

Why GAO Did This Study

The 2010 National Drug Threat Assessment stated that the availability of illicit drugs is increasing. The Drug Enforcement Administration (DEA), in the Department of Justice (DOJ), works with Immigration and Customs Enforcement (ICE), within the Department of Homeland Security (DHS), to carry out drug enforcement efforts. DEA and ICE signed a 2009 Interagency Agreement (Agreement) that outlined the mechanisms to provide ICE with authority to investigate violations of controlled substances laws (i.e., cross-designation). The Agreement also required DEA and ICE to deconflict (e.g., coordinate to ensure officer safety and prevent duplicative work) counternarcotics investigations, among other things. GAO was asked to assess the Agreement's implementation. This report addresses the extent to which DEA and ICE have taken actions (1) to implement the Agreement's cross-designation, deconfliction, and information-sharing provisions and (2) to monitor implementation of the Agreement and make needed adjustments. GAO analyzed documents such as the 2009 Agreement, related interagency agreements, and directives to field offices. GAO also interviewed DEA and ICE Headquarters officials as well as management officials and first line supervisors in 8 of the 21 DEA and 8 of 26 ICE field offices, based on geographic dispersion. Though not generalizable to all DEA and ICE offices, the interviews provided insights.

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COMBATTING ILLICIT DRUGS

DEA and ICE Interagency Agreement Has Helped to Ensure Better Coordination of Drug Investigations

What GAO Found

DEA and ICE have taken actions to fully implement the cross-designation and deconfliction provisions of the Agreement, and are finalizing efforts to complete the information-sharing provisions. The Agreement allows ICE to select an unlimited number of agents for cross-designation consideration by DEA. The agencies have implemented these cross-designation provisions through a revised process that (1) elevated the levels at which requests are exchanged between the agencies and (2) consolidated multiple requests into one list of ICE agents. This new process is more streamlined and has resulted in enhanced flexibility in maximizing investigative resources, according to ICE officials. Also, DEA and ICE implemented local deconfliction protocols and used a variety of mechanisms (e.g., local deconfliction centers) to deconflict investigations. Further, in May 2011 DEA and ICE convened the Headquarters Review Team (HRT), comprised of senior managers from both agencies, who are, among other things, to resolve deconfliction and coordination issues that cannot be resolved at lower levels because they require management decisions. DEA and ICE headquarters and field office management officials GAO interviewed generally reported that the implementation of the Agreement and local deconfliction protocols had generally improved deconfliction by (1) ensuring officer safety and (2) preventing one agency's law enforcement activity from compromising the other agency's ongoing investigation. ICE has also partially implemented the Agreement's information-sharing provisions by sharing required data with two DOJ organizations that target drug trafficking organizations, and taking steps to share its drug-related data with a DEA organization focused on disrupting drug trafficking by fall 2011.

DEA and ICE have conducted ongoing monitoring of the Agreement's implementation through established processes (e.g., supervisory chains of command) and according to officials from these agencies, the HRT did not identify any systemic issues. Specifically, DEA and ICE headquarters officials routinely coordinated with each other and their respective field offices to monitor the Agreement's implementation. DEA and ICE headquarters officials also said that the May 2011 meeting of the HRT, which is to periodically review the Agreement's implementation, constituted a review of the Agreement and affirmed that there were no overarching or systemic issues of coordination or deconfliction requiring headquarters-level intervention.

DEA and ICE provided technical comments, which GAO incorporated as appropriate.