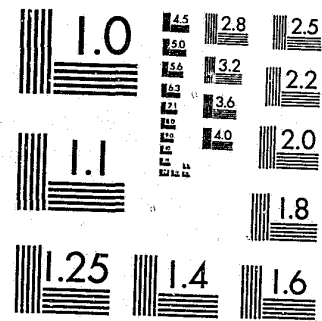


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Department of Justice

STATEMENT

OF

D. LOWELL JENSEN
ASSOCIATE ATTORNEY GENERAL

BEFORE

THE

SUBCOMMITTEE ON GOVERNMENT INFORMATION,
JUSTICE, AND AGRICULTURE
COMMITTEE ON GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES

REGARDING

DRUG TASK FORCES

ON

JUNE 21, 1983

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Mr. Chairman and Members of the Subcommittee:

I thank you for the opportunity to be here today to report on the significant progress we have made in the Administration's program to combat organized drug trafficking; a program which, I might add, would not exist but for the critical support lent it by the Congress. It is gratifying to find that we share a mutual commitment to dealing with this grave problem of concern to all of us. I want to stress that the Attorney General views this program as central and critical in our efforts to rid America of the plague of crime and is unalterably dedicated to carrying out President Reagan's organized crime drug enforcement program, a program which, in the President's words, will "expose, prosecute, and ultimately cripple organized crime in America."

Let me, at the outset, offer a brief general overview of the program now in place and then present a more specific description of the implementation of the program.

OVERVIEW

Each of the 12 Task Forces is in operation; more than 200 high level drug trafficking enterprises have been identified and are under full and intensive investigation. The activities of these criminal organizations involve the complete range of the drug traffic world including financing, importation, distribution, and money laundering. These criminal enterprises include organizations formed exclusively to traffic in drugs as well as a great number of traditional and emerging organized crime groups. Virtually all these investigations involve the coordinated efforts of multiple federal agencies and, in the majority of

instances, joint operations with state and local officials. The full complement of Task Force prosecutors and investigators have been allocated; just over 800 are now in place and in action in 70 of the 93 judicial districts and we anticipate that all Task Force personnel will be in place by the first of September.

TASK FORCE IMPLEMENTATION

Let me turn now to the implementation of the Task Force program beginning in December when Congress appropriated \$127.5 million to fund all aspects of the programs for the remainder of the fiscal year.

Right after Congress appropriated the funds, officials of the Departments of Justice and the Treasury, representing all relevant components of these Departments, formed a working group to put the program in place. The working group developed joint agency Guidelines for the Drug Enforcement Task Forces which the Attorney General adopted in January.

Guidelines

The Guidelines set forth the goals and objectives of the program and the standards for Task Force cases. The elemental and overall goal of the program is to identify, investigate, prosecute, and imprison the leadership and the membership of high-level drug trafficking enterprises. The program seeks to accomplish this goal through a totally coordinated federal, state, and local drug enforcement effort in each Task Force area. The program's Guidelines stress maximum cooperation among all law enforcement agencies and explicitly state that the Task Forces are to work fully and effectively with state and local law

enforcement agencies. This multi-agency approach to drug enforcement will enable the Task Forces to better target the most significant drug traffickers across the country and to take full advantage of the complete range of legal sanctions and penalties as well as sophisticated investigative techniques such as electronic surveillance, joint tax and non-tax grand jury investigations, undercover operations, and enforcement of the currency reporting provisions. These investigations will be complex, long-term efforts and will require patience and planning to ready the highest levels of the wealthy, secretive, violence-prone organizations we intend to bring down.

The standards developed for selecting Task Force cases assist in achieving the program's goals by specifying that investigations be multi-agency and target traditional organized crime figures, outlaw motorcycle gangs, organized criminal groups, and other enterprises engaged in major drug trafficking.

Allocation of Personnel and Case Selection

The initial allocation of Task Force personnel closely followed adoption of the program's Guidelines. In December, while the Guidelines were being developed, each United States Attorney for the core-cities of the 12 Task Force regions prepared and submitted to the working group a report on the drug situation in that region. The report for each region included an assessment of the drug problem, a description of the most significant drug violators convicted during the past year, a description of the current distribution of drug enforcement

resources, and a projection of future drug enforcement resource needs.

After a review of these reports, it was decided to place our first Task Force personnel in the core-cities. In January, each core-city submitted a list of prospective Task Force cases and two were selected for Task Force investigation. On January 20, four prosecutors and a total of eighteen agents from the five Task Force investigative agencies were assigned to each core-city to work on these cases.

In February, additional prosecutors and agents were assigned to the non-core cities in each Task Force region which were judged to have the most severe drug trafficking problems and additional cases were selected for investigation.

The remaining agent and attorney positions were then tentatively allocated based upon the reported drug trafficking problem in each judicial district and proposals submitted by the five Task Force investigative agencies. These tentative allocations were sent to the districts on March 30, 1983. The districts were required to submit a report on potential Task Force cases and a description of how the tentatively allocated Task Force personnel would be applied to these cases. These reports were reviewed by the appropriate regional Task Force, the Task Force investigative agency headquarters, and the Task Force Administrative Unit which is attached to the Associate Attorney General's office. Upon such review, adjustments were made to ensure that the cases selected and the assignment of attorneys and agents to those cases met the Task Force Guidelines. This extensive process has

been completed now, however, and all personnel allocations and case selections have been finalized. We can submit a specific breakdown of the final allocation if the Committee desires.

Current Status of the Program

At present, of the 1219 attorney and agent positions allocated, 801 are now filled by full time attorneys and agents now in place and working on Task Force cases. Additional Task Force investigation is being provided by agents and attorneys on a work year basis. These Task Force positions have been filled with men and women who are experienced investigators and senior prosecutors. They are now developing cases for prosecution pursuant to a battery of laws including RICO and the Continuing Criminal Enterprise statute, their respective forfeiture provisions, civil forfeiture laws, and the currency reporting provisions of the Bank Secrecy Act. Moreover, these Task Forces are drawing upon a law enforcement resource which, in years past, has been woefully under-utilized -- that is, the experience and intelligence data of state and local law enforcement agencies.

We fully expect the remainder of the Task Force personnel to be in place by September 1. The specific timing of Task Force personnel action is decided by reference to the fact that we are working to avoid any diminution of the ongoing non-Task Force drug enforcement effort by the process of staffing the Task Forces. As we have previously stated in our meetings with the Congress, the Task Forces have been designed and implemented to enhance the existing federal enforcement efforts against drugs and organized crime. The assignment of the more experienced

agents and prosecutors to the Task Forces creates non-Task Force vacancies which must be "back-filled" by newly recruited personnel. This "back-fill" hiring of new agents and attorneys is underway, but the process cannot and ought not be an instantaneous one. The agencies are choosing these new agents with customary care since they recognize that these newly hired agents join the agencies as full time permanent agents. We have made significant progress in the hiring of back-fill personnel, however. Over 47% of the total number of back-fill personnel have been hired, with three-fourths (3/4) of this number having completed training or currently are in training.

All of the investigative and prosecutive resources assigned to date are working on a total of 260 Task Force cases. These 260 cases have been approved by the United States Attorneys for the judicial districts involved, the Task Force Coordinators, and by officials of the Department here in Washington to ensure that they meet the strict standards established for Task Force cases. Responsibility for future Task Force selection will rest with the agents and attorneys in the fields. These professionals are best prepared to deal with the nuances of a case and institute a successful prosecution. All future Task Force cases, therefore, will be approved in the field and not in Washington as was the case with the initial 260 cases selected.

The program's organization ensures careful monitoring of the Task Force effort, including case selection, by the Department of Justice and the participating federal investigative agencies. The program is directed by a Working Group, which is chaired by

the Associate Attorney General and managed through the Associate's office. Each regional Task Force is directed by an Assistant United States Attorney Task Force Coordinator and a coordinator from each of the federal law enforcement agencies. I have already met with the prosecutors who have been named Assistant United States Attorney Task Force Coordinators to discuss and resolve the issues and problems which have surfaced in implementing the program. I will continue to meet with these Task Force attorney coordinators on a regular basis to discuss the operation of the program. Additionally, the Task Force Administrative Unit has daily contact with the regional Task Forces and pursuant to the Guidelines, is receiving written case initiation, case progress and case closing reports on all Task Force cases.

Case Characteristics

I would now like to discuss the case characteristics. The initial cases that the Task Forces are investigating reflect the purposes of the program as set forth in the Guidelines. As noted earlier, the cases are predominantly multi-agency investigations of the organizers and financiers of high level drug trafficking enterprises.

Ninety-nine percent of all the Task Force cases involve more than one investigative agency. In 71% of the cases there are investigators from both the Departments of Justice and the Treasury. This demonstrates that the program can and will combine and capitalize on the special skills of the various investigative agencies in order to make the best possible cases.

Because the financing, importation, manufacture, and distribution of illegal drugs in the United States involve many kinds of organizations, the Task Force investigations target a variety of types of groups. Most notably, one in five of the initial Task Force investigations involve drug enterprises linked to traditional organized crime figures. These investigations involve significant trafficking in heroin and cocaine. The major motorcycle gangs are targets in one in ten of the initial investigations. While they deal in a number of drugs, these gangs are particularly active traffickers of methamphetamines.

Several other types of groups are targets in a lesser number of investigations. Street gangs and prison gangs, are involved in a small number of the initial cases, and physicians and pharmacists engaged in unlawfully prescribing or dispensing drugs are involved in similar numbers.

However, by far the greatest number of Task Force investigations are being conducted by groups of individuals who have joined together principally for the purpose of dealing in illegal drugs. This is not surprising. With the notable exception of the traditional organized crime elements, individuals and groups lured by the obscene amounts of money engage in a kind of cost-benefit analysis which conveniently ignores the costs in human misery and embark on drug trafficking in the hope of making a great deal of money quickly, and then getting out without capture or punishment.

It is expected that a high portion of the cases will result in financial charges against the traffickers under the tax and

bank secrecy laws. In addition, significant forfeitures are expected in these cases and result in the seizure of substantial assets gained in the course of drug trafficking.

As of today, these investigations, two in the Gulf Coast region, one in South Carolina have reached the stage where charges have been filed. Several significant indictments, with a total of 79 defendants, are involved. In each instance these are the product of coordinated efforts of the Departments of Justice and Treasury, and state and local investigators.

Budget

The obligation of the \$127.5 million appropriation is following what we believe is a sensible and carefully planned implementation of the program.

Capital expenditures are on schedule. Briefly, the sophisticated long range aircraft for DEA will soon be in operation supporting the Task Forces. DEA's automated data capability is being upgraded to speed the processing of intelligence information, expand the range of drug related queries and increase the access of DEA divisional offices to the automated data systems. The FBI is implementing its field office information management system along with increasing the number of field terminals and expanding access to the organized crime information system. Implementation of the voice privacy capability to the field radio system is a technically challenging project that has major operational and safety benefits for the working case agent. Nevertheless, we are on schedule in this endeavor. I have directed that ongoing efforts to explore radio compatibility be

expanded to include all the Task Force investigative agencies and focus on operations at the Task Force level.

As I have noted, the allocation and assignment of personnel and the case selection process has been deliberate and careful. The process of actual obligation and expenditure of personnel and operating costs must, of course, keep pace with that activity and we have also attempted to keep pace with our original time projections. In this effort, it may be that funds from the 1983 appropriation will not be obligated by the end of the fiscal year. If that does occur, we will consider the need for reprogramming or carryover authority from the Congress for the most effective use of the funds, adhering, as we believe is clearly necessary, to our deliberate and careful course of action.

The FY 1984 organized crime drug enforcement budget, based upon the Task Forces being at full strength and completely operational at the start of the fiscal year, will not require any amendment.

The corrections component of the FY 1983 appropriation includes the expansion of the jail capacity for federal prisoners. The U.S. Marshals Service is on schedule with an estimated 1100 bed expansion involving 16 county or city jurisdictions at a cost of \$26.25 million, \$5 million of which is from the program's budget.

The Bureau of Prisons expansion program is on schedule and will add 780 beds to the federal prison systems at a cost of \$18

million. The new facilities will be completed and opened beginning in December 1984, and ending by July 1985.

On June 1, the Department of Justice notified the Congress of our intent to reprogram \$500,000 to enable the Attorney General to begin implementation of the Presidential Commission on Organized Crime. This reprogramming will allow the Department to begin hiring staff for the Commission and is consistent with the FY 1984 Organized Crime Drug Enforcement program request currently pending in Congress.

The FY 1983 appropriation provides funds to reimburse state and local law enforcement for overtime expended on Task Force cases. Procedures for reimbursement of state and local overtime costs have been established and distributed to the Task Force Coordinators and the Task Force agencies.

These formal reimbursement procedures have already been utilized in a very complex Task Force case involving substantial local participation. The case targets a major drug trafficking organization closely linked to traditional organized crime. The investigation is a joint DEA and FBI effort that involves assignment of ten (10) detectives from a state prosecutor's office and a major city police department. These local officers are expected to function in the same manner as the federal agents and to contribute to the eventual success of the case.

CONCLUSION

In conclusion, each of the 12 Task Forces is in operation working on 260 multi-agency investigations against the organizers and financiers of major drug trafficking enterprises. The

implementation of the program I have discussed today substantiates the very real progress we are making toward a goal which both the Congress and the Administration share -- the incapacitation of organized criminal groups engaged in drug trafficking. I want to acknowledge the continuing support of this Subcommittee and thank each of you for your interest in our endeavors. I will be pleased to answer any questions you may have.

END