



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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GENERAL GOVERNMENT
DIVISION

B-209887

NOVEMBER 2, 1983

The Honorable William J. Hughes
Chairman, Subcommittee on Crime
Committee on the Judiciary
House of Representatives



Dear Mr. Chairman:

Subject: The Coordination of Requests for Military
Assistance to Civilian Law Enforcement
Agencies (GAO/GGD-84-27)

This responds to your request that we provide operational information on the Federal Coordination Group for Drug Interdiction. Your request was made July 28, 1983, during hearings held by your Subcommittee on military cooperation with civilian law enforcement agencies. In subsequent discussions, we agreed to provide information, such as membership, meeting locations, and agendas, on the Coordination Group and on the committee within the Vice President's National Narcotics Border Interdiction System (NNBIS). We also agreed to determine and report on whether an overlap of jurisdiction exists between the groups and on the number of requests for military assistance from state and local governments.

The Federal Coordination Group for Drug Interdiction, which we referred to in our testimony, was established to coordinate requests from civilian law enforcement agencies for military assistance on drug related matters but was terminated before NNBIS was formed. Therefore, overlapping jurisdiction did not exist. Although other existing law enforcement coordinating groups may also have reason to discuss military assistance from a broad perspective, NNBIS is exclusively responsible for coordinating requests by civilian law enforcement agencies for military assistance relating to drug smuggling into the United States.

During the first three quarters of fiscal year 1983, state and local agencies made 121 requests for assistance to the Air Force and Navy. The Army did not distinguish in its report

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between requests from state and local agencies and requests from federal agencies.

To respond to your request, we interviewed officials of the Customs Service, the Drug Enforcement Administration (DEA), the Department of Defense (DOD), and NNBS in their headquarters offices in Washington, D.C. We also reviewed minutes of meetings and mission statements to the extent that they were available. We obtained DOD statistical data on the number of instances of military assistance to state and local civilian law enforcement authorities, but we did not independently verify the data. Our review was conducted during August 1983 in accordance with generally accepted government auditing standards.

THE CONGRESS APPROVED INCREASED
MILITARY ASSISTANCE FOR
CIVILIAN LAW ENFORCEMENT

Although the Armed Forces provided some assistance to drug law enforcement efforts before December 1981, this assistance was limited by the Posse Comitatus Act. The act's ambiguities regarding the allowable scope of military involvement in civil law enforcement operations caused the military departments to be very cautious in providing assistance.

Desiring greater military involvement in stemming the drug flow, the Congress passed and the President signed the Posse Comitatus Amendment of 1981 on December 1, 1981. This legislation further defined the extent of military cooperation allowed under the act. One of the significant contributions of the amendment was its encouragement of both civilian and military authorities to think in terms of cooperative efforts and to meet regularly to plan cooperative programs that recognized law enforcement needs and military capabilities.

To implement the amendment, the Deputy Secretary of Defense issued guidelines on March 22, 1982, establishing DOD policies and procedures concerning assistance to federal, state, and local law enforcement efforts. This included

- coordinating with civilian agencies on long range policies to further DOD cooperation with civilian law enforcement officials,
- providing information to civilian agencies to facilitate their access to DOD resources, and

--coordinating with the Department of Justice, Customs Service, and Coast Guard on matters related to the interdiction of the flow of illegal drugs into the United States.

FEDERAL COORDINATION GROUP
FOR DRUG INTERDICTION NO
LONGER EXISTS

In March 1982, about the same time that DOD promulgated its guidelines on assistance to law enforcement agencies, a civilian ad hoc coordinating committee known as the Federal Coordination Group for Drug Interdiction was formed to promote coordination of requests for military assistance and to identify how military assistance could best be used for drug interdiction. Initially, membership consisted of representatives from the Coast Guard, Customs Service, and DEA. A DOD representative later joined the group in June 1982 after the civilian agencies had reached some tentative agreements as to the nature and extent of military assistance needed. No one person headed the group, and the agenda was established by consensus. We were told that future meeting dates were set at each meeting, and the minutes of the meetings showed that the meeting site was rotated among the members.

The coordination group apparently discontinued meeting near the end of calendar year 1982. We found no documentation of meetings beyond October 1982, although some members told us they remember attending meetings in November and/or December. The officials we interviewed were uncertain as to why the group was terminated or the specific termination date.

NNBIS HAS RESPONSIBILITY FOR
COORDINATING MILITARY ASSISTANCE
FOR DRUG INTERDICTION

NNBIS became operational in June 1983 and is responsible for coordinating requests for military assistance for drug interdiction. As such, it is designed to coordinate the work of those federal agencies with existing responsibilities and capabilities for interdiction of seaborne, airborne, and cross-border importation of narcotics. Other groups may also get involved in coordinating military assistance. These groups, however, are concerned with broad policy issues, information sharing, and common problem solving, not with military assistance for drug interdiction, as is the case with NNBIS.

NNBIS is headed by the Vice President and has executive and coordinating boards and six regional centers. The nine member executive board includes the Vice President and several cabinet and other high level federal officials and is responsible for establishing policy. The coordinating board comprises 16 high

ranking officials from the Departments of State, Defense, Treasury, Justice, Transportation, and the Central Intelligence Agency (CIA), as well as their subordinate agencies and offices. (See enclosure I.) This board is responsible for recommending policy to the executive board and carrying out the executive board's established policies. The regional centers have a coordinator and deputy coordinator from either Customs or Coast Guard and a staff of 20 to 30 professionals assigned from various agencies, including the FBI, DEA, Customs, Coast Guard, DOD, CIA, Federal Aviation Administration, and Immigration and Naturalization Service.

NNBIS officials told us that both boards are expected to meet quarterly in Washington, D.C. As of September 9, 1983, each board had met three times, but there were no formal records made of the meetings.

REQUESTS FOR MILITARY ASSISTANCE

We obtained statistics from the Air Force and the Navy on requests for assistance provided to state and local law enforcement agencies. We were unable to determine DOD-wide statistics on assistance to state and local agencies, however, because the Army does not report the source of requests it receives for military assistance. An Office of the Secretary of Defense (OSD) official told us that OSD was aware of inconsistencies in the types of data reported and was revising the guidance to the services to assure that data are reported consistently.

According to OSD statistics for the first three quarters of fiscal year 1983, the Air Force, Army, and Navy approved 436 of the 456 requests they received from federal, state, and local law enforcement agencies for military assistance. The Army did not report on the sources of requests for assistance; however, the Air Force and the Navy reported that they received 121 requests from state and local agencies and approved 116 of them. The sources of requests approved by the Air Force and Navy for the first three quarters of fiscal year 1983 were as follows:

<u>Source</u>	<u>Number of requests approved</u>	<u>Percent of total</u>
Federal	149	53.8
State	22	8.0
Local	94	33.9
Combined federal, state and/or local groups	<u>12</u>	<u>4.3</u>
Total	<u>277</u>	<u>100.0</u>

Assistance provided by the military was for many different law enforcement activities. We could not readily determine how much related to drug enforcement. The types of assistance have also varied. For example, an explosive detector dog team was given to a local police department to search a building because of a bomb threat. Training was given to state narcotics agents to operate and monitor air surveillance radar and to receive information from Air Force controllers concerning suspicious aircraft within their airspace. In another instance, a Navy aircraft was used to assist Customs in surveillance for drug interdiction.

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As requested by your office, we did not obtain agency comments on the matters discussed in this report. As arranged with your office, we will be sending copies of this report to DEA, OSD, Customs, and NNBS. Copies will be made available to other interested parties who request them.

We hope the above information responds to your concerns. Please let us know if we can be of any other assistance.

Sincerely yours,



William J. Anderson
Director

Enclosure

MEMBERS OF THE NATIONAL NARCOTICS
BORDER INTERDICTION SYSTEM

Executive Board

The Vice President
Secretary of State
Secretary of the Treasury
Secretary of Defense
The Attorney General
Secretary of Transportation
Counsellor to the President
Director of Central Intelligence Agency
Director, Drug Abuse Policy Office

Coordination Board

Chief of Staff to the Vice President, Chairman
Secretary of the Army
Secretary of the Navy
Secretary of the Air Force
Commandant of the Coast Guard
Deputy Director, Central Intelligence Agency
Assistant Attorney General, Criminal Division
Director, FBI
Assistant Secretary of State for International Narcotics Matters
Assistant Secretary of the Treasury for Enforcement
Commissioner of Customs
Commissioner, Immigration & Naturalization Service
Administrator, DEA
Administrator, Federal Aviation Administration
Acting Director, Bureau of Alcohol, Tobacco, and Firearms
Deputy Director, Drug Abuse Policy Office