootings in the Washington, DC, metropolitan area. In their March 2003 response, the Department of Justice Office of Legal Counsel cited statute, precedence, and legislative history in their opinion that “under 21 U.S.C § 878(a) (5), the Attorney General may authorize the Drug Enforcement Administration to investigate possible violations of federal law, even if those violations do not concern narcotics laws.”²²⁷

In addition to the Title 21 section 878 drug statute, the “[v]iolations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct” clause is also found within Title 18, which covers money laundering.²²⁸ Therefore, DEA is given authority to investigate drug money laundering, which can encroach on FBI (organized crime and terror), ICE (smuggling), and Internal Revenue Service (money laundering) investigations.

²²³ United States, “Intelligence Reform and Terrorism Prevention Act of 2004,” Public Law 108–458, Sec. 878 (e)(4), December 17, 2004, http://www.nctc.gov/docs/pl108_458.pdf.

²²⁴ United States, Drug Enforcement Administration Acting Administrator, “Statement of Michele M. Leonhart, before the United States House of Representatives Committee on Appropriations; Subcommittee on Commerce, Justice, Science and Related Agencies,” March 12, 2008, <http://www.usdoj.gov/dea/pubs/cngrtest/ct031208.html>.

²²⁵ United States, Department of Homeland Security, Office of Inspector General, “The DHS Process for Nominating Individuals to the Consolidated Terrorist Watchlist,” OIG-08-29, February 2008, p. 9, http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_08-29_Feb08.pdf.

²²⁶ United States, 21 U.S. Code § 878 (a)(5), http://www2.law.cornell.edu/uscode/21/usc_sec_21_00000878----000-.html.

²²⁷ United States, Department of Justice Office of Legal Counsel, “Scope of the Attorney General’s Authority to Assign Duties under 21 U.S.C. § 878(a)(5),” March 24, 2003, pp. 1-3, http://www.usdoj.gov/olc/2003/dea_21usc_03242003.pdf.

²²⁸ 18 U.S. Code § 156 (e), http://www4.law.cornell.edu/uscode/uscode18/usc_sec_18_00001956----000-.html.

In March 2004, Administrator Tandy testified that she was placing money laundering and terrorist financing as the cornerstone in her vision for DEA:

“The motivation for virtually everyone involved in illegal drug trafficking, from kingpin to street dealer, is the money. To make a significant impact on the drug trade in America and around the world, there is no strategy more effective than following the money back to the sources of drug supply and taking away the dirty proceeds of that trade. But our efforts to date clearly have not successfully done the job. While the Office of National Drug Control Policy (ONDCP) has estimated that Americans spend approximately \$65 billion per year on illegal drugs, current seizures are well short of \$1 billion per year. Drug traffickers pay more than that each year in fees to launder their ill-gotten gains.”²²⁹

At the same hearing, the Government Accountability Office found that the “lack of clearly defined roles and coordination procedures contributed to duplication of efforts and disagreements over which agency should lead investigations.”²³⁰ Three months later, another Government Accountability Office report reported that the coordination mechanisms established to overcome these obstacles failed in their implementation to include a strategic plan (National Money Laundering Strategy), joint task forces, and memorandums of agreement.²³¹

Another explanation why agencies seek cross-over investigative authority could stem from the fear among smaller/single-mission law enforcement agencies, like ICE and DEA, that they may be subsumed by larger entities, such as the FBI which has authorities to investigate over 200 categories of violations.²³² Consequently, agencies attempt to ensure their own viability through expanded authority. Such authority offers enhanced funding avenues in addition to missions, raises agency officials’ expertise in court, and decreases the hassles of coordination by expanding jurisdictions.

Being subsumed by a larger entity, such as the FBI or Homeland Security remains a legitimate and latent concern to DEA management. In the early 1980s, a merger with the FBI seemed imminent. Francis Mullen, a former senior-level FBI Agent, was appointed DEA Administrator in July 1981, and he began to reorganize DEA to mirror the management structure of the FBI and to reduce the “us versus them” mentality. With former FBI management in place, the FBI was then granted concurrent Title 21 authority by Attorney General William French Smith in

²²⁹ United States, Drug Enforcement Administration Administrator, “Statement of Karen P. Tandy before the United States Senate Caucus on International Narcotics Control, ‘United States Efforts to Combat Money Laundering and Terrorist Financing’,” March 4, 2004. <http://www.usdoj.gov/dea/pubs/cngrtest/ct030404.htm>.

²³⁰ United States, Government Accountability Office, “Combating Terrorism; Federal Agencies Face Continuing Challenges in Addressing Terrorist Financing and Money Laundering,” GAO-04-501T, March 4, 2004, p. 5, <http://www.gao.gov/new.items/d04501t.pdf>.

²³¹ United States, Government Accountability Office, “Investigating Money Laundering and Terrorist Financing Federal Law Enforcement Agencies Face Continuing Coordination Challenges,” May 11, 2004, pp. 2-3, <http://www.gao.gov/new.items/d04710t.pdf>.

²³² Federal Bureau of Investigation, “Frequently Asked Questions; How does the FBI differ from the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco and Firearms?” <http://www.fbi.gov/aboutus/faqs/faqsonline.htm>.

January 1982. Attorney General Smith also directed that the DEA Administrator no longer report to Department of Justice's Associate Attorney General Rudy Giuliani, as the previous Administrator had, but Administrator Mullen would report to the FBI Director, William H. Webster. Following Administrator Mullen's departure, another former senior FBI Agent, John Lawn became DEA's Administrator until 1990.²³³ What saved DEA from being further incorporated was the fact that Administrators Mullen and Lawn became staunch proponents for keeping a single-mission agency dedicated to counter-drug law enforcement, once had seen the work that was being done and the unique capabilities that DEA offered. This support would be relied upon a few years later, when another attempt to merge the DEA into the FBI occurred in 1993 under Vice-President Gore's Reinventing Government initiative.

The initiative's report pointed to DEA and FBI agents investigating the same targets, refusing to share intelligence, and attempting to upstage one another in the media.²³⁴ The FBI also advocated the absorption of DEA into the FBI in a 1993 Bureau white paper entitled, "Reorganization of Federal Drug Law Enforcement Resources." DEA prepared a vigorous and impressive response document to the FBI's analysis and cited the continued need for a single-mission agency to (a) provide singularity of purpose; (b) preclude diversion of appropriated funds to other programs; (c) maintain a specialized, expert work force; (d) preclude multi-mission conflicts of interest; and (e) demonstrate our national resolve in the drug war. DEA also noted that two out of the four DEA Administrators since 1975 were former FBI senior leaders, both of whom opposed consolidation.²³⁵

Acknowledging the criticisms by the Bureau, DEA's counter proposal for consolidation in June 1993 recommended that DEA absorb FBI drug agents and that the FBI's concurrent Title 21 authority be repealed.²³⁶ In the end, Attorney General Janet Reno, who had authority over both entities, decided that DEA would remain separate from the FBI; however, Reno gave FBI Director Louis Freeh the responsibility for resolving interagency turf disputes, coordinating investigations, and consolidating resource procurement. This arrangement was similar to the plan adopted in 1982 by Attorney General Smith.²³⁷

The threat of DEA disestablishment rose once again in 1999, when former FBI and CIA Director William Webster chaired the Commission on the Advancement of Federal Law Enforcement. In testimony before Congress Webster reported the Commission's findings which concluded that DEA and the Bureau of Alcohol, Tobacco and Firearms should be absorbed into the FBI. Citing considerable overlap and poor coordination, he recommended consolidation in order to create

²³³ United States, Drug Enforcement Administration, "History: 1980-1985," <http://www.usdoj.gov/dea/pubs/history/1980-1985.html>.

United States, Drug Enforcement Administration, "DEA History: 1985-1990," <http://www.usdoj.gov/dea/pubs/history/1985-1990.html>.

²³⁴ Isikoff, Michael, "Reno Appoints Freeh Peacemaker at Justice," *Washington Post*, 22 Oct 1993, p. A21.

²³⁵ United States, Drug Enforcement Administration, "DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources," June 1993, pp. i, 2.

²³⁶ United States, Drug Enforcement Administration, "DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources," June 1993, pp. 26-31.

²³⁷ Isikoff, Michael, "Reno Appoints Freeh Peacemaker at Justice," *Washington Post*, 22 Oct 1993, p. A21.

less confusion and more effective results because “global crime, cybercrime, and terrorism pose the new, emerging security threats to the Nation and challenge the Federal law enforcement community.”²³⁸

This report was received in February 2000 by Senator Charles Schumer (D-NY), who stated that the report deserved careful consideration, but he opposed the consolidation, arguing that the drop in the overall crime rate showed that the overhaul was not needed.²³⁹ In addition, Attorney General Reno and Treasury Secretary Lawrence Summers in a joint statement said, “We have previously considered, studied, and rejected the idea of merging the ATF and DEA into the FBI. We believe such a merger would be detrimental to our law enforcement efforts.”²⁴⁰

Notwithstanding the negative impact of jurisdictional blurring, justifiable reasons for pursuing expanded authorities exist. Law enforcement management recognizes that the targets of investigations are not just one kind of violator and that field agents need flexible investigative authority for successful prosecutions. The key, however, is to find the appropriate balance between the benefits of flexibility and the inefficiencies of lost authority and unity of effort.

²³⁸ Commission on the Advancement of Federal Law Enforcement, Law Enforcement in a New Century and a Changing World: Improving the Administration of Federal Law Enforcement, Jan 2000, pp. 1, 8.

William Webster, “Prepared Testimony of Commission on the Advancement of Federal Law Enforcement before the Senate Judiciary Committee Criminal Justice Oversight Subcommittee,” February 3, 2008.

David Vise and Lorraine Adams, “Law and Order: Department of Justice; FBI Agents Trailing a Line of Credit,” *Washington Post*, February 4, 2008, p. A29.

²³⁹ David Vise and Lorraine Adams, “Webster Urges Streamlining Law Enforcement; Commission Wants to Consolidate FBI, DEA, ATF,” *Washington Post*, February 4, 2008, p. A2.

²⁴⁰ Jim Abrams, “Wider FBI Crime Fighting Role Urged,” Associated Press Writer, *Washington Post Website*, Feb 1, 2000.

Authorities Abroad

Take-Aways from This Section:

- Sources of domestic interagency friction (performance measures, lane encroachments, cross-over authority, and budget issues) also present themselves overseas
- DEA Country Attaché has dual loyalties that creates tension
 - Ambassador: Who has the in-country final say as President's representative
 - DEA: The agency who the agent must report and who they will return to after the assignment
- Legal cross-over issues exist with other foreign law enforcement agencies that are also operating abroad, such as operations between DEA and British Serious Organized Crime Agency, who has the lead in counter narcotics in Afghanistan
- US conspiracy laws, which is unique in the world, allow for extraterritorial reach
 - Foreign-based criminals fear doing "hard-time" in the United States
 - Most countries wince at citizens being held accountable to US law
 - Lack of foreign extradition laws hinder use of this tool
 - Evidence is passed formally through a Mutual Legal Assistance Treaty request

Problems with performance measures, lane encroachments, cross-over authority, budget issues that occur domestically also present themselves abroad.²⁴¹ This trend will increase as domestic agencies expand their foreign-based capabilities and as they are tasked with nation building directives. There is also a tension between the legal authorities of the State Department that has overall authority abroad and the country team membership in that they have dual loyalty between the country office and to the home office, in which they will return. In addition, there are legal cross-over issues with other foreign drug law enforcement agencies with overlapping activity with United States law enforcement, such as DEA operations in Afghanistan, where the British Serious Organized Crime Agency have the lead role for counter-narcotics in Afghanistan.²⁴²

The extraterritorial quality of the United States drug conspiracy laws is powerful yet unique counter-drug tool in the world. Few foreign governments have the combination of conspiracy and extradition laws, yet they and the United States understand that drug traffickers fear extradition, trial, and doing hard time in the United States. By dovetailing domestic evidence

²⁴¹ United States, Government Accountability Office, "Drug Control: Cooperation with Many Major Drug Transit Countries Has Improved, but Better Performance Reporting and Sustainability Plans Are Needed," GAO-08-784, July 2008, pp. 24, 50, <http://www.gao.gov/new.items/d08784.pdf>.

United States, Government Accountability Office, "Drug Control: Long-Standing Problems Hinder U.S. International Efforts," GO/NSID-97-75, February 1997, p. 13, <http://www.gao.gov/archive/1997/ns97075.pdf>.

²⁴² United States, Office of National Drug Control Policy, "National Drug Control Strategy: 2008 Annual Report," pp. 54-55, http://www.whitehouse.gov/news/releases/2008/03/national_drug_control_strategy_2008.pdf.

United Nations, Office on Drugs and Crime, "International Counter Narcotics Conference on Afghanistan," February 8-9, 2004, pp. 3, 12, http://www.unodc.org/pdf/afg/afg_intl_counter_narcotics_conf_2004.pdf.

with foreign evidence that has been recognized by a foreign judiciary and formally transferred through the Mutual Legal Assistance Treaty into the U.S. legal system, a sealed or unsealed indictment in US courts can be written against a trafficker, and extradition is possible, once the trafficker has been captured.²⁴³ Even though foreign governments see the benefits of extradition, they wince at the intrusion of their sovereignty and the idea that their citizens are being held accountable to another country's laws.²⁴⁴ In addition to this sentiment, many countries that are reeling from the effects of drug trafficking lack the drug or extradition laws, hindering the use of this toolset.²⁴⁵

Multiple Operational Coordination Programs

Take-Aways from This Section:

- Multiple operational coordination mechanisms undermine unity of effort and federal-wide oversight is difficult to achieve
- Coordination mechanism that lay outside of DEA include
 - Joint Interagency Task Forces – Interdiction focus
 - High Intensity Drug Trafficking Areas – Domestic, regional focus
 - Organized Crime Drug Enforcement Task Force – General task force funding

The establishment of multiple operational coordination mechanisms, such as Joint Interagency Task Forces, High Intensity Drug Trafficking Areas, and Organized Crime Drug Enforcement Task Forces, has improved operational coordination, but they have undermined the unity of effort that was the original intent of the creation of the Drug Enforcement Administration. A 1982 General Accounting Office report that called for strong central oversight aptly states the problem:

“Clearly the need for drug program coordination and oversight, both with regard to interdiction as well as the total drug enforcement program, has been recognized by the executive and legislative branches of Government. Central oversight of Federal drug control efforts has become more critical with the addition of the FBI to the drug effort and creation of the Drug Enforcement Task Forces. Although the establishment of numerous coordination groups at the national and local levels may improve operational coordination, no one person no one person has the information or responsibility to evaluate Federal drug efforts and recommend corrective actions.”²⁴⁶

²⁴³ United States, Department of State, “Mutual Legal Assistance (MLAT) and Other Agreements,” http://travel.state.gov/law/info/judicial/judicial_690.html.

²⁴⁴ Miami Herald, “Drug Suspects to be Sent to U.S. in a Shift in Policy,” Apr. 1, 2006, p.11A.

²⁴⁵ United Nations, 2008 World Drug Report, United Nations Publication, Sales No. E.08.XI.1, pp. 207, 209, 211, 215, http://www.unodc.org/documents/wdr/WDR_2008/WDR_2008_eng_web.pdf.

²⁴⁶ United States, General Accounting Office “Federal Drug Interdiction Efforts Need Strong Central Oversight,” GAO/GGD-83-52, June 13, 1983, pp. 53, 56, <http://archive.gao.gov/d44t15/121662.pdf>.

Joint Interagency Task Forces

Take-Aways from This Section:

- Joint Interagency Task Force's (JIATF's) mission is solely interdiction
- DEA's 2005 Drug Flow Prevention Strategy includes JIATF-South and Operation All Inclusive, an interagency interdiction campaign in Latin America
- JIATFs are held up as a model for interagency cooperation
- Three keys to JIATF interdiction success
 - A clear, focused mission statement: drug interdiction. However, JIATF South has experienced lane encroachment into neighboring areas of operation, as traffickers adapt to tactics and attempt to circumvent their area of operations
 - Maintaining military-led command structure, while integrating federal and foreign partners
 - Facilitate sharing of vital operational intelligence from participating agencies. Intercepts rely on intelligence from OCDETF-funded Panama Express and Tactical Analysis Teams located at US Embassies.

DEA has been supported along the southwest border by Joint Task force North (formerly, Joint Task Force 6), since 1989, and DEA became a full partner with military-led Joint *Interagency* Task Force South in 1999.²⁴⁷ The mission of these joint task forces is to interdict drugs at our nation's borders, and the intercept strategy is premised on countering illicit networks, in sustained, rolling attacks on command and control nodes and enablers that will "disrupt" or weaken an entire drug network to the point of collapse, at which point the organization is "dismantled."²⁴⁸ DEA's 2005-initiated Drug Flow Prevention Strategy includes an interdiction campaign in Latin America called Operations All Inclusive, as well as Joint Inter Agency Task Force South, which covers the air and maritime approaches to the United States, has adopted this strategy in the interdiction portion of the drug continuum.²⁴⁹

United States, Government Accountability Office, "Statement of William J. Anderson General Government Division before the Subcommittee on Government Information, Justice, and Agriculture House Committee on Government Operations on Interdepartmental Cooperation of Drug Enforcement Programs," February 25, 1983, p. 11, <http://archive.gao.gov/d40t12/120638.pdf>.

²⁴⁷ United States, Department of Defense, "History of Joint Task Force North," <http://www.jtfn.northcom.mil/subpages/history.html>.

GlobalSecurity.org, "Joint Interagency Task Force," <http://www.globalsecurity.org/military/agency/dod/jitf.htm>.

²⁴⁸ Richard Yeatman, "JIATF - South: Blueprint for Success" *Joint Forces Quarterly*, Iss. 42, 3rd Quarter 2006, pp. 26-27, http://www.dtic.mil/doctrine/jel/jfq_pubs/4212.pdf.

Institute for Defense Analysis, "Can Inter-Agency Organizations Succeed?," (Draft), p. 1.

United States, Drug Enforcement Administration, "FY 2008 Performance Budget; Drug Enforcement Administration; Congressional Budget Submission," p. 4, http://www.usdoj.gov/jmd/2008justification/pdf/35_dea.pdf.

²⁴⁹ United States, Office of National Drug Control Policy, "National Drug Control Strategy FY 2009 Budget Summary," February 2008, p. 93, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

Adding to its praises, Joint Inter Agency Task Force South (JIATF-South) has been held up as a model for interagency cooperation. Outgoing U.S. Southern Command Commander, Army General Bantz J. Craddock stated, that JIATF-South is “a model for interagency cooperation,”²⁵⁰ and as Lieutenant Commander Richard Yateman stated in his 2006 *Joint Forces Quarterly* article,

“Over the last 17 years, the Joint Interagency Task Force–South (JIATF–S) has built an unparalleled network of law enforcement, intelligence, and military assets to focus on detecting the movements and shipments of narcoterrorist organizations. With this evolving structure, JIATF–S serves as a model for bringing the most effective assets to bear on complex national policy issues, whether it be illegal drugs, weapons proliferation, or international terrorism . . . JIATF–S serves as a model that other interagency organizations can tailor to their specific goals.”²⁵¹

The U.S. Military’s interdiction role began in 1989 with the National Defense Authorization Act that “designated the Department of Defense as the lead agency for the detection and monitoring program targeted against the aerial and maritime traffic attempting to bring drugs into the United States.”²⁵² Then in April 1994, ONDCP Director Dr. Lee Brown established three national interagency task forces under the signed the National Interdiction Command and Control Plan: JIATF East in Key West, Florida, which was created from Joint Task Force Four that included several law enforcement entities; JIATF South in Panama; and JIATF West in Alameda, California. When Southern Command withdrew forces from Panama in compliance with the 1979 Panama Canal Treaty, Southern Command subsumed operations in the Caribbean and merged Joint Task Force East into the single, Joint Task Force South in 1999.²⁵³ JIATF South became a “National” Interagency Task Force in 2005, and it has had continued success in intercepting maritime and air illicit narcotics shipments. Between 2000 and 2006 JIATF-South increased its intercepts by nearly 300 percent; however, this success may be on the decline as traffickers appear to have adjusted somewhat, and seizures were down by 20 percent in 2007.²⁵⁴

There are three distinct qualities that have led to JIATF-South’s success: (a) a clear, focused mission statement, (b) maintaining a military structure and lead, while engendering participant

²⁴⁹ United States, Department of State, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report: Volume 1 Drug and Chemical Control*, March 2008, p. 50, <http://www.state.gov/documents/organization/62379.pdf>.

²⁵⁰ Kathleen Rhem, “Joint Interagency Group Working to Stop Flow of Drugs into U.S.,” American Forces Press Service, Sept. 22, 2006, <http://www.defenselink.mil/news/NewsArticle.aspx?ID=1128>.

²⁵¹ Richard Yateman, “JIATF - South: Blueprint for Success” *Joint Forces Quarterly*, Iss. 42, 3rd Quarter 2006, p. 26, http://www.dtic.mil/doctrine/jel/jfq_pubs/4212.pdf.

²⁵² Donald K. Miskill, “Command, Communications, Control and Intelligence: The Role of the Joint Task Force in the War on Drugs,” The United States Naval War College, May 14, 1990, p. ii, http://www.dtic.mil/doctrine/jel/research_pubs/p105.pdf.

²⁵³ GlobalSecurity.org, “Joint Interagency Task Force,” <http://www.globalsecurity.org/military/agency/dod/jitf.htm>.

²⁵⁴ Institute for Defense Analysis, “Can Inter-Agency Organizations Succeed?” (Draft) p. 2.

trust by integrating “affiliates” into the chain of command, which (c) facilitates sharing of vital operational intelligence that triggers solely a maritime interdiction.

JIATF-South’s mission clearly falls within the strengths of the U.S. military in its ability to intercept aircraft and maritime vessels and seize objects. Intelligence guides positioning of military assets, and these assets are tasked as available, to intercept drug loads. In addition to stemming the drug flow, military personnel take advantage of a second-order benefit in that they are able to hone their fleet protection skills by intercepting real-world invaders.

In addition to playing towards their organizational strengths, JIATF-South’s interdiction mission under Southern Command has clear boundaries and intent:

“Joint Interagency Task Force South conducts counter illicit trafficking operations, intelligence fusion and multi-sensor correlation to detect, monitor, and handoff suspected illicit trafficking targets; promotes security cooperation and coordinates country team and partner nation initiatives in order to defeat the flow of illicit traffic.”²⁵⁵

However, traffickers have begun to take advantage of the jurisdictional boundaries by circumnavigating the Task Force’s area of operations. In response and just like other agencies who want to remain effective, JIATF-South has begun slight “lane encroachment” by seeking expanded area coverage authority westward into Pacific Command’s area of responsibility as well as eastward into Africa Command’s area of responsibility, which is targeting South American traffickers seeking lucrative markets in Africa and Europe.²⁵⁶

JIATF-South has earned trust in the interagency by integrating its partners, referred to as “affiliates,” into the chain of command. Interagency partners serve in key leadership positions promoting trust and facilitating information sharing, which is critical for the JIATF-South intelligence-driven interdiction mission. A Coast Guard Admiral heads the force, while the second in command is a Customs and Border Protection Senior Executive Service. Both operational and intelligence directors are military officers, but their deputies are from DEA and Customs and Border Protection. Intelligence Analysts also serve in the Joint Intelligence Operations Center, which is JIATF-South’s operational nerve center, and there are representatives from the U.S. intelligence community as well as liaison officers from the United Kingdom, France, Netherlands, Spain and several Latin American countries for the purpose of intelligence sharing and enforcement coordination.

²⁵⁵ United States, Joint Interagency Task Force South, “Mission,” <http://www.jiatfs.southcom.mil/cg/mission.htm>.

²⁵⁶ United States, Director of the Joint Interagency Task Force South, “Statement of Rear Admiral Jeffrey Hathaway before the Committee on House Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources,” April 26, 2006 in Institute for Defense Analysis, “Can Inter-Agency Organizations Succeed?” (Draft), p. 8.

United States, House of Representatives, Committee on Armed Services, “Report on H.R. 5658: Temporary expansion of the Joint Inter-Agency Task Force-South,” Report 110-652, May 16, 2008, <http://thomas.loc.gov/cgi-bin/cpquery/T?&report=hr652&dbname=110&>.

JIATF-South's operational success is not just a result of fusing operational intelligence but critically due to outstanding and consistent human intelligence that identifies trafficker methods and activities. The primary human intelligence resource is the OCDETF-funded Operation Panama Express that collects and passes actionable intelligence to JIATF-South.²⁵⁷ JIATF-South also has information and coordination agreements with its eleven permanent foreign liaison officers to help those "nations better police their own waters and airspace and cuts down on ungoverned areas in the Western Hemisphere."²⁵⁸ U.S. Military Tactical Analysis Teams are also stationed at and are restricted to U.S. embassies in order to support intelligence analysis and passing of information to JIATF-South.²⁵⁹ Lastly, regional interdiction law enforcement operations, such as Operation All Inclusive, are also excellent sources of information for JIATF-South.²⁶⁰

Independent Funding and Coordination Mechanisms

Take-Aways from This Section:

- Multiple funding and coordination mechanisms, intended to facilitate operational coordination, erode unity of effort
- Programs that are outside of DEA control
 - Department of Justice's (DOJ's) Asset Forfeiture Program
 - ONDCP's High Intensity Drug Enforcement Task Force Program
 - DOJ's Organized Crime Drug Enforcement Task Force Program

The emergence of multiple coordination and funding mechanisms outside of DEA has eroded the intended unity of DEA's creation. Seized asset sharing through the DOJ's Asset Forfeiture Program as well as coordination entities, such as the Office of National Drug Control Policy's

²⁵⁷ Operation Panama Express began in 2000, and participants are DEA, FBI, ICE and the Coast Guard. The mission of PANEX is a long-term investigation targeting high-level traffickers responsible for the financing, production, transportation and distribution of cocaine throughout North America and Europe.

Drug Enforcement Administration, Chief of Operations, "Statement of Thomas M. Harrigan before the House Government Reform Subcommittee on Criminal Justice Drug Policy, and Human Resources; 'Interrupting Narco-Terrorist Threats on the High Seas: Do We Have Enough Wind in Our Sails?'," June 29, 2005, <http://www.usdoj.gov/dea/pubs/cngrtest/ct062905.html>.

Drug Enforcement Administration, Chief of Operations, "Testimony: House Government Reform Committee Subcommittee on Criminal Justice, Drug Policy and Human Resources Regarding 'Transit Zone Operations: Can We Sustain Record Seizures With Declining Resources?'" April, 26, 2006, <http://www.usdoj.gov/dea/pubs/cngrtest/ct042606.html>.

²⁵⁸ Kathleen Rhem, "Joint Interagency Group Working to Stop Flow of Drugs into U.S.," American Forces Press Service, Sept. 22, 2006, <http://www.defenselink.mil/news/NewsArticle.aspx?ID=1128>.

²⁵⁹ United States, Government Accountability Office, "Drug Control: Agencies Need to Plan for Likely Declines in Drug Interdiction Assets, and Develop Better Performance Measures for Transit Zone Operations," Report GAO-06-200, November 2005, p. 12, <http://www.gao.gov/new.items/d06200.pdf>.

²⁶⁰ United States, Drug Enforcement Administration Chief of Operations, "Statement of Michael Braun before the House Government Reform Committee Subcommittee on Criminal Justice, Drug Policy and Human Resources, regarding 'Transit Zone Operations: Can We Sustain Record Seizures With Declining Resources?'," April 26, 2008, <http://www.usdoj.gov/dea/pubs/cngrtest/ct042606.html>.

High Intensity Drug Enforcement Task Forces, and other federal task force funding mechanisms, such as the Department of Justice’s Organized Crime Drug Enforcement Task Force program were created in response to a demonstrated need for operational coordination and reimbursement, but these independent funding and coordinating mechanisms have rapidly multiplied across the United States beyond the need due to political and law enforcement management pressures.²⁶¹ As one ONDCP official quipped that “We used to keep track of the HIDTA program by listing areas that had HDTAs; now, we just list areas that don’t have HDTAs.”²⁶²

Asset Forfeiture

Take-Aways from This Section:

- Asset forfeiture purpose
 - Disincentive: Deny criminals of ill-gotten gains and to attack criminal enterprise motive and capabilities
 - Incentive: Foreign, state, and local police counter-drug participation
- 1970 asset forfeiture authorities
 - Racketeer Influenced and Corrupt Organization Act
 - Comprehensive Drug Prevention and Control Act
- Not used until the mid-1980s with exponential growth since then
- Outcomes
 - Positive:
 - Increases task force participation
 - Increases manpower – State and locals create own drug sections
 - Negatives:
 - Shifts state and local focus from drug enforcement to seizures in order to maintain/increase revenue stream
 - Increases competition for funding – All federal agencies court state and local participation
 - Dilutes unity of effort as multiple and independent funding sources increase

Government’s use of asset forfeiture – “the taking by the Government of property illegally used or acquired, without compensating the owner”²⁶³ – has existed for centuries in order to deny criminals of ill-gotten gains and attack the base of criminal enterprise: motive and resources. In 1970, Congress passed two forfeiture authorities: the Racketeer Influenced and Corrupt Organization Act (18 USC 1961-64) that forfeits funds from illicit enterprises and the Comprehensive Drug Prevention and Control Act that forfeits profits from Continuing Criminal Enterprises that traffic in controlled substances (21 USC 848). However ten years later, the

²⁶¹ Jessica Musicar, “Drug Team Asks Cities to Bolster Support,” *The World*, February 11, 2009, <http://www.theworldlink.com/articles/2009/02/11/news/doc499315f2f3d57391120917.txt>.

²⁶² “Assessment of the HIDTA Program: High Intensity Drug Trafficking Areas,” BOTEC Analysis Corporation, April 2002, p. 185. <http://www.ncjrs.gov/pdffiles1/nij/grants/194118.pdf>.

²⁶³ United States, Department of Justice, “Criminal Resource Manual 2250; Disposition of Forfeited Property,” http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm02250.htm.

General Accounting Office reported that very few assets were being forfeited. In that time period (1970 through March 1980, DEA arrested over 5,000 Class 1 violators, which indicates that the trafficker was capable of moving \$4 million worth of heroin or \$2.8 million in cocaine in a month. Of those cases, only 98 had the Racketeer Influenced and Corrupt Organization Act and Continuing Criminal Enterprises applied, generating only \$2 million for a ten year period, which is equivalent to less than a single Class 1 heroin dealer's dealings in one month.²⁶⁴

This was to change. In 1984 and 1986, there were several ensuing amendments to the Comprehensive Crime Control Act to expand provisions to seize real property and money laundering activities, and between 1986 to 1996 the mean net deposits into the Asset Forfeiture Fund was \$420.44 million with 39.45 percent (\$172.28 million) being shared with foreign, state, and local agencies.²⁶⁵

Asset forfeiture is not only a disincentive for criminal activity, but it is also an incentive for state and local agencies to participate in counter-drug activities. As DEA's Chief of Operations Richard Fiano testified in 1999,

“[a]sset forfeiture is one of law enforcement's most effective weapons against drug trafficking -- because it takes the profit out of crime. Not only are the profits of crime taken away from the criminals, but the money is put into the Asset Forfeiture Fund, which is used to help the victims and to fund law enforcement programs to further combat crime.”²⁶⁶

As of September 2007, net deposits were \$1.6 billion with nearly \$417 million being shared with foreign, state, and local agencies.²⁶⁷ With such revenue, motive for participation in drug task forces has the potential to change from narcotics to the pursuit of cash as a revenue stream for police departments.²⁶⁸ Mr. Vecchi conducted a survey of attitudes among state and federal officers involved drug asset forfeiture and found that

“the culture of a task force is based on interactions between its members, who represent their parent agencies, in terms of individual agency priorities and philosophies. In order for a task force to survive and to thrive, a balance must be reached between competing interests . . . for local agencies, the interest lies in the local impact of investigations on the individual communities they serve and on

²⁶⁴ United States, General Accounting Office, “Asset Forfeiture – A Seldom Used Tool in Combating Drug Trafficking,” GGD-81-51, April 10, 1981, pp. 4, 9-10, <http://archive.gao.gov/d47t13/115143.pdf>.

²⁶⁵ Gregory Vecchi and Robert Siegler, *Asset Forfeiture: A Study of Policy and Its Practice*, Carolina Academic Press, 2001, pp. 46, 57, 58.

²⁶⁶ United States, Drug Enforcement Administration Chief of Operations, “Statement of Richard Fiano before the Senate Judiciary Committee, Subcommittee on Criminal Justice Oversight,” July 21, 1999, <http://www.usdoj.gov/dea/pubs/cngrtest/ct072199.htm>.

²⁶⁷ United States, Department of Justice, “2007 Asset Forfeiture Fund Reports,” <http://www.usdoj.gov/jmd/afp/02fundreport/2007affr/index.html>.

²⁶⁸ Ronny Rowell, “Asset Forfeitures: An Enforcement Tool Viewed as Financial Resource,” Command College Class XIII, Peace Officer Standards and Training, February 1992, p. iv, <http://libcat.post.ca.gov/dbtw-wpd/documents/cc/13-0258.pdf>.

revenue generation. Local impact is often fleeting as, many times, complex investigations extended beyond individual community needs or wants, which make it difficult for police department administrators to justify their investigations to their city managers. The equitable sharing of assets forfeiture, however, is always tangible and can be very lucrative.”²⁶⁹

Retired DEA Agent Greg Passic corroborated this finding when he noted in a *Frontline* interview,

“In the mid-'80s, when asset forfeiture really took off, then it became competitive. Then you had law enforcement groups that were basically focusing on the asset more than the trafficker or the dope because the asset was something they could roll back into their efforts. It was almost like a system of taxation. Here was a multi-billion dollar industry that was thriving, and we were able to tax it by taking assets away from it.”²⁷⁰

Furthermore, multiple federal funding streams have caused some agencies to develop their own counter drug units and to reach beyond their primary mission in competition for counter drug monies as agencies court state and local agencies. For instance, ONDCP’s loose HIDTA budget guidance is intended to spur innovation and adaptation to regional needs; however, has weakened the focus of some HIDTAs. The New York/New Jersey HIDTA, a highly innovative entity, created additional initiatives that lay outside the intended purpose of HIDTA. This generated additional competition from state and local entities outside of law enforcement for HIDTA.²⁷¹

High Intensity Drug Trafficking Areas

Take-Aways from This Section:

- The first five High Intensity Drug Trafficking Areas were established in 1990 by the Director of ONDCP to direct funds to task forces in regions that had high drug trafficking activity. In 2007, there were 28 standing HIDTAs.
- Control, funding, and reporting lay outside DEA
- Cannot assume that providing a venue and funding will result in increased cooperation among entities

The Anti-Drug Abuse Act of 1988 and the ONDCP Reauthorization Act of 1998 authorizes the Director of The Office of National Drug Control Policy (ONDCP) to designate areas in the United States that exhibit serious drug trafficking problems as High Intensity Drug Trafficking

²⁶⁹ Gregory Vecchi and Robert Siegler, *Asset Forfeiture: A Study of Policy and Its Practice*, Carolina Academic Press, 2001, pp. 130-131.

²⁷⁰ Public Broadcasting Service, “Drug Wars; DEA,” *Frontline*, Retired Special Agent Greg Passic Interview, October 10, 2000, <http://www.pbs.org/wgbh/pages/frontline/shows/drugs/interviews/passic.html>.

²⁷¹ “Assessment of the HIDTA Program: High Intensity Drug Trafficking Areas,” BOTEC Analysis Corporation, April 2002, pp. 118-119. <http://www.ncjrs.gov/pdffiles1/nij/grants/194118.pdf>.

Areas (HIDTA).²⁷² In 1990, the ONDCP Director designated five regions that had high drug trafficking activity: New York/New Jersey, Los Angeles, South Florida, Houston, and the Southwest Border.²⁷³ The program's intent is to direct ONDCP funds to task forces in specific areas around the country, and the program's popularity with state and local agencies has led to the rapid expansion of the initiative into a national program with 28 HIDTAs across the country and a 2007 budget of \$225 million dollars.²⁷⁴ Although most HIDTAs are located within DEA facilities, reporting and budgeting lay with ONDCP and not DEA.

According to a report by BOTE Analysis Corporation, several of the HIDTAs were requested by local law enforcement to facilitate nonexistent coordination between law enforcement with the assumption that if people were put together that law enforcement would improve. This assumption, as one report noted, "should not be regarded as a law of nature," for in some instances, "distinct operational approaches, procedures, organizational cultures, and esprit de corps" and unbalanced HIDTA Executive Boards have hindered cooperation in HIDTA task forces.²⁷⁵

²⁷² United States, Office of National Drug Control Policy, "The High-Intensity Drug Trafficking Area Program: An Overview," <http://www.whitehousedrugpolicy.gov/HIDTA/overview.html>.

²⁷³ "Assessment of the HIDTA Program: High Intensity Drug Trafficking Areas," BOTE Analysis Corporation, April 2002, p. 8. <http://www.ncjrs.gov/pdffiles1/nij/grants/194118.pdf>.

²⁷⁴ United States, Office of National Drug Control Policy, "The High-Intensity Drug Trafficking Area Program: An Overview," <http://www.whitehousedrugpolicy.gov/HIDTA/overview.html>.

United States, Office of National Drug Control Policy, "National Drug Control Strategy FY 2009 Budget Summary," February 2008, p. 115, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

"Assessment of the HIDTA Program: High Intensity Drug Trafficking Areas," BOTE Analysis Corporation, April 2002, pp. 8-9. <http://www.ncjrs.gov/pdffiles1/nij/grants/194118.pdf>.

²⁷⁵ "Assessment of the HIDTA Program: High Intensity Drug Trafficking Areas," BOTE Analysis Corporation, April 2002, pp. 187-188. <http://www.ncjrs.gov/pdffiles1/nij/grants/194118.pdf>.

United States, Drug Enforcement Administration Chief of Operations, "Rogelio E. Guevara Testimony before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources; Leadership of HIDTA Executive Boards," April 8, 2003, <http://www.usdoj.gov/dea/pubs/cngrtest/ct040803.html>.

Organized Crime Drug Enforcement Task Force

Take-Aways from This Section:

- The Department of Justice’s Organized Crime Drug Enforcement Task Force (OCDETF) was modeled after the successful 1982 South Florida Task force
 - South Florida Task Force Purpose: Interdict traffickers in order to expose, prosecute, and cripple organized crime in South Florida
 - Key to South Florida success: Federal inter-agency task force was led by the Vice President, who had executive authority to direct
- The first 12 OCDETFs were established in 1982 by President Reagan to add federal resources and improve interagency cooperation
- OCDETF was met with criticisms in the first year
 - Department of Justice had no control over other agencies, especially Customs Service, in which there was a history of “bad blood” with DEA
 - High \$66 million dollar first-year cost resulted *short-term* gains with no reduction in drug availability (price and purity actually dropped)
 - Increased law enforcement cooperation
 - Crime reduction
 - Large numbers of low-level trafficker arrested
- OCDETF utilizes the CPOT/RPOT lists to raise target focus

The origins of the Organized Crime Drug Enforcement Task Force (OCDETF) stem from Vice President George H. W. Bush’s successful South Florida Task Force’s impact on the drug trade.²⁷⁶ On January 28, 1982, President Reagan announced the formation of the South Florida Task Force, which was headed by Vice President Bush, monitored by Bush’s White House chief of staff, retired Navy Admiral Daniel Murphy, and coordinated by Bush appointee Charles Rinkevich onsite. By that November, DEA, Customs, Coast Guard, Immigration and Naturalization Service, United States Marshals service, ATF made 1,267 arrests and seized 114 sea-going vessels, 68 aircraft, \$1.3 billion in currency, \$132,000 in firearms, and 175 cocaine and 259 marijuana caches.²⁷⁷

In attempt to replicate the South Florida Task Force interdiction success, President Reagan then announced on October 14, 1982 the creation of a “national strategy to expose, prosecute, and ultimately cripple organized crime in America.”²⁷⁸ As a part of this strategy, twelve task forces were created to “identify, investigate, and prosecute members of high-level drug trafficking enterprises, and to destroy the operations of those organizations,” by adding new federal investigation and prosecution resources and improving “interagency coordination and

²⁷⁶ United States, President of the United States, “Text of Remarks by the President on Crime,” Great Hall, Department of Justice, October 14, 1982, pp. 4.

²⁷⁷ Government Executive Magazine, “White House War on Drugs, Part IV; Drug Law Enforcement: Where the War is Headed,” January 1983, vol. 15 no. 1, p. 36.

²⁷⁸ United States, President of the United States, “Text of Remarks by the President on Crime,” Great Hall, Department of Justice, Oct. 4.

cooperation in the investigation and prosecution of major drug cases.”²⁷⁹ The President envisioned that the task forces would be under the direction of the Attorney General and be able to utilize the resources of the FBI, DEA, IRS, ATF, Immigration and Naturalization Service, Marshals Service, Customs Service, and Coast Guard with limited Department of Defense tracking and pursuit capability.²⁸⁰ The initial staff consisted of 18 agents (6 FBI, 6 DEA, 3 IRS, 2 Customs, and 1 ATF) and four prosecutors per task force, totaling 216 agents and 48 prosecutors.²⁸¹

The OCDETF program has had its detractors, who cite continued fragmentation of the federal effort and high costs.²⁸² Representative Glenn English, House subcommittee chair, was concerned that unlike the South Florida Task Force which is under Vice President Bush, the new OCDETFs would be under the Department of Justice, a department that has no direct authority over agencies like the Customs Service. Representative English further said, “I don’t think it’s any secret that in the past there’s been a lot of bad blood between Customs and DEA.”²⁸³ The following year, a scathing June 1983 Government Accounting Office report found that the results of the task force was mixed in that increased arrests and large quantity of seizures did reduce crime rates and increased law enforcement cooperation; however, the \$66 million dollar cost for eleven months of activity were a high cost for short-term and regional gain. “Several DEA and other agency officials said 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,” for drug price and purity dropped during that time period, indicating greater street availability. The report continued that the arrests were low-level traffickers and generated short prison terms.²⁸⁴

In order to bring the investigative focus to the highest levels, the OCDETF program, which remains the centerpiece of the Department of Justice’s Drug Strategy, has at its primary functions to (a) administer funding for OCDETF task forces and (b) to create and maintain the upward focusing mechanism of the aforementioned CPOT/RPOT lists.²⁸⁵ The goal of an

²⁷⁹ United States, Department of Justice, “Guidelines for the Drug Enforcement Task Forces,” January 20, 1983, p. 2.

²⁸⁰ United States, General Accounting Office, “Organized Crime Drug Enforcement Task Forces: Status and Observations,” GAO/GGD-84-35, December 9, 1983, pp. 1-3, <http://archive.gao.gov/pdf/123179.pdf>.

United States, General Accounting Office, “Statement of William J. Anderson General Government Division before the Subcommittee on Government Information, Justice, and Agriculture House Committee on Government operations on Interdepartmental Cooperation of Drug Enforcement Programs,” February 25, 1983, p. 11, <http://archive.gao.gov/d40t12/120638.pdf>.

²⁸¹ United States, Department of Justice Press Release, DOJ-183-01, January 20, 1983, p. 2.

²⁸² United States, Government Accountability Office, “Statement of William J. Anderson General Government Division before the Subcommittee on Government Information, Justice, and Agriculture House Committee on Government operations on Interdepartmental Cooperation of Drug Enforcement Programs,” February 25, 1983, pp. 5-7, 11, <http://archive.gao.gov/d40t12/120638.pdf>.

²⁸³ Associated Press, “Broken Promises, Rivalries May Threaten War on Drugs,” In *The Miami Herald*, April 24, 1983.

²⁸⁴ United States, General Accounting Office “Federal Drug Interdiction Efforts Need Strong Central Oversight,” GAO/GGD-83-52, June 13, 1983, pp. 14-19, 26, <http://archive.gao.gov/d44t15/121662.pdf>.

²⁸⁵ United States, Department of Justice, “Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream,” February 2006, pp. 45, 46, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

OCDETF-funded task force is “to identify, investigate, and prosecute the most significant drug trafficking and money laundering organizations and their related enterprises, and to disrupt and dismantle the operations of those organizations in order to reduce the drug supply in the United States.” The means to accomplish this are twofold: (a) by fostering interagency coordination and cooperation and (b) by supplementing federal resources (funding) for investigation and prosecution.²⁸⁶

The HIDTA and OCDETF programs are both intended to encourage and facilitate interagency law enforcement coordination, and they involve prosecutors early in the investigation process. Both programs also share the primary objective of disrupting and dismantling drug trafficking and money laundering organizations. However in general, HIDTA funding provides physical infrastructure and a centralizing intelligence and deconfliction mechanisms for standing task forces that focus on regional drug organizations and on specific types of drug trafficking activities (e.g., production, transport, distribution, or profits). Hand-in-glove, OCDETF-funding provides money for federal task forces to focus exclusively on higher level, multi-jurisdictional drug trafficking organizations, and Department of Justice’s Criminal Division of Narcotics and Dangerous Drugs attorneys support and coordinate the prosecutorial efforts and sometimes prosecute offenders.²⁸⁷ This external funding mechanism, although under the same Department of Justice umbrella, competes with the intended unity of effort of DEA. While it is true that DEA is involved in each HIDTA, DEA may not be involved in an OCDETF-funded task force. In 2003, there were a total of 744 CPOT cases. Of these cases, DEA only was the sole investigative agency in 26 percent of the cases. 67 percent of the CPOT cases were interagency, where DEA was involved but not necessarily lead (DEA was involved in 81 percent of these interagency cases), and 8 percent were solely FBI investigations.²⁸⁸

This tension between a unified law enforcement agency (DEA) and a task force funding mechanism (OCDETF/HIDTA) is not new. In 1968 President Nixon consolidated Treasury Department’s Bureau of narcotics with the Department of Health, Education and Welfare’s Bureau of Drug Abuse Control to form the unified law enforcement agency, the Department of Justice’s Bureau of Narcotics and Dangerous Drugs (like DEA). Then in 1972, President Nixon

²⁸⁶ United States, Department of Justice, “The Organized Crime Drug Enforcement Task Force Program Guidelines,” Mar 2007, p. 1.

²⁸⁷ Sherrie S. Aitken, “Design for a HIDTA/OCDETF Performance Monitoring and Management System,” Office of National Drug Control Policy, January 2003, p. vii, http://www.whitehousedrugpolicy.gov/pdf/hidta_ocdetf.pdf.

United States, Office of National Drug Control Policy, “General Counterdrug Intelligence Plan,” National Criminal Justice Service Number NCJ 180750, February 2000, p. 29, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

United States, Department of Justice, “Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream,” February 2006, p. 46, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

United States, Department of Justice, “Narcotic and Dangerous Drug Section,” <http://www.usdoj.gov/criminal/links/ndds.html>.

²⁸⁸ United States Government Accountability Office, “Drug Control; High Intensity Drug Trafficking Areas’ Efforts to Link Investigations to International Drug Traffickers,” Report GAO-05-122, January 2005, p. 19, <http://www.gao.gov/new.items/d05122.pdf>.

created the Office of Drug Abuse Law Enforcement, also under the Department of Justice to fund and create counter-drug task forces to “to bring substantial federal resources to bear on the street-level heroin pusher.”²⁸⁹ This funding and coordinating entity was in competition with the Department of Justice’s Bureau of Narcotics and Dangerous Drugs, not unlike DEA and OCDETF.

²⁸⁹ United States, Drug Enforcement Administration, “DEA History: 1970 – 1975; BNDD and ODALE,” <http://www.dea.gov/pubs/history/1970-1975.html>.

Culture

Take-Aways from This Section:

- The brotherhood of law enforcement spans across borders and is a great unifier for tactical operations
- DEA recruits from state and local narcotics officers, which creates ties with state and local agencies and a common and aggressive counter-drug ethos
- Creating a single-mission agency is not a cure-all for resolving boundary issues
 - Internally and externally boundaries will exist wherever there is a difference in role, authority, geographic boundary, or budget
- Individual reputation and informal relationships built through shared operational experiences and collaboration bridges organizational divides
- Frequent changes in top leadership creates instability
 - Positives:
 - Each leader brings own “silver bullet” idea and desires to distinguish themselves from past leaders, rendering an opportunity to respond to changing environment and addressing a new segment in the drug continuum
 - Change of leadership gives opportunity to overcome bad blood caused by previous leadership
 - Negative: In order to respond to leadership’s direction, the short term becomes focus, often derailing long-term planning and efforts
- Equal footing of management and between divisions (internal and external) is a source of friction
 - Positive: Like the balance between the legislative, judicial and executive branches, equal footing curbs the potential for abuse of power and forces that “something must be worked out” for the greater good
 - Negative: Reduces accountability of unilateral actions that create negative outcomes
- Law enforcement cultural trait to focus on the immediate to arrest or seize and little deliberate planning deters “lash-ups” with other US agencies, like the Department of Defense, who require longer timelines and plans due to their size
- Differing authorities, culture, and histories generate differing investigative philosophies that cause friction at home and abroad
 - Caused by differences in target: Producer, smuggler, distributor, money launderer
 - Intelligence-driven investigations (FBI) are at odds with investigations focused on disruption (DEA)

The brotherhood of law enforcement is a cross-agency and cross-border unifier. This is especially true among narcotics officers at all levels. Brotherhood with state and local officers is even deeper for DEA agents because most DEA agents are cut from the same state and local, “beat cop mentality” cloth that carries an unspoken protective devotion to community. Unity of DEA agents is fostered by the fact that all DEA agents attend the same training academy and share the unique DEA single violation enforcement mission. All of these cultural traits result in highly dedicated, aggressive, innovative, motivated, and results-oriented investigators. At home

and broad, the narcotics police badge crosses oceans and can be appealed to when investigations come to an impasse because law enforcement instinctually embraces the formation of task forces as a force multiplier against a common enemy to include cell-based criminal organizations.²⁹⁰

Significant cultural divisions and budgetary competitions exist within DEA itself between investigators, intelligence analysts, and support staff. Within these roles, there are further divisions of expertise and past experience, which have the potential to create additional intra-agency friction points. For instance, special agents tend to gravitate towards an area of specialty such as handling informants, wiretapping, working undercover, or conducting tactical operations. In addition, there are also divisions based upon where one has served. Having worked abroad or in a large, high-traffic division like New York, Los Angeles, or Miami has an accelerating impact on an individual's career and status. In addition and as noted before, internal competitive nature nurtures group loyalty and the need to maintain control of investigation in order to claim statistics.

At the same time, informal relationships of personal trust, which are developed through past collaboration and shared experiences, can either bridge cultural institutional divides or be an insurmountable wall to cooperation which is only breached after the personnel cycle generates a new cast of personalities. In law enforcement culture, an individual's reputation or "jacket" is well known. This is especially true for smaller agencies, like DEA, that must cover world operations with about the equivalent of two army brigades—fewer than one half the number of agents fielded by the FBI and with only a third the number of support personnel employed by the FBI.²⁹¹

Differing DEA Administrator visions, sophistications, styles, and actions have a tremendous impact on whether competition or collaboration is encouraged at every level. In general, DEA leaders, up and down the line, turn to their own investigative strengths as the preferred investigative technique for those under their command. With each change of command there is a shifts in focus and, sometimes, specialization, for some groups rely on wiretaps, while others seek heavy informant or undercover work. They also frequently define working relationships based on past experience with colleagues. For instance the Department of Justice's Office of Inspector General noted in its report that DEA and Customs had repaired their relationship in Colombia that had been previously contentious "in which the safety of DEA, ICE, and Colombian law enforcement personnel was put at risk due to the lack of coordination."²⁹² The impact of this "historical baggage" affects cooperation, performance and efficiency. On the

²⁹⁰ Stuart Duncan, "Authorities Get the Same Playbook: Crime Reduction Bureau Aims for Centralized Goals," *Caller Times*, February 1, 2009, <http://www.caller.com/news/2009/feb/01/authorities-get-the-same-playbook/>.

²⁹¹ United States Drug Enforcement Administration, "DEA Staffing and Budget," <http://www.usdoj.gov/dea/agency/staffing.htm>.

United States Federal Bureau of Investigation, "Quick Facts; Our People," <http://www.fbi.gov/quickfacts.htm>.

United States Army, "Operational Unit Design," <http://www.army.mil/organization/unitdiagram.html>.

²⁹² United States, Department of Justice, Office of Inspector General, "The Drug Enforcement Administration's International Operations (Redacted)," Audit Report 07-19, February 2007, <http://www.usdoj.gov/oig/reports/DEA/a0719/chapter4.htm#D>.

positive, a change of leadership, where there was good historical experience, can bridge burned relations caused by actions of the previous manager. On the other hand, bad experiences can hinder cooperation because of a lack of trust. Without a doubt, the personnel and promotion systems plays a big role in conveying agency strategic and tactical priorities through merit-based promotions, reprimands, and monetary rewards; however, discrete management decisions play a very significant role in an agent's career. While DEA's mission is important, an agent's career can be made or broken by career board promotions, pay grade transfers or duty assignment, and granting or withdrawing culture status symbols, such as being assigned to a newer car or to a better office location.

The equal footing of management within and between divisions has its advantages in that for action to occur, "something must be worked out" through negotiation. Most often this occurs through informal decision, and this structural friction point forces adaptability and compromise. This allows for the best possible outcome in light of the circumstances, but this equality paradigm in conjunction with management hesitancy to drop the "accountability hammer" on unilateral actions has caused regrettable incidents that have hindered DEA's mission and has set back by years hard-earned relationships between divisions, with outside law enforcement agencies, and with prosecutor offices.

In addition, legal authorities, histories, and structures delineate the boundaries in which law enforcement investigators can operate as well as how they interrelate with other law enforcement entities within a nation and between nations. For example, DEA agents get quickly frustrated when attempting to interface with other, larger entities, such as the U.S. military, whose size and complexity require deliberate planning.²⁹³ Focused on the end state of a significant arrest and seizure, an agent is interested on advancing the here and now. The agent wants to know "what can you offer me to augment my case?" If you can do nothing, delay action, or are perceived as an anchor to the investigation, it is culturally instinctual for the agent to cut the anchor loose and seek out another partner to take advantage of the moment, which makes "lash-ups" with large U.S. entities (e.g. Department of Defense), who require planning and long time horizons due to their size, and other "competing" law enforcement agencies problematic. Although the brotherhood of law enforcement is a very strong bond that acts as a bridge spanning across national and bureaucratic borders, aggressive case making, interagency rivalry, in which an agent's allegiance rests with their home agency, and bureaucratic mistrust can off-set these long-term benefits.

Differing investigative philosophies among law enforcement agencies also create friction points. For instance, agencies may differ on their view of the most efficient targets. A state and local agency may be interested in interdiction, rather than organizational attacks, while another agency is concerned with distribution. At the federal level, the FBI, which draws its agents from a pool of post-graduate recruits, has a 100-year legacy of identifying and penetrating organized crime families, sophisticated white collar crime organizations, and espionage rings, and more recently, it has taken on a new roll of "preventing of terrorist attacks and other pressing threats to the

²⁹³ One area where planning has excelled is in interdiction, especially along the United States southwest border and with Joint Interagency Task Force South. A great planning model can be found in William Mendel and Murl Munger's Strategic Planning and the Drug Threat. Strategic Studies Institute, August 1997.

national security.”²⁹⁴ Seeking to sustain American people’s trust, the FBI cannot afford a single terrorist attack on the United States to occur.²⁹⁵ This motive for zero successful attacks has intensified FBI’s long-held “intelligence investigations” philosophy that emphasizes teamwork and calls for agents to turn the investigative “flood light” as bright, deep, broad, and persistently as possible on an organization. This takes time, patience, and centralized control. Investigators seek to expand their informants and communications intercepts and protect their sources. Because years of investigative efforts and source cultivation are required, and because an FBI case itself can be compromised by a single mistake, agents are hesitant to share intelligence, sources, and resources with other agencies that are investigating lower-threat crimes. Agents outside the Bureau sometimes feel that the FBI offers little information feedback and engages in limited collaboration because as the FBI puts it, “such cooperation is discouraged because turning to outside assistance ‘can be problematic in sensitive circumstances, requiring greater security measures.’”²⁹⁶

In contrast to the FBI’s intelligence-driven approach, DEA’s culture promotes the “thread” investigative approach, in which an agent finds a thread into an organization and pulls as quickly as possible to expand the investigation upstream towards the sources of supply through surveillance, informants, and communications intercepts, and by “flipping” individuals who are caught. The intent is to penetrate an organization through a single piece of evidence and then expand the investigation as quickly as possible, expanding to include other agents and agencies, until a large chunk of the organization can be arrested after which the loose threads from the initial investigation can help start an investigation into the next network. In DEA, the aggressive agent is celebrated over teamwork. DEA often seeks its recruits from pools of state and local narcotics task forces officers, who already have a passion for investigating narcotics traffickers and know the sacrifices necessary to investigate these criminals. Individual agents who are case makers and “put dope on the table” become rising stars. The advantage of this philosophy is that it promotes innovation, aggressive disruption of drug organization operations, and it poses a serious and constant threat to traffickers who have reason to be concerned about being compromised and have to expend inordinate energy and capitol to maintain cover. With the thread strategy, it is hoped that accumulating marginal drug successes will push the overall success mean up; however once again, information control is vital to success and sharing or cooperating with other law enforcement agencies is vital. However, the downside to this marginal, short-term gain approach is a lack of long-term, coordinated planning designed to affect the environment that allows these illicit networks to exist.²⁹⁷ As noted before, DEA has long-term host nation law enforcement capacity building programs, but these programs are intended to support tactical operations.

²⁹⁴ United States, Federal Bureau of Investigations, “Press Release,” January 21, 2002, <http://www.fbi.gov/pressrel/pressrel02/mueller013102.htm>.

²⁹⁵ United States, Department of Justice Attorney General, “Remarks Prepared for Delivery by Attorney General Michael B. Mukasey at the Oregon Anti-Terrorism Conference and Training,” August 13, 2008, <http://www.usdoj.gov/ag/speeches/2008/ag-speech-0808133.html>.

²⁹⁶ United States, Drug Enforcement Administration, “DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources,” June 1993, p. ii.

²⁹⁷ United States, General Accounting Office “Federal Drug Interdiction Efforts Need Strong Central Oversight,” GAO/GGD-83-52, June 13, 1983, pp. 26-27, <http://archive.gao.gov/d44t15/121662.pdf>.

This investigative friction between investigative philosophies also appears abroad. Many foreign law enforcement agencies, such as the British Serious Organized Crime Agency (SOCA), fulfill a counter intelligence role like the FBI, and they must demonstrate jurisdictional “venue” in order to prosecute a conspiracy drug offence. Venue is an additional requirement in that investigators must demonstrate that the targeted organization’s illicit drugs are physically reaching the shores of the United Kingdom in order for a court to prosecute.²⁹⁸ Like the FBI, SOCA utilizes the intelligence investigative paradigm that can cause similar friction abroad. For example, SOCA agents in Afghanistan press for adoption of intelligence wiretap laws in order to turn the “flood lights” on as bright, deep, and as long as possible in order to locate and disrupt drug labs and catch inbound drug shipments. Meanwhile, DEA pushes for wire taps that are authorized by a foreign judge and passed through Mutual Legal Assistance Treaty requests, which then can be used in U.S. court.²⁹⁹ The danger of DEA-preferred court evidence is that it is possible that sources and methods may be revealed during trial, which then provides drug traffickers with intelligence on law enforcement capability, allowing them to adapt accordingly. DEA is more tolerant than their foreign and domestic counterparts in allowing the intelligence light to dim until the next thread can be pulled. Drug load interception provides additional evidence and leads, but the focus is on gathering evidence, not intelligence, in order to bring the network’s members to justice. This higher tolerance level can be a source of friction when attempting to work with agencies that rely on intelligence investigative models, resulting in reduction of operational cooperation and information sharing.

²⁹⁸ Under Title 21, USC 959, a DEA agent has met the venue threshold, if he can demonstrate that a foreign-based trafficker intends for illicit drugs to be manufactured for or distributed to the United States.

United States Code, “Title 21 United States Code 959,” <http://www.usdoj.gov/dea/pubs/csa/959.htm>.

²⁹⁹ United States, Administrator of the Drug Enforcement Administration, “Testimony before The Senate Judiciary Committee, Subcommittee on Technology, Terrorism, and Government Information; Regarding Encryption; The Law Enforcement Response to International Organized Crime,” September 3, 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct970903.htm>.

United States, Department of State, “Mutual Legal Assistance (MLAT) and Other Agreements,” http://travel.state.gov/law/info/judicial/judicial_690.html.

United States, Department of Justice, “92 Title III Procedures - Attachment C,” http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/title9/crm00092.htm.

Information Sharing

Take-Aways from This Section:

- Intelligence synchronization difficult
 - No unifying budget: A single national drug intelligence budget does not exist
 - Agency specific intelligence gathering: Each agency seeks its own task-particular intelligence, often discarding intelligence not relevant to their mission
 - Sheer numbers and decentralized structure of US law enforcement makes coordination difficult
 - Agencies focus on “actionable intelligence” constrains collection and depth
- Most intelligence is shared interpersonally and on a case-by-case basis
- National Drug Intelligence Center was created in 1990 for strategic intelligence consolidation, analysis and coordination
- 2000 General Counterdrug Intelligence Plan remains the organizing constitution for strategic drug intelligence
- Human intelligence is the linchpin of drug investigations
- Foreign Intelligence
 - DEA’s 35 years of goodwill with foreign law enforcement has generated unparalleled human intelligence network
 - Foreign evidence is transferred to US courts through Mutual Legal Assistance Treaty requests
 - Concerns over foreign corruption and security clearance barriers limit sharing of intelligence
- Facilitating mechanisms to information sharing
 - DEA agents and intelligence analysts work on a side-by-side basis
 - Shared information technology platforms and databases
- Barriers to information sharing
 - Fears about informant safety and source control
 - Sharing information may “give away” a case or seizure, and cases and seizures are basis for promotion and resource allocation
 - Equal footing between organizations may mean information shared may not be acted upon
 - Intelligence professional development is hindered due to lack of manpower shortages and perceived need that sophistication is not necessary in a tactically driven agency

Ten years ago, there were twenty-two federal or federally funded organizations spread across five cabinet-level departments (Justice, Treasury, Transportation, Defense, and State) and two cabinet-level organizations (ONDCP and the Director of Central Intelligence), whose responsibilities were counterdrug intelligence information collection and/or production.³⁰⁰

³⁰⁰ United States, Government Accountability Office, “Drug Control: An Overview of U.S. Counterdrug Intelligence Activities,” June 1998, p. 3, <http://www.fas.org/irp/gao/nsiad-98-142.pdf>.

Today, a national drug intelligence budget does not exist. As a result, each organization seeks task-particular intelligence responsibilities and interagency friction over responsibilities and cooperation and gaps in intelligence occur.³⁰¹ In other words, individual departments collect and analyze intelligence that is only relevant to that department's activities. Intelligence outside of their interest is secondary to the main effort. In addition to a lack of a unified budget, the decentralized nature of U.S. law enforcement's structure and drive for short-term, "actionable intelligence," makes it additionally difficult to have a synchronized, national drug intelligence plan.³⁰²

Information sharing is predominately accomplished through interpersonal communication, on a case-by-case basis.³⁰³ However, there have been efforts to create an intelligence infrastructure, beginning with the inaugural National Drug Control Policy in 1989. This plan called for the creation of a working group that would develop an intelligence center to unite drug-related analytical capabilities. The following year, the National Drug Intelligence Center (NDIC) was created to focus on strategic intelligence consolidation, analysis, and coordination.³⁰⁴ Initially, FBI analysts and agents staffed the Center and provided drug trafficking assessments. However, there remained nineteen other independent intelligence collection centers in the United States in addition to NDIC that were not necessarily feeding the NDIC with information.³⁰⁵ In response to this inefficiency, Congress through the 1998 Intelligence Authorization Act directed the ONDCP Director to address this inefficiency by analyzing the NDIC structure and to ensure that the NDIC was getting the support that it needed. This resulted in the 2000 General Counterdrug Intelligence Plan (GCIP) that serves as the organizing constitution for domestic strategic counterdrug analysis.³⁰⁶ More specifically, the GCIP contains 73 systemic "action items" to improve national drug intelligence coordination and analysis, and it provides a means to resolve drug intelligence issues, satisfy performance measures of effectiveness, and facilitate the appropriate, timely exchange of information between intelligence and drug law enforcement communities.³⁰⁷ The GCIP is divided into six general topic areas: National Counterdrug

³⁰¹ United States, Government Accountability Office, "Drug Control: An Overview of U.S. Counterdrug Intelligence Activities," June 1998, p. 2, <http://www.fas.org/irp/gao/nsiad-98-142.pdf>.

³⁰² United States, Office of National Drug Control Policy, "General Counterdrug Intelligence Plan," National Criminal Justice Service Number NCJ 180750, February 2000, p. 31-32, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

³⁰³ United States, Office of National Drug Control Policy, "General Counterdrug Intelligence Plan," National Criminal Justice Service Number NCJ 180750, February 2000, p. 31, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

³⁰⁴ United States, Government Accountability Office, "Drug Control: An Overview of U.S. Counterdrug Intelligence Activities," June 1998, p. 31, <http://www.fas.org/irp/gao/nsiad-98-142.pdf>.

³⁰⁵ United States, Government Accountability Office, "Drug Control: Coordination of Intelligence Activities," GAO/GGD-93-83BR, April 1993, p. 7, <http://archive.gao.gov/t2pbat6/149104.pdf>.

³⁰⁶ United States, Department of Justice, "NDIC: From Concept to Creation to GCIP," <http://www.usdoj.gov/ndic/topics/conceptp.pdf>.

United States, Government Accountability Office, "Drug Control: An Overview of U.S. Counterdrug Intelligence Activities," June 1998, p. 31, <http://www.fas.org/irp/gao/nsiad-98-142.pdf>.

³⁰⁷ United States, Office of National Drug Control Policy, "General Counterdrug Intelligence Plan," National Criminal Justice Service Number NCJ 180750, February 2000, p. 1, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

Intelligence Coordination; National Centers; Regional, State, and Local Cooperation; Foreign Coordination; Analytic Personnel Development and Training; and Information Technology, and it remains as the founding document for counterdrug intelligence.³⁰⁸

The following table describes the current drug intelligence mechanisms, the general area of focus, the group or program name, and functions of the intelligence entity.

DRUG INTELLIGENCE MECHANISMS³⁰⁹

GENERAL AREAS	GROUP / PROGRAM	FUNCTIONS AND NOTES
National Counterdrug Intelligence Coordination	13 Member Counterdrug Intelligence Coordinating Group (CDICG)	<ul style="list-style-type: none"> • Resolves operational intelligence disputes and program issues • Receives policy guidance from President’s Council on Counter-Narcotics (PCCN) and from the National Drug Control Strategy • Membership includes designates from: Assistant to the President for National Security Affairs, DCI, Attorney General, Treasury, Transportation, ONDCP, Defense, State, DEA, FBI, Customs, IRS, Coast Guard
	Counterdrug Intelligence Executive Secretariat (CDX)	<ul style="list-style-type: none"> • Domestically, serves as the CDICG support staff • Abroad, supports Chief of Missions abroad

David Vise and Lorraine Adams, “Law and Order: Department of Justice; FBI Agents Trailing a Line of Credit,” *Washington Post*, February 4, 2008, p. A29.

³⁰⁸ United States, Office of National Drug Control Policy, “General Counterdrug Intelligence Plan,” National Criminal Justice Service Number NCJ 180750, February 2000, p. 6, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

³⁰⁹ United States, Office of National Drug Control Policy, “General Counterdrug Intelligence Plan,” National Criminal Justice Service Number NCJ 180750, February 2000, p. 31, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

United States, Department of Justice, “NDIC: From Concept to Creation to GCIP,” <http://www.usdoj.gov/ndic/topics/conceptp.pdf>.

United States, Government Accountability Office, “Drug Control: An Overview of U.S. Counterdrug Intelligence Activities,” June 1998, <http://www.fas.org/irp/gao/nsiad-98-142.pdf>.

GENERAL AREAS	GROUP / PROGRAM	FUNCTIONS AND NOTES
	Counter-Narcotics Interagency Working Group (CN-IWG)	<ul style="list-style-type: none"> • Deals exclusively with policy guidance issues
	The Interdiction Committee (TIC)	<ul style="list-style-type: none"> • Provides advice to the U.S. Interdiction Coordinator (USIC) in his role of overseeing the adequacy and optimum use of Federal interdiction assets
National Centers	Crime and Narcotics Center (CNC)	<ul style="list-style-type: none"> • Principal for <i>foreign</i> strategic counterdrug analysis and for and coordinating Intelligence Community in support of U.S. foreign counterdrug activities
	National Drug Intelligence Center (NDIC) ³¹⁰	<ul style="list-style-type: none"> • Principle entity for <i>domestic</i> strategic counterdrug intelligence analysis • Analysis products include an annual National Drug Threat Assessment, Regional Drug Threat Assessment in support of Organized Crime Drug Enforcement Task Force regions, High Intensity Drug Trafficking Area Drug Market Analysis, information bulletins for specific drug related threats, situational reports of significant drug findings, and Counternarcotics Publications Quarterly that is an title and abstract index of drug-related studies, reports, and papers.

³¹⁰ United States, National Drug Intelligence Center “About NDIC Pamphlet,” <http://www.usdoj.gov/ndic/topics/about-ndic.pdf>.

GENERAL AREAS	GROUP / PROGRAM	FUNCTIONS AND NOTES
		<ul style="list-style-type: none"> • Provides real-time, tactical document and media exploitation through its Real-time Analytical Intelligence Database and HashKeeper software to organize, assimilate, and analyze large amounts of evidence
	El Paso Intelligence Center (EPIC)	<ul style="list-style-type: none"> • Principal for operational, tactical, and investigative intelligence analysis of illicit drug movements in support of <i>interdiction</i> activities and U.S. law enforcement • Products and programs include aggregating state and local intelligence, administration of Federal-wide Drug Seizure System of seizure data, EPIC Watch Program, Hub of HIDTA Intelligence Centers
	Financial Crimes Enforcement Network (FinCEN)	<ul style="list-style-type: none"> • Principal center for strategic analysis and investigative support to law enforcement of narcotics-related <i>financial</i> crimes
	Joint Information Coordination Centers (JICC)	<ul style="list-style-type: none"> • Consolidates data on suspect individuals, aircraft, and marine vessels in designated Caribbean and Latin American countries
	OCDETF Fusion Center (OFC)	<ul style="list-style-type: none"> • A data center containing all drug and related financial intelligence information from OCDETF's investigative agencies • Conduct cross-agency integration and analysis of drug and related financial

GENERAL AREAS	GROUP / PROGRAM	FUNCTIONS AND NOTES
		data, to create comprehensive intelligence pictures of targeted organizations, including those identified as CPOTs and Regional Priority Organization Targets, and to pass actionable leads through the multi-agency Special Operations Division to OCDETF participants in the field.” ³¹¹
Regional, State, and Local Cooperation	High Intensity Drug Trafficking Area Intelligence Centers	<ul style="list-style-type: none"> • HIDTA Intelligence Centers provide a shared intelligence platform • These centers are intended to be strongly tactical, augmenting the development of individual cases. However, they do not routinely generate meaningful systematic trend and pattern analyses or further interregional information exchange.³¹²
	National Drug Pointer Index (NDPIX) ³¹³	<ul style="list-style-type: none"> • NDPIX is a fully automated, investigative and deconfliction tool that provides pointer information relative to active local, state, and federal drug targets. This pointer system is designed to enhance officer safety

³¹¹ United States, Department of Justice, “Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream,” February 2006, p. 47, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

³¹² United States, Office of National Drug Control Policy, “General Counterdrug Intelligence Plan,” National Criminal Justice Service Number NCJ 180750, February 2000, p. 33, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

³¹³ United States, Office of National Drug Control Policy, “General Counterdrug Intelligence Plan,” National Criminal Justice Service Number NCJ 180750, February 2000, p. 35, <http://www.ncjrs.gov/App/publications/Abstract.aspx?id=180750>.

GENERAL AREAS	GROUP / PROGRAM	FUNCTIONS AND NOTES
		<p>and strengthen cases by putting officers working on the same target in touch with each other.³¹⁴</p> <ul style="list-style-type: none"> • Use the National Law Enforcement Telecommunications System platform.
Foreign Coordination	<p>Foreign/Domestic delineation³¹⁵</p> <p>Senior Narcotics and Law Enforcement Coordinator</p>	<ul style="list-style-type: none"> • Under existing federal statutes and executive orders, intelligence organizations are authorized to gather illegal drug activities of U.S. and foreign persons and organizations within the United States (domestic intelligence) as well as foreign powers, organizations, or persons outside the United States (foreign intelligence) • Law enforcement organizations, including DEA and FBI collect both domestic and foreign intelligence • Intelligence community, such as the CIA, NSA, and DIA, restricted under Executive Order 12333, collect only foreign intelligence information • Appointed by the Chief of Mission, he focuses on common drug control matters, coordination and exchange of drug information in the

³¹⁴ United States, Department of Justice, "Privacy Impact Assessment for the National Drug Pointer Index (NDPIX)," February 9, 2007, p. 2, http://www.usdoj.gov/dea/foia/ndpix_signed_pia_032907.pdf.

³¹⁵ United States, Government Accountability Office, "Drug Control: An Overview of U.S. Counterdrug Intelligence Activities," June 1998, p. 6-7, <http://www.fas.org/irp/gao/nsiad-98-142.pdf>.

GENERAL AREAS	GROUP / PROGRAM	FUNCTIONS AND NOTES
		interagency and with foreign counterparts
	DEA Attaché	<ul style="list-style-type: none"> • Single point of contact for drug enforcement
	U.S. Customs (ICE)	<ul style="list-style-type: none"> • Actively participate in the collection of foreign drug intelligence
	State Department	<ul style="list-style-type: none"> • Under NSDD-38 (Mission Staffing) ensures DEA analysts are adequate
	Joint Interagency Task Forces (JIATFs)	<ul style="list-style-type: none"> • Coordinate drug interdiction intelligence
	Tactical Analysis Teams (TATs)	<ul style="list-style-type: none"> • Under DEA operational oversight, serves as focal points of Department of Defense counterdrug support for U.S. Missions in Latin America and Caribbean. They fuse intelligence from all available sources prior to counterdrug operations.³¹⁶
	Director of Central Intelligence Crime and Narcotics Center (CNC) Treasury Department's Financial Crimes Enforcement Network (FinCEN)	<ul style="list-style-type: none"> • Focuses on foreign drug-related <i>money laundering</i> and associated illicit business and financial activities
Analytic Personnel Development and Training	Justice Training Center (JTC)	<ul style="list-style-type: none"> • Leadership role in developing and exporting coursework • Develops staffing plans and establishes standardized hiring criteria • Professionalizes federal law enforcement drug intelligence analysts • Establishes a group of

³¹⁶ Christopher Schnaubelt, "Can the Military's Effectiveness in the Drug War be Measured?; Fighting Drugs at the Source" *The Cato Journal*, vol. 14, no. 2, Fall 1994. <http://www.cato.org/pubs/journal/cjv14n2-5.html>.

GENERAL AREAS	GROUP / PROGRAM	FUNCTIONS AND NOTES
		intelligence analysts to produce timely sanitized reports for the counterdrug community <ul style="list-style-type: none"> • Decreasing reliance on military intelligence analyst support
Information Technology	National Drug Control Information Resource Management Plan	<ul style="list-style-type: none"> • Developing a common drug community architecture. • Examples include: DRUG-X, DEA’s Firebird and Merlin systems; National Drug Pointer Index; Department of Defense-sponsored interagency Anti-Drug Network; and the Department of Justice-administered Regional Information Sharing System Network.
	Systems Policy Review Group (SPRG)	<ul style="list-style-type: none"> • In support of the CDICG, ensures that broad systems standards are developed to guide law enforcement and intelligence agencies

Above all, human intelligence is the linchpin of drug investigations, and DEA’s 35 years of good will and close working relationships with over state and local entities, the intelligence community, and foreign law enforcement helps generate unparalleled human intelligence, as well as common databases that link investigations and communications platforms.³¹⁷ These linkages are critical to facilitating agency-wide operations, analyses, and case development.

With foreign law enforcement, much of the information is passed informally, but formalized evidence is passed by Mutual Legal Assistance Treaty requests, which entails a request from prosecutors through the Department of Justice to the foreign counterpart’s justice equivalent for

³¹⁷ United States, Department of Justice, Office of Inspector General, The Drug Enforcement Administration’s Use of Intelligence Analysts, Washington, May 2008, p. vi.

United States, Drug Enforcement Administration, “DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources.” June 1993, p. 8.

witnesses or documents.³¹⁸ However, this exchange is muted by domestic agent fears of corruption among foreign counterparts, and U.S. legal and security clearance barriers that do not allow for sharing classified information to non-U.S. citizens because “inappropriate disclosure of information can compromise the safety of DEA personnel, the security of sensitive intelligence, and the integrity of investigative cases.”³¹⁹ Domestically and abroad, the competitive need to guard information and informants still hinders operational effectiveness.³²⁰

As a rule, DEA intelligence analysts work side-by-side with investigative agents in the field and at headquarters to generate excellent tactical situational awareness, quickly identify drug threat trends, and develop cutting-edge analytical systems. DEA’s analysts and agents operate on shared information platforms and databases, such as Narcotics and Dangerous Drugs Information System (report summaries), the System to Retrieve Information on Drug Evidence (drug statistics and trends), and Priority Target Activity and Resource Reporting System (priority target reporting), have been vital in revealing links in between investigations and augmenting the passing of information across a secure network.³²¹

Even if there is a shared information platform, information is power and control, and it is not lightly shared with other investigators, divisions, headquarters, and other agencies due to informant safety concerns, because division resource expenditures must be justified through measurable outcomes, and because individual promotions are determined by merit, i.e. significant arrests and seizures.³²² Information for an on-going case folder is the most closely guarded information for in DEA because it contains the hard-earned building blocks for a case, holding leads (clues) for building the case and deepening/expanding the investigation. Having control of information, at least temporarily, allows for control of response to the information and protection of self-interest, source, and of institution.³²³ Even though ownership of the won statistic remains within the DEA house, incentives are so highly focused on individual performance that past perceived and real slights by other agents or agencies highly influence

³¹⁸ United States, Department of State, “Mutual Legal Assistance (MLAT) and Other Agreements,” http://travel.state.gov/law/info/judicial/judicial_690.html.

³¹⁹ United States, Department of Justice, Office of Inspector General, “The Drug Enforcement Administration's International Operations (Redacted),” Audit Report 07-19, February 2007, Chapter 3 and 4, <http://www.usdoj.gov/oig/reports/DEA/a0719/chapter3.htm>, <http://www.usdoj.gov/oig/reports/DEA/a0719/chapter4.htm#D>.

³²⁰ Gary Wolpert, “DOD Role in Counterdrug Efforts: Can We Achieve Better Results?” AU/ACSC/99-231/1999-04, Air Command and Staff College, April 1999, p. 36.

³²¹ United States, Drug Enforcement Administration, “DEA Major Information Systems,” <http://www.usdoj.gov/dea/foia/foiatoc.html>.

United States, Department of Justice, “Privacy Impact Assessment for the Priority Target Activity Resource and Reporting System,” February 13, 2008, p. 4, http://www.usdoj.gov/dea/foia/ptarrs_pia_2-13-08-internet_version.pdf.

³²² United States, Government Accountability Office, “Federal Law Enforcement: Information on Use of Investigation and Arrest Statistics,” GAO-04-411, March 2004, pp. 5-6, <http://www.gao.gov/new.items/d04411.pdf>.

United Press International, “Ex-DEA Spy Wins Ruling in Agency Suit,” February 24, 2009, http://www.upi.com/Top_News/2009/02/24/Ex-DEA-spy-wins-ruling-in-agency-suit/UPI-39221235507201/

³²³ “Assessment of the HIDTA Program: High Intensity Drug Trafficking Areas,” BOTEC Analysis Corporation, April 2002, p. 187, <http://www.ncjrs.gov/pdffiles1/nij/grants/194118.pdf>.

whether information is shared between individual investigators, groups, task forces, and divisions. Law enforcement management further ossifies information sharing barriers because it rightly seeks to protect the careers of those under its command and for its own performance evaluation of its group's success.

Another information sharing inefficiency occurs when information is offered or requested between groups of differing chains-of-command, but the receiving group does not or is unwilling to act upon or share the information. Information can languish because of differing investigative goals and targets, limited available resources, a lack of "cooperation" performance incentives, "not in my jurisdiction" myopia, and the unwillingness to take on the added burden of inevitable operational, legal, and bureaucratic headaches. In most cases, these conflicts are worked out informally by group supervisors and Assistant Special Agents in Charge reaching out to known and trusted "good agents," and as mentioned earlier, DEA's Special Operations Division helps rescue such perishable information linkages within DEA and among other federal intelligence law enforcement entities by identifying points of intersection between on-going investigations.

Lastly, although professional development of intelligence analysts is available, this is not promoted due to manpower shortage and because there is a lack of a perceived need in a tactically driven agency.

Resourcing

Take-Aways from This Section:

- Resilient and adaptive nature of drug trafficking networks necessitate that pressure be applied system-wide and that multiple agencies be involved
- Although the National Drug Control Strategy and Budget are consolidated into two reports, Office of National Drug Control Policy (ONDCP) and Congress treats each federal agency as a segment in the continuum rather than an integrated whole
- Multiple Congressional budgeting and oversight committees ossify executive fragmentation
- Because multiple agencies are involved without a centralized budgeting and command structures, the Federal drug strategy and budget is created from the ground-up
- ONDCP Director has *certification* not command budget authority. Even if he had, Congress has ultimate budget authority and has over-ridden budget direction
- DEA as a single-mission agency was not given adequate authority or budget
 - Even though given the drug mission by President Nixon, The President did not give adequate command or budget authority over federal domestic effort (FBI and Customs responsibilities) nor over foreign counter-drug efforts, which reside with State
 - Near static or at-inflation budget increases reflect American people's perception of illicit drugs as a low-level national security threat
 - Authorized staffing levels are inadequate for stated mission and operation tempo, which does not allow for professional development and leave many liaison postings lacking
 - To overcome, DEA has leveraged foreign cooperation (through, by, and with) and domestic task forces for force multiplication and projection

The resilient and adaptive nature of drug trafficking networks necessitates a drug enforcement strategic plan that applies pressure system-wide.³²⁴ This necessitates multiple federal agencies to be involved, and this fragmentation in the executive is ossified by multiple Congressional committee budgeting and oversight.³²⁵ Although the National Drug Control Strategy and Budget is consolidated into two reports, the Office of National Drug Control Policy and Congress treat

³²⁴ United States, Senate, Committee on the Judiciary: Hearing before the Committee on the Judiciary” April 29, 1993, p. 63, in Douglas Beaty, “National Drug Control Strategy: A Strategic analysis,” US Army War College, April 15, 1996, p. 20.

United States, General Accounting Office “Federal Drug Interdiction Efforts Need Strong Central Oversight,” GAO/GGD-83-52, June 13, 1983, p. 27, <http://archive.gao.gov/d44t15/121662.pdf>.

³²⁵ United States, General Accounting Office “Federal Drug Interdiction Efforts Need Strong Central Oversight,” GAO/GGD-83-52, June 13, 1983, pp. ii-iii, <http://archive.gao.gov/d44t15/121662.pdf>.

each federal agency as a separate segment in the drug continuum rather than integrated whole. In 2001, the House Committee on Rules was concerned about the fragmentation of the drug budget.

“Congressional Research Service has identified 13 House committees with some jurisdiction over drug control policies. Once again, while individual committees may examine a specific program, it is difficult for the House to conduct coordinated oversight on the issue of drug control as a whole.”³²⁶

In the same 2001 report, the House Rules Committee was also concerned over the differences in jurisdiction between House and Senate committees, the budget and appropriations process, and the oversight process, concerning drug control, terrorism, and hunger. This multiple-committee issue continues today, for Senate Homeland Security and Governmental Affairs Chairman Joseph Lieberman underscored his concern in January 2009 over this issue, citing the fact that Homeland Security must report to 86 congressional committees.³²⁷

Because so many agencies are involved in the drug effort and budgeting and command structures are not centralized, federal strategy and budget development in essence is engineered from the bottom-up. It is true that at the beginning of the budget cycle, the ONDCP Director submits budget recommendations by the first of July to agencies to meet the President’s supply and demand reduction goals, and the Director has budget *certification* authority and can move up to two percent of appropriated funding.³²⁸ However, ONDCP’s National Drug Control Strategy framework rests not on an imposed national grand *strategy* but on strategic performance measure *goals* along the entire drug spectrum.³²⁹ As 1998 Government accountability Office Report noted, ONDCP “has authority to review various agencies’ funding levels to ensure they are sufficient to meet the goals of the national strategy, but it has no direct control over how these resources are used.”³³⁰ In addition, budget requests that are cleared by the Executive are ultimately determined by Congress. For instance, in an effort to cut costs, the President cut \$23 million from the Pennsylvania-located National Drug Intelligence Center’s 2007 \$39 million

³²⁶ United States, House Committee on Rules, “Oversight Plan of the House Committee on Rules for the 107th Congress; Resolving Jurisdictional Disputes,” Adopted February 13, 2001, http://www.rules.house.gov/Archives/rules_over_107.htm.

³²⁷ Chris Strohm, “Napolitano cites need to help state, local governments,” *Congress Daily*, January 15, 2009, http://www.nextgov.com/nextgov/ng_20090115_8716.php.

³²⁸ United States, Office of National Drug Control Policy, “Authorizing Legislation,” http://www.whitehousedrugpolicy.gov/about/authorizing_legislation.html.

United States, House of Representatives “Resolution 3355: Violent Crime Control and Law Enforcement Act of 1994,” Subtitle B – National Narcotics Leader Leadership Act Amendments, SEC. 90201. (b)(3) and (c) (1) (D). 25, January 1994.

³²⁹ United States, Office of National Drug Control Policy, “National Drug Control Strategy: 2008 Annual Report,” p. 1, http://www.whitehouse.gov/news/releases/2008/03/national_drug_control_strategy_2008.pdf.

United States, Office of National Drug Control Policy, “National Drug Control Strategy FY 2009 Budget Summary,” February 2008, p. 6, <http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

³³⁰ United States, Government Accountability Office, “Observations on the U.S. International Drug Control Strategy,” GAO/T-NSIAD-95-182, June 27, 1995, p. 3, <http://archive.gao.gov/t2pbat1/154576.pdf>

budget to \$16 million in 2008. Then Congress authorized the full \$39 million. Since 2005, the Center's budget has been reinstated or funded through other means.³³¹

The ONDCP views each agency as a segment in a continuum rather than an integrated whole. Although agencies receive drug goals from ONDCP, the drug budget is built and executed (task force) by committee in that each participant seeks its own agenda within the confines of the President's agenda. Agencies, like the DEA that lead from behind and rely on the field to generate operational needs and programs, receive the performance architecture from ONDCP and then fit their budget requirements and reporting into the ONDCP goal framework.³³² Thus, DEA headquarters operational policy direction remains general and resourcing is reactionary in posture. Strategic policy, especially regarding information technology, is cautious and slow to evolve. Efficient and effective DEA resourcing has been hindered by multiple Congressional mandates, shifting executive priorities in the drug war, annual-based funding cycles that focuses on the short-term, budget sign-offs by the Department of Justice and Office of Management and Budget, and because of the fact that deliberate planning is not a common cultural trait among law enforcement.³³³

In the Anti-Drug Abuse Act of 1988, the ONDCP is required to provide guidance to national drug control agencies for budget formulation purposes.³³⁴ In the spring, ONDCP sends a letter to DOJ. The letter outlines ONDCP's budget priorities. DEA considers the guidance in formulating its own budget. ONDCP has the opportunity to review DEA's budget and provide comments as part of the Department of Justice budget, which is then forwarded to Office of Management and Budget, and then to the Congress.

³³¹ Bret Schulte, "A Drug War Boondoggle; The White House Wants to Kill It, but a Little Government Agency May Manage to Live on," *US News and World Report*, May 1, 2005, <http://www.usnews.com/usnews/news/articles/050509/9ndic.htm>.

United States, Department of Justice, "2007 Budget and Performance Summary; Authorization of Appropriations Table," http://www.usdoj.gov/jmd/2007summary/pdf/04_19_20_summaryofbudget.pdf.

United States, Department of Justice, "2008 Budget and Performance Summary; Authorization of Appropriations Table," http://www.usdoj.gov/jmd/2008summary/pdf/043_authorization_of_appropriations.pdf.

³³² United States, Government Accountability Office, "Drug Control: DEA's Strategies and Operations in the 1990s," GAO/GGD-99-108, July 29, 1999, p. 82. <http://www.gao.gov/archive/1999/gg99108.pdf>.

United States, Drug Enforcement Administration, "DEA Response to FBI White Paper Titled: Reorganization of Federal Drug Law Enforcement Resources," June 1993, pp. 7, 8.

DEA's Strategic Plan supports the Department of Justice's 2.4 goal that supports the National Drug Control Strategy.

United States, Drug Enforcement Administration, The Strategic Plan: Fiscal Years 2003-2008, Administrator's Message.

United States, Department of Justice, "Fiscal Years 2007-2012 Strategic Plan: Stewards of the American Dream," February 2006, p. 45, http://www.usdoj.gov/jmd/mps/strategic2007-2012/strategic_plan20072012.pdf.

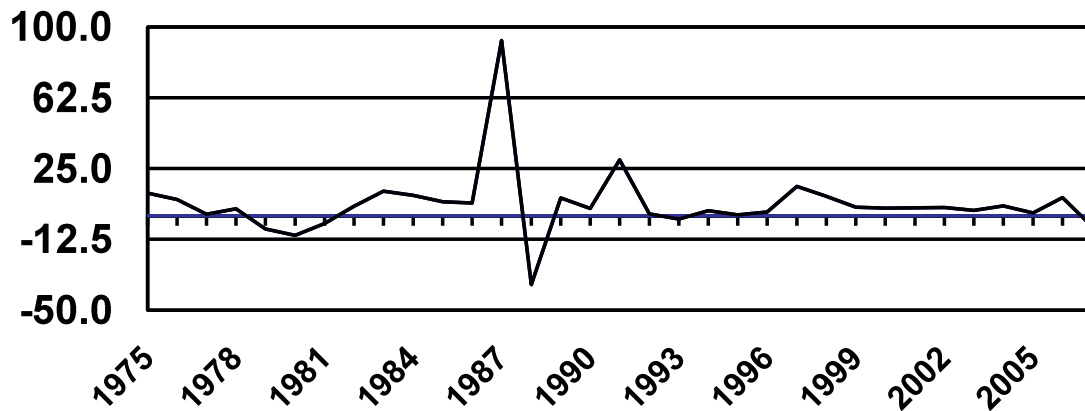
³³³ United States, Government Accountability Office, "Justice Department: Improved Management Processes Would Enhance Justice's Operations," GAO/GGD-86-12, March 1986, pp. 29-30, <http://archive.gao.gov/d13t3/129340.pdf>.

³³⁴ United States, House of Representatives, "Resolution 3355: Violent Crime Control and Law Enforcement Act of 1994," Subtitle B – National Narcotics Leader Leadership Act Amendments, SEC. 90201. (b)(3), January 1994.

Five years after DEA’s creation, a Harvard professor came to the conclusion that President Nixon gave DEA the “authority over a larger fraction of the resources necessary to mount an effective supply reduction strategy;” however, that authority appeared to be fragile. He ascribes the fragility to DEA’s lack of influence over the State Department and its country teams abroad, who accord drug interdiction low priority, and because DEA remained vulnerable to bureaucratic attacks from larger, more powerful external enemies, such as the FBI, who had lost authority and resources as a result of the reorganization.³³⁵ Static and at-inflation budget increases for DEA are, in fact, the norm (see graph below), reflecting a combination of tough economic realities and the American people’s perception of illicit drugs as a low-level national security threat.³³⁶

In addition, DEA has been understaffed and under-funded in personnel and operations, since its

DEA BUDGET CHANGE ADJUSTED FOR INFLATION



inception. In 1982, the General Accounting Office concluded that “Even though DEA is the lead agency for drug enforcement, its share of the total drug enforcement expenditures fell from 69 percent in 1977 to 47 percent in 1982. Now Customs and Coast Guard combined expenditures for drug enforcement exceed DEA’s expenditures.”³³⁷ This trend continues. On average between 2002 and 2007, eighty-three percent of the U.S. National Drug Control budget lay outside the control of the DEA, and in 2007 Customs and Border Protection’s drug control funding (\$1,960,000,000) was nearly equivalent to DEA’s total world-wide budget (\$1,969,100,000).³³⁸ Like most federal agencies, personnel and operational funding is directed

³³⁵ Mark Moore, “Reorganization Plan #2 Reviewed: Problems in Implementing a Strategy to Reduce the Supply of Drugs to Illicit Markets in the United States,” *Public Policy*, vol. 26, no. 2, Spring 1978, pp. 249, 258.

³³⁶ United States Drug Enforcement Administration, “DEA Staffing and Budget,” <http://www.usdoj.gov/dea/agency/staffing.htm>.

³³⁷ United States, General Accounting Office “Federal Drug Interdiction Efforts Need Strong Central Oversight,” GAO/GGD-83-52, June 13, 1983, p. 52, <http://archive.gao.gov/d44t15/121662.pdf>.

³³⁸ United States, Drug Enforcement Administration, “DEA Staffing and Budget.” 1 May 2008, <http://www.usdoj.gov/dea/agency/staffing.htm>.

United States, Department of Justice, Bureau of Justice Statistics, “Drug Control Budget,” <http://www.ojp.usdoj.gov/bjs/dcf/dcb.htm#Fedbudget>, 21 Sept 2008.

towards immediate activity, leaving little slack for professional development or liaison postings. As noted, there is little professional development for strategic planners or intelligence analysts.

2007 NATIONAL DRUG CONTROL BUDGET ³³⁹			
Demand Reduction		Supply Reduction	
Department	Percent of Budget	Department	Percent of Budget
Education	4%	Defense	10
Health and Human Services	26%	Homeland Security	25
Interior	<1%	Justice	20
Small Business Administration	<1%	State	9
Veterans Affairs	3%	Transportation	<1%
		Treasury	<1%

In order to make up for a lack of personnel, DEA has leveraged foreign cooperation in order to fight the drug war by proxy abroad through screened and trained foreign police units. It has also formed domestic task forces as mechanisms for force multiplication and force projection.³⁴⁰ On the positive side, lean budgets have long motivated DEA to seek out partnering and funding mechanisms with other federal agencies. For instance, DEA is coordinating even more closely with Pentagon leadership to leverage counter narcotics funding as leadership at DEA and at the Department of Defense become aware of the destabilizing effect that narco-terrorism has on friendly nations and the significant direct threat to the United States that narcotics proceeds have on supporting terrorism. Concurrently, agents in the field are working hard to synchronize field operations with the military.

United States, Office of National Drug Control Policy, “National Drug Control Strategy: FY 2009 Budget Summary,” February 2008, p. 12,

<http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf.s>

³³⁹ United States, Office of National Drug Control Policy, “National Drug Control Strategy: FY 2009 Budget Summary,” February 2008, pp. 1, 12,

<http://www.whitehousedrugpolicy.gov/publications/policy/09budget/fy09budget.pdf>.

³⁴⁰ United States, Government Accountability Office, “Drug Control: DEA’s Strategies and Operations in the 1990s,” GAO/T-GGD-99-149, July 29, 1999, p. 6.

Resource Management

Take-Aways from This Section:

- Arrest and seizure performance measures drive competition for demonstrated activity but hinder operational collaboration
- Domestic resource management is operationally, tactically driven by the field, yet tactical operations mingle with headquarters initiatives in the allocation process
- Foreign resource management begins with DEA's Country Attaché as part of the embassy's country team. The DEA Country plans serve as basis for the regional plan, and the regional plans are incorporated into DEA's Foreign Region Management Plan.

Within DEA, the combination of field-driven investigations and headquarters initiatives, such as CENTAC, Kingpin, and CPOT/RPOT programs, intermingle to derive resource allocation. Inter-division competition for resources, based upon arrest and seizure rates; and a single funding structure, fosters a drive for demonstrated efficiency, but this competitive performance structure to determine resource allocation can hinder operational synchronization. As previously noted, budget formation originates with field.

DEA's resource management abroad begins with the DEA attaché as a member of the U.S. embassy's country team. The role of DEA's Country Attaché is to "conduct liaison with the organized crime and narcotic units of foreign law enforcement agencies."³⁴¹ In 2004, DEA announced a "regionalization" of its foreign structure into seven regions (Andean, European, Mexico/Central America, Far East, and Middle East) with each headed by a Regional Director in order to "institute a strategic focus to management and operations in the field and . . . place senior managers capable of making policy decisions in locations more easily accessible to the other DEA offices in the area." In the planning process, the DEA country plan, written by the Country Attaché, serve as the basis for and regional plans that are then incorporated into the DEA's Foreign Region Management Plan. As in domestic offices, foreign office performance measures of work hour allocation to priority target organizations are tracked through the Priority Target Activity and Resource Reporting System.³⁴²

³⁴¹ United States, Department of Justice, Office of the Inspector General, "Federal Bureau of Investigation Legal Attaché Program; Chapter 5: Legal Attaché Offices Coordinate Activities with Other U.S. Law Enforcement Agencies Overseas; DEA," Report 04-18, March 2004, <http://www.usdoj.gov/oig/reports/FBI/a0418/chap5.htm>.

³⁴² United States, Department of Justice, Office of Inspector General, "The Drug Enforcement Administration's International Operations (Redacted); Chapter 2: Foreign Office Performance Measurement, and Chapter 4: Relationships," Audit Report 07-19, February 2007, <http://www.usdoj.gov/oig/reports/DEA/a0719/>.

Legal Issues

Take-Aways from This Section:

- DEA's single mission authority remains intact, but DEA is no longer the "go-to" agency for drug investigations. With the intended purpose to increase manpower, DEA's authority has been diluted through the use of concurrent authority, cross-designation, and deputization.
- The ability to "connect the dots" through communications interception is a vital investigative tool, and the antiquated US intercept authorities are slowly rendering law enforcement blind
- Nascent information sharing mechanisms exist to share information with state and local agencies, intelligence community, and foreign law enforcement; however, security clearances and foreign jurisdiction boundaries restrict information sharing.

DEA's ability to act as a single-mission entity has been constrained by a number of legal factors. Between 1973 and 1982, DEA was the "go-to" entity for drug investigations; however, this changed in 1982, when the FBI was given concurrent Title 21 authority (authority to investigate drug offences) with DEA only able to enforce federal drug laws. As previously mentioned, DEA's control of Title 21 authority has been further diluted through the use of deputization and cross-designation. Another contributing factor to decreased DEA effectiveness has been antiquated communications intercept laws, which were written in the 1960s and were created to ensure that law enforcement maintained its ability to legally intercept communications. The fact that these laws fail to reflect the new environmental reality of internet communications and other emergent communications technologies continues to undermine DEA success.³⁴³ Lastly, DEA has created nascent mechanisms to share intelligence in between DEA field agents and the intelligence community, between agents and state and local officers, and between agents and foreign law enforcement; however, legal security clearance barriers and foreign jurisdiction boundaries restrict sharing information.

³⁴³ Tanya Eiserer, "DEA Officials Say Laws Aren't Keeping Pace with Technology," *Dallas Morning News*, November 12, 2008, <http://crimeblog.dallasnews.com/archives/2008/11/dea-officials-say-laws-arent-k.html>.

Project on National Security Reform Four Standard Questions

1. Did the U.S. Government generally act in an ad hoc manner or did it develop effective strategies to integrate its national security resources?

Generally, the U.S. Government has acted in an ad hoc manner, working to the best possible outcome within the restraints of authorities, capabilities, resources, personalities, and politics of the moment.

2. How well did the agencies/departments work together to implement these ad hoc or integrated strategies?

Success tends to be on a case-by-case basis, when the right personalities, capabilities and inter-agency politics come together. Agencies cooperate with goodwill but only to the extent that the best interest of the agency and its mission is advanced by participating in the strategy.

3. What variables explain the strengths and weaknesses of the response?

The primary variables, strengths and weaknesses are summarized in the table below.

VARIABLE	STRENGTHS	WEAKNESS
Performance Measures	<ul style="list-style-type: none"> • Improve transparency • Give incentive for efficiency 	<ul style="list-style-type: none"> • Arrest and Seizure Rates indicate activity but not necessarily productivity and is a deterrent for cooperation because statistic may be only counted once and thus may affect the agency's budget • Qualitative target lists are a first step in integrating efforts. • Quantitative, credible, comparable and, cost-effective performance measures remain elusive

VARIABLE	STRENGTHS	WEAKNESS
Authorities/Jurisdictions	<ul style="list-style-type: none"> • Aids in oversight and curbs abuse of power • Single Mission agency allows for development of long-term expertise and has the advantages of a single chain of command, funding mechanism, personnel structure with shared capabilities, authorities, communications platform and cultural identity • Task forces serve as neutral mechanism for agencies to deconflict their activities and is a force multiplier • Use of deputization, cross-designation, and concurrent authority are force multipliers 	<ul style="list-style-type: none"> • Single mission authority is undermined systemically because it assumes that the problem issue can be dealt with in isolation and apply artificial federal boundaries on a complex and integrated problem leads to inter-agency lane encroachment and duplication of effort • Boundary friction will continue to exist within a single mission agency wherever there are internal geographic or role boundaries • Use of deputization, cross-designation, and concurrent authority undermine unity of effort
Culture	<ul style="list-style-type: none"> • Brotherhood of Law Enforcement is a significant bridge among domestic and international agencies because they see a shared national threat 	<ul style="list-style-type: none"> • Competitive nature of agencies and mistrust can counter cooperation • Foreign law enforcement trust of DEA as a single mission agency may be danger if agency activities are integrated with other functions of government, such as intelligence gathering. • Differing investigative philosophies between agencies can cause friction
Budget	<ul style="list-style-type: none"> • Multiple task force funding mechanisms allow for force multiplication and gives incentive for federal, state and local, and international participation • National Drug Control Budget and ONDCP Director certification aids in transparency and development of performance measures 	<ul style="list-style-type: none"> • Multiple funding mechanisms diffuse unity of effort • National Drug Control Budget is only certified by the ONDCP Director, limiting the Director's influence • Congressional committee structure and ONDCP treats federal agencies as separate entities rather than integrated whole • Budget synchronization difficult to achieve with multiple independent agency involvement, which results in budget creation by committee • Multiple Congressional committee structure supports a fragmented executive structure

VARIABLE	STRENGTHS	WEAKNESS
Leadership/Personalities	<ul style="list-style-type: none"> • Czars allow for greater issue focus • Individual reputation and informal relationships forged through shared operational experiences bridges organizational divides • Changes in political leadership opens the potential for organizational change and initiatives that address a portion of the drug continuum that has not been addressed • Equal footing in authority curbs abuse of power and may force cooperation in that one agency may need to rely upon another to achieve their goals 	<ul style="list-style-type: none"> • Czars can create another layer of bureaucracy and bifurcate line of authority • Operational synchronization is difficult to achieve with multiple agency involvement, which results in operational activity generated by committee • Sustained strategy is difficult to achieve with shifting priorities due to changes in political management • Equal footing reduces accountability of unilateral actions that create negative outcomes
Strategic – Tactical Balance (Decentralized vs. Centralized Control) (Domestic-Regional vs. International Focus)	<ul style="list-style-type: none"> • Field-led investigations allow for flexibility and adaptability to changes in the threat environment 	<ul style="list-style-type: none"> • Decentralization can lead to focusing on short-term successes and regional myopia and diluted accountability and consistency
Task Forces	<ul style="list-style-type: none"> • Excellent force multiplier • Agile and Efficient 	<ul style="list-style-type: none"> • Short-term Impact • Reactive • Limited command authority hinders coordination • Undermine unity of effort and federal-wide oversight

4. What diplomatic, financial, and other achievements and costs resulted from these successes and failures?

With the interagency, a clear pattern of achievement is difficult to quantify because specifics vary with venue and change with time. For instance, hard earned successes changed on a dime in Bolivia with the 2008 expulsion of DEA agents from that country. In addition, there is little incentive or mechanism for unity of effort in the current federal structure. As it stands, agencies in the drug war have incentive and authority to aggressively pursue their mission and interact with other agencies only to the extent that it furthers a common goal.