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Description of document: Federal Bureau of Investigation (FBI) "Ash Report," 1977-1981

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Source of document: Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
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Winchester, VA 22602-4843
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July 8, 2013

FOIPA Request No.: 1196215-000
Subject: ASH REPORT

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Section 552		Section 552a
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<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
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<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)

271 pages were reviewed and 266 pages are released.

☒ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☐ referred to the OGA for review and direct response to you.

☒ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☐ In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

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☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when identifying references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) request submitted to the Records Management Division at Winchester, VA, enclosed is a processed copy of the document responsive to your request. This material is provided to you on a CD-ROM at no charge.

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THE STUDY
IN CONTEXT

INTRODUCTION

Informal Memorandum

3/2/81

TO: Mr. Colwell

FROM:

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SUBJECT: Assumption of Responsibilities
of Drug Enforcement Administration (DEA)
By The FBI

PURPOSE: To respond to your request to review the 1977 study of this issue and abstract highlights for you.

By memorandum dated 3/21/77 Attorney General Griffin B. Bell approved a proposed study format for examining this issue and on 6/21/77 a report was presented to him (Federal Bureau of Investigation Assumption of Federal Drug Enforcement - A Feasibility Study). The major findings and assumptions of that report are set forth below:

The drug abuse problem in the United States is in many ways not a law enforcement problem. It involves complex socio-economic issues at home and diplomatic and economic issues abroad. Thus, it is a national problem which can be affected only in part by Federal law enforcement efforts.

In specific reference to DEA, the study found three aspects of its non-law enforcement operations to be troublesome - DEA's role in promoting foreign crop control and eradication was believed to more properly be the province of the State Department; DEA investigative activities abroad were believed to be loosely controlled and, thus, potentially controversial; and DEA's regulatory function regarding commercial drug production in the US was found to be contrary to law enforcement interests.

With regard to these issues and a fourth to be named the report made the following recommendations - foreign crop control should be handled by the State Department in coordination with Federal drug agencies; foreign investigative activities should be in strict accordance with host country jurisprudence; regulation of commercial drug production should be handled by another agency, again with coordination; and border management, now shared by Immigration and Naturalization Service, Border Patrol, Customs Service and others, should be unified and coordinated in one, non-investigatory, agency.

In general, the report concluded that drug enforcement would benefit from transferral to the FBI if certain conditions were met. Briefly, these were - assumption of criminal investigative duties only, with regulation, border management and other issues placed elsewhere; retention of FBI philosophy, management and procedures, with DEA personnel and expertise integrated as necessary to accomplish the increased role; absorption of all losses, reductions, etc. by DEA as the "losing" agency; passage of legislation to allow DEA personnel in the competitive Civil Service to transfer to the FBI as excepted service

① - Mr. Colwell *2/3*

employees; training of FBI personnel as narcotics investigators and training of DEA personnel in the full range of FBI investigative responsibilities (elimination of DEA as a separate operational entity); provision for revocation of any labor-management agreements present DEA personnel may be under.

Other, lesser, issues raised as considerations to be dealt with were: need for legislation to enable transferral of operating funds from one agency to another; possible reluctance on the part of foreign governments to cooperate as fully with the FBI because of our domestic foreign counterintelligence role; questions as to short-term inefficiencies due to the inherent problems attendant to reorganization; problems dealing with the oft-cited "buy-bust" philosophy of many DEA personnel; relative lack of FBI expertise in undercover operations (as of time of report in 1977); inability of the FBI to absorb all 26 DEA supergrade personnel; need for the FBI to discard some redundant DEA personnel, such as budget staff, laboratory people, etc.; potential corruption problems in some DEA personnel.

These are but the highlights of the report, which numbers 238 pages. I can expand on any details you might wish. Further, I have not addressed primarily administrative areas, such as office space, regional laboratory operations. In addition to the report itself, there are several letters which deal with the substance of the report - one is from Director Kelley to the Attorney General commenting on the report and noting that other options, such as recombination of agency duties, are possible; one is addressed to DEA complaints about some of the study team's findings; and one is an unsolicited commentary by [redacted] to the Attorney General and the Director, based upon his work with both the FBI and DEA, about unanticipated problems in any merger.

RECOMMENDATION: None; for your information.

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FEDERAL BUREAU OF INVESTIGATION
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			Asst. Dir.:		213	7150	
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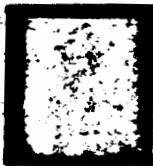
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From	BLDG	ROOM	DATE
Office of the Director - TLA/214	PHONE		



memorandum

DATE: 12/11/78
REPLY TO: SA [] (#210)
ATTN OF:
SUBJECT: FBI/DEA JOINT NARCOTICS TASK FORCE
TO: ADIC, NEW YORK

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Per the request of ADIC WELCH, the following analysis of the FBI/DEA Joint Narcotics Task Force is set forth:

The Task Force was established in September, 1977 with the stated purpose of effecting "optimum use of the resources of both agencies in order to achieve successful prosecution and neutralization of high level narcotics traffickers who are also members of the organized crime element".

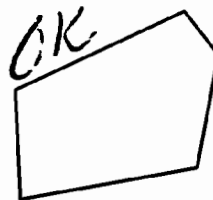
The Task Force was established with an FBI Supervisor and nine Bureau Agents plus a DEA Group Supervisor with six Agents. The Task Force has been in operation since that time working out of DEA's New York Regional Office on West 57th Street in Manhattan.

A number of major problems have arisen since the inception of the Task Force and the following is an enumeration of those problems:

I. DIFFERENCES IN INVESTIGATIVE METHODS

Despite public protestations to the contrary, DEA remains an agency geared to the "buy-bust" operation. Her Agents are evaluated and promoted almost exclusively on the number of arrests made and on the amount of narcotics recovered. Largely as a result of these personnel policies, DEA Agents are not usually interested in long-term investigations since such investigations do not normally lead to large numbers of arrests or large recoveries. It is much easier and much better currently from a career standpoint for DEA Agents to work a number of quick turnover cases where their individual statistics can be high. Because of this the DEA Agents assigned to the Task Force are often impatient with the methodical approach taken by Bureau Agents. On numerous occasions, this impatience has damaged particular investigations.

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For instance, during the on-going investigation of [redacted] it was determined by surveillances that [redacted] was frequenting on almost a nightly basis a particular apartment building in Manhattan. The Agents were finally able to determine which apartment [redacted] was visiting and an observation post was obtained. On the first night after the observation post was obtained and based solely on the fact that the apartment of interest was rented in a name used as an alias by a DEA fugitive, the DEA Supervisor assigned to the Task Force had [redacted] and an associate "braced" just outside the apartment building. He then had the apartment building's doorman and neighboring tenants contacted. As a result, [redacted] was undoubtedly alerted to the Task Force's interest in him and his activities relating to that particular apartment.

Other examples of the impatience of the DEA Agents abound. On surveillances, some of the DEA Agents do not stick to given assignments but rather suddenly appear right in the middle of whatever action is going on since that is where individual recognition can be achieved. Such is also the case in arrest situations, since each DEA Agent wants to personally be in on every arrest.

Furthermore, the DEA Agents operate in an aura of mistrust which continually surrounds the Task Force. It appears to be common practice in DEA for Agents to steal cases, arrests, and recoveries from one another, and it appears to be impossible to overcome that aura of mistrust. For instance, an FBI Agent recently received a subpoena to testify in Pittsburgh on a matter that was completely unrelated to any Task Force case. And yet, the DEA Supervisor and the DEA Agent who had been working with that particular Bureau Agent immediately decided that the DEA Agent would go to Pittsburgh at the same time as if in fear of being "scooped" by the Bureau Agent in some way while he was out of their sight.

II. TARGET SELECTION

Another problem area encountered in the Task Force operations has to do with the selection of targets. The original list was decided upon jointly by the New York Office and local DEA representatives. However, it soon became obvious that the

targets which were given were unrealistic in that they were too well insulated for success to be achieved by a new operation such as the Task Force. Most of the targets assigned had been targets of narcotics investigations for years with little, if any results achieved. However, when the Task Force tried to shift to new, more realistic targets, DEA became adamant that the assigned targets could not be deviated from. The issue finally was taken up at the Department of Justice and in June, 1978 restrictions re new targets were lifted somewhat. Under current guidelines each Task Force can. [redacted]

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[redacted] However, even after these guidelines were established the local DEA office has been extremely reluctant to let the Task Force look at new targets.

A related problem was that most of the targets initially assigned were only involved in narcotics violations and were not good targets for a multi-jurisdictional attack, such as was envisioned for the Task Force. At no time were guidelines established about how new targets would be selected. Instructions from Headquarters simply advised that the Task Force should always be looking for new targets. Since DEA controls the narcotics information system in the New York City area, they have basically controlled the information on potential new targets for the Task Force. DEA has been adamant that FBI informant information be channeled through DEA's Unified Intelligence Division (UID) and that the Task Force would not be a conduit for this information. However, DEA has not proposed a new target for the Task Force since February or March, 1978 and all new targets which have been proposed have come from the FBI. Furthermore, DEA has on numerous occasions blocked efforts by the Task Force to concentrate on individuals lower in a particular narcotics organization in an effort to turn the lower echelon individuals against their bosses.

For instance, recently the local DEA office decreed that the Task Force would not be allowed to pursue an investigation of [redacted] who is reputedly in the narcotics trafficking organization of Task Force targets [redacted] and [redacted]. The Task Force had learned that a 1977 New York City Police Department investigation implicated [redacted].

b7C Per DEA

and the Police Department was desirous of turning over the conspiracy portions of the case to DEA. DEA advised that the case would be pursued by the Southern District of New York Conspiracy Group, and information regarding [] would only be turned over to the Task Force if that information linked him to []

When the initially-assigned targets were found to be unrealistic, the Task Force began casting around for viable targets and, unfortunately, opened a number of marginal cases which dissipated the ability of the Task Force to concentrate effectively on a limited number of targets. These marginal cases usually were opened when an FBI or DEA informant could establish an immediate case against an individual and it has been in those cases where the Task Force has achieved its success to date.

According to the Bureau, the New York Task Force has been the most successful to date as far as arrests and convictions. However, those statistics have been achieved almost exclusively in cases which required no long-term investigation, but rather on the other, more easily established cases.

III. UNREALISTIC EXPECTATIONS

Another major problem encountered by the Task Force has been one of unrealistic expectations. The Department of Justice stated that it expected the Task Force to impact on traditional organized crime and also on the drug traffic in New York City. The expectation of a major impact was unrealistic, given the fact that there were already over 600 narcotics investigators working in New York City. In addition, the expectations of the New York Office and the local DEA Office were not realistic. The FBI Agents on the Task Force anticipated that when a target was given, DEA would be able to lay out the entire organizational structure of the targeted individual. Such has not proved to be the case. DEA, on the other hand, expected vast amounts of narcotics information on the targets from FBI informants. They did not realize that most FBI informants have little if any information on narcotics matters and that what information they did have was being routinely passed on to DEA under previously established guidelines.

THE CURRENT SITUATION

During September, 1978 two attorneys from the Department of Justice visited each of the Task Forces to make an "objective analysis" of their operations. They indicated that the other two Task Forces were still basically working narcotics cases and that New York seemed to be the only one trying to break away from straight narcotics cases and to get into such areas as financial flow and true RICO investigations. Now, as was the case in September, the Task Force has gotten away from "street buys" and is concentrating on making cases based on FBI violations. This has met with considerable resistance from the DEA Agents assigned to the Task Force, for the reasons set forth in Section I *supra*.

The marginal cases which detracted from a concentrated target investigation have all been disposed of and the Task Force is working on a small number of targets so that each can be given the attention it deserves.

CONCLUSION

As the various problems set forth above arose, attempts were made to resolve them with DEA. However, most of the problems still exist and will probably continue to exist as long as the Task Force is in operation.

The results achieved to date basically do not justify the continued expenditure of Agent and Supervisory time and attention which is required by the Task Force operation.

It should be noted that dissolution of the Task Force would not cause a great loss to the FBI since virtually all the investigations being currently conducted could still be pursued using violations over which the FBI has investigative jurisdiction.

June 21, 1977

Honorable Griffin B. Bell
The Attorney General
Washington, D. C.

Dear Judge Bell:

In addition to the findings and conclusions regarding drug enforcement addressed in the Task Force Report entitled "Federal Bureau of Investigation Assumption of Federal Drug Enforcement (A Feasibility Study), June 21, 1977" -- I feel it incumbent upon me to ensure that our Report does not preclude your consideration of other possible alternatives. There are obviously a range of alternatives other than a merger, in whole or in part, of DEA and FBI responsibilities, or no merger at all; and I feel I would be remiss if I did not at least address several key issues and suggest some possible alternatives.

First, I suggest that any decisions regarding realignment of drug enforcement responsibilities include consideration of border management, particularly the multiplicity of law enforcement and inspectional service agencies having border responsibilities. I am confident that the President's Reorganization Project will address border management and related jurisdictional issues in-depth, in an effort to enhance the accountability for border law enforcement and inspectional services.

Border management necessarily involves narcotics and dangerous drug interdiction and agencies other than DEA and the Immigration and Naturalization Service and Departments other than the Department of Justice. However, were border management responsibilities fixed in a single Department, I would assume that narcotics, certain immigration activities and customs responsibilities, at a minimum, would be included therein. It would seem that the Department of Justice or Treasury would be two of the logical departments to assume such responsibilities by virtue of their present missions;

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1 - Mr. Held
1 - Mr. Ash
1 - Mr. Reed
1 -

① Mr. DeBruler
1 - Mr. Leahy

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Honorable Griffin B. Bell

although I am cognizant of the border inspectional services rendered by agencies of the Departments of Agriculture; Health, Education and Welfare; among others.

A single, border management agency would provide additional options in terms of an FBI role in drug enforcement. The FBI could assume, in such a governmental reorganization, domestic drug enforcement jurisdiction. In such case, I submit that the Federal domestic drug enforcement role -- as recommended in the Task Force Report -- would be one of directing resources towards conspiracy cases involving drug financing and supply activities in much the same manner as the FBI now directs its efforts in Organized Crime and White Collar Crime investigations. Additionally, the Federal role would no longer include direct involvement in local drug enforcement. Instead, I perceive continuation of the traditional, cooperative enforcement role with state and local governments which exists in other FBI jurisdictional areas, but with the emphasis on investigations for the purpose of prosecution. The direct involvement in local police operations as practiced by DEA would, in large part, be replaced by additional training, laboratory and other FBI support services focused on the drug enforcement needs of state and local police agencies. It should be pointed out that this would be a significant change from the current Federal drug enforcement role and activities with state and local governments.

A second key issue is the matter of DEA's foreign intelligence responsibilities, whether described as strategic, tactical or operational. I suggest that these be transferred to whichever agency will have primary border management responsibilities -- to include narcotics interdiction. In any event, I do not believe such foreign activities should be assumed by the FBI.

If the foreign intelligence and narcotics interdiction responsibilities were centralized in a single (border management) agency, then relatively few DEA personnel would be required by this Bureau to fulfill the domestic narcotics enforcement mission. The bulk of DEA personnel could, therefore, be utilized in support of the border interdiction mission.

This Bureau's needs would extend to DEA support service personnel who could aid in strengthening existing FBI state and local training and

Honorable Griffin B. Bell

laboratory programs. The need for selected experienced investigative personnel would, of course, exist.

I do not believe that single, border management responsibility in another agency would conflict with domestic investigative responsibility being placed in the FBI; rather, it presents a real opportunity for enhanced, coordinated Federal drug enforcement and a fixing of accountabilities. The National emphasis in this case would clearly be to prevent narcotics and dangerous drugs from ever entering the United States.

A fourth issue, and one that is addressed in the Task Force Report, is the matter of the transfer of DEA's compliance and regulatory responsibilities to a more appropriate agency, one not primarily engaged in law enforcement.

While this Bureau's Task Force Report stands on its own merits, it is nevertheless a comparative analysis of DEA and this Bureau for the express purpose of your determining the feasibility of merging, in whole or in part, drug enforcement responsibilities, and was not designed to explore all other drug enforcement alternatives. There are a number of drug enforcement alternatives, other than a merger of DEA and FBI. My purpose here is to suggest that other viable drug enforcement alternatives do exist and are worthy of your consideration.

Besides the merger or no-merger alternatives, there are others. For example, one possibility might include DEA assumption of the enforcement activities of the Immigration and Naturalization Service. This would not, however, resolve the issue of border management responsibility being vested in a single agency. This alternative would not preclude the transfer of domestic drug enforcement activities to this Bureau.

Another possibility might include transfer of border interdiction and foreign intelligence activities into the Customs Service (Treasury Department). Combining DEA and the Border Patrol within the Department of Justice is yet another possibility. This latter alternative would leave a split responsibility for border management between DEA/Border Patrol on the one hand and Customs on the other. Neither of these alternatives, however, would preclude FBI assumption of domestic drug enforcement activities.

Honorable Griffin B. Bell

In closing, I would point out that should you wish to explore other alternatives or options pertaining to a realignment of DEA's organizational structure or its management and operational activities, we are available to support you as you may deem appropriate.

In any event, I hope you appreciate that I have initiated this letter because I share and support your desire to do that which best serves the interests of this Nation.

Sincerely,

Clarence M. Kelley
Director

The Attorney General

July 25, 1977

Richard H. Ash
Assistant Director
FBI Identification Division

DEA STUDY

In accordance with arrangements made by [redacted] to the Attorney General, the FBI Study Team met with DEA Administrator Peter B. Bensinger and members of his staff on Monday, July 18, 1977, to discuss the DEA reaction to the Study Team's report. Mr. Bensinger was able to meet with us only on that date. Subsequent discussions were held with members of his staff on July 19, 1977, at which time a copy of Mr. Bensinger's memorandum to you dated July 15, 1977, was made available.

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It is my understanding from [redacted] that the purpose of our consultations with DEA was to consider possible changes of specific items in our report which DEA has questioned. These items were delineated by Mr. Bensinger and his staff, and each will be addressed separately later in this memorandum. However, considering some of the strong comments made by Mr. Bensinger in his memorandum, I feel obligated to reply to some of those observations to set the record straight.

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It appears that Mr. Bensinger's comments to a large extent are based on impressions taken from the "Conclusions" section of the DEA study out of context insofar as the details of the study are concerned. Most of the items referred to by Mr. Bensinger are covered in considerable detail throughout the DEA study report. We feel the report speaks for itself.

The illicit drug problem is highly complex. It is an international socio-economic problem as well as a legal one. We have addressed this in our report. We also indicate that in our opinion a major national effort involving many different agencies at all levels of government is necessary. We have taken cognizance of the importance of crop eradication and crop substitution as factors in supply reduction. We recognize the need for close international cooperation among law enforcement agencies as an element in supply reduction. We also recognize the significant role of the U. S. Department of State and other Federal agencies in this effort.

Enclosures (34)

RHA:ra

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- 1 - Mr. Ash
- ① - Mr. DeBruler

The Attorney General

The difference between Mr. Bensinger and the Study Team lies in the extent to which, as a national policy, a law enforcement agency should assume prime responsibility (mission) for crop eradication and drug supply reduction and whether or not a U. S. Federal law enforcement agency is the proper entity to become so deeply involved in international affairs. These are basic philosophical differences.

It is our considered opinion that if the FBI were given the drug enforcement responsibilities, there would be no diminution of national emphasis on foreign crop eradication. The FBI would, in liaison with U. S. State Department, foreign law enforcement, and other responsible agencies, energetically participate to achieve this goal. We hold no illusions as to the scope and complexities of the international drug problem and are mindful of the multi-faceted approaches needed to combat it. The differences in approach would be those of style rather than substance.

With regard to compliance and regulatory functions, we hold the same philosophical differences concerning the proper role of a law enforcement agency. We do not believe that the only way to obtain a significant reduction in illicit drugs is to have one agency, a law enforcement agency, responsible for crop reduction and regulatory activities combined with the traditional law enforcement roles. We will leave it to Mr. Bensinger to argue that the quantity of illicit drugs (diverted licit drugs) available in the United States will increase if the compliance and regulatory functions were removed from the drug law enforcement agency. Such would be contrary to our views.

We have acknowledged in our report that there would be some diminution of effort during any transition period. Mr. Bensinger states that the impact would be greater than we have indicated. We have taken cognizance that there would be a significant impact. Any attempt to further quantify analytically the amount of the impact would be highly speculative.

The Attorney General requested a team made up of FBI personnel conduct this study. The proposal itself was to study whether the combining of DEA and FBI resources in the FBI would enhance the overall enforcement effort. In effect, we were charged to consider whether a larger FBI, which would include former DEA resources, would be advantageous. Our conclusion,

The Attorney General

as set forth in the report, is that there would be an advantage only by preserving those characteristics which we perceive to have made the FBI successful. To accomplish this in any reorganization, it would be essential to maintain the top leadership of the FBI in command. Should such a reorganization be favorably considered, it was obvious to us and is set forth in the report that the FBI would want and expect to accept the current resources of DEA which could be assimilated. This would include most DEA employees at all grade levels and certain DEA top management personnel. However, our study indicated that there are categories of DEA employees in top management positions and in other areas which could not be readily assimilated.

As it would be necessary for the FBI to preserve its management and investigative systems, all of the trained and experienced FBI personnel would be essential to accomplish implementation of a reorganization. For this reason, we feel and so stated in our report that any reduction in force, should such be necessary, should come from among DEA employees. This would have the least adverse impact on the reorganization. We perceive that "most support personnel, professional and technical employees and services" would be needed. We are aware that there will be trauma from any reorganization which will affect morale.

Mr. Bensinger in his memorandum lists a series of "key questions" to which he would like answers. Specific answers to these questions would be speculative, but the questions were broadly addressed in the context of the study. We will leave it to Mr. Bensinger to argue that far more could be accomplished by addressing problems in the criminal justice system. This, of course, was not part of our mandate.

The DEA memorandum on Page 6 states "The United States Attorneys, who prosecute both FBI and DEA conspiracy cases, were not consulted." As set forth in our report, we contacted numerous U. S. Attorneys, Assistant U. S. Attorneys, Department of Justice Strike Force Attorneys, and two principal Section Chiefs in the Criminal Division of the Department, and the results are incorporated in our findings.

In an attachment to his memorandum captioned "Misleading or Inaccurate Statements Made in Report" (to which we take exception), Mr. Bensinger comments that DEA has been advised that numerous Embassy and Consulate officials do not favor a

The Attorney General

merger of DEA and the FBI. The Study Team did not conduct a preference poll, but inquired as to whether cooperation would be less if the FBI had the mission of narcotics enforcement. Those persons contacted included [redacted]

[redacted] other State Department representatives and foreign police officials. As set forth in our report, those persons contacted replied that cooperation would not be adversely affected.

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The Study Team is aware and so states in the report that DEA's overseas operations are conducted with the tacit approval of host country law enforcement authorities and U. S. Consular and Embassy officials. Notwithstanding, some of these activities are in violation of host country laws and as far as we could determine, such approval had been given only verbally. Mr. Bensinger's statements concerning FBI practices overseas are overstated and will be addressed in a separate communication.

The DEA memorandum raises issues concerning the exact number of persons assigned to headquarters operations of DEA and the FBI. In our discussions with DEA representatives, it was acknowledged that the statistics used were those DEA furnished to the Study Team. Actually, a limited number of employees in the headquarters complement are domiciled outside Washington, D. C., but nonetheless they perform under headquarters supervision. We have amended this in accordance with information that has now been supplied to us by DEA.

Upon receipt of corrected DEA source data, minor adjustments have been made to the statistical data comparisons presented in the report.

The final item in Mr. Bensinger's memorandum is headed "Misleading Interpretations of Arrest Statistics." This is not descriptive of the paragraph that follows. Our report does not quote arrest statistics. It appears that Mr. Bensinger feels we did not give adequate credit to DEA management efforts to concentrate on high-level narcotics trafficking organizations. We did take cognizance in our report that DEA has in fact increased its efforts in this regard, but to accommodate DEA we are amending certain pages of our report.

The Attorney General

During conferences with DEA management personnel on July 18, 19 and 21, 1977, certain issues were raised with respect to the report. Some of these issues involve basic philosophical differences which have been spoken of earlier. In four areas, an impasse was reached and no changes in wording of the report were agreed upon. In other areas, minor changes were made and amended pages for Copies #1 and #2 of the report are enclosed.

The following are the issues raised by DEA management personnel:

Issues Which Could Not Be Resolved Because of Basic Philosophical Differences

The philosophical differences between DEA management and the FBI Study Team relating to DEA's currently stated broad mission, which includes crop eradication and crop substitution in foreign countries and the domestic regulatory and compliance function concerning licitly manufactured drugs, have been addressed above.

DEA management personnel took exception to the statement in the report that any reduction in force necessitated by FBI assumption of drug enforcement should come only from DEA personnel. The reasons for the FBI Study Team's position have, we believe, been adequately stated.

With respect to data set forth in the report regarding some activities of DEA personnel in foreign countries apparently being contrary to host country laws, we again have a basic difference of approach. The FBI Study Team feels this is an issue that must be faced directly and is significant to any decision-making process regarding contemplated Federal law enforcement reorganization; consequently, it is addressed in the report as originally set forth by the Study Team.

Mr. Bensinger's staff has indicated they will provide you separately with their views on these matters.

Issues in Which Amendments Were Made

To accommodate DEA management personnel, the following changes were made:

The Attorney General

Concerning diminution of effort during transition, the word "significant" was added to the first paragraph on Page 20 and the last paragraph was added to Page 33.

Concerning the number of personnel assigned to DEA headquarters, a footnote was added to Page 76.

Concerning FBI reception of DEA management personnel should transition occur, changes were made in Paragraphs 3 and 4 on Page 23 and the last paragraph was added to Page 70.

Concerning foreign cooperation with the FBI, a footnote was added to Page 40.

Concerning the statistical budget data provided by DEA, changes in wording have been made on Pages 185 and 188 and minor modifications made in the charts on Pages 181 and 182.

Concerning DEA's intelligence interface with investigations, the last paragraph on Page 20 was changed.

Concerning the "buy-bust" philosophy and method of operation, minor changes in wording have been made in Paragraph 4 on Page 21, Paragraph 2 on Page 38, Paragraph 1 on Page 59, Paragraph 1 on Page 90, and Paragraph 3 on Page 91, and Page 90a has been added.

A corrected number has been included on Page 122.

- 1 - The Deputy Attorney General
- 1 - Mr. Peter B. Bensinger
Administrator
Drug Enforcement Administration

Federal Bureau of Investigation

Assumption of
Federal Drug Enforcement

(A FEASIBILITY STUDY)

June 21, 1977

FEDERAL BUREAU OF INVESTIGATION

ASSUMPTION OF

FEDERAL DRUG ENFORCEMENT

(A FEASIBILITY STUDY)

June 21, 1977

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I. INTRODUCTION

A. PURPOSE OF STUDY

The Honorable Griffin B. Bell, Attorney General of the United States, requested that Director Clarence M. Kelley, Federal Bureau of Investigation (FBI), have the FBI conduct a study concerning the feasibility of transferring drug law enforcement functions from the Drug Enforcement Administration (DEA) to the FBI. A study proposal was made and the Attorney General by memorandum dated March 21, 1977, to Director Kelley and Administrator Peter B. Bensinger, DEA, approved the study proposal and directed its implementation. (Appendix A)

B. STUDY TEAM

Attorney General Bell and Director Kelley selected Assistant Director Richard H. Ash, FBI, to conduct this study. The following FBI personnel were designated by Director Kelley to assist Mr. Ash:

Acting Assistant Director Thomas F. Kelleher, Jr.
Laboratory Division

Inspector Richard G. Hunsinger
Deputy Assistant Director, Finance and Personnel
Division

Inspector James V. Cotter
Training Division

Special Agent in Charge Thomas J. Emery
Organized Crime Division, New York

Special Agent [redacted]
National Coordinator, Narcotics Matters,
Criminal Investigative Division

Special Agent [redacted]
Budget Formulation and Presentation Unit,
Finance and Personnel Division

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Special Agent [redacted]
Planning and Inspection Division

C. SCOPE OF STUDY

The approved study proposal limited this study to factors bearing upon FBI and DEA, two elements of the Department of Justice. For this reason, inquiries were not made of other Federal agencies involved with drug abuse prevention/drug law enforcement.

The perspectives expressed in this report are those of the FBI study team, tempered by their cumulative law enforcement experience and the views expressed by the many DEA personnel interviewed.

Since the study was limited to factors affecting the feasibility of combining two Department of Justice elements, FBI and DEA, broader alternatives involving other agencies were not explored.

Many alternatives could, and perhaps should, be studied on a government-wide basis; but the study team did not have the time or mandate to consider all possible alternatives or their merit.

Data considered by the study team were acquired by various methods. Briefings were presented by Mr. Peter B. Bensinger, and his staff at DEA Headquarters, Washington, D. C. Interviews were conducted with staff and support personnel at DEA Headquarters and at DEA Regional offices in New York (Region 2), Miami (Region 5), Chicago (Region 7), Dallas (Region 11), Los Angeles (Region 14) and at respective DEA District Offices at Newark, West Palm Beach, El Paso, San Diego and St. Louis. In addition, interviews were conducted and briefings were received at the El Paso Intelligence Center (EPIC), at DEA Laboratories in Dallas, Chicago and McLean, Virginia, and at the DEA Regional Technical Support Center in Addison, Texas.

During visits to these areas, representative United States Attorneys, Assistant United States Attorneys and Department of Justice Organized Crime and Racketeering Strike Force Attorneys were contacted. In addition, the Acting Chiefs of the Organized Crime and Racketeering Section and the Narcotics and Dangerous Drugs Section, Department of Justice, were interviewed.

DEA foreign operations were examined and visits made to DEA foreign Regional Offices in Mexico City, Mexico (Region 15); Bangkok, Thailand (Region 16); Paris, France (Region 17); and Caracas, Venezuela (Region 18).

Foreign District Offices in each Region were visited at Monterrey, Mexico; Hong Kong, BCC; The Hague, Netherlands; and Bogota, Colombia respectively. The District Office at Tokyo, Japan, which is within Region 20, was also visited. During these foreign visits, a representative number of United States Embassy and Consular officials and foreign law enforcement officers having responsibilities for narcotics matters were interviewed. The Special Assistant to the Secretary and Coordinator for International Narcotics Matters, United States Department of State, was also interviewed.

Numerous DEA documents, studies, and data submitted upon request were examined and analyzed. Representative DEA employees at all levels were interviewed. Other relevant source and research documents pertaining to previous studies and U. S. Government positions concerning the narcotics and drug law enforcement problems were used as background material and are listed in the bibliography accompanying this report. Other internal documents of both DEA and FBI were also used.

As much as possible, the findings and conclusions in this report are based on an objective assessment of analytical data and other materials which were collected. Nonetheless, of necessity, many of the judgments are based

upon opinions obtained from DEA personnel and others, and the cumulative, subjective opinions of the FBI study team.

This study was not intended to evaluate DEA's effectiveness, nor was it intended to focus on the mechanics of the possible transition of DEA resources into the FBI. However, the study team did gain impressions of factors relating to DEA effectiveness; and the team was concerned with potential problems which might surface if DEA were assimilated into the FBI. Further, the team recognized that major issues involving the implementation of any transfer of drug law enforcement responsibilities from DEA to the FBI should be valid considerations in the decision making process. Not the least of these is the problem involved in the transfer, assimilation or possible reduction of certain categories of personnel that exist in DEA for which no counterparts exist in the FBI. The major basic issues which were perceived during this feasibility study have been addressed. Undoubtedly, other such problems and concerns would surface during any subsequent implementation study.

A study of U. S. drug law enforcement cannot be conducted without being aware of the significant law enforcement problems at ports of entry and on the U. S. borders-- particularly the Southwest border. A detailed study and analysis of border law enforcement activities, which necessarily involves other Federal agencies in addition to DEA and FBI, were deemed clearly beyond the express mandate

of this study. Narcotics interdiction is but one aspect, though a very important aspect, of the much broader issue of U. S. border management policies.

The study team did not attempt to sample opinions or obtain other input from elements outside the Department of Justice with the exception of the limited number of contacts set forth above. Time did not permit such a sampling in sufficient depth to be meaningful and it was not deemed to be within the parameters of the mandate as delineated in the study proposal.

It should be noted that the words "drug" and "narcotic" are used interchangeably throughout the report. They refer to all controlled substances as listed in the schedules of the Controlled Substances Act.

The study team received the complete cooperation of Administrator Peter B. Bensinger, his staff, and all DEA personnel. Without their courtesy and support this study would have been most difficult, if not impossible.

II. THE STUDY IN CONTEXT

A. BACKGROUND OF DEA

Until 1965 virtually all Federal narcotics law enforcement programs were administered by the Department of the Treasury. The original responsibility was that of the U. S. Customs Service (Customs) dealing with smuggling contraband into the United States. In the 1920's, additional control and regulation of illicit drug traffic began to be exercised through Federal tax laws. In 1930 the Bureau of Narcotics was created within the Treasury Department and took over most of the narcotics enforcement duties then exercised by the Bureau of Internal Revenue, with its basic charter grounded in the Excise Tax Laws. Responsibility for controlling smuggling and illegal importation of drugs remained with Customs.

With passage of the Drug Abuse Control Amendments of 1965, the Bureau of Drug Abuse Control (BDAC) was created in the Department of Health, Education, and Welfare (HEW). In 1968, Reorganization Plan No. 1 created the Bureau of Narcotics and Dangerous Drugs (BNDD) in the Department of Justice by combining Treasury's Federal Bureau of Narcotics and HEW's BDAC. Customs antismuggling responsibilities were not specifically changed.

In 1970 the basis for Federal drug law enforcement was changed from the tax power to the commerce power. Reorganization Plan No. 2 in 1973 created the Drug Enforcement Administration in the Department of Justice by merging BNDD, the Office of Drug Abuse Law Enforcement (ODALE), and the Office of National Narcotics Intelligence (ONNI), and taking Customs' functions and personnel having responsibility for intelligence gathering and investigation of drug-related smuggling other than border interdiction.

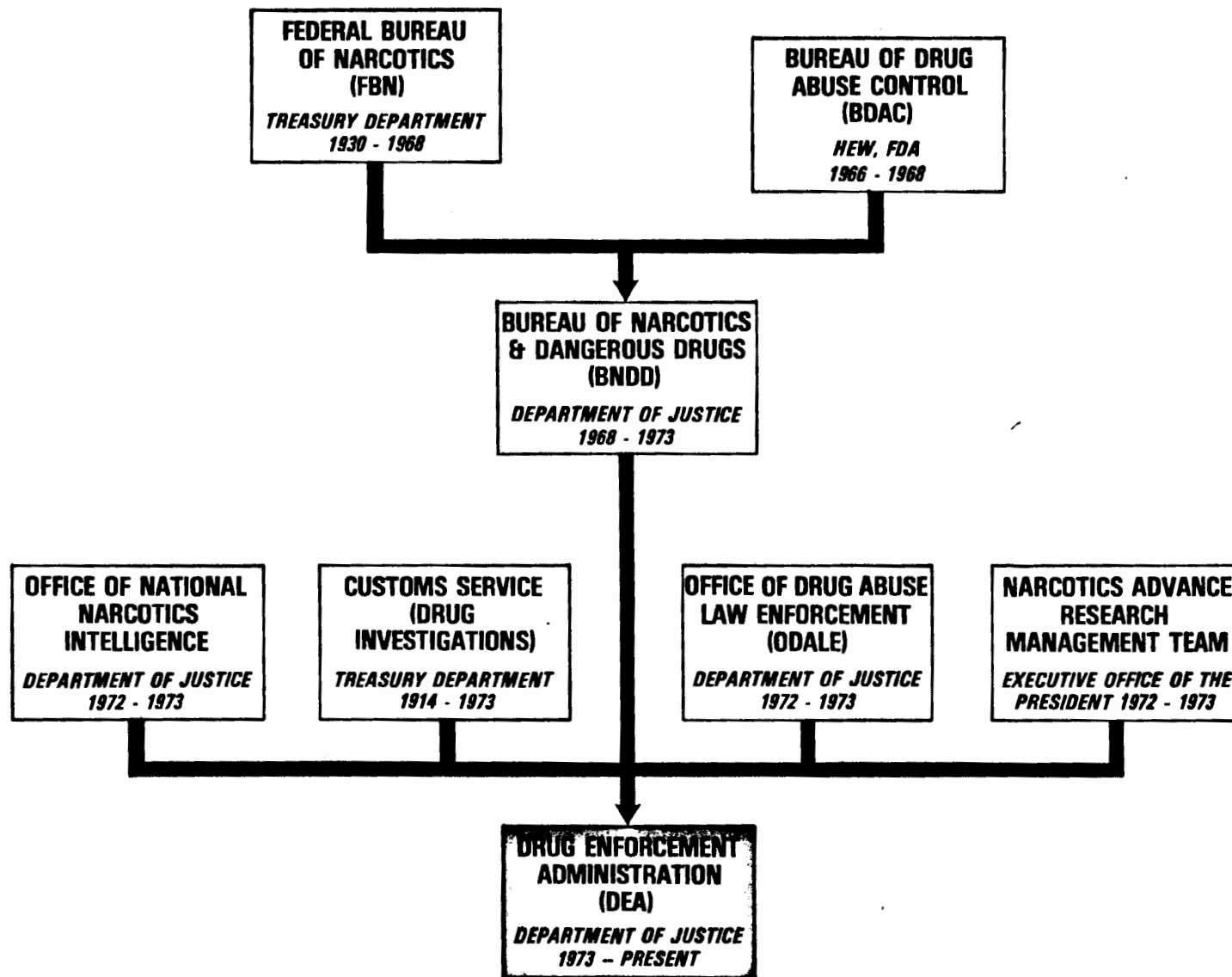
The organizational changes resulting in formation of DEA are illustrated in Exhibit 1.

Although the U. S. has historically had a separate agency devoted to enforcement of Federal drug laws, most foreign countries have just one Federal law enforcement agency responsible for enforcing all Federal criminal laws. None is known to have a Federal law enforcement agency devoted specifically to a single violation. Foreign countries do not appear to be handicapped by incorporating enforcement of all federal laws in the one agency.

B. DEPICTION OF DRUG ENFORCEMENT PROBLEM

In recent years major Federal enforcement emphasis has been placed on heroin trafficking, heroin being considered the most debilitating of illicit dangerous drugs. Cocaine, cannabis (marijuana), and barbituates and

DEA ORGANIZATIONAL HISTORY



amphetamines, have received Federal enforcement attention but with less emphasis from a policy standpoint than heroin.

Heroin is a derivative of the opium poppy. Until a few years ago the poppy fields of Turkey, through the infamous "French Connection," were the source of most illicit heroin in the United States. The disruption of the "French Connection" and development of alternative crops in Turkey nearly eliminated this source of supply of "white" heroin.

Currently as much as 90% of the illicit heroin on the streets in the U. S. is "brown" heroin produced in Mexico. Enforcement efforts, including eradication of poppy fields in Mexico, are beginning to effect a reduction of this supply.

Now an increasing amount of "white" heroin from the "Golden Triangle" area of Burma/Thailand is showing up in the U. S., much of it apparently coming through Europe.

Cocaine is a product of the coca plant, primarily grown in Peru and Bolivia, and processed and distributed through Colombia. It comes to the U. S. via various routes, through Mexico, Florida and other points on the East and West Coasts.

Both heroin and cocaine, when refined to pure form are not bulky and are easily concealed. Marijuana, on the other hand, is bulky and transportation is more difficult because it is not as easy to conceal.

Of course, cannabis refined to hashish, hashish oil, or other derivatives, is more easily concealed.

In considering motivation for narcotics trafficking, the paramount factor is the enormous potential profits to be realized. A kilogram ~~of~~ 50% pure heroin costing perhaps \$40,000 in Mexico, when cut to the normal street purity of about 6% can be sold in the U. S. for \$1,300,000. Estimates of U. S. heroin addict population vary from 500,000 upward. Daily consumption is estimated at 35 milligrams per addict. At current street level cost of about \$1.50 per milligram, the daily habit would cost over \$50. This translates to an annual cost to the addict population to support their habit of approximately \$10 billion.

These gross figures show the enforcement problem is an enormous one. This, in turn, emphasizes the need for concentration of investigative attention on major trafficking organizations to immobilize their activities as opposed to an attack upon individual traffickers, especially at the lower level.

As to the foreign supply problem, it must be recognized that in many areas, cultivation of the opium poppy is a way of life, centuries old, to whole populations. It is their sole source of income and until alternative means of livelihood are developed and available to these people, little progress can be made in reducing

the supply. Further indicative of the problem is the situation in Colombia where the revenue from cocaine on the black market is estimated to exceed legitimate revenue from coffee, its major and most notable export. The effect on the country's economy is inestimable.

The above facts are cited as indicative of the magnitude of the problem facing U. S. drug enforcement agencies. Of course, the uses and abuses of illicit narcotics and dangerous drugs in the U. S. are not and cannot be the sole responsibility of one agency. Local, State and Federal effort must all be marshaled in combatting the problem.

The thousands of State and local law enforcement personnel are the first line of defense against internal drug trafficking. The Federal effort should induce and assist their discharge of this responsibility but not seek to supplant, override, or control it.

Many Federal agencies must also contribute to the drug law enforcement mission:

- Customs must fulfill its responsibility for interdiction at ports of entry and along our borders;
- The Internal Revenue Service must investigate tax law violations;

*The Bureau of Alcohol, Tobacco and Firearms, the FBI and other Federal agencies must investigate other violations by drug traffickers; and

*The Department of State--at home and abroad--must consider drugs as a major foreign policy issue.

These factors point up one critical circumstance: the need for a major National debate and policy declaration on the topics of drug usage and drug law enforcement--domestic and foreign.

Nonetheless, State and local law enforcement authorities must still be responsible for the majority of domestic enforcement, including arrests and seizures.

This, of course, raises another issue. If Federal enforcement effort is to be concentrated on the upper level violators, this requires that work on low and mid-level violators be handled by State and local police and prosecutors. This will increase the burden on them--a burden many may have neither the resources nor training to handle.

Exhibit 2 displays the study team's perception of the U. S. illicit narcotics problem considering that all hard narcotics originate outside this country. The first column shows the distribution system from foreign supply to fulfill the domestic demand; the second column shows the method of attack to eradicate or diminish the narcotics

usage; the third column shows the agency or agencies involved at each stage; and the last column indicates whether this is perceived as a law enforcement function.

In considering whether FBI assumption of the narcotics enforcement responsibilities would enhance overall Federal enforcement efforts (in the area of narcotics and other current FBI areas of responsibility), the study team concentrated its attention on the primary law enforcement mission as historically associated with the FBI. It is recognized that illicit narcotics per se represent Federal violations. Nonetheless, the study team suggests that the principal Federal law enforcement agency should not have the primary mission of reducing the foreign supply and reducing domestic demand - its mission should be limited to basic criminal law enforcement. It should not be charged with responsibilities outside the traditional scope of law enforcement.

It is necessary, of course, that the responsible law enforcement agency recognize its obligation to cooperate closely with those agencies which have the primary diplomatic and sociological responsibilities for crop control and demand reduction.

Considerations set forth in this report relating to potential enhancement of the enforcement effort should the FBI be given drug enforcement responsibilities, and

the problems associated therewith including the conditions precedent for such an assumption to be beneficial, are based upon this perception of the U. S. illicit narcotics problem.

III. CONCLUSIONS

The FBI assumption of Federal narcotics enforcement responsibility by combining FBI and certain DEA resources, will result in improved enforcement capabilities only if the combining of these resources is carefully structured to preserve current FBI management philosophy and structure, Excepted Service status, and law enforcement orientation and perspective in all elements of the organization from top management down. To keep DEA intact as a separate entity in the FBI would serve only a cosmetic purpose and would not enhance overall enforcement effectiveness. Advantages will accrue only if DEA Agents are trained as FBI Agents and FBI Agents are trained as narcotics investigators to provide a totally integrated investigative force with the necessary flexibility for combined efforts.

The advantages would be:

- The FBI has 8,333 Special Agents, DEA 2,016 -- combined they would be a formidable human resource deployed throughout the U. S. and overseas.
- FBI training procedures, discipline, and experience oriented toward conspiracy type violations would enhance the effort against high level narcotics traffickers.

- FBI procedures for recording investigative results including criminal intelligence and the FBI records system which provides ready retrieval from a larger data source and research material would be an asset.
- The higher educational level of FBI Agents together with the diversity of background and preemployment experience would be helpful.
- FBI Special Agent accountants would provide a special service in tracing funds and assets of narcotics traffickers not only in the development of conspiracy violations but also to lay a foundation for confiscation and forfeiture--techniques often more likely to immobilize criminal organizations than prosecutions.
- FBI informant developing techniques and the current pool of FBI informants directed against organized crime would provide a valuable resource in narcotics enforcement.
- Technical investigative support procedures and expertise, e.g., legal intercepts, used by FBI in organized crime investigations would be effective against high level narcotics traffickers.
- Long term undercover operational techniques used by FBI combined with DEA experience and training in narcotics undercover operations would enhance the effort.
- Combining of DEA regional laboratories with FBI Laboratory would provide greater support to all law enforcement elements.
- Extensive FBI support functions, e.g., Identification Division, Training Division, and Technical Services Division, would enhance narcotics enforcement effort.

•DEA informants, assets, undercover techniques could enhance law enforcement efforts against organized crime, white collar crime, and other criminal activity within the purview of the FBI.

•DEA has extensive foreign and domestic police officer training programs, which would be a valuable extension to the FBI National Academy and other police training programs and would solidify the excellent relationship that exists among local, state and foreign police officials and their counterparts at the Federal level.

•Most significant advantage--the concentration of effort which could be employed by one agency against major law enforcement problems--white collar crime, organized crime, and narcotics. Such a one agency concept would enable adjustments in priority according to need on both short and long-range basis and at any given time full forces could be directed to a single major issue.

The disadvantages would be:

•There does not appear to be a concerted national policy supporting a strong Federal narcotics enforcement effort (official Government statements and media stories indicating a softening on the dangers of marijuana, cocaine, and to a lesser extent, heroin). This places law enforcement in a Vietnam-type conflict with attendant morale problems which could permeate the FBI.

•Reportedly, the perception of the FBI as an intelligence agency might strain narcotics law enforcement cooperation in some foreign countries.

- Complexity of reorganization would cause a period during which there probably would be a significant diminution of effort.

- Narcotics is a global problem involving an agricultural economic system based on supply and demand which requires intimate coordination and interaction between law enforcement and many other interested agencies and disciplines. FBI with its vast and diversified responsibilities probably would be disinclined to use extensive resources in non-law enforcement efforts, i.e., crop eradication and addict rehabilitation.

This study was not directed towards determining the effectiveness of DEA but the study team gained certain impressions of DEA as an organization:

- DEA appears to be more effective today than two years ago, but not as effective as might be expected.
- Many DEA employees at all levels are competent, dedicated, knowledgeable, and purposeful in carrying out their duties.
- Diversification of top DEA management among occupational specialties--not law enforcement per se--has created rivalries and a lack of overall enforcement focus.
- DEA records system, which relies heavily on automation, is limited and does not adequately serve the total DEA mission.
- DEA Agents are not disciplined to record detailed investigative results including intelligence information; the DEA records system does not readily store and retrieve essential information for complex investigations.
- DEA has an Office of Intelligence co-equal with its Office of Enforcement. Its intelligence structure does not interact effectively with its criminal enforcement mission.

- DEA Agents do not have the diversity of experience and backgrounds to provide investigative support to complex investigations, e.g., accountants.
- DEA personnel are not in the Excepted Service.¹ Civil Service procedures encumber management in a law enforcement organization where management flexibility and discipline are sorely needed.
- DEA personnel to some degree lack organizational identity and image which comes only from stability and tradition. They are a conglomerate of many former agencies with past and present rivalries.
- Some DEA Agents, for one reason or another, are oriented towards a "buy-bust"² enforcement philosophy which detracts from DEA's efforts to pursue long, painstaking, conspiracy investigations directed at the highest level of drug trafficking organizations.
- 25% of DEA Agents do not have college degrees. This limits the perspective and enforcement flexibility of the whole organization.
- DEA management has difficulty in having policy decisions implemented and multi-jurisdictional investigations conducted. This may be due to DEA regional management structure and the relative autonomy of the Regional Directors.
- DEA lacks an adequate case management system which would enable first-line supervisors to better direct human

¹ FBI Agents are in the Excepted Service. This is discussed in more detail in the section captioned "Highlights/Critical Issues," (page 63).

² "Buy-Bust" is a basic narcotics law enforcement investigative technique involving the making of an undercover narcotics purchase and the subsequent arrest of the seller.

resources and which would provide a method for following and supervising investigative efforts, particularly multijurisdictional cases.

- DEA personnel in foreign countries apparently operate, on some occasions, contrary to host country laws.

We believe the following are the FBI's primary organizational strengths and characteristics:

- Strong leadership
- A law enforcement perspective at all levels of management based on a career development program and a diversity of backgrounds from which all top management personnel are appointed from the Special Agent ranks.
- Flexibility of management and operations and a discipline allowed in the Excepted Service.
- Records systems, case management systems, and supervisory philosophy and control developed over many years as the FBI grew and took on greater responsibilities.
- FBI hiring and selection procedures allowed in the Excepted Service which built a core of Agents with advanced academic degrees and wide professional and avocational experience providing a diversity of perspectives and talents.
- Intangible attributes of image, esprit de corps, patience and the will to accomplish based on traditions of success and pride.

Only if these characteristics, which we believe to have been keys to the FBI's success in the past, are preserved in the reorganization, will overall law enforcement effort be enhanced.

Therefore, if the FBI and certain DEA resources are to be combined, the study team strongly feels that all of the following conditions precedent are essential for the result to be advantageous to the overall law enforcement effort.

- DEA investigative personnel must be totally integrated into the FBI mission by training and assignment as necessary.
- In a like manner, FBI Agents must be trained as narcotics investigators.
- Top policy management positions must be retained by incumbent FBI managers. Certain DEA managers would be needed to handle expanded jurisdiction.
- Supervisors in DEA must be trained as FBI Agents and FBI supervisors and placed in career paths wherein they will compete equally with FBI managers and not exclusively in narcotics related activities.
- DEA support personnel would be transferred from DEA to the FBI on a need basis.
- There would be no reduction in force (RIF) action taken against FBI personnel as a result of any reorganization. Any RIF necessary would occur among incumbent DEA personnel.
- DEA personnel would be accepted as needed only if they voluntarily waive existing Civil Service competitive status and are placed in Excepted Service positions.
- DEA personnel who do not have appropriate clearances and those subject to pending integrity investigations or administrative inquiries would not be accepted until background investigations were conducted and appropriate screening as necessary was completed. The acceptance of any DEA employee in these categories would be at the discretion of the Director of the FBI.

*That the Regulatory and Compliance functions currently handled by DEA be transferred to some other Federal agency as these are not primarily criminal law enforcement functions.

*That legislation be enacted increasing FBI supergrade level by 23 positions and the Executive Level by 1.

*That a supplemental appropriation be enacted to cover transition expenses. This appropriation would be above the level of current appropriations for FBI and DEA combined.

To accomplish such a reorganization, Federal legislation will be required to overcome certain Civil Service statutory and regulatory restrictions.

In conclusion, we emphasize that no reorganization of the Federal narcotics law enforcement effort will be a panacea for the national narcotics problem. The illicit trafficking in narcotics is a criminal endeavor undertaken in response to enormous profits generated by the global laws of supply and demand controlled by economic and sociological factors on which U. S. law enforcement has little if any impact.

Perhaps needed most of all is a clearly defined National policy on drug law enforcement enunciated and supported by the highest levels of government.

IV. HIGHLIGHTS/CRITICAL ISSUES

A. LEGISLATION

Issue: If FBI were to assume Federal drug enforcement responsibility, certain legislation would be necessary.

All FBI employees are in the Excepted Service; most DEA employees are in the Competitive Service. By law, FBI appropriations cannot be used to pay employees not in the Excepted Service. The FBI has 140 supergrade positions; DEA 26. The FBI has four Executive level positions; DEA has two.

Legislation would be required to:

- (1) Provide that all DEA employees transferred to the FBI be placed in the Excepted Service.
- (2) Provide authority for the FBI Director to place 23 additional positions in the FBI in Grades 16, 17 and 18.
- (3) Provide for an additional Executive level position in the FBI.
- (4) Provide an adequate supplemental appropriation to effect the transition.

In addition to the required legislation indicated above, a more orderly structured and effective transition would result if legislation were enacted to:

- (1) Transfer compliance and regulatory functions together with assigned personnel to another Federal agency
- (2) Mandate the FBI's authority as the primary U. S. narcotics law enforcement agency both foreign and domestic
- (3) Delineate the roles of the FBI and other agencies, especially the U. S. Customs Service; specifically, limiting Customs role to that of border interdiction only
- (4) Define the FBI's primary mission as narcotics criminal law enforcement, with reduction of supply and demand not being elements in this primary mission
- (5) Define responsibility and authority for FBI's investigative operations in foreign countries relating to narcotics
- (6) Provide guidelines for the relationship between FBI and local/State law enforcement agencies regarding narcotics law enforcement
- (7) Vest in the FBI Director the authority in his final discretion to accept DEA personnel into positions in the FBI based upon a transition plan to be developed by the FBI Director
- (8) Mandate before ceasing to exist as an entity DEA handle necessary disposition of any DEA personnel not being accepted into the FBI (whether not being placed by the FBI Director or not choosing to transfer to the FBI for personal or other reasons). This should be by transfer to another agency or reduction in force, if necessary

B. ORGANIZATION

1. Total Integration of Personnel

Issue: DEA investigative personnel accepted into the FBI should be totally integrated into the FBI mission.

Total integration of investigative personnel is regarded as the only workable approach to obtain the full advantage of the resulting larger work force which would be created by FBI assumption of DEA resources. To bring DEA resources into the FBI as a Division or otherwise a separate entity would serve only a cosmetic purpose. It would not serve to enhance overall enforcement effectiveness.

The FBI's presence in many cities and towns in the U.S. where DEA does not have representation can only be advantageous if all Agent personnel in those areas are capable of working drug cases. The experience of FBI personnel in organized crime matters, conspiracy cases and in the use of Title III technical installations will substantially reinforce current DEA investigative strategies provided the value of these approaches may be realized by the use of interchangeable personnel.

On occasion, the attack on a major case of nationwide scope calls for a short range commitment of a major portion of total investigative manpower. The full impact of such resources can only be concentrated

on narcotics matters if all personnel are knowledgeable and capable of handling their assignments.

The contrasting managerial approaches and investigative methodology of DEA and the FBI outlined in this study cannot be simultaneously applied within the same organization. In the event a decision is made to have the FBI assume Federal narcotics enforcement responsibilities, the investigative procedures and policies of the FBI must be uniformly applied by all investigative personnel. Otherwise, the advantages of a combining of forces would be thwarted by the creation of two separate management systems, two categories of investigators and competition within the same organization and the changes effected would not enhance overall enforcement.

To enable the elements of this work force to easily exchange intelligence data and set out investigative tasks, the investigator must be cognizant of the investigative interests of other personnel within his agency. He must be encouraged to develop a sense of personal obligation to see that useful intelligence information is transmitted to where it's needed regardless of whether or not it is of significant value to the case he is currently working. Such a sense of obligation comes from a feeling of identity with all of the other personnel in his organization that can only come from a total melding of all personnel.

2. Compliance and Regulatory Functions

Issue: Should a criminal law enforcement agency have compliance and regulatory responsibilities?

The goal of DEA compliance efforts is to eliminate the diversion of legitimately produced controlled substances into the illicit drug market. Under the Controlled Substances Act, the Attorney General has the authority to classify manufactured controlled substances by "scheduling," to establish quotas and to require handlers of these products to register on an annual basis. The Attorney General has vested this authority in DEA. DEA conducts inspections and audits to assure compliance. Compliance investigators do not have the power of arrest, the authority to carry firearms, or to serve or execute search warrants. DEA personnel in the 13 domestic regional offices conduct administrative hearings which can result in administrative, civil, or no action. Having employees within the criminal law enforcement agency empowered to conduct these hearings is tantamount to having them serve as investigators, judge, and jury to interpret the regulations they set in the first place.

There is a definite need for these activities to control the manufacture and flow of legal drugs; however, this does not appear to be properly placed in a criminal law enforcement agency. Notwithstanding, there is a joint

interest in sharing intelligence and it is essential that criminal violations be reported as soon as possible to the appropriate responsible agency. The advantages of having compliance investigators and criminal investigators in the same agency are closer coordination, information retrieval, and immediate referral capability. These are outweighed by the potential conflicts of interest. The FBI has many investigative responsibilities but none involving regulatory or compliance functions. Adding compliance investigators who are in a different General Schedule series (GS 1810) than criminal investigators (series GS 1811) would deny the current flexibility inherent in FBI Agents to investigate all types of violations. Assumption of these responsibilities might set a precedent and lead to further regulatory and compliance functions being assigned to the FBI.

The Study Team strongly feels that, should the FBI be given the responsibilities for narcotics enforcement, the regulatory and compliance function currently performed by the Office of Compliance and Regulatory Affairs in DEA should be transferred to some other Federal agency. Under any such reorganization, the FBI should be given the responsibility and authority to conduct criminal investigations involving criminal diversion of all controlled substances in the same manner the FBI presently handles referrals from other Federal regulatory agencies.

C. OPERATIONS

1. Diminution of Effort During Transition

Issue: Any major reorganization will result in some loss of effectiveness during transition.

The study team stresses that potential enhancement of law enforcement efforts flowing from FBI assumption of Federal narcotics law enforcement responsibilities by combining of certain FBI/DEA resources is in the long term. Such a reorganization will eventually provide greater flexibility, efficiency and effectiveness through greater resources in personnel, equipment and management. This will affect not only narcotics law enforcement but other related priority law enforcement issues as well.

The reorganization will not produce these beneficial results overnight. Inherent in any major organizational restructuring is a transition period during which unusual time and effort must be devoted to training, personnel problems, management adjustments, and redefining of policies, tactics and procedures. This necessarily detracts from enforcement activities and results in a diminution of effectiveness. How long this transition period lasts is dependent upon the degree of orderly preplanning and careful prestructuring of the implementation.

The study team encountered several Federal prosecutors, DEA personnel, and others who stated that the narcotics problem is "here and now," not in the future. They opposed any suggestion of the combining of DEA into the FBI as they envisioned the reorganizational trauma resulting in a lessening of pressure on the criminal element, particularly narcotics violators. We do not disagree with this assessment insofar as the short term is concerned.

Should DEA and FBI resources be combined, the FBI would of course immediately recognize and adjust to the priority mission of narcotics law enforcement. Certainly the magnitude of the problem would not allow the level of effort to be reduced--it may well be increased. This is not to say that the FBI would necessarily use the same tactics or procedures as now used by DEA.

Further, we recognize that the narcotics and dangerous drugs problem will be upon us as long as there is a supply and a demand--factors upon which U. S. law enforcement has very little impact. The large sums of money to be realized from illicit drug traffic will always entice some into this criminal endeavor. The problem is both "here and now" and in the future. Although we sense that DEA

as an organization has not reached its full effectiveness since the last reorganization in 1973, and another reorganization now will suspend the maximization of enforcement efforts, the study team believes that in the long term the combining of certain DEA/FBI resources should lead to enhancement of overall enforcement efforts. This will result from the provision of greater forces, efficiency, flexibility and resources to not only narcotics enforcement but to other priority law enforcement targets as well.

It is recognized that past history of drug enforcement reorganizations shows significant loss of effectiveness during transition. Complexities of an FBI assumption of DEA responsibilities are such that short-term diminution of effort could likewise be significant.

2. Investigative Techniques (Retrospective vs. Prospective)

Issue: It has been suggested that the FBI investigates "retrospectively" and narcotics enforcement requires "prospective" investigation, therefore the FBI is not qualified to investigate narcotics violations.

There are certain myths or misunderstandings which imply that the FBI and DEA are unlike in that, whereas FBI investigates retrospectively crimes known to have been committed, DEA investigates prospectively by seeking information about crimes that will be committed, or by creating some antecedent conditions for a crime to occur (e.g., offers to buy heroin).

In fact it is difficult to imagine any investigative agency which does not employ both prospective and retrospective investigative techniques. We are well aware of the fact that both the FBI and DEA use both techniques. We suspect that the real issue is the type of emphasis placed on the prospective undercover agent technique frequently used by DEA. In this context, then the implication is that the FBI would be deficient in narcotics enforcement because it has little expertise or proclivity to use such a technique to the degree necessary.

Such thoughts ignore some of the basic responsibilities and investigative priorities of the FBI. The FBI has been deeply involved in organized crime investigations for a

number of years. Invariably these investigations involve ongoing conspiracies requiring prospective investigative tactics. They are often in the general areas of crimes which have no complainant, i.e., racketeering, shylocking, gambling, prostitution, and pornography. In investigating these types of crimes, as well as many others, the FBI frequently uses similar techniques as are used in investigating narcotics matters.

The FBI recently has received national publicity in a "store front" covert operation in Washington, D.C. known as "The Sting." In this operation, FBI Agents together with local law enforcement officers assumed the role of organized crime figures involved in fencing operations. (Undercover operation wherein antecedent condition was set up to enable a crime to occur.) This is just one such example among numerous that could be cited.

DEA's undercover type role typically involves a relatively short time span, e.g., the introduction by an informant of a DEA Agent, playing an undercover role, to a narcotics trafficker for the purpose of purchasing narcotics from the trafficker. If possible, a succession of buys are made by the undercover Agent up the organization ladder, to the highest practical level. The operation is usually terminated by an arrest at a point where judgement indicates the potential for additional success would not

warrant the additional time and expense. This technique is generally referred to in law enforcement vernacular as "buy-bust".

In contrast the FBI undercover operation is usually one of longer duration wherein the FBI undercover Agent with appropriate cover and back-up protection operates in place over an extended period of time in an effort to develop as much evidence concerning as many crimes and criminals as possible.

As just one example,

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To date information developed and testimony furnished by this one FBI undercover Agent has resulted in 15 Federal convictions and 3 local convictions. Also, there are 8 additional subjects who have been indicted and are awaiting trial in

U.S. District Court and 11 others awaiting trial in State and local courts. Most of these indictments are based on Extortionate Credit Transactions (shylocking) or Interstate Gambling Business violations.

During FY 1976 there were 1091 persons convicted in U.S. Courts based on FBI organized crime investigations. The vast majority of these involved prospective type investigations. This is indicative of the extent of FBI involvement in only one category of prospective type investigations.

Several federal prosecutors advised the study team that DEA Agents are not generally prosecution oriented. They are arrest oriented and look to the federal prosecutor to develop or request development of the necessary additional testimony and facts to fortify as much as possible the potential for a successful prosecution.

We feel that to a degree this opinion results from heavy emphasis on the "buy-bust" technique. It is exciting, glamorous and has great appeal to the active law enforcement officer (whether he is a DEA Agent or FBI Agent); however, without sufficient managerial discipline and administrative control this technique has the potential of over emphasizing the arrest of the low-level trafficker. As the officer "buys up the ladder" the investigation usually becomes more tedious and time consuming and the judgement for terminating with the "bust" becomes more appealing.

There is a prevalent feeling both in and out of DEA that narcotics investigations are "dirty business," and effective investigators must get down in the dirt. This feeling is generated by the investigative technique of buying narcotics at the street level as a primary step to uncover sources of trafficking at higher levels. The element of danger at this level can be very great. The investigators tend to develop a "macho" complex and cite examples of having to be ready to display their willingness to get involved at that level to gain support and cooperation from informants, local and foreign police officers. This "buy-bust" philosophy is the "visible" activity by which many persons evaluate all operations of narcotics investigators including DEA.

The study team recognizes this approach is a valuable technique but has gained the impression that heavy emphasis on the "buy-bust" approach has to an extent detracted from the DEA organizational mission of developing conspiracy cases in an effort to effectively immobilize high-level traffickers. It would be expected that if the FBI were to assume jurisdiction for Federal narcotics enforcement this technique would not be totally abandoned but that other investigative techniques which the FBI has used successfully in the past would be used to augment the Federal effort directed against major narcotics traffickers.

3. Foreign Involvement

Issues: 1. Perception of FBI as an intelligence agency reportedly might strain narcotics law enforcement cooperation in some foreign countries.

2. In certain foreign countries DEA apparently operates contrary to law of the host country which FBI would not do.

Two issues concerning necessary drug enforcement effort overseas have been raised during the course of this study.

There is a concern that should FBI assimilate drug enforcement responsibilities the mere name of the FBI could in some ways adversely affect the degree of cooperation received in various foreign countries. This concern is based upon the assumption that since the FBI has a national security/foreign counterintelligence mission domestically, FBI representatives overseas are engaged in endeavors in furtherance of this mission. The FBI has a very limited number of representatives overseas who act in a liaison capacity and are not involved in foreign counterintelligence activities.

We have not determined what position each and every country would take, but FBI representatives abroad and those involved at Headquarters with overseas operations felt that an FBI assumption of the DEA mission

would not adversely affect the current FBI mission overseas nor would foreign law enforcement authorities be reluctant to deal with the FBI relating to narcotics matters even though this would change the FBI presence from liaison capacity to a more operational mode.

U.S. Embassy and Consular officials, including Ambassadors where available, were contacted during this study and expressed the view that an FBI assumption of drug enforcement responsibilities would have no adverse effect on the present missions of FBI or DEA.¹

Foreign police officials, including some directly involved with narcotics enforcement, were contacted by the study team. The great majority indicated they would be in favor of such a consolidation based principally upon the FBI's overall reputation. The few who indicated they personally felt a separate agency to handle narcotics was preferable indicated they would have no reluctance whatsoever to deal with the FBI should it acquire the narcotics enforcement mission. The foreign police officials contacted did express satisfaction with DEA's foreign efforts.

The study team found no specific basis for the concern that foreign cooperation regarding drug enforcement might be lessened by an FBI assumption of these duties.

The other concern is one of the study team. In response to the emphasis on attacking the narcotics problem

¹ DEA received communications from State Department personnel at certain overseas locations expressing reservations about FBI assumption of narcotics enforcement responsibilities. Certain State Department and foreign officials have indicated preference for a continuation of the one agency (DEA) concept for drug enforcement.

at every level, DEA has greatly expanded its overseas operations and has assumed a broad operational stance in most countries where it has representation. Some countries are quite restrictive as to the degree of operational latitude given U.S. drug enforcement personnel. Law enforcement authorities in other host countries give at least tacit approval to DEA's becoming much more operationally involved, e.g., developing and operating informants, working undercover, making buys of illicit drugs, participating with the host country law enforcement personnel in investigative activity, international case making, etc.

It must be recognized, however, that associated with expansion are inherent problems of host government sovereignty, possible displacement of indigenous police functions and the appropriate development (rather than replacement) of foreign government enforcement capabilities. Cooperation of foreign governments is essential to the success of international narcotics control programs, but particularly in those countries wherein DEA has assumed a high degree of operational activity, the cooperation could become subject to extreme political sensitivity, both in the host countries and in the U.S.

DEA personnel have accepted the challenge of reducing the flow of illicit narcotics in every way possible and have given the broadest possible interpretation to guide-

lines restricting their overseas activities. This maximization of operational latitude in some areas involves DEA personnel in situations that would be contrary to host country law if undertaken by the host country law enforcement personnel. For instance, some countries prohibit their own law enforcement personnel from working undercover, some prohibit anyone from buying or possessing illicit drugs, yet DEA personnel regularly work undercover and make buys of illicit drugs in furtherance of investigative activities. Although DEA Foreign Activities Guidelines limit foreign activities to the extent permitted by host country law, DEA personnel recognize the conflicts but operate to the optimum of what is allowed by host country law enforcement authorities. Although this operational latitude is at least tacitly approved in the host country, by DEA management, and by U. S. Embassy/Consulate personnel, it could be subject to extreme controversy.

The view was expressed by one foreign law enforcement official that certain foreign law enforcement personnel are "using" DEA by allowing them to engage in activity prohibited by their own laws, regulations or policies, and if it were to become an issue DEA personnel could find themselves in violation of foreign laws and without support from officials with whom they are working. In this event, the Agents could possibly be personally liable.

Should the FBI assimilate narcotics enforcement

responsibilities, the degree of operational latitude exercised would not be as great in some countries. The FBI would not, indeed could not, operate in any country contrary to the laws of that country or the U.S.

The need for foreign activity in support of the drug enforcement mission is not questioned and the FBI would operate in a manner necessary to achieve the best possible results but within the limitations and restrictions not only of United States and international law but also with due consideration for the propriety of the particular activity. In this regard, it must be noted that DEA activity which may be tolerated might well not be tolerated if done by the FBI in view of the much higher public profile of the FBI.

In assessing what may be expected of U.S. law enforcement efforts overseas, it must be acknowledged that as long as a high demand for narcotics continues in the United States the supply will likely be sustained somewhere in the world. This will be assured by the enormous profit potential to traffickers both in foreign lands and in the U.S. Accordingly, U.S. overseas law enforcement efforts alone, regardless of the size and deployment of the force, could not be expected to substantially stem the tide of narcotics before they reach a point of interdiction at the border or arrive on the domestic

scene itself. However, some impact and success can be expected solely from the law enforcement effort. The U.S. presence in foreign countries is vital to influence through diplomacy furtherance of U.S. drug strategy, to demonstrate the high priority of the U.S. commitment to drug suppression, to aid foreign authorities in improving their own law enforcement efforts, and to carry out important operational and training activities. Encumbrances to the U.S. foreign law enforcement effort in different countries, such as restrictions of varying laws, internal political attitudes, and internal economic considerations cannot be easily overcome.

As important as the U.S. law enforcement presence is in foreign lands, more vital is the implementation of U.S. foreign policy as it impacts on crop eradication, crop substitution, and efforts to encourage greater action against the narcotics problem by the foreign governments themselves.

4. Southwest Border Operations

Issue: Magnitude of law enforcement problems, and division of authority among several agencies, affects narcotics law enforcement on Southwest Border.

The Mexican-U.-S. Border presents unique problems to Federal law enforcement agencies. Immigration and Naturalization Service (INS), U. S. Customs Service (Customs), and DEA all have a mandated interest in the flow of narcotics and dangerous drugs and traffickers in these commodities across that border.

- INS is responsible for preventing entry of any illegal, criminal, or inadmissible alien, including narcotics traffickers or addicts.
- Customs is charged with the seizure of all forms of contraband entering the U. S., including narcotics and dangerous drugs.
- DEA is mandated to enforce the Controlled Substances Act domestically as well as to influence and encourage Mexican authorities to eliminate the growth and attempt to control the flow of illicit drugs from Mexico to the U. S.
- The Bureau of Alcohol, Tobacco and Firearms, the U. S. Coast Guard, and the Federal Aviation Administration (FAA) as well as the FBI, exercise closely related law enforcement functions in the border area.

If INS or Customs discovers narcotics or dangerous drugs in the course of its border inspections, each is

obligated to notify DEA of that discovery and DEA pursues any legal process. The survey team ascertained that the biggest problem in one DEA border office (El Paso) is the amount of time that must be devoted to working referral cases based on INS and Customs interdiction of small quantities of narcotics at the border. This office had 1500 such referrals last year, and the 23 Agents assigned to that office spent over 16 percent of their time on such referrals. DEA Agents stated that seldom do these cases have any impact on slowing down narcotics traffic nor do they result in substantial convictions.

The DEA investigative thrust along this border is placed in a perplexing predicament. DEA national policy encourages the concentration of investigative resources on Class I and II traffickers yet along the border local Class III and IV violators are breaking narcotics laws, which are concurrent State and Federal violations, with impunity because of the apparent inability of the local criminal justice systems to cope with the problem. National news media have recently highlighted the sudden affluence of Southwest border communities where border property owners, destitute a few short years ago, are now conspicuous consumers with large amounts of ready cash attributable to trafficking in marijuana. DEA investigative personnel state that, despite frequent statements made to the contrary, successful marijuana traffickers along the border

also involve themselves in the trafficking of heroin and cocaine.

Some DEA border personnel are of the opinion that Class III and IV violators apprehended "either go Federal or they go free" in certain jurisdictions, meaning they will only be successfully prosecuted in Federal courts based on DEA investigations. They believe the key to successful overall narcotics investigations is utilizing the threat of prosecution against Class III and IV violators to coerce them into supporting investigative efforts aimed at apprehension and prosecution of the Class I and II violators in their supply systems. An essential element in this process is an aggressive attitude on the part of local and Federal prosecutors and some DEA border personnel feel this is, for the most part, lacking.

The survey team found the high rate of trafficking along the border has overtaxed existing DEA capabilities for maintaining a flow of intelligence information of value to investigative elements of DEA and other law enforcement agencies.

The overlapping jurisdiction and efforts of INS, Customs, and DEA; the high degree of criminality on both sides of the border; the degree of effectiveness of the Mexican police authorities; and the sheer volumes of people and vehicles crossing the border has resulted in each agency

On August 14, 1974, EPIC became operational. Probably the major achievement of EPIC is the intangible form of cooperation it has generated among DEA, INS, Customs, U. S. Coast Guard, Bureau of Alcohol, Tobacco and Firearms, Federal Aviation Administration, and a multitude of State and local agencies. EPIC itself physically resembles a wartime military combat information center and is in service on a 24-hour, seven-day-a-week basis, manned by a staff comprised of DEA, INS and Coast Guard personnel. Part of this staff, known as "The Watch Section," is trained in disseminating data and is responsive to incoming authorized inquiries. This section is primarily concerned with subject inquiries and lookout stops. Each inquiry is recorded manually, indexed, processed and retained. The other part of the staff is known as the "Analysis Section." Its function is to track events as they occur on a current basis and compare them with incoming investigative reports and updated data from the participating agencies. This section produces intelligence summary data through analysis and cross-correlation of information from all participating agencies.

EPIC is essentially a communications and data storage and retrieval center. In addition to nationwide telephone service, it has a secure teletypewriter system and extensive nationwide radio networks with Single Side

Band Radio via Telephone Patch. The teletypewriter system is extensive and is linked to the State and Defense Departments' overseas system and to the FBI's National Crime Information Center System. EPIC has a direct link to the DEA Automated Teleprocessing System (DATS). This is a nationwide multistation teleprocessing system which services 13 Regional Offices, 51 selected District Offices and 8 laboratories. This system provides rapid access to criminal, biographical and other pertinent data on any drug violator of current interest.

EPIC is in the early stages of developing its own computerized intelligence information storage and retrieval system which has been named "PATHFINDER-I." The objective of this system is to provide to all intelligence and enforcement personnel authorized to use EPIC, an integrated and centralized capability for instantaneous information dealing with known or suspected illicit drug activities. In addition to primary subjects and their aliases on file, it will also display from file known associates, cars, boats, airplanes and guns owned or found to be in the subject's possession.

EPIC also maintains an FAA air microfiche file, U. S. Vessel documentation microfiche file, INS air inspection-alien smuggling and fraudulent document indices and file, access to the California Narcotics Information Network,

and to the National Law Enforcement Telecommunications System (NLETS). The center contains an elaborate map display system of the world and other maps of pertinent areas therein where illicit drug movement, illegal entry of aliens, or smuggling of weapons and contraband are likely to occur. Through this visual aid the "Watch Section" is able to spot and trace the movement of selected targets and violators' movements and activities. Such movements or occurrences are reported to EPIC by the various participating agencies once the agencies have been notified that a "lookout" has been placed on a particular subject, vehicle or craft; e.g., the FAA will follow aircraft flights on its nationwide radar system and will keep EPIC advised via its communication network as to the location of the aircraft.

Since estimates running to nearly 90 percent have been offered as representing the percentage of Mexican heroin in the total U. S. consumption, it is difficult not to emphasize the detrimental impact border competition has on the effective accomplishment of DEA's mission. EPIC has not overcome the problem of overlapping jurisdiction, jealousies, and competition between the various agencies having border management responsibilities.

This study was not designed to provide an in-depth analysis of the overall Federal law enforcement activities in relation to the U. S.-Mexican border. Nonetheless, it is obvious there is critical need for a more coordinated, effective effort to impact on the problem from the jurisdictional aspect of many agencies. There is duplication of effort, e.g., EPIC, TECS, and INS's system which is under development, all are computerized systems designed to improve the effectiveness of the border enforcement efforts. There is serious competition among the agencies. Communications equipment varies among the agencies often making cooperative operations difficult or impossible. This wasteful duplication and competition in fulfilling border-related Federal law enforcement functions needs improvement by a strong, unified policy and closer cooperation.

The study team has no ready solution to the border problem. It is discussed here to emphasize the magnitude of the problem and to indicate that this particular law enforcement problem will not be solved merely by having the FBI assume responsibility for Federal narcotics law enforcement.

5. Informants

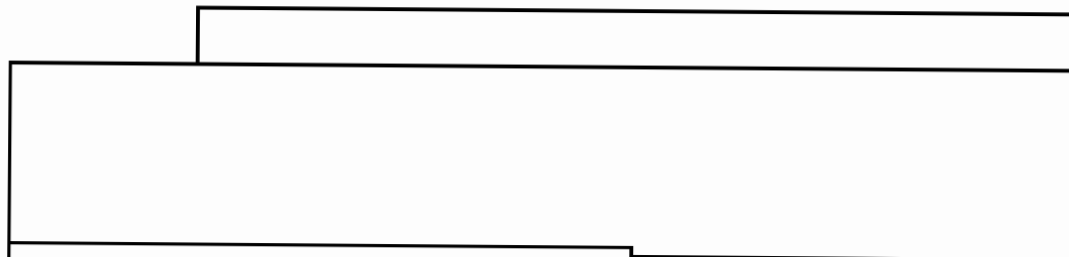
Issue: Two different approaches to the utilization of informants are used by FBI and DEA.

In enforcement activities, DEA emphasizes use of its investigative personnel and informants in undercover assignments. For the most part, its informants are developed and used on a "one-time" basis usually in connection with undercover activities to introduce an undercover Agent into an on-going criminal activity with the normal expectation that the informant's identity will be disclosed during the course of prosecution. Long-term intelligence-type informants, with possible exception of some in overseas areas, are not characteristic of the relationships entered into by DEA Agents and people who supply information to them. Many DEA Agents feel that, in order to penetrate high-level drug conspiracy organizations, there is a definite unfulfilled need for high-quality intelligence informants who can furnish needed information on a continuing basis relative to these organizations.

Of course, it is recognized that because DEA Agents are limited to the investigation of narcotics violations, their approach to informants can be narrower in

scope than that of the FBI. By way of contrast, the FBI must maintain a corps of informants familiar with organized crime and racketeering, domestic security and terrorism, foreign counterintelligence, and a whole spectrum of other criminal violations such as hijacking, bank robbery, jewel thefts, and the like.

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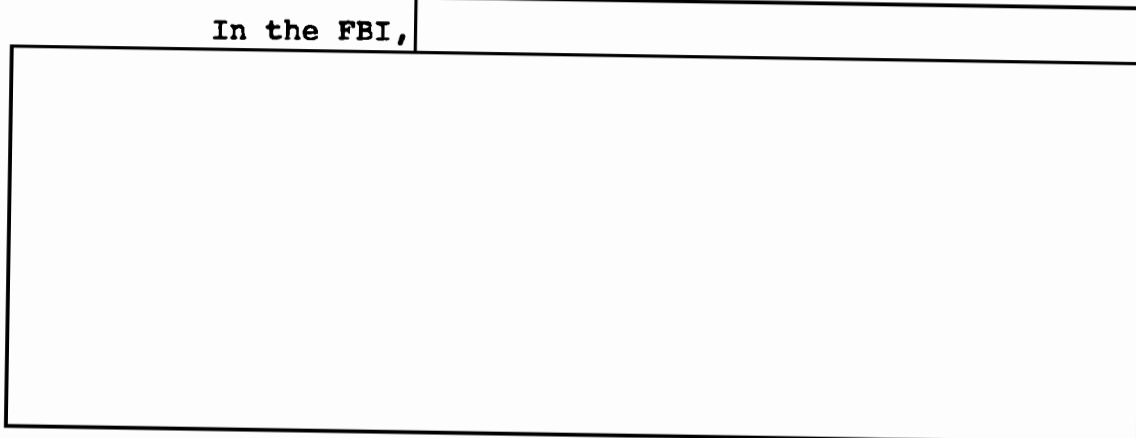
This differs from the

FBI's philosophy and policy of attempting to establish a longstanding confidential relationship with its informants. The FBI makes concerted effort to avoid compromising or identifying its informants. This has enabled the FBI to develop and operate highly placed and strategic sources in the Organized Crime and White Collar Crime fields. As a matter of policy, FBI informants are used only as a last resort for purposes of testimony, with the aim of utilizing their services in successive cases in the area of criminal activity with which they are familiar. In order to accomplish this objective, efforts are made to protect the

identity of informants and to construct a prosecutable case in a manner that precludes the necessity for informant testimony where possible.

DEA also develops sources called defendant-informants. These are persons who have been or could be arrested for violation of narcotics laws and have agreed to cooperate. This type of informant can be very effective but his use is limited to the case in question.

In the FBI,



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After the passage of three statutes in 1961 which injected the FBI into the fight against organized crime, it became clear that a successful organized crime program has two basic interrelated characteristics: (1) the ability of Agents to develop, on a continuing basis, quality intelligence information relating to persons and activities associated with organized crime; and (2) the Agents' ability to translate intelligence information developed into the

bases of meaningful prosecutive cases directed against high-level underworld figures on a continuing basis within the various criminal statutes.

The purpose of the FBI's criminal informant program is to obtain information relating to violations of law within the investigative jurisdiction of the FBI. While many other valuable sources of information are available, the use of criminal informants is undoubtedly one of the most important tools used by the FBI to gather information of significant bearing on criminal investigations.

The overwhelming majority of successful investigations conducted by the FBI have relied, to some degree or another, on the participation of informants. In many cases, informant information served as the basis for the initiation of these investigations and also provided the foundation for the utilization of highly effective investigative techniques such as long-term undercover operations and Title III electronic installations. In other situations, the course of the investigation was, in large measure, directed by the flow of informant information. In complex cases, more than one informant may contribute his or her services and information to the effort of resolving the investigation.

Experience has demonstrated that the value of an informant in an investigation varies with the nature of the criminal activity. The more complicated and sophisticated the subject matter of the investigation and the more covert the criminal enterprise involved, the greater the need for informant information. This principle is most clearly demonstrated in highly sophisticated organized crime and white collar crime investigations which almost always involve the use of informants. These cases for the most part are being investigated by the FBI prospectively, i.e., seeking information about crimes which will be committed, or which are being committed and no complaint is made.

The FBI considers it extremely important in these cases to develop as much corroborative evidence as possible and to look at each investigation from a total view. Consideration is almost always given to the lawful utilization of body recording devices and/or transmitters on cooperative individuals who are dealing with subjects, the review of financial records to develop patterns of financial activity on the part of subjects which may assist in the identification of witnesses and other subjects, and the utilization of court-approved electronic surveillance under the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

In part, the DEA domestic criminal informant program is geared toward the short-term "buy and bust" narcotics law enforcement technique. The FBI program generally is to develop a long-term association with the informant and allow him to develop within his criminal organization so he can provide the highest level of intelligence possible over an extended period of time. Information developed by FBI informants is used, insofar as possible, to develop admissible evidence from sources other than the informant, thereby developing a more reliable type of testimony and shielding the informant from unnecessary exposure.

These approaches (FBI and DEA) to the utilization of informants are different in style and philosophy. However, there is nothing involved in these differences that persuades the study team that the combining of DEA/FBI informant resources in the FBI would be counterproductive to the overall law enforcement effort. In fact, it is our opinion that the FBI informant program should enhance the narcotics enforcement effort, particularly with regard to high-level traffickers.

6. Cooperation with Local/State Law Enforcement

Issue: Would the FBI fund and participate in local/State narcotics enforcement task forces to the same degree as DEA?

DEA is charged with the development of a Federal drug law enforcement strategy to encompass cooperation and coordination with all levels of law enforcement. Over the years, DEA has provided manpower and equipment support to task forces composed of local and/or State narcotics enforcement personnel, usually in major metropolitan areas. DEA personnel and some equipment are provided at DEA expense, but operating costs and some payroll costs for assigned police officers and support personnel have been provided principally by Law Enforcement Assistance Administration (LEAA) grants. The LEAA grants for these task forces are being terminated after FY 1977, and DEA has requested funding in its FY 1978 budget to continue these operations.

According to a General Accounting Office report of December 13, 1975, entitled "Federal Drug Enforcement: Strong Guidance Needed," the mission of the task forces is to control illicit drug traffic in their geographic areas through (1) upgrading the level of drug law enforcement by local and State enforcement agencies, (2) targeting street and middle level violators, (3) directing its activities to communities where adequate resources are not available, (4) emphasizing investigations of drugs such as heroin which

produce greater danger to society as opposed to less dangerous drugs such as marijuana, and (5) coordinating its drug enforcement activities with the appropriate DEA Regional or District Office.

The in-depth training of local/State police officers, results of joint efforts, and intelligence gained from these combined operations are important benefits. Cooperation is a key to the effectiveness of overall narcotics enforcement as it is in other areas where violations cover both local/State, and Federal jurisdictions.

The FBI has traditionally cooperated with and worked with local and State agencies in all areas of mutual interest and jurisdiction. This cooperation includes participation in undercover operations in the areas of organized crime and property crime principally for the purpose of joining resources to combat large scale criminal conspiracies falling within both Federal and local/State jurisdiction.

The FBI's philosophy is that Federal law enforcement should honor the prerogative and primary enforcement responsibilities of local/State law enforcement agencies but should assist through training and cooperative functions. The Federal law enforcement effort should be primarily devoted to the multijurisdictional national, interstate, or international criminal activities. Assistance to local/

State authorities should be supportive of undiminished State and local responsibilities - it should not supplant or duplicate them, or be in competition with them.

It is realized DEA's intimate participation with the local/State police in the task force operations which involve working the lower level and street-type narcotics violations is in conformity with longstanding Federal policy of direct assistance in such matters. Nonetheless, as a general philosophy, we feel Federal efforts should be directed toward major cases involving multijurisdictional violators. Local/State authorities should discharge their responsibilities concerning the lower level violators which are principally local in nature--drug law enforcement is not a Federal problem only.

This change of approach, of course, could not be immediately accomplished taking cognizance of the fact that the entire narcotics enforcement effort in some major metropolitan areas is centered in the task force operations--both from the funding and personnel standpoints.

Certainly, should the FBI assume responsibility for Federal drug enforcement, recognition would be given to the totality of the narcotics problem and every possible measure of assistance would be given to local/State authorities to help combat this problem. This cooperation would include forming and participating in task forces where the

situation is warranted; but Federally funded and/or staffed task forces designed principally to combat lower level narcotics violations would not be the normal manner of operation.

D. PERSONNEL

1. Excepted Versus Competitive Service

Issue: All FBI employees are in the Excepted Service; most DEA employees are in the Competitive Service.

Per 28 U. S. Code, Section 536, "All positions in the FBI are excepted from the competitive service and the incumbents of such positions occupy positions in the excepted service." Further, the FBI appropriation specifically states that none of the funds appropriated for the FBI shall be used to pay the compensation of any civil service employee (construed by the Department of Justice Office of Legal Counsel to mean competitive service in light of 28 U.S.C. 536). In DEA, except for the Administrator, his Deputy, incumbents of positions in GS-16 and above, certain GS-15 positions, and up to 304 positions excepted from the competitive service under Schedule A,¹ all DEA personnel are in the competitive service.

¹ The Civil Service Commission may except positions from the competitive service when it determines that appointments thereto through competitive examination are not practicable. Such positions are excepted under criteria for Schedules A, B, and C. Positions excepted under Schedule A are, "positions other than those of a confidential or policy-determining character for which it is not practicable to examine." The Commission has granted

The major distinctions as applied here between excepted and competitive service are:

(1) FBI may hire independently of the civil service register applying its own qualification standards, whereas DEA must follow civil service competitive hiring practices (except for the Schedule A exceptions).

(2) The FBI may devise and apply its own promotional and career development program, whereas DEA applies civil service competitive procedures.

(3) DEA employees may file formal grievances under the Department of Justice grievance system which includes a formal hearing before a Civil Service Commission grievance examiner before final decision by DEA, whereas as an excepted agency the FBI may follow its own grievance procedure which does not include provision for a formal hearing.

(4) As competitive employees, those in DEA have the full protection of the Civil Service Commission's appellate and review procedures should an adverse action be taken against them (adverse action means demotion in rank or pay, suspension for more than 30 days or dismissal).

DEA authority for 154 schedule A positions for Special Agents, series GS 1811, which will include in requirements for the position the need to work in undercover assignments. These 154 excepted positions are used by DEA essentially in hiring new Special Agents. The Commission has also approved 150 Schedule A positions for Intelligence Analysts, series GS 132, because of the difficulty of hiring logical candidates through competitive procedures.

The Commission's procedures include the right of appeal to the Civil Service Commission as well as right to a formal hearing. In the FBI veterans have in effect the same protection, although the FBI follows a policy of endeavoring to not effect an adverse action against a non-veteran which would likely not be sustained by higher authority were the employee a veteran. This is done out of a quest for equity.

As the Government's agency responsible for investigation of the preponderance of Federal criminal violations along with domestic security and foreign counter intelligence, the FBI's excepted status is needed to provide maximum management flexibility, particularly in the areas of selection, discipline, deployment and advancement of personnel in a career oriented atmosphere.

In this regard, Ambassador Laurence H. Silberman, former Deputy Attorney General of the United States, on July 15, 1975, testified before the Permanent Subcommittee on Investigations of the Committee on Government Operations, U.S. Senate, which was taking testimony pertaining to Federal Drug Enforcement. His testimony in part as set forth in Hearing Report, Part 3, pages 755 and 756, is as follows:

"As you dug into this investigation, I think this committee has become aware that the protections which Civil Service gives employees,

while very valuable, are probably inappropriate in an organization engaged in direct law enforcement. You need a higher degree of discipline and you need a higher degree of flexibility of management...If this committee were to recommend Congress legislate to get it passed, which would put DEA under the same personnel status (as the FBI), I think you would do a great service to the country."

Should DEA resources be brought into the FBI, it would be imperative that those DEA employees in the competitive service be accepted as needed in the FBI only if they voluntarily acknowledge removal from the competitive service to accept an appointment in the excepted service.

In this regard, Subchapter 2, "Change from Competitive to Excepted Appointment," of Chapter 302 of the Federal Personnel Manual states:

"When an employee proposed for appointment to a position in the excepted service or for non-career executive assignment is serving under a nontemporary appointment in the competitive service, the agency may not make the excepted appointment or noncareer executive assignment or conversions thereto until the employee has:

(1) Been informed that because the position is in the excepted service it may not be filled by competitive appointment, and that his acceptance of the proposed appointment will take him out of the competitive service while he occupies the position; and

(2) Submitted a written statement to the effect that he understands he is leaving the competitive service voluntarily to accept an appointment in the excepted service."

To resolve any possible doubt as to the legality in assimilating DEA competitive service personnel into excepted positions in the FBI and to insure authority to pay them, enabling legislation should mandate that all DEA personnel transferred to the FBI be placed in the excepted service. On the basis thereof, the aforementioned Federal Personnel Manual provisions would be applied.

2. Integration of Certain Categories of Personnel

Issue: Certain categories of DEA personnel cannot be readily assimilated into FBI.

The prime resource of both DEA and FBI is the human resource. Disposition of personnel is a major consideration in any transfer of responsibilities from one entity to another, particularly where one would eventually cease to exist as an entity, in this case DEA. This action should be in concert with and be designed to best serve the basic intent and goals behind the transfer of responsibility. Change of the type being contemplated here is rarely, if ever, effected without disruption to the status of personnel. Their personal destiny was quite naturally a major concern of those DEA personnel interviewed by the study team.

The solution most palatable to all personnel would be one involving assimilation of all DEA employees interested in transferring to FBI into positions in the FBI in the same GS Grade, performing essentially the same functions and in the same location as in DEA, with this to be accompanied by no change in the status or destiny of FBI employees. This does not appear entirely possible or feasible for all employees. The conditions precedent which bear on this statement follow:

(1) The FBI would be the parent organization. FBI personnel at all levels would be needed to sustain the discharge of the FBI's traditional law enforcement mission and at the same time participate meaningfully in the enormous task of assimilating drug enforcement responsibilities into the FBI's system and mode of operations. For this reason, present FBI employees should be retained in their positions.

(2) As the larger organization, the management concepts of the FBI should prevail and be controlling. A major component of these management concepts is that since the FBI's mission is law enforcement, all activities are interrelated and, therefore, managed by career Special Agent personnel in positions classified in Series GS-1811. Top management should be retained by incumbent FBI managers to insure the continuity of the FBI management system and policies. Thus, there would not be positions in the FBI into which all DEA managers could easily and acceptably cross over.

(3) Aside from management roles, there are other DEA positions for which there are no FBI counterparts into which DEA employees could easily and acceptably cross over.

It is emphasized that the FBI would want those DEA employees who acceptably could be assimilated into assignments in the FBI; however, a detailed determination of precisely which DEA positions and personnel could logically be assimilated into FBI would be a major undertaking and was not addressed by the study team.

The reception of most DEA Special Agents in the GS-1811 Series into like roles in the FBI, including those in many supervisory assignments, can easily be envisioned. Disposition of DEA employees in certain special categories would present grave problems that would have to be addressed.

Of the 26 DEA supergrade positions (GS-16, 17, and 18), 16 are in Series GS-1811 and 10 are in other series. Should the assimilation of drug enforcement into FBI occur, it is apparent there would not be roles in the FBI into which each of the 26 DEA supergrade officials could easily and acceptably crossover. The FBI would expect to accept DEA management resources in those areas where practicable. The study team would be remiss if it did not point out that berths in the FBI for all DEA supergrade officials are not readily apparent, particularly for some in positions in other than Series GS-1811.

Again, the FBI would want and need the expertise of current DEA personnel and would expect to accept all such personnel practicable, including top management.

Similar problems are inherent in considering the disposition of DEA employees in other special categories, i.e., those assigned as GS-15 Assistant Regional Directors, for which there are no FBI counterparts, administrative officers in regions, and those mid-level and higher managers in budget and accounting and personnel management.

There are perhaps no personnel management actions in the Federal Government more grave and significant than those stemming from a transfer of functions. It is a most complicated undertaking. The study team did not consult sources outside the FBI on this particular issue, but there appear to be two potential avenues of approach. These may be termed:

- (1) Administrative, meaning accomplishment of personnel disposition essentially through a plan stemming from general guidelines set forth in the Civil Service Commission's Federal Personnel Manual, following approval of whatever vehicle is employed to mandate the transition (along with some necessary legislation) and,
- (2) Legislative, meaning providing by legislation the ground rules for disposition of personnel, in this case DEA's.

Administrative: The provisions of the Federal Personnel Manual do not provide a handy blueprint for disposition of personnel. Rather, the very complexity of the provisions designed to provide guidance to all Federal civilian agencies and departments, presents obstacles to an orderly and productive transition, which could defeat the very purposes for which the transition was initially effected, particularly when viewed in the context of the three conditions precedent. It is conceivable that a plan based only upon provisions of the Federal Personnel Manual could easily result in employees from DEA and FBI competing for positions in the FBI on bases such as seniority in the Federal service and Veteran's status. DEA employees could replace FBI personnel in roles for which they would not be adequately prepared and which would inhibit the intent of the transition. Under the administrative approach, some legislation would still be necessary to afford the FBI Director authority to place additional positions in Grades GS-16, 17 and 18 in the FBI, provide any necessary additional Executive Level positions in the FBI, and to resolve any doubt that DEA employees transferring to the FBI would be in the Excepted Service (otherwise the FBI appropriations could not even be used to pay them).

Legislative: Because of the unique nature of the situation involved, a legislative approach could be undertaken so that disposition of personnel would be in concert with conditions precedent which are responsive to the intent behind the transition. Legislation would per se orchestrate the disposition of personnel and mandate the transition as spelled out in Item A above. (Page 25)

The study team concludes that the legislative approach is the most desirable means to serve the purposes attendant to any transition.

Should transition be effected through legislative process, the FBI, working closely with DEA, would devise a plan for transition of DEA personnel to the FBI for whom there would be assignments in the FBI. DEA should make every effort to relocate DEA personnel for whom no FBI slots would be available and for those not willing to accept transfer for personal or other reasons. Should DEA have personnel in excess of the needs of the FBI, DEA should effect required reduction in force procedures. Any DEA personnel removed by reduction in force would be carried on priority reemployment rolls in the FBI for such positions as may become open consistent with their individual qualifications and the needs of the FBI.

3. Labor - Management Relations

Issue: DEA has recognized employee unions in three of its regions; the FBI is exempted from recognizing unions.

The FBI is specifically excepted from the provisions of Executive Order 11491 which enunciates the policies governing officials and agencies of the Executive Branch of the Government in all dealings with Federal employees and organizations representing such employees. This exception is based upon the FBI's broad domestic security, foreign counterintelligence, and investigative responsibilities.

DEA and its employees are covered by the provisions of Executive Order 11491. Organization of DEA employees would be on an individual region basis. In this regard, recognition has been granted by DEA to locals of the American Federation of Government Employees in its Chicago, Boston, and Baltimore regions. A contract is in effect in Chicago and contract negotiations are underway in Boston and Baltimore (the latter region currently is being consolidated into the Philadelphia Region).

Mindful that DEA has a headquarters installation, 13 domestic regions and six foreign regions, the foregoing indicates that DEA employees have not rushed to organize.

The FBI holds steadfastly to its exception from the provisions of the Order. Thus, any DEA employees becoming FBI employees would have to understand and accept without reservation that their privileges under Executive Order 11491 cease.

Unions would have to acknowledge this as well. It is observed that through its efforts, the American Federation of Government Employees was successful in attracting Congressional backing so that a provision that would have transferred 900 inspectors from the Immigration and Naturalization Service (INS) to the U. S. Customs Service was stricken from Reorganization Plan #2 which created DEA. Labor's stated position was that loss of the 900 jobs by INS would downgrade control over entrance of illegal aliens into the country, regarded as a source of cheap, hence competitive, labor. Labor could react to the loss of potential membership and the cancellation of recognition of employee unions in DEA regions by opposing FBI assumption of drug enforcement responsibilities.

V. STUDY AREAS AND FINDINGS

Much of the material in this section is an expansion of items previously set forth in Sections III and IV, "Conclusions" and "Highlights/Critical Issues."

A. ORGANIZATION, MANAGEMENT AND ENFORCEMENT STRATEGY

As Federal law enforcement agencies, DEA and FBI have basically similar goals, although their tactics, procedures, and organizational structures differ.

As of April 30, 1977, DEA on-board personnel totaled 4,031 with 950 being assigned to headquarters. The Special Agent complement was 2,016, of which 220 were assigned to Headquarters.¹

As of April 29, 1977, FBI on-board personnel totaled 19,356 of which 7,169 were assigned to Headquarters and the FBI Academy, Quantico, Virginia. Of 8,333 Special Agents, 783 were assigned to Headquarters and Quantico.

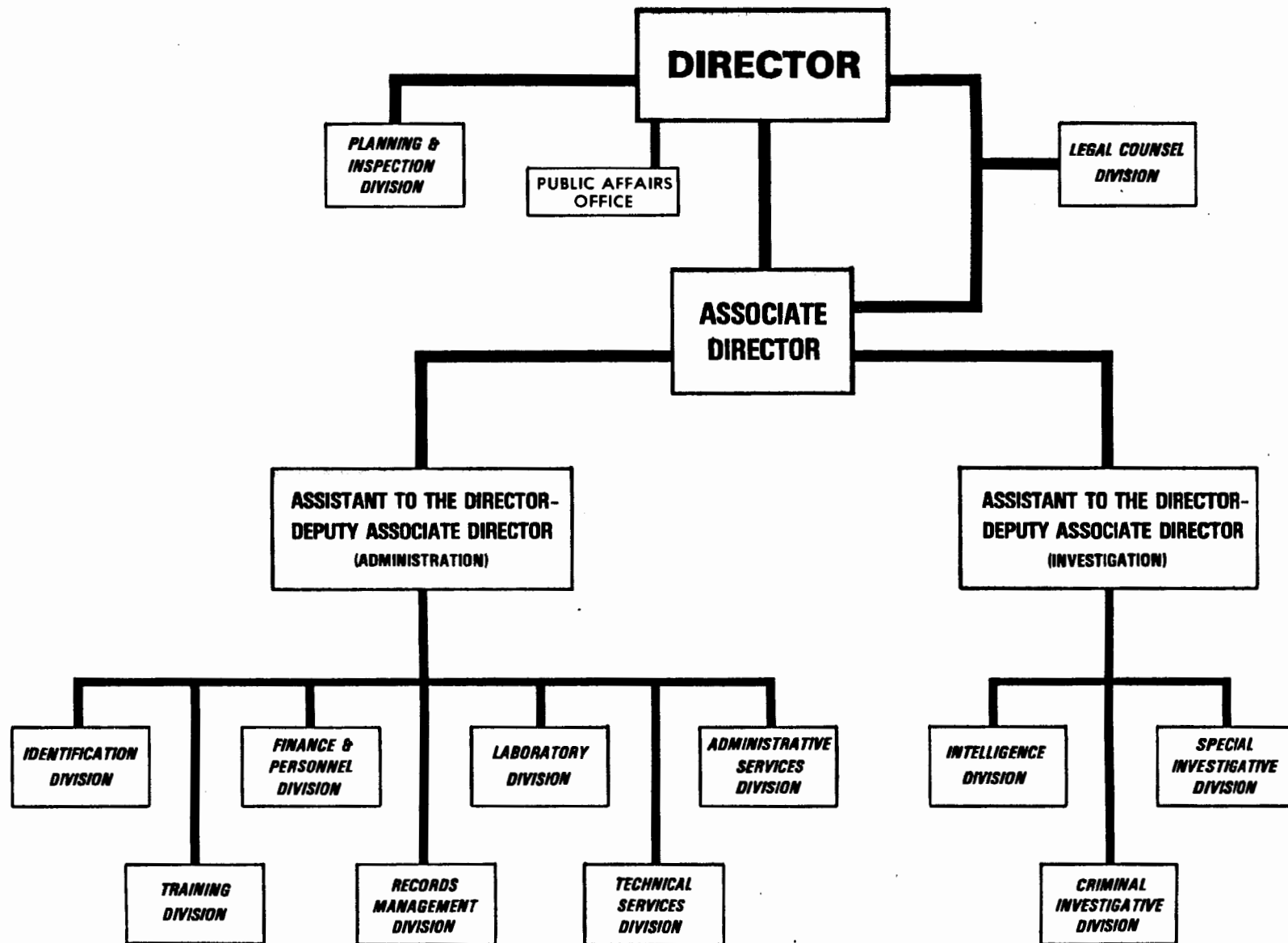
Exhibits 3 and 4 show the organizational structure of FBI Headquarters and of DEA Headquarters.

The chart for DEA shows administrative functions reporting directly to the Administrator and training and enforcement functions reporting directly to the Deputy Administrator.

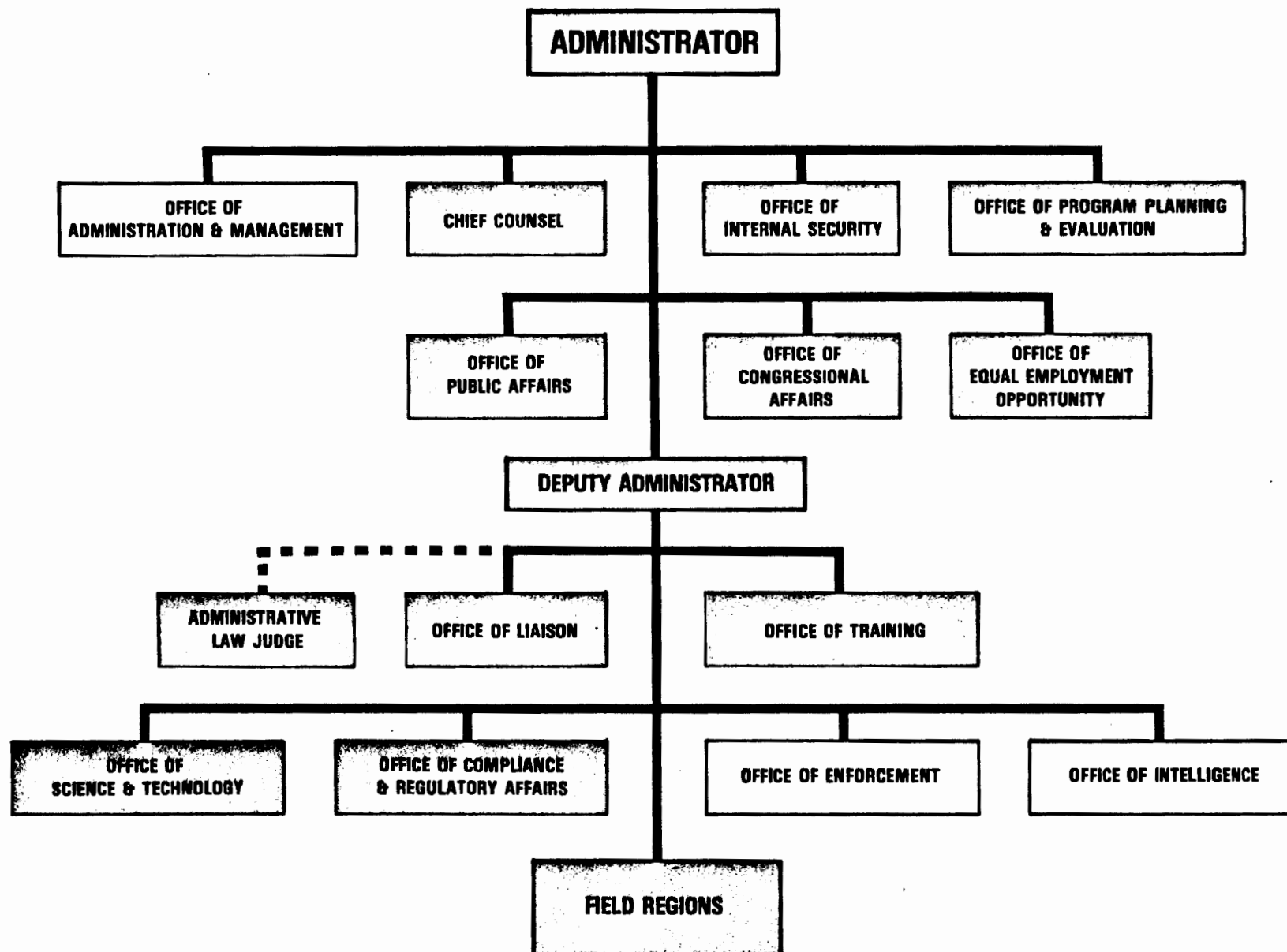
FBI Headquarters is organizationally structured with the Director, Associate Director, a Deputy Associate Director for Investigations, a Deputy Associate Director for Administration, and 12 divisions, each headed by an

¹ 785 personnel, including 112 Special Agents, are physically located at Headquarters; the remainder are at other locations but perform under Headquarters supervision, e.g., 51 Special Agents assigned inspection duties are located outside Washington, D. C.

ORGANIZATION OF FBI HEADQUARTERS



ORGANIZATION OF DEA HEADQUARTERS



Assistant Director of equal rank, 10 of whom report through the respective Deputy Associate Directors, one of whom (Legal Counsel) reports jointly to the Director and Associate Director, and one (Planning and Inspection) who reports to the Director.

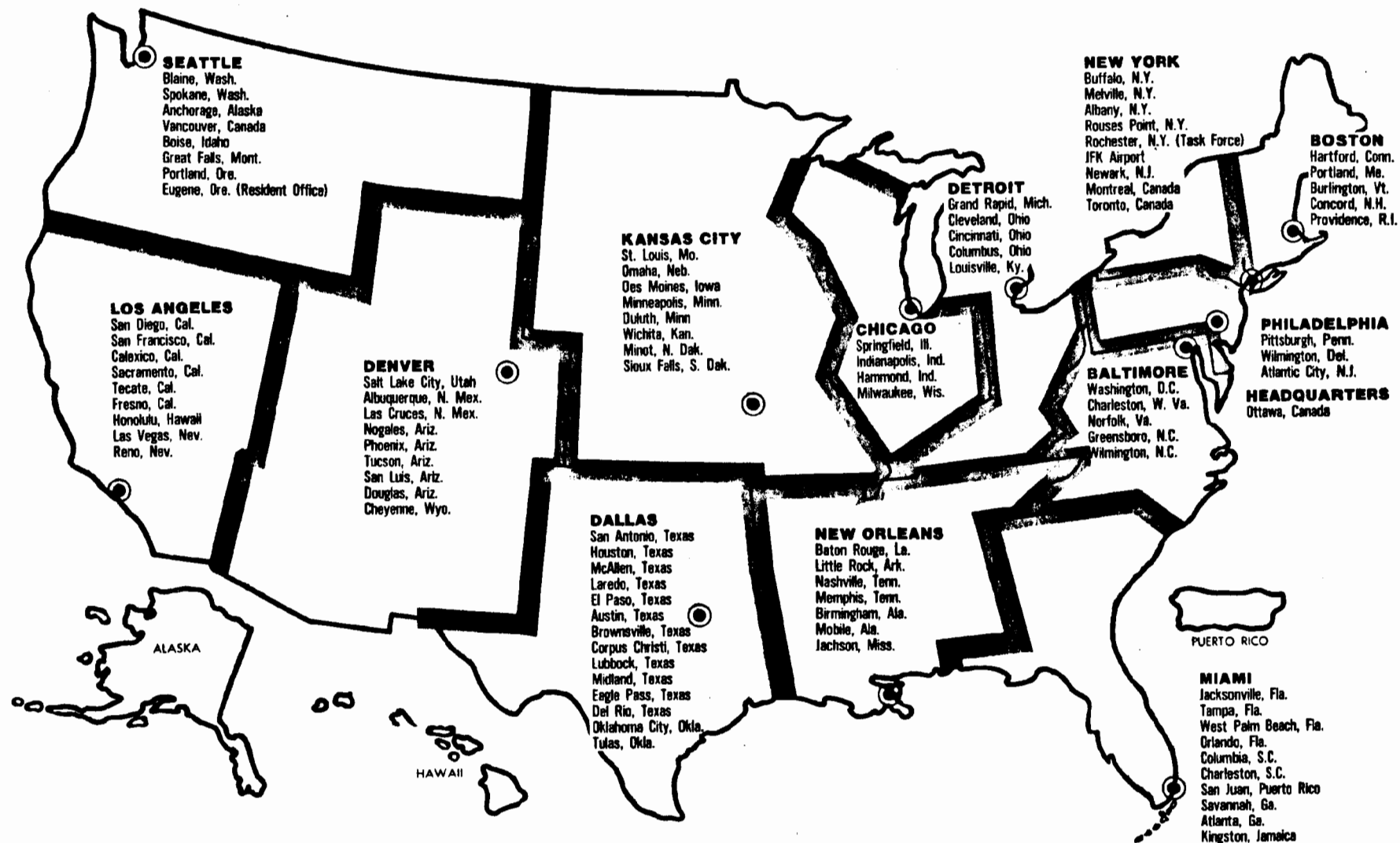
DEA headquarters is organizationally structured somewhat differently. In addition to the Administrator and the Deputy Administrator, there are three Assistant Administrators, one for Administration and Management, one for Enforcement, and one for Intelligence--the latter two reporting through the Deputy Administrator. In addition, there are several other organizational entities of varying rank, some of whom report to the Administrator and others to the Deputy Administrator.

Exhibits 5, 6 and 7 show locations of DEA domestic and foreign Regions and District Offices. For comparative purposes, the locations of FBI field offices and foreign liaison posts (Legal Attaches) are depicted with the overlays on Exhibits 6 and 7.

The FBI is organizationally structured with a headquarters, 59 domestic field offices, and 13 foreign liaison posts. The domestic field offices are supported by approximately 500 Resident Agencies. The FBI has a centralized management system as opposed to a regionalized system.

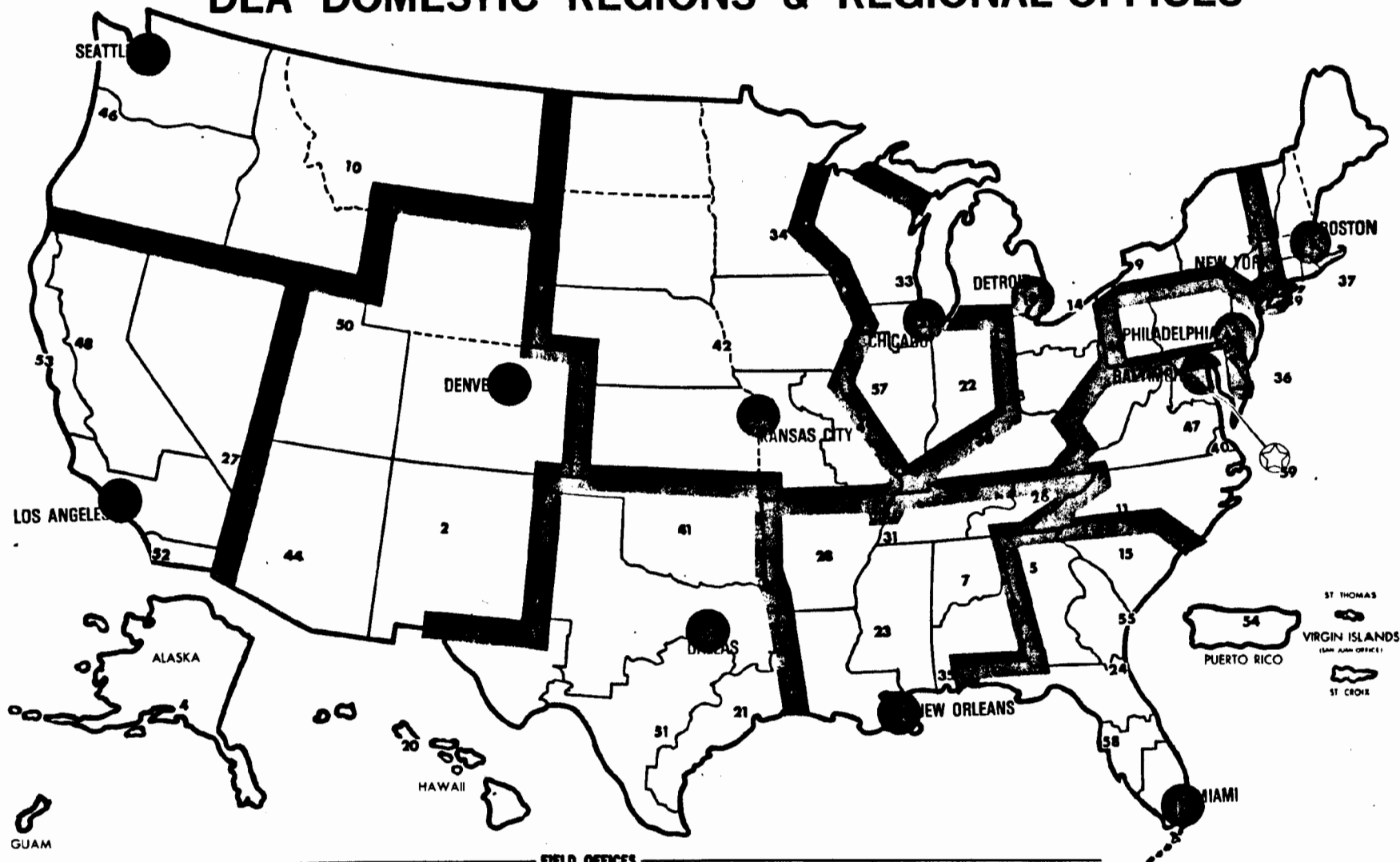
DEA is organizationally structured with a headquarters, 13 domestic regional offices, and six

DEA DOMESTIC REGIONS & DISTRICT OFFICES



FBI FIELD OFFICES

IN RELATION TO DEA DOMESTIC REGIONS & REGIONAL OFFICES



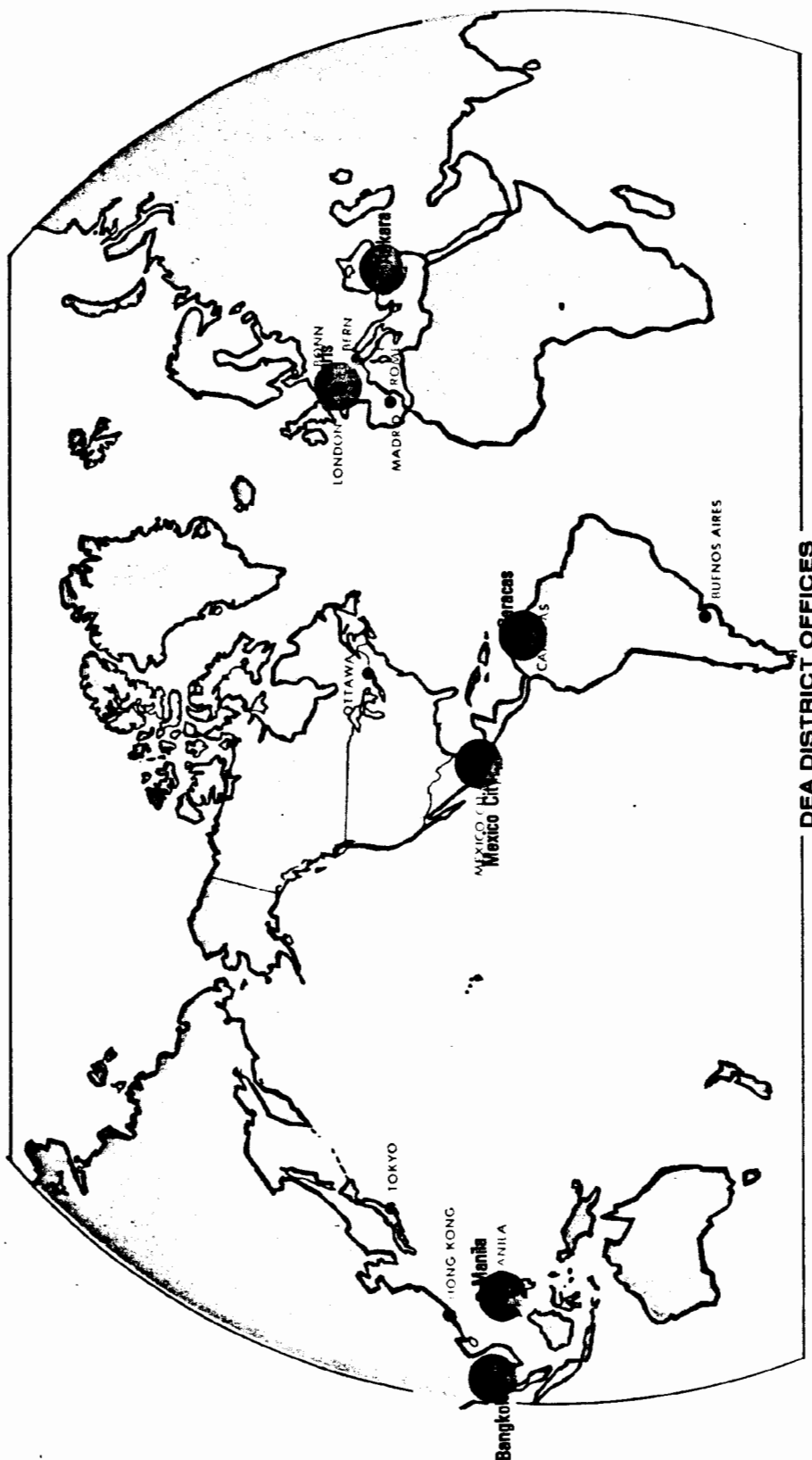
FIELD OFFICES

- | | | | | | | | | |
|---------------|--------------|---------------|-----------------|----------------|----------------|------------------|-------------------|----------------------|
| 1 ALBANY | 7 BIRMINGHAM | 13 CINCINNATI | 19 EL PASO | 25 KANSAS CITY | 32 MIAMI | 39 NEW YORK | 46 PORTLAND | 53 SAN FRANCISCO |
| 2 ALBUQUERQUE | 8 BOSTON | 14 CLEVELAND | 20 HONOLULU | 26 KNOXVILLE | 33 MILWAUKEE | 40 NORFOLK | 47 RICHMOND | 54 SAN JUAN |
| 3 ALEXANDRIA | 9 BUFFALO | 15 COLUMBIA | 21 HOUSTON | 27 LAS VEGAS | 34 MINNEAPOLIS | 41 OKLAHOMA CITY | 48 SACRAMENTO | 55 SAVANNAH |
| 4 ANCHORAGE | 10 BUTTE | 16 DALLAS | 22 INDIANAPOLIS | 28 LITTLE ROCK | 35 MOBILE | 42 OMAHA | 49 ST LOUIS | 56 SEATTLE |
| 5 ATLANTA | 11 CHARLOTTE | 17 DENVER | 23 JACKSON | 29 LOS ANGELES | 36 NEWARK | 43 PHILADELPHIA | 50 SALT LAKE CITY | 57 SPRINGFIELD |
| 6 BALTIMORE | 12 CHICAGO | 18 DETROIT | 24 JACKSONVILLE | 30 LOUISVILLE | 37 NEW HAVEN | 44 PHOENIX | 51 SAN ANTONIO | 58 TAMPA |
| | | | | 31 MEMPHIS | 38 NEW ORLEANS | 45 PITTSBURGH | 52 SAN DIEGO | 59 WASHINGTON, D. C. |

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EXHIBIT NO. 6

DEA FOREIGN REGIONAL OFFICES

[illegible]

foreign regional offices. The domestic regions are supported by 92 district offices, and the foreign regions are supported by 58 district offices. Three of the foreign regions are being phased out, two (Manila and Ankara) through consolidation and the other (Caracas) through a pilot program of having district offices in South America report directly to headquarters rather than through a region. One domestic region (Baltimore) is being eliminated through consolidation.

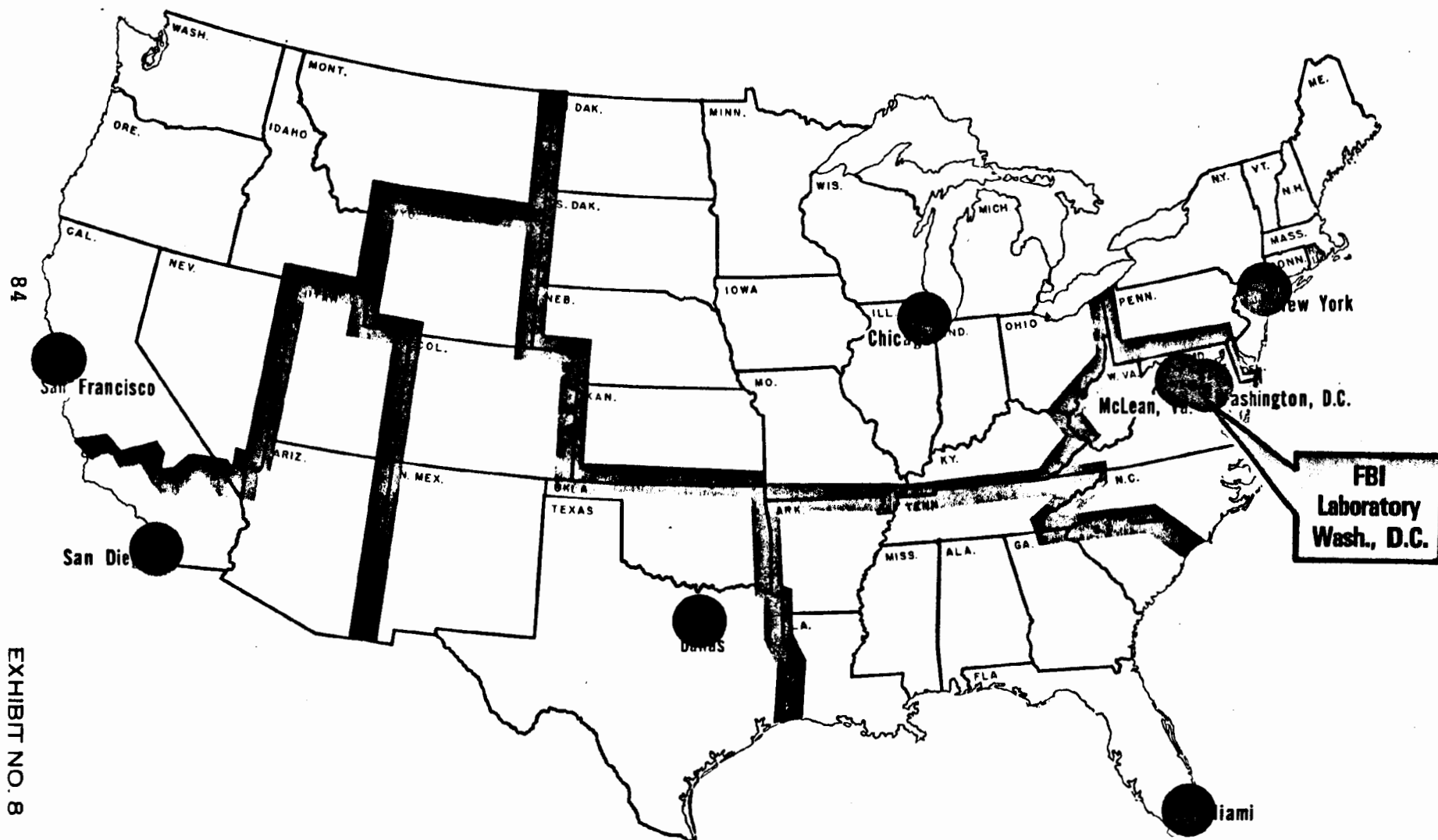
DEA has one configuration of territories in the U. S. for its operational regions (Exhibit 5), a second configuration for its laboratories (Exhibit 8) and a third for its Internal Security Regional Offices (Exhibit 9). The latter report directly to the Chief Inspector who heads the Office of Internal Security at DEA headquarters and the field laboratories report directly to the Director of Science and Technology at DEA headquarters.

Operational DEA regions are typically staffed by a Regional Director, Deputy Regional Director, an Assistant Regional Director for Administration, and one or more Assistant Regional Directors for Enforcement. Below this level are unit and/or group supervisors, varying in number dependent upon total personnel assigned. District offices are headed by a Special Agent in Charge, in some cases with an Assistant Special Agent in Charge and group supervisors, and report through the Region, generally to an Assistant Regional Director.

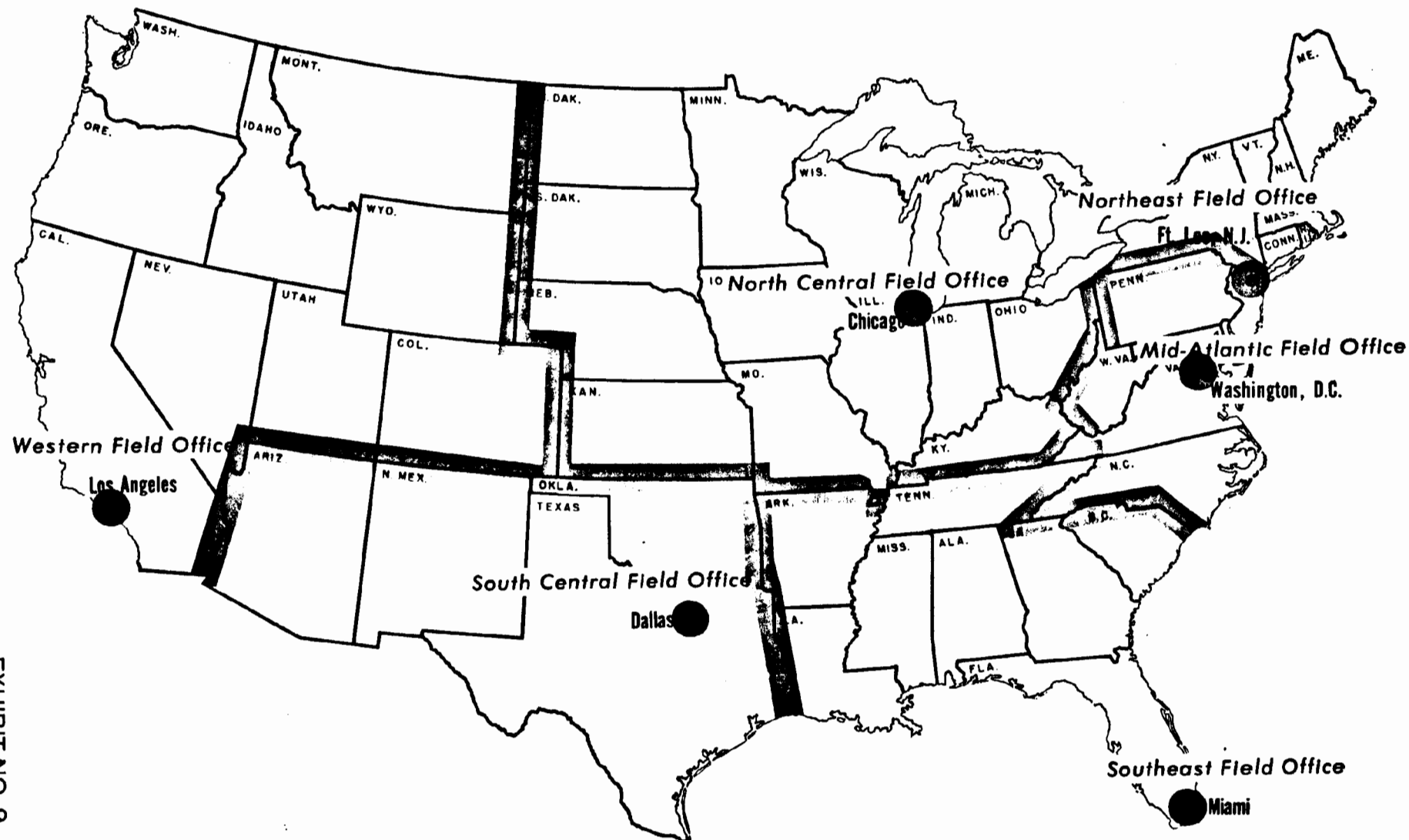
DEA FORENSIC SCIENCE LABORATORIES

SHOWING REGIONAL DIVISIONS

Special Testing & Research Laboratory in McLean, Va.



DEA INTERNAL SECURITY FIELD OFFICES



At the local level, DEA participates in task forces with local/State law enforcement agencies, these having been funded by LEAA through Fiscal Year 1977. LEAA is discontinuing funding of the task force operations and DEA is requesting funding in their FY 1978 budget to continue these operations.

In field activities, DEA regions closely parallel larger FBI field offices both structurally and operationally, except that DEA Regions have an additional layer of supervisory personnel in the form of Assistant Regional Directors. Otherwise, the Regional Director would equate to the Special Agent in Charge, the Deputy Regional Director to the Assistant Special Agent in Charge, and group supervisors to field supervisors. Further, the span of control of group supervisors is generally less than that of field supervisors who have more investigative personnel assigned. The Assistant Regional Director for Administration or District Office Administrative Officer compares in some respects with the FBI Office Service Manager.

With the FBI's centralized headquarters management system, certain administrative and support services such as budget and personnel matters, are not decentralized to the field. The district offices which report to

regional offices in DEA maintain their own files and other support systems whereas the resident agencies reporting to FBI field offices are dependent upon the field offices for files and most administrative support.

Overseas, the FBI maintains a very limited number of liaison representatives in furtherance of its criminal investigative activities. DEA, on the other hand, has assumed a broad operational stance overseas and this has led to a steady increase in personnel assigned overseas. In the past few years, U.S. narcotics Agents overseas have increased severalfold to nearly 200. DEA feels its narcotics suppression activities abroad provide substantial returns in terms of drugs removed from world-wide traffic and therefore this overseas expansion will likely continue.

Looking again at the DEA Headquarters organizational chart in comparison to the FBI Headquarters chart, it would appear most functions would readily adapt to consolidation; Chief Counsel to Legal Counsel Division; Office of Internal Security (Chief Inspector) and Office of Program Planning and Evaluation to the Planning and Inspection Division; Office of Training to Training Division; Office of Science and Technology to FBI Laboratory Division; Office of Enforcement to Criminal or Special Investigative Division; Office of Administration and Management to Finance and Personnel and Administrative Services Divisions, etc.

Two DEA offices, that of Compliance and Regulatory Affairs for which the FBI has no counterpart function, and the Office of Intelligence, would not be subject to such consolidation. As set forth elsewhere, it is believed the regulatory and compliance function should be moved to another agency. As separately addressed, the FBI has no counterpart to the DEA Office of Intelligence since the criminal intelligence function is an integral part of investigative activities in the FBI. (The FBI Intelligence Division manages operational investigative activities relating to espionage and foreign counterintelligence.)

Should FBI assumption of the DEA mission occur, it is likely that implementation would result in an excess of personnel in several areas arising from both the economies of scale and efficiencies of operating methods which would not provide for the same functional organization and staffing.

The same would apply to DEA's regional concept of operations. Should the FBI assume drug law enforcement responsibilities as the larger and parent organization, its centralized management and operational concepts should prevail.

DEA is the principal Federal agency charged with enforcement of U. S. narcotic and dangerous drug laws. Simply stated, its mission is to enforce the U. S. drug laws and to bring to justice those organizations and principal

members of organizations involved in illicit drug activities. (DEA's full mission statement is set forth in Appendix B).

DEA's stated operational strategy is to collect, analyze, and appropriately disseminate information identifying major drug traffickers and to initiate and develop investigations leading to apprehension and prosecution of these major traffickers. It employs a variety of enforcement methodologies from simple purchase of drug evidence to complex conspiracy investigations, with primary emphasis on eliminating sources of illicit drugs and disrupting the highest levels of traffic. In fulfillment of this strategy, DEA has assumed a broad operational posture in foreign countries, including international case making, strengthening of local capabilities, intelligence gathering, development and operation of informants, and undercover work.

In all enforcement activities, DEA emphasizes use of its investigative personnel in undercover assignments, and the development and use of informants. For the most part, its informants are developed and used on a "one-time" basis with the normal expectation that the informant's identity will be disclosed during the course of prosecution, and undercover assignments also are usually short-term.

In its operational activity, and as set forth in its operational guidelines, DEA is continually conscious of its limited manpower resources. A major consideration in the decision to undertake a particular investigation is the amount of manpower to be consumed. If a great deal of manpower is deemed necessary, then it is balanced against the probable outcome, generally the number of arrests to be expected. The operating philosophy seems to be one of maximizing the number of arrests and/or seizures with the limited resources available. Consequently, decisions are sometimes made to concentrate on lower-level individuals in the trafficking organizations simply because these cases provide more prompt and visible results. For instance, court-authorized electronic intercepts under provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, notorious for expenditure in manhours, are not commonly used by DEA although most investigators consider such installations to be very valuable tools against major trafficking figures. The recurrent stated reason for the limited use of Title III installations is that these installations require so much manpower that they adversely affect other ongoing operations.

Current DEA management has endeavored to redirect investigative activities to its most important cases.

In the past three years, DEA has conducted 29 conspiracy schools in which 830 DEA Agents have received extensive training regarding the philosophy and importance of conducting conspiracy investigations as well as investigative techniques.

During the same period, DEA also increased the number of technical/electronic training schools and trained 70 Agents in the application and use of sophisticated equipment in conspiracy investigations under Title III provisions.

Additionally, during the past three years, DEA Chief Counsel's Office has conducted seven schools providing conspiracy prosecution training to over 350 U. S. Attorneys and Assistant U. S. Attorneys.

As a result of enforcement emphasis and the aforementioned training, a substantial increase (40 plus%) in Class I - Class II arrests resulted in the past year. Conspiracy investigations have also increased significantly and the use of electronic surveillance nearly doubled in the same period.

In order to prioritize its investigative activities, the FBI has implemented a "quality versus quantity" concept to insure emphasis is given to major cases. In much the same vein, DEA emphasizes investigations concerning major narcotics traffickers through G-DEP. Resultant accomplishment statistics then readily show both the level of effort and the level of results against the various priorities of targets.

Current DEA management strongly emphasizes the direction of enforcement activities against Class I and Class II violators with a corresponding down-play of emphasis on violators in Class III and IV. Unfortunately, it appears the ingrained work habits and enforcement philosophies of some DEA personnel sometimes create a counter-emphasis on "buy and bust" techniques, which most often apply to the Class III and IV violators. This is attributable

in some degree to the traditions of predecessor agencies.

Drug law enforcement under Customs was predicated on the premise that hard drugs such as heroin and cocaine, being contraband, had to be smuggled into the U.S. On the other hand, BNDD and its predecessor Federal Bureau of Narcotics, believed enforcement of criminal drug laws required action similar to that in vice-type crime. This generally necessitates the participatory involvement of enforcement personnel in undercover type assignments. The Office of Drug Abuse Law Enforcement was involved with local law enforcement against the lower level narcotics violations characterized as street crime.

Over the years Customs enforcement was characterized by heavy emphasis on seizures and other Federal narcotics enforcement efforts heavily emphasized arrests. Combining of these philosophies into DEA gave it a legacy of "buy and bust" enforcement techniques as opposed to the necessarily painstaking development of conspiracy cases aimed at the upper echelons of drug trafficking.

While Class III and IV violators cannot be ignored totally as they are often the keys to development of cases against upper level traffickers, the major direction of Federal enforcement should be at the major traffickers through patient development of conspiracy-type cases.

DEA's regionalized organization has resulted in parochialism and rivalry between Regions. In practice, there are ineffective communications and lack of cooperation between DEA's Regions. DEA has no institutionalized system for enforcing cooperation between or among regions by even requiring coverage of investigative leads by one region for another. Each region sets its own priorities and may or may not elect to conduct investigation in support of another region.

Too often the individual DEA investigator is left to his own devices, usually telephonic or other personal communication with someone he knows in another region, to get necessary investigation done across regional lines.

Multifaceted conspiracy investigations in DEA almost require for success mobile task force operations which are centrally funded and directed to bridge the chasm between regions, both foreign and domestic.

In the FBI, investigations are managed differently. In the field office where the case originates, it is assigned to an Agent who is responsible for all facets of the investigation including the requesting of investigation by other field offices which must cover leads within specified times.

The FBI does not have jurisdiction over any Federal violation directly comparable to narcotics; however, the

trafficking organizations are similar to other organized criminal activity and would be subject to similar investigative techniques as applied in organized crime investigations, e.g., the development of conspiracy cases against major figures.

The FBI approach to such investigations is characterized by use of long-term informants whose identities are carefully protected and who are used for purposes of testimony only as a last resort--other means are used to verify information received from the informants wherever possible so their testimony will not be required. Title III installations are used regularly. Criminal intelligence is developed as a part of all ongoing investigations and is recorded, analyzed, and used in furtherance of the investigation at hand as well as to initiate new investigations. The criminal intelligence function is an integral part of the work of the Special Agent investigator and his supervisors. Undercover operations are usually on a long term basis.

Should the FBI be given drug law enforcement responsibilities with assimilation of certain of DEA resources, it would be expected that the FBI's more centralized organization structure would prevail. This concept has proven successful over the years for the FBI with its multijurisdictional responsibilities.

It must be noted here that federal drug law enforcement efforts have been subjected to numerous reorganizations and permutations over the years, which have not been conducive to developing for personnel structured career paths, discipline or organizational loyalties. The study team gained the definite impression from those interviewed at all levels of DEA that only in recent times has a sense of stability, both structurally and operationally, begun to emerge, and this has led to increasing effectiveness.

Enforcement effectiveness is difficult to measure, particularly in light of DEA's very broad mission statement. In concert with the primary emphasis on heroin trafficking, DEA uses as one measure of enforcement activity effectiveness the "price/purity" ratio. This measure considers that a reduction in supply (brought about by enforcement effectiveness) causes the street level price of heroin to increase and the purity level to decrease. Purity level is obtained through analysis of heroin seized and price data is collated from information developed in the course of investigations.

For instance, a recent DEA release indicated that during 1976 the street purity level dropped from 6.6% to 5.8%. In March, 1976, average street price of 6.6% pure heroin was \$1.26 per milligram; in March, 1977, the price for 5.8% pure heroin was \$1.53 per milligram. (Average addict consumption is reportedly about 35 milligrams per day).

Also used, of course, are comparative arrest and seizure figures, especially taking into account the level of the violators (G-DEP criteria). Drug abuse statistics, such as the number of heroin-related deaths, also give some indication of enforcement effectiveness when considered together with other data and trends.

Again, criminal drug law enforcement is only one of many elements affecting the overall level of illicit drug use and abuse in the U.S.

B. INVESTIGATIVE PRIORITIES AND STRATEGIES

1. Jurisdiction

DEA was established July 1, 1973, by Presidential Reorganization Plan No. 2 as the prime Federal agency charged with enforcing the U. S. narcotic and dangerous drug laws.

The investigative jurisdiction of DEA is based primarily on Public Law 91-513, dated October 27, 1970, and titled the Comprehensive Drug Abuse Prevention and Control Act, 1970.

In addition, certain provisions of Title 18, U. S. Code, 1952, Interstate Transportation in Aid of Racketeering are within the primary jurisdiction of DEA, if the unlawful activity is narcotics. If it is other unlawful activity, i.e., arson, bribery, etc., it is within primary jurisdiction of FBI. Title 18, U. S. Code, Sections 1961-1968 Racketeer Influenced and Corrupt Organizations (RICO)

prohibits infiltration of legitimate business organizations by organized crime. The "racketeering activity" defined in 1961 includes narcotics violations. Based upon guidelines approved by the U. S. Department of Justice October 15, 1970, narcotics violations falling within the purview of the RICO statute are investigated by DEA. Other violations under the RICO statute fall within the jurisdiction of the FBI.

2. Mission

DEA's mission requires it to provide a leadership role in narcotic and dangerous drug suppression programs at the national and international levels; to develop the overall Federal drug enforcement strategy, programs, and plans; and to continuously assess their effectiveness and applicability.

In its overseas operations, DEA performs under the policy guidance of the Office of Drug Abuse Policy, and the U. S. Ambassador or Consul General in the host country. Foreign-related activities are designed to stimulate international awareness of the seriousness of the illicit drug problem and commitment to its reduction, to encourage co-operation between nations in the sharing of information and intelligence, and to develop in those countries which lack them the institutional capabilities to be self-sufficient in drug suppression.

In discharging its responsibilities, DEA uses enforcement and non-enforcement programs which are intended to reduce the supply of illicit drugs entering this country from abroad or being produced domestically, and to reduce the diversion to the illicit market of legally produced controlled substances.

DEA's domestic responsibilities include enhancing the capabilities of State and local law enforcement agencies through cooperation and coordinated programs which bring greater State and local pressure to bear on the local market and which provide for attention to potential interstate and international investigations which go beyond local jurisdictions and resources. DEA also works cooperatively with other agencies on drug abuse prevention programs. Further, it regulates the legal trade in narcotic and dangerous drugs (controlled substances). This entails establishing domestic import-export and manufacturing quotas for various controlled drugs; registering all authorized handlers of drugs; inspecting the premises and records of manufacturers and major distributors; and investigating instances of criminal diversion.

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[REDACTED]
[REDACTED]

Class I and II represent the most important violators in the drug traffic while Class III and IV violators are at a less significant level. Predetermined criteria are used to establish the level of the violator and set priority action. Evaluation factors used by DEA to measure enforcement program effectiveness include retail purity and price levels by type of drugs, (price/purity ratios), enforcement manpower commitment by type of drug, and number of drug related fatalities and injuries.

4. Domestic Operations

In April, 1976, the Office of Enforcement was reorganized in order to place the operating sections under the leadership of one individual, the Assistant Administrator for Enforcement. It is his responsibility to insure that drug enforcement resources are utilized in direct conformity with the mission statement in both domestic and foreign operations. DEA's stated policy is to concentrate on four major enforcement areas:

1. Emphasizing the development of international and interregional conspiracy cases targeted against Class I and II narcotics violators, as well as the seizure of quantities of drugs and of material used in drug trafficking.
2. Attempting to increase the role of foreign governments in narcotics control efforts while gradually diminishing U. S. Government direct involvement.

3. Increasing liaison between DEA and other Federal enforcement agencies.
4. Developing State/local enforcement capabilities, thus reducing DEA's attention to lower level drug traffickers.

Although the drug investigative and intelligence functions of U. S. Customs Service (Customs) were transferred to DEA by Reorganization Plan #2 of 1973, the plan reaffirmed Customs responsibilities for interdicting all contraband, including illicit drugs, through inspection and enforcement activities at ports of entry and along the land and sea borders.

Before the reorganization, when Customs had drug smuggling investigative and intelligence authority, this agency used a variety of enforcement methodologies. They included interdiction, investigations, and intelligence gathering, which Customs considered to be fully integrated.

After the reorganization, Customs authority in this area was limited to a border interdiction program, and Customs became dependent on DEA for investigations and intelligence.

This precipitated a major conflict between the two agencies. Reorganization Plan #2 did not spell out in detail the authority of Customs in connection with its interdiction role. Consequently, jurisdictional disputes have arisen between the two agencies regarding investigations relating to interdiction. It is the view of many DEA

personnel that Customs management was unwilling to relinquish much of what had been their narcotics enforcement responsibility prior to 1973. DEA personnel claim that this atmosphere resulted in misunderstanding and duplication of investigations and is at the heart of their problem with Customs. According to DEA personnel, Customs' interpretation, in many cases, is that it has the authority to conduct investigations both in the foreign and domestic area, utilizing the necessary techniques such as surveillance and development of informants, to fulfill its interdiction mission. This brings Customs in direct conflict with DEA causing lack of coordination and duplication of investigative effort.

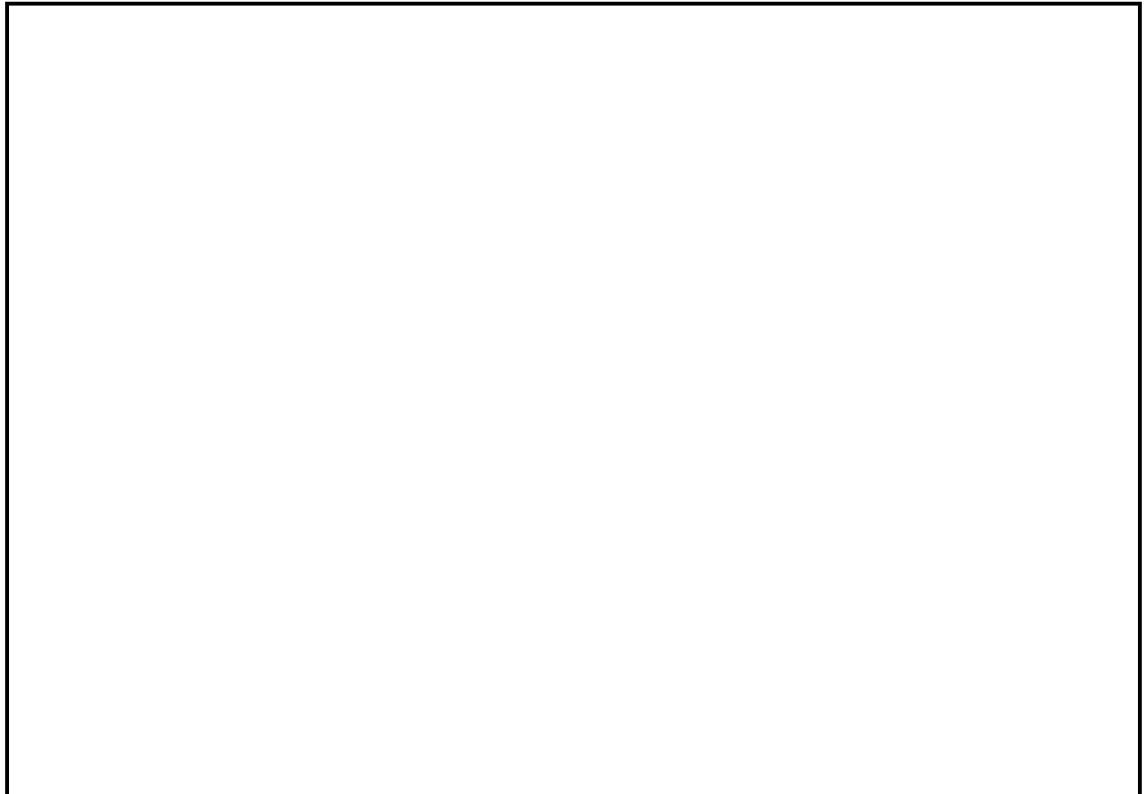
It is the opinion of the study team that DEA is attempting, for the most part, to concentrate its foreign resources on the identification of major traffickers and the elimination of sources of supply. DEA intelligence efforts, in keeping with this mission, are understandably geared towards these goals rather than the gathering of intelligence information to interdict drugs at ports of entry and along the U. S. borders.

The Commissioner of Customs and the Administrator of DEA signed an operational agreement in December, 1975, setting out areas of responsibility and mechanisms for the

exchange of needed information, and support. Based on our analysis, jurisdictional problems and rivalries still exist between the two agencies but progress has been made in coordinating their respective investigative and interdiction activities.

DEA is charged by law with the development of a Federal drug law enforcement strategy which encompasses cooperation and coordination with law enforcement agencies at all levels, both foreign and domestic.

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According to General Accounting Office Report, December 13, 1975, entitled "Federal Drug Enforcement: Strong Guidance Needed," the Task Force mission is to

control the illicit drug traffic in its geographic area through: (1) Upgrading the level of drug enforcement of local and State enforcement agencies, (2) Targeting street and middle level violators, (3) Directing its activities to communities where adequate resources are not available, (4) Emphasizing investigations of drugs which produce greater risk to society, such as heroin, as opposed to less dangerous drugs such as marijuana, and (5) Coordinating its drug enforcement activities with the appropriate DEA regional or district office.

Task Forces have been mobilized at the Federal, State and local enforcement level to enhance the commitment of all law enforcement in an attempt to reduce the availability of narcotics and dangerous drugs. The leadership in this mobilization has come from the National level through the efforts of the Congress and the efforts of the Combined Cabinet Committee on Narcotics Control which has recently been supplanted by the Office of Drug Abuse Policy.

There has been some criticism of DEA for committing too much of its resources to enforcement efforts against low-level narcotics violators (Class III and IV). Critics maintain that Class III and IV violators are the enforcement responsibility of the local and State enforcement officers. As a Federal Agency with a considerable foreign

presence, DEA is better equipped to handle the interstate and foreign trafficker (Class I and II).

It can be argued that certain advantages accrue to DEA through participation in State/local Task Forces. Many in DEA believe that the training of local police officers, as well as the intelligence gained from these operations, more than pay for the limited DEA investment. Major police departments, depending upon their sophistication, feel qualified to investigate narcotics traffickers at the Class I and II level and are not relegating their role to concentrating on middle and lower level violators. Thus, if DEA were not committed to participating in the Task Force concept, it could be placed at cross purposes with and in competition with ongoing local investigations.

In the study team's opinion, National policy should be for the Federal agency having responsibility for narcotics law enforcement to target its resources on the Class I and II violators with the understanding that local and State law enforcement must assume the responsibility for policing and enforcing local and State narcotics laws at the Class III and IV levels. Federal agencies, as a matter of policy, should limit participation in long-range task force operations designed to assist local law enforcement in fulfilling a local need and obligation.

However, a careful analysis of the task force concept on a case by case basis might dictate the use of this technique to coordinate local/State/Federal efforts against high level narcotics traffickers of mutual interest.

The FBI cooperates with and works with local and State law enforcement agencies in areas of mutual interest and jurisdiction. At the present time, the FBI in conjunction with State and local authorities, is working a large number of undercover operations in various parts of the country, particularly in the organized crime and stolen property areas. These operations, for the most part, have been funded by LEAA and involve the combination of Federal/State/local resources for the purpose of combatting large scale criminal conspiracies falling within both Federal and local/State jurisdiction.

The study team believes Federal law enforcement should: (1) honor the prerogative and primary enforcement responsibilities of local law enforcement, (2) assist local law enforcement through training and cooperative law enforcement functions in cases of mutual interest, and (3) devote its resources to the international or interstate problem (major drug conspiracies and traffickers). This should be done in close coordination with State/local enforcement elements.



The pattern of drug trafficking has undergone rapid change in recent years. Trafficking patterns, routes, and methods change quickly and major trafficking organizations develop in short periods of time, both international and interstate.

DEA does not have the necessary Agent personnel located everywhere in the United States in sufficient strength to deal with major narcotics organizations as they emerge or to deal with such organizations and traffickers as they are discovered. DEA believes that it would

not be logical or efficient to make permanent assignments of personnel in these areas because it is a transitory situation. In response to these types of situations in which concentrated expert attention is needed, and resources are not available in the areas where this investigative attention is required, DEA utilizes the Mobile Task Force concept. This type of operation which is specifically directed from its inception toward conspiracy prosecutions is identified as a Central Tactical Unit (CENTAC) investigative operation. In recent years, utilizing conspiracy-type investigative techniques (particularly CENTAC), DEA enforcement has developed some high-quality conspiracy type cases against major narcotics traffickers.

Like most law enforcement agencies, DEA is confronted with a major problem following the arrest of violators. Under current Federal law, even the most notorious drug trafficker will usually be released on bail soon after arrest. Consequently, raising and then forfeiting bail becomes just another cost of doing business. Studies have shown that a large number of individuals arrested for trafficking are implicated in post-arrest drug trafficking while on bail. Other studies show that a large number of individuals arrested as drug traffickers post bail and then

flee the country. DEA has not concentrated on the location of fugitives and for the most part fugitive work is considered part of its "other duties" and is not given priority attention.

The uncertainty of a meaningful sentence, the absence of stricter bail release procedures, and the lack of a strong penal sanction against drug traffickers has severely handicapped DEA's enforcement mission.

Currently, the FBI is charged with a diverse jurisdictional span encompassing many categories of investigations including criminal, civil, applicant, domestic security and terrorism, foreign counterintelligence, and civil rights.

Through the cultivation and development of long-term informants and the employment of investigative techniques--including undercover operations, Title III installations, and dissemination of information throughout the law enforcement community--the FBI has attempted to stress the importance and need for a quality versus quantity approach to its investigative duties. In essence, this approach dictates that investigative and administrative resources be committed to the development of "impact" cases calculated to result in the conviction of major criminal operatives and in the disruption of their widespread conspiracies.

FBI Agent training procedures and disciplines oriented towards conspiracy type violations would, in our opinion, be an asset to the investigation of illegal drug trafficking.



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The FBI has a strong background and experience in developing and using technical support and regularly uses legal Title III intercepts to effectively attack organized crime. This experience would be valuable and would lend expertise to drug enforcement.

In addition, the assimilation of DEA resources into FBI would enable heavier across-the-board coverage based on the larger reservoir of manpower coupled with the wide deployment of Agent personnel throughout the country. In this regard, DEA reports that the drug problem has substantially expanded in the past ten years. It is no longer

just a major city problem, but a situation where drugs are prevalent to a much greater degree throughout the entire country.

It is the view of the study team that in like manner, the specialized expertise developed within DEA pertaining specifically to narcotics law enforcement, informants and assets used by DEA, should enhance the law enforcement effort against organized crime, general criminals and white collar criminals in areas now the responsibility of the FBI. DEA Agents have experience in undercover operations which would be a valuable resource for enforcement efforts against numerous Federal crimes.

In many ways, narcotics work is a specialized area, but it does consist of groups of criminals conspiring to control and distribute high-value illicit goods for which there is a continuing demand; as such, it is not totally different from the other goods and services supplied by organized crime and other professional criminals in response to the domestic demand.

In our view, loan-sharking, extortion, fencing of stolen property, gambling, labor racketeering, pornography, and the dealing in narcotics and dangerous drugs are at the very heart of organized criminal activity. It has been

the experience of the FBI that unlawful conduct in these areas must be completely and thoroughly investigated through the use of investigative procedures characterized by a nationwide teamwork approach.

Based on analysis by the study team, provisions as set forth in the Controlled Substances Act of 1970 and in particular Title 21, U.S. Code, Section 848, (Continuing Criminal Enterprise), and the Racketeer-Influenced and Corrupt Organizations statute, Title 18, U. S. Code, Sections 1961-1968, are invaluable tools that can be utilized to neutralize large-scale drug and organized criminal conspiracies both foreign and domestic. It does not appear that DEA has taken full advantage of these statutes, both of which have forfeiture provisions. Title 21, U. S. Code, Section 848, (five or more persons, one of whom occupies a supervisory position, commit offense listed as felony under Controlled Substances Act), mandates a minimum sentence of 10 years for a first offense and 20 years for a second offense. The FBI has had considerable success using the RICO statute in its organized crime investigations. If the FBI were given the responsibility for narcotics enforcement, it would employ both of the above-mentioned statutes to the optimum in attacking the drug problem.

Should the FBI be given Federal drug law enforcement responsibilities with the conditions precedent spoken to elsewhere being met, basic enforcement improvements could be expected. These would flow from: The focusing of both agencies' personnel and resources on organized criminal elements now being attacked separately from different jurisdictional standpoints; the increased national coverage by greater deployment of enforcement personnel; and the combined expertise of FBI/DEA manpower and operational assets.

5. Foreign Operations

On March 28, 1973, the President submitted to the Congress Reorganization Plan #2 of 1973. In his transmittal message, the President stated that among DEA's major responsibilities would be the "conduct of all relations with drug law enforcement of foreign governments, under the policy guidance of the Cabinet Committee on International Narcotics Control." The President further stated that, in establishing DEA, "We can enhance its effectiveness, with little disruption of ongoing enforcement activities, by merging both the highly effective narcotics force of overseas Customs agents and the rapidly developing international activities of the Bureau of Narcotics and Dangerous Drugs into the Drug Enforcement Administration. The new agency would work closely with

the Cabinet Committee under the active leadership of the U.S. Ambassador in each country where antidrug programs are underway."

DEA derives its authority to operate in foreign countries from Executive and Congressional proclamations in connection with Reorganization Plan #2, and from the following sources:

Article 35 of the 1961 Single Convention on Narcotic Drugs which embodies the procedural responsibilities of signatories to cooperate internationally.

Formal written Agreements, Protocols, Terms of Reference, Letters of Exchange or Memoranda of Understanding between the host country and the United States Government.

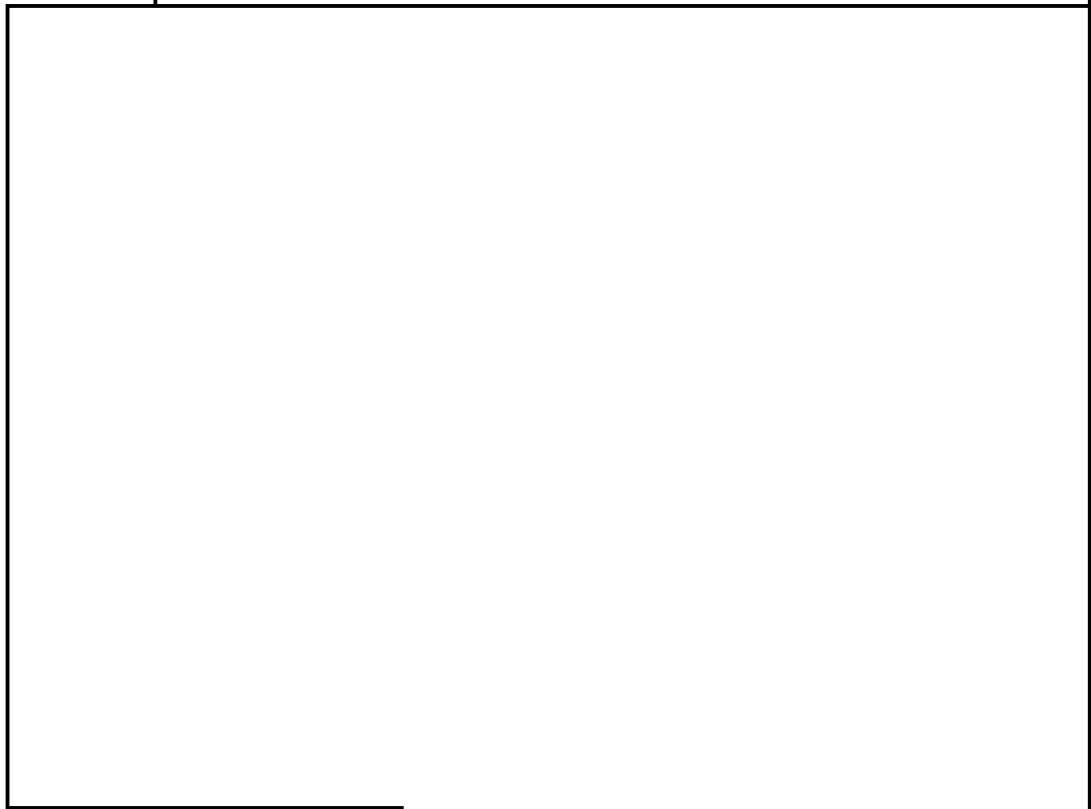
Informal agreements between the United States Government/DEA and host governments, their designated drug control agencies, and authorized host country officials.

Regulations, orders, manuals, notices and other policy guidance and guidelines issued by the Department of Justice or DEA, including DEA Foreign Activities Guidelines.

In dealing with foreign drug law enforcement officials, DEA acts under the policy guidance of the Office of Drug Abuse Policy, the Secretary of State and specifically the U.S. Ambassador assigned to each country. Since most of the serious drugs of abuse in the United States originate in foreign countries, DEA places a high priority

on encouraging the greatest possible commitment from other governments to concentrate on all aspects of illicit production and distribution of drugs. The stated primary mission of DEA in foreign countries is to assist host government authorities in preventing supplies of illicit drugs from entering the illicit traffic affecting the United States.

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Finally, significant U.S. resources have been allocated to aiding in the illicit crop destruction and crop substitution programs.

The enactment of Public Law 94-329, "International Security Assistance and Arms Export Act of 1976" (The Mansfield Amendment) had a direct bearing on the scope of DEA activities abroad. Section 504 of this Act provides as follows:

"(c) (1) Notwithstanding any other provision of law, no official or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts."

Interpretation of this amendment by DEA is based on dialogue prior to the enactment of Public Law 94-329 between Senators Percy and Mansfield, to which there was no objection, quoted as follows:

"This amendment does not preclude American Narcotic Agents from engaging in other activities which are permissible under the law of the host nation and which would be of great help in the enforcement of Federal drug laws here in the United States. These include principally: undercover operations or other information gathering methods, not involving the use of force, for acquiring tactical and strategic intelligence;--the handling and development of informants; evaluating intelligence, information gathering, and drug law enforcement operations of foreign police officials to undertake special surveillance assignments, or contracting with private parties and informants to undertake such activities."

DEA has concluded that the Mansfield Amendment does not preclude American narcotic Agents from engaging in other activities which are permissible under the Public Law of the host nation and which would be of great help in the enforcement of Federal drug laws in the United States.

In response to the passage of the Mansfield Amendment, DEA set forth guidelines covering certain aspects of the activities of United States narcotics enforcement personnel abroad, including limiting their activities to the extent allowed by host country law.

DEA Agents are operational in many foreign countries to the degree of investigating cases, making undercover buys, developing and operating informants for the purpose of interdicting narcotics, as well as establishing international conspiracy cases and having local traffickers arrested under host country laws. According to DEA personnel, this presence is absolutely necessary to the U. S. drug law enforcement effort. This operational posture is maintained in certain countries dependent upon the sophistication of the host country police and the dedication of the host country towards the eradication of narcotics abuse, with the concurrence and approval of DEA headquarters and the State Department. DEA presence during raids and arrests in the past has resulted in the obtaining of valuable evidence, as well as the development of significant intelligence regarding ongoing investigative matters. In addition, many host countries view the narcotics problem as an American one, and are willing to assist the American Government in neutralizing the traffic in illicit narcotics but are not willing to commit their resources to this end without American assistance.

What has resulted in some countries is a system of enforcement and intelligence gathering operations which is paid for, directed, and controlled by DEA but which operates under the auspices of host country participation.

DEA Agents, for the most part, believe that the DEA Foreign Activities Guidelines have shown a lessening of U. S. resolve in combatting illegal narcotics traffic. They base this conclusion upon the feeling that the discontinuation of bilateral enforcement efforts and a lesser degree of direct law enforcement participation by DEA personnel indicates to foreign governments in a very fundamental way a decreased interest by the U. S.

Many DEA personnel feel that the foreign guidelines go well beyond the scope of the Mansfield Amendment and effectively limit DEA operations to one of liaison and intelligence gathering through the local police. Nevertheless, DEA foreign personnel are still expected to target their activities at major violators. DEA Agents believe that in order to accomplish this end, activities necessarily require aggressive operational involvement. As Agents view it, their operational mandate and the guidelines are inconsistent. DEA Agents are confused as to their foreign mandate. This confusion is based on whether or not they should actively investigate on their own initiative or limit their activities to the collection of intelligence and liaison.

Information was developed during the course of this study that DEA Agents are operating in many countries, e.g., in Mexico, South America, and Thailand, at least in a technical sense contrary to host country laws. This conduct ordinarily occurs with the acquiescence of host country law enforcement officials, it being a means of accomplishing something they cannot do themselves, and as an accommodation to DEA. Such courses of conduct are reportedly with the concurrence or with the acquiescence of the U. S. Embassy and DEA Headquarters. This activity is generally not provided for in any written agreement, either between DEA and State, or between the host government and our government. Under this oral or tacit authority, DEA Agents make undercover buys, purchase evidence and information, and carry weapons in certain countries where law reportedly prohibits such activity. This operational position is taken in order to further DEA's foreign mission as DEA Agents perceive it, i.e., the interdiction of narcotics and the incarceration of drug traffickers.

DEA personnel in many countries admittedly have interpreted foreign law to be consistent with any activity made allowable by host government law enforcement officials and not necessarily that of the judicial and executive branches of the government.

The FBI domestic security and foreign counter-intelligence missions would not adversely affect FBI investigation of narcotics violations in foreign countries as previously addressed in this report. The FBI would operate in foreign countries to the degree necessary to fulfill its mission but would not under any condition operate or investigate in any manner contrary to the laws of the United States or the host country. In those countries where active investigative techniques would be lawful, the FBI would request the Attorney General to secure practical resolutions of the legal issues, supported by appropriate Federal legislation and executive branch authorization as necessary. To do otherwise, could place individual investigative personnel in jeopardy of foreign prosecution and civil liability if they did not have diplomatic immunity.

6. Intelligence Operations

The responsibility for controlling illicit drug traffic is a most challenging and difficult one. Determining the identity and modus operandi of illegal drug traffickers and taking the necessary action to apprehend those responsible or prevent the action altogether requires accurate, timely intelligence. Tactical and operational intelligence are vital to effective enforcement and strategic intelligence is vital to management.

basis as Special Agent investigators. This is in addition to the extraction and collation of data from reports and other documents. Also, on occasion, intelligence personnel debrief operational informants and DEA Agents to obtain intelligence data.

Currently, 336 DEA employees are devoted to the intelligence function as follows:

	<u>Headquarters</u>	<u>Domestic</u>	<u>Foreign</u>	<u>Total</u>
GS-132	57	30	15	102
GS-1811	13	123	7	143
Professional/ Technical	28	9	1	38
Clerical	23	27	3	53
Totals	121	189	26	336

As DEA management has attempted to direct enforcement efforts toward major narcotics traffickers and away from the lower-level violators, it has recognized the essential need for a sound intelligence data base to supplement the investigative efforts. Our study has led us to the opinion that Federal narcotics enforcement personnel over the years, have not received the training, direction, control and/or discipline necessary to record detailed data in the form of reports of all investigative activities - either enforcement

or intelligence. For this reason, DEA's system of records did not contain the necessary base of intelligence data. Apparently, the separate intelligence function was established as a remedy.

As presently exercised, it is relatively new and management is enthusiastic about its potential value. Many DEA investigative personnel, especially those at the street level, advised they have not yet realized tangible benefits from the intelligence products they have received. The Agents continue to resort to their own devices to obtain the intelligence they feel necessary in conjunction with their ongoing investigations; therefore, it appears there has not yet occurred an effective melding of efforts between the enforcement and the intelligence personnel at a working level. The exception to this is EPIC which is well regarded by DEA Agents.

The FBI has always approached the criminal intelligence function as an integral part of the investigative function and has historically required the meticulous reporting of results of all investigative activities. The data reported is then retrievable and available for use in continuation of the same case or to supplement work in other cases. The FBI utilizes a decentralized approach to the collection of criminal intelligence information.

Reports of investigative activities, including information from confidential sources and other investigative techniques, are reviewed by a specific program coordinator in the field office and pertinent data is reported to FBI Headquarters for purposes of program overview. Service and support personnel are utilized to collate information both in the field and at Headquarters but their activity is limited to support and not operational input. It is the responsibility of the case Agent or the program coordinator to insure necessary correlation of all investigative and intelligence data pertinent to ongoing or contemplated investigations.

The criminal intelligence function in the FBI, because of the nature of its investigative procedures and the multitude of violations for which the FBI has responsibility, has not been and could not be separately delineated with any degree of efficiency or economy. To separately delineate this function in an organization with the many responsibilities and priorities which the FBI has would cause duplication of resources, personnel, and effort on common investigative problems which could and should be handled by the investigative Agent and his immediate supervisor with programmatic overview at the Headquarters level.

The above is not to downplay the importance of criminal intelligence information to the success of investigative activity; rather, it is a statement of law enforcement philosophy based upon the collective FBI experience of the study team and reinforced by the opinions of many of those interviewed in DEA.

Should the FBI be given Federal drug enforcement responsibilities, and in conjunction therewith assume certain DEA resources, the separately delineated and staffed intelligence function of DEA would not be subject to assimilation in its current organizational form.

Investigative personnel who become part of the FBI would be trained and expected to perform in accordance with the FBI system.

C. COMPLIANCE AND REGULATORY FUNCTIONS

The goal of the DEA compliance effort is to eliminate the diversion of legitimately produced controlled substances into the illicit drug market. Under the Controlled Substances Act (CSA) of 1970, the Attorney General is charged with regulating the legitimate manufacture, distribution, dispensing, prescribing, importation and exportation of controlled substances as well as the scheduling of such substances. Under the law, every person engaged in or proposing to engage in these activities is required to obtain an annual

registration from DEA. Registrants may be subject to timely inspection and/or investigation to determine that they comply with the provisions of CSA.

Compliance and regulatory operations are directed by the Office of Compliance and Regulatory Affairs at DEA Headquarters. This Office is divided into the Compliance Division, the Regulatory Control Division, and the Regulatory Support Division. DEA Office of Chief Counsel, since the inception of regulation under the CSA, has been the primary source of legal advice when requested by the Office of Compliance and Regulatory Affairs. The program responsibilities focus on five basic areas:

Scheduling and determining which drugs are to be "controlled" by the Federal process. Based on medical and scientific evaluation by the Secretary of Health, Education, and Welfare and his recommendation.

Establishing quotas which essentially take into consideration the demand and need for Schedule II "controlled" drugs and which set production schedules at both the aggregate and individual producer levels. (See Appendix D for Scheduling Criteria.)

Registration of all practitioners and legitimate distributors or handlers of "controlled substances."

Compliance investigation of manufacturers and wholesale distributors to insure compliance with quota levels and distribution to licit retail distribution systems.

Leadership and training directed at State and local efforts to curtail illicit diversion of legitimate drugs by retailers.

Scheduling: Scheduling is handled by the Regulatory Control Division which is staffed by eight people at Headquarters. Schedule I drugs cannot be prescribed; Schedule II drugs are the most potentially harmful prescribable drugs; Schedule III and Schedule IV drugs are less potentially harmful. This program is essential to assure that substances with abuse potential are appropriately scheduled in accordance with their degree of harmful effects. Prioritizing of all of DEA's activities depends heavily upon the schedules in which substances are placed. For example, given investigative options involving substances in Schedule II or Schedule IV, all things being equal, DEA will opt to concentrate on investigations involving Schedule II substances. Another consideration is medical usage. Given a choice, physicians generally prefer to prescribe less harmful substances in treating their patients. In addition, the security and record keeping requirements are different for the various schedules. Therefore, accurate scheduling is important and of interest to both law enforcement and the registrants. Through the scheduling process, practitioners

will be advised of the relative harm among drugs, the continuum being Schedule II substances at the top of the list of harmful substances which can be prescribed, and noncontrolled prescription drugs and over-the-counter drugs at the bottom. Obviously, drug manufacturers and distributors are adversely affected as their products become scheduled higher. Coordination with the Department of HEW, Food and Drug Administration (FDA) and the National Institute on Drug Abuse, is required by law before scheduling can take place. Once a decision is made and input is received from HEW, regulations to control, decontrol, or reschedule are published in the Federal Register. Providing these decisions are not successfully contested, they become effective in 60 days in accordance with the Administrative Procedures Act. Neither DEA nor its predecessor agencies have received negative decisions in the few administrative hearings held to date.

Establishing Quotas: The Regulatory Control Division collects necessary information from HEW, industry and other sources to evaluate and establish annual production and procurement quotas for all Schedule I and II controlled substances. The purpose is to identify potential diversion of controlled substances from legitimate channels of distribution and to move towards assuring that substances available in the legitimate sector do not exceed legitimate medical needs. DEA also has

the responsibility to follow export and import permits and declarations and prepare reports for the United Nations.

Registration: The regulation of drug handlers is supervised by the Regulatory Support Division. This program annually screens applicants and issues registrations to legitimate handlers of controlled substances. This is essential in order to track the flow of legal controlled substances through the normal drug distribution chain and to ferret out diversion. Regulatory authority is derived from CSA and, as of June 30, 1976, there were over 530,000 registrants in the Master File. Registrations of all practitioners are coordinated with State licensing agencies.

This Division supervises the Automated Reports and Consummated Orders Systems (ARCOS), a computerized system designed for use in the collection and compilation of drug distribution data required to produce estimates of drug requirements for the United Nations according to the U. S. Treaty obligations under the 1961 Single Convention on Narcotic Drug and Psychotropic Convention.

ARCOS also provides information sufficient to measure the extent to which legitimately manufactured controlled substances are maintained in legitimate channels. ARCOS provides geographic identification of areas where diversion is occurring and data regarding the level in the drug distribution chain where such diversion is occurring.

The Regulatory Support Division also coordinates information received from the Drug Abuse Warning Network (DAWN), a program developed for the purpose of gathering, interpreting and disseminating statistical data on drug patterns and trends from 24 standard metropolitan areas throughout the country. Drug abuse statistics are gathered on a routine monthly basis from approximately 1,000 facilities (hospital emergency rooms, medical examiners, and crisis centers). DEA directs the information to its enforcement, intelligence, compliance and scheduling programs in addition to providing these data to other Federal agencies and the pharmaceutical industry for their forecasting, education, prevention, treatment, and rehabilitation programs.

Approximately 3,000 registrants are manufacturers, distributors, importers/exporters, and others handling large volumes of controlled substances or otherwise requiring special attention. DEA has the responsibility to deter and prevent diversion from these registrants.

Compliance Investigations: The investigation of applications for registration and registered handlers of controlled substances and the monitoring of transfers of controlled substances between legitimate handlers are a responsibility of the Compliance Division. Inherent in this responsibility is the initiation of administrative, civil, and criminal

action against violative registrants and those acting as registrants without appropriate authorization. There are currently 198 compliance investigators in DEA and eight unfilled vacancies; 192 compliance investigators are in the field and six at headquarters. During FY 1976, 1,690 investigations were conducted which resulted in 389 letters of admonition, 73 administrative hearings, 28 arrests and 10 civil complaints.

Letters of admonition are used when violations are not of such a serious nature as to warrant further legal action.

Administrative hearings may be heard before the Administrative Law Judge at DEA Headquarters or before Regional Compliance Chiefs in the field. The administrative hearings at DEA Headquarters before the Administrative Law Judge result from an order for the registrant to show cause why action should not be taken against him. As a result of these hearings, recommendations are made by the Administrative Law Judge to the Administrator of DEA who authorizes final action. Any relief from the decision of the Administrator must come from the Federal courts.

Administrative hearings before Regional Compliance Chiefs usually generate what is called a "Memorandum of Understanding" between DEA and the particular

registrant involved wherein the registrant agrees to take certain actions, usually of a compliance and corrective nature, for which DEA will respond in kind with a registration or other allowance.

Administrative hearings are usually not appropriate in cases in which criminal prosecution is definitely anticipated. In such cases, an administrative hearing is not heard without the concurrence of the local U. S. Attorney. As mentioned above, the Office of Chief Counsel is the primary source of legal advice and guidance. That Office reviews all requests for issuance of show cause orders and provides legal assistance in the preparation and conduct of administrative hearings.

The Compliance Investigators conduct regularly scheduled audit inspections primarily of manufacturers and distributors. DEA concentrates on firms with violative histories or firms whose controlled substances are found in the illicit traffic. The CSA requires that firms manufacturing Schedule II substances be inspected annually.

Each region has Compliance Program Managers who are responsible to the Deputy Regional Director. Plans are under consideration to change this so they will report directly to the Compliance Division at DEA Headquarters.

Compliance investigators conduct numerous nationwide surveys for use in consideration of additional registrations, for evaluation of recommendations and for additional controls of various substances. Compliance investigators do not carry weapons and have no powers of arrest. They do not serve search warrants; however, they do serve grand jury and administrative hearing subpoenas. They can seize drugs in the course of their daily investigative responsibility.

Another primary mission of the Compliance Division is to foster and encourage State and local efforts to curtail diversion of legitimate drugs at the retail level. Diversion Investigative Units (DIU) were created in 10 states under Federal funding and some of these DIU's are still operational under State financing. Some states are contemplating funding DIU's. The Compliance Division assists counterpart State Compliance Agencies in preparing complementary registration laws, procedures, and investigations.

Compliance Investigators during inspections of manufacturers and distributors of controlled substances can and do order an increase in security measures, devices or equipment to reduce or eliminate the possibilities of the diversion of legally manufactured drugs. Failure to comply with their instructions can result in legal action as described above.

Since Compliance Investigators do not have the authority to make a purchase of diverted drugs or to make an arrest, it is necessary for them to call on the DEA Special Agent force when such action is needed. For all practical purposes, the Compliance Investigators conduct the investigations up to the point of arrest and criminal prosecution. They do not "turn over" all criminal matters to the criminal investigative side. In some instances, it is not known until well into the investigative effort, whether that investigation will result in administrative, civil or criminal action.

In addition to the authorized 206 series GS 1810 Compliance Investigators, 11 additional positions were authorized for FY 1977 and 21 additional positions for FY 1978. The 11 positions have not been filled due to a shortage of funds. A few GS 1811 criminal investigators work compliance matters in the field, but they will eventually be phased out. Plans are being formulated to place Compliance Investigators as monitors of the worldwide exportation of drugs, one each in Tokyo, London, Bonn, Geneva, and Mexico City.

Statistics received as of May 17, 1977, from seven of the 13 domestic regions reveal the following concerning investigations of a Compliance and Regulatory nature:

<u>DEA Region</u>	<u>Total # Investi- gations</u>	<u>Adminis- trative/ No/Action</u>	<u>Civil/Criminal</u>	
			<u># of In- vestiga- tions</u>	<u>Per centage</u>
Region 2 (NY) 7/75 to Present	253	94.5%	14	5.5%
Region 3 (PH) 7/75 to Present	183	82.5%	32	17.5%
Region 5 (MM) 7/75 to Present	250	91.8%	23	9.2%
Region 8 (NO) 7/75 to Present	78	71.8%	22	28.2%
Region 10 (KC) 7/75 to Present	126	89.7%	13	10.3%
Region 13 (SE) 1/76 to Present	45	93.3%	3	6.7%
Region 14 (LA) 1/76 to Present	117	92.3%	9	7.7%
 TOTAL (Average)	 1,052	 (89.0%)	 116	 (11.0%)

The Compliance Division Chief estimates that approximately one-half of the matters in the last column were civil and one-half were criminal cases.

Compliance Investigators by Region

	<u>ON BOARD</u>	<u>VACANCIES</u>
Boston	7	2
New York	30	-
Philadelphia	20	-
Baltimore	13	-
Miami	15	3
Detroit	24	1
Chicago	16	(1 over)
New Orleans	13	-
Kansas City	14	1
Dallas	12	-
Denver	6	1
Seattle	6	-
Los Angeles	16	-
	<hr/> 192	<hr/> 7

The anticipated funding level for compliance and regulatory matters for Fiscal Year 1977 was \$13,479,000 for 480 positions. Headquarters employs 84 personnel including three Special Agents, six Compliance Investigators, 63 professional/technical employees, 10 clerical and two chemists. The remaining 396 positions are in the various regional offices.

Observations

The authority to classify manufactured products by "scheduling," the authority to establish quotas for production, and the authority to require handlers of those products to register with a regulatory agency are not consistent with criminal law enforcement functions. This is especially true when the authority is extended to conduct inspections and audits to assure compliance. Recognizing this, the power of arrest and authority to carry firearms and to serve and execute search warrants are not authorized for Compliance Investigators of DEA.

Although there is a definite need for these activities in controlling the flow of licit drugs, it does not appear to be properly placed in a criminal law enforcement agency. Granted, there is a joint interest on the part of the criminal investigator and compliance investigator in sharing intelligence concerning the diversion of legally manufactured substances. It is not necessary, however, that they be in the same Federal agency to accomplish this. If separated, it is obvious that the criminal violations should be reported to the agency responsible for criminal investigation as soon as a possible criminal act is suspected with regard to the diversion of licit drugs.

The two agencies could and should cooperate as DEA now does with HEW in this area. Available statistics

indicate that slightly more than five percent of the cases investigated by compliance investigators result in criminal prosecution. Intelligence from criminal investigators on the street is essential to indicate the street availability of diverted licit drugs. This intelligence could still be provided in a timely manner to the compliance investigators.

There are certain advantages to having compliance investigators in the agency which has responsibility for criminal investigation of the narcotics laws. The flexibility of having timely referrals from the compliance investigators to the criminal investigators and the criminal orientation of the compliance investigators are those advantages most often stated.

We feel that because of the higher visibility of the FBI, perceived conflicts of interest would surface. To have employees within an enforcement agency empowered to conduct administrative hearings of the nature done by DEA Compliance Program Managers in the domestic regions and by the Administrative Law Judge at Headquarters is tantamount to having employees of a criminal law enforcement agency serving as judge and jury to interpret regulations they set in the first place.

Furthermore, the FBI has many investigative responsibilities but none involving regulatory or compliance

functions. To assume these responsibilities might set a precedent which could put the FBI into regulatory and compliance responsibilities in other areas, e.g., regulatory activities involving banking institutions where FBI currently has responsibility for investigation of crimes committed against banks, to name just one.

For these reasons, the study team strongly feels that the regulatory and compliance function currently performed by the Office of Compliance and Regulatory Affairs in DEA should be transferred to some other Federal agency if the FBI should assume the responsibilities for narcotics enforcement. Under any such reorganization, the FBI should be given the responsibility and authority to conduct criminal investigations involving criminal diversion of all controlled substances in the same manner the FBI presently handles referrals from other Federal regulatory agencies.

D. ADMINISTRATION AND PERSONNEL MANAGEMENT

(Unless otherwise indicated, statistical data set forth in this section is as of April, 1977).

In studying the feasibility of combining DEA resources with those of FBI, it is pertinent to contemplate the distinctions between the two organizations in administration and personnel management. The salient distinctions between DEA and FBI are:

(1) All FBI employees are in the Excepted Service, whereas most DEA employees are in the Competitive Service.

Distinctions on this subject are set forth in Section IV, Highlights/Critical Issues, Item D.1., page 63.

(2) The FBI's management concept is that since the FBI's mission is law enforcement, all activities are inter-related and, therefore, managed by career Special Agent personnel in positions classified in the Civil Service Commission's Criminal Investigating series GS-1811.¹ The activities managed by FBI Special Agents in series GS-1811 include laboratory, training, fingerprint identification, personnel, fiscal, records management and legal, as well as the traditional investigative activities. The assignment of Special Agents in series GS-1811 to management of the full range of activities is much lesser in DEA.

¹ In order to sustain an orderly and effective pay and position management system in the Executive Branch of Government, each Department is delegated the responsibility of describing the functions performed by its employees into position descriptions and then evaluating each position and placing it in the appropriate series and General Schedule (GS) grade. This classification of the position is based upon position classification standards for each general occupation devised and issued by the Civil Service Commission. The standards are issued by series. For instance, criminal investigating work in the Federal service is classified based on standards issued for the Criminal Investigating Series GS-1811. This report will refer to positions classified in a number of different series and the title of the series will describe generally the nature of the work performed by incumbents in positions classified in the series involved. The Department of Justice has redelegated position classification responsibility to its individual bureaus including DEA and FBI.

(3) In DEA there is a much greater degree of decentralization by delegation of authority to field Regional Directors for final approval of personnel management decisions than in FBI.

(4) While budget formulation is essentially centralized at DEA Headquarters as in FBI, in DEA more funds management and basic accounting are decentralized to field authority than in FBI.

1. Activity Management

The fact that FBI uses career Special Agents (positions classified in series GS-1811) for management of essentially all activities, provides a distinction in the basic concept of activity management between the FBI and DEA.

At DEA Headquarters, activities directly involved in investigative matters are managed by Special Agents in positions classified in series GS-1811. These principal activities are incorporated in the Office of Enforcement, the Office of Training and the Office of Internal Security. Other activities generally are managed by officials who are not Special Agents and who are in positions classified in other series. These activities are incorporated in the Office of Administration and Management (including personnel management, budget and accounting), Office of Science and Technology, Office of Intelligence and Chief Counsel, etc.

Each DEA region is headed by a Regional Director who is a Special Agent. His staff includes a non-Agent Administrative Officer (series GS 341) who has program responsibility for such activities in the region as fiscal, personnel, automotive fleet, records management, communications and administrative services, with the Regional Director retaining final authority.

The hallmark of the FBI's management concept is the use of career Special Agents with the inherent law enforcement background, experience and perspective to manage all echelons of the FBI. This includes at Headquarters the obvious investigative activities as well as service and staff functions such as fingerprint identification, technical services, records management, budget and accounting, personnel and legal matters.

Each FBI field office is headed by a Special Agent in Charge (SAC) and he has an Office Services Manager, GS Series 342 and staff to handle records management, word processing and a number of related duties. The grade level of the Office Services Manager is lower than that of DEA's Administrative Officer. This stems, in some measure, from DEA's greater decentralization of personnel and funds management to the regional level.

The FBI's staff of over 8,300 Special Agents provides a reservoir of human resources with a very broad

range of educational, vocational and avocational disciplines and/or backgrounds. This offers the FBI the opportunity to identify and use to great advantage Special Agents with needed skills for either temporary or indefinite assignment. For instance, the need for a manager in fiscal activities is readily satisfied by a Special Agent with a background in accounting and/or business management. A prerequisite to such assignment is that the candidate be otherwise qualified for advancement under the FBI's career development program so assignment to such a management role would be a step in the career development ladder.

Pursuant to the FBI's career development program, a Special Agent identified as having qualified for further evaluation through the advancement ladder may, as noted, receive a supervisory assignment in one of the disciplines related to but not directly involved in investigative activity. This has served to compliment the breadth of knowledge and experience of FBI managers. Also, assignment to a management role in one of these investigative support entities does not remove this manager from investigative involvement. FBI managers are subject to rotation to any assignment for either temporary or indefinite duration; they may participate in investigative or related decisions

on a day to day basis; may serve on inspections and special surveys; and may serve on boards and task forces requiring investigative backgrounds.

The FBI's concept of management of a law enforcement organization by career law enforcement personnel has served it well. The flexibility and law enforcement perspective it provides are invaluable. An attitude of cohesion and common mission pervades the full range of operations. The character and personality of the FBI stem in large part from this management concept. The study group firmly believes this concept must be sustained should the FBI be delegated the responsibility for Federal narcotics enforcement; otherwise, overall investigative effectiveness would not be enhanced.

2. Personnel Management

The DEA personnel management concept is that Headquarters concentrates essentially on policies and procedures and the field on implementation, including final action on most personnel matters.

Each of the DEA domestic and foreign regions has an Administrative Officer, in series GS 341, generally GS-14 domestically and GS-13 in foreign regions, whose staff includes personnel generalists, the composition and grade levels of which depend upon the size and responsibilities of the region. The regions have

available a rather comprehensive administrative manual which is supplemented by other directives from headquarters. Each region has the authority generally to effect final personnel actions through the GS-12 level with headquarters participating with the region in a guidance role. These personnel actions include final approval of appointments, promotions, position classification, special recognitions (commendations and incentive awards) and disciplinary action including dismissals. Headquarters may review data on some matters which result in dismissals.

In DEA there is a flavor of centralized guidance and advice. For example, in position classification a number of standard or master position descriptions applicable to positions in given types of work service-wide are available. Thus, no DEA position classification specialists are assigned to the field and field position classification actions are carried out by personnel generalists. This is common to the broad concept; namely, that personnel management in the regions is carried out by generalists rather than specialists, the specialists in the different disciplines being assigned to DEA headquarters.

The specialists are available to the field where needed. For instance, where a disciplinary action is

contemplated that involves difficult technical or procedural problems, the DEA Personnel Officer will dispatch the program manager for employee relations or a like specialist from headquarters to assist the Regional Director in the mechanics of the action the Regional Director is effecting. Headquarters retains policy and procedural responsibilities.

The FBI operates a centralized personnel management system from FBI Headquarters, Washington, D. C. Under this system, all basic personnel policy applicable throughout the service is approved and implemented from FBI Headquarters. Assistant Directors in charge of headquarters divisions, Special Agents in Charge of field offices and Legal Attaches have delegated authority to apply the Bureau's personnel management system. Personnel actions of all sorts originate and are recommended by management and operating personnel on the scene and are reviewed and approved at FBI headquarters. These actions include appointments, promotions, demotions, disciplinary and adverse actions, position classification, special recognition and organization structure. Each field division is equipped with manuals which contain regulations and policies concerning personnel management; these manuals are supplemented periodically by special directives from FBI Headquarters.

Each field office is structured essentially alike deviating only in numbers of personnel and grade levels to some degree in the service and support personnel categories. In most instances, field recommendations are approved and those involving major decisions will receive consideration and action at levels through the Director.

The major distinction between FBI and DEA is that the FBI does not have servicing personnel offices at field installations nor personnel generalists in the field. FBI field managers assure that personnel management is carried out; however, communication and consultation between headquarters and field divisions are on a constant and continuing basis.

A prime reason for the FBI's centralized system is to strive for uniformity throughout the service, and it is the firm conclusion of the study team that greater uniformity and equity are achieved through FBI's centralized system than DEA's more decentralized system.

This study did not endeavor to weigh the effectiveness of DEA's system and in this regard DEA personnel management people gave the impression of being interested, knowledgeable and dedicated.

The FBI's system has proven effective for the FBI with its over 19,300 employees, 12 headquarters divisions,

59 field offices, 13 legal attache offices and 495 resident agencies. Since DEA has a much smaller force, the FBI's concept of centralized personnel management would have to prevail should the FBI be given Federal narcotics enforcement responsibilities and thus assimilate certain DEA resources.

3.Comparisons of DEA and FBI Service and Support Personnel Grade Structures in Certain Categories

Pervading the study of salient distinctions between DEA and FBI in the areas of administration, personnel management and fiscal management are two significant differing concepts: (1) DEA is more decentralized and (2) FBI's concept that management of essentially all activities be by Special Agents.

The following charts are designed to illustrate the impact of these distinctions on grade structuring of some DEA and FBI field and headquarters service and support personnel and at the same time foreshadow considerations which would have to be addressed should DEA resources be assimilated into FBI. There would probably be impact on other categories of personnel as well.

The first chart compares field grade levels of DEA and FBI employees assigned to positions in the Accounting and Budget Group, GS-500 Series.

GS Grade	Number of Employees Domestic Field		Number of Employees Foreign		Total Employees	
	DEA	FBI	DEA	FBI	DEA	FBI
15	...	...	...	...	...	...
14	...	...	...	...	...	...
13	...	...	...	...	...	...
12	3	...	...	...	3	...
11	5	...	...	...	5	...
10	...	...	...	...	...	...
9	4	...	...	...	4	...
8	...	...	...	...	...	...
7	10	...	1	...	11	...
6	9	...	1	...	10	...
5	15	...	1	...	16	...
4	3	2	...	...	3	2
3	1	...	...	...	1	...
2	...	...	...	...	...	...
TOTALS	50	2	3	...	53	2

The foregoing depicts that under its more decentralized system, in this case involving funds management, DEA has 50 employees assigned to 13 domestic regions concentrated essentially in GS Grades 5 through 7 with others to GS-12. DEA has 3 employees in this line of work on foreign assignment. The FBI, consistent with its centralized system of funds management, has limited employees in The Accounting and Budget Group Series, only two employees in GS-4 being assigned in this Series group among 59 field offices. Duties in FBI field offices requiring on-the-scene funds management, such as managing and dispersing cash accounts and some voucher examining are delegated to personnel in positions classified in other series.

As referred to previously, each DEA Region has assigned thereto an Administrative Officer in a position

classified in the Administrative Officer Series GS-341. This Administrative Officer is generally in GS-14 in the domestic regions and GS-13 in foreign regions. Other DEA field employees are in positions classified in Series GS-341. As noted previously, the top non-Special Agent in FBI field offices is the Office Services Manager, Series GS-342, in Grade GS-9 through GS-12 depending upon the size and attendant responsibilities of the field office involved. For purposes of comparison, the following chart combines those in Series GS-341 and GS-342. All but seven of the DEA employees are in Series GS-341 and all FBI employees are in Series GS-342.

GS Grade	Number of Employees		Number of Employees		Total Employees	
	Domestic	Field	Foreign		DEA	FBI
	DEA	FBI	DEA	FBI	DEA	FBI
15	...	...	...	...	...	...
14	12	...	2	...	14	...
13	3	...	4	...	7	...
12	4	4	...	...	4	4
11	5	5	...	...	5	5
10	...	25	...	...	...	25
9	6	44	3	...	9	44
8	...	27	...	...	...	27
7	1	9	...	...	1	9
6	1	1	...	...	1	1
5	1	1	...	...	1	1
4	...	...	1	...	1	...
3	...	...	...	...	...	...
2	...	...	...	...	...	...
Total	33	116	10	.	43	116

Each of the 13 DEA domestic regions is headquartered in a city where there is an FBI field office. Keeping in mind DEA's more decentralized operation and FBI's concentration of more management in Special Agents,

DEA has 21 administrators in Grades GS-13 and 14 whereas FBI employees are in no higher than GS-12 and are concentrated in Grades GS-8 through GS-10. The differing management concepts then surface a real consideration that would have to be carefully dealt with should assimilation occur particularly under the assumption that FBI would become the parent or lead organization with FBI management controlling.

Another significant comparison is that of field personnel assigned to positions classified in the Personnel Management and Industrial Relations Group Series GS-200.

GS Grade	No. of Employees Domestic Field		No. of Employees Foreign		Total Employees	
	DEA	FBI	DEA	FBI	DEA	FBI
15	...	...	...	...	...	...
14	...	...	...	...	...	...
13	1	...	...	...	1	...
12	11	...	...	...	11	...
11	2	...	...	...	2	...
10	...	...	...	...	...	...
9	5	...	...	...	5	...
8	...	1	...	...	...	1
7	8	1	...	...	8	1
6	6	1	...	...	6	1
5	1	2	...	...	1	2
4	2	...	...	...	2	...
3	...	1	...	...	...	1
2	...	...	...	...	...	...
Totals	36	6	...	...	36	6

Here again, data in the chart illustrates that differing management concepts result in DEA assignment of personnel generalists to its 13 regions in Grades up to GS-13 whereas FBI accomplishes field personnel management essentially through delegations to other classes of employees.

In summary the three charts point up that DEA has a total of 52 employees in Grades GS-11 through 14 assigned to the field in the three occupations for which the FBI has no directly comparable management roles.

The study team believes that should DEA resources be assimilated into FBI, the FBI management concept should be sustained; consequently, there is no obvious or direct assignment in the FBI to which these 52 employees (as well as some others) could easily cross over and be received in the same grade.

The following charts are designed to point up the impact of the differing management concepts on grade structuring of DEA and FBI headquarters service and support personnel. Here again, this information foreshadows considerations which would have to be addressed should DEA resources be merged into FBI.

The first chart compares headquarters grade levels of DEA and FBI employees assigned to positions in the Accounting and Budget Group, GS-500 Series. Since

accounting and budgeting in FBI are managed by Special Agents, the number assigned to such management roles is included.

GS Grade	DEA Employees in GS-500 Series	DEA Special Agents	FBI Employees in GS-500 Series	FBI Special Agents	DEA Totals	FBI Totals
16	1	...	...	1	1	1
15	1	...	...	1	1	1
14	2	...	1	3	2	4
13	6	...	1	3	6	4
12	3	...	...	...	3	...
11	2	...	6	...	2	6
10	1	...	2	...	1	2
9	7	...	4	...	7	4
8	...	...	2	...	...	2
7	7	...	9	...	7	9
6	11	...	21	...	11	21
5	3	...	60	...	3	60
4	1	...	87	...	1	87
3	...	...	16	...	...	16
Totals	45	...	209	8	45	217

DEA fiscal operations are managed by a Controller, GS-16, and staff in positions and grade levels set forth in the chart. DEA has no Special Agents assigned.

The chart shows a limited number of FBI support employees in Series GS-500 above the GS-7 level. Here again, pursuant to the FBI's career development program and management concept, the FBI's Budget and Accounting Section is headed by a Special Agent GS-16 assisted by one Special Agent GS-15, 3 Special Agents GS-14 and three Special Agents GS-13. All these Special Agents have accounting degrees, prior accounting experience, and most

are Certified Public Accountants. The FBI's budget for FY 1977 is \$513,377,000 and DEA's is \$168,263,000. The FBI has over 19,300 full year employees and DEA has just over 4,000 full year employees. Most of the FBI employees in the Series GS-500 group in Grades GS 4, 5 and 6 are involved in lower level voucher examining and payroll work. In this regard, FBI manages its own payroll while the DEA payroll is handled by the Department under the JUNIPER System. Further, DEA voucher examining is decentralized and performed in the Regions while FBI's is generally centralized.

Another significant comparison is that of headquarters personnel assigned to positions classified in the Personnel Management and Industrial Relations Group, Series GS-200. Since personnel management in the FBI is managed by Special Agents, the number of Agents assigned to such management roles is included.

GS Grade	DEA Employees in GS-200 Series	DEA Special Agents	FBI Employees in GS-200 Series	FBI Special Agents	DEA Totals	FBI Totals
16	...	...	...	1	...	1
15	1	...	...	8	1	8
14	4	...	1	7	4	8
13	5	...	1	3	5	4
12	8	...	5	...	8	5
11	2	...	4	...	2	4
10	...	...	5	...	...	5
9	1	...	9	...	1	9
8	...	...	13	...	...	13
7	4	...	20	...	4	20
6	3	...	13	...	3	13
5	2	...	33	...	2	33
4	...	...	27	...	...	27
3	...	...	3	...	...	3
Totals	30	...	134	19	30	153

DEA's personnel operations are managed by a Director of Personnel, GS-15, and staff in positions in Grade levels as set forth in the chart. DEA has no Special Agents assigned.

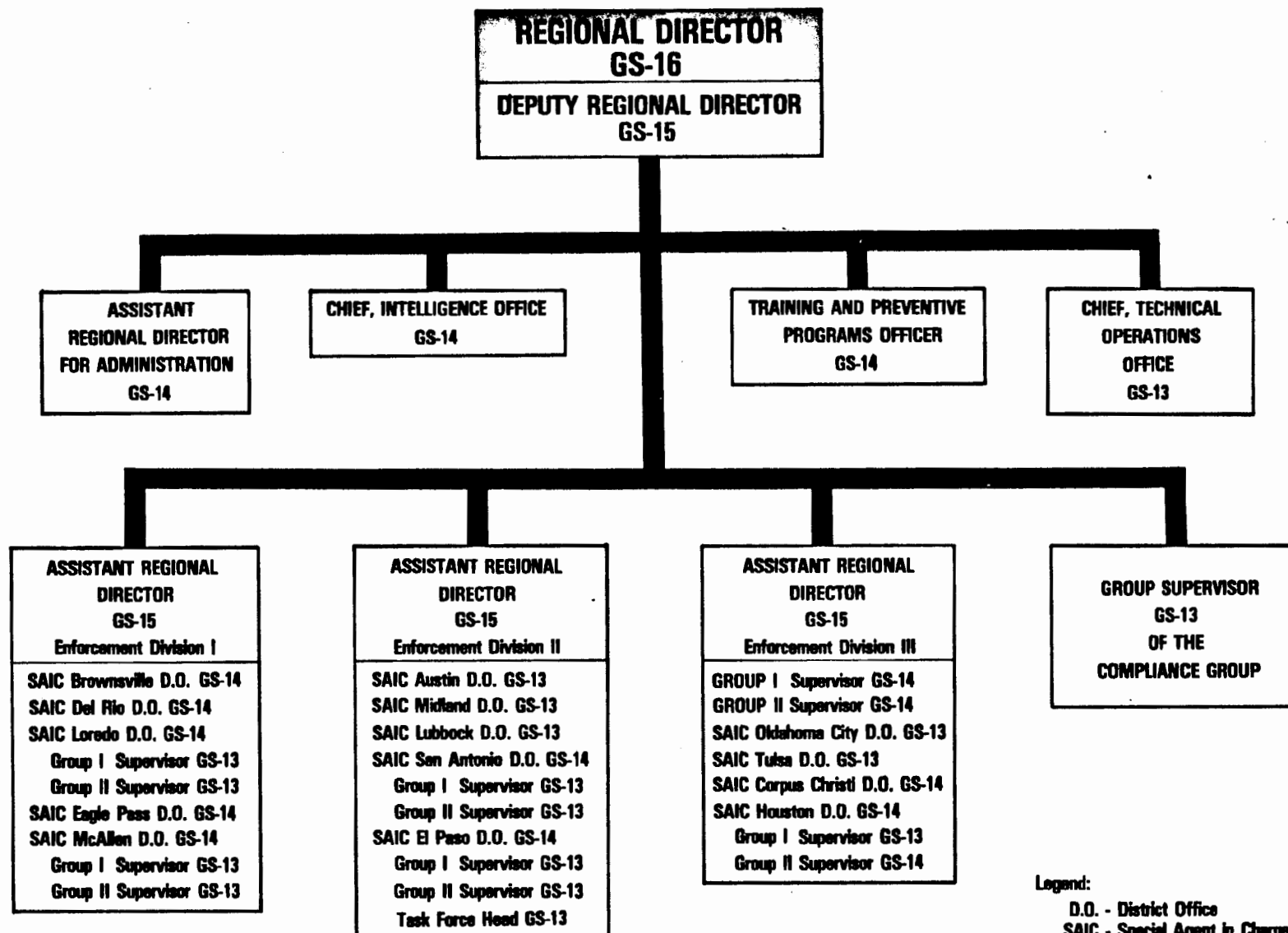
The FBI's centralized personnel management system is managed by a Special Agent, GS-16, Personnel Officer and a staff of 18 Special Agents in Grades GS-13 through GS-15. As noted previously, the FBI has no operational personnel offices in any field office nor personnel staff employees in field offices.

Like the conclusions set out concerning field staffing, the data in the latter two charts point up difficulties in assimilation of personnel that would have to be addressed should DEA resources be brought into FBI.

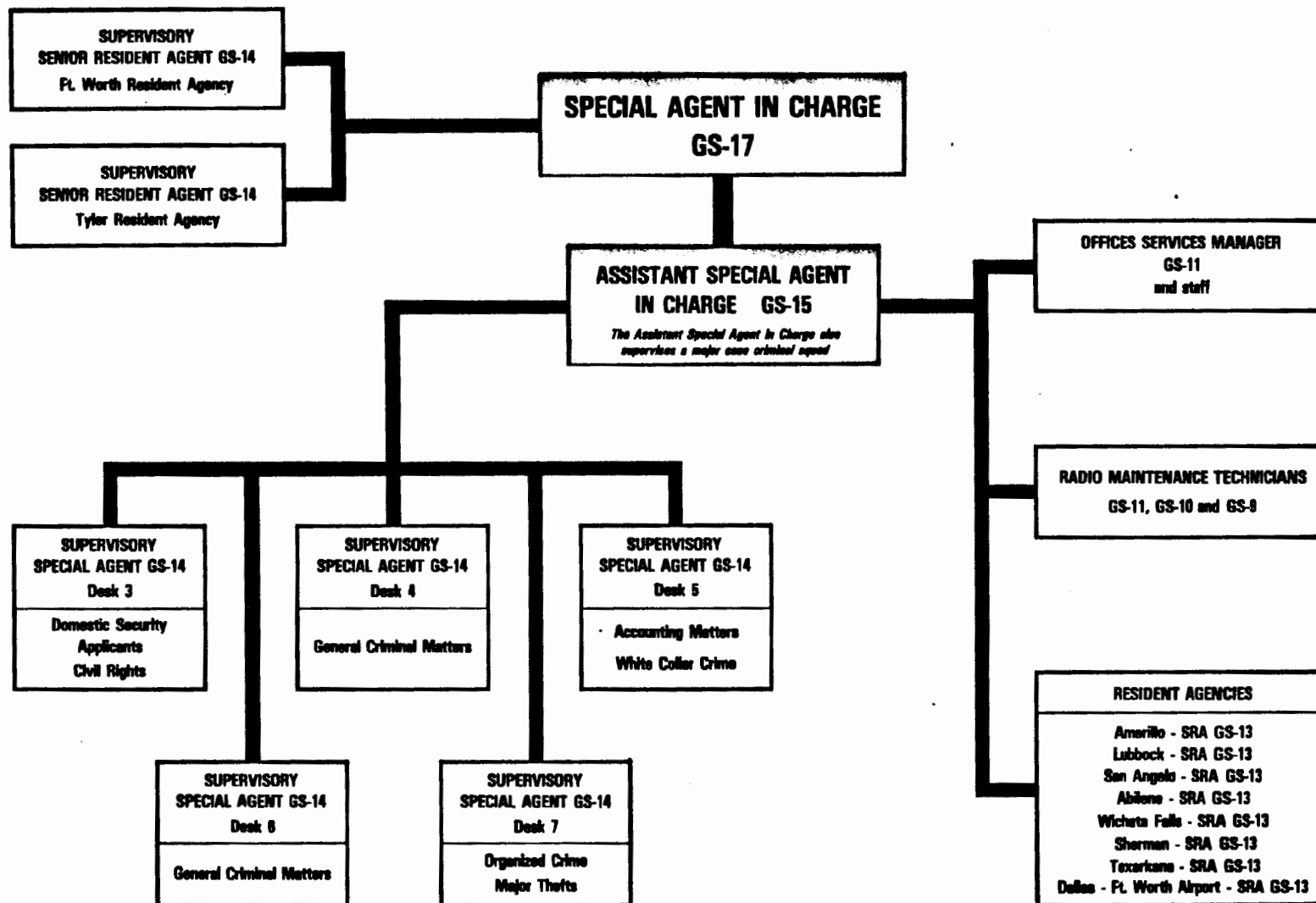
4. Comparison of a Typical DEA Regional Office With a Typical FBI Field Office - Dallas in Each Case

There follow organizational charts for the Dallas Regional Office of DEA (Exhibit 10) and the Dallas Field Office of the FBI (Exhibit 11)

REGION II - DALLAS REGIONAL OFFICE - DEA



DALLAS FIELD OFFICE - FBI



(SRA - Senior Resident Agent)

The charts cannot be construed as providing direct comparisons in organization because of distinctions in geographical coverage and complement of the respective DEA and FBI Dallas Offices. For instance, the DEA Dallas Regional Office covers all of Texas and Oklahoma, whereas the FBI Dallas field office is the largest of four FBI field offices in Texas and does not cover the Texas/Mexican border. The DEA Dallas Regional Office has a total complement of 306 including 192 Special Agents, 11 compliance officers, four intelligence officers and 99 service and support personnel. The FBI Dallas field office has a total complement of 193, including 125 Special Agents and 68 service and support personnel. Nonetheless, the charts point up certain distinctions in the management concept as follows:

The DEA Dallas Regional Office has three Assistant Regional Directors, GS-15, between the Regional Director, GS-16, his Deputy (GS-15), and the Group Supervisors, GS-14. This is common to DEA management but the FBI does not have a counterpart to this intermediate Assistant Regional Director position in its field offices between the SAC (GS-17), ASAC (GS-15) and supervisory Special Agents GS-14 (field supervisors) who are similar to DEA's Group Supervisors GS-14.

The FBI does not have a counterpart for the Assistant Regional Director for Administration, GS-14 (Administrative Officer).

If DEA's District Offices in the Dallas Regional Office can be compared to the FBI Resident Agencies in the Dallas Field Office, it can be seen that there are more GS-14 Special Agents heading these respective offices in DEA than in FBI, 11 to 2.

Of 192 Special Agents in the DEA Dallas Region, 19 are at the GS-14 management level and above, a ratio of one such manager to each 10 Special Agent employees. The FBI has nine of 125 Special Agents, a ratio of one to 14.

5. Comparisons of DEA and FBI Executives
in the Executive Schedule

<u>Executive Schedule</u>	<u>DEA</u> <u>Number</u>	<u>Title</u>
Level I	...	
Level II	...	
Level III	1	Administrator
Level IV	...	
Level V	1	Deputy Administrator (vacant)

<u>Executive Schedule</u>	<u>FBI</u> <u>Number</u>	<u>Title</u>
Level I	...	
Level II	1	Director
Level III	...	
Level IV	1	Associate Director
Level V	2	Deputy Associate Director

6. Comparisons of DEA and FBI Supergrade
(GS 16, 17 and 18) Positions

GS Grade	<u>Headquarters</u>		<u>Field</u>		<u>Total</u>	
	DEA	FBI	DEA	FBI	DEA	FBI
18	3	12	...	8	3	20
17	2	16	2	24	4	40
16	11	42	8	38	19	80
Totals	16	70	10	70	26	140

Of the three DEA GS-18 positions, one is in Series GS-1811, that of Assistant Administrator for Enforcement; one is in Series GS-132, that of Assistant Administrator for Intelligence; and one is in Series GS-341, that of Assistant Administrator for Administration and Management. Three of the four GS-17 positions are in Series GS-1811 and one in Series GS-1301, that of Director of Research and Technology. Of the 19 GS-16 positions, 12 are in Series GS-1811. Thus, 16 of the 26 DEA supergrade positions are in Series GS-1811 and 10 in other Series.

Of the DEA supergrade positions, 21 are subject to position classification approval by the Civil Service Commission and are included in the supergrade positions allotted by statute to the Civil Service Commission. Five such positions in DEA were established by separate statute.

In the FBI, all but one of the FBI's 140 supergrade positions are in Series GS-1811. The exception is a GS-16 Communications Manager in Series GS-391.

Title 5, U. S. Code, Section 5108 (c) (2) states, "...the Director of the Federal Bureau of Investigation, without regard to any other provisions of this Section, may place a total of 140 positions in the Federal Bureau of Investigation in GS-16, 17 and 18..." Accordingly, should DEA resources be brought into the FBI 5 U.S.C. 5108 (c) (2) would have to be amended to permit the Director of the FBI to place necessary additional positions in the FBI in GS-16, 17 and 18.

Similarly, legislation would be required to provide additional Executive Level position(s) for the FBI.

7. Qualifications for the Entrance to Special Agent Position

DEA generally appoints new Special Agents (SAs) at the Grade GS-7 level. To qualify for consideration, one must meet the standards specified by the Civil Service Commission for Grade GS-7 in the criminal investigating Series GS-1811. Generally, these qualification standards require at least three years of general experience that is job-related to the SA position and one year of specialized experience (progressively responsible investigative experience which demonstrates qualifications

for the job involved). College education may be substituted for three full years of general experience. A combination of experience and education may be applied to qualify for GS-7. DEA may and does hire new SAs without a college education or at least without a Baccalaureate degree.

Since DEA is in the Competitive Service, any competitive hiring of new SAs would be from the Civil Service register. Rank on the Civil Service register is based essentially on the applicant's score on the "Professional and Administrative Career Examination," the Civil Service Commission examination afforded to college graduates, and an evaluation of the applicant's experience and education. In practice, DEA does not usually hire from the Civil Service register.

The Civil Service Commission has granted DEA authority for 154 positions excepted from the competitive Civil Service under Schedule A, previously described, and requirements for the position will include the need to work in undercover assignments. While new SAs could be hired from the Civil Service register, DEA resorts essentially to hiring new SAs under Schedule A appointments in order to acquire those with the skills and background it desires. Those hired under Schedule A meet the Commission's qualification standards for the level at which appointed.

Regions are responsible for recruitment and hiring. After a candidate has been favorably cleared for further consideration following interview, investigation is conducted by the Civil Service Commission. The results are reviewed by the Office of Internal Security at DEA headquarters and the region advised whether the candidate is eligible for hiring. Each Region is advised of how many candidates it may hire for each new Special Agent class and final selection and appointment are the responsibility of the Regions. However, headquarters guidance and authority are involved, for instance, to assure that the minority candidates and women are being attracted and brought into the service.

DEA Special Agent candidates must first pass a physical examination administered by a doctor of their choice afforded during the applicant processing period. Distant vision must be at least 20/30 (Snellen) in both eyes without glasses; and at least 20/20 (Snellen) in one eye and 20/30 (Snellen) in the other eye corrected. During new Special Agent training, following entrance on duty, the new Agents are afforded another physical examination by the DEA medical staff and continued employment is contingent upon passing this physical examination. Candidates must be at least 21 years old,

but not have reached their 35th birthday upon the date of entry on duty, possess American citizenship, and have a valid driver's license.

Mention was made that DEA may and does hire new Special Agents who do not have a college education and/or a Baccalaureate degree. With this in mind there follows a chart showing the extent of education of DEA Special Agents.

EXTENT OF EDUCATION OF DEA SPECIAL AGENTS IN
POSITIONS CLASSIFIED IN SERIES GS-1811

Grade	Less Than H.S.	High School Diploma	Some College	B.S.	B.S. Plus	LLB	MA	Ph.D	Total
18	...	...	...	...	1	...	...	...	1
17	...	...	...	2	1	...	...	...	3
16	...	...	2	7	1	...	...	...	10
15	1	7	20	39	24	5	2	...	98
14	1	27	61	112	83	6	13	...	303
13	...	32	84	263	155	10	20	...	564
12	...	38	167	405	198	8	45	...	861
11	...	5	47	59	17	1	3	...	132
9	...	1	11	13	1	...	1	...	27
7	...	...	11	8	3	...	2	...	24
Total	2	110	403	908	484	30	86	...	2023
Percent of Total	.1	5.4	19.9	44.9	23.9	1.5	4.3	...	100%

Some 25.4 percent have less than a Baccalaureate degree and 74.6 percent have a Baccalaureate degree or more.

FBI appoints new Special Agents at the Grade GS-10 level. Applicants must possess the following qualifications:

(1) They must be citizens of the U.S.

(2) Education and experience:

(a) Graduates from state-accredited resident law schools. NOTE: Graduates of law schools must have successfully completed at least two years of resident, undergraduate college work. A resident college is one requiring personal attendance.

(b) Graduates from a resident four-year college with a major in accounting.

(c) Graduates from a resident four-year college with a major in a physical science for which the FBI has a current need.

(d) Graduates from a resident four-year college with fluency in a language for which the FBI has a current need.

(e) Graduates from a resident four-year college and three years of professional, executive, complex investigative or other specialized experience.

(3) Age: They must have reached their 23rd but not their 35th birthday on the date that they entered on duty.

(4) Physical ability:

(a) All applicants for the Agent position must have uncorrected vision of not less than 20/200 (Snellen) in each eye without glasses and at least 20/20 (Snellen) in each eye corrected. No applicant can be considered who has been found to be color-blind.

(b) The FBI has rather comprehensive hearing requirements that the applicant must meet. All applicants must be in excellent physical condition and can have no physical problem which would interfere with their use of firearms or with their participation in raids, dangerous assignments, or defensive tactics.

An applicant's physical and visual conditions are ascertained through a rigid physical examination conducted at a U.S. Government examining facility during the applicant processing period.

(5) All applicants must have a valid license to drive an automobile.

As an Excepted Service agency, the FBI hires independently of the Civil Service register. Applicants who meet the basic requirements are afforded a detailed interview as well as written examinations. Full field investigations are conducted by the FBI of those who qualify for further consideration. Consideration and processing of all FBI applicants is coordinated and administered at FBI headquarters and final appointive action is effected at FBI Headquarters.

8. Special Agents Promotions

DEA generally appoints SAs in Grade GS-7 and they are eligible for promotion to GS-9, to GS-11 and to GS-12 after one year in each grade. This means an SA may achieve

promotion to GS-12, the journeyman level, after three years of service as an SA. Promotions are not automatic but are based on the employee's job performance, his ability to perform satisfactorily the duties at the higher grade, and on the recommendations of supervisory personnel. There are limits on the number of GS-13 positions (over 500 at this time) and promotions beyond GS-12 are made through the competitive procedures of DEA's promotion plan. This involves bidding for positions and being considered under procedures of the competitive service.

The FBI appoints new SAs in Grade GS-10. While the FBI is in the Excepted Service, it is subject to the Civil Service Commission (CSC) position classification standards and this entrance level position as well as other SA positions have been approved by the CSC. FBI SAs are generally eligible for promotion to GS-11 two years after entry on duty, to GS-12 after three years service in GS-11 and to GS-13, the journeyman level, after three years in GS-12. This means an FBI SA may expect to reach GS-12 after five years' service as an SA and GS-13 after eight years.

9. Comparison of DEA and FBI Special Agents by Age Grouping and Grade Level

The following Exhibit 12 is self-explanatory. Although the journeyman level for Special Agents in DEA is GS-12 and the journeyman level for Special Agents in FBI is GS-13, the average grade of Special Agents is slightly higher

COMPARISON OF DEA AND FBI SPECIAL AGENTS BY AGE GROUPING AND GRADE LEVEL

MARCH 31, 1977

GRADE	AGE LESS THAN 25	AGE 25-29	AGE 30-34	AGE 35-39	AGE 40-44	AGE 45-49	AGE 50-54	AGE 55-59	AGE 60-64	AGE 65-70	TOTAL	TOTAL GRADE POINT	PERCENT OF TOTAL
GS-18					2	4	10 1	2			18 1	324 18	0.22% 0.05%
GS-17					4 1	16 2	20	3			43 3	731 51	0.52% 0.15%
GS-16				3	8 2	34 6	23 2	5	2		75 10	1,200 160	0.90% 0.49%
GS-15			11 3	52 15	52 29	74 33	75 14	11 2	5 1		280 97	4,200 1,455	3.36% 4.78%
GS-14			88 55	213 80	114 80	150 59	163 24	44 4	5	3 1	780 303	10,920 4,242	9.38% 14.95%
GS-13		4 29	289 235	872 151	528 82	497 38	687 25	254 4	60 1	12	3,203 565	41,639 7,345	38.50% 27.87%
GS-12		85 146	1,358 438	588 181	105 59	13 21	7	5			2,149 857	25,788 10,284	25.83% 42.28%
GS-11	3	246 49	442 67	125 17	14 4	3 1					830 141	9,130 1,551	9.97% 6.96%
GS-10		655	244	43							942	9,420	11.32%
GS-09	2	12	11	1							26	234	1.28%
GS-08													
GS-07	1	10	13								24	168	1.18%
TOTAL	6	990 246	2,432 822	1,896 445	827 257	791 160	978 73	319 15	72 2	15 1	8,320 2,027	103,352 25,508	
PERCENT OF TOTAL	0.3%	11.9% 12.1%	29.2% 40.6%	22.8% 22.0%	9.9% 12.7%	9.5% 7.9%	11.8% 3.6%	3.8% 0.7%	0.9% 0.1%	0.2% 0.0%			

FBI Average Grade: 12.422
DEA Average Grade: 12.584

in DEA than in FBI, 12.584 versus 12.422. Contributing to this are: (1) While DEA's journeyman investigative position is GS-12 it has 565 Agents in GS-13 or 27.87%; (2) DEA has 9.42% of its Agents below GS-12, whereas the FBI has 21.29%; and (3) DEA has a higher percentage of Agents in GS-14 (14.95% versus 9.38%) and GS-15 (4.78% versus 3.36%).

Public Law 93-350, approved July 12, 1974, the statutory basis for retirement of Federal law enforcement officers, provides generally that one with at least 20 years of Federal qualifying investigative service must retire at age 55. This provision becomes effective January 1, 1978. As can be seen from the chart, a number of FBI Special Agents in management positions will retire within the next 5 years. Fewer DEA Special Agents in similar positions are in this category.

10. Policy Concerning Mobility of Special Agents

Both DEA and FBI require that Special Agents be available for assignment consistent with the needs of the service. The only apparent distinction of consequence is that DEA Agents may file a formal grievance over a transfer action, for instance to cancel a transfer ordered by DEA Headquarters. A formal grievance entitles one to a formal hearing if desired before final decision by DEA. An FBI Agent may make a formal request concerning transfer action including that a transfer be cancelled. The request would receive formal consideration up to the Director of the FBI but there is no provision for a formal hearing nor would there be one.

11. Security Clearances

A full field investigation is conducted by the FBI for each applicant being considered for employment by the FBI. Appointments are approved and issued from FBI Headquarters for FBI employment nationwide. All FBI employees are required to have a security clearance of at least "Top Secret" and this clearance is granted on the basis of the FBI background investigations.

DEA applicants are subject to a full field investigation by the Civil Service Commission (CSC). If hired, the employee would then be entitled to access to sensitive material (investigative material) but not to any classified material requiring a security clearance. There is no requirement that each DEA employee have a security clearance because some assignments do not call for access to classified material. Security clearances are secured only after requested by the Regional Director or Headquarters Office head, reviewed and recommended by DEA's Office of Internal Security and approved and issued by the Department of Justice. Employees are generally hired before a request for a security clearance is made although in the cases of Special Agents, the Office of Internal Security will have passed on the individuals.

As of April, 1977, the security clearance status of DEA employees was as follows:

(1) 2427 DEA employees had a security clearance.

Of this number, roughly three percent had a clearance of "Secret" and 97 percent had a clearance of "Top Secret."

(2) 1760 DEA employees had no security clearance.

SAs in Series GS-1811 are required to have a Top Secret clearance; however, 15 percent of SAs do not currently have a Top Secret clearance because (1) a Top Secret clearance has lapsed and has not been renewed; (2) a request for a Top Secret clearance has not been made or, (3) some DEA employees who transferred to DEA from the U.S. Customs Service had Top Secret clearances which were cancelled when they came to DEA and never renewed.

At the present time DEA is carrying out a program to insure that all SAs have Top Secret clearances.

In some instances, the Office of Internal Security concludes that a request of the Department of Justice for a security clearance of a given individual should not be made. The reasons generally deal with background information developed during the CSC investigation. Where a clearance is not to be recommended, the Office of Internal Security corresponds with the Regional Director or the Headquarters Office head and advises of the

reasons therefore. This means the employee will have access to sensitive material but not to classified material.

All FBI employees are required to have Top Secret clearances. Accordingly, a condition precedent for any DEA employee transferring to FBI would be that, if such individual had no Top Secret clearance, the FBI would conduct a full field investigation and the decision as to the employee's acceptability for FBI employment would rest with the FBI Director.

12. Position Classification Appeals

Any Federal employee may appeal up to the Civil Service Commission (CSC), where final decision is made, the grade of his or her position and the Title and/or Series in which the position is classified. Appeals are considered first by the bureau or other entity in the Department of Justice where the appeal is filed, then by the Department's Office of Personnel and Training and if resolution is not achieved, by the CSC where final decision is made.

DEA has 15 position classification appeals pending. All 15 involve appeals that the position should be in a higher grade.

Eleven of the 15 appeals are by Special Agents who feel their position should be in the next higher grade.

Of the 11, one is by a GS-14 Assistant Regional Director of a foreign region who feels his position should be in GS-15; seven are by GS-13 Special Agents in Charge of District Offices who feel their positions should be in GS-14; and three are by GS-13 Group Supervisors in District Offices who feel their positions should be in GS-14.

Of the remaining four appeals, two are by GS-11 Compliance Investigators in the same domestic region who feel their position should be in GS-12 and two are by GS-13 Administrative Officers in foreign regions who feel their positions should be in GS-14.

The FBI has no position classification appeals pending at this time. FBI Position Classification personnel have no recollection of there ever having been a position classification appeal filed by an FBI Special Agent.

Should DEA resources be consolidated into the FBI, the positions which are the subjects of the present position classification appeals in DEA would no longer exist. Accordingly, any of those present DEA employees who have a pending appeal and who would be assimilated into FBI would first be obliged to withdraw their appeals and understand that as FBI employees they would be subject to the position classification structure and policies and procedures of the FBI.

13. Internal Security (Professional Integrity) and
Disciplinary Matters

The Office of Internal Security at DEA headquarters, under the Chief Inspector, conducts internal security (professional integrity) investigations under the following circumstances:

- (1) criminal activity is alleged,
- (2) a civil rights violation is alleged,
- (3) there is an allegation of flagrant or serious violation of Department of Justice or DEA regulations, or,
- (4) there is an allegation of misconduct wherein the particular allegation is quite serious or the subject of the allegation occupies a position sufficiently high in the administration of DEA to warrant investigation by the Office of Internal Security rather than by the local Regional Director or Headquarters Office. (Also included in category (4) are those situations where Regional Directors or Headquarters Office heads request that the Office of Internal Security conduct the investigation).

There are six Internal Security Regional Offices (separate and distinct from DEA operational regions) reporting to the Office of Internal Security at DEA Headquarters with each Region headed by a GS-15 Inspector. There is a total of 51 inspectors assigned to the six

regions and the Office of Internal Security at DEA headquarters. The inspectors, aside from those in supervisory roles, are in GS-14 and serve three years in the Office of Internal Security and then are rotated to another GS-14 level assignment. GS-14 Inspectors are chosen either through a vacancy announcement or selection by the Chief Inspector when he wants a particular Agent with given aptitude. It is important to note that most of the work of the 51 Office of Internal Security Inspectors throughout the service is involved in unannounced inspections of DEA Regional Offices and District Offices and on special projects. In other words, the Office of Internal Security provides certain inspection and audit functions of regional and district offices as well as internal security investigations. There is a separate Office of Field Evaluations, organizationally distinct from the Office of Internal Security, which looks into the operational effectiveness of the Regions and District Offices.

A study was made of DEA Internal Security investigations closed during 1975, 1976 and through March 31, 1977 and pending internal security investigations. It disclosed that during 1975 and 1976 the Office of Internal Security investigated and disposed of a number of allegations

which had been made several years before. The date of receipt of the oldest internal security investigation as of March 31, 1977, was July 23, 1974, that of an employee who had been dismissed and a prosecutive opinion of the United States Attorney was awaited. This is indicative of a successful effort to resolve long-standing allegations.

In the FBI, the Office of Professional Responsibility (OPR), an element in the Planning and Inspection Division, is responsible for investigating all allegations involving criminality, moral turpitude or serious misconduct. The Office of Professional Responsibility is headed by a Deputy Assistant Director and consists of a staff of four Supervisory Special Agents, Grade GS-14.

The efforts of this office are involved solely with professional integrity investigations. Others perform inspections and audits of FBI installations. Professional integrity investigations are conducted either by the personnel of this office or delegated by OPR to officials in the field or at the various Divisions at Headquarters which investigations are nonetheless controlled by OPR.

The study team also looked at the status of investigations for which the FBI's OPR is responsible. These investigations are handled promptly.

E. FISCAL FUNCTIONS

The operational accounting for obligation and expenditure of funds is centralized within the FBI structure and decentralized to an extent at DEA. The merits of a centralized versus decentralized system of operations are not the subject of this study and in making this kind of comparison a great deal depends on what objectives one is trying to achieve by the use of one or the other system. The fact remains that the FBI manages all funding centrally and should DEA's functions be transferred to the FBI, the fiscal management could and should be achieved through the FBI's centralized system.

DEA maintains an operational accounting function at the Regional level. Accountants or other professional employees are assigned to each Regional Office for purposes of handling all financial matters relegated to the regions. The financial operation is usually under the management of the Assistant Regional Director for Administration (Administrative Officer). Each Region is responsible for certain expenses as allocated to it by Headquarters. The Region then sub-divides the allocation to the District Offices within the Region. The Regions are held accountable for certain expenses known as "controllable expenses"

and for amounts allocated for the purchase of evidence and payment for information (PE/PI funds). All other financial management is centralized at DEA Headquarters.

All domestic regional operational accounting, such as the scheduling of invoices for payment, maintaining and reimbursing cash funds and recording of obligation and expenditure of funds, is accomplished within the Regions. Special operations are funded by Headquarters if outside the normal scope of a regional operation. If a Region is experiencing difficulty staying within a financial plan, the Regional Director can apply to Headquarters for additional funds or curb operations to stay within his financial plan.

DEA's total financial plan is prepared and reviewed periodically and all changes approved by the Administrator. DEA is actually managed, fiscally, from this planning document. The DEA financial plan groups funds by management categories, some of which are specific accounts and others, groupings of accounts into operational and support categories. This system seems to provide the necessary overview of financial operations which lends itself to management of controllable funds and recognition of shortfalls in uncontrollable areas.

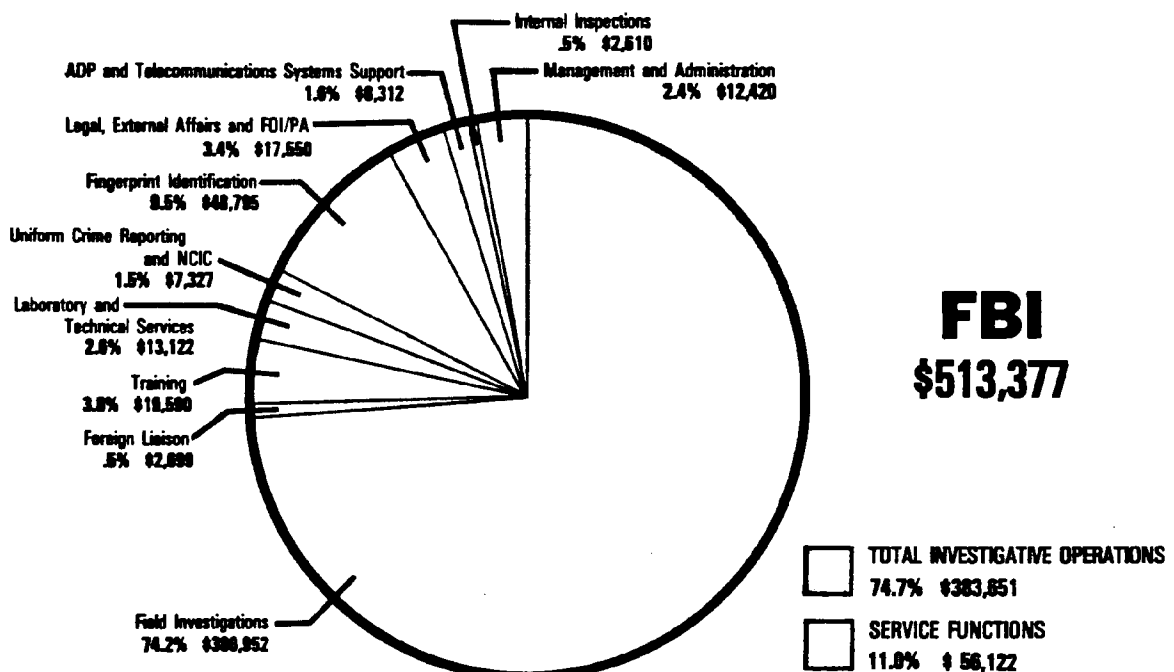
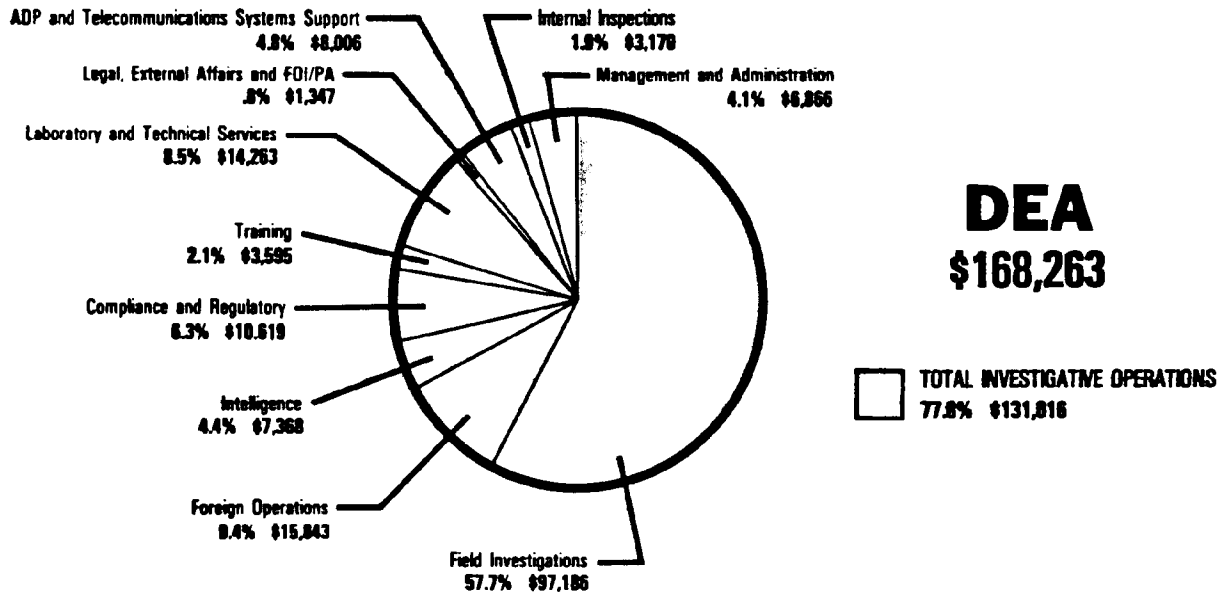
The FBI maintains a centralized fiscal management and operational accounting system. Field managers have the latitude to authorize all normal operating expenditures within the scope of their particular field division. There are no allocations of funds to field offices. All obligations and expenditures of funds together with all operational accounting are centralized at FBI Headquarters. Any unusually large or abnormal items of expenditure desired by a Special Agent in Charge of a field office, are authorized by FBI Headquarters. All major financial decisions are made jointly by the FBI respective operational division and the Finance and Personnel Division, subject to the approval of the Deputy Associate Directors (Investigative and/or Administrative). This method allows flexibility with respect to deployment of personnel and funding to handle special or unusual investigations. While there is much program planning and funding level authorization based on historical costs, the FBI, because of its wide area of responsibility, must maintain the flexibility to apply financial resources to current crime problems which may not have been apparent at the time funding levels were established or are the result of new legislation giving the FBI additional responsibility.

DEA is the recipient of several million dollars provided from funds appropriated to other agencies. Presently the use of these funds is restricted to the training of foreign law enforcement personnel, participation with foreign governments in the interdiction and eradication of illicit narcotics, the gathering and dissemination of intelligence on narcotics traffic and the development and use of technological capabilities. These funds are reimbursements except for certain amounts provided by the Department of State which take the form of direct allocations for approved programs. For FY 1977, DEA expects to receive \$4,625,000 in reimbursables and \$1,464,000 in allocations for a total of \$6,089,000. The bulk of this amount, or \$4,040,000 is from the Department of State. (The FBI is the recipient of approximately \$5,000,000 from other agencies, most of which is reimbursement for applicant background investigations).

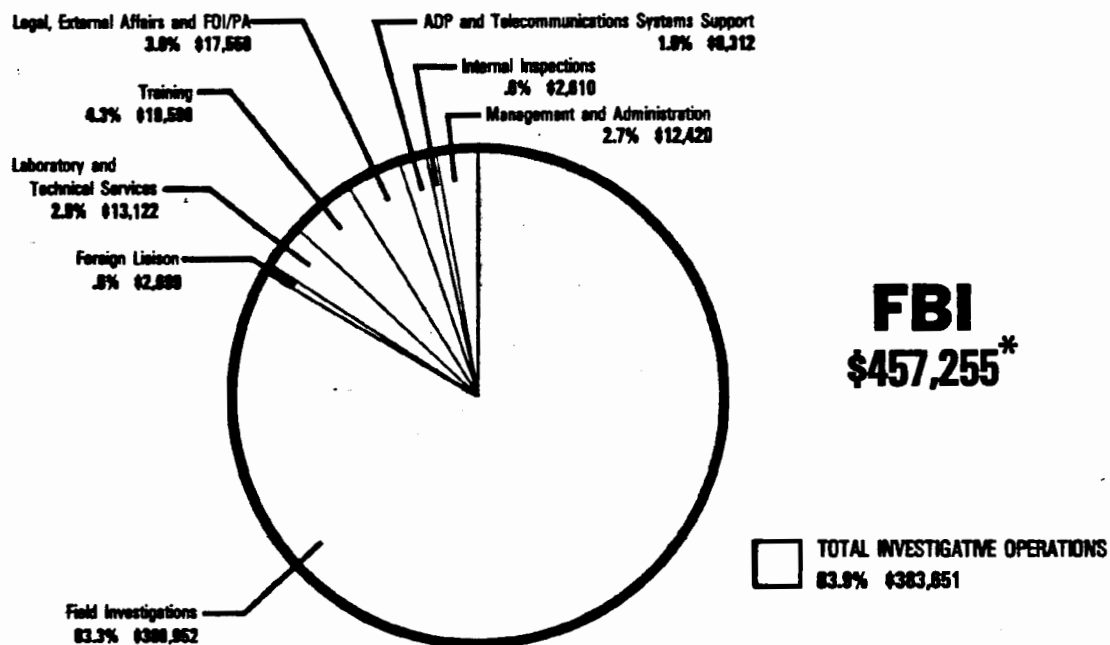
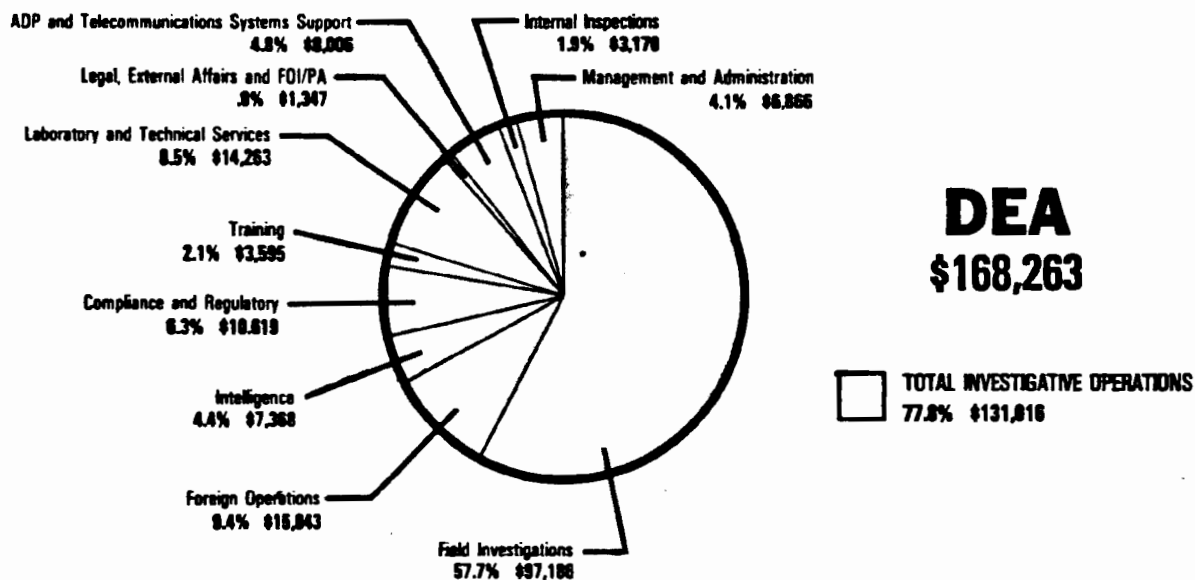
Following are Exhibits 13 and 14. Exhibit 13 shows total direct funding authorized by major function. It is distinguished from Exhibit 14 showing comparable direct funding authorized by major function by exclusion from the latter of FBI's cost free service functions for which there are not comparable DEA functions.

FISCAL YEAR 1977 TOTAL DIRECT FUNDING AUTHORIZED BY MAJOR FUNCTION

(DOLLARS IN THOUSANDS)



FISCAL YEAR 1977
COMPARABLE DIRECT FUNDING AUTHORIZED
BY MAJOR FUNCTION
(DOLLARS IN THOUSANDS)



* EXCLUDES COST FREE SERVICE FUNCTIONS TO STATE AND LOCAL LAW ENFORCEMENT
(FINGERPRINT OPERATIONS, NON-FEDERAL INDC AND UNIFORM CRIME REPORTS)

The direct appropriation to DEA for FY 1977 is \$168,263,000. This amount does not include carryover authority of \$2,241,000 from the preceding year. This level of funding allows for 4,007 full year employees for FY 1977. The FBI's direct appropriation for FY 1977 is \$513,377,000 and allows for 19,367 full year employees. The FBI has no appropriation carryover authority. Both the FBI and DEA have joint efforts in 1977 with State and local law enforcement agencies which receive the support of LEAA. For FY 1978, DEA has asked for direct funding of \$6,777,000 to be transferred from LEAA together with enabling appropriation language to administer such funds.

It would be difficult to make a valid function by function comparison of the FBI and DEA within the time frame of this survey. The Exhibits, which depict a comparison of funding by function, are for purposes of portraying a fiscal overview of the two operations and the approximate manner in which financial resources are allocated. When funding for the service functions of the FBI, (NCIC, Uniform Crime Reporting and Fingerprint Identification) is removed, a closer comparison of fund allocation by function is achieved; however, there are different concepts in allocating funds

to these functions and an in-depth audit would have to be conducted to unravel all these differences.

Responsibility for fiscal operations of DEA is incorporated into the Controller's Office and comes under the authority of the Assistant Administrator for Administration and Management. Budget formulation and all matters related thereto are handled at Headquarters. The coordination of regional accounting operations and accounting for all other obligation and expenditure data are also necessarily centralized in order to meet reporting requirements. All of these positions, in the field and at Headquarters, are manned by staff accountants and other professionals.

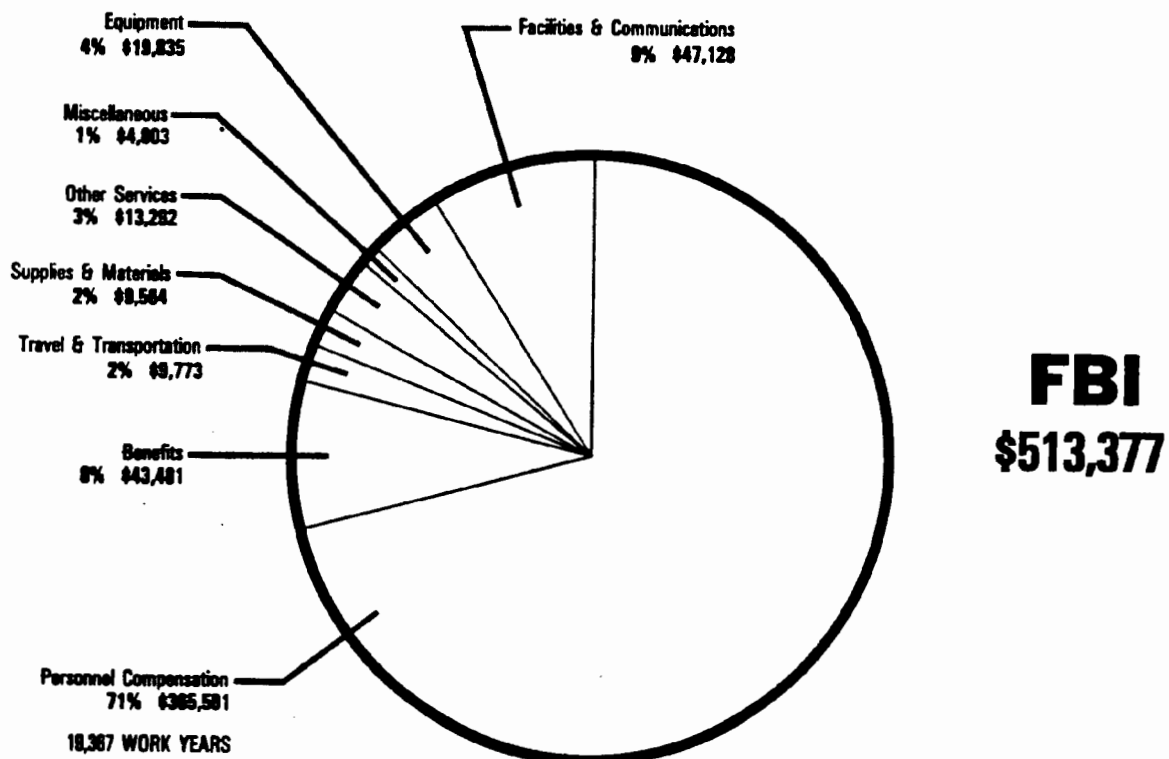
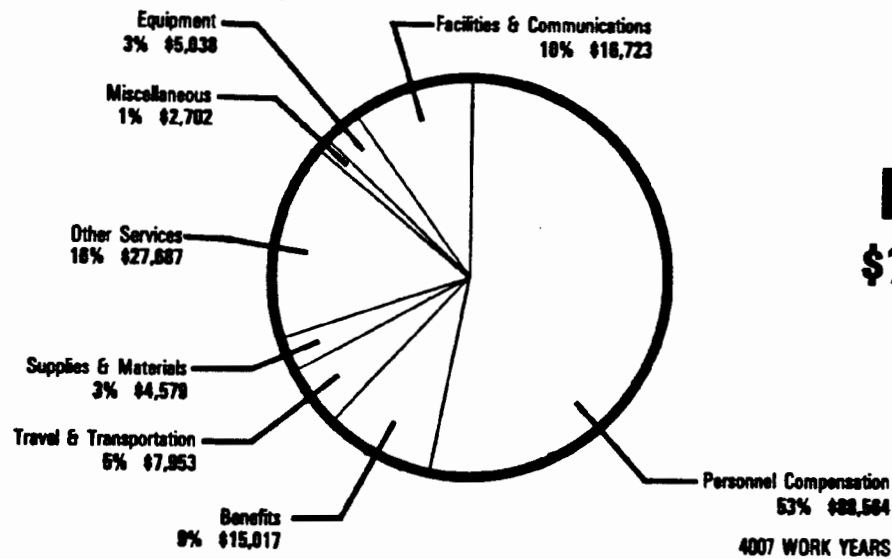
Responsibility for the fiscal operations of the FBI falls within the purview of the Assistant Director of the Finance and Personnel Division and is under the authority of the Deputy Associate Director (Administrative). The current Assistant Director has an accounting background and was previously the Special Agent in Charge of a field office as was the Deputy Associate Director. Most key budget and accounting positions are currently manned by Special Agents. Most are Certified Public Accountants (CPAs) and all have professional as well as law enforcement experience. The interaction between the financial and operational Special Agents greatly facilitates the budgetary and accounting

operations of the FBI. This also serves a valuable purpose in the career development of these Special Agents for future management assignments.

Following is Exhibit 15 showing a comparison of authorized funding by object class.

As shown in Exhibit 15, personnel compensation and related benefits represent approximately 79% of the total FBI direct appropriation for FY 1977 while representing 62% for DEA. One significant factor in this percentage difference is the payment by DEA of approximately \$8,000,000 for contract ADP services and for use of the Department of Justice computer services. By a comparison of personnel compensation, one conclusion can be drawn that all the other costs combined to operate the smaller DEA are disproportionately large due to the necessity of maintaining facilities, communications and certain functions regardless of the size of the organization; in other words, the fixed cost to operate the smaller agency is proportionately larger. In doing this type of comparison, one must remain aware that the operations of DEA and FBI are similar but not exactly the same and that pending priorities for any given Fiscal Year where a comparison is being made can have an effect on such a comparison.

FISCAL YEAR 1977
**COMPARISON OF AUTHORIZED FUNDING
 BY OBJECT CLASS**
 (DOLLARS IN THOUSANDS)



The average pay grade for all DEA employees is higher than for FBI employees. One difference is in the fact that DEA has a larger proportion of higher graded professional/technical personnel. This difference still exists when a comparison is made of the two organizations, excluding the FBI's major service function, the Identification Division. Part of the reason for the higher average grade is the use of contract services by DEA for input into the ADP systems in lieu of its own employees. Some of the difference is accounted for in the mission, structure and size of the organizations and the overall systems of recording, filing and managing investigative results. The FBI has no counterpart functions to the Compliance and Regulatory or Intelligence operations of DEA. The key area of difference, however, is the FBI's use of support personnel in all echelons of the organization as opposed to any extensive use of non-Agent professionals.

Travel and transportation costs of DEA are proportionately higher than the same costs for the FBI. This may be due to the fact that DEA must cover the same geographical area as the FBI from fewer offices. A combining of resources could effect some economy in this

area, since the wide deployment of the FBI might eliminate some travel. The following comparison portrays the availability of average funding per employee and per investigative employee as a means of pointing out classifications of funding available to carry out the responsibilities and missions of DEA and the FBI:

FISCAL YEAR 1977 (AUTHORIZED)
AVERAGE FUNDING PER EMPLOYEE BY OBJECT CLASS

	<u>FBI</u>	<u>DEA</u>
Full Year Employees	19,367	4,007
Less: FBI Identification Division	<u>(3,389)</u>	<u>--</u>
	<u>15,978</u>	<u>4,007</u>
Travel and Transportation \$ of persons	606	\$1,985
Transportation of Things	220	393
Rent, Communications and Utilities	2,605	4,173
Printing and Reproduction	68	281
Other Services (Repairs and Maintenance Contracts, Payments to Other Agencies, etc.)	672	6,727
Supplies and Materials	560	1,143
Equipment	1,196	1,257

These comparisons eliminate the employees in the FBI Identification Division and corresponding dollar amounts to reflect this reduction.

FISCAL YEAR 1977 (AUTHORIZED)

AVERAGE FUNDING PER INVESTIGATIVE EMPLOYEE

BY OBJECT CLASS

	<u>FBI</u>	<u>DEA</u>
Full Year Investigative Employees:		
Special Agents	8,318	1,965
Compliance Investigators	<u>...</u> <u>8,318</u>	<u>196</u> <u>2,161</u>
Travel and Transportation of Persons	\$1,163	\$3,680
Transportation of Things	422	729
Rent, Communications and Utilities	5,003	7,739
Printing and Reproduction	130	522
Other Services (Repairs and Maintenance Contracts, Payments to Other Agencies, etc.)	1,290	12,473
Supplies and Materials	1,077	2,119
Equipment	2,297	2,331

It should be recognized that the foregoing comparisons measure only the input in terms of financial and personnel resources and that there is no definitive measure of output which can be compared to this input.

The FBI has a massive system of records and written communication management both in the field and at FBI Headquarters. DEA does not have such an extensive system nor do they record as much investigative information; therefore, DEA has fewer employees engaged in this type activity. This would mean fewer lower grade DEA personnel to handle filing, etc., of investigative information. More personnel would require more support costs, however, and there is no way to determine how such a comparison would look.

Since the two organizations are similar but not the same, it is difficult to make a comparison which could specifically address the cost-effectiveness of one versus the other without adjusting figures to the extent that they would no longer be valid for such a comparison.

The DEA appropriation for FY 1977 is 32.8% or slightly less than one-third of the FBI's. If narcotics law enforcement is transferred to the FBI, narcotics investigations would be the largest single program within the FBI's jurisdiction. Currently the two major FBI

criminal investigative programs are white-collar crime and organized crime. Narcotics violations would overlap into both of these investigative areas, primarily organized crime. There are inherent efficiencies in being able to investigate one individual or group of criminals for violations of a multitude of Federal statutes. These efficiencies extend beyond the investigation and into reporting, prosecution, record storing, etc.

Certain efficiencies would be achieved by combining DEA into FBI which would give rise to efficiencies outside the FBI, namely, single review in all areas at the Department of Justice, Office of Management and Budget, General Accounting Office and the Congress.

The initial stages of combining DEA responsibilities with the FBI would require additional funds for conversion of communications equipment, moving costs incurred in the consolidation of space, revision of automated systems, travel and per diem for transitional employees, training of both DEA and FBI employees, background investigations on those DEA employees who have no security clearance, integration of the DEA records management system into the FBI and necessary transfers in connection with realignments of offices and functions.

The costs of these transition items depend somewhat on the method of implementation and the time required to complete the integration. It is estimated these costs could range from \$30,000,000 to \$40,000,000 depending on the extent of field office moves (both FBI and DEA) required. Initially there would necessarily be some duplication of effort during the transitional and training period but eventually efficiencies would emerge which might offset the additional start up costs. The principal consideration of a melding of DEA functions into the FBI should be whether the combined efforts would provide an improved enforcement product and not necessarily whether the combination of administrative efforts and physical facilities would be economical. If, in fact, there is a monetary savings, it would not surface immediately and could take the form of improved capabilities for the combined law enforcement effort and never surface as a pure dollar savings.

There are some distinct differences between the organization of the fiscal functions of the FBI and DEA as well as some basic conceptual differences on how to apply financial resources to achieve the goals and objectives of the respective organizations. DEA's fiscal functions are decentralized to an extent, FBI's are centralized; DEA

has professional/technical employees in all fiscal management positions, the FBI does not; DEA pays for extensive outside contractor and other Department of Justice ADP services, the FBI has their operations centralized within; DEA has a highly sophisticated accounting system aimed at accumulating costs by organizational element, the FBI system is less complex and is aimed primarily at accumulating costs by investigative classification or by major support function; DEA has an extensive aircraft inventory and operational capability, the FBI owns a limited number of aircraft and leases the balance on a project basis; and DEA maintains large cash balances and cashier operations in each office, the FBI does not. While these and many additional issues could be raised with respect to differences, none of them can be considered to be of sufficient magnitude alone to be a decisive factor in considering the feasibility of combining DEA/FBI resources.

F. SUPPORT ACTIVITIES

1. Training

The Office of Training at DEA Headquarters, called the National Training Institute (N.T.I.), consists of two divisions. One division of 30 persons, including 16 Agents, handles training of DEA personnel and police officials from local, state and other Federal agencies. The other division of 35 persons, with 21 Agents, handles

training of foreign police officials. The latter division is completely funded by the U. S. Department of State. The Office of the Director of Training with 12 employees, three of whom are Agents, handles management, planning, evaluation and administrative functions. The training mission of the NTI is to provide both basic and advanced training in narcotics and dangerous drug law enforcement skills. Each DEA Regional Office has a Regional Training Coordinator who programs and helps conduct field training of an In Service nature for DEA employees and field schools for local, county, State and Federal law enforcement agencies.

All new Special Agents of DEA are trained in Washington, D. C., at the NTI. Prior to the only Class in Fiscal Year 1977 which graduated April 1, 1977, the training lasted 10 weeks. This year's only class was increased to a 12-week program to emphasize conspiracy cases, report writing and more legal matters. Academic curriculum is re-inforced by a continuous series of field training exercises covering undercover, informant debriefing, surveillance, raid techniques, and courtroom procedures. Physical conditioning, self-defense and firearms training are an integral part of the program. The length of the course is deceptive since a considerable number of extra hours are spent in practical exercises on nights and weekends that are

not readily apparent from a stated 12-week schedule. The training class completed April 1, 1977, consisted of: 250 classroom hours, 284 practical field training hours, 79 firearms training hours, and 84 hours of physical activities for a total of 697 hours. Over 200 of the total hours were spent in training on nights and weekends.

The overall objective of new Agent training is to prepare them to become immediately productive upon assignment to initial duty stations. As a practical matter, however each new Agent is assigned as a teammate of an experienced Agent in the field for varying lengths of time, up to as long as a year.

A six-week program was devised to prepare new Compliance Investigators to become immediately productive in the auditing of legitimate manufacturers, wholesalers and retailers in an effort to identify and halt diversion of legitimate drugs to illicit channels. The program covers investigative techniques, pharmacology and identification of controlled substances, legal principles and drug security.

A four-week program for intelligence analysts is devoted to technical intelligence subjects. Individual and group exercises allow for practice in the application of intelligence analysis techniques to drug law enforcement situations.

Some DEA training is provided in foreign languages, foreign service orientation, advanced investigative skills, Equal Employment Opportunity, technical, clerical, supervisory, mid-management, executive and chemist programs. This training is done at DEA Headquarters, by other government agencies, or civilian sector programs.

DEA is active in training of local, county, State and other Federal law enforcement officials. One such program is the Drug Enforcement Officers Academy. This ten-week program is conducted in DEA space in Washington, D. C. The training is cost free, however, each Department sending representatives must defray the per diem costs for the students in Washington. The course is similar to the Basic Agent Program of DEA in that it combines academic, field exercise, physical and firearms training. Students are provided management, leadership and method-of-instruction training. Four such schools are scheduled each year with 30-35 officers in each.

Law Enforcement Officer Schools of two weeks duration are held in Washington, D. C., and at selected locations throughout the United States. Basic surveillance techniques, undercover operations, drug identification and field testing are covered in the classroom and field exercise situations. Fifty-seven such schools are scheduled for Fiscal Year 1977.

One-week seminars for forensic chemists complement the police training programs. The program includes classroom and practical work to update methodology and improve techniques in the analysis of drug evidence.

Other programs of from one to five days duration are conducted in headquarters and regional seminars. DEA does not contribute to the travel or per diem costs for any of the schools conducted for State and local police.

Individual training programs for foreign police officials are geared to upgrading the indigenous drug law enforcement capability of foreign law enforcement agencies through training in management, investigative techniques and training of drug law enforcement units. Programs vary in content and design from country to country and region to region. Attempts are made to motivate foreign police officials to initiate and continue higher level drug investigations and to increase communications and cooperation between foreign police and DEA personnel and among foreign police working along international drug trafficking routes. The international training program is completely funded by U. S. Department of State.

The Advanced International Drug Enforcement School is a multilingual program of six weeks duration conducted in Washington, D. C., while some field observation and on-the-job training is accomplished at selected DEA field

offices throughout the U. S. Classes consist of about 28 students and are composed and organized on the basis of regional drug trafficking patterns, mutual problems and similar cultures. High level law enforcement officials are provided training which emphasizes the management and training of drug law investigative units. Overseas DEA representatives were consistently high in their praise of the effects of this training program in influencing and stimulating action on the part of the many participating countries to exert more effort against the drug law enforcement problem. Six of these classes are scheduled and held each year.

Some schools for foreign police are designed to provide intensive practical, on-site enforcement training in the recipient country. The objectives vary from course to course but generally teach the students, in as practical a manner as possible, techniques involved in initiating and developing drug cases whether on the retail level in-country or on the international level. Thirty programs for 1000 students have been budgeted for Fiscal Year 1977. The average length of a program is from two to three weeks.

The International Training Division also provides expertise to ongoing foreign police academies by having Audio-visual, Intelligence and Education experts spend from three to four weeks on-site in the academy providing direct assistance.

Also scheduled for Fiscal Year 1977 is the International Drug Enforcement Association Program. Three conferences are scheduled each year for approximately 150 participants and three magazine issues are prepared. This program brings together in one geographic area of the world previous graduates of international programs for mutual discussion and update.

Executive programs for 45 executives from two to four weeks duration and two chemist schools for from three to four weeks for 30 students have also been budgeted for Fiscal Year 1977.

The executive programs are designed to give the highest executives in foreign counterpart organizations a firsthand look at DEA operations and are generally intended to increase support and cooperation from these top level officials. Invitations are issued on a very select basis by the Administrator through the Department of State.

Projected costs for Fiscal Year 1977 for foreign training programs total \$2,376,066 of which \$1,106,966 is for payroll of DEA employees and \$1,269,100 for other costs. All of this is reimbursable from State Department.

International training appears to be a necessary ingredient to DEA's foreign mission.

The FBI Training Division, consisting of approximately 340 employees including 96 Special Agents, conducts

training for FBI Special Agents and other employees and for local, county, State and some Federal and foreign police at the FBI Academy located on the United States Marine Corps base at Quantico, Virginia. This nine-building facility is completely self-sufficient and can house 700 students. All training materials, food, housing, laundry and dry cleaning are provided without charge to all students at the Academy. Roundtrip travel is also provided to all local, county, and State law enforcement officials of the United States who attend courses there.

The FBI trains each of its new Special Agents in a 16-week course of 619 hours duration, 15 hours of which is after normal working hours. New Agents are trained to handle all the FBI's many investigative and administrative classifications and are trained to become operational in their first office of assignment. For practical on-the-job training, they receive guidance from experienced Agents and supervisors during a one-year probationary period.

Training of an In-Service nature is also provided at Quantico to the experienced Agent force in short courses designed to meet a particular need.

The FBI has been offering training assistance to local, county, and State police in the United States since 1935. The FBI National Academy (FBINA) program conducted at the Academy is an 11-week college-level course of

instruction, the great majority of which is provided by FBI Special Agent instructors. Each instructor has an advanced degree in at least one of five special disciplines-- Behavioral Sciences, Management Principles, Forensic Sciences, Criminal Law, and Education-Communication. Required elective courses in these five disciplines are complemented by Law Enforcement Arts subjects of physical training, firearms training and investigative techniques. The successful student can earn up to 16 semester hours of undergraduate credit from the University of Virginia. Those who already possess Bachelors degrees can earn up to nine hours of credit at the Graduate level. Four sessions of the FBINA consisting of 250 officers each are held during the Fiscal Year. Since 1935, and with the graduation of the 109th session on June 16, 1977, there have been over 11,000 graduates. The FBI invites a limited number of foreign police officers to attend each FBINA session. This training is designed to enhance the administrative capabilities of the participants who return to their own agencies upon graduation.

Shorter courses of classroom and practical exercise instruction are also held at Quantico for local officers. These courses differ in length from two-day seminars to four weeks of specialized training. Subjects vary based on needs and desires of local police and cover such areas as Firearms

Instruction, Anti-Sniper and Survival Training, Crime Prevention, Applied Criminology, Domestic Crisis Intervention, Hostage Negotiations, White Collar Crime Investigations, Labor Relations, Executive Development, and a broad range of Forensic Sciences such as Fingerprints, Photography, and Scientific Examinations. Four to five thousand local police are trained at the FBI Academy each year.

Each FBI field office has a Police Training Coordinator who assists local police agencies in scheduling and conducting police training schools. FBI Agent instructors from the field and FBI Academy handle varied lecture and training assignments. One of every six FBI Agents is a trained police instructor. Hundreds of hours of training are given local police each year in the field.

In the event FBI assumes narcotics investigative responsibilities, training priorities of both agencies would have to re-evaluated for the task of cross-training certain numbers of Agents as soon as possible in both organizations. Neither agency has scheduled a new Agent training class until after October 1, 1977. It would be expected that all new Agent classes in the future would train the composite Agent to investigate narcotics as well as the other FBI matters.

DEA new Agent trainees now receive 697 hours of training to investigate violations of the Controlled

Substances Act. FBI new Agents receive 619 hours of instruction to investigate over 125 various Federal criminal and civil violations. On assimilation, training of a representative number of FBI Agents to handle narcotics could start immediately without disrupting the current effort of DEA against narcotic traffickers.

Due to many similarities in practical investigative techniques, experienced FBI Special Agent criminal investigators should quickly learn to handle narcotics investigations. Emphasis in this training, which could be given by DEA personnel, would be on drug recognition factors, jargon, and practical exercises unique to the narcotics traffic and enforcement. Training time would be solidified after a pilot session of two to four weeks. This training could be complemented by on-the-job training with experienced narcotics investigators.

Cross-training DEA Agents to handle FBI responsibilities, because of its numerous investigative and administrative classifications, would take longer. Study teams from the FBI have evaluated the DEA basic Agent course and predict approximately six weeks would be necessary to properly train and indoctrinate DEA Agents. Policy, administrative procedures, records systems, communications, recording results of investigations, and investigative responsibilities are quite different from

current DEA practice. This would necessitate that, as soon as practical without severely disrupting current narcotics investigative efforts of DEA, each Agent and supervisor of DEA receive this training. Most, if not all, of this training would have to be provided at the FBI Academy. Instruction would be given by the existing faculty supported where needed by Headquarters Divisions of the FBI. After a pilot course, training time could be adjusted.

The ideal situation would be to cross-train as many investigators from each organization as possible in the shortest possible time. Again, care must be taken not to totally disrupt the current effort against the narcotics traffickers. The FBI Academy priorities could accept as many as 150 DEA cross-trainees at one time. Starting a class of 48 every other week, the FBI could train 528 in six months. As many as 650 FBI Agents could be trained at the Academy in the same six months by DEA instructors. Initial priority would be given to training FBI Agents currently assigned to high narcotics crime areas, probably major cities like New York, Miami, Los Angeles, Chicago, etc., where the FBI has larger numbers of Agents.

The advantages of joint training of FBI and DEA Agents at the same time at Quantico would be many and varied. The informal discussions engendered by rooming them together

and training at the same time, although in different courses, might result in a shorter training time.

As an example, the total approximate cost for cross-training 2,000 FBI Special Agents and 2,000 DEA Special Agents would be \$1,600,000 (excluding personnel compensation costs).

Adjustments to the FBI new Agent training program have not been calculated. It is assumed that this could later be adjusted when the pilot cross-training programs have been implemented.

2. Scientific and Technical Services

DEA's Office of Science and Technology (OST) is structured in a compatible and complementary manner to the FBI's Laboratory Division and Technical Services Division. The mission of OST is to: "Assure that DEA has and effectively uses the scientific and technical resources and capabilities needed to achieve its objectives, plans and programs."

DEA Forensic Sciences Division

This Division exercises direct line supervision over the Special Testing and Research Laboratory in McLean, Virginia, and seven Regional forensic laboratories located strategically throughout the United States in areas of heaviest investigative activity. (See Exhibit 8, Page 84).

Scientific personnel of this Division and the regional laboratories include forensic chemists who furnish expert testimony concerning the results of their analyses in Federal, State and local criminal justice systems. These services are provided free of charge to State and local law enforcement agencies in drug related criminal matters. In many cases they refer requests received for crime laboratory services other than drug analyses to the FBI Laboratory. Through long-standing informal agreement the FBI Laboratory refers state and local requests received by the FBI for chemical analyses in drug related matters to the appropriate DEA regional laboratory.

The need for rapid results of physical evidence examinations in drug related investigations justifies the decentralization of regional laboratories to the seven strategic locations. Essential factors in the success of narcotics investigations are: establishing probable cause in making arrests; offering proof in prosecutive proceedings that a questioned sample has definitely been established as a narcotic or controlled substance through scientific analyses; and establishing the level of trafficker through the purity level of heroin.

The Special Testing and Research Laboratory in McLean, Virginia, has four major program areas:

- a. The analyses of all drugs from overseas operations.
- b. A "ballistics" program studying and classifying markings on illegal tablets to identify sources of tablet manufacture.
- c. Training, with five domestic schools and two international schools each year, for the benefit of state and local analytical chemists. In addition to formal training sessions, individual seminars are also conducted.
- d. Research, including a program which produces the drug "signature" process that works toward identifying the source of a sample of drug evidence by scientific means.

The staff of this facility works closely with headquarters strategic intelligence personnel in tracing the routes being followed in the growth, manufacture, and later trafficking in narcotics.

DEA Technical Operations Division

Effective law enforcement requires the support of reliable communications systems and the development and coordination of special technical capabilities to support investigative operations including legal wiretap and covert surveillance systems. The personnel of

the headquarters staff are available to assist in complex investigative situations requiring special expertise to reinforce the capabilities of the Technical Operations Offices (TOO) located in various domestic investigative regions of DEA.

Items of technical equipment noted were, for the most part, of similar design and manufacture to equipment utilized by the FBI.

DEA has developed a single side band radio communications capability through contract with a private firm to maintain around-the-clock monitoring of their mobile air and marine units. This provides a tangible added safety factor to operations being conducted in remote areas. The application of this system trades off the security of the communications, which can be openly monitored by anyone tuning into their frequency, with the long-range capability afforded by single side band operation.

DEA Advanced Technology Division

This division is tasked with exploring means by which technology may be best utilized to support the DEA mission. Its personnel conduct research and design systems to be utilized anywhere in the broad range of DEA activities to take advantage of the many advances made in related technical fields. Projects range from the development and concealment of radio antennae to

the use of satellite communications and in general fall into two categories; (a) hardware development and (b) policy development utilizing scientific data.

This Division maintains close liaison with defense and intelligence agencies to make useful application whenever possible of existing developments which may be adapted to law enforcement needs.

FBI Laboratory Division

The FBI Laboratory Division has one central crime laboratory in Washington, D. C. It offers a complete range of criminalistics services free of charge to Federal agencies in criminal and civil matters and to State and local law enforcement agencies in criminal matters only.

The FBI Laboratory is staffed with specialists experienced in many scientific and technical fields.

The Document Section examines and analyzes materials relating to criminal violations pertaining to handwriting, handprinting, and other examinations of a document nature. Translation of documents in foreign languages and specialized photographic capabilities are also provided.

The Scientific Analysis Section conducts examinations and research in the biological, physical, and chemical sciences and supervises the training of local,

State, and Federal law enforcement crime laboratory personnel in a wide range of specialized scientific areas. This section frequently provides on-the-site investigative assistance to the FBI field offices in major case investigations.

The Special Projects Section provides visual and graphic support in the form of artist conceptions and court room exhibits utilized in the investigation and prosecution of criminal matters.

FBI Technical Services Division

The Engineering Section of the Technical Services Division is responsible for insuring that all of the field divisions are equipped with FM automobile two-way communications systems. In addition, forensic examinations are conducted and testimony offered in matters involving electronic or mechanical devices of evidentiary value. Investigative and technical support personnel provide field support when needed to overcome existing difficulties in technical installations. This section possesses a capability in the enhancement of recorded voice communications and serves as a resource for Federal agencies requiring assistance in this area.

Observations

Some potential benefits to merger of FBI and DEA resources would come through assignment of additional

personnel, e.g., FBI questioned document examiners and tool-mark examiners, to existing regional laboratories thereby offering increased on-the-spot capability in evidentiary examinations to provide more timely assistance to the over-all investigative effort. The FBI could benefit from DEA's extensive experience in all facets of drug examinations and DEA could benefit from the FBI's overall criminalistic approach to the examination of evidentiary materials. Additional technology in the form of latent fingerprint work and in basic photographic support could be provided to regional laboratories by the FBI.

DEA forensic chemists testify concerning results obtained in DEA regional laboratories. The functions of the FBI Special Agent Laboratory examiner and the DEA forensic chemist differ in that additional investigative and administrative responsibilities are placed on the FBI Laboratory personnel.

The success achieved by DEA in the utilization of forensic chemists as expert witnesses has demonstrated to DEA personnel the feasibility of continuing this category of employee through whatever reorganization might take place. It is seen as the only practical manner in which invaluable expertise and efficient service can continue to

be provided to those law enforcement agencies that are now serviced by the regional laboratories and the special testing facility at McLean, Virginia.

A technical problem in compatibility of equipment exists in that DEA uses UHF FM mobile radio systems whereas the FBI uses VHF FM mobile radios. In some areas, it would be possible to set up cross-band repeaters at base stations permitting existing DEA vehicles using UHF systems to communicate car-to-car with FBI vehicles using VHF systems. However, cost effectiveness would probably dictate the use of parallel systems with common base stations until such time as operational experience, replacement cycles and new developments in equipment offer better alternatives. Otherwise, a combining of FBI/DEA technical personnel and material resources would appear to be feasible. This would make available for investigative support, a larger variety of equipment to service particular needs.

The equipment and facilities of the DEA laboratories are compatible with existing facilities located in the FBI Laboratory with a single notable exception, i.e., the storage facilities for custody of evidentiary materials.

DEA regional laboratories are currently burdened with the responsibility of maintaining custody of entire bulk seizures of illicit dangerous drugs. The courts and prosecutors do not currently accept representative

sampling of bulk substances which are examined by these laboratories and determined to have evidentiary value. This has necessitated the building of large and costly safe-type storage areas with attendant guard services since the total street value of the materials stored in these areas frequently exceeds the amount of currency stored in local banking institutions. This problem was not created by DEA nor does it possess the capability of solving the problem internally since the current policy decision on whether or not the seizures must remain intact lies with the prosecutors and the courts. No sizeable losses have been directly attributed to this storage of evidence to date; however, the potential remains for a major problem to occur unless this matter is addressed through policy development.

The FBI Laboratory does not store evidentiary material--it is returned to the contributing agency or FBI field office upon completion of examination. The FBI does not have jurisdiction over any violation likely to accumulate evidentiary material of similar value to illicit drugs.

3. Records Systems, Automatic Data Processing and Telecommunications

The basic file systems of both DEA and FBI are designed to record results of investigative activity. Data recorded in these file systems are retrievable through

indices, either manual or automated. Other than differences in volume of recording, format of reporting and file maintenance, the systems are compatible and should FBI assume the DEA mission, recording and reporting of investigative activity could be readily adapted.

As published in the March 4, 1977, issue of the Federal Register, DEA maintains 19 identifiable systems of records. According to its Annual Report to the General Services Administration on September 30, 1976, the volume of its records holdings totalled 27,410 cubic feet including 2,653 reels of magnetic tape.

For comparative purposes the FBI maintains nine identifiable systems of records, and its September 30, 1976, Annual Report to the General Services Administration listed total file holdings of 765,490 cubic feet of which approximately 151,000 cubic feet were FBI fingerprint identification records.

The FBI record systems mentioned above are identified as follows:

- (1) National Crime Information Center
- (2) FBI Central Records System
- (3) Bureau Mailing List
- (4) Routine Correspondence handled by preprinted form

- (5) Routine Correspondence prepared without file yellow
- (6) Electronic Surveillance Indices
- (7) FBI Automated Payroll System
- (8) Personnel Information Network System (PINS)
- (9) Identification Records System

All data of consequence from FBI investigations are maintained at FBI Headquarters in the Central Records System and are accessible through a manual indices (which is currently being automated). Field offices also maintain files accessible through manual indices of data originating within the field office territory. As indicated, all data of consequence are also maintained in the Headquarters Central Records System. Resident Agencies supporting FBI field offices do not maintain a separate file system but file data in the form of serials are charged out to the Resident Agents on an as needed, temporary basis.

The DEA systems of records mentioned above are identified as follows:

- (1) Air Intelligence Program
- (2) Automated Intelligence Records (Pathfinder I)
- (3) Automated Records and Consummated Orders/
Diversion Analysis and Detection System
(ARCOS/DADS)

- (4) Congressional Correspondence File
- (5) Controlled Substances Act Registration Records (CSA)
- (6) Freedom of Information/Privacy Act Records
- (7) International Intelligence Data
- (8) Investigative Reporting and Filing System
- (9) Medical Records
- (10) Office of Internal Security Records
- (11) Operations Files
- (12) Registration Status/Investigations Records
- (13) Security Files
- (14) System to Retrieve Information from Drug Evidence (STRIDE/Ballistics)
- (15) Training Files
- (16) Drug Enforcement Administration Accounting System (DEAAS)
- (17) Grants of Confidentiality Files
- (18) DEA Applicant Investigations
- (19) Specialized Automated Intelligence Files (NIMROD)

Investigative records maintained in District Offices, for the most part, are duplicated in Regional Offices and at DEA Headquarters. Such records maintained in Regional Offices are duplicated at Headquarters. DEA accesses its investigative records through an automated on-line index system known as the Narcotics and Dangerous Drugs Information System

(NADDIS). This index provides file references to all persons, vehicles, and certain identification numbers listed in DEA files and limited file data on known and suspected drug traffickers. NADDIS contains nearly 550,000 records on drug law violators.

NADDIS is accessed through the DEA Automated Teleprocessing System (DATS) which is operational at 72 DEA office locations. These terminals provide on-line access to information both at Headquarters and in the field.

DATS is a nation-wide multistation teleprocessing system linking DEA operational elements with a central repository of automated records maintained at the Department of Justice Computer Center in Washington, D. C. Operational elements include DEA Headquarters, all domestic regions, and some district offices and foreign regions. The central computer is an IBM Model 370/155 and each terminal an integrated input/output device consisting of a cathode ray tube (CRT) display unit and a keyboard input device together with printers to provide hard copy output.

DEA maintains the following automated records systems:

(1) Controlled Substances Act (CSA) - The CSA System contains records of registrations of persons who handle, dispense, or prescribe controlled substances. More than two million

records are used by the system to classify registration status of physicians, hospitals, pharmacies, manufacturers, and distributors, and the annual renewal of more than 530,000 such registrations.

(2) Automated Reports and Consummated Orders System (ARCOS) - ARCOS is used for collection and compilation of drug distribution data. It is used to produce estimates of drug requirements for the United Nations according to United States treaty obligations of the 1961 Single Convention on Narcotic Drug and Psychotropic Convention. It also provides information to measure the extent to which legitimately manufactured controlled substances are maintained in legitimate channels and geographic identification of areas where diversion is occurring.

(3) System to Retrieve Information from Drug Evidence (STRIDE) - STRIDE supports DEA's enforcement operations and intelligence efforts through processing of information generated in the eight DEA laboratories.

(4) DEA Accounting System (DEAAS) - DEAAS provides for administrative appropriation accounting for DEA.

(5) Pathfinder - The Pathfinder System (under development) is an automated component of the National Narcotics Intelligence System being designed to provide DEA Intelligence and the El Paso Intelligence Center (EPIC) with a centralized computer capable of providing automated storage, retrieval and analysis of all source information relevant to illicit drug activities.

(6) Drug Abuse Warning Network (DAWN) - DAWN was developed by DEA and is jointly funded with the National Institute on Drug Abuse for the purpose of gathering, interpreting and disseminating data on drug abuse patterns and trends throughout the country. On a routine monthly basis, drug abuse statistics are gathered from approximately 1,000 facilities such as hospitals, emergency rooms, crisis centers, and medical examiners. (All processing associated with DAWN automation is accomplished using contractor supplied tele-processing, computer hardware and computer programming.)

(7) Other Statistical Systems - Six smaller systems are used to collect, compile, and

summarize a variety of statistical information and produce historical, demographic, and administrative reports on a continuing basis.

(8) El Paso Intelligence Center (EPIC) - EPIC is essentially a communications and data retrieval storage center providing service to enhance the border enforcement responsibilities of the cooperating agencies presently involved with and using this facility, i.e., DEA, Customs, INS, Coast Guard, FAA, and ATF.

The NADDIS automated indices to narcotics-related information could be maintained as a separate access system to such data which might also be included in the FBI Central Records System and available through manual (or automated when operational) indices.

Some of the other records systems of DEA could likely be consolidated into the FBI Central Records System, e.g., training files, applicant investigations, operations files, security files. Others would likely continue as special purpose compilations necessary for administrative, historical and other purposes.

As spoken to elsewhere in this report, the DEA records systems do not appear to adequately serve DEA's

total mission. This is partially due to Agents not being trained and disciplined to record detailed investigative results, including intelligence information. The records systems rely heavily on automation but do not contain the data base necessary to be of maximum assistance to ongoing investigations.

Automated Data Processing (ADP) and Telecommunications

In support of its ADP Operations, DEA basically uses services provided by the Department of Justice Computer Center; however, it does have some independent processing capability. For ADP support, DEA reimburses the Department of Justice approximately \$3 million per year.

DEA has an IBM 360/40 and two Hewlett Packard 9830's at Headquarters. The Special Testing Laboratory, McLean, Virginia, has a PDP-8. The Air Support Office, Addison, Texas, has a Data Point 1100. The New York Regional Office has an IBM System 32 and an IBM System 7 which are used mainly for property/fleet management, inventory control, and maintenance and control of evidence inventory. Also, the Office of Intelligence and the El Paso Intelligence Center each has both a PDP 11/70 and a PDP 11/45.

DEA's ADP services are generally dependent upon the Department of Justice Computer Center, of which DEA is one of the largest users. Its other ADP equipment is used in support of specific programs.

FBI ADP operations are independently maintained apart from the Department of Justice Computer Center and, in view of their unique nature, the investment in capital equipment and their state of development, would continue to be separate should FBI assume the DEA mission. Some DEA systems would be subject to melding into FBI systems, but basically the same equipment would probably be necessary. DEA's payroll is part of the Justice Department JUNIPER System whereas the FBI's payroll is part of the FBI PINS System which handles not only payroll but is also an integral part of the accounting and personnel management information system. Logically, DEA's separate payroll system would meld into the FBI's payroll system to become an integral part of the larger PINS system.

Equipment located in the field such as the systems in the New York Regional Office could be adapted to wider local usage should the FBI assimilate DEA's mission.

In further support of its ADP Operations, DEA Headquarters maintains 65 dedicated terminals and the field regions and laboratories maintain 174 dedicated terminals which are further supported by 27 dial-up terminals. These could be used by the FBI to support systems currently under development - particularly the automated indices.

DEA's telecommunications expenses in large measure relate to their UHF Radio System (FY 1977 estimated costs of

\$3.4 million) and commercial and FTS telephone (FY 1977 estimated costs of \$2.5 million).

DEA also has a secure teletypewriter system connecting Headquarters and most of its continental offices (FY 1977 estimated costs of \$992,000). Facsimile Communication Systems between offices with leased equipment at 124 locations will cost an estimated \$91,000 in FY 1977. Other ADP and non-ADP telecommunications systems account for the balance.

DEA's FY 1977 estimated obligations for ADP systems is \$11.7 million and for Telecommunications Systems is \$11.9 million. FBI estimated obligations for the period were \$11.7 million and \$13.4 million respectively.

A detailed study of ADP and Telecommunications resources would be necessary to provide the basis for rational decisions concerning essential needs should a consolidation of FBI and DEA resources occur.

Freedom of Information/Privacy Acts

To date, FOIPA has not become an overwhelming problem to DEA. About 60 requests are received per month and these are handled by a staff of 15 people. Current backlog of about 200 requests exists.

The FBI is currently receiving over 60 requests per day, many of major, complex proportions necessitating a staff of nearly 400. In addition, 200 additional

personnel are now being used on a "crash" basis to eliminate a backlog of many months in processing these requests.

Should the FBI assume the responsibility for Federal narcotics enforcement, it appears logical that the FBI would assume control of the DEA records system. DEA records would then become FBI records. The study team did not do a legal study to determine if every FOIPA request received after the FBI assumption would require a search of all of the former DEA records. If so, it would create an additional burden as the former DEA files would have to be searched about 20 times more frequently than at present.

4. Physical Facilities

During FY 1976, GSA Standard Level User Charges for DEA utilization of building space amounted to \$7,004,000 and for the FBI \$20,801,000. Previous exhibits depicted the location of FBI and DEA office facilities and laboratories. The El Paso Intelligence Center (EPIC) is a unique facility and is described elsewhere in this report.

In general, the DEA Regional and District Offices visited by the survey team were noted to be utilizing building space which is comparable to and compatible with that occupied by FBI Field Offices and Resident Agencies. The investigative responsibilities of both organizations

have required each to establish representation in the area of greatest investigative need. Future implementation studies, if such are undertaken, will have to determine any possible economies of building space which may be effected by combining FBI/DEA resources.

Appendix A



Office of the Attorney General
Washington, D. C. 20530

MAR 21 1977

TO : Clarence M. Kelley, Director ✓
Federal Bureau of Investigation

Peter B. Bensinger, Administrator
Drug Enforcement Administration

FROM : Griffin B. Bell **GBB**
Attorney General

SUBJ : Study of Transfer of Drug Law Enforcement Functions
from DEA to FBI

Attached hereto is a "Study Proposal" that provides the basic guidelines with reference to the above subject.

I have approved this proposal, and the purpose of this memorandum is to direct that it be implemented as soon as possible. Needless to say, I expect full cooperation with Mr. Ash, whom Director Kelley and I have selected to conduct this project.

Attachment

STUDY PROPOSAL:

To examine the mission, structure and operations of the Drug Enforcement Administration (DEA) to determine if FBI assumption of Federal narcotics enforcement responsibilities by combining FBI/DEA resources will result in improved enforcement capabilities.

The study will encompass consultation at DEA Headquarters, field and foreign levels to ascertain management policies and procedures together with data regarding DEA's:

Investigative priorities and strategies

Administrative, personnel and fiscal functions

Support functions including training, communications, information retrieval systems, scientific and technical activities and records management

Deployment of laboratories and other physical facilities

Within 90 days of the initiation of the study, findings and recommendations will be submitted together with suggested assimilation concepts, if warranted.

APPENDIX B

OFFICIAL STATEMENT OF MISSION AND RESPONSIBILITIES OF DEA

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

In carrying out its mission, DEA is the lead agency responsible for the development of overall Federal drug enforcement strategy, programs, planning and evaluation. DEA's primary responsibilities include:

(1) coordination and cooperation with State and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts by exploiting potential interstate and international investigations beyond local jurisdictions and resources;

(2) investigation of and preparation for prosecution, major violators of controlled substances laws operating at interstate and international levels in keeping with established drug priority goals;

(3) regulation and enforcement of compliance with the laws governing the legal manufacture and distribution of controlled substances;

(4) management of a national narcotic intelligence system in cooperation with Federal, State, local and foreign officials to collect, analyze and disseminate data as appropriate;

(5) operation under the policy guidance of the Cabinet Committee on International Narcotic Controls, all programs associated with drug law enforcement officials of foreign countries;

(6) provision of training and research, scientific and technical and other support services that enhance DEA's overall mission;

(7) liaison with the United Nations, Interpol and other organizations on matters relating to international narcotic control programs; and

(8) coordination and cooperation with other Federal, State, and local agencies, and foreign governments in programs designed to reduce the illicit availability of abuse-type drugs on the United States market through non-enforcement methods, such as crop eradication, crop substitution, training of foreign officials, and the encouragement of knowledge and commitment against drug abuse.

APPENDIX C

DEA's GEOGRAPHIC DRUG ENFORCEMENT PROGRAM (G-DEP)

Violator Classification Criteria

Class I Violators

Two or more criteria are required, of which one must be qualitative and one quantitative.

(a) Sale or seizure of 1,000 grams or more of unadulterated (pure) heroin or cocaine or the equivalent amount of adulterated heroin or cocaine, e.g., 2,000 grams at 50 percent purity, or 2,000 pounds or more of marihuana.

(b) Sale or seizure of 100,000 dosage units or more of clandestinely manufactured dangerous drugs or diverted controlled substances in Schedule I, II, or III, from a violator capable of selling 100,000 or more such dosage units per month.

(c) Laboratory operator or type B registrant.

(d) Head of criminal organization.

(e) Financier.

(f) Drug smuggling head.

Class II Violators

Two or more criteria in Class II or one each in Classes I and II are required. One criteria must be qualitative and one quantitative.

(g) Sale or seizure of at least 500 grams, up to, but not including, 1,000 grams of unadulterated (pure) heroin

or cocaine or the equivalent amount of adulterated heroin or cocaine, e.g., 1,000 grams at 50 percent purity. (Include all opiates in this category).

(h) Sale or seizure of 1,000 pounds of marihuana up to but not including 2,000 pounds.

(i) Sale or seizure of 50,000 dosage units up to but not including 100,000 dosage units of clandestinely manufactured dangerous drugs or diverted controlled substances in Schedule I, II, or III from a violator capable of selling 50,000 or more such dosage units per month.

(j) Vacant.

(k) Head of a structured illicit drug distribution organization, an identified organized crime subject not listed in Class I or any Type A registrant (or employees thereof).

Class III Violators

Any one of the criteria in Classes I, II, or III.

(l) Sale or seizure of 2 ounces or more of heroin or cocaine. (Include all opiates in this category.)

(m) Sale or Seizure of 250 pounds of marihuana up to but not including 1,000 pounds.

(n) Sale or seizure of 10,000 dosage units up to, but not including 50,000 dosage units of clandestinely manufactured dangerous drugs or diverted controlled substances in Schedule I, II, or III.

(o) All registrants which do not qualify in
Classes I or II.

Class IV Violators

Defendants not meeting criteria for Classes I,
II, and III.

APPENDIX D

SCHEDULES OF CONTROLLED SUBSTANCES

Comprehensive Drug Abuse Prevention and Control Act of 1970
Public Law 91-513

Sec. 202. (a) There are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semi-annual basis during the two-year period beginning one year after the date of enactment of this title and shall be updated and republished on an annual basis thereafter.

(b) Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on the effective date of this part, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

(1) Schedule I. -

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has no currently accepted medical use in treatment in the United States.

(C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

(2) Schedule II. -

(A) The drug or other substance has a high potential for abuse.

(B) The drug or substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.

(C) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

(3) Schedule III. -

(A) The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(4) Schedule IV. -

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited-physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) Schedule V. -

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

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