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BY THE COMPTROLLER GENERAL

Report To The Congress

OF THE UNITED STATES

Federal Drug Interdiction Efforts Need Strong Central Oversight

Despite increasing resources for drug interdiction, only a small percentage of drugs entering this country are seized. The authority and responsibility for Federal drug interdiction efforts are split among three executive departments (Justice, Treasury, and Transportation), each with different programs, goals, and priorities. The current administration has emphasized joint task forces to improve coordination. Although the establishment of these groups has improved operational coordination, no one individual has the information or responsibility to evaluate Federal drug efforts and recommend corrective actions.

GAO makes recommendations to the President to strengthen central oversight of the Federal drug enforcement program. Also, interdiction efforts can be further enhanced by improving the quality and timeliness of intelligence data and through well planned and coordinated use of military assistance.

UNITED STATES GENERAL ACCOUNTING OFFICE

GAO/GGD-83-52
JUNE 13, 1983

025804/121662

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

B-203099

To the President of the Senate and the
Speaker of the House of Representatives

This report describes and assesses Federal drug interdiction efforts and recommends ways to improve effectiveness. This review was made because of long-standing congressional concern about the smuggling of illegal drugs into the country.

Copies of this report are being sent to the President of the United States; the Director, Office of Management and Budget; the Attorney General; the Secretaries of Defense, Transportation, Treasury, and State; the Acting Administrator of the Drug Enforcement Administration; the Commissioner of the U.S. Customs Service; the Director of the Drug Abuse Policy Office; and other interested parties.

Charles A. Bowsher
Comptroller General
of the United States

121662/025904

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

FEDERAL DRUG INTERDICTION EFFORTS NEED STRONG CENTRAL OVERSIGHT

D I G E S T

Drug abuse in this country is a persistent and growing problem. Interdiction of illegal drugs, one component of Federal efforts to reduce the drug supply, has had limited impact on the drug flow. Despite increasing resources for interdiction, only a small percentage of drugs entering this country are seized.

WHY THE REVIEW WAS MADE

GAO conducted this review because of the significant increases in resources devoted to drug interdiction programs and because of the continuing vast amounts of drugs smuggled into the country. GAO's objectives were to evaluate the results of interdiction programs, the extent of cooperation and coordination among the various agencies, the role of intelligence in interdiction efforts, and the ability of the military to assist in drug interdiction.

INTERDICTION--ONE PART OF THE FEDERAL DRUG STRATEGY

Federal efforts to attack the supply of illegal drugs have three major components: international programs aimed at drug-producer countries, interdiction of drugs at the border, and domestic law enforcement.

Federal interdiction efforts include inspections of international travelers and cargo by the U.S. Customs Service inspectors, air and marine interdiction efforts of Customs patrol officers, and sea interdiction by the U.S. Coast Guard. The Drug Enforcement Administration (DEA) supports interdiction through the provision of intelligence and by investigating and presenting interdiction cases to U.S. attorneys. (See pp. 4 to 7.)

INTERDICTION RESULTS REMAIN LIMITED

Federal resources devoted to drug interdiction more than tripled from 1977 to 1982--from $83 million to $278 million. The Coast Guard's drug interdiction program comprises the majority of this increase. Meanwhile, funds for other facets of the Federal drug supply reduction program--international drug activities and domestic law enforcement--remained relatively constant. (See pp. 11 to 13.)

Despite these increases, only 16 percent of the marijuana and less than 10 percent[1] of heroin, cocaine, and dangerous drugs that are entering this country are seized through total drug enforcement efforts. Also, 95 percent of the individuals arrested in interdiction cases are low level violators and when convicted usually spend less than a year in jail. (See pp. 14 to 19.)

Joint special projects conducted by two or more agencies have proven especially effective in attacking drug smuggling. Of particular note are special DEA investigations that involve Customs and the Coast Guard resources. (See pp. 19 to 26.)

PROGRAM FRAGMENTATION LIMITS EFFECTIVENESS OF INTERDICTION EFFORTS

The authority and responsibility for Federal drug interdiction efforts are split among three separate agencies in three executive departments. Each agency has different programs, goals, and priorities. And, although the level of cooperation is increasing, especially in South Florida, such fragmentation has a certain amount of inefficiency and interagency conflict built in. (See pp. 30 to 32.)

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[1]These and other such estimates in the report were developed by GAO analysis of Customs, DEA, and National Narcotics Intelligence Consumers Committee data.

Congressional oversight and executive branch resource allocation decisions relative to drug interdiction are difficult under these circumstances. The budgets of the three agencies are developed in separate departments, reviewed by different OMB branches, and funds are authorized and appropriated by separate congressional committees. Also, very little information is available, either by agency or in the aggregate that can be used as a basis for evaluating program results. Aggregate seizure statistics are sometimes overstated when there is more than one participating agency, and very little case disposition information on arrestees is maintained. (See pp. 33 to 39.)

Another issue related to program fragmentation is the lack of a definitive policy regarding followup investigations of interdiction cases. Under the current division of responsibilities, DEA conducts followup investigations on the Coast Guard's or Customs' arrestees. DEA usually performs followup investigations only if the cases (less than 40 percent) will be prosecuted by a U.S. attorney. Consequently, information which could be of value to future investigations is not being obtained on the majority of the interdiction cases. (See pp. 39 to 46.)

Fragmentation of Federal efforts has long been recognized as a major problem. To help remedy this situation, Congress passed legislation in 1972 and 1976 that requires the President to develop a comprehensive national drug strategy and to appoint a drug abuse policy coordinator. While various drug strategies have been prepared over the years, the most recent in October 1982, none has adequately defined the various agencies' drug interdiction roles. Furthermore, the drug abuse policy coordinator has never had the authority to exercise the necessary policy and priority-setting oversight of Federal drug efforts. (See pp. 46 to 51.)

The current administration has organized or proposed several new groups to help coordinate Federal drug efforts. The South Florida Task Force, under the direction of Vice President Bush, was an excellent example of a cooperative

effort by all the major Federal agencies involved in drug enforcement efforts. While these efforts have certainly improved operational coordination among the various agencies, these coordination mechanisms still do not provide a composite picture of all Federal resources devoted to drug enforcement or provide a basis for allocating these resources in terms of budgetary priorities. (See pp. 51 to 53.)

BETTER, MORE TIMELY INTELLIGENCE NEEDED

The effectiveness of Federal interdiction efforts depends a great deal on intelligence support capabilities. Statistics on the use of prior intelligence to support interdiction, as well as certain special projects, indicate the value of good, timely intelligence. (See pp. 57 to 59.)

Drug source and transit countries are valuable sources of intelligence that can be used to support interdiction efforts. However, Customs and Coast Guard must rely on DEA to provide this intelligence. Yet, the international programs of DEA and the Department of State do not place a high priority on supporting interdiction efforts. For example, a stronger intelligence program is needed in the Caribbean, a major transit area for drug smuggling. (See pp. 59 to 62.)

DEA, Customs, and the Coast Guard all have domestic intelligence programs, and some intelligence processing and analysis has been centralized at the El Paso Intelligence Center. The Center can be more effective if better supported and utilized by the agencies involved in drug interdiction. Moreover, certain Customs and Coast Guard intelligence analysis functions should be transferred to the Center. (See pp. 62 to 69.)

MILITARY ASSISTANCE INCREASING

The military departments have provided some limited assistance to drug enforcement agencies over the last several years. Changes to the

Posse Comitatus Act in December 1981, which further defined the extent of allowable military involvement in support of civilian law enforcement, have resulted in a greater role for military resources in drug interdiction. (See pp. 73 to 79.)

Although military assistance can be beneficial, it is also necessarily limited because

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

--military equipment is expensive to operate and, for the most part, reimbursement is beyond the financial capabilities of law enforcement agencies; and

--disclosure of classified military systems in court might be required and this could compromise national security. (See pp. 79 to 86.)

RECOMMENDATIONS

GAO recommends that the President

--direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities and

--make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs. (See p. 54.)

This report also contains a number of recommendations to the Director, Office of Management and Budget; the Attorney General; and the Secretaries of Treasury, Transportation, and State to accumulate drug enforcement budgeting data, develop a management information system, and strengthen drug interdiction intelligence efforts. (See pp. 53, 54, and 70.)

AGENCY COMMENTS AND GAO'S EVALUATION

The Departments of Justice, Treasury, Transportation, State, and Defense provided written

comments on the draft report. The draft report was discussed with OMB officials. The White House Office of Policy Development and the Office of Drug Abuse Policy elected not to comment on the draft.

With respect to GAO's recommendations to the President, the Department of Transportation concurred with the recommendations; the Departments of Treasury, State, and Defense did not specifically comment on the recommendations; and the Department of Justice disagreed.

The Department of Justice pointed out a series of actions taken by the Administration toward achieving a coordinated national drug investigative effort. The Department stated that current efforts by the Administration, such as the South Florida Task Force and the President's creation of 12 new Drug Enforcement Task Forces, are intended to foster even closer Federal agency coordination. The Department of Justice also noted that legislation to create an "Office of the Director of National and International Drug Operations and Policy" was passed by the 97th Congress. President Reagan withheld his approval of this legislation noting that such a drug program manager would create a new bureaucracy in the Executive Branch and compound the problems of coordination.

GAO believes, however, that the current arrangements do not provide a mechanism for optimizing coordination and implementing priorities for the allocation of limited Federal drug enforcement resources within and across all components of the Federal drug effort. Giving one individual the responsibility to oversee the entire Federal drug program, as GAO has recommended, would be an extension of the efforts to increase coordination already begun by the agencies. Such responsibility, however, should not extend to the day-to-day operations of the individual agencies, because each agency is best capable of managing its particular functions within the context of its overall agency mission.

Legislation to establish a drug operations and policy office, similar to that passed by the

Congress last year, has been introduced in the 98th Congress (S. 406). Although GAO has not specifically analyzed this legislation, GAO's findings support the concept of central drug oversight, which is a major objective of the legislation.

The Department's of Justice and Transportation supported GAO's recommendation to develop a management information system. The Department of the Treasury did not specifically comment on this recommendation. The Department of Transportation concurred with GAO's recommendation to accumulate drug enforcement budgetary data. Other agencies and departments did not comment on this recommendation. The Departments of Treasury, Transportation, Justice, and State pointed out in their comments that development of intelligence is important to an interdiction program. However, some of these agencies disagreed on how to improve the intelligence programs.

The agencies' detailed comments on all of GAO's recommendations are included in appendixes VIII through XII and GAO's analysis is presented in relevant sections of the report and at the ends of chapters 2, 3, 4, and 5.

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ABBREVIATIONS

AWACS	Airborne Warning and Control System
CLEAR	Customs Law Enforcement Activity Reporting System
DEA	Drug Enforcement Administration
DOD	Department of Defense
EPIC	El Paso Intelligence Center
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
NORAD	North American Air Defense Command
NOSIC	National Oceanic Surveillance Information Center
OMB	Office of Management and Budget

CHAPTER 1

INTERDICTION: ONE PART OF THE FEDERAL EFFORT TO ATTACK THE DRUG PROBLEM

Drug abuse in this country is persistent and growing. The retail value of illegal drugs consumed in the U.S. in 1980 is estimated to be $80 billion.

A variety of sources and methods are involved in supplying and smuggling drugs. South American, Caribbean, and Asian countries as well as Mexico and the United States are sources for one or more of the drugs. The drugs are being smuggled through ports-of-entry, within merchandise or with travelers, and between ports-of-entry by private aircraft and vessels traveling surreptitiously. Currently, most of the marijuana, dangerous drugs, and cocaine smuggled between the ports-of-entry enter the country via Florida and other gulf coast and southeastern States. This report focuses on Federal efforts to reduce the smuggling of drugs into the United States between ports-of-entry.

DRUG PROBLEM PERSISTS

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

About 7 percent more heroin entered the country in 1980 than in 1979. This reverses the steady decline in the flow of heroin experienced from 1975 through 1979. While the total amount of heroin entering the country in 1980 (about 8,800 pounds) was considerably less than in 1975 (about 16,500 pounds), data on smuggling activity, purity levels, and heroin-related deaths clearly demonstrate a rise in heroin use. Furthermore, the National Narcotics Intelligence Consumers Committee projects increases through 1984. Southwest Asian countries (Pakistan, Afghanistan, and Iran) and Southeast Asian countries (Burma, Laos, and Thailand) are supply sources of 75 percent of the heroin entering the United States. The supply source for the remaining 25 percent is Mexico. Most of the Asian heroin is transported by commercial air passenger couriers while Mexican heroin is transported predominately by automobiles and pedestrians.

Available quantities and abuse of many types of dangerous drugs have also increased. The sources of dangerous drugs on the U.S. illicit market are domestic clandestine laboratories,

diversion of precursor chemicals and legal drugs from the legitimate U.S. distribution system, and illicit imports of diverted and clandestinely manufactured drugs from other countries. Most of the dangerous drugs smuggled into the United States are transported over land from Mexico and in private aircraft and vessels from Colombia.

Percentage increases in the amount of cocaine supplied to this country overwhelmingly exceeded increases in the amounts of other drugs. About 46,000 pounds of cocaine entered the country in 1977 and about 97,000 pounds entered in 1980--an increase of 110 percent. Cocaine for the U.S. market originates primarily in the South American countries of Bolivia, Peru, and Colombia. Although Peru and Bolivia remain the principal sources for coca leaf, the raw material for illicit cocaine production, most cocaine is processed in and transits Colombia. The major transportation means for cocaine shipments is by air--50 percent by air, 35 percent by sea, and 15 percent by land. Both private and commercial passenger flights as well as air cargo shipments are used.

The supply of marijuana increased in both 1979 and 1980, with Colombia producing the majority of the marijuana entering the country. The National Narcotics Intelligence Consumers Committee estimates that over 10,000 tons of marijuana, 75 percent of the total consumed annually, originates in Colombia. Marijuana is also grown in Jamaica, Mexico, and the United States. These countries produce 10 percent, 8 percent, and 7 percent, respectively, of the 14,000 tons consumed in the United States annually. Various modes of transportation are used to smuggle marijuana. Sixty percent of all imported marijuana was transported by sea. Air smuggling is the preferred mode of transporting marijuana from Jamaica. Mexican marijuana is transported in private aircraft and over land either in automobiles or with pedestrians. Domestically grown marijuana travels via all modes of interstate transportation.

The National Narcotics Intelligence Consumers Committee estimates that through 1984 marijuana and dangerous drug usage will remain stable while cocaine usage will continue to increase but at a slower rate than in the last few years. The National Narcotics Intelligence Consumers Committee also projects increases in heroin usage through 1984. Illegal drugs generated retail sales of about $50 billion in 1978, $65 billion in 1979, and $80 billion in 1980, with cocaine the top illicit income producer in 1979 and 1980, generating 34 percent and 37 percent of the total retail values during those respective years.

EFFORTS TO REDUCE THE DRUG SUPPLY

Federal supply reduction efforts are designed to reduce the quantity of drugs available for illicit use as well as contain and disrupt the distribution systems. The major components of supply reduction efforts are international programs, Federal domestic law enforcement, and border law enforcement.

The basic goals of the international programs are to encourage and assist foreign governments to reduce the production of illicit narcotics and to interdict the flow of illegal narcotics and dangerous drugs before they enter the United States. Reducing the supply of drugs available in the United States depends strongly on the cooperation and capability of foreign governments. Past efforts have centered on programs for crop eradication and substitution, cooperative drug law enforcement, and diplomatic initiatives to encourage assistance from other nations. The Bureau of International Narcotics Matters, within the Department of State, is the lead agency for coordinating the international programs.

The objectives of Federal domestic drug law enforcement are to disrupt illicit trafficking organizations and reduce the availability of drugs for illicit use. This approach implements the supply reduction strategy in three ways. First, the arrest, prosecution, and incarceration of traffickers and immobilization of trafficking organizations results in the elimination of some capabilities to supply illicit drugs. Second, the removal of drugs from the distribution networks reduces the supply of drugs. Third, the seizure of equipment and resources needed to operate the networks cripples or inconveniences the operations of the traffickers. Provisions of Reorganization Plan No. 2, effective July 1, 1973, established the Drug Enforcement Administration (DEA) within the Department of Justice and designated it as the lead agency for domestic enforcement. In addition, in January 1982 the FBI was granted concurrent investigative authority with DEA.

Interdiction at the border is an important component of the supply reduction strategy because of the removal of drugs, the arrest of traffickers, the deterrent effect, and the potential to obtain valuable information concerning trafficking methods, organizations, and activities. Controlling the border is the joint responsibility of several Federal agencies. The key agencies involved in interdiction at the border are the U.S. Customs Service of the Department of the Treasury, DEA, and the U.S. Coast Guard of the Department of Transportation. The desire to maintain an open border for facilitating the flow of legitimate traffic complicates the border control task.

INTERDICTION AT THE BORDER

Drugs are smuggled into all parts of the country by a variety of methods including cargo shipments, individual couriers on public transportation conveyances, and clandestine trips by private aircraft and vessels. These smuggling methods take place either through the ports-of-entry (predominately commercial cargo and passengers) or between the ports-of-entry (mostly private aircraft and vessels). The primary Federal agency with border control responsibilities is the Customs Service, which, in general, has inspectors at ports-of-entry and patrol officers between the ports-of-entry. In addition, the Coast Guard has a major program targeted at smuggling by private vessels.

Inspection at the ports-of-entry

The majority of heroin and large amounts of cocaine enter the United States by private couriers on commercial aircraft or vessels and through air and sea cargo at ports-of-entry. For example, according to Customs statistics, all of the fiscal year 1981 seizures of heroin greater than 5 pounds were made in ports-of-entry, and 80 percent of these were from commercial air passengers. In addition, 22 of the 30 fiscal year 1981 seizures of cocaine greater than 10 pounds were from air passengers or discovered in air and sea cargo or private vehicles. Primary responsibility for discovering drugs at air, sea, and land ports-of-entry rests with the Customs Service Office of Inspection.

Air and sea smuggling between ports-of-entry

The majority of marijuana and a significant percentage of the cocaine and dangerous drugs that enter the United States arrive between the ports-of-entry and are carried predominately by private vessels and aircraft. Information from the Customs Law Enforcement Activity Reporting System (CLEAR) shows that of the drugs seized, 65 percent of the marijuana, 22 percent of the cocaine, and 18 percent of the dangerous drugs were seized between the ports-of-entry. Primary responsibility for combating air and sea smuggling between the ports-of-entry rests with Customs Office of Patrol and the Coast Guard.

Smuggling by private aircraft

Private aircraft traveling clandestinely are often used to smuggle marijuana, cocaine, and dangerous drugs. In general, the contraband smuggler uses a propeller-driven, fixed-wing aircraft, flies under cover of darkness without use of navigation lights, penetrates the border at low altitudes, and lands between the ports on clandestine airstrips. A study conducted by the Stanford Research Institute in fiscal year 1979 stated there were 800 to 1,000 private aircraft involved in smuggling that were making 5,100 to 8,400 flights into the United States annually. These air intrusions transported 11 million pounds of marijuana and 17,500 pounds of cocaine annually. A Customs' Information Services Staff intelligence study stated that the use of private aircraft is one of the principal methods for transporting marijuana, cocaine, and dangerous drugs into the United States from the principal source countries. Furthermore, this trend is expected to continue.

The mission of Customs air patrol, the primary defense against the air smuggler, is to stem the flow of contraband smuggled into the United States by private aircraft. The air patrol operations begin when an intruder is detected and identified as a violator. Then, Customs personnel pursue the aircraft to its landing point--if the landing point is within U.S. jurisdiction. The final stage of the process ideally involves the apprehension of the aircraft and the arrest of the pilot and passengers.

The Federal Aviation Administration of the Department of Transportation and the military provide some support to the air interdiction efforts. Federal Aviation Administration procedures governing the operations of private aircraft provide a base from which potential violators can be identified. Additionally, Customs has used military and Federal Aviation Administration resources, primarily aircraft and radar facilities, and has explored the use of National Aeronautics and Space Administration satellites.

Smuggling by private vessels

Maritime smuggling is one of the primary methods used to import illicit drugs--especially marijuana. According to National Narcotics Intelligence Consumers Committee estimates, 60 percent of the marijuana imported is shipped by sea. While several types of vessels are involved in maritime smuggling, mothership operations predominate. Vessels involved in smuggling are either large commercial-type vessels ranging from 60 to 300 feet in length known as "motherships," or smaller

pleasure-type vessels used as "control boats" or "round trippers." In mothership operations the vessels leave the source country loaded with contraband, usually marijuana, and travel until met offshore by contact boats. The contraband is transferred from the mothership to the contact boats and then smuggled into the country between the ports-of-entry. In some instances, the motherships drop the contraband at stash sites instead of meeting contact boats. Another maritime operating method involves round-tripping. Fishing vessels, sailboats, or yachts make trips from the United States to foreign ports and return to the United States loaded with contraband.

While exact estimates of the number of private vessels involved in smuggling do not exist, the El Paso Intelligence Center (EPIC) reports over 1,000 vessels were placed on lookout during 1981. EPIC, a facility jointly staffed by several law enforcement agencies but operated by DEA, serves as a central point for collecting, analyzing, and disseminating drug smuggling related information. Additionally, a Customs intelligence study predicts private vessels will continue to be used extensively to smuggle contraband, particularly from South America and the Caribbean to the United States.

The Coast Guard is responsible for enforcing all Federal laws upon the high seas and waters over which the United States has jurisdiction and leads the efforts against sea smugglers. The Coast Guard's primary strategy against smuggling by sea is to concentrate its resources on intercepting motherships. To do this, the Coast Guard patrols the principal Caribbean channels, also known as "choke points," within the major drug routes used by smugglers.

Marine interdiction operations closer to the shores are conducted by Customs' marine patrol as well as the Coast Guard. These efforts are directed toward the small contact boats often used to transport the drugs from the mothership to the shore.

The military provides assistance to the marine interdiction efforts by providing information on the movements of suspect vessels and by loaning equipment to the Federal agencies involved. Additionally, the Department of State coordinates those marine activities that involve foreign vessels or occur in foreign waters.

DEA's interdiction responsibilities

Even though Customs and Coast Guard are the principal agencies responsible for drug interdiction, both between and within the ports-of-entry, DEA also has a major drug interdiction role. Reorganization Plan #2 of 1973, which created DEA,

sought to centralize Federal drug law enforcement primarily in one agency. Under the plan, the drug investigative and foreign intelligence-gathering functions and resources of the Customs Service were transferred to DEA. The Customs Service's antidrug role was limited to interdiction of drugs at the border. As a result, since 1973 DEA has been responsible for providing foreign intelligence on drug movements and performing postinterdiction investigations of seizure cases. In addition, many Federal seizures of drugs are the result of DEA domestic investigations.

Much of the air and sea drug smuggling intelligence is provided by DEA through EPIC. In support of efforts to combat air and sea drug smuggling, EPIC's staff prepares threat analyses, provides tactical intelligence on suspect movements, identifies violators through its lookout system and generally relays relevant information to the law enforcement community.

THE SOUTHEASTERN UNITED STATES: GATEWAY FOR ILLEGAL DRUGS

Currently, most marijuana and cocaine enter the country through the southeastern States--most notably Florida. Until approximately 5 years ago, the Southwest border area was the primary entry point for illicit drugs smuggled into the United States. At that time, Mexico was the major source country for heroin, marijuana, and other illicit drugs. The success of joint U.S.-Mexican eradication efforts in Mexico had a significant impact on the availability of drugs. These successful efforts resulted in a change in the source country, which in turn created a shift in trafficking patterns. Colombia, Jamaica, and other South American countries emerged as principal source countries for marijuana, cocaine, and dangerous drugs.

A recent EPIC report states that, although drug smuggling and related activities occurred in just about every State and U.S. territory during 1981, the southeastern and gulf coast States have become the preferred entry point for smugglers transporting cocaine, marijuana, and dangerous drugs. This is due to the location of the source countries and the topography of these States. The many miles of isolated inland waterways, the numerous unlit dirt strips, the open beaches, coastal islands, and undeveloped land enable easy access with little chance of detection.

The vast majority of the drugs smuggled into the area enter through Florida. EPIC estimated that in 1981 Florida was targeted for 68 percent of all maritime drug smuggling and 47 percent of all air smuggling destined for the United States.

Intelligence sources indicate the southeastern and gulf coast States will remain the primary entry area. However, enforcement efforts are underway in the area which may, if successful, change this trend.

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Our review focused on Federal interdiction programs because of the significant increases in resources devoted to these programs and because of the continuing vast amounts of drugs being smuggled into the country. The review objectives were to evaluate the results of the interdiction programs, the extent of cooperation and coordination among the various agencies, the role of intelligence in the interdiction efforts, and the ability of the military to assist in drug interdiction. To accomplish these objectives, we focused primarily on the interdiction-related operations of the Coast Guard, Customs Service, DEA, Department of Defense, and the military services. Details of our scope and methodology are contained in appendix I.

On December 15, 1982, a draft of this report was provided to the following individuals for their comments:

--The Assistant to the President for Policy Development.

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

--The Attorney General.

--The Secretary of the Treasury.

--The Secretary of Transportation.

--The Secretary of State.

--The Secretary of Defense.

--The Director, Office of Management and Budget.

Written comments were received from all of these individuals except the Director, OMB, the Assistant to the President for

Policy Development, and the Director of the White House Drug Abuse Policy Office. We discussed the draft report with officials of OMB.

The agencies' comments have been addressed in the relevant report sections as well as at the ends of chapters 2, 3, 4, and 5. Copies of the agencies' comments are included as appendixes VIII through XII.

CHAPTER 2

DESPITE LARGE INCREASES IN RESOURCES, INTERDICTION RESULTS REMAIN LIMITED

Federal resources devoted to interdiction more than tripled from 1977 to 1982 while funds for other facets of the Federal drug supply reduction program--international drug activities and domestic drug enforcement--have remained relatively constant. The Coast Guard's drug interdiction program comprises the majority of this increase. Despite these increases, however, interdiction results remain limited.

--Cocaine, heroin, and dangerous drug seizures for fiscal years 1977 through 1982 comprised less than 10 percent of the estimated supply of these drugs.

--Less than 20 percent of the estimated marijuana supply was seized over this same time frame.

--Drug price and purity statistics, measures of availability, indicate little change.

--Most individuals arrested in interdiction cases are low-level violators.

--The bulk of those arrested spend less than a year in jail.

Furthermore, because the predominant drug smuggled into the United States by private aircraft and vessels is marijuana, most air and sea interdiction seizures are of marijuana. Most of the other drugs are seized through DEA investigations or Customs port-of-entry inspections.

Joint special projects conducted by two or more agencies have been shown to be the most effective means to attack drug smuggling. Such programs are costly, however, and may have only limited long-term impact.

Even though interdiction resources have increased and more drugs have been seized, more drugs are entering the United States now than entered 5 years ago. Consequently, while the volume and street value of drugs seized are most impressive, the seizures are dwarfed by estimates of the total drugs available.

Current Federal resources have been inadequate to stop or even substantially impair drug smuggling. The Coast Guard

has estimated that it would take $2 billion in additional resources to interdict 75 percent of the marijuana entering the United States from the Caribbean. Estimates to seize 75 percent of the cocaine, heroin, and dangerous drugs entering the United States are not available, but clearly the funds necessary would run into the billions of dollars.

RESOURCES DEVOTED TO INTERDICTION HAVE INCREASED DRAMATICALLY

Our analysis of budget and expenditure data for the Coast Guard, Customs Service, and DEA showed that resources devoted to interdiction more than tripled for the 6-year period from 1977 through 1982. During the same period, resources for other facets of the Federal supply reduction program (domestic law enforcement and international programs) increased in dollars, but declined when adjusted for inflation, as shown in the following table.

Drug supply reduction facet	1977	1978	1979	1980	1981	1982	1977 to 1982 Percent increase	1977 to 1982 Real percent increase (decrease) (note a)
	(millions)							
Interdiction	$ 83.0	$121.0	$165.6	$164.7	$291.8	$277.9	236	110
Domestic law enforcement	141.2	160.1	158.4	175.1	183.4	207.7	47	(8)
International	51.7	61.1	57.6	62.4	57.7	61.0	18	(26)
Total	$275.9	$342.2	$381.6	$402.2	$532.9	$546.6		

a/Represents the percent of increase (decrease) in dollar amounts when adjusted for inflation.

Adjusting these figures for inflation shows that expenditures during this period for domestic law enforcement and international programs decreased by 8 percent and 26 percent, respectively. During the same period interdiction expenditures increased 110 percent in real terms.

Increase in interdiction expenditures attributable mostly to Coast Guard

The majority of expenditures for drug interdiction are made by the Coast Guard, Customs Service, and DEA. Since these agencies do not accumulate cost data for drug interdiction, we analyzed various resource utilization, budget, and other data from the three agencies to estimate the amount of money spent for interdicting drugs. Our analysis showed the following.

							1977 to 1982	
Agency	1977	1978	1979	1980	1981	1982	Percent increase	Real percent increase (decrease) (note a)
Coast Guard	$17.6	$ 47.9	$ 87.1	$ 86.2	$196.7	$179.1	919	539
Customs	58.0	65.0	67.7	70.2	86.2	88.2	52	(5)
DEA	7.4	8.1	10.8	8.3	8.9	10.7	43	(10)
Total	$83.0	$121.0	$165.6	$164.7	$291.8	$277.9		

a/Represents the percent of increase (decrease) in dollar amounts when adjusted for inflation.

As shown, the Coast Guard's drug interdiction program has comprised most of the increase in resources devoted to interdiction. The Coast Guard's drug enforcement expenditures increased over 900 percent from 1977 to 1982.

Coast Guard expenditures for drug interdiction are included in its overall budget for law enforcement. Drug enforcement and fisheries enforcement comprise most of the Coast Guard's law enforcement program expenditures. The total law enforcement budget increased from $94 million in 1977 to $306 million in 1982. The primary Coast Guard resources used in drug interdiction are medium endurance cutters, patrol boats, and aircraft. We calculated the estimated cost for drug enforcement using operating statistics for these vessels and aircraft. Total operating hours for these vehicles charged to drug enforcement increased from an estimated 19,051 hours in 1977 to 106,100 hours in 1982.

Customs cost of interdicting drugs is also an estimate. Customs Tactical Interdiction Program expenditures generally consist of the activities of Customs Patrol Division. Customs officials told us that 90 to 95 percent of the activities of Customs Patrol concern drug interdiction. Customs Inspection Division also is involved in drug interdiction. Customs inspectors are given specialized training in detecting and interdicting drugs that are smuggled through cargo and passenger processing locations. The drug interdiction activities of Customs inspectors are performed as an integral part of their other duties at airports and seaports. We therefore did not include Inspection Division resources in our estimate of Customs drug interdiction costs.

Our estimate of the amount DEA spends on drug interdiction is based on the number of hours DEA special agents spend on referral cases from Customs and Coast Guard. Most of these referrals are interdiction cases. This estimate does not include DEA's costs associated with special interdiction projects. These costs were neither available nor possible to reasonably estimate.

Costs for the other two facets of the Federal drug supply reduction effort: international supply reduction and domestic enforcement are estimated based on DEA and State Department budgets. International supply reduction is comprised of the State Department's budget for International Narcotics Control and DEA's overseas budget. Domestic enforcement is comprised of the remainder of DEA's budget after interdiction and overseas costs are subtracted. In addition, 1982 domestic enforcement expenditures include an estimated $5.3 million spent by the FBI for drug enforcement.

In commenting on our draft, the Departments of Transportation and Justice disagreed with our drug interdiction cost estimates. Transportation officials using a different basis for allocating costs, estimated that their drug enforcement expenditures increased from $25 million in 1977 to $150 million in 1981. Justice said our estimates of interdiction costs were understated by the amount of time DEA spent on special projects and other interdiction activities. However, Justice did not provide estimates of these additional costs.

These agencies do not specifically account for drug interdiction expenditures. There are a variety of reasonable ways to estimate such costs. We believe our estimates are sound, but, more important, the disagreement over how such estimates are made demonstrates the need for the development

of better ways to calculate interdiction expenditures, an issue we discuss more fully in chapter 3.

INTERDICTION RESULTS ARE LIMITED

Although Federal agencies are seizing increasing amounts of drugs, drug availability has been on the increase and seizures represent only a small portion of total supply. Further, individuals arrested in interdiction cases are typically low level violators and when convicted, more often than not spend less than a year in jail.

Drug availability has not been diminished

Drug seizures by DEA, Customs, and the Coast Guard continue to represent a small portion of the total drug supply as estimated by the National Narcotics Intelligence Consumers Committee. The Committee is composed of Federal agencies with drug enforcement, policy, treatment and research, and intelligence responsibilities and produces, among other things, an annual estimate of the supply of drugs on the U.S. illicit market.

Comparing Federal drug seizures with the Committee's estimates of the drug supply, total Federal drug seizures from fiscal year 1977 through 1982 comprise less than 10 percent of the heroin, cocaine, and dangerous drug supply and less than 16 percent of the marijuana supply.[1] The graphs on the next page show the percent of drugs seized from fiscal years 1977 to 1982.

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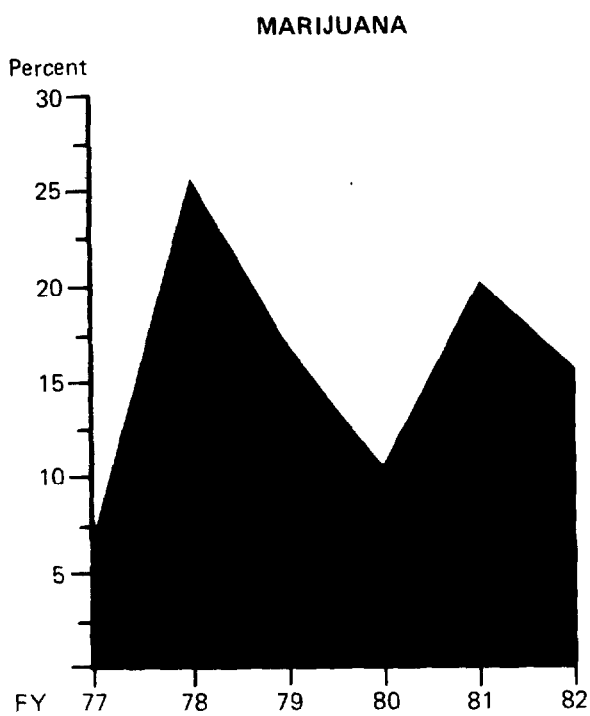
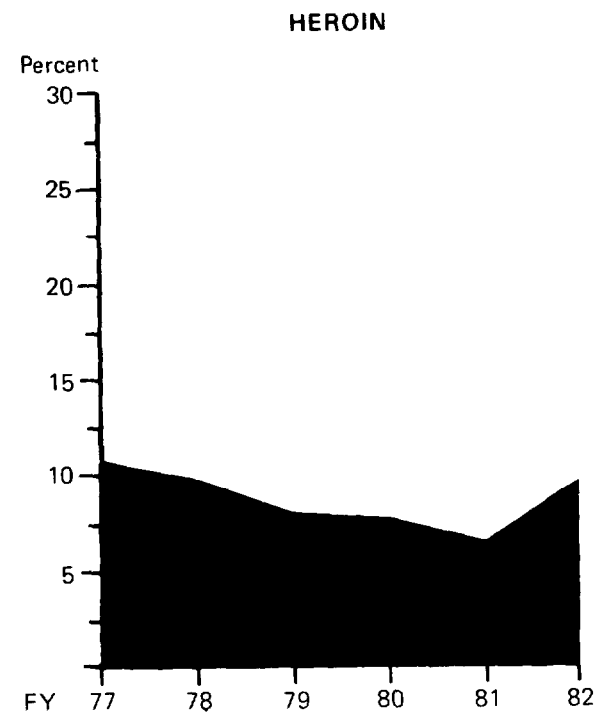
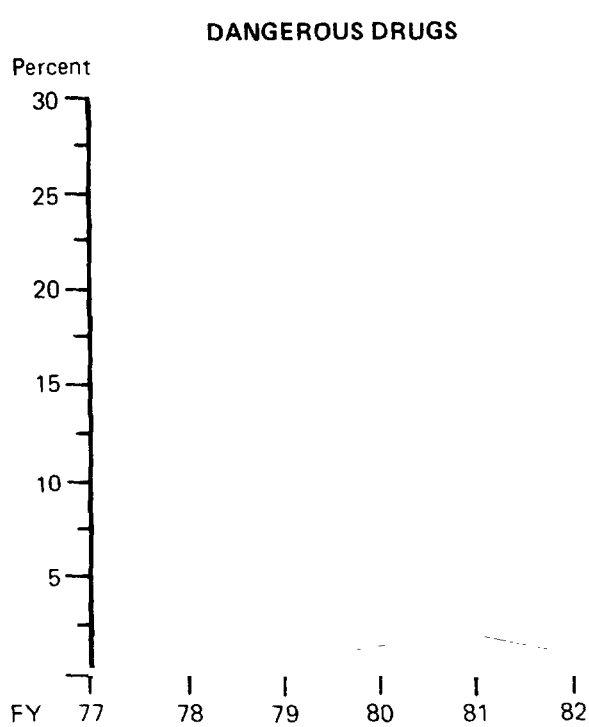
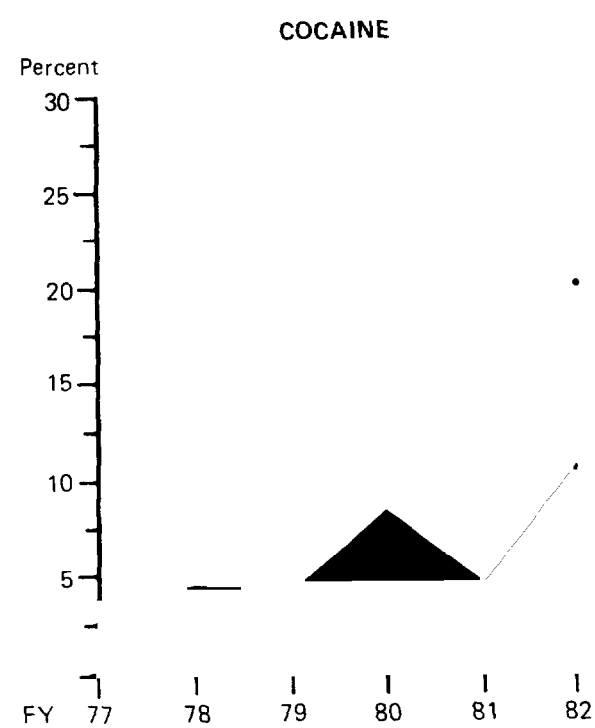
[1]NNICC estimates for each drug represents the total amount on the U.S. market and include amounts grown or produced domestically. For example, NNICC estimates that 7 percent of the marijuana supply is grown in the United States and that the majority of illicit dangerous drugs are manufactured or diverted in the United States. Domestically produced drugs obviously are not usually seized at the border. On the other hand, our drug seizure information includes all Federal drug seizures both at the border as well as within the United States.

PERCENT OF DRUG SUPPLY SEIZED
FISCAL YEARS 1977-1982









In addition to the percent of the drug supply seized, another indicator of interdiction's limited impact on drug availability is the fact that street prices of drugs have remained relatively constant. Street prices are considered by DEA to be a barometer of drug availability. An increase in street prices indicates a decline in drug supply. Street prices of heroin and cocaine over the past 4 years have remained relatively constant and have actually declined when adjusted for inflation. Street drug prices compiled by DEA for the past 4 years are shown below.

Street Prices (note a)

	1979	1980	1981	1982 (note b)
Heroin (mg)	$2.25	$2.21	$2.34	$2.13
Dangerous Drugs (see note c)	2.78	3.36	3.74	4.21
Cocaine (mg)	.65	.67	.69	.62
Marijuana (gm)	1.29	1.57	1.67	1.70

a/Prices for each calendar year are an average of quarterly street prices as reported by DEA.

b/1982 prices for dangerous drugs and marijuana are for the period January to September 1982.

c/Prices for amphetamines and barbiturates are in units.

Adjusting these prices for inflation shows a decline in the price of heroin and cocaine from 1979 to 1982: heroin declined from $2.25 to $1.66 and cocaine declined from $.65 to $.52. Marijuana prices remained relatively constant when adjusted for inflation rising slightly from $1.29 in 1979 to $1.32 in 1982. The Department of Justice in commenting on our draft report stated that drug street prices should not be adjusted for inflation since illegal drugs are outside of legal commerce. We believe that inflation must be considered if prices are to be used as a barometer of availability. The $2.25 spent for a miligram of heroin in 1979 clearly is not the same as $2.25 in 1982.

Recent street drug prices also show declines. Comparing drug street prices for the first quarter of fiscal year 1982 with the last quarter of 1982 shows the following:

--heroin declined from $2.27 per miligram to $2.04;

--cocaine declined from $.63 per miligram to $.53;

--marijuana declined from $1.78 per gram to $1.64; and

--dangerous drugs declined from $4.77 per unit to $4.04.

Drug purity statistics also indicate an increased availability of drugs. DEA, which maintains purity statistics for heroin and cocaine, regards an increase in the purity of these drugs as an indication of an increase in availability. The chart below shows that the purity of both heroin and cocaine are at their highest levels in 4 years.

Year	Heroin	Cocaine
	--------percent--------	
1979	3.6	12.5
1980	3.8	12.9
1981	3.9	11.6
1982	5.0	13.6

The low percentage of the drug supply seized, decreasing street drug prices and increasing drug purity indicate that drug availability, the primary target of interdiction, has not been seriously affected. Although Federal agencies have seized large drug quantities, a seemingly inexhaustible supply offsets that being seized.

Interdiction arrestees are low-level violators

Individuals involved in transporting drugs are typically not high-level violators. DEA classifies drug violators into four categories with Class I being the most important. For example, Class I violators can be the head of major drug trafficking organizations dealing in large quantities of drugs. Occasionally, interdiction may apprehend a Class I violator who may be transporting drugs by air, or an individual or small group of individuals who may have purchased and be importing the drugs themselves. But, on the whole, those arrested are Class III and IV violators who transport, but do

not control, their drug cargo. High-level violators leave this phase of the work to someone else.

Complete data on the classes of violators arrested by Customs and the Coast Guard is not available since many violators are either deported or referred to State and local authorities for prosecution. However, data on the violator class of arrestees referred to DEA by Customs and the Coast Guard during fiscal years 1977 to 1982 show that only 5.1 percent of the 8,344 referred were Class I or II violators; almost 95 percent (7,922) were Class III and IV.[2] (See app. III.)

Most interdiction arrestees spend little time in prison

Only limited data is available on the court disposition of individuals arrested by Coast Guard and Customs. Our analysis of this limited data shows that more often than not smugglers arrested and prosecuted spend very little time in jail.

Neither the Coast Guard, Customs, nor DEA maintains complete data on the judicial disposition of cases involving individuals arrested for drug smuggling. These agencies do not know whether arrestees were accepted for Federal or local prosecution, whether arrestees were convicted, or what sentences were imposed. Some case disposition data is maintained by DEA for some of the cases it accepts for further investigation and prosecution; however, this information is not complete. For example, we attempted to determine the results of court cases brought against 348 individuals arrested in 172 randomly selected air and sea interdiction cases.[3] Using data available at DEA and the FBI's Computerized Criminal History program of the National Crime Information Center, we could find court disposition information on only 128 of the 348 individuals arrested in these cases.

Court disposition data for these 128 violators are shown in the table below.

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[2]The data includes arrestees referred to DEA by all Federal agencies, but, according to DEA officials, more than 90 percent of all referrals are from Customs and Coast Guard.

[3]A description of our random sample procedures is contained in appendix I.

Length of Sentence	Number	Percent of total	Cumulative percent
No prison sentence (see note a)	42	32.8	32.8
Up to 1 year	19	14.8	47.6
1 - 2 years (see note b)	14	10.9	58.5
2 - 3 years	18	14.1	72.6
3 - 5 years	17	13.3	85.9
5 - 10 years	11	8.6	94.5
More than 10 years	7	5.5	100.0
Total	128	100.0	-

a/Includes such sentences as fine or probation only; or suspended sentence.

b/Length of sentence "1 - 2 years" means that the sentence was from more than 1 year up to and including 2 years; "2 - 3 years" is more than 2 up to and including 3 years; etc.

As the table shows, almost a third of those arrested received no prison sentence, and almost three-fourths received a prison sentence of 3 years or less. Because of parole and other factors, Federal prisoners usually serve only about one-third of their prison sentences. Therefore, individuals receiving a 3-year sentence or less (nearly 75 percent of those arrested for smuggling) probably spend no more than a year in jail.

Federal prosecutors told us that prison sentences are not very long because most of those arrested in interdiction cases are not major violators. They noted that Federal judges have been reluctant to impose longer prison sentences on these low-level violators.

AIR AND SEA INTERDICTION PROGRAMS RESULT PRIMARILY IN MARIJUANA SEIZURES

Because marijuana is the primary drug smuggled into this country by private aircraft and vessels, most Customs Patrol

and Coast Guard seizures are of marijuana. On the other hand, as might be expected, air and sea drug interdiction results in few seizures of other types of drugs. Instead, the bulk of these drugs seized are the result of domestic DEA investigations and port-of-entry inspections by Customs inspectors.

Drug seizures by agency as a percentage of total drugs seized is shown in the table below.

Total Drugs Seized By Agency
Fiscal Years 1977-1982 (note a)

	Heroin	Dangerous Drugs	Cocaine	Marijuana
	(percent)			
DEA	66	63	35	20
Coast Guard	0	6	0	38
Customs	30	22	61	29
Patrol	(4)	(12)	(21)	(26)
Inspection (see note b)	(26)	(10)	(40)	(3)
State/Local/ Federal Cooperative (see note c)	4	9	4	13
Total	100	100	100	100

a/Fiscal year 1982 data are for the first 9 months (October 1981 to June 1982).

b/Includes seizures by inspectors, inspection teams, and a small number of seizures by other Customs personnel.

c/Seizures made by State, local, or other Federal agencies for which Customs took possession of the seized drugs.

As the table shows, the Coast Guard and Customs Patrol seized 4 percent of the heroin, 18 percent of the dangerous drugs, and 21 percent of the cocaine. In contrast, DEA seized 66 percent of the heroin, 63 percent of the dangerous drugs, and 35 percent of the cocaine. On the other hand, Customs Patrol

and the Coast Guard, through their interdiction programs, seized 64 percent of the total marijuana seized.

JOINT INTERDICTION PROJECTS RESULT IN LARGE QUANTITIES OF DRUGS SEIZED

Special interdiction operations involving several Federal agencies have been more successful than single agency activities. These joint operations have allowed Customs and the Coast Guard to tap DEA's overseas intelligence resources and overall drug expertise, and resources have been better organized and focused on interdiction. Although joint interdiction operations have resulted in increased drug seizures and cooperation, the most successful joint projects occurred when DEA investigations utilize Customs and Coast Guard resources. These operations result not only in large quantities of drugs seized, but also many major traffickers arrested.

Marine interdiction projects

There have been several successful joint agency efforts in the maritime area, beginning in 1978 with Operation Stopgap and continuing with various phases of Operation Tiburon.

The basic strategy in these maritime operations has been to provide as much choke point coverage (see map on the next page) as possible at the end of the harvest seasons when much of the marijuana is shipped. Although these operations began essentially only as concentrated enforcement efforts at the choke points, these maritime efforts have become excellent examples of interagency cooperation and coordination. The Coast Guard commits the cutter (vessel) resources, DEA provides overseas intelligence and photographs on those vessels likely to be carrying the marijuana, and Customs and DEA provide air support to the cutters.

MAP OF CARIBBEAN SHOWING THREE PRIMARY CHOKE POINTS: YUCATAN CHANNEL, WINDWARD PASSAGE, AND MONA PASSAGE

The table below shows the timeframes and results of these special projects.

Project	Time frame	Arrests	Vessels seized	Marijuana seized (pounds)
Stopgap	Jan. - Feb. 1978	202	29	860,405
Tiburon I	Nov. - Dec. 1980	64	12	90,000
Tiburon II	Feb. - Mar. 1981	62	13	652,000
Tiburon III	Oct. 1981 - Jan. 1982	368	70	932,963
Total		696	124	2,535,368

Air interdiction special projects

Customs has been involved in several major air interdiction operations where the use of multiple agency resources provided advance intelligence on potential targets. One such operation, conducted jointly by DEA and Customs, was Operation Boomer Falcon I & II in the fall of 1979 and spring of 1980. This operation was an intensified air interdiction enforcement strategy targeted at air smugglers flying through the Windward Passage into the Caribbean and entering the southeast Florida coast. The operation involved the use of radar detection and prior intelligence supplied by Customs and DEA. DEA and Customs aircraft were utilized during the operation for interception and surveillance of air smugglers in route to the United States. Boomer Falcon results are shown in the chart below.

	I	II	Total
Aircraft seized	27	31	58
Drug seized (pounds)			
Cocaine	785	0	785
Marijuana	15,494	13,741	29,235
Dangerous drugs	1,203	1,695	2,898
Arrests	36	44	80

In addition to the results shown above, the coordination among the agencies involved was noteworthy. This coordination resulted in EPIC generating 57 aircraft lookouts, receiving and analyzing over 100 international flight plans, and developing files on approximately 500 suspect aircraft.

DEA investigations involving Customs and Coast Guard resources

Joint marine and air interdiction projects have had positive results. The most successful joint operations have involved investigations conducted by DEA and employing Customs and Coast Guard resources. These investigations not only have resulted in large quantities of drug seizures but also the arrest of several major traffickers. Linking interdiction to broader drug enforcement investigations not only aids interdiction but improves overall drug enforcement by associating higher level violators with the drugs seized.

An excellent example that demonstrates the benefits of this combined approach was an investigation that culminated in March 1981 entitled Operation Grouper. DEA penetrated, through undercover operations, numerous sophisticated marijuana trafficking organizations throughout the Southeast and Gulf States as well as the Bahamas. As a result of DEA, Customs, Coast Guard, and other enforcement units' efforts, several of these organizations were put out of business, large quantities of drugs were seized, and top-level violators were indicted. The operation resulted in a total of 155 indictments, of which 81 were Class I or II violators; 1.2 million pounds of marijuana, 831 pounds of cocaine, and 3 million methaqualone tablets were seized; and about $20 million in cash, vehicles, vessels, and aircraft was seized. In addition, a great deal of intelligence was generated on smuggling operations in the Southeast and Caribbean. This operation, while primarily DEA-based, involved the Coast Guard seizing vessels on the high seas on the basis of prior intelligence, interdiction by Customs, and arrests and seizures by State and local enforcement units throughout the Southeast.

Although these operations were highly successful, most interdiction efforts are not tied to drug enforcement investigations.

South Florida Task Force: increased drug seizures but high cost

The most recent and by far the largest Federal special project against drug smuggling is the South Florida Task Force (a.k.a. Operation Florida). During January 1982, the President established a cabinet-level Task Force on crime in Florida, especially drug-related crime, and appointed the Vice President to direct the operation. On March 15, 1982, Operation Florida began and is scheduled to continue as permanent drug interdiction task force.

Although designed to be a broad, multifaceted anticrime program for South Florida, the bulk of the Task Force, both in terms of activities and resources, focuses on drug interdiction. Assistance for the Task Force was obtained from several Federal agencies. Customs, in cooperation with the lead agency DEA, formed the Florida Joint Task Group as a part of the Task Force. During the first 90 days, 256 Customs personnel and 81 DEA personnel were detailed to support the effort. Additionally, Customs increased its efforts to reduce air smuggling activities. To assist this effort, the Department of Defense furnished U.S. Navy E-2C aircraft and U.S. Army

Cobra helicopters. Other support has included an increase in the number of Coast Guard cutters operating in the waters of South Florida and the transfer of additional personnel from the Bureau of Alcohol, Tobacco, and Firearms; FBI; and U.S. Marshals Service.

Official cost estimates for the Task Force have not been made by the Executive Branch; however, we estimate, on the basis of the number of personnel assigned and other projected expenditures, that the total cost of the Task Force from March through December 1982 exceeded $66 million.

Reports of the results achieved from the Task Force efforts have been mixed. The Departments of Justice and Treasury have reported some very positive achievements. They note that:

--The crime rate in South Florida has dropped significantly.

--Drug arrests and seizures in Florida have increased.

--Followup drug interdiction investigations have been carried out in almost every case with positive results.

--Overall drug enforcement program cohesiveness has been strengthened.

Statistics provided by the Treasury Department comparing drug seizures and arrests in the State of Florida for the period March 15 through December 31, 1982, with the same period in 1981 showed:

--marijuana seizures increased from 1,094,000 pounds to 1,245,000 pounds.

--cocaine seizures went up from 1,617 pounds to 2,891 pounds, and

--arrests rose from 742 to 945.

The Treasury Department also noted that the Task Force appears to have shifted drug smuggling activity to other parts of the country. For example, even though marijuana seizures in the Southeastern United States showed little change between 1981 and 1982, marijuana seizures increased more than 400 percent in the Northeast during this period.

On the other hand, DEA data shows that most of the arrests associated with the Task Force are low level violators. According to DEA statistics, only 5 percent of Task Force arrests are major drug violators (Class I or II). Nationally about 17 percent of DEA arrests are major violators. 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.

Although the Task Force has been successful, especially in demonstrating the benefits of a cohesive attack on drug trafficking, the overall pervasiveness of the drug problem is demonstrated by the national statistics on drug availability. As pointed out earlier in this chapter, drug price and purity data in 1982 indicates increased availability of most drugs.

INTERDICTION WOULD NEED BILLIONS OF DOLLARS IN ADDITIONAL RESOURCES TO STOP DRUG FLOW

The primary objective of interdiction is to reduce the amount of drugs entering the United States. However, it is generally recognized that current interdiction programs have only a limited impact on drug traffickers. Although estimates of the additional resources necessary to impede the drug flow are difficult to make, officials of the primary Federal agencies involved have stated that the additional resources would be substantial. For example, the Coast Guard has estimated that it would have to seize 75 percent of the marijuana entering the United States before drug traffickers would be driven out of business. The Coast Guard has said it would need $2.3 billion in additional operating funds including 35 new aircraft, and 156 new medium endurance cutters and patrol and utility boats to seize 75 percent of the marijuana coming through the Caribbean. Estimates to seize 75 percent of the cocaine, heroin, and dangerous drugs entering this country are not available, but it would also take billions of dollars.

In commenting on our draft report, the Department of Transportation said that its $2.3 billion estimate to seize 75 percent of the marijuana transiting the Caribbean was no longer current. The Department noted that "* * * the substantial increase in drug trafficking intelligence and the coordination of efforts among law enforcement agencies * * *" has resulted in a revised estimate. Transportation said that

> "Assuming the Coast Guard would have access to timely tactical intelligence, we believe we can essentially deny the seaborne routes to the smugglers and significantly disrupt the maritime trafficking in marijuana for a dollar figure considerably less than previously stated."

However, Transportation did not provide a revised estimate.

The Treasury Department in its response to our draft report said that an effective air interdiction strategy aimed at smuggling by private aircraft could be maintained for less than $30 million per year. The Department said such a strategy is currently being developed in conjunction with the Department of Defense. However, Treasury did not provide estimates of the initial investment costs, the cost of military resources necessary, nor the details of how the additional resources would be used.

CONCLUSIONS

Clearly interdiction plays an important role in the Federal effort to stem the flow of drugs. Interdiction removes drugs from the illicit market, increases the risk to drug traffickers, and discourages some would-be traffickers from attempting drug smuggling.

Increasing the amount of Federal resources over the past few years has increased the amount of drugs seized, albeit without really gaining much on the problem of drugs being readily available. But interdiction alone cannot, and is not intended to, provide the answer to our drug supply problem. The other Federal drug supply reduction thrusts of crop eradication/substitution in the international area and domestic enforcement are vital.

The Federal agencies involved in drug interdiction have seized tremendous amounts of drugs over the years with limited resources. Many important improvements have been and are being made to increase drug seizures. But more needs to be done. These areas are discussed in detail in the following chapters.

AGENCY COMMENTS AND OUR EVALUATION

The Justice Department said, in commenting on our draft report, that we failed "* * * to address the role and limitations of interdiction in the context of the entire Federal

drug law enforcement effort." Justice said that interdiction is only one part of the Federal drug strategy and it is unrealistic to expect current drug interdiction programs to eliminate the flow of illegal drugs. Commenting on the limitations of interdiction, Justice said

> "Years of experience have shown that this 'band-aid' approach to controlling illegal drugs--stopping them midway along the delivery chain--is nothing more than a maintenance effort which, standing alone, will never have any permanent effect on drug traffic."

Justice also noted that

> "Unfortunately, the GAO report leads one to believe that the Federal Government should allocate more resources to the interdiction effort as the answer to the drug problem."

We believe our report clearly identifies the limitations of interdiction within the context of the total Federal drug enforcement effort. Chapter 1 identifies all of the components of the Federal drug supply reduction program and the central theme of this chapter is that interdiction results have remained limited despite the substantial increases in resources. And, as discussed in chapter 3, any increases in interdiction resources need to be considered in light of the other Federal drug supply reduction components--international programs and domestic enforcement.

The Justice Department also was very critical in its comments of our failure to include more current data on the South Florida Task Force. Justice pointed out that

> "* * * a most serious shortcoming is the report's failure to concentrate on the South Florida Task Force in assessing the degree of cohesiveness with which interdiction efforts are accomplished."

Subsequent to receiving Justice's comments, we learned that DEA had prepared an assessment of the operations of the South Florida Task Force through December 1982. We requested a copy of the report from Justice, but have not received it. Consequently, we have not been able to recognize in the final report the specific accomplishments of the task force to which Justice alluded in its comments.

CHAPTER 3

PROGRAM FRAGMENTATION LIMITS THE EFFECTIVENESS OF INTERDICTION EFFORTS

The authority and responsibility for Federal drug interdiction efforts are split among three separate agencies in three executive departments. Each agency has different programs, goals, and priorities. And, although the level of cooperation is increasing, especially in South Florida, such fragmentation has a certain amount of inefficiency and interagency conflict built in.

Congressional oversight and resource allocation decisions relative to drug interdiction are extremely difficult under these circumstances. None of the agencies involved identify resources devoted to drug interdiction for budget purposes and very little information is available, either by agency or in the aggregate, to evaluate program results. Aggregate drug seizure statistics are sometimes inflated due to double counting of seizures when there is more than one participating agency, and very little case disposition information on arrestees is maintained.

Under the current division of responsibilities, DEA conducts followup investigations on the Coast Guard's or Customs' arrestees. DEA usually performs followup investigations only if the cases (less than 40 percent of Customs Patrol and Coast Guard cases) will be prosecuted by a U.S. attorney. Consequently, information which could be of value to future investigations is not being obtained on the majority of the interdiction cases.

Fragmentation of Federal efforts has long been recognized as a major problem. To help remedy this situation, Congress passed legislation in 1972 and 1976 that requires the President to direct the development of a comprehensive national drug abuse prevention strategy and to appoint a drug abuse policy coordinator. While various drug strategies have been prepared over the years, the most recent in October 1982, none has adequately defined the various agencies' drug interdiction roles. Furthermore, the drug abuse policy coordinator has never had the authority to manage all Federal drug efforts. The current administration has organized and proposed several new groups to help coordinate Federal efforts to fight the drug problem making it all the more important that someone have clear authority to oversee these efforts.

INTERDICTION PROGRAMS ARE INCOHESIVE

Federal interdiction efforts are not planned, controlled, or directed by any single department, agency, or individual but are split among three major agencies in three separate cabinet departments. DEA has overall responsibility for drug enforcement, Customs interdicts smugglers at the border, and the Coast Guard interdicts drugs on the high seas.

Unfortunately, the drug trafficking organizations do not conveniently divide their operations to match the Federal structure. In many cases, these independent programs address separate elements of the same threat. The same organization that smuggles drugs may also be involved in money laundering and domestic distribution operations, often national in scope.

Essentially, Federal drug interdiction efforts are an amalgamation of these individual agency programs resulting in differing interdiction goals, priorities, and resource decisions. Resource allocation decisions that transcend agency boundaries are not possible. Moreover, very little information is available that would permit an evaluation of the relative effectiveness of the various programs and operations.

Agencies have different goals and priorities

Even though Customs, the Coast Guard, and DEA are all involved in interdiction, they do not have common goals or priorities. Differences exist in

--the overall goals of the agencies' programs,

--the priority of drugs targeted, and

--the level of violators focused on.

In addition, the Coast Guard's overall interdiction objective does not consider the roles of DEA or Customs.

Different goals

The overall goals of the Coast Guard's and Customs' drug enforcement programs are to seize drugs, while DEA's major objective is to immobilize major trafficking organizations. DEA's approach to immobilizing trafficking organizations is three pronged: arrest of major violators, forfeiture of the

organization's assets, and seizure of the drugs. DEA believes that, unless all facets of the organization are attacked, the organization will not be put out of business. Because of different goals, the Coast Guard and Customs measure success on the volume of drugs seized and DEA, on the number and level of violators arrested as well as drugs and assets seized. As noted in chapter 2, drug seizure cases rarely involve major traffickers.

Overall, the Coast Guard has established a program goal to interdict 75 percent of the marijuana entering the United States by sea. This goal was developed on the basis of the theory that a 75-percent interdiction rate would make drug trafficking unprofitable and would therefore act as a deterrent. However, the likelihood of achieving this goal is affected by such things as shifting smuggling routes, alternative smuggling methods, and changes in sources of marijuana.

In addition, the goal was developed without considering the Coast Guard's relationship with other agencies' enforcement efforts. Such consultation is important because, for example, the shift in smuggling routes resulting from an increase in Coast Guard drug interdiction resources, would impact Customs' programs to deter smuggling by private aircraft or through ports-of-entry. Increases in Coast Guard's interdiction efforts would also require increases in DEA's and Justice's programs to investigate and prosecute Coast Guard cases.

A March 1982 study of the Coast Guard's Roles and Missions conducted by Department of Transportation and Office of Management and Budget (OMB) officials was critical of the Coast Guard's unilateral development of the 75-percent goal. The study poses the following questions:

> "What if the Coast Guard did in fact approach the 75 percent program goal? What impact would that have on DEA and/or Customs interdiction strategies? Surely any significant increase in marine interdiction by the Coast Guard would likely cause a shift to other routes and other transportation modes."

On this point, the study concluded that "The relatively narrow perspective of the goal * * * points out the lack of strategic coordination among Federal law enforcement agencies."

Different priorities

Not only do interdiction agencies have different goals, they also often target different drugs and levels of traffickers. Up until 1982, DEA had established national drug priorities to direct its investigative resources to the most harmful drugs. DEA's national priorities were (1) heroin, (2) dangerous drugs, (3) cocaine, (4) other depressants and stimulants, and (5) marijuana. DEA's drug priorities are now formulated on a localized basis at its Divisional Offices. During fiscal year 1982 more than 63 percent of DEA's investigative resources were focused on heroin and cocaine investigations.

The Coast Guard and Customs Patrol on the other hand, focus their efforts predominately on marijuana. Although neither agency has established drug priorities per se, they have concentrated their resources against marijuana smugglers because the predominant drug smuggled by private vessel and aircraft is marijuana.

As noted earlier, Customs Patrol drug enforcement efforts are concentrated between the ports-of-entry. Drug seizures within the ports-of-entry are generally made by Customs Inspectors, as a part of their general inspection duties.

Coast Guard and Customs Patrol activities result in the majority of Federal marijuana seizures, a smaller portion of cocaine and dangerous drug seizures, and almost no heroin seizures. From the beginning of fiscal year 1977 through June 30, 1982, the Coast Guard and Customs Patrol seized more than 60 percent of the marijuana seized during the last 6 years, but less than 25 percent of total cocaine and dangerous drug seizures, and only 4 percent of total heroin seizures. (See app. IV.)

Differences also exist between the types of violator arrested as a result of DEA's priorities and those arrested as a result of Customs and Coast Guard activities. DEA attempts to concentrate its investigative resources on Class I and II violators, those violators at the top of the organizations, whereas the type of violator arrested by Customs and the Coast Guard for smuggling most often is a Class III or IV.[1] While data on the class of violators arrested by Customs and Coast Guard is limited, information available on those arrestees referred to DEA shows that only 5 percent referred from 1977 to 1982 were Class I or II. Available violator classification

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[1]DEA classifies violators from I to IV with Class I being the most important and Class IV the least important.

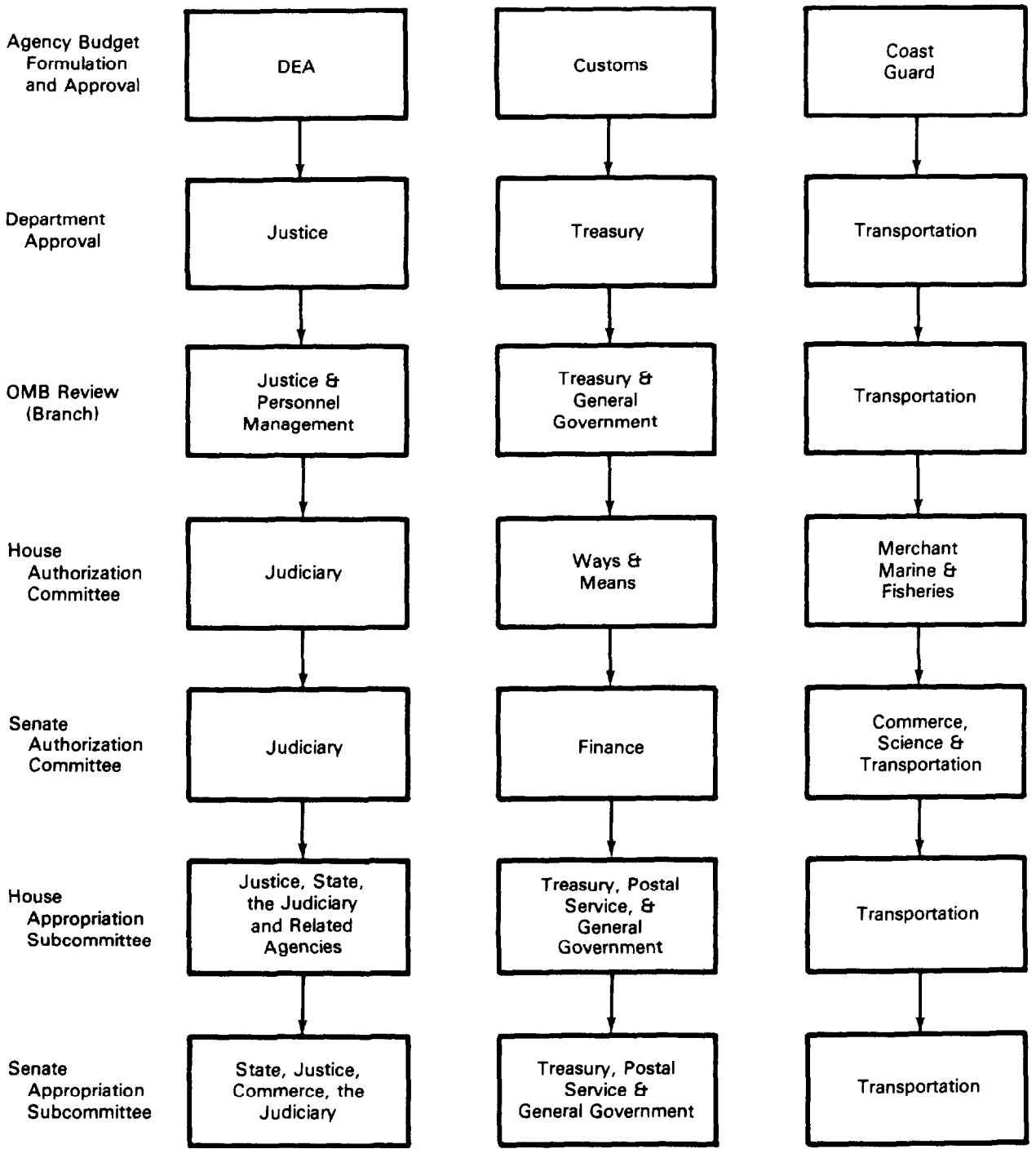
data for Customs and Coast Guard arrestees are shown in appendix III.

Effective drug enforcement resource management is difficult

Because drug interdiction responsibilities are split among three Federal agencies in three different departments, effective management of the resources devoted to interdiction is complicated. The budgets of the three agencies are developed in separate departments, and reviewed by different OMB branches, and funds are authorized and appropriated by separate congressional committees. Consequently, no one organization or individual is responsible for formulating or approving these budgets or expenditures for interdiction activities. Additionally, these agencies do not separate the cost of drug interdiction from their other programs. Without adequate information on total interdiction resources, both agency management and congressional oversight of drug interdiction resources are difficult. A table showing the budget process for the three agencies involved in interdiction appears on the following page.

DRUG INTERDICTION BUDGET APPROVAL PROCESS

Process



As interdiction programs have grown over the last 6 years more drug enforcement expenditures are being made by agencies other than DEA. When DEA was created in 1973 as the lead agency for drug enforcement, it was envisioned that by centralizing responsibilities and resources in one agency in the Department of Justice, management of resources would be more effective. Now, as the table below shows, more money is being spent by Customs and Coast Guard together on drug enforcement than by DEA.

Estimated Drug Enforcement Expenditures
1977 vs 1982

	1977		1982	
	Amount (millions)	Percent of total	Amount (millions)	Percent of total
DEA	$168.2	69	$239.1	47
Customs	58.0	24	88.2	17
Coast Guard	17.6	7	179.0	35
FBI	-----	---	5.3	1
Total	$243.8	100	$511.6	100

The increasing amounts of drug enforcement expenditures by Customs and the Coast Guard have further decentralized resource management. The scope and magnitude of interdiction programs--primarily involving Customs and the Coast Guard--have grown far too large not to be reviewed as part of the overall drug enforcement function.

No system for evaluating interdiction results

The lack of aggregate information on interdiction results is another product of the fragmented interdiction programs. No one has comprehensive information on what is seized or what happens to interdiction arrestees. Specifically,

--Double counting of drug seizures makes it impossible to get an accurate count of drugs seized.

--Information on whether and why Customs and Coast Guard cases are declined by Federal, State, and local prosecutors is not accumulated.

--Court disposition results are not known by DEA, Customs, or the Coast Guard.

Without such data, we question how agency managers can make decisions on interdiction.

Some drug seizures are counted twice

Statistics on drugs interdicted are overstated because of double and triple counting. Each agency participating in a particular seizure claims credit for the drugs seized--the rationale is that any agency involvement, however limited, merits recognition. A pound of marijuana seized by Coast Guard in the Caribbean is also claimed by Customs because it took custody of the drugs at the dock. If intelligence came from an agency other than the one making the seizure, both or more agencies claim the seizure.

Although determining which seizures are counted by more than one agency is difficult, some information is available. First, Customs claims credit for all Coast Guard seizures of drugs, since the Coast Guard always turns its seizures over to Customs. In compiling statistics, DEA separates from its own seizures the drug seizures that are the result of referrals from other Federal agencies. DEA, however, sometimes categorizes Customs and Coast Guard seizures as a DEA seizure rather than as a Federal referral. This results in additional double counting.

We could not determine the extent of double counting, but some examples were noted:

--In the New Orleans region at least five drug seizures were counted separately by Customs, the Coast Guard, and DEA. In these cases over 200 tons of marijuana were seized. Because all three agencies took credit for the 200 tons of marijuana, there was a 400-ton overstatement of marijuana seized in fiscal year 1981 in the New Orleans region.

--The largest cocaine seizure in history--3,245 pounds--which was made in March 1982 at Miami International Airport was counted by both DEA and Customs.

--Our analysis of DEA seizures involving more than 10,000 pounds of marijuana, 10 pounds of cocaine, and 5 pounds of heroin during the first 6 months of fiscal

year 1981 showed that 25 percent were counted by both DEA and Customs.

Even though we could not determine the extent of double or triple counting of drug seizures occurring among Customs, the Coast Guard, and DEA, the amount that we identified demonstrates substantial overreporting, especially of marijuana seizures. The table below compares total reported seizures of marijuana in fiscal year 1981 with our estimate of the amount actually seized after adjustment for known double counting.

Comparison of Reported Marijuana Seizures to GAO Estimate Fiscal Year 1981

Agency	Reported	GAO estimate
	-----(thousands of pounds)-----	
Customs	5,110	2,452
Coast Guard	3,262	2,671
DEA	1,131	1,131
Total	9,503	6,254

As the table shows, the total marijuana seizures reported by the agencies were 50 percent more than the total amount we estimate was actually seized.

The Department of Transportation's comments on our draft report stated that we underestimated the amount of marijuana seized by the Coast Guard. Transportation said total Federal seizures of marijuana were 6,766 pounds and it believed the Coast Guard's portion of total marijuana seizures was greater than we gave it credit for. Transportation said that our estimates do not include drugs which were destroyed at sea or turned over to DEA directly. However, Transportation did not provide estimates of these amounts.

We believe our estimates are sound. We used Customs' CLEAR system to estimate Coast Guard seizures. This system shows the actual weight of the drugs seized. Coast Guard, on the other hand, usually estimates the drug weight by only a visual observation.

Information on case disposition of arrestees not maintained

None of the agencies maintains comprehensive data on the case disposition of persons arrested during Federal interdiction efforts. These agencies do not know

--how many cases were accepted for prosecution;

--who prosecuted each case (Federal, State, or local jurisdictions); or

--the results of the prosecuted cases.

Although Customs, the Coast Guard, and DEA make numerous drug interdiction violation arrests, only DEA presents cases involving violations of Federal narcotics laws to the U.S. attorney for Federal prosecution. As discussed later in this chapter, in addition to Federal prosecution, interdiction cases may also be prosecuted in State or local courts or not be prosecuted at all.

If interdiction arrestees are accepted for Federal prosecution, DEA sometimes tracks the results of the case. However, if cases are not prosecuted in Federal court, little is known by DEA, Customs, or the Coast Guard about court disposition. None of these agencies maintains information on what jurisdiction prosecuted the case, if any. Besides being prosecuted in Federal, State, or local courts, arrestees may be deported if they are foreign nationals or they may be allowed to plea to a misdemeanor.

Customs maintains data on the number of individuals arrested for drug violations in Customs and Coast Guard interdiction cases. And DEA reports the number of arrestees referred to it by Customs and the Coast Guard and accepted for Federal prosecution. A comparison of Customs and DEA data indicates that many arrestees are not prosecuted in Federal court.

Eighty-five percent (47,673) of the 56,017[2] persons that Customs and the Coast Guard arrested from fiscal year 1977 through June 1982 for drug violations were not prosecuted in Federal courts. (See app. VI.) Several things could have happened to these 47,673 arrestees. They could have been prosecuted in State or local courts, deported, pled guilty to

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[2]This data includes individuals arrested for drug violations by Customs Patrol as well as Customs Inspectors at ports-of-entry.

misdemeanors, or released. However, no data is maintained to show what happened to them.

With such limited data on who is prosecuting interdiction arrestees, it is not surprising that very little information is available on the courts' disposition of cases. We attempted to determine court results of 348 arrestees involved in our sample of 172 air and sea interdiction cases. Neither Customs nor the Coast Guard had any information on the court disposition of the arrestees. DEA had court disposition information on 73 of the 348 arrestees, and by checking the remaining individuals with the FBI's Computerized Criminal History file we were able to determine the court disposition of an additional 55 arrestees.

The Department of Transportation in its comments on our draft report agreed that historic data on the disposition and outcome of those arrested for drug smuggling is lacking, but said that the Coast Guard's Seventh District (Miami) had some recent information on the court disposition of arrested drug traffickers. However, data included in the Department of Transportation's comments show that of 615 Coast Guard drug arrests in 1981, 419 were accepted for prosecution. The data does not indicate what happened to the other 196 arrestees.

DEA AND CUSTOMS ROLES IN INTERDICTION ARE UNCLEAR

Reorganization Plan #2 of 1973 gave the Department of Justice primary responsibility for drug enforcement and created DEA as the lead agency.[3] Under the Plan, Customs does not conduct followup drug investigations; DEA performs followup investigations of Customs and Coast Guard drug interdiction arrestees and presents the case to the U.S. attorney for prosecution.[4] 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.

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[3]However, the Attorney General may request assistance from other Federal agencies, including Customs.

[4]Although the Coast Guard was not part of Reorganization Plan #2, DEA performs followup investigations of the Coast Guard drug cases acceptable for Federal prosecution. In addition, in January 1982, the FBI was granted authority by the Attorney General to conduct drug investigations.

Even though Reorganization Plan #2 is almost 10 years old, the roles of Customs and DEA remain unclear. Namely:

--Longstanding conflict has existed between Justice and Treasury on what authority Customs should have regarding drug investigations.

--Large numbers of Customs and Coast Guard interdiction arrestees are being refused for prosecution by Federal authorities.

--Investigative followup of interdiction cases is inadequate.

Customs officials believe DEA should perform followup investigations on more interdiction cases. DEA officials said they prefer to concentrate DEA's limited resources on high-level trafficker investigations rather than low-level interdiction cases. This issue needs to be resolved.

Disagreement between Justice and Treasury continues

Almost from the time Reorganization Plan #2 was implemented nearly 10 years ago, disagreement between the Departments of Justice and Treasury over their respective roles in drug enforcement investigations began to surface. In December 1975 DEA and Customs signed a memorandum of understanding to "emphasize and clarify the roles and the need for cooperation between the two respective agencies." This agreement recognized that DEA has "full responsibility for any narcotics related follow up investigation * * * related to narcotics interdiction."

Evidence of the continuing disagreement between Justice and Treasury is found in a January 1982 letter from the Attorney General responding to a request from the Secretary of the Treasury for greater Customs authority in drug investigations:

> "I am informed that DEA is indeed willing to accept greater Customs participation in drug enforcement. However, the critical issue--and the one upon which I understand no consensus has been reached by our staffs--is the manner in which to utilize Customs' resources."
>
> "We believe that Customs' role in drug enforcement should be increased within its existing jurisdiction. In 1973, the President and Congress reorganized drug enforcement

efforts, gave the Department of Justice primary responsibility for drug enforcement and created DEA as our lead agency. Prior to 1973, a fragmented national response, involving a handful of agencies in several Departments, had proven ineffective * * *. In light of this history, we believe it would be a grave mistake to repeat the mistakes of the past and return to a fragmented system of drug enforcement."

It is obvious that there is still no clear understanding between DEA and Customs regarding their respective roles in drug enforcement. A recent court decision also highlights the need for clarification of interdiction roles.[5] In 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. In his opinion, the Judge states:

> "As both the text of the Reorganization Plan and the Presidential transmittal memorandum make plain, the purpose of the Reorganization Plan was to remove all investigatory and enforcement functions vis-a-vis the drug laws from the Customs Service and to place those functions in the newly formed Drug Enforcement Administration. The primary reason for the reorganization was the conviction that the enforcement efforts of the United States would be far more effective and efficient were they concentrated in a single agency."[6]

The Judge felt that this case did not fall within the "border exception" granted to Customs in the Reorganization Plan.[7] The Court reconsidered the decision at the

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[5]United States v. Harrington, 520 F. Supp. 93 (E.D. Cal.) aff'd on rehearing, 524 F. Supp. 292 (1981), rev'd on other grounds, 681 F 2d 612 (9th Cir. 1982).

[6]520 F. Supp. at 94.

[7]Customs authority for drug enforcement was limited to the border by Reorganization Plan #2 of 1973. Whether an action falls within the "border exception" would be difficult to make in many cases. Often drugs known to be smuggled into the United States are not seized at the border but domestically at a later time.

Government's request in September 1981 and upheld the initial decision.[8] In so doing the Court went even further in criticizing Customs' interpretation of Reorganization Plan No. 2:

> "The legislative history of the Reorganization Plan makes it clear that Congress thought long and hard about the wisdom of taking Customs out of the drug-enforcement business, see 119 Cong. Rec. 18465, et seq. It appears, however, that all of the deliberations of Congress were for naught, because attorneys for the government have indicated that the Customs Service has instructed its officers that the Reorganization Plan No. 2 of 1973 has had no effect on the authority and powers of the Customs Service. Statutory law is currently being, and has been for the past eight years, disregarded. 'Exclusion of the evidence seized is the only effective deterrent of such disregard.' United States v. Soto-Soto, id. at 550."

This case and the District Judge's decision were eventually overturned by the 9th Circuit Court of Appeals in July 1982.

Customs in its response to our draft said that this case does not seem germane to our discussion because the District Court decision was overturned. Customs said that the evidentiary hearing in this case made clear that the investigation was a joint Customs Patrol-DEA investigation approved by the Justice Department in advance.

Although the case was overturned, we believe the District Judge's discussion of Customs' authority and the legislative history of Reorganization Plan #2 provides insight into the problem. In addition, even though this case was reversed, the appellate decision did not specifically address the broader question of Customs' authority in drug investigations.

Many Customs and Coast Guard interdiction cases not accepted for Federal prosecution

Data on Coast Guard and Customs Patrol drug interdiction cases, show that many--at least 63 percent--are not accepted

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[8] 524 F. Supp. 292.

for Federal prosecution. U.S. attorneys often refuse to prosecute interdiction cases because there are no arrests, the amount of drugs is too small to warrant prosecution, or State and local involvement in the case makes Federal prosecution unwarranted.

As stipulated in Reorganization Plan No. 2, DEA is the agency that submits violations of narcotics laws to U.S. attorneys for prosecution. The U.S. attorney then determines whether to accept or deny the case. In reality, however, in Federal court districts with a large volume of interdiction cases (such as the Southern District of Florida) DEA decides whether to accept the case for prosecution on the basis of guidelines prepared by the U.S. attorney.

Although case disposition data is limited, some information is available that demonstrates the extent that interdiction cases are not prosecuted in Federal courts. The table below shows case disposition for Customs and the Coast Guard cases as reported in Customs' CLEAR system.

Case Disposition Analysis--Customs Patrol and Coast Guard Cases Fiscal Years 1977-1982 (note a)

Case disposition		Number
Cases with arrests		
Refused by U.S. Attorney	2,294	
Accepted by U.S. Attorney	1,523	
Accepted by State and Local	413	
No Information	1,220	5,450
Cases without arrests		2,016
Total cases		7,466

a/ Fiscal year 1982 data for first 9 months (Oct. 1-Jun.30).

The table shows that of the 7,466 total Customs Patrol and Coast Guard cases, 2,294 were refused for prosecution and in an additional 2,429 cases, either the case was initially accepted for State and local prosecution or an arrest was not made. Therefore, at least 63 percent (4,723 of 7,466) of Customs Patrol and Coast Guard cases did not result in Federal prosecutions. The number of these cases not resulting in Federal prosecutions declined slightly over the period decreasing from 67 percent in 1977 to 59 percent in 1982. Annual case disposition data is shown in appendix VII. This data does not include numerous cases made by Customs Inspectors and other personnel at ports-of-entry and other locations. An analysis of these cases over the same period shows that 85 percent (59,337 of 69,960) are not prosecuted in Federal court.

An analysis of the type of case refused for prosecution shows that most involve seizures of small amounts of marijuana. Of the 2,294 cases refused by U.S. attorneys for prosecution, 1,442, or 63 percent, involved quantities of marijuana less than 10 pounds. Also, of the 2,294 cases refused for Federal prosecution, 930 cases were released to State and local authorities for prosecution.

In commenting on our draft, the Department of Transportation said that Customs and Coast Guard arrests should be considered separately when analyzing the percentage of interdiction arrestees prosecuted in Federal court. The Department said that enactment of the Biaggi-Gilman Act in September 1980 (Public Law 96-350), which made it easier to prosecute individuals arrested for drug trafficking on the high seas, had resulted in an increase in the number of Coast Guard cases prosecuted in Federal court. Our data shows that since passage of the Biaggi-Gilman Act, 31 percent of Coast Guard cases have been refused for Federal prosecution compared with 55 percent prior to enactment of the act. More than 65 percent of Customs Patrol cases were refused for Federal prosecution over this same period.

Limited investigative followup of interdiction cases

Because DEA generally investigates only interdiction cases that are acceptable to U.S. attorneys for prosecution, many interdiction cases are not investigated after the arrest. As noted in the previous section, more than half of Coast Guard and Customs Patrol cases are not accepted for Federal prosecution.

Information gleaned from interdiction cases can be valuable to develop conspiracy investigations or provide intelligence for future interdiction efforts. Although individually, many of the seizures provide an insufficient base for a major investigation, by analyzing patterns of ownership on seized vessels and aircraft and developing other information, drug seizures can be linked to persons profiting from the trafficking.

As noted earlier, Customs and the Coast Guard do not perform followup investigations of interdiction cases. The memorandum of understanding between Customs and DEA signed in 1975 clearly limits Customs' involvement in the followup investigations. The memo stipulates that Customs' "Questioning of arrested violators will be limited to obtaining personal history and seizure information for Customs' forms. Further questioning is the responsibility of DEA."

Although DEA has the responsibility to investigate interdiction cases, DEA officials believe better alternatives exist for using their investigative resources. DEA officials point out that interdiction cases typically involve low-level violators, not the major violators they attempt to focus their resources on.

DEA statistics for fiscal years 1979 through 1981 show the small amount of time agents spend on interdiction cases. Nationwide, less than 5 percent of DEA's special agent staff-hours are devoted to cases referred to DEA by other Federal agencies. Even in DEA's Miami Region, the percent is just under 10 percent.

Because of the relatively small amount of DEA investigative resources spent on Customs and Coast Guard interdiction cases, Customs and Coast Guard officials believe that valuable information is being lost. Officials told us that for many cases, interdiction arrestees are not adequately debriefed, nor the cases adequately investigated. Customs officials pointed out that even cases with no arrests can provide potentially helpful information.

Recognizing the problems associated with followup investigations of interdiction cases, a joint DEA/Customs task group was formed in South Florida as a part of the South Florida Task Force. The group, which is composed of DEA agents and Customs patrol officers and agents, was established to investigate interdiction cases. As a part of this task group, the Attorney General in a letter dated March 20, 1982,

granted limited authorization to Customs' officers, working under the direction of DEA, to investigate drug smuggling cases. The authority was limited to the activities of the South Florida Task Force.

According to the Treasury Department, followup drug investigations in Florida have been carried out in almost every case since inception of the Task Force. These investigations have resulted in

--the development of 70 new informants,

--the opening of 77 new investigative cases, and

--the arrests of an additional 114 individuals and seizures of drugs, vessels, aircraft, firearms, and cash.

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

FRAGMENTATION OF FEDERAL DRUG EFFORT IS A LONGSTANDING PROBLEM

Soon after Reorganization Plan No. 2 of 1973 went into effect, it became clear that the creation of DEA as the Nation's lead agency for drug enforcement had not solved all of the problems of fragmentation and interagency competition, especially with regard to interdiction. For example:

--In June 1974, OMB proposed that a single agency should be responsible for each element of border enforcement: ports, between ports, and air and sea. After studying the problems outlined by OMB, the House Committee on Government Operations concluded that more work needed to be done before a solution to the border problem could be found.

--In September 1975, the Domestic Council Drug Abuse Task Force issued a "White Paper on Drug Abuse." This comprehensive study of drug abuse policy highlighted several jurisdictional disputes between DEA and Customs

regarding interdiction roles and responsibilities. It stated that "prompt resolution is essential; continued failure to resolve these issues hinders the effectiveness of the entire program to reduce the flow of drugs."

--In December 1977, the President's Reorganization Project issued a draft report entitled "Reorganization Options Related to Border Management." The Project supported the concept of centralized border management and presented several options for improving the air and sea interdiction capability, ranging from making no changes in the present structure to a major agency realignment into a single border management agency.

In addition to these studies and recommendations, we have issued several reports containing recommendations for improved management of interdiction and overall border management efforts.

--In 1975 we reported that Federal drug law enforcement was not effective due to a lack of interagency cooperation.[9]

--In 1977, we reported that there was no comprehensive, coordinated control plan for the Southwest border.[10] We recommended that the agencies involved develop an integrated strategy and comprehensive plan for border control, considering a single agency approach as an alternative. We also recommended that OMB prepare an annual analysis of law enforcement along the U.S.-Mexican border which would bring together the separate budget requests of the various border enforcement agencies involved.

--In 1979, we advocated the creation of a single border management agency "to overcome organizational difficulties and better respond to the problems created by

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[9]"Federal Drug Enforcement: Strong Guidance Needed," (GGD-76-32, Dec. 18, 1975).

[10]"Illegal Entry at the United States-Mexico Border--Multiagency Enforcement Efforts Have Not Been Effective in Stemming the Flow of Drugs and People," (GGD-78-17, Dec. 2, 1977).

drug smuggling."[11] During testimony before a subcommittee of the Senate Appropriations Committee on October 25, 1979, the Comptroller General said:

> "* * * actions needed to fully support Federal drug strategy implementation have just not materialized. Differing views among Government agencies make it difficult to attain the necessary legislative, executive, and judicial actions."

DRUG STRATEGIES HAVE BEEN INADEQUATE

Recognizing the need for drug enforcement program coordination, in 1972 Congress enacted the Drug Abuse Office and Treatment Act which directed the President to establish a Strategy Council whose primary responsibility was the development of a Federal drug strategy. In 1976, Congress amended the 1972 act to authorize the creation of the Office of Drug Abuse Policy within the Executive Office of the President. The legislative intent of these laws made it clear that the Congress was dissatisfied with inconsistent and sometimes conflicting Federal drug abuse policies which had no clear overall direction.

The Congress wanted a specific, comprehensive Federal drug strategy and a central accountability mechanism to insure a coherent drug abuse policy throughout the executive branch. The office's 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.

Past administrations have established drug policy offices and strategy councils have developed Federal drug strategies. Under Presidents Nixon and Ford, the Strategy Council for Drug Abuse published a "Federal Strategy for Drug Abuse and Drug Traffic Prevention" annually from 1973 through 1976. Only one strategy was published under the Carter Administration, in 1979. In 1977, President Carter established the Office of Drug Abuse Policy and such an office has existed in the Executive Office of the President (although under different names) since that time.

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[11] "Gains Made In Controlling Drugs, Yet the Drug Trade Flourishes," (GGD-80-4, Oct. 25, 1979).

Although past Federal drug strategies have established drug enforcement program objectives and priorities, they have neither included all the strategy components required by the 1972 act nor adequately addressed the specific roles of the various Federal law enforcement agencies. The 1972 Drug Abuse Office and Treatment Act requires that the Federal drug strategy include

> "(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;
>
> "(2) a comprehensive Federal plan, with respect to both drug abuse prevention functions and drug traffic prevention functions, which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and
>
> "(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug abuse prevention functions and drug traffic prevention functions." (21 U.S.C. 1163)

None of the previous strategies provided an evaluation of the major programs conducted or specified how all available resources should be used. Given the limited data available on drug program costs and results, as discussed earlier in this chapter, developing a strategy that meets these requirements would be very difficult without first solving the information problem.

Additionally, the previous strategies have not adequately described the roles of the responsible agencies, especially with regard to interdiction. The following examples from previous Federal strategies demonstrate this point:

1) The 1974 Federal strategy noted that Customs

> "has a significant role in interdiction of illicit drugs at United States ports of entry and on land and water borders. [and] After detection, all cases of drug

smuggling are referred to DEA for appropriate investigation * * *."

The strategy did not say how DEA should integrate this responsibility with its overall priority focus towards heroin or major traffickers.

2) The 1976 Federal Strategy stated:

> "Federal policy calls for giving priority in both supply and demand reduction efforts to those drugs which inherently pose a greater risk to the individual and to society--heroin, and the so-called 'dangerous drugs.' Additionally, priority in law enforcement should be given to high-level traffickers of all illicit drugs * * *."

The strategy failed, however, to adequately address how interdiction should fit into these priorities or how specific interdiction objectives should be implemented.

3) Similarly the 1979 Strategy said that border agencies should place "greater emphasis upon interdiction * * * based on prior information" but failed to say how or what agency should develop this prior information.

Current administration also lacks a definitive strategy

As with previous strategies, the current administration's strategy does not include all components required by the Drug Abuse Office and Treatment Act and does not describe how the various law enforcement agencies' roles fit into the overall drug enforcement program. The current strategy neither establishes a framework for evaluating drug program components nor stipulates how resources should be used. For example, the objectives of the border operations component of drug law enforcement include

--"improving follow-up investigations of interdiction seizures and arrests to enhance the quality of drug smuggling intelligence and prosecutions" and

--"improving the quality and availability of intelligence for all participating enforcement agencies."

But the strategy does not address how these objectives should be pursued. Should DEA devote more resources to Customs and Coast Guard interdiction investigations or develop more intelligence for interdiction at the expense of its other programs? Or should Customs be given additional investigative authority or intelligence responsibilities?

FEDERAL DRUG GROUPS ARE PROLIFERATING; CENTRAL OVERSIGHT IS LACKING

As we pointed out in our 1979 report,[12]

> "If any improvement is to be made in coordinating Federal drug control efforts, someone is needed who has a clear delegation of authority from the President to monitor activities and demand corrective actions."

Since that time even more groups have been established with responsibility for formulating and coordinating drug enforcement policy and efforts. Also, additional groups are being given drug investigative responsibilities. The FBI in January 1982 was granted concurrent drug investigative authority with DEA, and, in October 1982, President Reagan announced plans for creation of 12 additional Drug Enforcement Task Forces.

The current administration has organized or proposed several groups to help coordinate Federal drug efforts. For example, at the national level the following groups have been charged with the responsibility for some aspect of drug enforcement coordination.

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

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

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

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

--The National Narcotics Border Interdiction System headed by the Vice President.

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[12]"Gains Made In Controlling Drugs, Yet the Drug Trade Flourishes," (GGD-80-4, Oct. 25, 1979).

Additionally, in October 1982, President Reagan announced that he would establish three other groups to help coordinate law enforcement efforts, including drug law enforcement--a Presidential Commission on Organized Crime, a Governors Project, and a Cabinet-level Committee on Organized Crime. At the local level numerous coordination groups have also been established. The addition of the FBI and the Drug Enforcement Task Forces to the drug enforcement effort, as well as the creation of the numerous drug enforcement coordination groups make it all the more important that someone have clear authority to oversee these efforts.

On December 22, 1982, Congress passed a Crime Bill which included provisions to establish an "Office of the Director of National and International Drug Operations and Policy" to manage all Federal drug enforcement programs. President Reagan withheld his approval of this legislation noting that such a drug program manager would create a new bureaucracy in the executive branch and compound the problems of coordination. On February 2, 1983, similar legislation was introduced in the 98th Congress (S-406) to coordinate Federal drug enforcement efforts. Although we have not specifically studied this legislation, we believe that central oversight of Federal drug enforcement, the concept embodied in the legislation, is needed.

CONCLUSIONS

The interdiction component of the Federal drug enforcement program is fragmented. Customs, the Coast Guard, and DEA have different drug enforcement programs, priorities, and goals. Evaluating the benefits of interdiction is difficult because of scanty information on overall interdiction results. Effective congressional oversight of the interdiction efforts is complicated by the separate budget processes of the agencies with drug interdiction responsibilities. Even though DEA is the lead agency for drug enforcement, its share of 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.

Disagreement exists between Customs and DEA over the value of investigating and prosecuting Customs and Coast Guard interdiction cases. More than 60 percent of these interdiction cases are not prosecuted in Federal court and many are not afforded postarrest investigations. The results

of the joint DEA-Customs task group in South Florida have shown the value of increased postarrest investigations of interdiction cases and the task group concept will be made permanent in South Florida. However, no decision has yet been made on the policy question of whether the role of Customs should be expanded on a permanent basis in other locations to assist in such investigations.

Drug interdiction programs will remain disjointed unless a strong definitive Federal drug strategy is prepared and implemented. This strategy should address how to combine the separate agencies' programs which have differing priorities and goals into a cohesive Federal drug enforcement effort.

Interdiction difficulties are only one manifestation of a broader coordination problem that we have previously reported on. 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 has the information or responsibility to evaluate Federal drug efforts and recommend corrective actions.

Under the current arrangement there is no mechanism for optimizing the allocation of limited Federal drug enforcement resources. For example, currently no one can determine whether the $179 million spent on marijuana interdiction by the Coast Guard could be used more effectively on the international narcotics control program. One individual must be given the responsibility and authority to plan and oversee all Federal drug law enforcement programs. Such authority, however, should not extend into the direction of each agency's day-to-day operations, because the individual agencies are best capable of managing their particular functions within the context of their overall agency missions.

RECOMMENDATIONS

We recommend that, to develop a reliable information base for evaluating the effectiveness of interdiction program components, the Attorney General and the Secretaries of Treasury and Transportation direct DEA, Customs, and Coast Guard officials to work together to develop a management information system(s) which accumulates interdiction program results such as drug seizures, level of prosecution, and case disposition, and identifies the resources devoted to drug interdiction programs.

To ensure that the Congress is informed of all drug enforcement expenditures, we recommend that the Director, Office of Management and Budget, accumulate budgetary data on drug enforcement costs that are provided by Coast Guard, Customs, and DEA, and submit this information to the Congress concurrent with these agencies' budget submissions.

Recommendations to the President

We recommend that to promote more cohesiveness and central oversight of drug enforcement programs, the President, (1) direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities, to include a determination of whether the role of the U.S. Customs Service should be expanded to assist in followup investigations of interdiction cases, and (2) make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs. Such responsibilities should include:

--Developing and reviewing U.S. Government policy with respect to illegal drugs.

--Coordinating Federal efforts to control the production, halt the flow into the United States, and stop the sale and use of illegal drugs.

--Developing a unified budget that will present a composite picture of all Federal resources being devoted to the drug war and present recommendations for rationalizing these efforts in terms of budgetary priorities.

--Collecting and disseminating information necessary to implement and evaluate U.S. policy with respect to illegal drugs.

AGENCY COMMENTS AND OUR EVALUATION

The Departments of Justice and Transportation supported our recommendation to develop a management information system. The Department of the Treasury did not specifically comment on our recommendation in its entirety. The Department of Justice said

> "Presently DEA's statistical systems are being improved internally (to detect overlap), and resources are already earmarked for 12 new Organized Crime/Narcotics Task Forces to develop compatible systems."

In commenting on the need for data on court results, the Department of the Treasury noted

> "Since Customs is precluded from presenting cases to the U.S. attorneys, tracking arrestees through the judicial process would be, at best, a difficult process and would require the dedication of resources which can better be used in performing our authorized functions."

We believe all three agencies need to work together to develop reliable management information.

The Department of Transportation supported our recommendation to the Director, OMB, to accumulate drug enforcement budgetary data. The other departments and agencies did not comment on this recommendation.

The Department of Justice disagreed with our recommendations to the President that a more definitive Federal drug strategy be developed and that one individual be given the responsibility to oversee Federal drug enforcement efforts. The Department of Transportation agreed with our recommendations to the President and the Departments of State and Treasury did not comment on these recommendations.

The Justice Department in explaining its position said that, although there are areas where coordination and efficiency of Federal law enforcement efforts can be improved, this is being accomplished through existing administrative structures. Justice pointed out that the Cabinet Council on Legal Policy and the White House Office on Drug Policy "* * * are an integral part of the Administration's process by which a coordinated narcotics enforcement policy is carried out. " Justice further noted that

> "This process has resulted in the creation of 12 National Task Forces to combat organized crime and narcotics trafficking in the field, which is precisely where the action needs to be focused."

It is obvious to us from the recently established coordination groups and the Drug Enforcement Task Forces that the need for increased coordination has been recognized by the administration. However, the current coordination mechanisms still do not provide a composite picture of all Federal resources devoted to the drug war or a basis for rationalizing these resources in terms of budgetary priorities. The Department of Justice in its comments said that international programs designed to stop "* * * drugs at their source is the single most effective action that can be taken." Yet, over the last 5 years, international drug program expenditures have remained constant, while interdiction expenditures have more than tripled. Giving one individual the responsibility to oversee all Federal drug programs, as we have recommended, would be an extension of the efforts to increase coordination which the agencies have already begun.

An example of why central drug program oversight is still needed was contained in comments on our draft report. Comments by the Departments of Justice and Treasury manifest the continuing difference of opinion on the value of postinterdiction arrest investigations. The Treasury Department said that the followup drug interdiction investigations done in all interdiction cases as a part of the South Florida Task Force "* * * have developed significant cases which have impacted, in a positive way, against drug smugglers and drug trafficking operations." The Treasury Department further noted that the benefits of postinterdiction investigations have "* * * been proven conclusively during the activities of the South Florida Task Force." On the other hand, the Justice Department said that followup investigations are not needed in all interdiction cases. Justice pointed out that

> "The functions of Justice are to investigate and prosecute those cases and traffickers which present the greatest potential impact on drug trafficking."

As noted in our report more than 60 percent of interdiction cases are not afforded followup investigations. An agreement between Justice and Treasury has not been reached regarding the expansion of Customs' drug investigative authority beyond South Florida. A determination of whether Customs' drug investigative role should be expanded needs to be made.

CHAPTER 4

BETTER, MORE TIMELY INTELLIGENCE CAN IMPROVE INTERDICTION

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

Drug source and transit countries are valuable sources of intelligence that can be used to support interdiction efforts. Since Customs and the Coast Guard do not have the authority to gather intelligence data overseas, they must rely on DEA to provide this intelligence. DEA's foreign intelligence program, however, does not place a high priority on developing intelligence that can be used to support interdiction efforts. A much stronger interdiction intelligence program is needed in the Caribbean. Neither DEA nor the State Department has developed an adequate international program in the Caribbean to support interdiction.

DEA, Customs, and the Coast Guard all have domestic intelligence programs, but information gathering as well as processing and analysis are uncoordinated and sometimes duplicative. Some intelligence processing and analysis has been centralized at the El Paso Intelligence Center (EPIC). EPIC can be more effective if better supported and utilized by the agencies involved in drug interdiction. Moreover, certain Customs and Coast Guard intelligence analysis functions should be transferred to EPIC.

INTELLIGENCE IMPROVES INTERDICTION'S EFFECTIVENESS

Having prior tactical intelligence[1] about the time and place drug shipments are to take place greatly improves an agency's ability to interdict. Such instances, however, are rare. More often tactical intelligence gathering consists of

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[1]Tactical intelligence provides the identification of specific traffickers and their methods of operation. This is distinguished from strategic intelligence which provides a situation overview and information on the magnitude of the problem.

analyzing individual pieces of intelligence from a variety of sources in order to narrow the choices of where to deploy resources to effect a drug seizure.

Data from the CLEAR system which identifies the source of intelligence used in connection with a drug seizure, shows that more major seizures are based on prior information than are smaller seizures. An analysis of the CLEAR information for all Customs and Coast Guard drug seizures from October 1976 through June 30, 1982, is presented in appendix VII. Our analysis of this information shows that 55 percent of major seizures made from fiscal years 1977 through the first 9 months of 1982 were based on prior information, while only 7 percent of other seizures during the same period were based on prior information.

Joint Coast Guard-DEA special maritime projects--beginning in 1978 with Operation Stopgap and continuing under the various phases of Operation Tiburon--also demonstrate the value of intelligence to support interdiction. As discussed in chapter 2, these operations consisted essentially of Coast Guard cutters patrolling the choke points in response to DEA-generated intelligence (principally from Colombia) to effect seizures of marijuana-laden "mother ships." DEA-generated intelligence from Colombia and intelligence from a classified Coast Guard operation were instrumental in many of the Operation Tiburon seizures. For example, of the 70 vessels seized during Operation Tiburon III, 46 had been placed on lookout by EPIC on the basis of intelligence information provided by DEA and the Coast Guard. Both DEA and Coast Guard officials believe the Tiburon operations demonstrate the value of intelligence to support interdiction. A Coast Guard Seventh District evaluation of Tiburon noted:

> "Overall we considered Operation Tiburon as a successful exercise in obtaining information * * *. This information allows us to program our resources for maximum use in intercepting the suspect vessel."

DEA's evaluation of Operation Tiburon III said:

> "'Intelligence elements' have made a dramatic contribution to the successes during Operation Tiburon III * * *. The value of EPIC data available to operating units is

> obvious. The tactical intelligence, provided [by Coast Guard's classified intelligence project] has surpassed any single previous collection activity. In the future, these intelligence elements will continue to be refined and make greater and greater contributions to the enforcement units."

MORE SOURCE AND TRANSIT COUNTRY TACTICAL INTELLIGENCE NEEDED

Basically, tactical intelligence to support interdiction can be gathered domestically or overseas. Clearly, intelligence from drug source or transit countries is especially useful for the deployment of interdiction resources. Development of overseas tactical intelligence, however, is not under the control of Customs or the Coast Guard but is the responsibility of DEA. Except for a few special interdiction projects, DEA has provided only limited intelligence from its overseas operations. Although DEA has developed overseas tactical intelligence operations in Mexico, Colombia, and other source countries, and provides some support to the Caribbean through its offices in Puerto Rico, Santo Domingo, and Miami, neither DEA nor the Department of State has developed adequate intelligence programs for the most important drug transit area--the Caribbean islands.

DEA provides limited interdiction intelligence

Reorganization Plan #2 of 1973 gave DEA the responsibility for overseas tactical drug intelligence development. Prior to this reorganization, Customs had the authority to gather and develop foreign intelligence. Since 1973, Customs has frequently complained that the quantity and quality of foreign intelligence it receives have been inadequate.

DEA, as a part of special interdiction projects, has provided various types of overseas tactical intelligence. In support of special maritime interdiction projects, DEA agents and informants have identified and passed on the names of suspect vessels on the Colombian coast. To assist Customs' air interdiction, DEA has provided information on suspected air smugglers, so that they can be tracked and intercepted as they near U.S. borders. DEA in other instances has provided intelligence on suspected smugglers entering the United States as well as intelligence on smuggling patterns and organizations.

Even though DEA has provided specific intelligence as a part of these special projects, intelligence on smugglers has been generally limited. Customs CLEAR system shows that the Coast Guard and Customs made 5,810 seizures from September 1976 through June 1982 which involved the use of prior information. Only 14 percent of these cases involved intelligence provided by DEA.

Another indicator of the limited amount of foreign intelligence generated is our analysis of the source of information contained in the EPIC data base. Most DEA-developed intelligence is provided to Customs and the Coast Guard through EPIC. We analyzed EPIC records for a sample of 46 aircraft and 39 vessels. These files contained 514 items of information. Only 30 (5.8 percent) were from DEA's foreign operations.

DEA officials agreed that more intelligence in support of interdiction efforts is desirable but pointed out that generation of more intelligence is constrained by its foreign staff limitations. They also stated that the development of interdiction intelligence is only one of their numerous overseas drug enforcement responsibilities.

The Caribbean: A Major Drug Transhipment Point Receiving Little Attention

Although the State Department and DEA have established drug control programs in source countries such as Colombia and Mexico, the Caribbean area has received little attention by either agency. Because of the growing use of the Caribbean for drug transhipment, we believe that both the Department of State and DEA should devote additional resources to this region.

Trafficking routes for at least 70 percent of the cocaine and marijuana and a major portion of the illicitly produced dangerous drugs entering the United States pass through the Caribbean. Traffickers often operate from islands in the Caribbean which have innumerable isolated airstrips and harbors.

Despite the importance of the Caribbean as a drug transhipment point, DEA has assigned only three agents there. In contrast, 20 agents and 12 agents have been assigned to Mexico and Colombia, respectively. Also, the Department of State's International Narcotics Control Program has put very little

emphasis on the Caribbean area. State's program is the primary thrust of the international aspect of the Federal drug control program. This program utilizes a three-pronged approach:

--illicit production control and interdiction through enforcement;

--drug income alternatives where necessary; and

--demand reduction and prevention.

To carry out this approach, the Department of State provides funds for country projects, training, and support for international organizations' programs. The Department of State also is both a collector and consumer of strategic intelligence to support its international drug control program responsibilities. In addition, the State Department, through diplomatic efforts, tries to secure the cooperation of the producing and transit countries in the fight against drug trafficking.

Over the past 5 years, State Department international narcotics assistance to Caribbean island countries has totalled only $400,000. This includes programs to support the Inter American Marine Intelligence network and to purchase vessels for the Bahamas and Haiti.

Both the Departments of Justice and State noted in comments on our draft report that the Caribbean area is also supported by activities conducted by their South and Central American offices. The Department of Justice said that DEA supports the Caribbean nations from its offices in South America, Puerto Rico, and Miami. The State Department said that in addition to the projects noted above, interdiction in the Caribbean is supported by two additional projects:

--a $2.2 million project by the Colombian Customs designed to interdict trafficking in the Caribbean, and

--the provision of a ship valued at $2.2 million which will be used by the Colombian Navy for narcotics patrols.

The State Department also noted that it funds international antinarcotics training which is provided by DEA and Customs. In the past 2 years, 225 persons from the Caribbean islands,

as well as 233 persons from Central America have been trained.

On the other hand, more than $117 million was spent on all Latin American projects from September 1976 through June 1982. The primary countries involved were Mexico ($64 million) and Colombia ($29 million).

Not only have Caribbean island countries received very little financial assistance, but the State Department has not developed a Narcotics Assessment and Strategy Paper for the region. These documents are developed to provide a long-term strategy for assisting a country and describe the goals, objectives, programs, and all sources of resources (i.e., host government, international organization, and U.S. bilateral) being spent and what would be necessary to achieve the goals.

State Department officials told us that the Caribbean area has received little International Narcotics Control assistance because they believe such efforts would not be beneficial in terms of their priorities and limited budget. They said their priority is to attack drugs at the source by funding programs designed to control or eradicate drug crop production.

In commenting on our draft report, the State Department said: "While our priority is crop control, we do recognize the necessity of interdiction efforts in the Caribbean." However, to date, Caribbean island assistance has comprised only a small portion of international narcotics assistance to Central and South America. Given the importance of the Caribbean as a major drug transit area, we believe the Department of State and DEA should increase their commitment to this area.

EPIC--AN UNDERUTILIZED RESOURCE

EPIC, the multiagency drug intelligence center on worldwide drug movement by land, sea, and air, is a valuable resource that needs to be better supported and utilized by the participant agencies. The success of drug interdiction efforts depends heavily on the intelligence base supporting them. Each agency has developed its own intelligence sources in support of its particular mission, as well as drawing, but not depending, on the others for their intelligence.

Even though EPIC was created to centralize information on drug smuggling, it is not being fully supported by participating agencies. Discussions with agency officials and our analysis of information in the EPIC data base indicate that agencies are not providing all known information to EPIC. Several special interdiction projects of these agencies were implemented without EPIC input. Furthermore, some intelligence and analysis functions of Customs and Coast Guard should be transferred to EPIC.

Organization, staffing, and purpose of EPIC

EPIC was established in El Paso, Texas, in 1974 as an interagency clearinghouse for southwest United States border intelligence information. Initially a DEA and Immigration and Naturalization Service operation, EPIC has been expanded both in number of participating agencies and geographical scope. In addition to DEA and the Immigration and Naturalization Service, Federal agencies now participating in EPIC are Customs; the Coast Guard; Bureau of Alcohol, Tobacco and Firearms; U.S. Marshal's Service; Federal Aviation Administration; Internal Revenue Service; and the FBI.

The primary objective of EPIC is to provide a complete and accurate intelligence picture of drug movement by land, sea, and air throughout the world. Major emphasis is focused on trafficking organizations whose narcotics are destined for the United States. Direct tactical intelligence support is provided to participating agencies. The EPIC mission is accomplished by the accumulation of raw intelligence, analysis of data, and the provision of tactical intelligence to agencies having direct or related statutory law enforcement responsibilities. In the process of analyzing raw data from participating and associated agencies, trafficking organizations are identified and analytical reports are prepared and disseminated.

EPIC's operations can be divided into two primary areas: watch and analysis. The "watch" activity is the heart of the facility and is staffed 24 hours a day, 7 days a week. The watch receives inquiries from agents in the field regarding suspect individuals, vehicles, vessels, aircraft, and documents. Watch personnel then query the various automatic data processing systems available at EPIC and provide any information obtained to the requester. In the course of this process, EPIC may obtain additional information from the caller regarding the suspect and add this to the appropriate data base.

The other primary area of EPIC activity is the analysis section. Here EPIC analyzes information received from participating agencies, attempts to tie it to other information, and processes it for future use. Analysis is divided into three sections: air, maritime, and general. In addition to their day-to-day analysis functions, analysts also produce special reports and intelligence documents on such subjects as mother ships, smuggling by general aviation aircraft, electronic warfare by drug traffickers, and drug movement indicators and profiles.

As of March 1982, EPIC had 92 full-time and 8 part-time personnel on board assigned from 9 participating agencies. The three agencies most involved in interdiction had the following staff assigned to EPIC: DEA - 60, Customs - 10, and Coast Guard - 6. EPIC's operating cost according to its annual report for fiscal year 1981 was $479,000; however, this does not include personnel costs. A conservative estimate for the 100 staff on board would be $2.5 million, bringing EPIC's total cost to approximately $3 million annually.

EPIC has been a valuable resource

There is little argument about the overall value of a centralized multiagency intelligence center. EPIC's tactical intelligence support and intelligence products have aided the interdiction effort. Participant agencies have utilized EPIC more each year since its establishment.

Both interviews with agency officials and our analysis of information in the EPIC system demonstrate the value of the center. Coast Guard officials, for example, said that before they board any vessel thought to be smuggling drugs they query EPIC to determine whether any information on the vessel is available. They noted that often EPIC has some information on the vessel. Customs air patrol officials also thought EPIC to be useful. Miami Air Support Branch personnel said they contact EPIC several times a day to place "aircraft lookouts" or to determine what information is available on specific aircraft.

Our analysis of information available at EPIC shows the value of the center. We queried the EPIC system to determine if information was available on a sample of 75 vessels and 56 aircraft that were seized by Customs or the Coast Guard during

the 15-month period ending December 1981. Of these 131 vessels and aircraft, significant information[2] was in the EPIC system for 38, or 30 percent, prior to their seizure. Data is not available, however, that shows whether EPIC was actually used to assist in the interdiction.

Another indication of EPIC's value is the steady increase in EPIC activity since its inception in 1974. According to EPIC statistics, total transactions increased from 16,745 in 1975 to over 196,000 in fiscal year 1981. From fiscal year 1979 to fiscal year 1981, transactions increased over 78 percent from 109,784 to 196,206. Our analysis of EPIC's statistics revealed a sizable increase in transactions directly related to interdiction support. For example, "pilot/aircraft inquiries" increased from 6,328 in fiscal year 1979 to 51,878 in fiscal year 1981, a 720 percent increase. Similarly, "vessel inquiries" increased from 18,424 to 51,801--a 181 percent increase. The following table shows EPIC transactions for DEA, Customs, and the Coast Guard in fiscal years 1978-81. An EPIC official told us that, while fluctuations in data occurred due to minor adjustments in statistical reporting methods and increased activity during "special operations," this data represents general trends in participation.

EPIC Activity By Agency
Fiscal Years 1978-81

Agency	1978	1979	1980	1981	Percent Increase 1978-81
DEA	37,084	30,905	67,468	79,161	113
Coast Guard	14,673	19,397	21,203	45,726	212
Customs	3,780	5,478	15,144	10,906	189
Others	60,395	54,004	60,299	60,413	-
Total	115,932	109,784	164,114	196,206	69

Clearly, EPIC has been increasingly used by the primary interdiction agencies in recent years.

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[2]Significant information includes items such as lookouts placed on the vessel, sighting reports, and specific arrival, departure, and destination information.

EPIC could be utilized more

Even though participating agencies have increased their use of EPIC, the center could be used more. For its maximum potential to be realized, participating agencies must provide all intelligence information to EPIC. However, the participating agencies are neither providing all their information to EPIC, nor are they utilizing EPIC's resources to plan all of their special projects.

The information in EPIC is dependent on agents, patrol officers, and inspectors of the participating agencies. EPIC can provide only as much specific information as it receives from these officials in the field. EPIC is not an investigative agency and has no agents in the field.

Not all information generated by interdiction agencies is provided to EPIC. EPIC officials told us that while some information is transmitted to EPIC in the form of DEA investigative reports, Customs' Memorandums of Information Received, and Coast Guard Reports of Investigation, other information is not given to EPIC. Although we could not determine the specific amount of information that is not sent to EPIC, we analyzed EPIC's information to see if a sample of 131 seized vessels and aircraft had been reported to EPIC. If a substantial number of seizures were not reported to EPIC, then it can be assumed that other information also is not provided to EPIC. Our analysis showed that of 131 vessels and aircraft seized only 56, or 43 percent, were reported to EPIC.

We also found that several special interdiction projects were not coordinated with or did not utilize the resources available at EPIC. The EPIC charter signed by all participating agencies in March 1981 states:

> "It shall be the policy of EPIC to provide continuing narcotics intelligence and related support to participating agencies to which EPIC can make a contribution * * * EPIC can also make a unique contribution to special projects."

Despite this charter statement and the obvious benefits of EPIC, several special interdiction projects were planned and implemented without input from EPIC. For example, Customs air interdiction project, Operation Thunderbolt, was not discussed with EPIC. EPIC managers said they did not even know about the project until it was implemented.

Certain intelligence functions should be centralized at EPIC

Both Customs and the Coast Guard have drug intelligence activities that should be transferred to EPIC. Customs Office of Border Operations provides intelligence reports on drug movements and the Coast Guard has a drug vessel intelligence unit at its Atlantic Area Command Office in New York. We believe those two functions should be transferred to EPIC.

Customs drug intelligence function should be transferred to EPIC

Both EPIC and Customs Office of Border Operations produce valuable intelligence information on the overall situation and magnitude of various aspects of drug smuggling. EPIC produces various reports on drug smuggling as a part of its overall responsibility for air and vessel intelligence. Customs has centralized its intelligence functions in its Office of Border Operations. Customs intelligence responsibilities encompass information on all types of smuggling, including narcotics.

Each of these organizations has produced studies which have duplicative elements as shown in the following examples.

--In January 1979, Customs produced a study entitled "Smuggling of High Value Drugs Via Private Aircraft." In August 1980, EPIC issued a study: "Assessment of Drug Smuggling Aboard General Aviation Aircraft."

--In July 1980, EPIC issued a report entitled "Movement of Southwest Asian Heroin." In November 1980, Customs published a study on "Southwest Asian Ethnic Groups and Heroin Smuggling."

--In August 1978, EPIC published a report entitled "Smuggling Via Commercial Air Freight Utilizing Fraudulent Air Waybills." In August 1979, Customs issued a study on "Air Waybills: A Tool for Identifying Potential Narcotics Shipments."

In addition to issuing similar studies on drug smuggling, both organizations' reports are sometimes based on incomplete data. For example, Customs' study on "Southwest Asian Ethnic Groups and Heroin Smuggling" was, in part, based on Customs heroin seizure statistics as reported by CLEAR from 1978 through the first half of 1980. However, CLEAR statistics do not include drug seizures by DEA. In fiscal years 1978

through 1980, DEA accounted for more than two-thirds of the total heroin seizures. EPIC studies also can be based on incomplete information. As discussed in the previous section, not all drug seizures are reported to EPIC.

Coast Guard drug vessel intelligence unit should be transferred to EPIC

The Coast Guard also has a drug intelligence function that if combined with EPIC would enhance overall intelligence on drug smuggling. The Coast Guard's Atlantic Area Command, located in New York, includes a unit responsible for maintaining photographs and other information on suspect drug vessels. This vessel file, which has been computerized, is used as a basis for preparing weekly lists of suspect drug vessels that are sent to various Coast Guard, Customs, and DEA units. EPIC also maintains a computerized file on information on vessels suspected to be involved in drug smuggling. Both officials at the Coast Guard's Atlantic Area Command and EPIC agreed that overall vessel intelligence could be enhanced by combining the operations. We believe this Coast Guard activity should be transferred to EPIC.

EPIC needs additional staff

Even though the workload has increased and additional responsibilities have been assigned to EPIC, staff levels have not increased. This has resulted in delays in inputting information into the EPIC system and diminished information analysis. Participating agencies need to increase their support for EPIC by assigning additional staff.

As mentioned, EPIC activity increased from about 116,000 requests in 1978 to over 196,000 in 1981. Also, EPIC has been tasked with additional responsibilities since its inception. Originally designed to concentrate on smuggling activities along the United States-Mexico border, EPIC now is responsible for information on movement of drugs worldwide. Recently, EPIC was given the responsibility for drug intelligence received from the military brought about by the changes to the Posse Comitatus law. Military support for drug enforcement is discussed in chapter 5.

Despite increasing workloads and responsibility, staff assigned to EPIC increased only about 10 percent since fiscal year 1978. The following table shows the number of personnel on board at EPIC by agency.

Staff assigned to EPIC 1978-1982

Agency	1978	1979	1980	1981	1982
DEA	52	63	61	60	60
INS	18	21	22	20	18
Coast Guard	6	6	6	6	6
Customs	11	12	9	9	10
ATF	2	2	2	2	2
FAA	1	1	1	1	1
U.S. Marshals	0	0	1	1	1
FBI	0	0	1	1	1
IRS	0	0	0	1	1
Total	90	105	103	101	100

EPIC officials said that the limited staff causes delays in entering data into computerized files and hampers effective analysis of information. We believe that participating agencies need to assign additional staff to EPIC.

CONCLUSIONS

An analysis of drug seizure cases and special projects demonstrates the value of intelligence in aiding interdiction. Tactical intelligence developed from drug source and transit countries is especially helpful to the interdiction agencies, but the responsibility for developing this intelligence rests with DEA, not with the Coast Guard or Customs.

Tactical intelligence support from overseas has been limited, especially from the important Caribbean drug transit area. Neither DEA nor the Department of State has put much emphasis on developing an international narcotics program in the Caribbean. Both agencies believe their limited international drug resources should be focused on drug source countries such as Colombia, where resources can be devoted to stopping drugs where they originate. We recognize that resources are limited and that an increase in staff in the Caribbean may well require a concomitant decrease in staff currently devoted to drug source programs in Latin American countries. However, we believe that such a reallocation of resources is warranted in light of (1) the growing importance of the Caribbean as a transhipment point for drugs destined for the United States and (2) the commitment of the Federal Government to reduce the drug supply through interdiction.

EPIC has proved to be a valuable aid to drug interdiction. EPIC can be an even more valuable resource if participating agencies provide all information they have on smuggling activity to EPIC. In addition, the Customs Office of Border Operations drug analysis function and the Coast Guard's Atlantic Area marine drug intelligence function should be transferred to EPIC in order to centralize all such intelligence functions and avoid duplication of effort. Also, EPIC needs additional staff.

RECOMMENDATIONS

In view of the Federal Government's strong commitment to reduce drug smuggling, the importance of intelligence to support drug interdiction efforts, and the growth of the Caribbean as a major drug transit area, we recommend that

--the Attorney General direct the Administrator of DEA to review current overseas staffing to determine whether additional personnel could be reassigned and used more effectively in the Caribbean.

--the Secretary of State prepare a Narcotics Assessment and Strategy Paper and, if it is found to be warranted, follow up with projects designed to aid interdiction efforts.

We recommend that, to improve overall coordination of interdiction intelligence activities and strengthen the quality of that intelligence:

--The Attorney General and the Secretaries of Treasury and Transportation (1) direct DEA, Customs, and Coast Guard units to recognize the importance of promptly reporting all information on drug smuggling to EPIC and (2) provide additional staff to EPIC.

--The Secretary of the Treasury direct the Commissioner of Customs to transfer to EPIC the drug intelligence analysis activities in the Office of Border Operations that are similar to those at EPIC and assign the staff necessary to carry out such activities.

--The Secretary of Transportation direct the Commandant of the Coast Guard to transfer to EPIC the marine drug intelligence activities at the Atlantic Area Command.

AGENCY COMMENTS AND OUR EVALUATION

The Departments of Treasury, Transportation, Justice, and State pointed out in their comments that development of intelligence is extremely important to a successful interdiction program. However, some of those agencies disagreed on how to improve the intelligence programs.

Concerning our recommendations to strengthen the interdiction intelligence programs in the Caribbean, both the Departments of Justice and State said the Caribbean area was supported by staff and programs from areas bordering the Caribbean. On the other hand, both the Customs Service and the Coast Guard, in their comments, stressed the need for additional interdiction intelligence, especially from the Caribbean. The Treasury Department said in its comments that DEA's "* * * overseas priorities and commitment of intelligence resources is obviously not related to border interdiction."

The State Department commented that a strategy paper outlining assistance to the Caribbean region was prepared in 1981 and is currently being revised on the basis of a regional drug control conference which was held in October 1982. State also provided a copy of the strategy paper with its comments. We believe that this document and conference represent positive steps for developing a drug control program in the Caribbean. However, we still believe that given the importance of the region to interdiction, a formalized Narcotics Assessment and Strategy Paper is needed that includes clearly defined long- and short-term goals, specific projects aimed at those goals, and quantifiable criteria for evaluating project progress. The strategy paper State provided does not contain the detail- and action-oriented plans of a formal Narcotics Assessment and Strategy Paper.

In their comments, all of the agencies recognized the value of EPIC as a central clearing house of interdiction intelligence which can correlate information from many sources. Both the Department of Transportation and Treasury said that EPIC should be strengthened. The Justice Department said 10 new special agent positions had been assigned to EPIC and steps have been taken to increase DEA analysts positions. Treasury said that 2 additional Customs analysts were being recruited for assignment to EPIC.

The agencies did not agree, however, on the transfer of certain intelligence functions to EPIC. The Department of

Transportation said that it did not concur with our recommendation to transfer the photo-intelligence program to EPIC, noting that the program involves only part of the time of one staff member. The Justice Department, however, supported the transfer of the this function to EPIC. Treasury, noting that Customs' intelligence analysts do not deal exclusively with drugs, disagreed with our recommendation to transfer some of Customs' Office of Border Operations intelligence analysis functions to EPIC. Justice said that it opposed transferring any strategic intelligence function to EPIC, but it did not specifically comment on the transfer of the types of Customs intelligence analysis functions we identified in our report.

We recognize that each of the agencies should maintain separate strategic intelligence activities. However, we believe that the drug interdiction intelligence programs of all agencies will benefit by concentrating at EPIC those intelligence and analysis functions that are similar and that relate specifically to drug interdiction.

In response to our recommendation that DEA, Customs, and Coast Guard provide all interdiction intelligence to EPIC, the Department of Transportation said that the Coast Guard is already sending all vessel sighting and drug seizure information to EPIC. The Departments of Justice and Treasury did not comment on this recommendation.

CHAPTER 5

THE MILITARY HAS BECOME MORE INVOLVED IN AIR-SEA DRUG INTERDICTION EFFORTS

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

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

--operation of military equipment is expensive and, for the most part, reimbursement is beyond the financial capabilities of law enforcement agencies; and

--concern exists within the military establishment that classified information on military systems might be required to be disclosed in court, thus raising the potential for compromising national security.

Initially, after enactment of the amendments to the Posse Comitatus Act, law enforcement agencies independently requested military assistance with little coordination among themselves. The result was some poorly planned projects that did not make the most of military resources. Coordination is critical in this area because military assistance is costly, not only from a financial point of view, but also in terms of its potential impact on national security. To better coordinate future projects, officials of the Department of Defense and law enforcement agencies formed a special group to discuss all military assistance requests from law enforcement agencies.

POSSE COMITATUS LIMITED MILITARY ASSISTANCE TO LAW ENFORCEMENT

Although in the past the Armed Forces provided some assistance to drug law enforcement efforts, the scope of this assistance was limited by the Posse Comitatus Act. Due to ambiguities in this act regarding the allowable scope of military involvement in civil law enforcement operations, the

military departments were very cautious in providing assistance. Desiring greater involvement of the military in stemming the drug flow, the Congress passed and the President signed legislation on December 1, 1981, that further defined the extent of military cooperation allowed under the act.

The Posse Comitatus Act, 18 U.S.C. §1385, was an 1878 amendment to the Army appropriations bill in response to actions taken by U.S. Marshals in occupied southern States following the Civil War. Willful violation of the act constitutes a felony punishable by a fine not greater than $10,000 or imprisonment of up to 2 years or both. The act prohibits the use of any part of the Army or Air Force as a posse comitatus, a group of individuals summoned by law enforcement officials to enforce civilian laws. The act embodies the principle that the Armed Forces should be separate from and not interfere with the work of domestic law enforcement, thus minimizing the possibility of a police state and detracting from the military's primary function. Although the act does not mention the Navy, this branch has adopted regulations which extend the application of the act to Navy Department operations.

The Posse Comitatus Act permits military assistance if specifically authorized by the Constitution or act of Congress. Furthermore, while the act prohibits "active" or "direct" assistance, "passive" or "indirect" aid is permitted. Prior to the 1981 amendment, clear definitions of and distinctions between "active" and "passive" did not exist. Consequently, military leaders were very cautious in providing assistance.

Both military personnel and law enforcement officials told us the Posse Comitatus Act was the primary factor limiting assistance. A research paper prepared for the Industrial College of the Armed Forces states that Posse Comitatus was the reason most cited by field representatives of law enforcement agencies as to why defense organizations were not providing more assistance.[1] While only a few of the denials identify Posse Comitatus as the basis for denial, the terms and language of many of the agreements reflect concern over the restrictions in the act. Furthermore, law enforcement officials hesitated to request assistance for similar reasons.

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[1]"The Use of DOD Assets in the Interdiction of Drug Traffic," May 1980. This document is a group effort research paper, written to fulfill an academic requirement of the Industrial College of the Armed Forces and the opinions and conclusions do not necessarily represent official policies of the National Defense University or DOD.

Desiring greater involvement of the military to help stem the flow of drugs to the United States, the Congress passed and the President signed the Posse Comitatus Amendment on December 1, 1981 (Public Law 97-86). This amendment was designed to remove certain restrictions and ambiguities and facilitate cooperation between military and civilian officials. As was noted in the December 16, 1981, Congressional Record:

> "Clearly in these times of fiscal restraint, it is imperative that all possible resources be utilized to combat narcotics trafficking and all relevant agencies cooperate. Perhaps the greatest untapped resource is the Department of Defense."

The specific forms of military-civilian cooperation permitted under the legislation are stipulated in the various sections:

--Sections 371 to 373 authorize military officials to furnish information, lend equipment and facilities, and provide training and advice.

--Section 374 expands military support in connection with tracking and communicating the movement of vessel and aircraft traffic.

--Section 375 prohibits direct participation by military personnel in searches, seizures, and arrests.

--Section 376 prohibits providing assistance if such aid would adversely affect military preparedness.

--Section 377 provides that reimbursement may be required.

--Section 378 makes it clear that authorization of assistance under this law is not to be construed as preempting assistance under any other law.

PAST ASSISTANCE TO LAW ENFORCEMENT

Despite the limitations imposed by the Posse Comitatus Act, in the past the military still assisted law enforcement.

Since 1971, various offices within DOD have been responsible for coordinating requests from non-DOD agencies for the use of military resources. Currently this responsibility rests with the Manpower, Reserve Affairs and Logistics staff of the Office of the Secretary of Defense.

Records maintained by this office indicate the extent of military assistance to drug law enforcement that has been provided since 1971. Assistance has been provided by the Army, Air Force, and Navy and has included training, assistance in transporting drug smugglers, loan of equipment, use of facilities, and use of personnel. Specifically, between 1971 and 1981, there were 156 requests for military assistance, of which 90 percent (140) were approved. Customs was the major law enforcement agency requesting assistance with more than 70 percent (111) of the requests. A summary of the types of assistance provided by the various military departments is shown below.

Source and Type of Military Assistance
To Drug Law Enforcement
1971-1981

	Navy	Army	Air Force	Marines	Other	Total
Equipment loans (see note a)	11	28	8	3	7	57
Use of facilities	5	2	11	-	-	18
Training	10	5	1	-	1	17
Misc. (see note b)	10	13	20	2	3	48
Total	36	48	40	5	11	140

a/Includes requests to extend previous loan agreements.

b/Includes requests to transport people or things, to provide support services, and to purchase equipment on behalf of the law enforcement agencies.

In addition to the assistance noted above, there have been numerous unofficial minor types of assistance authorized by local military commanders. During our review at selected locations throughout the United States, law enforcement officials gave us examples of how local military units had cooperated with them in various drug enforcement activities.

Often the major assistance provided by the military has been an integral part of special interdiction projects of drug law enforcement agencies. For example:

--During November 1978, Naval surface vessels participated in a 20-day fleet exercise in the Gulf of Mexico with the Coast Guard that was designed to identify drug smuggling vessels.

--In June 1979, the Navy provided two E-2C aircraft to assist the Coast Guard in determining the density and trafficking patterns of smuggling vessels in the Yucatan passage.

--From November 1980 to March 1981, OV-1C aircraft on loan from the Army were an integral component of Customs Air Program Module Test designed to intercept air smugglers.

--During August 1979, the Navy assisted the Coast Guard in a special project entitled RAKE I. The Navy provided E2-B aircraft to conduct sea surveillance of marijuana shipments off the South American Coast.

Agency personnel told us that military assistance in these projects was valuable and demonstrated the potential for the use of military resources for drug interdiction.

Not all projects involving the military have been as successful. One project carried out under a June 1978 agreement between the Coast Guard and the Navy called for the Navy to provide sighting information on suspected drug smuggling vessels. Basically, the project consisted of the Coast Guard providing periodic lists of suspect drug smuggling ships and a general mother ship profile. As a part of their normal operations, if naval vessels or aircraft sighted these vessels, they were to report the sighting to the Coast Guard. According to Coast Guard officials, reported sightings by the Navy were infrequent. Our analysis of all Coast Guard drug seizures from 1978 through 1981 showed that only 3 of 564 were based on sightings by Navy personnel.

A joint Air Force-Customs project involving the Air Force's E-3A Airborne Warning and Control System (AWACS) also proved to be unsuccessful. In June 1978, Customs signed a memorandum of understanding which essentially allowed Customs air officers to fly aboard AWACS aircraft when missions were in areas of interest, to conduct surveillance to detect drug traffickers and low flying aircraft, and to direct Customs aircraft in the interception of targets of interest. During fiscal year 1979, Customs assigned six personnel to the program. From August 1978 through September 1979, Customs personnel participated in 97 AWACS flights that detected 268 potential targets. Customs aircraft intercepted 31 of these targets, but none of these targets proved to be a smuggling aircraft. An August 1980 Customs-AWACS program evaluation noted that few AWACS flights were in locations or at times that met the high threat air smuggling profile. Citing this evaluation, Customs reduced its participation in the AWACS program to one air patrol officer in late 1980. Recently, as a part of the South Florida Task Force, AWACS flights have been used to detect smuggling aircraft.

POSSE COMITATUS AMENDMENT HAS RESULTED IN MORE MILITARY ASSISTANCE TO LAW ENFORCEMENT

With the enactment of the Posse Comitatus Amendment in December 1981, military assistance to drug law enforcement increased. As required by the legislation, DOD issued a directive (DOD Directive 5525.5) on March 22, 1982, that establishes uniform DOD policies and procedures governing support provided to Federal, State, and local civilian law enforcement efforts. The policy stipulates that DOD will cooperate with civilian law enforcement agencies to the maximum extent practicable, consistent with the needs of national security, military preparedness, and the historic tradition of limiting direct military involvement in civilian law enforcement activities.

Since December 1981, DOD has been providing increasing assistance for drug interdiction. For example:

--In March 1982, the Navy began flying E2-C aircraft equipped with APS 125 radar in South Florida to assist Customs in identifying and tracking air smugglers as a part of the South Florida Task Force.

--Also as a part of the South Florida Task Force, the Army loaned two Huey helicopters to DEA and four Cobra helicopters to Customs to aid in air interdiction.

--In April 1982, the Air Force agreed to allow Customs to use a tethered balloon airborne radar facility, known as Seek Skyhook, in the Key West area of Florida to aid in identifying air smugglers. The Air Force also agreed to install an additional Seek Skyhook-type radar facility at Patrick Air Force Base (near Cape Canaveral) to provide greater radar coverage of South Florida.

--In April 1982, the Navy agreed to provide information on drug vessels sighted as a part of the Navy's regular flights of P-3 aircraft in the Caribbean.

--In May 1982, the Navy agreed to assist the Coast Guard by towing vessels seized by the Coast Guard and transporting arrested crew members of those vessels.

Clearly, the changes to the Posse Comitatus Act have encouraged greater participation by the military in the Federal drug interdiction effort. The full impact such assistance will have on drug smuggling cannot yet be determined.

SEVERAL FACTORS CONTINUE TO LIMIT MILITARY ASSISTANCE

Although military assistance to law enforcement has increased, several factors necessarily limit such assistance. First, military systems and activities often are not compatible with the needs of law enforcement. Adjusting military activities to fit law enforcement needs can adversely affect military preparedness. In addition, unless assistance provided to law enforcement is an incidental part of a military mission, DOD is required to obtain reimbursement under certain circumstances. Such reimbursement could severely strain limited civilian law enforcement budgets. Also, there is concern that use of sophisticated military systems for law enforcement could result in disclosure of classified information on those systems in criminal court proceedings. According to some military officials, this disclosure could compromise national security.

Military systems and activities not designed for law enforcement needs

Although many military systems and ongoing activities have the potential to assist law enforcement, they are designed and operated for national security needs. Often the characteristics of systems required for national defense are

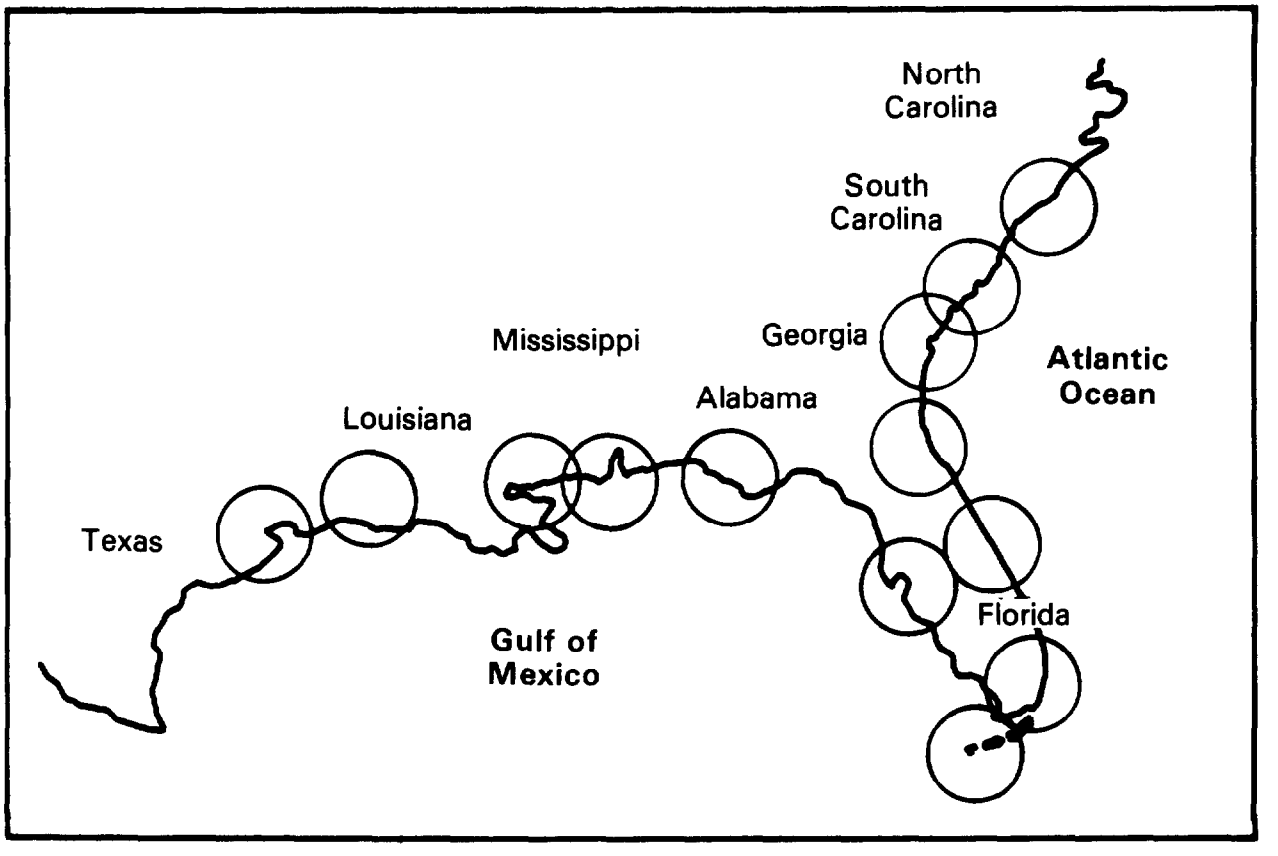
not consistent with the needs of law enforcement. Also, military activities, such as training, are not automatically suited to benefit drug interdiction.

One military system that has limited law enforcement potential is the Air Force's North American Air Defense Command (NORAD) long range radars. NORAD's long range radars are one part of the NORAD system which is designed to detect and identify hostile aircraft. Agreements were signed between Customs regions and NORAD regions in 1975 and 1976 to allow for the use of these radars for the Customs air interdiction program. Customs data indicates that of 1,013 air interdiction missions launched in fiscal year 1981, only 26 utilized NORAD radar. Our analysis of Customs seizure data indicated that from fiscal years 1977 through 1981 only three drug seizures resulted from NORAD information.

NORAD's capability to assist in detecting and apprehending aircraft involved in smuggling is limited by the capabilities of the radar and the operating procedures of the Air Force. NORAD's ground-based radar is limited to line-of-sight coverage. Since NORAD is interested in fast high-flying aircraft for national defense purposes, "gaps" exist at lower altitudes. Pilots involved in smuggling, who generally fly at low altitudes, are aware of radar "gaps" and use them to enter the country virtually undetected by NORAD radar. For example, an aircraft flying at 8,000 feet can be detected by a line-of-sight radar within 126 miles. However, an aircraft flying at 500 feet must be within 32 miles of the radar to be detected. The map on the following page shows the extent of ground-based NORAD coverage at an altitude of 1,000 feet.

NORAD's operating procedures also limit its effectiveness for law enforcement purposes by generally excluding the typical smuggling aircraft. Generally, NORAD resources are interested only in aircraft flying at speeds greater than 207 miles per hour. Typically, the drug smuggler uses propeller-driven, fixed-wing aircraft that travel at lower speeds.

RADAR COVERAGE AT 1,000 FEET FOR SOUTHEASTERN UNITED STATES



The Navy's National Oceanic Surveillance Information Center (NOSIC) is another example of a military system that has limited usefulness for drug interdiction. NOSIC is a system that accumulates data on worldwide vessel movements utilizing information from a variety of sources. The Coast Guard maintains a liaison at NOSIC and has utilized the system in a few instances for drug law enforcement.

However, NOSIC has limited use for drug interdiction because the system is designed primarily to monitor movements of vessels greater than 300 feet in length. Such vessels are not the type typically used for drug smuggling. Of the 675 drug smuggling vessels seized by the Coast Guard from 1973 to 1981, only 2 were longer than 300 feet.

Not only are many military systems of limited benefit to law enforcement, but also certain military activities, such as training, often cannot be used for drug interdiction without impairing the effectiveness of the training. In congressional discussions on the amendment to the Posse Comitatus Act, proponents of increased military assistance argued that military training missions could be designed for interdiction purposes. For example, it was argued that training flights of radar aircraft, such as the Air Force's E-3A (AWACS) and the Navy's E-2C, could be used to detect aircraft involved in drug smuggling. However, military officials told us that detecting drug smuggling aircraft provided "little meaningful training." The officials explained that smuggling targets are relatively slow and small and do not adequately train the military crews to intercept enemy movements.

Military officials said that occasional support of law enforcement as a part of ongoing military activities does not adversely affect training, but long-term commitment of military resources could hurt training and other military preparedness factors.

Long-term commitments of military assistance could impact preparedness

DOD policy stipulates that military assistance cannot be provided to law enforcement if it adversely affects military preparedness. Military officials expressed concern, and at least one special project demonstrated, that major long-term commitments of military assistance can result in a degradation of military readiness.

DOD Directive 5525.5, issued March 22, 1982, regarding support to civilian law enforcement efforts states: "Assistance may not be provided * * * if provision of such assistance could affect adversely national security or military preparedness." This regulation was issued to implement the amendments to the Posse Comitatus Act and reflects the desire of the Congress to prohibit the provision of military assistance to civilian law enforcement if it would harm national security.

One special project carried out from October through December 1981, prior to issuance of the DOD regulation cited above, demonstrates that the long-term commitment of military resources can affect military readiness. Project Thunderbolt, a Customs operation conducted in Southeast Florida, was designed to deter drug smuggling by aircraft and to evaluate

Given the expense of operating military equipment, law enforcement agencies cannot afford major commitments of dedicated military assistance. Unless ways can be found to include support to law enforcement as a part of regular ongoing military activities, military assistance to law enforcement will be limited by the expense involved.

Disclosure of classified military systems could compromise national security

Military officials are concerned about the possible disclosure of information on classified military systems in court if the systems are used to assist law enforcement. They stated that such disclosure could do irreparable damage to national security. For example, it was said that if a secret military system were used to detect an aircraft which culminated in the arrest of the pilot for drug trafficking, the defendant might be able to show a need to know that he was detected by the military system. Depending on the case, there was concern that a judge could require disclosure of the technical specifications of the system that resulted in the detection. This concern is expressed in view of the principle that the judiciary controls the evidence in a criminal trial and on the possibility that a defendant could successfully demonstrate a need for such evidence.

However, Congress has addressed these concerns involving cases where national security secrets are likely to arise in the course of criminal prosecutions. On October 15, 1980, Congress passed Public Law 95-456, the Classified Information Procedures Act. This law provides certain pretrial, trial, and appellate procedures for criminal cases involving classified information. For example, it provides pretrial procedures that permit a trial judge to rule on questions of admissibility involving classified information before introduction of the evidence in open court. The purpose of this particular procedure is to permit the Government to ascertain before trial the potential damage to national security. Under this procedure, the judge determines whether and the manner in which the information in issue may be used in a trial or pretrial proceeding.

Nonetheless, several military officials expressed concern to us that using a secret military detection system for law enforcement could result in disclosure of the system. For example, officials at a defense agency expressed apprehension concerning the use of a classified military system for law

enforcement. These officials noted that, if a judge would allow a defense attorney to reveal the capabilities of the system in court, they would recommend that the U.S. attorney drop the case.

Similar concerns were noted with regard to the use of the Navy's E-2C aircraft for drug interdiction as a part of Customs Project Thunderbolt. The Customs proposal for the project noted:

> "If at anytime [sic] during the judicial process it appears that the Government will be ordered to reveal E-2C participation, Customs will request that the U.S. Attorneys' [sic] Office initiate dismissal of the charges."

REQUESTS FOR MILITARY ASSISTANCE ARE NOW MORE COORDINATED

Encouraged by the December 1981 changes to the Posse Comitatus Act, law enforcement agencies began requesting military assistance for a variety of drug interdiction activities. Unfortunately, in some instances these requests were neither well planned nor coordinated among the various law enforcement agencies resulting in inefficient projects. Subsequently, a committee comprised of DOD, Customs, Coast Guard, and DEA officials was established to coordinate requests for military assistance.

As was pointed out earlier in this chapter, law enforcement agencies have requested a variety of equipment from the military to assist in their drug interdiction efforts. Some of these requests have not been adequately planned or coordinated. For example, Customs' Operation Thunderbolt air interdiction project conducted from October through November 1981 utilized airborne radar coverage provided by the Navy's E2-C's. The E2-C's were used to detect and track suspect drug smuggling aircraft entering South Florida. As was noted earlier, Customs was charged $796,000 for the E2-C's on this project. During the same time period, DEA and Coast Guard were conducting a Caribbean marine interdiction project: Project Tiburon. When planning Project Tiburon, DEA and the Coast Guard had requested the Navy to provide airborne radar coverage to detect drug smuggling vessels, but when the Navy said such coverage would cost about $800,000, DEA and the Coast Guard decided against the assistance.

Navy officials told us that the E2-C aircraft had the capability to detect both air and sea targets and could have been used for both projects. Officials at DEA and EPIC said they were not aware of Customs plans to use the E2-C's in Project Thunderbolt until "a few days" before the project commenced. Although the projects were not conducted in exactly the same location, the coverage provided by many of the Project Thunderbolt E2-C flights could have aided the DEA-Coast Guard Operation Tiburon III. For example, 34 of the 70 vessel seizures in connection with Operation Tiburon III were made either off the coast of Florida or in the Bahamas, areas that were frequently covered by the E2-C's in Project Thunderbolt.

Customs in its response to our draft report, said the E2-C "was not all that effective in detecting and tracking small vessels of 30 feet and under." Despite this limitation, the E2-C would still be valuable to detect vessels for the Coast Guard. More than 80 percent of the vessels Coast Guard seized in 1981 were longer than 30 feet.

Another example of an inadequately planned and coordinated request for military assistance involved the air interdiction portion of the South Florida Task Force. As in Project Thunderbolt, E2-C's were used to detect air smugglers entering Florida. From March 15 through June 30, 1982, Navy E2-C's flew 435 hours at a cost of more than $715,000 and Navy E-2B aircraft flew 129 hours at a cost of more than $82,000.

These expensive resources were deployed with little planning or coordination. In addition to not using E2-C's for concurrent air and sea drug smuggler detection, the project managers did not assess existing radar facilities before deciding to use these Naval aircraft. Some low altitude radar coverage of South Florida is available from the Air Force's balloon-borne radar facility in the Florida Keys. This facility--named Seek Skyhook--provides low altitude radar coverage of much of the air smuggler threat corridor in South Florida. For example, nearly three-fourths of the air interdictions during Project Thunderbolt were in the coverage area of Seek Skyhook. The Air Force has since agreed to provide Seek Skyhook radar coverage without reimbursement.

These two examples demonstrate that as a result of poor planning and coordination, valuable military resources were not used to their full advantage and interdiction was less effective than it could have been. In addition to poor planning, the projects were implemented without an agreement on who was going to pay for the military assistance.

Concerned about this lack of coordination and planning, the Joint Chiefs of Staff noted in a March 1982 memorandum to the Deputy Assistant Secretary of Defense that:

> "There must be a central civil authority which assimilates and coordinates all requests to DOD for assistance to civil law enforcement agencies. A decision on the source of funding must be reached, as the military departments have not budgeted for these operations."

In response to this concern a committee comprised of Coast Guard, DEA, Customs, and DOD officials was formed to discuss requests for military assistance. The group has met monthly and has discussed both long-term plans and specific requests for military assistance.

CONCLUSIONS

The military can provide valuable assistance to law enforcement in the area of air and sea interdiction, with certain limitations. The recent amendment to the Posse Comitatus Act has made such assistance much more frequent. Initially, requests by law enforcement agencies were inadequately planned and coordinated, resulting in projects that were less effective than they could have been. The formation of a DOD-law enforcement agency group should ensure better planned projects and more efficient use of military equipment in the future.

AGENCY COMMENTS AND OUR EVALUATION

The Department of Defense, in its comments on our draft report, agreed with all of our conclusions concerning military assistance for drug enforcement. The Customs Service said that the negative tone concerning the lack of coordination between agencies in requests for military assistance was inappropriate in view of the establishment of a military assistance coordinating committee. The Departments of Justice and Transportation did not comment on the conclusions contained in this portion of the report.

OBJECTIVES, SCOPE, AND METHODOLOGY

We visited numerous sites to assess program effectiveness at various activity levels. We conducted our review at the following offices.

--Headquarters offices in Washington, D.C. of the Coast Guard, Customs, DEA, DOD, Army, Navy, Air Force, Department of Justice, and Department of State;

--DEA regional and district offices in Miami, New Orleans, Los Angeles, Tucson, Phoenix, San Diego, Wilmington (North Carolina), and the Nassau Bahamas Resident Office;

--Customs regional and district offices in Miami, Tampa, Charleston (South Carolina), New Orleans, Nogales (Arizona), and San Diego;

--Coast Guard district offices in Miami, New Orleans, Norfolk, and Long Beach, and Coast Guard area command offices in San Francisco and New York;

--U.S. attorney offices in the Southern District of Florida, Eastern District of Louisiana, Central District California, Southern District of California, and District of Arizona; and

--the El Paso Intelligence Center in El Paso, Texas.

Additionally, some work was conducted at the headquarters offices of the Office of Management and Budget, Federal Aviation Administration, National Aeronautics and Space Administration, Office of Drug Abuse Policy in the Executive Office of the President, as well as at the Naval Oceanic Surveillance Information Center in Suitland, Maryland; the Navy's Atlantic Area Fleet headquarters in Norfolk; the Air Force Tactical Air Command in Langley, Virginia; and the Air Force 20th North American Air Defense Command headquarters at Ft. Lee, Virginia. Limited assistance was also provided by the FBI.

Our work included:

--Discussions and interviews with agency officials and personnel at all levels.

--Review of budgetary, expenditure, and resource utilization data.

--Examination of intelligence reports and records, project evaluations, and case files.

--Analysis of seizure, arrest, court disposition, and sentencing data.

--Evaluation of requests for military assistance.

--Verification of Customs seizure report data.

--Review of laws, policies, and procedures.

--Examination of studies and audits pertaining to interdiction efforts.

This review was performed in accordance with generally accepted Government auditing standards. The fieldwork for this review was conducted from November 1981 through September 1982.

Computer analysis

Many of the statistical analyses contained in this report were based on information contained in the Customs Law Enforcement Activity Reporting (CLEAR) System. The CLEAR system includes information on all drug seizures made directly by Customs and the Coast Guard, as well as seizures by State, local, and other Federal agencies in which Customs was a participant. We independently analyzed information contained on magnetic tapes (provided by Customs) for more than 75,000 drug seizures made from fiscal years 1977-81 and the first 9 months of fiscal year 1982. Information contained in the CLEAR system includes not only the quantity, location, and time of the drug seizure, but also which agencies participated in the seizure, what type of prior information was used to aid in the interdiction, which agency took custody of the arrestees, descriptive information on the type of conveyance used, and what other property was seized by Federal authorities.

Data contained in the CLEAR system is based on information from Customs Search/Arrest/Seizure Reports (Customs form 151), which are prepared at the time of the seizure or when Customs takes possession of the seized drugs (as in Coast Guard seizures). To verify the accuracy of the data in the CLEAR system with information contained on Customs 151 forms, we randomly sampled the universe of all Customs Patrol and Coast Guard seizures for fiscal year 1981 in 6 of Customs 46 districts. Our sample comprised 172 of the 602 seizures in

the 6 districts. For each of the selected 172 cases, we compared 6 information items (1,032 total items: 6 x 172) listed on the Customs 151 form with information contained in the CLEAR system. We found that 1,028 of the 1,032 items, or 99.6 percent, were identical. If a 99-percent confidence interval were used, the accuracy of the data based on our random sample would be at least 99.1 percent.

As a part of our evaluation of interdiction results, we also determined court disposition of the violators arrested in connection with the cases in this selected sample of drug seizures . We attempted to determine the court disposition of all violators arrested in each of the drug seizure cases, up to a maximum of five individuals for a single case. A total of 348 people were arrested in the 172 cases. Using information available in DEA's court disposition file and the FBI's Computerized Criminal History system, we obtained case disposition data for 128 of these arrestees. Data was not available on 220 of the individuals arrested.

DRUG SEIZURES AS A PERCENT OF DRUG SUPPLY
Fiscal Year 1977 - 1982

	1977	1978	1979	1980	1981	1982
Heroin: (note a)						
Supply	12,128	9,041	8,159	8,710	9,000	10,000
Seizures	1,323	897	647	688	598	988
Percent seized	10.9	9.9	7.9	7.9	6.6	9.9
Dangerous drugs: (note b)						
Supply	5,054	4,960	5,217	5,060	5,000	5,000
Seizures	19	21	40	77	103	47.3
Percent seized	.4	.4	.8	1.5	2.1	.9
Cocaine: (note c)						
Supply	46,305	48,510	61,740	97,020	132,300	149,940
Seizures	1,802	2,292	2,721	8,329	6,464	16,183
Percent seized	3.9	4.7	4.4	8.6	4.9	10.8
Marijuana: (note d)						
Supply	30,098	23,263	26,460	28,224	31,046	31,046
Seizures	2,061	6,048	4,590	2,976	6,254	4,857
Percent seized	6.8	26.0	17.3	10.5	20.1	15.6

a/Data is in pounds and also includes opium and morphine.

b/Millions of dosage units.

c/Data is in pounds.

d/Includes hashish. Units are thousands of pounds.

Sources of Information:

Drug supply - Drug supply figures for 1977 through 1980 are estimates by the National Narcotics Intelligence Consumers Committee. Drug supply figures for 1981 and 1982 are GAO estimates based on projections of supply trends by the National Narcotics Intelligence Consumers Committee. Dangerous Drug supply is a GAO calculation based on the National Narcotics Consumer Committee's estimates of the annual retail value for dangerous drugs.

Drug seizures - Drug seizures are the combined seizures of DEA, Customs, and Coast Guard. DEA seizures are based on DEA statistics. Customs and Coast Guard seizures were obtained from Customs' CLEAR system.

Note: NNICC estimates for each drug represent the total amount on the U.S. markets and include amounts grown or produced domestically. For example, NNICC estimates that 7 percent of the marijuana supply is grown in the United States and that the majority of illicit dangerous drugs are manufactured or diverted in the United States. Domestically produced drugs obviously are not usually seized at the border. On the other hand, our drug seizure information includes all Federal drug seizures both at the border as well as within the United States.

VIOLATOR CLASS OF ARRESTEES REFERRED TO DEA BY FEDERAL AGENCIES Fiscal Year (note a)

Class of Violator (note b)	1977	1978	1979	1980	1981	1982	Total	
							No.	Percent of total
Class I	45	35	39	42	57	23	241	2.9
Class II	31	24	19	23	72	12	181	2.2
Class III	628	645	505	514	874	382	3,548	42.5
Class IV	1,817	942	497	343	411	364	4,374	52.4
Total	2,521	1,646	1,060	922	1,414	781	8,344	100.0

a/Fiscal year 1982 data for first 9 months (October 1981-June 1982).

b/DEA classifies drug violators into four categories with class I being the most important. For example, class I violators can be the head of major trafficking organizations dealing in large quantities of drugs.

Source of information: DEA statistics

COAST GUARD AND CUSTOMS PATROL SEIZURES
AS A PERCENT OF TOTAL FEDERAL SEIZURES
Fiscal Year 1977-1982 (note a)

	1977	1978	1979	1980	1981	1982	Total
Marijuana (note b)							
Amount	1,265	3,647	2,973	1,828	4,125	2,828	16,666
Percent of total	61	60	65	61	66	72	65
Cocaine (note c)							
Amount	299	559	359	1,891	1,723	2,389	7,220
Percent of total	17	24	13	23	27	20	22
Dangerous Drugs (note d)							
Amount	.5	1.5	15	18	21	.1	56.1
Percent of total	3	7	38	23	20	0	18
Heroin (note c)							
Amount	21	8	37	41	24	68	199
Percent of total	2	1	6	6	4	7	4

a/Fiscal year 1982 data for first 9 months (October 1981-June 1982).

b/Thousands of pounds.

c/Pounds.

d/Millions of dosage units.

Sources of information: Customs and Coast Guard seizures based on information from Customs' CLEAR system. Total seizures used to calculate percent are the combined seizures of DEA, Customs, and Coast Guard. DEA seizures based on DEA statistics.

CUSTOMS REPORTED ARRESTEES VS.
DEA REPORTED ARRESTEE REFERRALS
Fiscal Years 1977-1982 (note a)

Interdiction arrestees	1977	1978	1979	1980	1981	1982	Total
Customs	15,981	9,796	6,940	6,901	8,704	5,075	53,397
Coast Guard	87	478	392	240	727	696	2,620
Total	16,068	10,274	7,332	7,141	9,431	5,771	56,017
Referrals to DEA	2,521	1,646	1,060	922	1,414	781	8,344
Arrests not referred to DEA (note b)	13,547	8,628	6,272	6,219	8,017	4,990	47,673
Percent not referred	84	84	86	87	85	86	85

a/ Fiscal year 1982 data for first 9 months (Oct. 1981-Jun. 1982).

b/Difference between Customs reported arrests and DEA reported referrals.

Sources of information: Customs and Coast Guard arrests based on data in Customs CLEAR system. "Referrals to DEA" is based on information provided by DEA.

APPENDIX VI

CASE DISPOSITION ANALYSIS--CUSTOMS PATROL AND COAST GUARD CASES
Fiscal Years 1977-1982 (note a)

Cases with arrests	1977	1978	1979	1980	1981	1982	Total
Refused by U.S. attorney	503	433	412	344	420	182	2,294
Accepted by U.S. attorney	284	225	238	274	324	178	1,523
Accepted by State and Local	67	45	41	92	106	62	413
No information	150	155	157	229	326	203	1,220
Total cases with arrests	1,004	858	848	939	1,176	625	5,450
Cases without arrests	326	329	266	326	470	299	2,016
Total cases	1,330	1,187	1,114	1,265	1,646	924	7,466

a/ Fiscal year 1982 data for first 9 months (Oct. 1 to Jun.30).

Source of information: Data based on Customs CLEAR system.

ANALYSIS OF CUSTOMS AND COAST GUARD SEIZURES BASED ON PRIOR INFORMATION
(Fiscal Year)

	1977	1978	1979	1980	1981	1982 c/	Total
Major Seizures (note a)							
Total No.	198	265	239	244	388	237	1,571
No. based on prior information	111	122	145	141	206	141	866
Percent based on prior information	56.1	46.0	60.7	57.8	53.1	59.5	55.1
Other Seizures (note b)							
Total no.	20,337	14,712	12,580	11,340	10,320	6,555	75,844
No. based on prior information	910	704	677	854	1,095	703	4,943
Percent based on prior information	4.5	4.8	5.4	7.5	10.6	10.7	6.5

a/Seizures of more than 10,000 pounds of marijuana, 10 pounds of cocaine, or 5 pounds of heroin.

b/All other seizures not included under major seizures.

c/Data for the first 9 months (Oct. 1-June 30).

Source of information: Data based on Customs CLEAR system.

APPENDIX VIII

U.S. Department of Justice

Washington, D.C. 20530

FEB 3 1983

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

This letter responds to your request to the Attorney General for the comments of the Department of Justice (Department) on your draft report entitled "Strong Central Management and a More Definitive Strategy Needed to Improve Federal Drug Interdiction Efforts."

The draft report does contain some useful observations and suggestions but suffers in two serious respects. First, the report is already out of date in that it does not fully recognize the positive actions which have been taken in the last 2 years. The report was obviously prepared before the President announced his Drug Task Force Program, however, a most serious shortcoming is the report's failure to concentrate on the South Florida Task Force in assessing the degree of cohesiveness with which interdiction efforts are accomplished. The General Accounting Office (GAO) audit staff left South Florida at the precise time when the Task Force effort was getting off the ground. Additionally, the report virtually ignores the increased resources in drug law enforcement which have been added with the Federal Bureau of Investigation's (FBI) involvement in drug investigations.

Second, perhaps the greatest weakness of the GAO report is its failure to address the role and limitations of interdiction in the context of the entire Federal drug law enforcement effort. In terms of its role, interdiction is only one, albeit important, part of the Federal drug strategy. It is unrealistic to expect current drug interdiction programs to eliminate the flow of illegal drugs, given the enormous resources that would be required to accomplish such an objective. Any drug interdiction program must be an acceptable compromise with the need for a free flow of commerce across our borders, the convenient movement of travelers and tourists into and out of the United States, and the resources that drug enforcement agencies can realistically expect to allocate to the program in view of current budgetary constraints. Given our current border policy, interdiction, and particularly drug interdiction, is a necessary function, but one of limited value in controlling the amount of drugs that annually cross our 96,000 mile border.

With regard to its limitations, the GAO report found that "despite increasing resources for interdiction, only a small percentage of drugs entering this country are seized." While we agree with this finding, we do not believe that the report provides the recommendations needed to change this situation. The report recommends strong central management, a more definitive strategy, accurate and timely intelligence and well planned and coordinated use of military assistance. While these are all good points, the recommendations fall short. Stopping drugs at their source is the single most effective action that can be taken. In testimony before the Senate Judiciary Committee on December 14, 1982, Dominick L. DiCarlo, Assistant Secretary of State for International Narcotics Matters stated "Crop control, which can be achieved through government bans, chemical or manual eradication at the source, or controlled reduction to legitimate quotas, is the most effective, efficient and economical means of reducing the availability of opium, cocaine, cannabis and their derivatives." Unfortunately, the GAO report leads one to believe that the Federal Government should allocate more resources to the interdiction effort as the answer to the drug problem. Years of experience have shown that this "band-aid" approach to controlling illegal drugs--stopping them midway along the delivery chain--is nothing more than a maintenance effort which, standing alone, will never have any permanent effect on drug traffic. GAO could do much to place its evaluation of interdiction efforts in proper perspective by discussing interdiction in the context of the entire Federal drug law enforcement effort.

Chapter 2 of the report discusses the "fragmentation" of the Federal interdiction program. Unfortunately, fragmentation is a poor choice of words to simply note that drug interdiction responsibilities are divided among three agencies, the preponderance of these responsibilities resting with Customs. This is not a unique or indeed undesirable situation. Interdiction responsibilities are divided for many other smuggled goods such as firearms, endangered species, even aliens. Federal agencies have been sharing these kinds of responsibilities for years and will continue to do so. In point of fact, all drugs, whether they are interdicted by Customs, Coast Guard or DEA, are turned over to DEA for disposition. Since the enactment in 1973 of Executive Reorganization Plan Number 2, (5 U.S. Code App.), DEA has been the lead agency in drug law enforcement. The President's message to Congress transmitting the Reorganization Plan cited coordination and greater effectiveness as a primary purpose in centralizing narcotics enforcement activities in DEA. The roles of the various involved agencies were, and still are clearly defined in this plan. While there are areas where cooperation can be improved, law enforcement agencies have generally been able to strengthen their cooperative relationships as they work together on problems of mutual concern. Recently, for example, Customs Commissioner, William C. von Raab, publicly stated that cooperation is at a very high level. Now, the President's Drug Task Force Program is expected to further significantly strengthen agency coordination of drug law enforcement activities.

GAO recommends to the President that he designate one entity "to monitor and evaluate activities." (We presume GAO means interdiction activities, although this is not clearly stated in the recommendation. One could interpret the recommendation to mean the entire drug enforcement program.) The recommendation strongly infers that this group or individual should manage the drug interdiction effort since the three agencies cannot effectively do so. This recommendation for what appears to be a national "drug czar" was, as GAO is

aware, endorsed by the 97th Congress in the passage of the 1982 crime bill. In a letter to the Office of Management and Budget the Department adamantly opposed the creation of an "Office of the Director of National and International Drug Operations and Policy" to direct all Federal drug enforcement activity and recommended a Presidential veto, which subsequently occurred. In vetoing the bill, the President expressed concern that it fails to address some of the most serious problems facing Federal law enforcement and would impact adversely on the Administration's current efforts to combat drug abuse. Creation of a new bureaucracy within the executive branch with the power to coordinate and direct all Federal drug efforts, including law enforcement operations, would produce friction, compound the problem of coordinating information, and threaten the integrity of the criminal investigative and prosecutorial decisionmaking process, which is the very opposite proponents of the bill expect would take place. Although the aim of the bill was to promote coordination, hearings were never held and the concept was never really evaluated in any detail. Although the President agrees with the need for improvement in coordination and efficiency of Federal law enforcement efforts, this is being accomplished through existing administrative structures. The Cabinet Council on Legal Policy, which is chaired by the Attorney General and consists of Cabinet officers with narcotics law enforcement responsibilities, and the White House Office on Drug Policy are an integral part of the Administration's process by which a coordinated narcotics enforcement policy is carried out. This process has resulted in the creation of 12 National Task Forces to combat organized crime and narcotics trafficking in the field, which is precisely where the action needs to be focused.

The need for coordination and more effective management of the national drug effort is not a new theme. Executive Reorganization Plan Number 2 of 1973 was a first major step in centralizing narcotics enforcement activities. The Cabinet Council on Legal Policy and its Task Force on Interdiction, and the White House Office of Drug Abuse Policy were further responses to coordinate national drug enforcement efforts. In January 1982, the Attorney General issued a directive delegating to the FBI concurrent jurisdiction with DEA for investigations of violations of the Controlled Substances Act. This action was another positive effort toward achieving a coordinated national drug investigative effort. Current efforts by the Administration, such as the South Florida Task Force and the President's creation of 12 new national Narcotics Task Forces are intended to foster even closer Federal agency coordination. This level is where the true test of cooperation and coordination takes place and not at the "drug czar" level. Moreover, these types of cooperative activities virtually negate GAO's contention that "Federal interdiction efforts are not planned, controlled, or directed by any single department, agency or individual."

In addition to the aforementioned comments, the following comments address specific issues of the report identified by page title or number.

Appendices II-VII. Most of the appendices include 9-month data for fiscal year 1982. The figures for the entire year are now available and should be included.

Digest, Page iv. The reason that 60 percent of Customs Patrol and Coast Guard drug interdiction cases are not prosecuted by Justice is not a result of

fragmentation. Rather, it is merely the result of the different functions of Customs and Coast Guard on the one hand and Justice on the other. The functions of the Customs Patrol and Coast Guard are to patrol and seize all drug contraband on the high seas possessed by traffickers regardless of how small or large the quantity or how sophisticated or unsophisticated the trafficker or his trafficking methods. The functions of Justice are to investigate and prosecute those cases and traffickers which present the greatest potential impact on drug trafficking. Obviously, not every seizure by Customs or Coast Guard requires or warrants further investigation or prosecution; many cases are adequately dealt with by simple arrest and seizure. Justice's exercise of prosecutorial discretion is based upon a number of factors, including criminal history, evidence, special aggravating or mitigating circumstances, uniqueness of the case and local or regional priorities. Contraband seizures on the high seas frequently involve extremely small amounts of drugs. In the past, GAO has been critical of DEA for not pursuing higher level drug traffickers. If law enforcement agencies, prosecutors and the courts spend more time on these lower level cases, the costs of prosecution will clearly outweigh the benefits to the public. In sum, GAO's finding shows not fragmentation, but rather that the system works as would be expected. Not every seizure requires further investigation and prosecution. Certainly, Customs and Coast Guard should not refuse to seize contraband just because, in a particular case, there is no need for follow-up investigation or prosecution.

Pages 11-13. GAO states that resources devoted to interdiction have increased dramatically. While this is true in the aggregate, it should be noted according to the chart on page 13 that DEA expenditures have actually decreased from fiscal year 1979 and have remained relatively unchanged from fiscal year 1977 through fiscal year 1981.

Page 14. In paragraph 2, the amount DEA spends on drug interdiction is based on the number of hours DEA agents spend on referral cases from Customs and the Coast Guard. Unfortunately, this estimate does not include or even mention the South Florida Task Force, special operations such as Tiburon, specific intelligence collection programs in foreign countries, or investigations where DEA learns of a smuggling operation and passes the information to Customs or the Coast Guard. Consequently, the amount of time DEA spends on interdiction would be somewhat higher than that reported in the GAO study.

Page 15. We believe that GAO fails to give sufficient credit to such successful cooperative interdiction efforts as Grouper, Banco Shares and the South Florida Task Force. Interdiction efforts have had an impact on marihuana supply; however, the substantial increase in domestic marihuana production must also be addressed by intensified enforcement.

Page 17. GAO's section on street drug prices is inaccurate. Our figures, which GAO had access to, show that prices of street drugs have increased or remained relatively unchanged. The street prices of June 1982 show that the price of marihuana has increased to $1.71 per milligram, up from $1.38 in 1980, while cocaine, at $.65 per milligram, has remained at its 1979 price. Heroin prices have remained relatively stable, dropping slightly from $2.25 in 1979 to $2.20 in 1982. DEA does not adjust these figures for inflation nor should GAO. Adjustments for inflation for illegal drugs outside of legal commerce are artificial. Our studies have shown that in some cases

illegal drug prices go counter to the normal inflationary cycle due to availability, popularity of the drug and relative purity level. Consequently, we would recommend that the study report the DEA figures and drop the adjustments for inflation.

Pages 25-26. This portion of the report discusses the South Florida Task Force. As stated earlier in this response, GAO's failure to concentrate on the South Florida Task Force in assessing the degree of cohesiveness with which interdiction efforts are accomplished is of concern to us. It is this portion of the report which has received the most publicity, however misleading the publicity might be. This Task Force initiative and the President's creation of 12 new national Narcotics Task Forces represent significant efforts by the Administration to provide the degree of cohesiveness needed in managing Federal drug enforcement activities. Yet, the report commentary on the South Florida Task Force is not much more than one page. It is apparent that GAO's analysis was completed only a couple of months after the Task Force had commenced operation in March 1982. The only critical comments regarding the Task Force contained in the draft report are references to "newspaper accounts" about statements from "several local police officials" regarding the failure of the Task Force to date (i.e., June or July 1982) to reduce the cocaine and dangerous drug traffic. On the other hand, the report states that officials at the El Paso Intelligence Center (EPIC) believed that already, as of July 1982, there had been a substantial reduction in smuggling due to Task Force operations. Any analysis of the Administration's current Federal drug interdiction efforts must include a detailed study of its current initiatives. Unfortunately, GAO chose to release its draft report prematurely and no such study was made. In our opinion the report is seriously in need of updating.

Page 31. This page discusses DEA drug priorities dating back to 1979. DEA's fiscal year 1983 national priority objectives do not include inflexible national drug priorities. DEA special agents-in-charge now establish their division priorities according to local needs; thus in Miami, DEA's emphasis is on marihuana and cocaine and not on the former national number one priority--heroin. GAO needs to revise this section of the report to correctly describe the flexibility allowed in establishing DEA's national drug priority objectives.

Page 32. The report states that interdiction efforts have been unsuccessful because only 5 percent of those arrested are Class I or II violators. In all probability, only 5 percent of all actual drug violators do fall into Class I or II. There are only so many "bosses" in any organization. Most people in any organization, legal or illegal, are the regular "workers." The definitions of Class I and II violators are restrictive in that large quantity requirements must be satisfied. The violator must then be either the head of a structured illegal organization or its financier. (Other potential Class I or II violators like laboratory operators or registrants are not normally arrested as a result of interdiction activities on the part of Customs or the Coast Guard.) Further, most interdiction arrests are for crewmen and the like. Subsequent investigation is required to lead to the Class I or II violator behind the smuggling activity. Sometimes these followup investigations can last several years before arrests occur, as in Operation Grouper, in which over 2 years elapsed between the time contraband was initially seized off the boats and the time that the major violators were finally arrested.

Page 37. The statement that only DEA has authority to present cases involving violations of Federal narcotics laws to the U.S. Attorney for Federal prosecution is inaccurate. The FBI also has this authority.

Page 37. The report states that "If interdiction arrestees are accepted for Federal prosecution, DEA sometimes tracks the results of the case." GAO should be aware that DEA maintains defendant statistical records for all arrestees Federally prosecuted in DEA initiated or adopted cases. These are available from DEA's Offender Based Transaction System. It is also important to remember that, given court time, it normally takes years for most (75%) of the dispositions in a case to be reported.

Page 51. GAO recommends that DEA, Customs, and Coast Guard work together to develop compatible management information systems for drug interdiction programs. DEA supports this recommendation. Presently DEA's statistical systems are being improved internally (to detect overlap), and resources are already earmarked for 12 new Organized Crime/Narcotics Tas Forces to develop compatible systems.

Page 52. This section again alludes to the "drug czar" concept which was discussed earlier. It also calls for a more definitive Federal strategy stipulating the roles of the various agencies with drug enforcement responsibilities. We believe that the combination of existing laws such as Executive Reorganization Plan Number 2, Memorandums of Understanding between DEA and Customs and DEA and the Coast Guard, concurrent jurisdiction guidelines for DEA and the FBI, and the President's 1982 Federal Strategy for Drug Abuse and Drug Trafficking Prevention amply answer our current needs for defined roles and a definitive strategy. Implementation of this strategy and meeting the responsibilities inherent in these roles should be our paramount concern.

Page 56. The study found that "Despite the importance of the Caribbean as a drug trans-shipment point, DEA has assigned only three agents there." While DEA's Puerto Rico office is technically in the West Indies, the 16 agents assigned to that office do work investigations in the Caribbean. Special agent strength should include the hundreds of workyears provided to Caribbean investigations by agents, analysts and other support personnel in both the field and Headquarters. Also, DEA has opened an office in Santo Domingo to enhance enforcement presence in the Caribbean. Further, the report does not recognize the FBI's involvement in drug investigations. The FBI now has concurrent jurisdiction and has significant resources in the Southeast working drug cases. Furthermore, as you know, the process by which we assign our agents overseas is lengthy, involving foreign governments and the State Department. Sometimes there are factors outside of our control which prevent us from assigning a full complement of personnel overseas. In the Caribbean area, we have made a conscious decision to support the Caribbean nations in large part through our Miami, South America, and Puerto Rico offices.

Page 63. The GAO study recommends that the Customs' strategic drug intelligence function be transferred to EPIC. This statement is based on a misunderstanding of what strategic intelligence is and how it is used by an agency. We adamantly oppose such an action just as we would oppose the transfer of any other agency's strategic intelligence function, including DEA's, outside of agency Headquarters. Tactical intelligence, often of a

time-perishable nature, serves the individual operational needs of an agency. Strategic intelligence, on the other hand, is of a more comprehensive nature; situations and systems, both past and present, are assessed toward predicting future trends and prospects. The development and analysis of strategic intelligence are functions which must be performed at a Headquarters level, where analysts and managers can benefit from agency and department policies and can contribute to the formulation of long-range planning. Furthermore, EPIC, as GAO points out, is a tactical and operational intelligence organization. To add a strategic intelligence function to its operation would dilute its effectiveness as a quick response watch and command center.

Page 64. Given the tactical and operational nature of the suspect vessel photo file maintained by the Coast Guard's Atlantic Area Command in New York, we support its transfer to EPIC.

Pages 64-65. Ten new DEA special agent positions have been assigned to the EPIC Watch since the report was prepared and steps have been taken to increase DEA analyst positions. The staffing chart on page 65 should be updated to reflect this increase.

Pages 64-67. GAO recommends that DEA, Customs, and Coast Guard provide additional staff and resources for increased computer services to EPIC. GAO also references a 1978 Justice internal audit report which was critical of EPIC's computer capability.

The information in the internal audit report which GAO quotes is almost 5 years old and is no longer current. 1/

During fiscal year 1982 additional computer capacity was installed at EPIC which meets most of the Center's current needs except for the additional processing and disk storage needed to support an Internal Revenue Service requirement and on-line word processing. During the current fiscal year, efforts will be made to fund and commence operation of the word processing equipment.

Page 77. GAO correctly demonstrates the limitations of the 16 North American Air Defense Command long-range radar. DEA strongly believes that while this map is not classified, it is in the public interest not to have this information widely disseminated.

Page 94. The chart should identify the seizures as Customs seizures since they are based exclusively on the Customs Law Enforcement Activity Reporting System.

In final analysis, we recommend that the report be updated to recognize the latest Administration initiatives relating to the South Florida Task Force, the President's program for an additional 12 regional task forces under his direction, and delegation to the FBI of concurrent jurisdiction with DEA for investigations of violations of the Controlled Substances Act. These initiatives are significant in assessing the degree of cohesiveness with which interdiction efforts are expected to be accomplished in the future, thus alleviating the coordination problems revealed in the report. Finally, the report should be reconstructed to stress that drug interdiction is only one aspect of the Federal drug enforcement strategy.

1/The comments on EPIC's computer capability refer to information contained in the draft report sent to the agencies for comment. This section was eliminated from the final report.

We are pleased to have the opportunity to comment on the draft report. Should you desire any additional information, I trust you will let me know.

Sincerely,

Kevin D. Rooney
Assistant Attorney General
for Administration

ASSISTANT SECRETARY

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JAN 28 1983

Dear Mr. Anderson:

This memorandum is in response to your letter of December 15, 1982, to Secretary Regan requesting comments on your draft report entitled "Strong Central Management and A More Definitive Strategy Needed To Improve Federal Drug Interdiction Efforts." The U.S. Customs Service's comments, with which we concur, are forwarded herewith.

This report draws some excellent conclusions and makes some recommendations which we will pursue. It is a generally helpful report and it supports our efforts to reduce the flow of drugs into the U.S. by means of an effective nationwide interdiction strategy. There are, however, some sections which are inaccurate and which should be revised. For example, the report alleges that despite increased resources for interdiction only a small percentage of drugs that enter this country are seized. In fact, Customs resources devoted to interdiction have not increased by significant amounts over the five year period from 1977-1981. This is particularly striking when inflation is factored into the overall dollar growth picture. The report also gives the impression that increases in resources devoted to the Air Interdiction Program have been significant and are of sufficient quality and quantity to counter the air smuggling threat. In reality, air interdiction resources have not been significantly increased in recent years either in the quality or quantity of equipment needed. Customs air interdiction resources have, however, been concentrated in the Florida area since the inception of the Florida Task Force. Therefore, to indicate that vast amounts of drugs continue to be smuggled into the country despite significant resource increases does not give a balanced picture of the problem as far as Customs resources are concerned.

The report states that the Coast Guard portion of the drug interdiction program comprises the majority of the increase in Federal resources from 1977-1981. Yet another section of the report appears to lump together both the Coast Guard and the Customs Service resource increases into statements such as: "GAO conducted this review because of the significant increases in resources devoted to air and sea drug interdiction programs and because of the continuing vast amounts of drugs smuggled into the country."

We believe the GAO report substantially over-states the amount of money which would be needed to develop and implement a nationwide air interdiction strategy with the resources needed to carry it out. Such a program is in the process of being developed by the U.S. Customs Service in cooperation with the Department of Defense. This program involves the long-term loan of equipment such as aircraft and radar from the military to the Customs Service. This program, when fully developed, could be maintained with a cost of less than $30 million a year. It is our judgement that when fully operational, this program will significantly impact on the smuggling of marijuana and cocaine into the country by use of private aircraft. In any case, the GAO report would be inaccurate if it states that the funds necessary to run an effective air interdiction program would run into the billions. I would be pleased to have representatives from this department concerned with the air interdiction program explore this matter with you in much greater detail.

Your report should reflect the fact that in Florida follow-up drug interdiction investigations have been carried out in almost every case since the inception of the Florida Task Force in March 1982. These drug interdiction investigations have developed significant cases which have impacted, in a positive way, against drug smugglers and drug trafficking operations. Results of these interdiction investigations in Florida include the development of 70 documented informants and the opening of 77 new investigative cases based on informant information. These cases have led to 114 arrests and significant seizures of drugs, vessels, aircraft, firearms and cash. It is suggested that your report should also reflect that a very high percentage of the interdiction cases, followed up by the Florida Joint Task Group, are being prosecuted in the Federal courts in Florida. These follow-up investigations represent a joint cooperative effort between DEA and the U.S. Customs Service working together in a Task Force Group in the Florida area. The success of the Joint Task Group in the Florida area has resulted in an agreement between the Justice and Treasury Departments that will be the basis for additional DEA and Customs joint interdiction investigation response task groups in other selected areas of the country. In the interest of accuracy and for the benefit of policy makers, the GAO report should reflect this significant development.

The draft report states that most individuals arrested in interdiction cases are low-level violators; that the cost of interdiction has become or is becoming prohibitive, and that there is some question about the value of increasing interdiction efforts further. We must recognize that there is no magic bullet for drug control any more than there is for crime in general and that interdiction must be one part of the enforcement process. It is our view that a total attack on the drug problem must involve attempts to eradicate at their source, concentrated interdiction efforts at our borders, and concentrated investigation efforts domestically against drug trafficking organizations. All three facets of such a program are very important -- interdiction is an essential ingredient. It is at the border where drugs enter this country in their purest form and largest quantity. The criminal stature of the individual who actually smuggles drugs into the U.S. ranges from the high-level, sophisticated smuggler with organized crime connections to the low-level "mule" commissioned specifically to serve as a courier. Whether this individual is a high-level smuggler or a low-level "mule" he or she will still have intelligence which can be developed by an investigation aimed at the foreign source of the drugs and the individual or place where the drugs are to be delivered. Hence, the smuggler establishes an investigative trail between the foreign origin of the drugs and the points of domestic delivery. Historically, some of the biggest conspiracy cases in drug enforcement have been initiated by the capture or detection of the courier who, either unwittingly or in a cooperative manner, lead investigators to top violators. The fact that most individuals arrested in interdiction cases are typically low-level violators cannot justify a failure to follow-up and investigate these arrests. Even the low-level smuggler knows where and from whom he got the drugs and knows where and to whom he is to deliver them. For Customs purposes, the low-level smuggler has information which can lead to significant seizures and arrests.

This report contains a lengthy discussion about disagreements between Justice and Treasury regarding their respective interdiction roles and the claim that there is inadequate investigative follow-up of interdiction cases. While the report fails to highlight the very significant accomplishment of the joint DEA/Customs Task Group in Florida which was established to investigate interdiction cases. DEA and Customs agents have been working together in a highly cooperative and successful effort in Florida for

the past ten months. Customs agents have had during this period a delegation from the Attorney General to work drug smuggling investigations under DEA control. There is every indication that the Florida operation will serve as the model for other cooperative Customs/DEA efforts with respect to the investigation of interdiction cases. The Florida operation represents a major accomplishment toward a resolution of past DEA and Customs problems and should be highlighted as such in the report.

The report notes correctly that the cooperative effort and the delegation of investigative authority to Customs was limited to the State of Florida and to the activities of the South Florida Task Force. What the report fails to reveal is the fact that Florida was the main entry point for 80 percent of the cocaine and marijuana smuggled into the United States. Hence the impact of the Florida Task Force operation had national significance with respect to drug smuggling.

It is also suggested that this report might include mention of the recent formation of an Interdiction Coordination Group chaired by the Treasury Department. Members of this group include the Coast Guard, Justice Department, FBI, DEA, Customs and the Department of Defense. This group is in the process of developing a national strategy for air and sea interdiction. This report may also want to consider the outstanding results of an ongoing cooperative maritime interdiction effort involving Coast Guard, DEA, Customs and the Department of Defense with respect to large scale marijuana smuggling originating in Colombia. This project is an outgrowth of the Florida Task Force operation and represents the highest degree of cooperative interagency effort.

I would like to suggest a meeting between you and/or members of your staff with representatives of my office to discuss some of the points in this letter and also to discuss some additional facets of your report. I think that such a discussion would be helpful, particularly in terms of some fairly recent developments in the drug interdiction area which may not have been available to your staff at the time that your report was written. I would also appreciate the ability to have such meetings since no members of my staff were consulted during the period of the inquiry. I look

forward to an early response to my request and to working cooperatively with you in arriving at the most accurate portrayal possible of the serious problems facing Federal drug interdiction efforts.

Sincerely,

John M. Walker, Jr.

John M. Walker, Jr.
Assistant Secretary
(Enforcement & Operations)

Mr. William J. Anderson
Director
General Government Division
U.S. General Accounting Office
Washington, D.C. 20548

Enclosure

THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

JAN 28 1983

Dear Mr. Anderson:

The opportunity to comment on the General Accounting Office draft report, "Strong Central Management and a More Definitive Strategy Needed to Improve Federal Drug Interdiction Efforts," is appreciated. In general, we found the report to be well written and historically accurate. The tone and style of the report reflect my views regarding the seriousness of the threat to the United States posed by drug smuggling and the difficulties encountered in controlling this activity.

However, despite general agreement with much of the report, some parts warrant comments which I hope will receive due consideration before the final report is published.

For instance, the statement is made on page 14 that "most drug seizures made by inspectors are done incidental to other duties at airports or seaports." This statement, which is repeated in other sections of the report, would lead an unknowledgeable reader to conclude that drug seizures made by Customs inspectors are made by accident. In fact, seizures made by Customs inspectors are a result of specialized training given to inspectional personnel in cargo and passenger processing locations throughout the country, and by the creation of Contraband Enforcement Teams (CET) which are dedicated to detecting/interdicting major narcotic violations. On December 26, 1982, inspectors seized 19.25 pounds of Mexican brown heroin secreted in a false gas tank in the port of Hidalgo, Texas. This seizure, alone, refutes the statement that seizures by inspectors are "done incidental to other duties at airports and seaports."

The references to drug availability beginning on page 14 and continuing in other parts of the report fail to note that the total drug supply as estimated by the National Narcotics Intelligence Consumers Committee includes amounts grown or produced domestically. Obviously, these amounts would not be subject to interdiction.

An issue is made of the fact that most (95 percent according to the report) arrestees referred to DEA by Customs and Coast Guard were Class III and IV violators. This should not be used as a basis for criticizing the arresting agencies whose only mission is intercepting those actually involved in smuggling. It is readily apparent that major (Class I and II) violators very seldom engage in activities which subject them to arrest during

REPLY TO: COMMISSIONER OF CUSTOMS, WASHINGTON, D.C. 20229

an interdiction at the border. It should, however, be recognized that skillful debriefing of Class III and IV violators and aggressive follow-up investigations will lead to Class I and II violators, and the identification of assets gained from smuggling ventures which then become subject to seizure.

Related to the above are statements to the effect that Customs does not maintain data on the court results of individuals arrested for drug smuggling. Since Customs is precluded from presenting cases to the U.S. Attorneys, tracking arrestees through the judicial process would be, at best, a difficult process and would require the dedication of resources which can better be used in performing our authorized functions.

To state, as is done on page 25, that few Customs interdiction cases are based on investigative work and that Customs air interdiction efforts are based not on investigations, but on radar detection, is to reveal a critical lack of knowledge of the operational techniques of the Customs Patrol. Our officers and pilots use a variety of investigative techniques which include developing informants; conducting surveillances; checking intelligence files; and working undercover as boat, aircraft, or off-load crews.

On pages 39 through 41, much discussion is devoted to a U.S. District Court case in the Eastern District of California which resulted in the District Court Judge's suppressing evidence resulting from a Customs search warrant. None of the discussion of this isolated case seems germane in view of the fact that the District Court decision was overturned by the 9th Circuit Court where the Judge refused to suppress the evidence. During the evidentiary hearing in this case, it was made clear that the investigation was a joint Customs Patrol/DEA investigation with full participation by DEA which was approved by the Department of Justice in advance.

In a discussion of U.S. Attorney's refusing to prosecute interdiction cases, it is stated that one reason for refusal is that cases lack probable cause for the seizure. This is not true. Customs interdiction seizures are made at the border where Customs search and seizure authority does not require probable cause. This has been reaffirmed by several Supreme Court Decisions, for example, United States versus Ramsey, U.S. Supreme Court 1977.

Chapter 3 provides a good discussion of some of the problems faced by Customs, as well as other agencies, in fulfilling our drug interdiction responsibilities. In particular, this Chapter outlines the benefits which can accrue from post-interdiction investigations and clearly makes a case for Customs' having authority to

conduct these investigations, given DEA's lack of priority in this area and lack of resources to commit to post-interdiction investigations. These investigations have led to higher Class violators and to the identification of assets accrued from smuggling ventures with these assets being forfeited to the government. This has been proven conclusively during activities of the South Florida Task Force.

I do take exception to one theme found throughout Chapter 3. This is that Customs (and other agencies) does not or cannot identify the resources committed to drug interdiction, yet the chart on page 34 purports to show drug enforcement expenditures for 1977 vs 1981. In addition, a sentence below this chart states: "The scope and magnitude of interdiction programs--primarily involving Customs and Coast Guard--have grown far too large not to be reviewed as part of the overall drug enforcement function." This, in spite of the fact that the chart shows Customs percent of the total reduced from 24 in 1977 to 17 in 1981, and that Customs dollar increase during these years was $28.2 million while DEA's increase was $46.4 and Coast Guard's was $179.1. The inconsistency between stating that resources cannot be identified, then identifying them in a chart, and finally drawing incomplete conclusions from the chart, is disturbing.

The issue of double and triple counting is greatly overemphasized. Many seizures result from joint efforts and as the report states, credit should be, and is, shared. However, new procedures adopted in Customs clearly identify seizures resulting from joint operations and are, in turn, identified as such in background material submitted with the Customs budget requests.

The chart on page 36 also does not lend credence to the narrative of Chapter 3. The GAO auditors estimate reduces Customs' reported marijuana seizures by 55 percent, Coast Guard by 12 percent, and DEA not at all. The auditors relied heavily throughout the report on the Customs Law Enforcement Activity Report (CLEAR) system, yet the chart on page 36 and the discussion surrounding it implies a considerable lack of faith in CLEAR, which is unjustified.

The value of timely and accurate intelligence to the interdiction effort is clearly and effectively stated in Chapter 4 of the report. Again, the case for Customs to have authority to gather intelligence in source and transit countries is clearly made. The statement that DEA has provided only limited intelligence from its overseas operations is accurate. Their overseas priorities and commitment of intelligence resources is obviously not related to border interdiction.

-4-

The majority of Chapter 4 is devoted to a discussion of EPIC. The value of this facility to drug interdiction is well stated. However, a reader of the report can be left with a few misconceptions as to the mandate and functions of EPIC, as well as its use and support by participating agencies.

The study states on page 53 that "Most intelligence processing and analysis has been centralized at EPIC." This is not a true reflection of the facts, since strategic intelligence analysis is conducted at DEA headquarters in Washington, D.C. And, as you know, EPIC is controlled by DEA.

The draft report emphasizes the mini-computer capability at EPIC and describes it as having an inadequate storage capacity. Totally ignored is the PATHFINDER I capability at EPIC which is described in the EPIC User's Guide as follows:

"PATHFINDER I provides DEA's Office of Intelligence, DEA's Office of Enforcement and the El Paso Intelligence Center (EPIC) with integrated, centralized capability for the automated storage, retrieval, and correlation of intelligence relevant to illicit drugs, illegal aliens, weapons smuggling and other activities. PATHFINDER I can correlate the information in the data base, which is comprised of individuals and/or activities, aircraft, vessels, vehicles, observations and movements. PATHFINDER I retains data on the results of most inquiries and lookouts, whether they result in positive information or not. In this manner, an inquiry which results in a negative response will be preserved for future use. At a later date the same subject, vehicle, aircraft or vessel, etc., may be the subject of an inquiry from another source. At that time, the results and the existence of the initial inquiry will be reported. This procedure makes interregional linkages possible and welds data from independent and mutually exclusive sources together for interregional use. This provides an opportunity for investigators to 'get together' on the case, even though they may be located in different geographic areas of the country."

EPIC is and should continue to be a bulwark of tactical interdiction. It is not, nor has it ever been, an intelligence center which produces analytical products which are strategic in nature and provide sufficient substance to allow agencies receiving their product to plan the placement of their assets to respond to a changing and dynamic narcotics threat.

The EPIC and Customs studies which the report states are duplicative, are in fact not duplicative. In preparing its studies, Customs relies heavily on similar EPIC studies, as well as all other available sources, to produce studies specific to the needs of our mission and responsibilities.

Chapter 4 ends with certain recommendations. Included is the recommendation that Customs transfer our strategic drug intelligence activities to EPIC and assign the staff necessary to carry out such activities. As was explained to the GAO auditors, no analyst in Customs deals exclusively with drugs. Although six analysts deal primarily with drug-related problems, they are also used to support Customs intensified enforcement efforts in the area of currency violators, the export of critical technology, and other highly important enforcement programs.

At the present time, Customs has 10 positions at EPIC. Two of these are analysts and two more analysts are being recruited for assignment at EPIC. If we can be assured that EPIC will provide Customs with additional and more effective support, including interdiction intelligence from source and transit countries, we will consider the commitment of additional resources.

Much space is devoted in Chapter 5 to the problem of lack of coordination between agencies in requests for military assistance. This projects a negative tone which is inappropriate when it is also stated in the Chapter that the problem has been solved by the formation of a "military assistance coordinating committee."

Customs has been the lead agency in utilizing military support as far back as 1970. The military assistance to the Customs Air Program has been very beneficial and effective. This assistance has included, but not been limited to, the loan of S-2D, OV-1, O-1, O-2, U-10, T-39, UH1B, AH-1, and OH-6 aircraft; the loan of land based radars; as well as a great deal of cooperative use of NORAD radar and communications facilities.

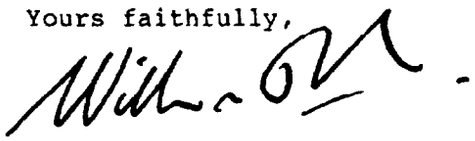
The lack of usage of NORAD radar facilities is not for the reason stated in the report. The same data fed to the NORAD centers is being utilized by Customs, but at FAA centers instead of NORAD at the present time. This is for the purposes of convenience and organizational structure. The point that the NORAD radar has limited low level coverage is well taken. However, the reason for this has little to do with the military. Most of the radar antennas used by NORAD are owned and, almost all, controlled by FAA. Because of FAA's safety requirements, the antennas are quite appropriately aimed high for air traffic control.

Criticism that the use of the E-2C aircraft wasted flight time when the balloon (SEEK SKYHOOK) was available, indicates a lack of knowledge or understanding of the capabilities of each in relation to the requirements of air and sea interdiction. The statement that the E-2C has the capability of detecting both air

and sea targets is misleading. This capability is not well utilized when trying to work both air and marine simultaneously. Some use of the E-2C was made in marine interdiction but it was not all that effective in detecting and tracking small vessels of 30 feet and under.

In closing and in spite of our voluminous comments on the draft report, I want to commend your data collectors for the overall thorough job done in this effort. Again, I appreciate having had the opportunity to comment.

Yours faithfully,



Mr. William J. Anderson
Director, General Government Division
United States General Accounting Office
Washington, D.C. 20548

U.S. Department of Transportation

Assistant Secretary
for Administration

400 Seventh St., S.W
Washington, D C 20590

JAN 31 1983

Mr. J. Dexter Peach
Director, Resources, Community
and Economic Development Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

We have enclosed two copies of the Department of Transportation's (DOT) reply to the General Accounting Office (GAO) draft report, "Strong Central Management And A More Definitive Strategy Needed To Improve Federal Drug Interdiction Efforts," dated December 15, 1982.

GAO concluded that drug abuse in this country is a persistent and growing problem. Interdiction of illegal drugs has limited impact on the drug flow. The report contains a number of recommendations, which GAO believes will improve the overall management and impact of Federal drug interdiction efforts.

We concur with all of the recommendations in the report with the exception of transferring marine drug intelligence activities conducted at Coast Guard's Atlantic Area Command to the El Paso Intelligence Center (EPIC). Being a central clearinghouse which can correlate information from many sources, EPIC is a valuable source of information. However, EPIC does not have the capability to receive, handle, process, store or disseminate the highly classified intelligence information produced by the national intelligence community. Therefore, the intelligence community probably will not provide that classified material to EPIC for use by the Coast Guard and others. In summary, EPIC should continue to be the central clearinghouse for drug related intelligence. Our detailed comments on this and the other recommendations are contained in the enclosed statement.

If we can be of further assistance, please let us know.

Sincerely,

Robert L. Fairman

Enclosures

DEPARTMENT OF TRANSPORTATION REPLY

TO

GAO DRAFT REPORT OF DECEMBER 15, 1982

ON

STRONG CENTRAL MANAGEMENT AND MORE DEFINITIVE STRATEGY NEEDED TO IMPROVE FEDERAL DRUG INTERDICTION EFFORTS

SUMMARY OF GAO FINDINGS AND RECOMMENDATIONS

GAO has observed that interdiction of illegal drugs has had limited impact on the drug flow. GAO finds that strong central management and a more definitive strategy are needed because the authority and responsibility for Federal drug interdiction efforts are split among three executive departments. GAO also finds that Federal interdiction programs can be further strengthened by improving the quality and timeliness of intelligence and by making well planned and coordinated use of military assistance.

GAO's objectives in this study were to evaluate the results of drug interdiction programs, the extent of cooperation and coordination among the various agencies, the role of intelligence in interdiction efforts during fiscal years 1977 through part of 1982, and the ability of the military to assist in drug interdiction.

GAO recommends (on pages vi or 52) that the President:

--direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities, and

--make a clear delegation of responsibility to one group to monitor and evaluate activities and demand corrective actions.

GAO makes the following recommendations (on pages 51, 52 and 67) which affect the Department of Transportation and the U. S. Coast Guard:

--the Attorney General and the Secretaries of Treasury and Transportation direct DEA, Customs, and Coast Guard officials to work together to develop a management information system(s) which accumulates interdiction program results such as drug seizures, level of prosecution, and case disposition, and identifies the resources devoted to drug interdiction programs.

--the Director, Office of Management and Budget accumulate budgetary data on drug interdiction costs that is provided by Coast Guard, Customs, and DEA, and submit this information to Congress concurrent with these agencies' budget submissions.

--the Attorney General and the Secretaries of Treasury and Transportation (1) direct DEA, Customs, and Coast Guard units to promptly report all information on drug smuggling to EPIC, and (2) provide additional staff and resources for increased computer support to EPIC.

--the Secretary of Transportation direct the Commandant of the Coast Guard to transfer to EPIC the marine drug intelligence activities at the Atlantic Area Command and assign the staff necessary to carry out such activities.

SUMMARY OF DEPARTMENT OF TRANSPORTATION POSITION

GAO has done outstanding work in developing this document. We specifically want to note the fine research work of Denise Strickley and David Houdelick, who worked at Coast Guard Headquarters for several months collecting data. We concur with all of the recommendations made in this study with the exception of transferring marine drug intelligence activities conducted at our Atlantic Area Command to EPIC. As in any work of this magnitude, some problems have been found in the study methodology. One important fact that is not mentioned is that the Coast Guard has reprogrammed existing resources to expand its drug interdiction involvement and not increased the numbers of people, cutters or aircraft. In addition to modification to the GAO recommendations noted below, the following are areas where revision would make the report more accurate:

1. GAO use of USCG drug interdiction budget expense estimates are misleading.
2. USCG drug seizures are understated.
3. USCG court results are incomplete.
4. El Paso Intelligence Center's (EPIC) role is overstated.
5. Outdated USCG cost projections are used.

POSITION STATEMENT

A. Recommendation page 52: We concur that the Office of Management and Budget (OMB) should accumulate budgetary data on drug interdiction costs; however, the method used to compare the affected agencies should be subject to agency review and approval to ensure accurate costs and interagency comparability. This would assist OMB in assessing the various agency costs attributable to drug interdiction.

B. Recommendation page 67: The Coast Guard (USCG) is already sending all vessel sighting and drug seizure information to EPIC. Also, unclassified USCG intelligence information is routinely passed to EPIC through a computer data link.

C. Recommendation page 67: We do not concur with the transfer of marine drug intelligence activities from Atlantic Area to EPIC. Tactical intelligence analysis is necessary for the Operational Commander of USCG units to effectively employ his resources. The Atlantic Area law enforcement staff is small and does not have a large "intelligence staff". The photo-intelligence program is the only program targeted by GAO for transfer, but it takes only partial time of one staff member. (See the discussion of EPIC below in item D.4.)

D. Discussion of Recommended Revisions:

1. DRUG INTERDICTION BUDGET EXPENSES ARE MISLEADING - While USCG expenditures on drug interdiction have increased from FY77 to FY81, the increases have not been as dramatic as the study indicates. The reasons for the increases are of interest, but are not discussed in the study. It should be clearly stated that the growth in drug interdiction expenditures is primarily the result of reprogramming within existing Coast Guard resources rather than the acquisition of new resources.

a. The shift of drug trafficking to maritime transportation led to the logical increase in USCG involvement. USCG resource involvement went from 22,000 hours in FY77 to 57,000 in FY78 and 99,000 in FY81 (vice 19,000 in FY77 to 109,000 in FY81 as stated on page 13, paragraph 3). Prior to FY79 the Coast Guard did not differentiate in its record keeping between drug interdiction and fisheries law enforcement resource hours. Therefore, FY77 and FY78 are estimates. Table I contains a detailed break-down of our budget and resource involvement figures.

b. The cost of USCG operations can be difficult to determine. Seldom are resources dedicated exclusively to a single mission. They do other jobs, many times concurrently. Costs submitted with the USCG budget must be used carefully since they may not be a precise reflection of the cost for any single mission. Changes in actual expenditures for programs reflect both changes in the budget, which affect the resources available, and the allocation of those resources among the programs. The amounts submitted in the budget (Standard Form 300), which were apparently used by the GAO study, were estimates even though labelled "actual". Unfortunately, the data necessary to determine actual costs is not available until several months after that submission. Revised actual costs are submitted to the Congressional Record when they become available. For the two key years, FY77 and FY81, the actual costs for law enforcement were different from budget estimates as allocations of resources

varied widely from projections. The total Enforcement of Laws and Treaties (ELT) OE expenditures were $133M in FY77 and $288M in FY81 (vice $94M and $318M on page 13 paragraph 3). Drug enforcement expenditures are determined by the proportion of the ELT resources dedicated to it as distin-guished from fisheries and other enforcement. The table on page 13 should be revised accordingly.

c. GAO's study group staff, while working at USCG Headquarters, did a detailed analysis of USCG drug interdiction and other ELT resource allocations and costs. The results of their analysis provided an accurate representation of the drug interdiction costs in relation to total ELT costs. That analysis showed that the Coast Guard's drug interdiction activities as a percentage of their total law enforcement program was as follows:

FY79	FY80	FY81
44%	37%	52%

The results have been very useful in our own planning and analysis work; yet we could find no application of these findings in the draft report. For FY77 the drug enforcement costs totalled $25M and for FY81 they were $150M, including all support and overhead costs. This contrasts with $18M and $197M as stated in the table on page 13 of the GAO report.

d. Much of the increase in the USCG's drug interdiction costs can be attributed to general inflation, especially in fuel and maintenance. Drug interdiction operating expenses increased 6 fold from FY77 to FY81, but in real terms using a very conservative inflation rate of 10 percent the increase was about 4 fold (vice 11 fold as stated on page 13 paragraph 1). The actual hours spent on drug interdiction in FY81 were about 4.5 times the FY77 level. Much of the increased time was spent by less expensive units, such as smaller patrol boats, but costs for all resources have gone up.

2. SEIZURE STATISTICS ARE INACCURATE - The use of the Customs Law Enforcement Activity Report (CLEAR) system for both Customs and USCG seizure data results in gross errors. CLEAR does not contain all of the USCG's seizures. Our seizure cases where drugs are destroyed at sea or are turned over to DEA will not involve Customs and will not be included in CLEAR. We believe implementation of the report's recommendation that subject agencies develop compatible management information system(s) including seizure, prosecution and resource level data will be a major step in improving accuracy of such statistics.

a. The USCG seizure data base contains no double-counting. We do not receive marijuana from other agencies for disposal and those cases in which we assist other agencies are easily identified. Our data base should be used to remove the double-counting in the aggregated federal drug seizure statistics. Table II is attached to show our seizures and arrests for USCG and USCG assistance cases. For example, in FY81 the USCG seized 3.774M pounds of marijuana and the total of all marijuana seized was probably about 6.766M pounds (close to the GAO estimate on page 36). These USCG seizures represent about 55.8 percent of the total marijuana seized. Pages 20 and 36 of the report should be revised.

b. The CLEAR data base has not been verified by the USCG for completeness or accuracy. We believe it does not accurately reflect USCG interdiction operations. Also, we did not find any indication that the EPIC data base was used to either verify the CLEAR seizure data or to explore agency information submission to EPIC.

c. Page 15 of the report states that a cumulative percent of drugs seized from fiscal years 1977 to 1982 is a good indicator of impact. By using this procedure, the drug seizure impact for each year is masked by the accumulation of past data and gives only average values from FY77. The impact of recent enforcement is diluted as more of the previous years' efforts and seizures are accumulated. A better reflection of impact should be derived from the annual percent of drugs seized because it relates to changes in the budget, changes in strategy, how resources are employed and other time dependent factors.

3. U.S. COURT RESULTS ARE INCOMPLETE - It is true that historic data on the disposition and outcome of those arrested for drug smuggling is lacking. However, the study fails to focus on recent information.

a. Table III, Seventh District Drug Seizures Prosecution Profile, shows the effect of the passage of Public Law 96-350 which was signed by the President and became effective on 15 September 1980. Due to a Congressional oversight in 1970 the part of the law which made mere possession of illicit drugs on the high seas a crime was deleted, and it became necessary to prove a conspiracy to import to convict smugglers. PL 96-350 corrected this problem, but this oversight had a significant impact on the prosecution of smugglers over most of the period of this study. Since passage of PL 96-350, significantly greater numbers of those individuals arrested for drug trafficking are prosecuted and the percentage of those tried and convicted has increased from below 50 percent to approximately 90 percent.

b. Customs and USCG case results should initially be considered separately. Aggregating them tends to indiscriminately complicate findings on not only the maritime versus air modes of transportation but the effectiveness of the agencies and the quality of the laws they are enforcing.

c. The basic problems pointed out in the study concern the courts and U.S. Attorneys themselves. Short prison sentences are surely a judicial problem. We suggest that recommendations concerning the judicial system be developed to correct these short-comings.

d. It is incorrect to state on page 37 that only DEA has authority to present cases involving violations of Federal narcotics laws to U.S. Attorneys for Federal prosecutions. Both Customs and the USCG have such authority.

e. The Attorney General has authorized both Customs and the USCG to conduct investigations in narcotics cases. The statement on page 38 that only DEA can perform follow-up investigations and present those cases to the U.S. Attorney should be corrected (see U.S. v. Harrington, 681F.2d 612 (9th Cir. 1982)).

4. EPIC's ROLE IS OVERSTATED - The value of intelligence in drug interdiction is undeniable. However, it is doubtful that all our problems with intelligence can be solved by bolstering EPIC as it is presently constituted.

a. EPIC is a valuable source of information and analysis, being a central clearing house which can correlate information from many sources.

b. The various agencies operate differently and have specific jurisdictions. This leads to unique needs for intelligence. The USCG generally deals with catching smugglers "in the act", which requires timely receipt of any information regarding actual smuggling trips. Other agencies may spend months developing a case against a particular person or group, so intelligence requirements are less time sensitive. Dealing with the often conflicting information requirements of several agencies is difficult.

c. EPIC does not control nor target the intelligence gathering operations. Even intelligence gathering by the Drug Enforcement Administration (DEA) is decentralized to a great extent to meet the quick-response, tactical needs of the agency. The USCG and other agencies have this same need for regionalized intelligence collection, analysis and dissemination.

d. EPIC does not control the resources which will respond to intelligence; nor should it. In managing interdiction operations the USCG responds to a flow of information regarding smuggling vessels. This is an interactive process where the balance between mission needs and available resources must be continually evaluated.

e. EPIC does not have the capability to receive, handle, process, store or disseminate the highly classified intelligence information produced by the national intelligence community. Therefore, the community probably will not provide that classified material to EPIC for use by the USCG and others.

f. In summary, EPIC should continue to be the central clearing house for drug related intelligence. The availability of other agency data is vital to conducting enforcement operations. However, the majority of an agency's intelligence needs can only be met by operations tailored to its particular enforcement methods, controlled and directed by the agency itself, and closely tied to the command and control of its other resources. Both EPIC and individual agency intelligence operations should be enhanced.

5. OUTDATED USCG COST PROJECTIONS ARE USED - The section on page 27 of the report entitled "Interdiction Would Need Billions of Dollars in Additional Resources to Stop Drug Flow" contains cost and percentage of interdiction estimates ($2.3B, 75% interdiction) which were first developed in 1979. Since that time however, the substantial increase in drug trafficking intelligence and the coordination of efforts among law enforcement agencies fighting against smuggling by land, sea or air have allowed us to revise those early estimates.

Assuming the Coast Guard would have access to timely tactical intelligence, we believe we can essentially deny the seaborne routes to the smugglers and significantly disrupt the maritime trafficking in marijuana for a dollar figure considerably less than that previously stated.

APPENDIX X

$2/B9
G-OLE
1/4/83

TABLE I

CG EXPENDITURES FOR DRUG INTERDICTION
($ IN MILLIONS, HOURS IN THOUSANDS)

	FISCAL YEAR					% CHANGE FY77-81	
	FY77	FY78	FY79	FY80	FY81	Gross	Adjusted for 10 % Inflation
ELT Resource Hrs (1)	116K	151K	148K	171K	145K	25%	-
Drug Resource Hrs (1)	22K (9)	57K (9)	93K	91K	99K	350%	-
Drug % of ELT Resource Hrs	19% (9)	38% (9)	63%	53%	68%	-	-
Drug % of ELT $ (2)	19% (9)	35% (9)	44%	37%	52%	-	-
Total CG Budget (3)	$ 836M	921M	986M	1113M	$1336M	60%	9%
ELT Budget (including support)(3)	94M	143M	166M	203M	318M	238%	131%
ELT Actual (w/o support) (4)	95M	122M	133M	179M	211M	122%	52%
% of Budget For Support Prog (5)	28.5%	23.7%	25.7%	25.7%	26.1%	-	-
ELT Actual (including support) (6)	133M	159M	179M	241M	286M	115%	47%
ELT Actual (adjusted support) (7)	133M	159M	180M	242M	288M	117%	48%
Drug Enforcement Expenditures	25M	56M	79M	90M	150M	500%	310%
Non-Drug Enforcement Expenditures (8)	$108M	103M	101M	152M	$138M	27%	-13%

NOTES:
(1) Based on Abstract of Operations.
(2) Based on Abstract of Operations and cost by resource type.
(3) From CG congressional stage budget, breakdown by program is termed "Actual" but is really an estimate as Final Abstract of Operations not available. The real ELT expenditures are in line labeled "ELT Actual (adjusted support)".
(4) Actual expenditures based on Final Abstract of Operations, not including cost of support programs (all actual expenditures including operating and support programs provided for Congressional Record).
(5) Total by Support Program costs - total CG OE Budget.
(6) Pro rata cost of support based on strict %.
(7) Adjusts for higher "usage" of some support programs by some operating programs.
(8) The non-drug ELT budget is about 90% fisheries and 10% other enforcement, except for FY80, when it was about 45% fisheries and 55% other due to Cuban Exodus.
(9) Estimated - abstract of OPS did not breakdown Law Enforcement by drug, fisheries and other enforcement until FY79.

APPENDIX X

S3/A5
G-OLE
12/29/82

TABLE II

COAST GUARD MARIJUANA SEIZURES
(THOUSANDS OF POUNDS)

	FY77	FY78	FY79	FY80	FY81	FY82
*BY USCG	754	3,005	2,850	1,175	3,774	3,514
BY OTHER AGENCIES WITH CG ASSIST.	137	267	340	316	287	183

*INCLUDES MJ SEIZED ON VESSELS AND MJ FOUND FLOATING AT SEA.

COAST GUARD ARRESTS
(NUMBER OF INDIVIDUALS)

	FY77	FY78	FY79	FY80	FY81	FY82
BY USCG	185	736	510	319	939	1,052
BY OTHER AGENCIES WITH CG ASSIST.	54	90	112	89	61	79

SOURCE: USCG LAW ENFORCEMENT INFORMATION SYSTEM
DRUG INTERDICTION STATISTICS 12/8/82

G-OLE
M6-A8
9 AUGUST 1982

TABLE III

SEVENTH DISTRICT DRUG SEIZURES PROSECUTION PROFILE

(ELEVENTH CIRCUIT, FORMALLY FIFTH CIRCUIT)

ON SEPTEMBER 15, 1980, PUBLIC LAW 96-350 WAS PASSED AND REMOVED THE REQUIREMENT TO PROVE CONSPIRACY TO IMPORT CONTRABAND. NOW ONLY THE INTENT TO IMPORT AND DISTRIBUTE CONTRABAND MUST BE PROVEN. THE FOLLOWING TABLE TRACKS THE VESSEL SEIZURES AND ARRESTS THROUGH THE LEGAL SYSTEM AND SHOWS THE CHANGES IN CRIMINAL PROSECUTIONS IN THE ELEVENTH CIRCUIT DUE TO PL-96-350 AS COMPILED ON JANUARY 18, 1982.

	1 JAN - 14 SEP 1980	15 SEP - 31 DEC 1980	1981
TOTAL SEIZURES WITH PERSONS ON BOARD (POB)	25	65	118
SEIZURES WITHOUT POB	3	6	11
U.S. VESSELS SEIZED WITH POB	21	58	97
FOREIGN VESSEL SEIZED WITH POB	2		15
STATELESS VESSELS SEIZED WITH POB	2	6	6
STATE PROSECUTION OF CASE	1	5	7
FEDERAL PROSECUTION ACCEPTED	16	51	91
FEDERAL CASES IN WHICH AT LEAST ONE DEFENDANT CONVICTED	10	33	33 *
FEDERAL CASES DISMISSED OR ALL DEFENDANTS ACQUITTED	3	3	1
NUMBER OF FEDERAL CASES PENDING PROSECUTION	0	1	53
STATUS OF FEDERAL PROSECUTION UNKNOWN AT TIME OF COMPILATION	3	14	4
INDIVIDUALS ARRESTED	126	373	615

*6 CASES RESULTED IN PARTIAL ACQUITTAL/CONVICTIONS, THE REMAINDER RESULTED IN THE CONVICTION OF ALL DEFENDANTS.

TABLE III

SEVENTH DISTRICT DRUG SEIZURES PROSECUTION PROFILE

(ELEVENTH CIRCUIT, FORMERLY FIFTH CIRCUIT)
(CONT'D)

	1 JAN - 14 SEP 1980	15 SEP - 31 DEC 1980	1981
INDIVIDUALS ACCEPTED FOR PROSECUTION			419
NUMBER OF DEFENDANTS TRIED BY DATE OF COMPILATION	51	143	162
NUMBER OF DEFENDANTS CONVICTED AT TRIAL	23	136	139
PERCENT OF CASES WHERE FEDERAL PROSECUTION ACCEPTED (ANY PROSECUTION)	64% (68%)	78% (86%)	77% (83%)
PERCENT CONVICTION OF CASES GOING TO TRIAL IN WHICH AT LEAST ONE DEFENDANT CONVICTED	77%	92%	97%
PERCENT OF DEFENDANTS TRIED WHICH WERE CONVICTED	45%	95%	86%

THE 1981 STATISTICS SHOW THAT AS OF JANUARY 18, 1982, 86% OF THOSE INDIVIDUALS HAVING BEEN BROUGHT TO TRIAL WERE CONVICTED.

A REVIEW OF THE SENTENCES RECEIVED AS A RESULT OF THESE CONVICTIONS INDICATED THE AVERAGE IMPRISONMENT FOR THE SOUTHERN DISTRICT OF FLORIDA IS 1.9 YEARS WHILE ALL OTHER DISTRICTS SHOWED A 4.1 YEAR AVERAGE. IT IS ANTICIPATED THAT PL 96-350 WILL CONTINUE TO HAVE A VERY SIGNIFICANT EFFECT ON THE JUDICIAL RESULTS OF COAST GUARD SEIZURE CASES.

DEPARTMENT OF STATE
Comptroller
Washington, D.C. 20520

12 JAN 1983

CONFIDENTIAL
UNCLASSIFIED WHEN SEPARATED FROM
CLASSIFIED ATTACHMENT

Mr. Frank C. Conahan
Director
International Division
U.S. General Accounting Office
Washington, D. C.

Dear Frank:

I am replying to your letter of December 15, 1982 which forwarded copies of the draft report: "Strong Central Management and More Definitive Strategy Needed to Improve Drug Interdiction Efforts."

The enclosed comments on this report were prepared by the Assistant Secretary in the Bureau of International Narcotics Matters.

We appreciate having had the opportunity to review and comment on the draft report. If I may be of further assistance, I trust you will let me know.

Sincerely,

Roger

Roger B. Feldman

Enclosure:
As Stated.

CONFIDENTIAL
UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED
ATTACHMENT

GAO DRAFT REPORT: STRONG CENTRAL MANAGEMENT AND A DEFINITIVE STRATEGY NEEDED TO IMPROVE FEDERAL DRUG INTERDICTION EFFORTS

Comment on Recommendation

The report recommends (page 67) that "the Secretary of State prepare a Narcotics Assessment and Strategy Paper and, if found to be warranted, follow up with projects designed to aid interdiction efforts."

The Department (Bureau of International Narcotics Matters-INM) has prepared a strategy paper for the Caribbean. A copy of the 1981 strategy is attached. While not in the form of a Narcotics Assessment and Strategy Paper (NASP) which are country-specific, this regional strategy identifies relevant narcotics issues, describes programs, and outlines plans for the Caribbean. It is currently being revised to reflect the recommendations made at our regional conference in Panama in October, 1982, where we met with Federal agencies involved in drug control, including those agencies concerned with interdiction in the Caribbean: the U.S. Coast Guard, Customs, and the Drug Enforcement Administration. A copy of the revised Caribbean strategy will be forwarded to GAO when completed.

Specific Comments on text

Pages 53, 55, and 66:

The Department of State is both an important collector of narcotics intelligence information and the primary consumer of finished intelligence on policy-level international narcotics developments. The Department took the lead in pressing National Foreign Intelligence Board (NFIB) agencies to expand their narcotics intelligence collection roles. The Department has been a long-time advocate of closer coordination between NFIB collectors and U.S. law enforcement organizations which collect foreign narcotics information in the performance of their international roles. The Department has particularly sought enhanced coordination of these activities under the guidance of the Director of Central Intelligence.

DEA has the responsibility for tactical narcotics intelligence development, which is most frequently used in support of interdiction efforts. The Central Intelligence Agency -- not mentioned in this report -- is an important source of strategic narcotics intelligence and, under Executive Order, is responsible for coordinating foreign intelligence on narcotics. Considerable strategic information is developed by State Department officers in the course of their duties.

We suggest that the references on these pages to State's role in intelligence be modified to reflect this information.

Pages 56-58

The draft report states that "State's program has spent very little in the Caribbean area over the past 5 years. To date only a few individuals from Caribbean area countries have been trained; also, limited support has been provided to the Coast Guard in its role in the Inter American Marine Intelligence Network which includes some Caribbean area countries. Financial assistance has also been provided to purchase a vessel for the Bahamas. The total cost of these projects is less than $25,000."

The draft report is incorrect on the extent of INM efforts.

While our priority is on crop control, we do recognize the necessity of interdiction efforts in the Caribbean. We have and will continue to support programs in the Caribbean designed to aid the interdiction effort, and we support other U.S. agencies by obtaining the support of foreign governments.

INM obligations for interdiction programs in the Caribbean over the five years covered by the report are about $5 million. This includes $2,224,000 in INM funding for a project by Colombian Customs which is designed to interdict trafficking in the Caribbean; a special project undertaken by the Colombian Navy which includes INM providing a ship (valued at $2,210,000) which will be used for narcotics patrols in the Caribbean and Pacific; and, more than $400,000 in other interdiction projects throughout the region.

INM funds international anti-narcotics training which is provided by the DEA and U.S. Customs. In just the past two years, 225 persons from the Caribbean islands, as well as 233 persons from Central America and Mexico, received INM-funded enforcement training, either in the U.S. or their own countries. These 458 persons represent approximately 20 percent of foreign nationals trained through INM programs in FY 1981 and 1982.

Dominick L. DiCarlo
Assistant Secretary
Bureau of International Narcotics Matters

ASSISTANT SECRETARY OF DEFENSE

WASHINGTON D.C. 20301

MANPOWER
RESERVE AFFAIRS
AND LOGISTICS

10 FEB 1983

Mr. William J. Anderson
Director, General Government Division
U.S. General Accounting Office
Washington, DC 20548

Dear Mr. Anderson:

This is in response to your December 15, 1982, letter to the Secretary of Defense forwarding copies of your draft report, "Strong Central Management and a More Definitive Strategy Needed to Improve Drug Interdiction Efforts." (GAO Code 263850, OSD Case #6155)

As indicated in the attached outline of the major Findings and Conclusions relative to the Defense Department, we concur entirely in your views. It is suggested, however, that you amend your statement on Page 84 that "According to DoD officials, all current agreements now stipulate whether reimbursement by law enforcement agencies is required." While it remains DoD policy to seek reimbursement where costs are incurred, not all agreements address the issue of reimbursement directly. For instance, where no costs are incurred by DoD in lending requested support, the agreement is likely to be silent on the matter.

Thank you for affording us the opportunity to comment on the draft report.

Sincerely,

Jim Juliana

James N. Juliana
Principal Deputy Assistant
Secretary of Defense
(Manpower, Reserve Affairs, and Logistics)

Attachment

FINDINGS

- FINDING A: Posse Comitatus Act (the Act) limited military assistance to law enforcement. GAO found that while the Act permits "passive" or "indirect" aid, military leaders are cautious in providing assistance since clear definitions of these terms do not exist; that law enforcement officials hesitated to request assistance because of the Act; and that the Act was amended in December 1981 to remove certain restrictions or ambiguities and facilitate cooperation between military and civilian officials. (pp.69 and 70)

  DoD Comment: Concur.

- FINDING B: Despite the Act, in the past the military still assisted law enforcement. GAO states that between 1971 and 1981, 90 percent of requests for assistance were approved and provided training, transportation, equipment, facilities and use of personnel. In addition, local commanders have authorized numerous unofficial minor types of assitance. Drug Enforcement Agency personnel provided examples and told GAO representatives that military assistance in these projects was valuable and demonstrated the potential for use of military resources for drug interdiction. (pp. 71 to 73)

  DoD Comment: Concur.

- FINDING C: Several factors continue to limit military assistance. GAO found that although assistance has increased, the different purposes of military systems and law enforcement in terms of compatability, cost, and national security still limit military participation. (p. 75)

  DoD Comment: Concur.

- FINDING D: Concerned about a lack of coordination and planning, the Joint Chiefs of Staff in March, 1982 noted that there must be a central civil authority which assimilates and coordinates all requests to DoD for assistance to civil law enforcement agencies. In response to this concern, a committee comprised of Coast Guard, DEA, Customs, and DoD was formed, has met monthly to discuss both long term plans and specific requests, and (according to DoD officials) all current agreements now stipulate whether reimbursement by law enforcement agencies is required.

  DoD Comment: Not all agreements so stipulate.

CONCLUSIONS

- CONCLUSION 1: GAO concluded that although changes to the law since 1981 have increased military participation in drug interdiction, military assistance is necessarily limited

because of potential adverse military mission impact, its high cost with reimbursement requirements beyond law enforcement means, and protection of national security. (p. 68)

DoD Comment: Concur.

- CONCLUSION 2: Based on examples provided, GAO concluded that the 1981 changes to the Posse Comitatus Act have encouraged greater participation by the military in drug interdiction efforts, but that the full impact cannot yet be determined. (pp. 74 and 75)

  DoD Comment: Concur.

- CONCLUSION 3: On the basis of its review, GAO concluded that the military can provide valuable assistance to law enforcement in the areas of air and sea interdiction, with certain limitations. The formation of a DoD/law enforcement agency group should ensure better planned projects and more efficient use of military equipment in the future. (p. 84)

  DoD Comment: Concur.

(263850)

*U.S. GOVERNMENT PRINTING OFFICE : 1983 0-381-843/66

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