



**Congressional
Research Service**

Informing the legislative debate since 1914

Domestic Federal Law Enforcement Coordination: Through the Lens of the Southwest Border

Jerome P. Bjelopera

Specialist in Organized Crime and Terrorism

Kristin Finklea

Specialist in Domestic Security

June 3, 2014

Congressional Research Service

7-5700

www.crs.gov

R43583

Summary

Federally led law enforcement task forces and intelligence information sharing centers are ubiquitous in domestic policing. They are launched at the local, state, and national levels and respond to a variety of challenges such as violent crime, criminal gangs, terrorism, white-collar crime, public corruption, even intelligence sharing. This report focuses on those task forces and information sharing efforts that respond to federal counterdrug and counterterrorism priorities in the Southwest border region. More generally, the report also offers context for examining law enforcement coordination. It delineates how this coordination is vital to 21st century federal policing and traces some of the roots of recent cooperative police endeavors.

Policy makers interested in federal law enforcement task force operations may confront a number of fundamental issues. Many of these can be captured under three simple questions:

1. When should task forces be born?
2. When should they die?
3. What overarching metrics should be used to evaluate their lives?

Task forces are born out of a number of realities that foster a need for increased coordination between federal law enforcement agencies and their state and local counterparts. These realities are particularly evident at the Southwest border. Namely, official boundaries often enhance criminal schemes but can constrain law enforcement efforts. Criminals use geography to their advantage, profiting from the movement of black market goods across state and national boundaries. At the same time, police have to stop at their own jurisdictional boundaries. Globalization may aggravate such geographical influences. In response, task forces ideally leverage expertise and resources—including money and manpower to confront such challenges. Identifying instances where geography, globalization, and criminal threat come together to merit the creation of task forces is arguably a process best left to informed experts. Thus, police and policy makers can be involved in highlighting important law enforcement issues warranting the creation of task forces. Task forces, fusion centers, and other collaborative policing efforts can be initiated legislatively, administratively, or through a combination of the two, and they can die through these same channels.

While some clarity exists regarding the circumstances governing the creation of task forces, it is less clear when they should die and how their performance should be measured. Two basic difficulties muddy any evaluation of the life cycles of law enforcement task forces.

First, and in the simplest of terms, at the federal level no one officially and publicly tallies task force numbers. The lack of an interagency “task force census” creates a cascading set of conceptual problems.

- Without such information, it is challenging, if not impossible, to measure how much cooperation is occurring, let alone how much cooperation on a particular threat is necessary.
- Concurrently, it may be difficult to establish when specific task forces should be disbanded or when funding for a particular class of task forces (e.g., violent crime, drug trafficking, counterterrorism) should be scaled back.

- Additionally, how can policy makers ascertain whether task force programs run by different agencies duplicate each other's work, especially if they target the same class or category of criminals (such as drug traffickers or violent gangs)? For example, do the violent crime task forces led by one agency complement, compete with, or duplicate the work of another's?

To give a very broad sense of federal task force activity in one geographic area, CRS compiled a list of task forces and fusion centers operating along the Southwest border, which are geographically depicted in this report. To be included in the list, a task force had to exhibit the possibility of either directly or indirectly combatting drug trafficking or terrorism. Thus, task forces devoted to fighting gangs, violent crime, public corruption, capturing fugitives, and money laundering may be included.

Second, there is no general framework to understand the life trajectory of any given task force or class of task forces. What key milestones mark the development and decline of task forces? (Can such a set of milestones even be produced?) How many task forces outlive their supposed value because no thresholds regarding their productivity are established? Though federal law enforcement has embraced the task force concept, it has not agreed on the breadth or duration of such cooperation. Such lack of accord extends to measuring the work of task forces. This report suggests a way of conceptualizing these matters by framing task force efforts and federal strategies tied to them in terms of *input*, *output*, and *outcome*—core ideas that can be used to study all sorts of organizations and programs, including those in law enforcement.

An official task force census coupled with a conceptual framework for understanding and potentially measuring their operations across agencies could greatly assist policy making tied to federal policing throughout the country, and particularly along the Southwest border.

Contents

Realities Promoting Law Enforcement Coordination.....	2
Roots of Federally Led Counterdrug and Counterterrorism Task Forces.....	3
Overcoming Jurisdictional Limitations	7
Federal Agencies Active in the Border Region	9
Tallying Task Forces Countering Illegal Drugs and Terrorism along the Southwest Border.....	11
Leveraging Resources and Expertise.....	13
Highlighting Administration Priorities.....	14
Fusion Centers and Information Sharing.....	15
Achieving Coordination.....	18
Task Force and Fusion Center Formulation: When and How?.....	18
Coordination Startup	20
Dissolving Coordinating Units.....	23
Grading Coordination and its Effectiveness at the Border	24
Metrics for Evaluation.....	24
Perspectives, Not Metrics.....	25
Using a Common Language.....	26
Channels for Evaluating Task Forces and Other Forms of Law Enforcement	
Collaboration.....	31
Administrative Review.....	31
Congressional Review.....	33

Figures

Figure 1. Counterdrug and Counterterrorism Task Forces and Information Sharing Centers Along the Southwest Border.....	12
Figure 2. Stacking Policy Questions Related to Task Force Effectiveness.....	26
Figure 3. Framing Success in Terms of Inputs, Outputs, and Outcomes	28

Tables

Table 1. Selected Federal Agencies Involved in Counter Crime and Counterterrorism Border Security Activities.....	10
--	----

Contacts

Author Contact Information.....	36
---------------------------------	----

Task forces, and more broadly inter-agency cooperation, have become familiar law enforcement tools to combat innovative, aggressive, and far reaching criminal and homeland security adversaries in the last three decades. One would be hard-pressed to identify a part of the United States with a greater proliferation of law enforcement task force activity targeting a vast array of threats and actors than the Southwest border region. Federal enforcement and security priorities geared toward stemming drug trafficking and terrorism surface in unique ways along the border. Many federally led domestic efforts to coordinate counterdrug and counterterrorism policing exist in the 150-mile-wide belt north of the U.S.-Mexican border that stretches from the Gulf Coast to the West Coast.

Assessing the effectiveness of task force operations can be crucial in Congressional oversight of federal law enforcement, especially because the task force concept has become somewhat of a policing panacea to address most any difficult cross-jurisdictional foe. It may be time to examine fundamental questions related to the use of such partnership structures. These include the following:

- When and under what specific conditions should task forces be created?
- When and under what specific conditions should task forces be disbanded?
- How should the successes or failures of task forces be measured, and who should evaluate them?

Notably, no one formally and publicly catalogs the creation or existence of task forces. As such, there is no official roster, or task force census, of federally led task forces operating around the country or even in a particular region, nor is there an inventory of those task forces targeting specific threats. This report provides a framework for examining domestic law enforcement coordination through analysis of *counterdrug and counterterrorism policing efforts along the U.S. Southwest border*, and it discusses issues inherent in the above questions. Moreover, it outlines how this coordination is pivotal to 21st century federal policing. As stressed in the *2013 National Southwest Border Counternarcotics Strategy*,

Federal agencies will continue to place particular emphasis on enhancing and expanding partnerships with each other and with state, local, and tribal law enforcement agencies. These partnerships will facilitate timely information and criminal intelligence sharing and decrease duplication of effort. Improved coordination through co-location and co-mingling of personnel and resources, formal planning meetings, data set sharing, and intelligence analyst conferences among the various agencies allows for a more synchronized effort. Indeed, Federal, state, local, and tribal law enforcement agencies all play critical roles in border security efforts. Establishing full and genuine partnerships, designed to maximize the resources and capabilities of each group, will enable the Nation to more comprehensively address the threat posed by illicit activities along the Southwest border.¹

While this report acknowledges that law enforcement coordination may be influenced by many mechanisms including task forces, fusion centers, memoranda of understanding, and interagency agreements, among other things, the bulk of the report focuses on the use of task forces and intelligence sharing entities such as fusion centers. Of note, the term “fusion center” lacks an exacting definition (see **Task Forces and Fusion Centers** textbox, below). The fusion centers described in this report (see **Fusion Centers and Information Sharing**, below) are part of a

¹ Office of National Drug Control Strategy, *National Southwest Border Counternarcotics Strategy*, 2013, p. 5.

national network “owned and operated by state and local entities with support from federal partners.”² They are not federally led like the other task forces and intelligence sharing initiatives discussed in this report. Nonetheless, they are federally backed and important to national strategies and policing efforts.

While law enforcement coordination may be a central facet to operations *throughout* the country, this report highlights the issue through analysis of activities along the Southwest border. As such, examples of law enforcement coordination along the Southwest border are sprinkled—in text boxes—throughout the body of the report in an effort to highlight some of the concepts discussed. The task force activities highlighted by no means represent an exhaustive list of task force operations along the Southwest border.

Realities Promoting Law Enforcement Coordination

In recent decades, a number of realities have helped foster a need for increased coordination between federal law enforcement agencies and their state and local counterparts, particularly along the Southwest border.³ For one, borders or boundaries often enhance criminal operations. Criminals exploit borders to their advantage, profiting from the movement of black market goods across state and national boundaries. Criminals also harness advanced technologies and the cyber domain to globalize their operations—crossing a variety of borders. Thus, they expand their pool of potential victims and increase the speed with which they can carry out their operations over great distances. In the same realm, jurisdictional lines tend to limit the efforts of law enforcement agencies to fight these same criminals. Moreover, for one set of actors, boundaries provide opportunities; for the other, boundaries are impediments. In addition, criminal networks have become less hierarchical and more networked in their structures and operations. On top of all this, numerous federal agencies have come to play roles in addressing border security threats. Under such conditions, to keep pace with criminals, law enforcement has had to adopt more networked practices, combining resources and circumventing established hierarchical structures that may constrain individual policing entities in terms of jurisdiction, authority, and turf.

Federal law enforcement has used task forces and intelligence sharing entities such as fusion centers as tools to surmount these modern realities.⁴ Task forces and fusion centers may be developed for a number of reasons, including overcoming jurisdictional limitations and leveraging expertise and resources—both money and manpower. Task forces, which mostly involve investigative operations, and intelligence-focused fusion centers have been viewed as serving complementary roles,⁵ particularly as 21st century policing has evolved to become more intelligence-driven. While law enforcement coordination may be essential to today’s policing, the Department of Justice (DOJ) Inspector General has noted that “coordinating among law enforcement agencies” has been among DOJ’s top management challenges.⁶

² Department of Homeland Security, *State and Major Urban Area Fusion Centers*, <http://www.dhs.gov/state-and-major-urban-area-fusion-centers>.

³ For more information, see CRS Report R41927, *The Interplay of Borders, Turf, Cyberspace, and Jurisdiction: Issues Confronting U.S. Law Enforcement*, by Kristin Finklea.

⁴ A variety of tools including task forces and fusion centers are available to enhance interagency cooperation. These also include Memoranda of Understanding and various information sharing systems.

⁵ Department of Homeland Security, *Fusion Centers and Joint Terrorism Task Forces*, February 28, 2011.

⁶ Department of Justice, Office of the Inspector General, *Top Management and Performance Challenges in the* (continued...)

Task Forces and Fusion Centers

The distinctions between task forces and fusion centers can be murky in some aspects. As modern law enforcement operations have become increasingly dependent on the sharing of information, agencies have come to rely heavily on task forces that not only investigate specific threats, but also handle large amounts of intelligence material. Meanwhile, fusion centers are often viewed as largely involved in intelligence sharing, but in some instances can play a key investigative role. For the purposes of this report,

- Law enforcement task forces are formally construed bodies bringing together representatives from an assortment of government agencies to focus on a specific threat or issue. They are operational in nature—running cases that could lead to criminal charges for the suspects under investigation. However, they certainly handle (and rely on) intelligence information⁷ regarding suspects and criminal activity.
- Fusion centers (and other interagency intelligence entities) are largely designed *not* to investigate people or crimes but to share information. For the purposes of this report, fusion centers and other interagency intelligence sharing entities formally combine representatives from a variety of agencies largely to share information, often with a specific focus like terrorism or drug trafficking.

Joint Terrorism Task Forces (JTTFs) underscore the blurred line between operationally focused and information sharing law enforcement bodies. While they handle large volumes of intelligence in their daily operations, the main purpose of JTTFs is to investigate suspected terrorists.⁸

Some national-level organizations are hybrid centers, focusing both on intelligence and operations. The National Counter Terrorism Center (NCTC), for example, is a center for joint intelligence and operational planning. Similarly, the National Intellectual Property Rights Coordination Center (IPR Center) serves as an information repository as well as a place to develop initiatives and coordinate law enforcement investigations. The Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center and International Organized Crime Intelligence and Operations Center (IOC-2) also have missions that include information/intelligence sharing as well as operational/investigative support.

Roots of Federally Led Counterdrug and Counterterrorism Task Forces

The task force concept in federal law enforcement is not new. Current counterdrug and counterterrorism task forces led by federal agencies can trace their origins at least back to the 1970s and New York City.

(...continued)

Department of Justice - 2012, November 7, 2012.

⁷ For this report, intelligence is information to which value has been added through analysis and is collected and developed to respond to the needs of groups such as policy makers, investigators, and intelligence professionals. At the most generic level, there are two types of intelligence: raw and finished. Raw intelligence has not been vetted, verified, and validated. This material is often part of investigations, particularly the stuff of leads that investigators track down in the course of a case as they build evidence against a suspect. Finished intelligence—which can include information of unknown credibility—has been through an analytical process that can result in the development of conclusions and judgments and the identification of gaps in understanding. Finished intelligence is developed to inform policy makers and those individuals responsible for taking actions, including national security, law enforcement, and public safety officials. In sum, intelligence (either raw or finished) should not be confused with evidence, which is generally gathered in support of a prosecution. While intelligence may occasionally be introduced into legal proceedings, generally it is not.

⁸ For a discussion of information sharing see U.S. Government Accountability Office, *Information Sharing: Agencies Could Better Coordinate to Reduce Overlap in Field-Based Activities*, GAO-13-471, April 2013, p. 1.

The antecedents of counterdrug task forces involving state and local police led by the Drug Enforcement Administration (DEA) can be found in New York City in 1970.⁹ That year, the DEA's predecessor, the Bureau of Narcotics and Dangerous Drugs, developed a pilot program that fostered cooperation among federal, state, and local investigators.¹⁰ This first-ever federally led counterdrug task force "was created in response to drug traffic that spilled beyond the municipal, county, and state boundaries in metropolitan New York."¹¹ The task force covered a territory that included "all levels of drug trafficking, from importing to street dealing, and numerous importation points."¹² Its mission was to "control illicit sale and distribution of narcotics and dangerous drugs through investigative and prosecutive action directed against the middle and upper echelon of the narcotic traffic within the city of New York."¹³

The New York task force led to DEA's creation of a State and Local Task Force Program. One of the main "inducements" encouraging the participation of state and local police in DEA task forces was monetary. DEA paid investigative overtime for the state and local officers. DEA also provided funding for "investigative expenses such as payments to informants, 'buy money' to purchase contraband, undercover vehicles, and surveillance equipment."¹⁴

The current version of DEA's State and Local Task Force Program includes task forces established by formalized agreements across the United States. In 2013, the program managed 259 state and local task forces "staffed by over 2,190 DEA special agents and over 2,556 state and local officers. Participating state and local task force officers are deputized to perform the same functions as DEA special agents."¹⁵

⁹ The DEA was established in 1973.

¹⁰ Drug Enforcement Administration, "A Tradition of Excellence: A History of the DEA—Beginnings," http://www.deamuseum.org/dea_history_book/beginnings.html.

¹¹ Jan Chaiken, Marcia Chaiken, and Clifford Karchmer, *Multijurisdictional Drug Law Enforcement Strategies: Reducing Supply and Demand*, National Institute of Justice, Issues and Practices in Criminal Justice Series, Washington, DC, December 1990, p. 44.

¹² *Ibid.*, pp. 44-45.

¹³ Bureau of Narcotics and Dangerous Drugs, *TWIXT*, February 10, 1972.

¹⁴ Drug Enforcement Administration, "DEA Programs: State and Local Task Forces," <http://www.justice.gov/dea/ops/taskforces.shtml>.

¹⁵ *Ibid.*; 21 U.S.C. §878(a).

Cooperation on the Southwest Border: DEA Tactical Diversion Squads

Tactical Diversion Squads focus efforts on countering the illegal diversion of legal pharmaceutical controlled substances or listed chemicals. These squads include DEA diversion control personnel as well as those from other federal, state, and local law enforcement agencies.¹⁶ Between 2008 and 2010, the DEA increased the number of squads from 5 to 40,¹⁷ and by January 2014, there were 66 squads approved, though not all were fully operational.¹⁸

- The DEA's tactical diversion squad in Texas was heavily involved in the July 2012 arrest of 16 individuals involved in a methamphetamine production ring. In this investigation, the squad worked with the Williamson County Sheriff's Office Narcotics Unit. They were tracking unlawful purchases of pseudoephedrine that the defendants allegedly used to produce methamphetamine.¹⁹

Today, Joint Terrorism Task Forces (JTTFs) led by the FBI play the chief role in coordinating federal counterterrorism investigations across the United States, bringing together federal, state, and local participants in the process.²⁰ JTTFs have their roots in New York City in the late 1970s, which, during that decade, had experienced a wave of terrorist attacks from numerous organizations.²¹ As described by one author, the New York City Police Department (NYPD) and the FBI's New York City field office “have always had a tense relationship—each considers the other agency ineffectual—but it was never worse than in the late 1970s.”²² In the mid and late 1970s, the FBI and NYPD typically handled high-profile investigations separately. They competed to gather evidence, interview witnesses, and run forensic tests on recovered materials—essentially vying for control over crime scenes.²³ When it came to terrorism investigations, top officials in the FBI's New York office and the NYPD agreed at the time that the only people benefitting from such infighting were terrorists:

Both agencies readily acknowledged that there was a lack of cooperation between the NYPD Arson and Explosion Unit, responsible for bombing investigations, and the Terrorist Squad of the New York FBI Office. There were instances where evidence acquired by one agency was not promptly and appropriately shared with the other. There was open animosity between the Agents and police officers. Only members of the terrorist groups operating in New York profited from this dissension.²⁴

¹⁶ DEA, *Inside Diversion Control: Tactical Diversion Squads*, http://www.deadiversion.usdoj.gov/offices_n_dirs/tac_squad.htm.

¹⁷ U.S. Government Accountability Office, *Prescription Drug Control: DEA Has Enhanced Efforts to Combat Diversion, but Could Better Assess and Report Program Results*, GAO-11-744, August 2011, p. 12, <http://www.gao.gov/new.items/d11744.pdf>.

¹⁸ January 2014 data provided to CRS by DEA Congressional Affairs.

¹⁹ Benjamin Wermund, “Police: 16 Arrested Were Helping Produce Meth,” *Statesman.com*, June 21, 2012.

²⁰ Federal Bureau of Investigation, *FBI Information Sharing Report, 2011*, (2012) p. 6, <http://www.fbi.gov/stats-services/publications/national-information-sharing-strategy-1/information-sharing-report-2011>. Hereinafter: Federal Bureau of Investigation, *FBI Information Sharing Report, 2011*.

²¹ Federal Bureau of Investigation, press release, “The Early Years: Celebrating 30 Years and the Beginning of New York's Joint Terrorism Task Force,” November 29, 2010, <http://www.fbi.gov/newyork/news-and-outreach/stories/the-early-years/the-early-years>. Hereinafter: Federal Bureau of Investigation, “The Early Years.”

²² Garrett M. Graff, *The Threat Matrix: The FBI at War in the Age of Global Terror* (New York: Little, Brown and Company, 2011), p. 157. Hereinafter: Graff, *The Threat Matrix*.

²³ *Ibid.* See also Federal Bureau of Investigation, “The Early Years.”

²⁴ Kenneth P. Walton and Patrick J. Murphy, “Joint FBI/NYPD Task Forces: A Study in Cooperation,” *FBI Law Enforcement Bulletin*, vol. 50, no. 11 (November 1981), p. 23. When they co-authored this piece, Walton was Deputy Assistant Director in the FBI's New York City field office. Murphy was NYPD Chief of Operations. Hereinafter: Walton and Murphy, “Joint FBI/NYPD Task Forces.”

The JTTF concept sprang from a project to combine NYPD and FBI resources targeting bank robbers. In 1979, the NYPD and FBI created a task force to handle bank robbery investigations (as these cases also spiked in the 1970s). This was the first task force the FBI had ever formed with local law enforcement.²⁵ The construct was adapted to the counterterrorism arena in 1980 when the New York JTTF was created, initially bringing together 12 FBI agents and 12 NYPD officers.²⁶ A memorandum of understanding (MOU)²⁷ detailed many of the particulars of the task force. The MOU called for the task force to follow federal rules of criminal procedure and directed that its cases would be prosecuted in federal court. Additionally, it established that task force funding would come from the FBI. The Bureau would also provide a physical space for the JTTF, overtime costs for NYPD officers, and access to classified information (including FBI case files) to all detailed personnel cleared for such access. The NYPD and FBI would share all their information related to the cases the task force worked, and NYPD officers detailed to the task force would be federally deputized, allowing them to pursue leads outside of NYPD jurisdictions alongside their FBI counterparts.²⁸ All of these policies have continued in more current iterations of the federal JTTF model.²⁹

²⁵ Federal Bureau of Investigation, “The Early Years,” Walton and Murphy, “Joint FBI/NYPD Task Forces,” pp. 20-23.

²⁶ Graff, *The Threat Matrix*, p. 158.

²⁷ MOUs are agreements between agencies that define “the roles, responsibilities, and length of commitment for each of the affected parties.” See Department of Justice, Office of the Inspector General, Evaluation and Inspections Division, *The Department of Justice’s Terrorism Task Forces*, Washington, DC, June 2005, p. 15.

²⁸ *Ibid.*, Federal Bureau of Investigation, “The Early Years.”

²⁹ Federal Bureau of Investigation, “The Early Years,” Because they are FBI-led investigations, JTTF cases have to hew to investigative guidelines established by the Department of Justice and the Bureau. For more information on how the FBI investigates terrorism see CRS Report R41780, *The Federal Bureau of Investigation and Terrorism Investigations*, by Jerome P. Bjelopera. Hereinafter: CRS Report R41780.

Cooperation on the Southwest Border: FBI Joint Terrorism Task Forces (JTTFs)

There are more than 100 JTTFs across the country in the FBI's field offices and resident agencies. JTTFs are locally based, multiagency teams of investigators, analysts, linguists, SWAT experts, and other specialists who *investigate* terrorism and terrorism-related crimes.³⁰ Among their many roles, the agents, task force officers, and analysts working on JTTFs gather leads, evidence, and information related to these cases. They analyze this information and help develop cases for prosecution, most often pursued in federal court. JTTF members share leads and information from counterterrorism cases with federal, state, and local partners to coordinate counterterrorism investigations and broaden U.S. counterterrorism efforts.³¹ In June 2012, one FBI official stated that there were over 6,000 open JTTF investigations.³² Over 4,400 federal, state, and local law enforcement officers and agents work in them—more than four times the total prior to the terrorist attacks of September 11, 2001. These officers and agents come from more than 600 state and local agencies and 50 federal agencies.³³

- An investigation by the Phoenix Joint Terrorism Task Force led to the indictment of Jeffrey Harbin for possessing and transporting improvised explosive devices—he reportedly built 12 grenade-like pipe bombs.³⁴ At one point in his life, Harbin was allegedly a member of the National Socialist Movement.³⁵ In September 2011, he pled guilty to possession of unregistered destructive devices and the unlawful transportation of explosive material.³⁶

Overcoming Jurisdictional Limitations

As the preceding discussion suggests, rather than existing as a single police force, the U.S. police system consists of layers of law enforcement at the local, state, and federal levels. This structure—particularly given the nature of modern-day crime—may encounter challenges from overlap in actual and perceived agency jurisdiction. Not only could there be overlapping jurisdiction *between* the layers of law enforcement—as in cases of concurrent state and federal

³⁰ Federal Bureau of Investigation, *FBI Information Sharing Report, 2011*, (2012) p. 6, Federal Bureau of Investigation, “Protecting America Against Terrorist Attack: A Closer Look at Our Joint Terrorism Task Forces,” May 2009; Brig Barker and Steve Fowler, “The FBI Joint Terrorism Task Force Officer,” *The FBI Law Enforcement Bulletin*, vol. 77, no. 11 (November 2008), p. 13.

³¹ Program Manager, Information Sharing Environment, *Information Sharing Environment: Annual Report to the Congress*, June 30, 2012, p. 15, http://ise.gov/sites/default/files/ISE_Annual_Report_to_Congress_2012.pdf. Hereinafter: Program Manager, Information Sharing Environment, *Information Sharing Environment: Annual Report* (2012).

³² Kerry Sleeper, Deputy Assistant Director, Federal Bureau of Investigation, Remarks during Panel II of the “Intelligence and Information Sharing to Protect the Homeland,” conference sponsored by the Center for Strategic and International Studies and the Intelligence and National Security Alliance, June 27, 2012. Hereinafter: Sleeper, Remarks.

³³ Federal Bureau of Investigation, “Protecting America from Terrorist Attack: Our Joint Terrorism Task Forces,” http://www.fbi.gov/about-us/investigate/terrorism/terrorism_jtfts. Seventy-one of the 103 JTTFs currently operated by DOJ and the FBI were created since 9/11. The number of top-secret security clearances issued to local police working on JTTFs increased. The number rose from 125 to 878 between 2007 and 2009. Kevin Johnson, “FBI Issues More Top Secret Clearance for Terrorism Cases,” *USA Today*, August 12, 2010; STRATFOR, *A Decade of Evolution in U.S. Counterterrorism Operations*, Special Report, December 2009. There is also a National JTTF, which was established in July 2002 to serve as a coordinating mechanism with the FBI's partners. Some 40 agencies are now represented in the National JTTF, which has become a focal point for information sharing and the management of large-scale projects that involve multiple partners. See Department of Justice, “Joint Terrorism Task Force,” <http://www.justice.gov/jtff/>.

³⁴ Department of Justice, “Valley Man Indicted for Possessing and Transporting Improvised Explosive Devices,” press release, January 26, 2011.

³⁵ Rudabeh Shahbazi, “Documents Show Apache Junction Man Planned To Take IEDs to the Border,” *ABC 15*.

³⁶ Department of Justice, “Valley Man Enters Guilty Plea for Possession and Transport of an Improvised Explosive Device,” press release, September 27, 2011.

jurisdiction—but there may be blurry lines *within* the layers—between agencies with overlying missions and authorities. In addition, agencies’ perceptions of operational turf may intersect or conflict.

Some task forces have been structured as cross-cutting multijurisdictional efforts to bring together policing entities with similar missions and targets, but whose operational jurisdictions differ, at least in part. The Bureau of Justice Assistance, for instance, conceptualizes a multijurisdictional task force (MJTF) as

a cooperative law enforcement effort involving two or more criminal justice agencies, with jurisdiction over two or more areas, sharing the common goal of addressing drug control or violent crime problems. MJTFs allow law enforcement agencies in different jurisdictions to work together as a single enforcement entity with the ability to improve communication, share intelligence, and coordinate activities. This allows for more efficient use of resources and targeting of offenders whose activities cross jurisdictional boundaries.³⁷

While not all task forces are multijurisdictional (some may consist of law enforcement agencies within the same jurisdictional confines (e.g., city, county, state, etc.)), those collaborative efforts that cross boundaries of control or authority may enhance law enforcement’s abilities to combat criminals that exploit these boundaries to their advantage. Further, these multijurisdictional task forces can be used to counter a wide array of threats posed by criminal networks, or they can be tailored to concentrate efforts on a particular criminal activity.

For instance, the Border Enforcement Security Task Force (BEST) initiative,³⁸ led by U.S. Immigration and Customs Enforcement (ICE), is a series of multi-agency investigative task forces that aim to identify, disrupt, and dismantle criminal organizations posing significant threats to border security along the northern border with Canada and Southwest border with Mexico as well as within Mexico.³⁹ To focus efforts on criminal networks exploiting the U.S.-Mexican border via underground tunnels, ICE established the first tunnel task force in San Diego in 2003.⁴⁰ The task force was created as a partnership between ICE, DEA, and the U.S. Border Patrol, along with state law enforcement and Mexican counterparts. The tunnel task force was incorporated into ICE’s BEST initiative in 2006 in order to further enhance multilateral law enforcement intelligence and information sharing. Since 1990, over 150 tunneling attempts have been discovered along the U.S.-Mexican border.⁴¹

³⁷ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Center for Program Evaluation and Performance Measurement, “What are Multijurisdictional Task Forces (MJTFs)?” <https://www.bja.gov/evaluation/program-law-enforcement/forces1.htm>.

³⁸ Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Border Enforcement Security Task Force (BEST)*, <http://www.ice.gov/best/>.

³⁹ While ICE leads the BEST initiative, other agency participants include U.S. Customs and Border Protection; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms, and Explosives; Federal Bureau of Investigation; U.S. Coast Guard; and the U.S. Attorneys Offices, as well as state and local law enforcement. The Mexican law enforcement agency Secretaría de Seguridad Pública has been a partner along the Southwest border. As of March 2013, there were 35 BEST units located in the United States, including its territories, and Mexico.

⁴⁰ Department of Homeland Security, “Testimony of Executive Associate Director James A. Dinkins, Immigration and Customs Enforcement, Before the Senate Caucus on International Narcotics Control, ‘Illegal Tunnels on the Southwest Border,’” press release, June 15, 2011. In March 2012, a tunnel task force was established in Nogales, AZ, to respond to an increasing number of tunnels detected in that area.

⁴¹ *Ibid.*

- In October 2013, the San Diego Tunnel Task Force uncovered a sophisticated cross-border tunnel connecting a building in Otay Mesa, CA, with a warehouse in Tijuana, Mexico. The tunnel was “nearly six football fields” in length and was “equipped with lighting, ventilation, and an electric rail system.”⁴² Authorities seized 17,292 pounds of marijuana and 325 pounds of cocaine, collectively worth over \$10 million on the streets. This was the largest tunnel uncovered in the San Diego area in two years.

Overlapping jurisdiction and investigative authority, while potentially opening doors to interagency collaboration, can at times contribute to interagency turf battles. For instance, while the FBI is often seen as one of the primary agencies involved in investigating gangs, other agencies including the DEA, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and ICE, also investigate cases involving illegal gang activities such as drug, weapons, and human trafficking. As such, a host of tools have been employed to mitigate investigative overlaps and to enhance information and data sharing between relevant agencies. These include MOUs on very specific matters, task forces, and fusion centers:

- The DEA and DOJ’s Criminal Division signed an MOU to enhance the targeting of regional, national, and transnational gangs.⁴³
- The FBI established and administers Violent Gang Safe Streets Task Forces. These collaborations include federal, state, and local law enforcement entities that investigate crimes ranging from racketeering to drug conspiracy and firearms violations.⁴⁴
- The National Gang Intelligence Center (NGIC) was established to coordinate intelligence information from federal, state, and local policing agencies. It supports law enforcement investigations by providing strategic and tactical analysis of intelligence.⁴⁵

Federal Agencies Active in the Border Region

A number of federal agencies have counternarcotics and counterterrorism enforcement roles throughout the country, and many of these agencies have a presence along the Southwest border. Moreover, these agencies may be involved in collaborative efforts to counter specific criminal and security threats. **Table 1** identifies selected federal agencies that have a law enforcement dimension and play a role in criminal and counterterrorism investigative work along the

⁴² Drug Enforcement Administration, “Feds Shut Down Massive New Cross Border Drug Tunnel South of San Diego,” press release, October 31, 2013.

⁴³ U.S. Department of Justice, Drug Enforcement Administration, *FY 2013 Performance Budget Congressional Submission*, p. DEA-5.

⁴⁴ For more information on the Violent Gang Task Forces, see http://www.fbi.gov/about-us/investigate/vc_majorthefts/gangs/violent-gangs-task-forces.

⁴⁵ For more information on the NGIC, see http://www.fbi.gov/about-us/investigate/vc_majorthefts/gangs/ngic. Of note, the Obama Administration, in the FY2014 FBI budget request, proposed eliminating the NGIC, noting that the Center’s closure “will focus the sharing of intelligence at the field level, where intelligence sharing and coordination between DOJ agencies and state and local partners already exist.” U.S. Department of Justice, Federal Bureau of Investigation, *FY 2014 Authorization and Budget Request to Congress*, pp. 6-7.

Southwest border.⁴⁶ It captures some of the federal players potentially involved in task force activity along the Southwest border but is not necessarily an exhaustive list.

Table 1. Selected Federal Agencies Involved in Counter Crime and Counterterrorism Border Security Activities

Agency/Component	Border Security Duties
Department of Homeland Security	
U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP)	Detect and prevent the movement of unauthorized migrants, illegal narcotics, and other contraband between ports of entry
CBP, Office of Field Operations (OFO)	Perform inspections and enforcement at ports of entry to prevent the movement of unauthorized migrants, illegal narcotics, and other contraband
CBP, Office of Air and Marine (OAM)	Conduct surveillance to prevent the movement of unauthorized migrants, illegal narcotics, and other contraband
U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI)	Criminal and civil enforcement of federal laws governing border control, customs, trade and immigration.
U.S. Coast Guard	Defend ports, waterways, and coasts; interdict illegal drugs
Department of Justice	
United States Attorneys (USA)	Chief federal law enforcement officers in their district (Seven districts reside within a 150 mile wide belt north of the U.S.-Mexican border); also involved in civil litigation where the United States is a party
U.S. Drug Enforcement Administration (DEA)	Enforce federal controlled substances laws and regulations; target organizations and individuals involved in the growing, manufacture, or distribution of controlled substances involved in illicit traffic in the United States; support non-enforcement programs aimed at reducing the availability of illicit controlled substances
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)	Regulate the U.S. firearms and explosives industry and enforce federal laws enacted to prevent and penalize the diversion of those commodities from legal to illegal markets
Federal Bureau of Investigation (FBI)	Enforce federal laws, with jurisdiction over violations of more than 200 categories, related to terrorism, counterintelligence, cybercrime, public corruption, civil rights, organized crime, white-collar crime, and violent crime/major thefts
U.S. Marshals Service (USMS)	Provide physical security in courthouses; safeguard judges, witnesses, attorneys, and jurors; house and transport federal prisoners; apprehend fugitives; execute warrants and court orders; seize forfeited property

⁴⁶ **Table 1** does not include all of the federal agencies responsible for the nearly 250 task forces and intelligence fusion centers CRS was able to identify as operating in the Southwest border region.

Agency/Component	Border Security Duties
Department of the Interior	
Bureau of Indian Affairs (BIA)	Provide law enforcement and detention services on certain tribal lands
Bureau of Land Management (BLM)	Prevent, detect, and investigate crimes affecting public lands resources
Department of Agriculture	
U.S. Forest Service (USFS)	Protect natural resources and property within Forest Service jurisdictions

Source: Congressional Research Service (CRS) analysis.

Tallying Task Forces Countering Illegal Drugs and Terrorism along the Southwest Border

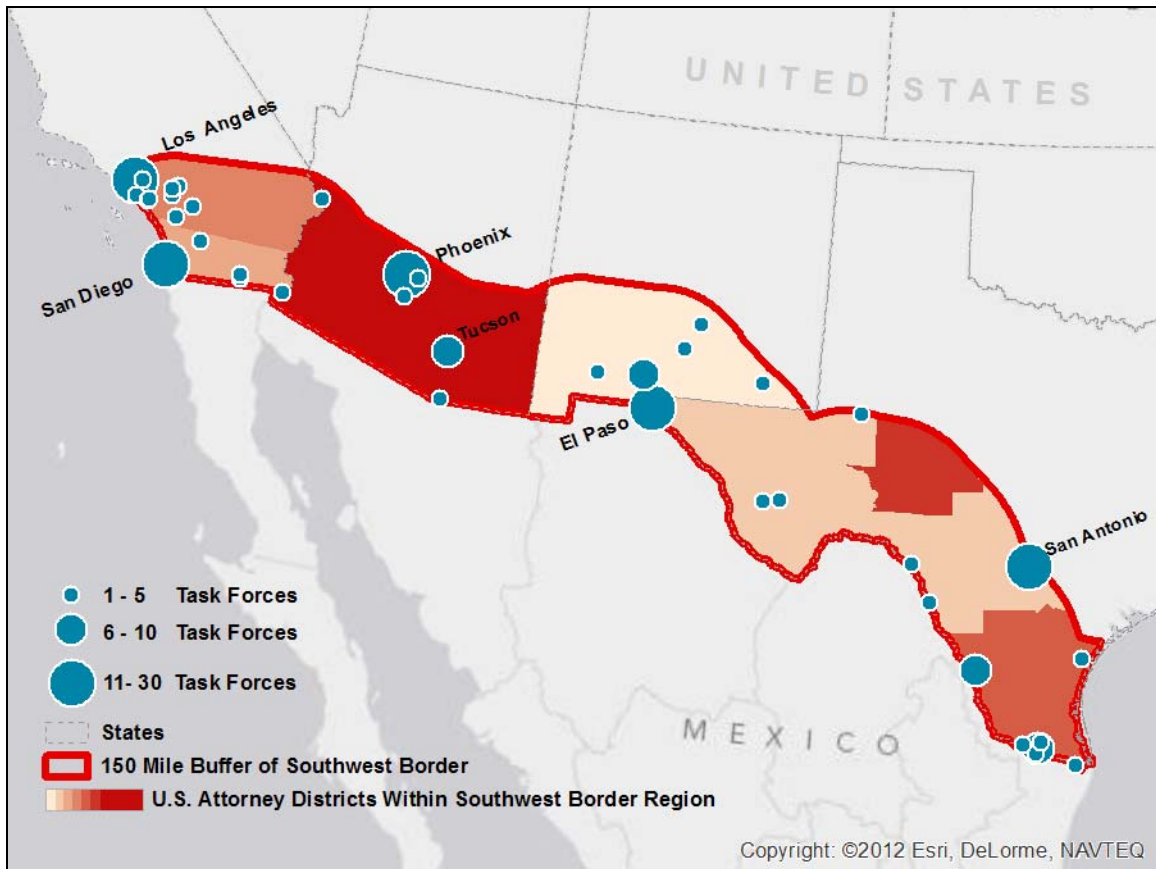
One of the challenges in trying to understand the breadth of task force activity in any given geographic region involves establishing exactly how many are active in the area. *No central, widely available repository of such information—a task force census—exists, and law enforcement agencies may be reticent to part with the specific locations of their collaborative efforts.* This creates at least a few problems. Without such information it is difficult to measure exactly how much cooperation is occurring. How much cooperation is enough? How can we ascertain whether task force programs in various agencies overlap each other’s work, especially if they target the same class or category criminals (such as drug traffickers or violent gangs)? From a different point of view, how can we determine if particular areas need more task forces?

These issues appear to be unanswerable based solely on publicly available knowledge. Nevertheless, Executive Branch responses to such issues could greatly inform congressional policy making. Congressional policy makers may be interested in asking the Administration for a complete accounting of task forces countering drug trafficking and terrorism.⁴⁷

CRS has aimed to describe the extent of task force activity along the Southwest border. In doing so, CRS amassed a dataset of task forces and intelligence sharing bodies within the 150-mile belt of the Southwest border with Mexico. To build this dataset, CRS reviewed publicly available press releases, news reports, and other documents from 2010-2013. It is important to note that while every effort was made to be thorough in reviewing the sources used, the approximately 200 task forces identified by CRS as active at some point between 2010 and 2013 should not be considered as constituting an exhaustive list. To be included in the list, a task force had to exhibit the possibility of either directly or indirectly combatting drug trafficking or terrorism. Thus, task forces devoted to fighting gangs, violent crime, public corruption, capturing fugitives, and money laundering may be included. CRS has depicted these task forces and information sharing centers on the map in **Figure 1**.

⁴⁷ Achieving this may be easier in the counterterrorism realm, where the FBI and its JTTFs are recognized as the leads on the issue.

Figure I. Counterdrug and Counterterrorism Task Forces and Information Sharing Centers Along the Southwest Border



Source: Graphic created by CRS. Map boundaries and information generated by Jim Uzel using HSIP Gold 2013 (Department of Justice U.S. District Court Boundaries); Esri Maps and Data 2013 (U.S. Census - Cities); Esri, NAVTEQ, and DeLorme Publishing Company, Inc. (2013).

Figure 1 suggests what may already be intuitive—task forces cluster around major urban areas. However, using open source information, it is impossible to ascertain the actual territories each task force is responsible for covering. So, while a task force may be based in a particular city, its responsibilities may stretch further afield. A geographical issue stems from this. Do task forces in the same locale headed by potentially rival federal agencies and covering similar threats divvy up their targets? Or do they go after the same targets, and the first to develop an inroad into a threat (such as an informant who has worked his or her way into a particular criminal organization) gets dibs on investigating it? If this is the case, how chaotic is this process of competitive investigation? Does it have inherent value? In other instances, task force primacy is well-defined. For example, FBI-led JTTFs are the core nodes managing most federal counterterrorism investigations at the local level, and the FBI is the lead federal agency covering counterterrorism. Presumably, each JTTF has its own geographic territory. It may be telling that the predominant law enforcement threat over the last dozen years—terrorism—has such clearly defined task force responsibilities.

Leveraging Resources and Expertise

Just as some interagency collaboration is marked by bridging jurisdictional lines, other collaboration features a pooling of resources and/or expertise. The High Intensity Drug Trafficking Areas (HIDTA) program, for one, provides assistance to law enforcement agencies – at the federal, state, local, and tribal levels—that are operating in regions of the United States that have been deemed as critical drug trafficking regions.⁴⁸ Each of the HIDTA regions—of which there are currently 28—is governed by its own Executive Board. A main feature of the HIDTA program is the discretion granted to the Executive Boards to design and implement initiatives that confront the drug trafficking threat in each HIDTA region. This flexibility has ensured that each Executive Board can tailor its strategy to local conditions and respond quickly to changes in those conditions. The Executive Boards operate independently from one another and have the discretion to develop strategies and initiatives to confront the specific drug trafficking threats in each area. For instance, the Executive Board of the Southwest border HIDTA, which covers five regions across California, Arizona, New Mexico, West Texas, and South Texas, helps facilitate relevant counterdrug initiatives in the region.

As noted, criminal organizations have become increasingly networked, and some have also broadened their pool of criminal activities. For instance, some Mexican drug trafficking organizations that once focused on the production, distribution, and sale of illegal drugs have branched into other illegal money-generating activities including kidnapping and public corruption.⁴⁹ As such, these diversified criminal entities may be investigated by an equally broad variety of law enforcement agencies, each with specific missions and authorities. Certain efforts, such as the Organized Crime Drug Enforcement Task Force (OCDETF) program, aim to leverage the full range of relevant agencies to investigate these criminals. The OCDETF program targets—with the intent to disrupt and dismantle—major drug trafficking and money laundering organizations. Federal agencies that participate in the OCDETF program include the DEA, FBI, ATF, U.S. Marshals, Internal Revenue Service, ICE, U.S. Coast Guard, the U.S. Attorneys Offices, and DOJ's Criminal Division. These federal agencies also collaborate with state and local law enforcement.⁵⁰

⁴⁸ Congress created the HIDTA program through the Anti-Drug Abuse Act of 1988 (P.L. 100-690). It was permanently authorized through the Office of National Drug Control Reauthorization Act of 2006 (P.L. 109-469). For more information on the program, see Office of National Drug Control Policy (ONDCP), *High Intensity Drug Trafficking Areas (HIDTA) Program*, <http://www.whitehouse.gov/ondcp/high-intensity-drug-trafficking-areas-program>.

⁴⁹ Morris Panner, “Latin American Organized Crime’s New Business Model: Beyond Dope ... and More Dangerous,” *ReVista*, vol. XI, no. 2 (Winter 2012).

⁵⁰ U.S. Department of Justice, *FY2014 Interagency Crime and Drug Enforcement, Congressional Budget Submission*, <http://www.justice.gov/jmd/2014justification/pdf/ocdetf-justification.pdf>.

Cooperation on the Southwest Border: Organized Crime Drug Enforcement Task Force (OCDETF) Strike Forces

There are 11 OCDETF strike forces around the country—four along the Southwest border—as well as an OCDETF Fusion Center.⁵¹ The OCDETFs target those organizations that have been identified on the Consolidated Priority Organization Targets (CPOT) List, which includes the “most wanted” leaders of drug trafficking and money laundering organizations. By the end of FY2012, 43% of the active CPOT-linked investigations “were out of the Southwest Region,” and “by the end of the first quarter of FY 2013, [20] percent of OCDETF’s active caseload – or 1,055 cases - were linked to CPOTs and 16 percent were linked to [Regional Priority Organization Targets] RPOTs.”⁵²

- In January 2012, 15 individuals were indicted on drug trafficking, money laundering, and currency structuring charges as part of an OCDETF investigation. Defendants allegedly conspired to distribute methamphetamine, marijuana, and cocaine in New Mexico as well as transport bulk cash to Mexico. At least one defendant has pleaded guilty.⁵³

Highlighting Administration Priorities

Because investigators and prosecutors operate in a world of finite and limited resources, the number, breadth, and focus of cases which they take on are necessarily limited as well. As such, working within these parameters, the U.S. Attorneys may exercise discretion and work with investigators—indeed, they are integral partners with task forces—to prioritize cases that may be in line with Administration priorities.

For example, in an August 2013 memorandum, Deputy Attorney General Cole provided guidance to the U.S. Attorneys about “the exercise of investigative and prosecutorial discretion” regarding the enforcement of federal marijuana laws. He stated that while marijuana remains an illegal substance under the Controlled Substances Act, the Department of Justice would focus its “limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way.”⁵⁴ This was the third in a series of such DOJ memos regarding marijuana enforcement, all of which emphasize that combating major drug traffickers continues as a central priority.⁵⁵ This suggests that U.S. Attorneys, and the task forces with which they may coordinate, may prioritize the investigation and prosecution of criminal enterprises involved in drug trafficking over individual users of marijuana, despite the fact that marijuana use remains a federal crime. Moreover, in addition to driving task force priorities, federal law enforcement priorities may drive the formulation of specific task forces and collaborative efforts that may be able to tackle relevant threats.

⁵¹ U.S. Department of Justice, *FY2014 Interagency Crime and Drug Enforcement, Congressional Budget Submission*, pp. 7-8.

⁵² *Ibid.*, p. 27.

⁵³ U.S. Department of Justice, “Homero Varela Pleads Guilty to Federal Drug Trafficking and Financial Crimes,” press release, January 29, 2013.

⁵⁴ James M. Cole, *Memorandum for all United States Attorneys*, U.S. Department of Justice, Guidance Regarding Marijuana Enforcement, Washington, DC, August 29, 2013.

⁵⁵ The other two memorandums are: (1) Deputy Attorney General David W. Ogden, *Memorandum for Selected United States Attorneys*, U.S. Department of Justice, Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana, Washington, DC, October 19, 2009 and (2) Deputy Attorney General James M. Cole, *Memorandum for United States Attorneys*, U.S. Department of Justice, Guidance Regarding the Ogden Memo in Jurisdictions Seeking to Authorize Marijuana for Medical Use, Washington, DC, June 29, 2011.

Fusion Centers and Information Sharing

During the past decade, law enforcement cooperation has greatly increased in the area of information sharing. A hallmark of this has been the development of fusion centers along the Southwest border and across the country. As mentioned, fusion centers are not federally led; rather they are owned and operated by state and local entities and supported by the federal government. They are highlighted in this report as notable information sharing efforts because of their relevance to federal policing.

The development of these entities partly reflects the localized result of a national priority: counterterrorism. In the aftermath of the terrorist attacks of September 11, 2001 (9/11), policy makers recognized a need to operate fusion centers largely focused on information and intelligence sharing to bring together federal, state, and local law enforcement and security professionals working on counterterrorism and crime issues. Fusion centers

- facilitate the sharing of homeland intelligence, security, and policing information between state, local, and federal government agencies and the private sector (fusion centers are owned by state or local entities);⁵⁶
- analyze threat information that relates to their geographical areas of operation. Such information can include a wide array of criminal or terrorist activity, threats, and hazards;
- are guided by a single set of baseline standards for operations, including directives about privacy and civil liberties concerns but do not run investigations;
- are supported by the Department of Homeland Security (DHS) and other federal agencies; Congress mandated that DHS support fusion centers in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53);⁵⁷ and
- are largely staffed by state and local personnel including law enforcement officers and civilian employees from law enforcement agencies as well as individuals from organizations such as fire departments, emergency management programs, and public health departments; federal investigators and intelligence analysts also work in fusion centers.⁵⁸

Some post-9/11 fusion centers grew out of pre-existing state or local intelligence operations. However, fusion centers differ from many of their state and local predecessors in that they do not deal strictly with intelligence gathered from state and local police investigations. Rather, fusion centers also handle information and intelligence from all levels of government as well as private sector data. They arguably play a basic role in national domestic counterterrorism policing. DHS recognizes more than 70 centers in what it calls the National Network of Fusion Centers.

⁵⁶ Department of Homeland Security, “State and Major Urban Area Fusion Centers,” <http://www.dhs.gov/state-and-major-urban-area-fusion-centers>. Hereinafter: Department of Homeland Security, “State and Major.” Torin Monahan and Neal A. Palmer, “The Emerging Politics of DHS Fusion Centers,” *Security Dialogue*, vol. 40, no. 6 (December 2009), p. 619.

⁵⁷ P.L. 110-53, §511, 121 STAT. 318. Amends *Homeland Security Act of 2002* by adding §210A(a).

⁵⁸ Department of Homeland Security, Office of Inspector General, *DHS’s Efforts to Coordinate and Enhance Its Support and Information Sharing with Fusion Centers*, November 16, 2011, p. 4. Hereinafter: Office of Inspector General, *DHS’s Efforts to Coordinate*.

Reflecting Fundamental Shifts in Policing

The development of fusion centers after 9/11 coincides with at least three shifts in policing: (1) a broader adoption of proactive policing strategies in addition to those that were often viewed as largely reactive, (2) widespread recognition of the significance of state and local law enforcement in homeland security efforts, and (3) a consensus regarding the importance of institutionalizing the sharing of information among law enforcement entities.

Proactive Policing. In the past three decades, the policing world has broadly incorporated proactive investigative strategies—focused on preventing crime—in addition to solving crimes that have already occurred.⁵⁹ This has included a recognition of the utility of an intelligence-led⁶⁰ approach to law enforcement. In this vein, fusion centers have been described as key components of a new proactive domestic policing structure that favors the use of intelligence to understand the threats that law enforcement has to combat. In 2012, then-DHS Secretary Janet Napolitano said that fusion centers “bring agencies together to assess local implications of threat information in order to better understand the general threat picture.”⁶¹ From a law enforcement perspective, it has been argued that state and regional intelligence fusion centers, particularly when networked nationally, represent a proactive tool to be used to fight a global terrorist adversary which has both centralized and decentralized elements. The National Network of Fusion Centers has been envisioned as a vital component in the process of sharing terrorism, homeland security, and law enforcement information with state, local, regional, and tribal law enforcement and security officials.⁶²

Significance of State and Local Law Enforcement to Homeland Security. The rise of fusion centers since 9/11 is also representative of a broad recognition that state and local law enforcement and public safety agencies play significant roles in homeland security—especially stopping terrorist plots.⁶³ The Obama Administration’s June 2011 *National Strategy for Counterterrorism* notes the importance of “the capabilities and resources of state, local, and tribal entities ... as a powerful force multiplier for the Federal government’s [counterterrorism] efforts.”⁶⁴ Investigative leads about terrorists active in the homeland may originate from foreign intelligence sources. But, for the most part, information about homegrown plots is available only

⁵⁹ These investigative strategies include community policing, problem-oriented policing, intelligence-led policing, and predictive policing. See Lois M. Davis et al., *Long-Term Effects of Law Enforcement’s Post-9/11 Focus on Counterterrorism and Homeland Security*, RAND, 2010, pp. 2-4. Hereinafter: Davis et al., *Long Term Effects*.

⁶⁰ For information on intelligence-led policing, see Peterson, *Intelligence-Led*. As the term applies, intelligence-led policing leverages intelligence analysis to help determine investigative priorities.

⁶¹ Janet Napolitano, Secretary, Department of Homeland Security, written testimony, U.S. Congress, House Committee on Homeland Security, *Understanding the Homeland Threat Landscape—Considerations for the 112th Congress*, 112th Congress, 2nd sess., February 28, 2012.

⁶² This vision is promoted by the Program Manager—Information Sharing Environment (PM—ISE), which was created by the Intelligence Reform and Terrorism Prevention Act of 2004, Section 1016 and was placed under the administration of the Office of the Director of National Intelligence. The functions, but not necessarily the authorities, of the ISE transcend the boundaries of the federal intelligence and law enforcement communities. See Chapter Seven “Sharing with Partners Outside the Federal Government,” in *Information Sharing Environment Implementation Plan*, Office of the Director of National Intelligence, November 2006.

⁶³ International Association of Chiefs of Police, Homeland Security Committee, *Razing Expectations: Erecting a Strategic Vision for Fusion Centers*, 2010, pp. 1-2. Hereinafter: International Association of Chiefs of Police, *Erecting a Strategic Vision*.

⁶⁴ White House, *National Strategy for Counterterrorism*, June 2011, p. 11. Hereinafter: White House, *National Strategy for Counterterrorism*.

through domestic policing activities. This has been of particular importance since 2009, when the homegrown violent jihadist threat became a prominent issue.⁶⁵

Numerous national strategies have assessed terrorism as a significant threat to U.S. national security, both at home and abroad.⁶⁶ The homeland featured prominently in the June 2011 *National Strategy*.⁶⁷ It focuses on Al Qaeda, its affiliates (groups aligned with it), and its *adherents* (individuals linked to or inspired by the terrorist group).⁶⁸ John Brennan, at the time President Obama's top counterterrorism advisor, publicly described the strategy as the first one, "that designates the homeland as a primary area of emphasis in our counterterrorism efforts."⁶⁹

In a February 2012 poll of individuals working in 72 fusion centers conducted by the Homeland Security Policy Institute, more than 65% stated that homegrown "jihadi individuals or organizations" posed the greatest terror threat.⁷⁰ The means for combating the domestic terrorism threat are broad and encompass all elements of national power, to include non-traditional sectors.

Since their inception, many counterterrorism-focused fusion centers have expanded their missions to include all-crimes and/or all-hazards.⁷¹ Importantly, this shift toward an all-crimes and/or all-hazards focus has not abandoned the counterterrorism mission. By embracing a broader mission, fusion centers and their directors may be conforming to what they see as a national trend. The 2008 baseline capabilities issued for fusion centers by DOJ's Global Justice Information Sharing Initiative noted that while developing mission statements, fusion centers "should consider using an all-crimes approach and/or an all-hazards approach ... recognizing that precursor crimes or incidents may have national security implications."⁷² By adopting an all-crimes and/or all-hazards approach, fusion centers may also hope to increase the relevance of their work among local police and non-law enforcement partners who may not have a singular focus on terrorism.⁷³ In turn, this may also enable centers to claim more state and local resources.

Institutionalization of Information Sharing. Fusion centers emerged largely to improve interaction between the federal government's intelligence community and state and local law enforcement after 9/11.⁷⁴ It can be argued that they have helped institutionalize the exchange of intelligence related to homeland security. For example, one study has noted that "[f]usion centers have been important for centralizing information-sharing and for formalizing ... information-

⁶⁵ See CRS Report R41416, *American Jihadist Terrorism: Combating a Complex Threat*, by Jerome P. Bjelopera.

⁶⁶ As an example, see White House, *National Strategy for Counterterrorism*.

⁶⁷ White House, *National Strategy for Counterterrorism*.

⁶⁸ *Ibid.*, p. 3.

⁶⁹ Mathieu Rabechault, "U.S. Refocuses on Home-Grown Terror Threat," *AFP*, June 29, 2011; Karen DeYoung, "Brennan: Counterterrorism Strategy Focused on al-Qaeda's Threat to Homeland," *Washington Post*, June 29, 2011.

⁷⁰ Frank J. Cilluffo et al., *Counterterrorism Intelligence: Fusion Center Perspective*, Homeland Security Policy Institute, Research Brief vol. 2, no. 1, Washington, DC, June 26, 2012, p. 3. Hereinafter: Cilluffo et al., *Counterterrorism Intelligence*.

⁷¹ For a definition of these terms, see Global Justice Information Sharing Initiative, *Baseline Capabilities for State and Major Urban Area Fusion Centers*, September 2008, <http://www.it.ojp.gov/documents/baselinecapabilitiesa.pdf>. Hereinafter: *Baseline Capabilities*.

⁷² *Ibid.*, p. 24.

⁷³ International Association of Chiefs of Police, *Erecting a Strategic Vision*, p. 2.

⁷⁴ *Ibid.*, p. 1.

sharing networks among [law enforcement] within a region. In addition, fusion centers have allowed these networks to be more formally connected to the federal intelligence community.”⁷⁵

Achieving Coordination

In conceptualizing the nature of law enforcement coordination, an essential portion of the puzzle is an understanding of the lifecycle of specific coordination efforts. Specifically, how does a task force or fusion center form and how does it dissolve? While these issues are relevant throughout the country, they are particularly poignant along the Southwest border where coordination is a key element of modern day policing.

Task Force and Fusion Center Formulation: When and How?

Certain collaborative efforts may stem from the realization of a new need or the evolution of an existing need. The El Paso Intelligence Center (EPIC), for instance, evolved its mission with the consciousness of new threats.⁷⁶ EPIC was originally established in 1974 as an intelligence center to collect and disseminate information relating to drug, unauthorized immigrant, and weapon smuggling in support of field enforcement entities throughout the border region. Following the terrorist attacks of September 11, 2001, counterterrorism also became part of its mission. Today, EPIC is seen as an “all-threat center.”⁷⁷ It is a fully coordinated, multi-agency tactical intelligence center supported by databases and resources from member agencies; its online query capability consists of over 70 federal, state, and local databases. EPIC operates a 24/7 watch program manned by special agents, investigative assistants and intelligence analysts to provide timely tactical intelligence to the field on request.

⁷⁵ Davis et al., *Long Term Effects*, p. 46.

⁷⁶ Drug Enforcement Administration, *El Paso Intelligence Center*. <http://www.usdoj.gov/dea/programs/epic.htm>. EPIC is jointly operated by the DEA and CBP. Agencies represented at EPIC include DEA, CBP, ICE, U.S. Coast Guard, U.S. Secret Service, Department of Defense (DOD), Department of the Interior, FBI, ATF, U.S. Marshals Service, Federal Aviation Administration, National Drug Intelligence Center (NDIC), Internal Revenue Service, National Geospatial–Intelligence Agency, Joint Task Force–North, Joint Interagency Task Force–South, Texas Department of Public Safety, Texas Air National Guard, and the El Paso County Sheriff’s Office.

⁷⁷ U.S. Immigration and Customs Enforcement, “El Paso Intelligence Center Turns Raw Data Into Actionable Intelligence,” press release, June 26, 2012.

Cooperation on the Southwest Border: FBI Border Corruption Task Forces

Beginning in 2009 as part of its Border Corruption Initiative, the FBI established these task forces in what it deemed “high risk” cities.⁷⁸ These task forces investigate criminal activity involving particular sensitivities—cases that frequently target corrupt public servants and law enforcement officers. Such investigations require extraordinary cooperation. In April 2011, the FBI noted that it had 13 Border Corruption Task Forces along the Southwest border.⁷⁹ The task forces include federal, state, and local representatives. They have investigated “the corrupt acts of federal agents, local police, correctional officers, military personnel, and even U.S. government employees responsible for issuing passports, visas, green cards, etc.”⁸⁰

- In October 2012, CBP officer Thomas P. Silva pled guilty to charges that he allowed a wanted fugitive to enter the United States while on duty at the San Ysidro, CA, port of entry. According to DOJ, Silva, among other things, “admitted allowing the fugitive to enter the United States from Mexico without inspection—despite verifying the fugitive’s status using CBP’s computer systems.” The FBI, CBP, DEA, and Transportation Security Administration were involved in the case.⁸¹

The BEST initiative has seen a similar evolution. The initiative sprung out of ICE realization of the threats posed by drug trafficking-related crime and violence along the Southwest border. The nature of these transnational threats, however, required transnational cooperation, and a BEST task force was established in Mexico in 2009. This cross-border law enforcement partnership supports joint investigations of not only drug trafficking, but other criminal activities including human and weapon smuggling and trafficking, money laundering, and cybercrime.⁸²

As the BEST initiative has evolved, it has developed specific task force initiatives to counter fresh threats. For instance, law enforcement realized an uptick in the frequency and sophistication of underground, cross-border drug smuggling tunnels. Along the Southwest border, over 150 tunnels have been discovered since the 1990s;⁸³ notably, there has been an 80% uptick in tunnels detected since 2008.⁸⁴ In direct response to the use of underground tunnels by transnational smugglers, ICE established the first tunnel task force in San Diego in 2003.⁸⁵ An additional tunnel task force was subsequently established in Nogales, AZ. These two areas of the Southwest border

⁷⁸ Federal Bureau of Investigation, *FY 2014 Authorization and Budget Request to Congress*, April 2013, pp. 1-6.

⁷⁹ Robert S. Mueller, III, Director, Federal Bureau of Investigation, written testimony, U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, 112th Congress, 1st sess., April 6, 2011.

⁸⁰ Federal Bureau of Investigation, “Combating Border Corruption, Locally and Nationally,” May 7, 2010.

⁸¹ U.S. Department of Justice, press release, “Customs and Border Protection Officer Pleads Guilty to Concealing Fugitive from Law Enforcement,” October 2, 2012.

⁸² Department of Homeland Security, “Testimony of James Dinkins, Executive Associate Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement Before the United States Senate Committee on Homeland Security and Governmental Affairs Subcommittee on Disaster Recovery and Intergovernmental Affairs on “Exploring Drug Gangs’ Ever Evolving Tactics To Penetrate The Border And The Federal Government’s Efforts To Stop Them,”” press release, March 30, 2011.

⁸³ Statement of James A. Dinkins, Executive Associate Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, before the U.S. Congress, Senate United States Senate Caucus on International Narcotics Control, *Illegal Tunnels on the Southwest Border*, 112th Cong., 1st sess., June 15, 2011.

⁸⁴ Department of Homeland Security, Office of Inspector General, “CBP’s Strategy to Address Illicit Cross-Border Tunnels,” http://www.oig.dhs.gov/assets/Mgmt/2012/OIG_12-132_Sep12.pdf.

⁸⁵ Department of Homeland Security, “Testimony of Executive Associate Director James A. Dinkins, Immigration and Customs Enforcement, Before the Senate Caucus on International Narcotics Control, “Illegal Tunnels on the Southwest Border,”” press release, June 15, 2011. In March 2012, a TTF was established in Nogales, AZ, to respond to an increasing number of tunnels detected in that area.

have seen the highest rates of subterranean tunnel construction. Tunnels detected in California and Arizona differ in complexity—the clay-like soil of San Diego and surrounding areas allows for the construction of more sophisticated tunnels and the existing underground infrastructure of Nogales facilitates the use of interconnecting tunnels;⁸⁶ despite these differences, law enforcement has recognized the need for specified task forces in these areas and created relevant partnerships.

In addition to establishing collaborative efforts to confront new threats, partnerships may arise or morph in response to an existing but changing threat. For instance, as noted, the HIDTA program was established in 1988 to provide assistance to law enforcement agencies operating in regions of the United States deemed as critical drug trafficking regions.⁸⁷ At the time the program first received appropriations in 1990, five areas of the country were deemed “the most critical high intensity drug trafficking area ‘gateways’ for drugs entering the nation.”⁸⁸ Since then, law enforcement and policy makers have acknowledged the evolving drug trafficking threat, and as of November 2013, there were 28 designated HIDTAs in the United States and its territories. As the number of HIDTAs (and the number of counties throughout the country) has increased over the years, the HIDTA program has continued to rely on an established regimen to assess the nature and evolution of specific threats in a given area, evaluate whether areas should be deemed parts of HIDTAs, and allocate resources to specific initiatives in a HIDTA.

Coordination Startup

Task forces, fusion centers, and other collaborative efforts can be initiated legislatively, administratively, or through a combination of the two. Take, for instance, the former National Drug Intelligence Center (NDIC). The concept of a drug center to provide drug-related intelligence was raised in the inaugural National Drug Control Strategy (Strategy) submitted by the Office of National Drug Control Policy (ONDCP)⁸⁹ in 1989. This was based on an acknowledgment that enhanced intelligence regarding drug production and trafficking could be valuable support for law enforcement operations.⁹⁰ While it had not yet been formally established, the NDIC began receiving funding in FY1991 through earmarks in the Department of Defense appropriations acts. The Department of Defense Appropriations Act, 1993 (P.L. 102-396) officially created the NDIC, which was located in Johnstown, PA. As such, while the idea of a national-level center to consolidate drug intelligence was administratively proposed, the actual NDIC was authorized and appropriated dedicated funds by Congress.

⁸⁶ Department of Homeland Security, Office of Inspector General, “CBP’s Strategy to Address Illicit Cross-Border Tunnels,” http://www.oig.dhs.gov/assets/Mgmt/2012/OIG_12-132_Sep12.pdf.

⁸⁷ For more information on the program, see Office of National Drug Control Policy (ONDCP), *High Intensity Drug Trafficking Areas (HIDTA) Program*, <http://www.whitehouse.gov/ondcp/high-intensity-drug-trafficking-areas-program>.

⁸⁸ Office of National Drug Control Policy, “The High Intensity Drug Trafficking Area Program: 2001 Annual Report.”

⁸⁹ ONDCP is “a component of the Executive Office of the President” and “was created by the Anti-Drug Abuse Act of 1988. ONDCP advises the President on drug-control issues, coordinates drug-control activities and related funding across the Federal government, and produces the annual National Drug Control Strategy, which outlines Administration efforts to reduce illicit drug use, manufacturing and trafficking, drug-related crime and violence, and drug-related health consequences.” See <http://www.whitehouse.gov/ondcp/about>.

⁹⁰ The White House, *National Drug Control Strategy*, September 1989, p. 90, <https://www.ncjrs.gov/pdffiles1/ondcp/119466.pdf>. Details of the proposed center were further fleshed out in the 1990 Strategy, and ONDCP requested funding to support the center in FY1991.

One example of an administratively developed task force initiative is the FBI's Safe Streets Violent Crime Initiative.⁹¹ The Bureau announced the program in January 1992.⁹² The initiative dedicates resources to combating violent street gangs and drug-related violence within the jurisdictions of the Bureau's field divisions. The task forces bring together federal, state, and local investigators. When specifically targeting gangs, the FBI notes that the task forces attempt to dismantle entire criminal enterprises "from the street level thugs and dealers up through the crew leaders and ultimately the gang's command structure."⁹³ In 2011, the FBI operated more than 220 Safe Street task forces—most focused on gangs.⁹⁴ As part of the program, the Bureau also has Safe Trails Task Forces that handle crime on Indian reservations.⁹⁵ Nationally since 9/11, the FBI has increased the number of Safe Streets task forces by "nearly one-third" and "the number of officers on these task forces by two-thirds."⁹⁶

- In August 2012, an investigation by the San Gabriel Valley Safe Streets Task Force (near Los Angeles) led to the indictment of 27 individuals allegedly involved in a methamphetamine distribution conspiracy tied to La Familia Michoacana, a Mexican drug trafficking organization. According to the FBI, one of the defendants in the case "spent time between Los Angeles County and Mexico and controlled the importation of methamphetamine from Mexico to the United States, where it was sold on the streets of Los Angeles County by networks made up of local gang members or their associates...."⁹⁷

⁹¹ Federal Bureau of Investigation, "Safe Streets Task Forces I," November 19, 2010. See also FBI, "Violent Gang Task Forces," http://www.fbi.gov/about-us/investigate/vc_majorthefts/gangs/violent-gangs-task-forces.

⁹² Ibid.

⁹³ Federal Bureau of Investigation, "Violent Gang Task Forces," http://www.fbi.gov/about-us/investigate/vc_majorthefts/gangs/violent-gangs-task-forces.

⁹⁴ See <http://www.fbi.gov/about-us/ten-years-after-the-fbi-since-9-11/just-the-facts-1/criminal-investigative-division>; and <http://www.fbi.gov/news/podcasts/thisweek/safe-streets-task-forces-i.mp3/view>.

⁹⁵ See http://www.fbi.gov/about-us/investigate/vc_majorthefts/indian/ic_taskforces.

⁹⁶ Robert Mueller, III, Director, Federal Bureau of Investigation, remarks prepared for delivery at National Academy Associates Annual Training Conference, Grapevine, TX, July 31, 2012.

⁹⁷ Federal Bureau of Investigation, "Federal Indictment Targets 27 for Narcotics Distribution Network, Including Members of an International Drug Trafficking Organization and Los Angeles County Street Gangs," press release, August 23, 2012.

**Cooperation on the Southwest Border:
ATF Violent Crime Impact Teams (VCITs)**

According to ATF, VCITs, the agency's "signature initiative to reduce the occurrence of firearms-related violent crime in small geographic areas experiencing an increase in violence," focus on hardened criminals and target hot spots of firearms related violent crime.⁹⁸ DOJ and ATF started the program in 2004 and have expanded it to cover more than 30 cities across the United States. The teams include ATF special agents, intelligence analysts, and representatives from other federal, state, and local agencies.⁹⁹ VCITs use "undercover operations, surveillance, wiretaps, and the controlled purchase of drugs, guns, and explosives to identify and attack the violent offenders and the gangs' hierarchy."¹⁰⁰

- In March 2012, ATF publicly noted that since 2004, its VCITs have "obtained convictions of 4,950 defendants. Nearly 84% were sentenced to prison, with an average sentence of 19.7 years."¹⁰¹

The BEST initiative highlights how administrative and legislative influences may come together to formally create a program. This initiative was born in 2005 as a partnership between ICE and CBP as well as other relevant law enforcement entities. It was a direct response to violence along the southern side of the U.S.-Mexican border. The first BEST task force was established in Laredo, TX, and the program has since grown to include an additional 34 task forces. Of these task forces, 13 are located along the Southwest border.¹⁰² The 112th Congress formally authorized the BEST program through the Jaime Zapata Border Enforcement Security Task Force Act (P.L. 112-205). This legislation outlines, among other things, how BEST units may be established and requires a report on their effectiveness at reducing drug trafficking, violence, and other crimes along U.S. borders.

⁹⁸ Bureau of Alcohol, Tobacco, Firearms, and Explosives, "Fact Sheet: At the Frontline against Violent Crime," March 2010.

⁹⁹ Ibid.

¹⁰⁰ Bureau of Alcohol, Tobacco, Firearms and Explosives, "Combating Gang Violence," March 2012.

¹⁰¹ Bureau of Alcohol, Tobacco, Firearms, and Explosives, "Fact Sheet: At the Frontline against Violent Crime," March 2010.

¹⁰² Office of National Drug Control Strategy, *National Southwest Border Counternarcotics Strategy*, 2013, p. 2.

Cooperation on the Southwest Border: United States Marshals Service (USMS) Fugitive Task Forces

The USMS leads both permanent and ad-hoc fugitive task forces aimed at arresting fugitives charged with felony offenses including violent crimes, drug violations, and sex offenses. Permanent, regional fugitive task forces (RFTFs) were established by the Presidential Threat Protection Act of 2000 (P.L. 106-544). There are seven RFTFs throughout the country, and in FY2010 they were responsible for closing—via arrest—over 52,000 felony warrants, including 1,953 homicide warrants.¹⁰³

- One RFTF is the Pacific Southwest RFTF, and participating agencies include federal law enforcement as well as California state and local law enforcement.¹⁰⁴ In June 2012, the task force apprehended Paul Borreson, an identified member of the Aryan Brotherhood of Texas, who had been wanted by the Texas Department of Public Safety for a parole violation (the original offense being forgery).¹⁰⁵

Ad-hoc, local task forces may be funded through a range of means. These task forces were responsible for closing about 108,200 state and local felony warrants and arresting over 81,900 fugitives in FY2010.¹⁰⁶

- In July 6, 2012, the Lone Star Fugitive Task Force, a local U.S. Marshals-led task force, arrested Trinidad Diaz Mermella—one of the Texas 10 Most Wanted Fugitives—for a parole violation.¹⁰⁷

Dissolving Coordinating Units

On the flip side of task force or fusion center evolution is their dissolution. Just as their creation may have originated administratively and/or legislatively, so too may their termination. A lack of funding, duplicative missions, waning threats, and allegations of corruption, among others, may all be factors contributing to the disbanding of an operational task force or joint intelligence effort.

- A special anti-narcotics squad in South Texas, the Panama Unit, was originally established between the Mission Police Department and the Hidalgo County Sheriff's Department to target drug trafficking in the area. In January 2013, four officers—two from each agency participating in the Panama Unit—were indicted for allegedly using their positions of authority to aid drug traffickers in distributing cocaine by providing protective escorts to the traffickers.¹⁰⁸ Hidalgo County Sheriff Lupe Trevino, father of one of the indicted officers, has since disbanded the Panama Unit.¹⁰⁹
- The National Drug Intelligence Center (NDIC) formally closed its doors in June 2012. The idea that NDIC's functions may have been overlapping with those of other agencies had been an issue of interest to some policy makers for a number

¹⁰³ U.S. Marshals Service, *Fact Sheets: Facts and Figures*, April 15, 2011, <http://www.usmarshals.gov/duties/factsheets/facts-2011.html>.

¹⁰⁴ U.S. Marshals Service, *Fugitive Task Forces: Pacific Southwest Regional Fugitive Task Force*, <http://www.usmarshals.gov/investigations/taskfrcs/rftfs/la/la-agenc.htm>.

¹⁰⁵ U.S. Marshals Service, "Pacific Southwest Regional Fugitive Task Force Arrest Texas 10 Most Wanted Fugitive," press release, June 8, 2012.

¹⁰⁶ U.S. Marshals Service, *Fact Sheets: Facts and Figures*, April 15, 2011, <http://www.usmarshals.gov/duties/factsheets/facts-2011.html>.

¹⁰⁷ U.S. Marshals Service, press release, "Lone Star Fugitive Task Force Arrests Texas Top Ten Fugitive in Odessa," July 24, 2012.

¹⁰⁸ Federal Bureau of Investigation, "Former 'Panama Unit' Officers Indicted," press release, January 9, 2013.

¹⁰⁹ Dave Hendricks, "Federal Prosecutors File New Indictment in Panama Unit Case," *The Monitor*, April 6, 2013.

of years. In its FY2012 budget request, the Administration indicated that NDIC's functions may be duplicative of other drug intelligence centers and proposed reducing funding for the NDIC by almost \$9.0 million (26.4%) to \$25.0 million.¹¹⁰ Congress responded by appropriating just \$20.0 million for the NDIC in FY2012. This funding was to be used for the NDIC's closure and reassignment of its functions to other entities.¹¹¹ For FY2013, the Administration proposed fully closing the NDIC and transferring its functions to the DEA; it received no appropriations.

There does not appear to be a uniform metric for the decision to close, defund, or dissolve a coordinating unit. Evaluations of their effectiveness, such as those described below, may be incorporated into such a decision, but these do not appear to be uniformly relied upon by legislators and administrative officials in their judgment regarding the fate of a given task force or intelligence center.

Grading Coordination and its Effectiveness at the Border

One of the primary questions that administration officials and policy makers may ask about existing task forces and intelligence sharing centers—both along the Southwest border as well as throughout the country—is whether they are effective. Evaluating effectiveness depends heavily on the specified goals and objectives of the effort as well as the metrics established to determine what constitutes a successful coordination effort. Once these are outlined (if they are outlined), effectiveness may be evaluated through a variety of channels, including through internal, agency level reviews as well as via congressional oversight. Of course, effectively grading law enforcement coordination is a pervasive issue throughout the country. This report, however, highlights the issue through an examination of metrics used to evaluate coordination efforts along the Southwest border.

Metrics for Evaluation

As outlined, there are a number of federal agencies and collaborative bodies involved in countering threats at the Southwest border. This complexity is compounded by the range of the crime and terror related objectives they address. Each of these agencies has different missions, authorities, and resources dedicated to the threats within and tangential to the Southwest border region. As such, establishing valid and reliable metrics for evaluating the cooperative efforts of these entities may prove challenging. Much as suggested elsewhere in this report (see **Tallying Task forces, Countering Illegal Drugs and Terrorism along the Southwest Border**; and **Dissolving Coordinating Units**), at the federal level, no uniform metrics exist for either the evaluation of task forces or of the federal strategies that may employ them.

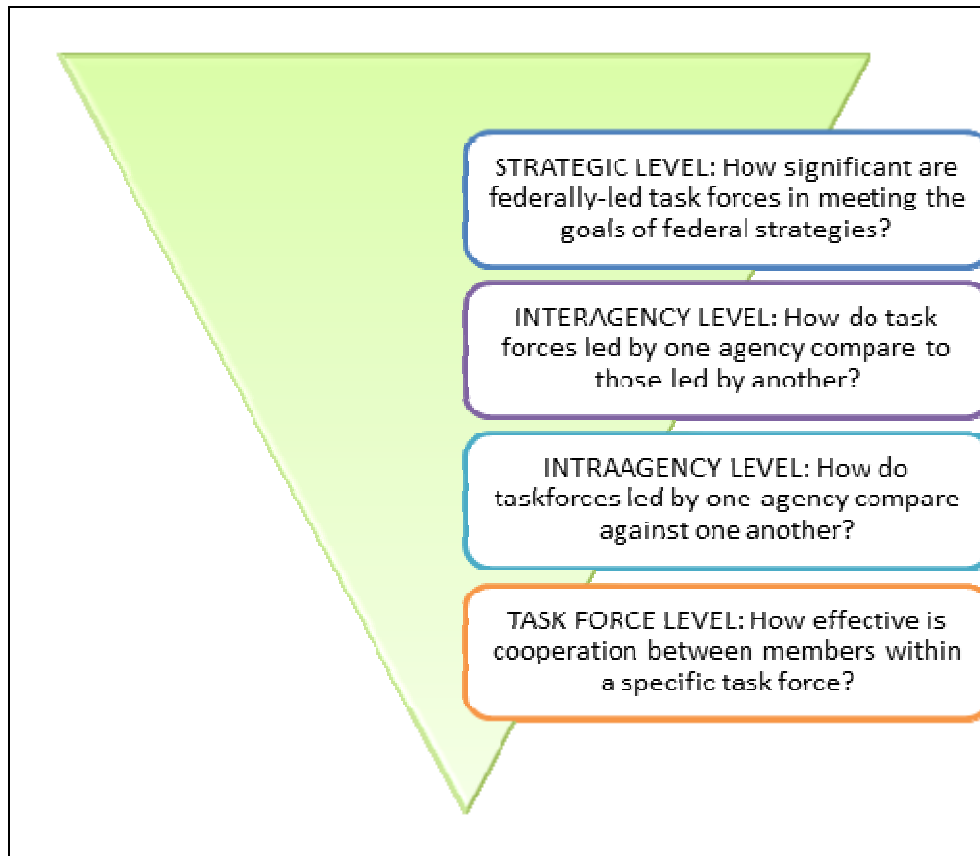
¹¹⁰ U.S. Department of Justice, *National Drug Intelligence Center, FY 2012 Performance Budget*, <http://www.justice.gov/jmd/2012justification/pdf/fy12-ndic-justification.pdf>.

¹¹¹ See the Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) and the accompanying conference report, H.Rept. 112-284.

Perspectives, Not Metrics

While we may lack universal metrics to estimate the success of federal law enforcement task forces, an array of policy-related questions provide perspectives from which measurements could emerge. This report suggests an inverted pyramid-style framework that stacks policy questions in terms of their strategic perspective. In other words, at the top of the framework lie the broadest of questions (**Figure 2**) involving the interplay between task force operations and national-level law enforcement strategies. The questions in this framework include the following:

- How integral are federally led task forces in meeting the goals of federal strategies? Can the immediate results of task force work be directly linked to key elements in national strategies? What kind of work and how much of it do task forces have to accomplish in order to meet strategic goals?
- How do one agency's task forces stack up against another agency's in addressing a particular threat? For example, how effective are task forces led by ICE, the FBI, and ATF in curbing drug-related crime in the Southwest border region? To what degree do one agency's task forces duplicate the efforts of others?
- Within a given federal agency, how successful are certain types of task forces when compared to others? This can involve a number of permutations such as evaluating the success of a particular class of task forces. An example of this could be comparing the effectiveness of FBI gang task forces in different cities. Another approach may involve comparing separate classes of task forces that touch upon a particular threat (weighing the differing impact of the FBI's corruption task forces versus its gang task forces in countering drug trafficking in the Southwest border region).
- Within specific task forces, how effective is the cooperation between officers from different agencies? How is credit for particular investigative successes (such as successful prosecutions) apportioned among task force participants?

Figure 2. Stacking Policy Questions Related to Task Force Effectiveness

Source: Congressional Research Service (CRS).

Using a Common Language

For law enforcement task forces and interagency intelligence sharing bodies, as with many other organizations, measuring success can be characterized as involving the assessment of *inputs*, *outputs*, and *outcomes*.¹¹² The concepts of input, output, and outcome can also form the basis—a common language—for evaluating task force effectiveness as well as a means to determine the broader success or failure of law enforcement strategies that involve task forces. This language could be applied to metrics addressing cooperative law enforcement work at the task force, intraagency, interagency, and strategic levels.

¹¹² Input, output, and outcome represent central concepts used in logic models as “iterative tool[s] providing a framework for program planning, implementation, and validation.” Logic models can include other concepts such as activities, contextual conditions, and long v. short-term outcomes. See Demia L. Sundra, Jennifer Scherer, Lynda A. Anderson, *A Guide on Logic Model Development for CDC’s Prevention Research Centers*, Prevention Research Centers Program Office, April 2003, pp. 6, 8. Similar concepts have been used by “problem oriented policing” strategists. See <http://www.popcenter.org/learning/60steps/index.cfm?page=Welcome>. See also <https://www.bja.gov/evaluation/guide/pe4.htm>. The concepts are also found throughout the Government Performance and Results Act of 1993 (P.L. 103-62) and the GPRA Modernization Act of 2010 (P.L. 111-352). The discussion of input, output, and outcome in this report is only intended to provide a broad framework for discussing law enforcement strategies and task forces. For more information on P.L. 111-352, see CRS Report R42379, *Changes to the Government Performance and Results Act (GPRA): Overview of the New Framework of Products and Processes*, by Clinton T. Brass.

Policing Inputs, Outputs, and Outcomes

Inputs. These are the resources that police agencies, task forces, or law enforcement strategies array against a particular issue or threat.

Outputs. Policing outputs have been defined as the “concrete activities and services” produced by a law enforcement agency. Quantifiable items such as investigations, arrests, convictions, the number of intelligence products disseminated, and the number of kilograms of cocaine seized can be seen as measurable law enforcement outputs.¹¹³ For decades, law enforcement agencies have collected output-driven data.¹¹⁴ But such data, at best, represent only a partial measurement of success; “[w]hen police departments cite the number of arrests they make or citations they issue, it is the equivalent of a carpenter boasting about how many board feet of lumber he cut, or how many nails he sank.”¹¹⁵

Outcomes. In the policing realm, outcomes are conceptually fuzzier and more difficult—if not impossible—to quantify than outputs; however, they may be arguably more meaningful, namely from a strategic perspective. It can be said that key outcomes represent the broad impacts that police agencies, task forces, or policing strategies have on the communities in which they operate. Notions such as maintaining public safety, protecting national security, reducing criminal activity (such as drug trafficking), and engendering public trust can be seen as outcomes.¹¹⁶

The Interplay of Input, Outputs, and Outcomes

As one might assume, both outputs and outcomes are influenced by inputs. Detailing the inputs, outputs, and outcomes of a particular task force can suggest levels of efficiency in the investigative process. Examples of such estimations of task force productivity include

- determining the amount of resources required to yield an arrest, or
- estimating whether the number of arrests has fluctuated as resource input has remained steady, for example.

From a broader strategic perspective, task forces, themselves, can be seen as inputs targeting a particular threat. In other words, a federal agency and its state and local partners identify a local, regional, or national problem and agree to establish one or more task forces to counter it.

Historically, police have more often measured (and have been more successful at measuring) output than outcome. For example, federal agencies regularly document the volumes of drugs seized at the Southwest border but are harder pressed to develop an outcome measure that relates

¹¹³ Mark H. Moore and Anthony Braga, *The “Bottom Line” of Policing: What Citizens Should Value (and Measure) in Police Performance*, (Police Executive Research Forum, 2003), pp. 1-4. Hereinafter Moore and Braga, *The “Bottom Line.”*

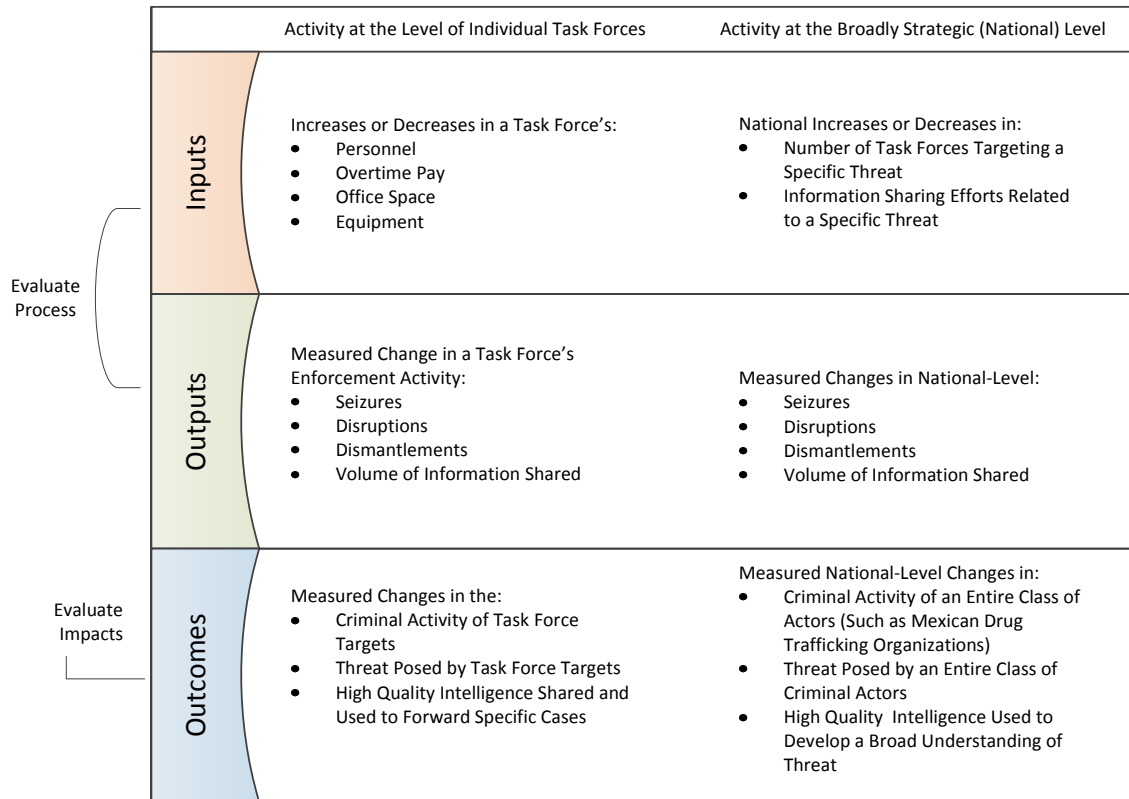
¹¹⁴ At the federal level, for instance, the U.S. Attorneys tabulate, track, and report on the number of cases filed and terminated in U.S. District Courts. In some ways, this records the outputs of federal agencies, including those activities in specified priority areas. Annual Statistical Reports from the U.S. Attorneys are found at <http://www.justice.gov/usao/resources/reports/>. See also Edward R. Maguire, “Measuring the Performance of Law Enforcement Agencies, Part I of a 2-part article,” *CALEA Update Magazine*, vol. 83 (September 2003). CALEA is the Commission on Accreditation for Law Enforcement Agencies, Inc. Hereinafter Maguire, “Measuring the Performance.”

¹¹⁵ Maguire, “Measuring the Performance.”

¹¹⁶ Moore and Braga, *The “Bottom Line,”* pp. 2-4.

these seizures to some larger sense of border security. This is not to say that drug seizures are unrelated to border security. Likewise it is disingenuous to suggest that law enforcement output is not tied to outcome. In fact, outputs certainly factor into measures of outcome, but drawing correlations between the two may be difficult. To extend the image used above, a carpenter might describe the quality of the nailed-together wooden substructure of the walls in a house as a work-related outcome; though, the number of board feet cut would certainly be an output factoring into the overall outcome.

Figure 3. Framing Success in Terms of Inputs, Outputs, and Outcomes
At the Individual Task Force Level and at the National, Strategic Level



Source: Congressional Research Service (CRS). Based on concepts found in Ronald V. Clarke and John E. Eck, *Crime Analysis for Problem Solvers in 60 Small Steps*, Center for Problem Oriented Policing, August 8, 2005, p. 90. Clarke and Eck do not use “output” but rather incorporate the term “results.”

Strategies, Task Forces, and Outcome

Figure 3 selects the top and bottom levels of **Figure 2** for further elaboration in terms of inputs, outputs, and outcomes. Numerous strategies apply to federal policing efforts in the Southwest border region. The law enforcement dimensions of these strategies heavily rely on task forces and other forms of collaboration. Understanding how output and outcome factor into these strategies and task force operations may enhance one’s evaluation of them. Such evaluation could start with two core questions:

- How should a broad strategy involving billions of dollars in federal funding be judged? Does this evaluation largely consider the work of participating agencies (output) or changes in criminal activity and threat (outcome)?
- More narrowly, should the success of law enforcement coordination be judged in terms of task force work (output), impact (outcome), or some combination of these?

Strategies. In some instances, the measurement of success or failure at the strategic level suggests metrics that on the surface appear to evaluate *outcome* but may be mostly measures of *output*.

Take, for example, the overarching *strategic goal* for the 2013 National Southwest Border Counternarcotics Strategy. The Office of National Drug Control Policy (ONDCP) outlined it as “[s]ubstantially reduc[ing] the flow of illicit drugs, drug proceeds, and associated instruments of violence across the Southwest border.”¹¹⁷ On its face, this may appear to be a measurement of outcome. However, the strategy does not define what “substantially” means and does not baseline the flow of “drugs, drug proceeds, and associated instruments of violence.” Rather, it relies on *indicators* described throughout the document to measure success. These appear to represent traditional law enforcement *output* measurements—counting drug, currency, and firearm seizures; counting investigations or prosecutions. It remains unclear how such outputs directly correlate to staunching the flow of illegal drugs across the border. Presumably, rising figures in all of these outputs indicates success.

The first “strategic objective” of the Southwest Border Counternarcotics Strategy, for instance, is to “[e]nhance criminal intelligence and information sharing capabilities and processes associated with the Southwest border.”¹¹⁸ Again, this may appear to be a measurement of outcome, especially if the notion of enhancement built into it includes more than a simple computation of output. It does not. ONDCP has outlined one broad “indicator” of enhanced information sharing in task forces as well as fusion centers:

[i]ncreased number of criminal intelligence databases relevant to the Southwest border or counternarcotics to which the following entities have access: El Paso Intelligence Center (EPIC), Organized Crime Drug Enforcement Task Force (OCDETF) Fusion Center, International Organized Crime and Intelligence Operations Center (IOC-2), Southwest border HIDTAs, ICE HSI’s National Bulk Cash Smuggling Center (BCSC), and state and major urban area fusion centers in the Southwest border region.¹¹⁹

Increasing access does not necessarily result in enhanced information sharing and may leave a number of questions unanswered. What is the quality of the information? Are investigators taking advantage of the enhanced information sharing? How many new cases will be opened or how many existing cases will be improved because of the increased access? How many seizures or arrests have resulted from the increased access to information? How has such access improved law enforcement’s overall understanding of the threat posed by drug traffickers?

Task Forces Impacting Strategies. Ideally, task forces somehow reflect the goals established in broad federal priorities or strategies. At one level, it is readily apparent how task forces relate to

¹¹⁷ Office of National Drug Control Strategy, *National Southwest Border Counternarcotics Strategy*, 2013, p. 7.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

specific strategies. For example, a task force focusing on counternarcotics may appear inherently designed to support the Southwest Border Counternarcotics Strategy or the National Drug Control Strategy. At another level, what is less clear is exactly *how effectively* a task force supports a given strategy. Policy makers may consider, for instance, whether or not federal agencies involved in Southwest border task forces and intelligence sharing centers should establish metrics for success that can evaluate not only output but outcome as well.

While some metrics can be clearly delineated as output or outcome, others may be more difficult to categorize. Why, might one ask, is it necessary to determine whether a given metric is truly a measure of output or an outcome, particularly at the task force level? From a policy perspective, this may be an important distinction when aiming to evaluate the effectiveness of task forces in meeting the goals of specific strategies, particularly if the strategies themselves clearly establish outcomes and outputs.

For example, how do one agency's task force activities affect the overarching goals of the National Drug Control Strategy—the nation's plan to reduce (1) illicit drug consumption in the United States and (2) the consequences of such use?¹²⁰ ONDCP has detailed initiatives in five broad policy areas, including disrupting domestic drug trafficking and production, aimed at achieving these two goals.¹²¹ Moreover, ONDCP has developed a Performance Reporting System (PRS), “a performance and assessment mechanism for gauging the effectiveness of this Strategy.”¹²² The PRS is “designed to appraise the performance of the large and complex *interagency* Federal effort set forth in the *Strategy*, as required by ONDCP's 2006 Reauthorization Act [P.L. 109-469].”¹²³

Of note, while the National Drug Control Strategy and the PRS apply to the entire United States, certain aspects are particularly relevant to the Southwest border—namely those aspects that involve countering drug trafficking. Specifically, to assess progress towards the objective of disrupting domestic drug trafficking and production, the PRS outlines three measures: (1) the number of disrupted or dismantled domestic criminal groups tied to Consolidated Priority Organization Targets (CPOTs), (2) the number of disrupted or dismantled domestic criminal groups tied to Regional Priority Organization Targets (RPOTs), and (3) the number of meth lab incidents.¹²⁴ These three measures may factor into a reduction in domestic drug trafficking and production; however, it is not clearly articulated how changes in a specific measure, such as the number of CPOT-linked organizations disrupted or dismantled, are indicative of changes in the drug trafficking and production threats. There appears to be an assumption that improved/enhanced output at the law enforcement level (i.e., an increase in CPOT-linked

¹²⁰ For more information on ONDCP and the National Drug Control Strategy, see CRS Report R41535, *Reauthorizing the Office of National Drug Control Policy: Issues for Consideration*, by Lisa N. Sacco and Kristin Finklea.

¹²¹ Office of National Drug Control Policy, *2013 National Drug Control Strategy*. The Strategy proposes initiatives to bolster community-based drug prevention efforts; expand health care opportunities, both for early drug and substance abuse intervention as well as for treatment and recovery; end the cycle of drug use, crime, and incarceration; disrupt domestic drug production and trafficking; strengthen international law enforcement, intelligence, and civic partnerships; and enhance the use of science to inform program evaluation and policymaking. These are aimed not only at achieving the two broad goals of reducing drug consumption and its consequences, but also at specific drug consumption and public health target objectives outlined in the strategy.

¹²² Office of National Drug Control Strategy, National Drug Control Strategy, Performance Reporting System Report, April 2012, p. 1.

¹²³ *Ibid.*

¹²⁴ *Ibid.*, p. 20.

disruptions) is indicative of a reduction in the threat. This may or may not be true. Of note, ONDCP has indicated that there may be “errors in the logic model linking program actions to desired results” and that these may contribute to what can be seen as performance shortcomings.¹²⁵ As ONDCP continues to improve measures used in the PRS, policy makers may question how these measures track to changes in the drug threat.

Policy makers may also consider that, if an agency or task force gauges success by increases in its output, it may continue to request additional resources to enhance its input (and subsequent output). As such, Congress may question not only whether certain inputs truly map on to the desired outcome, but also how to most efficiently allocate resources to those inputs that impact *outcome*.

Channels for Evaluating Task Forces and Other Forms of Law Enforcement Collaboration

There exist a number of routes that policy makers and Administration officials may use in examining the strength and success of certain collaborative efforts, including those along the Southwest border.

Administrative Review

Federal agencies continuously review their activities, both on an annual basis as well as through periodic internal investigations into specific programs and functions. Annual reviews, often coinciding with the budget cycle, may provide an outlet for repeated assessment.

DOJ, for instance, in formulating its annual budget request for the Organized Crime Drug Enforcement Task Forces (OCDETF) program, reviews the program goals, challenges, and performance indicators. The OCDETF program aims to reduce the supply of drugs available in the United States and any drug trafficking-related violence. However, these goals face challenges both internal and external to the OCDETF program. Internal challenges range from harmonizing agency-funded and OCDETF-funded resources as well as balancing resources between personnel and operational costs—and evaluating potential consequences of allocating a high proportion of resources to personnel needs—to uniting agencies with differing, and sometimes competing, priorities. Internal challenges also involve issues in uniting data collection procedures that may be inconsistent between participating agencies and measuring program successes which may be difficult to define and quantify. In addition to its internal challenges, those struggles external to the OCDETF program, but which it nonetheless faces, involve consequences of agency-level diversion of resources, state and local law enforcement budgetary constraints, international law enforcement relationships and their impacts on the investigation of transnational crime, and criminals’ reliance on technology to circumvent detection.¹²⁶

Keeping these challenges in mind, DOJ has a series of performance indicators—generally output measurements—that are used to evaluate the progress of the OCDETF program. It appears that DOJ also evaluates the utility of these indicators and will modify, add, or discontinue indicators

¹²⁵ Ibid., p. 6.

¹²⁶ U.S. Department of Justice, *FY 2014 Interagency Crime and Drug Enforcement Congressional Budget Submission*, <http://www.justice.gov/jmd/2014justification/pdf/ocdetf-justification.pdf>.

that may be more or less informative. These indicators cross the OCDETF activity areas of both investigations and prosecutions. They include quantitative measures related to

- significant new investigations;
- investigations of Consolidated Priority Organization Targets (CPOTs) and Regional Priority Organization Targets (RPOTs)—some of the “most prolific international drug trafficking and money laundering organizations affecting the United States;”¹²⁷
- achievements in financial investigations, including the seizing and forfeiting of drug-related assets;
- targeting defendants in leadership positions within their organizations;
- developing multi-jurisdictional and international investigations;
- enhancing nationally coordinated investigations; and
- bolstering co-located strike forces.

Formulating these performance measures helps not only in internal evaluations of the program, but in articulating successes and areas for potential improvement to Members of Congress. However, these measures of output may fail to provide estimates of the broader outcomes of the OCDETF program. Namely, has it proven effective in stymying the flow of drugs into the United States?

In addition to internal, annual reviews, department-level Offices of Inspectors General (OIGs) are responsible for inspecting and reporting on potential waste, fraud, abuse, and misconduct in department and agency programs and activities. These activities may be initiated internally or through the direction of Congress. For instance, the DOJ OIG, in 2007, released a congressionally requested report on the coordination of investigations conducted by DOJ’s various violent crime task forces. The task forces examined were the Violent Crime Impact Teams (VCIT), Mobile Enforcement Teams (MET), Safe Streets Task Forces (SSTF), and Regional Fugitive Task Forces (RFTF). Each of these task force types is led by a different investigative agency—ATF, DEA, FBI, and United States Marshals Service (USMS), respectively—though they all focus on elements of violent crime. The OIG indicated that despite sometimes overlapping missions of these task forces, DOJ did “not require the components to coordinate operations or investigations, cooperate in joint investigations, or deconflict¹²⁸ law enforcement events conducted by their violent crime task forces.”¹²⁹ The one area in which DOJ had established national-level procedures to coordinate counter-violent crime activities was in the establishment of *new* anti-gang task forces. In addition, there were uneven levels of coordination in different parts of the

¹²⁷ *Ibid.*, p. 6.

¹²⁸ For a sense of what “deconfliction” may entail, see the Government Accountability Office’s (GAO) conceptualization of deconfliction. GAO identifies two types of deconfliction. The first is “target deconfliction.” This involves “determining if multiple law enforcement agencies are investigating, for example, the same person, vehicle, weapon, or business.” The second is event deconfliction: “determining if multiple federal, state, or local law enforcement agencies are conducting an enforcement action (e.g., a raid, undercover operation, or surveillance) in proximity to one another during a specified time period.” Government Accountability Office, *Information Sharing: Agencies Could Better Coordinate to Reduce Overlap in Field-Based Activities*, (April 2013), p. 23.

¹²⁹ U.S. Department of Justice, Office of the Inspector General, *Coordination of Investigations by Department of Justice Violent Crime Task Forces*, May 2007, p. iii, <http://www.justice.gov/oig/reports/plus/e0704/final.pdf>.

country as well as varying levels of coordination between DOJ component agencies. Because the DOJ OIG has not conducted a follow-up assessment and DOJ has not published additional information on violent crime task force coordination, it is unclear whether overall coordination has since improved.

In 2011, DHS implemented an annual assessment of fusion centers, the cornerstone of its Fusion Center Performance Program.¹³⁰ This involves a two-part annual process. First, fusion centers complete a self-assessment. Second, this assessment is validated by a team of “interagency partners led by DHS.”¹³¹ The 2011 and 2012 assessments evaluated the capabilities of individual fusion centers and the National Network of Fusion Centers (NNFC) as a whole. Also, to understand the progress of the entire NNFC, DHS has established a maturity model or ladder that includes four rungs—“fundamental,” “emerging,” “enhanced,” and “mature.” For the NNFC to climb a rung 75% of fusion centers must meet criteria particular to the rung. In 2011, the NNFC was assessed as fundamental—meaning that more than 75% of fusion centers had the required plans, policies, or standard procedures *in place* to conduct their fundamental mission—engaging in the fusion process. In 2012, the NNFC moved up another rung, meaning that three quarters of fusion centers were *implementing* the plans, policies, or standard procedures that they had put in place to achieve the first rung on the ladder.¹³²

Congressional Review

Congress can rely upon a number of channels to evaluate law enforcement and intelligence center coordination. From oversight hearings and committee reports to GAO and other investigative directives, policy makers have a variety of review mechanisms at their fingertips.

Aspects of the High Intensity Drug Trafficking Areas (HIDTA) program, for example, have been examined through the lens of each of these congressional tools. The Senate Committee on Appropriations requested that GAO examine the HIDTAs’ efforts to link investigations to international drug traffickers. This stemmed, in part, from concern that if HIDTAs were encouraged by either the Administration or Congress to focus on investigating *transnational*

¹³⁰ This process developed from a series of efforts that began with a September 2010 baseline assessment pilot intended to evaluate fusion center capabilities. This project was led by the Office of the Program Manager for the Information Sharing Environment. It outlined a number of *gaps* in fusion center operations that required attention. As a result of this pilot project, DHS Secretary Napolitano urged DHS and fusion centers to bolster their critical operation capabilities and efforts to protect the privacy, civil rights, and civil liberties of U.S. citizens as part of the fusion process. Subsequently, DHS developed a *Critical Operational Gap Mitigation Strategy*. From September through December 2010, DHS led an effort to fulfill this strategy (involving the development of business processes linked to critical operating capabilities and enabling capabilities), and in April 2011, released a progress report which noted that fusion centers had particularly improved their abilities to plan and frame policies and procedures for the critical operation capabilities and to protect privacy, civil rights, and civil liberties. They had also improved their analysis capabilities. See Department of Homeland Security, “Annual Fusion Center Assessment and Gap Mitigation Activities,” June 27, 2012, <http://www.dhs.gov/files/programs/fusion-center-assessment-gap-mitigation.shtm>; Department of Homeland Security, *2011 National Network of Fusion Centers: Final Report*, May 2012, pp. 3, 9-10. Hereinafter Department of Homeland Security, *2011 National Network*.

¹³¹ Department of Homeland Security, *2011 National Network*, p. 6.

¹³² Department of Homeland Security, *2012 National Network of Fusion Centers: Final Report*, June 2013, p. ix. Three quarters of the fusion centers having the capability “to produce products and provide services to federal, state, and local customers” would push the network up to the next rung, described as “enhanced.” Attaining the final level, “mature,” would require that 75% of the centers have “the full capability to leverage the collective resources among individual fusion centers and adjust to both the changing threat environment and evolving requirements.” See Department of Homeland Security, *2011 National Network*, pp. 31-33.

Consolidated Priority Organization Target (CPOT) organizations, this could detract from the HIDTAs' mission and emphasis on tackling *regional* drug threats.¹³³ GAO concluded that "CPOT investigations were not inconsistent with the HIDTA mission because HIDTAs' targeting of local drug traffickers linked with international organizations on the CPOT list was one possible strategy for achieving the program's goal of eliminating or reducing significant sources of drug trafficking in their regions."¹³⁴ GAO has also examined other aspects of the HIDTA program via investigations of other law enforcement coordination issues. For instance, in a broader examination of DOJ's mechanisms to clarify agents' roles in investigations, GAO highlighted a number of cooperative efforts including HIDTAs, noting that these centers can provide "one-stop access to numerous federal, state, and local law enforcement databases, and also provides an event deconfliction service."¹³⁵

Elements of the HIDTA program, other task force models, and information sharing activities have also been scrutinized through congressional oversight and budget hearings. For example, a May 2012 oversight hearing on "Stopping the Flow of Illicit Drugs in Arizona by Leveraging State, Local, and Federal Information Sharing"¹³⁶ featured testimony and questions regarding the utility of various task force programs, whether their missions might overlap, and how to streamline information sharing. While congressional oversight may be a useful tool for legislators to gather information about the workings of task forces, intelligence centers, and other forms of law enforcement coordination, policy makers may debate how to best use this information for purposes such as enhancing program performance and efficiency, reducing unnecessary duplication, and reviewing federal priorities.¹³⁷

Oversight in the form of congressional committee reports may also factor in the evaluation of collaborative law enforcement and security efforts. For example, two congressional reports have examined fusion centers.¹³⁸ In 2013, the U.S. House Committee on Homeland Security's majority staff released a report that, among other things, directly critiqued DHS's annual assessment process for the NNFC. The House report stated

Thus far, fusion center metrics have primarily focused on measuring capacity and capability rather than "bang for the buck." Due to the inherent difficulty in determining the success of prevention activities, stakeholders struggle with how to accurately, adequately, and tangibly measure the value of fusion centers to the National homeland security mission, and particularly the counterterrorism mission.¹³⁹

¹³³ U.S. Government Accountability Office, *High Intensity Drug Trafficking Areas' Efforts to Link Investigations to International Drug Traffickers*, GAO-05-122, January 2005, <http://www.gao.gov/assets/250/245196.pdf>.

¹³⁴ *Ibid.*, p. 3.

¹³⁵ U.S. Government Accountability Office, *DOJ Could Improve Its Process for Identifying Disagreements among Agents*, GAO-11-314, April 2011, p. 13, <http://www.gao.gov/assets/320/317573.pdf>.

¹³⁶ U.S. Congress, House Committee on Homeland Security, Subcommittee on Border and Maritime Security, *Stopping the Flow of Illicit Drugs in Arizona by Leveraging State, Local, and Federal Information Sharing*, 112th Cong., 2nd sess., May 21, 2012.

¹³⁷ For more information on congressional oversight, see CRS Report RL30240, *Congressional Oversight Manual*, by Todd Garvey et al.

¹³⁸ U.S. Congress, House Committee on Homeland Security, *Majority Staff Report on the National Network of Fusion Centers*, July 2013; U.S. Senate, Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, Majority and Minority Staff Report, *Federal Support for and Involvement in State and Local Fusion Centers*, October 3, 2012.

¹³⁹ U.S. Congress, House Committee on Homeland Security, *Majority Staff Report on the National Network of Fusion Centers* (continued...)

In 2012, the majority and minority staff of the U.S. Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, critiqued fusion center counterterrorism intelligence sharing efforts:

Despite reviewing 13 months' worth of reporting originating from fusion centers from April 1, 2009 to April 30, 2010, the Subcommittee investigation could identify no reporting which uncovered a terrorist threat, nor could it identify a contribution such fusion center reporting made to disrupt an active terrorist plot.¹⁴⁰

On occasion, congressional investigations focus on specific law enforcement or intelligence failures like 9/11 or U.S. Army Major Nidal Hasan's November 2009 assault at Fort Hood in Texas that claimed 13 lives and wounded more than 30 others.¹⁴¹ These investigations can also call into question concepts inherent in task force operations such as the sharing of information.

One challenge in evaluating a task force or collaborative program on the whole may be that a number of committees may have jurisdiction over certain issues or the activities of a given agency/program. For instance, the House and Senate Homeland Security Committees as well as the Judiciary Committees might all have interests in ensuring that federal law enforcement is effectively working to combat criminal networks operating along the border. However, the focus of oversight from the Judiciary Committees might well differ from that of the Homeland Security Committees. As such, no one angle will necessarily capture a full evaluation of law enforcement effectiveness in countering criminal networks.

Budget hearings, similar to one aspect of oversight hearings, can examine collaboration in light of overall federal priorities. In formulating recommendations for the FY2013 Financial Services and General Government Appropriations, the House Committee on Appropriations heard, among other things, testimony from the Director of ONDCP. During questioning, the Director described the activities of the regional HIDTAs. Some Members questioned whether the activities of the HIDTAs were in line with the authorized and congressionally intended activities—namely focusing on drug trafficking.

(...continued)

Centers, July 2013, p. v.

¹⁴⁰ U.S. Senate, Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, Majority and Minority Staff Report, *Federal Support for and Involvement in State and Local Fusion Centers*, October 3, 2012, p. 2.

¹⁴¹ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, July 22, 2004; U.S. Senate, Committee on Homeland Security and Governmental Affairs, *A Ticking Time Bomb, Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack*, February 2011.

Author Contact Information

Jerome P. Bjelopera
Specialist in Organized Crime and Terrorism
jbjelopera@crs.loc.gov, 7-0622

Kristin Finklea
Specialist in Domestic Security
kfinklea@crs.loc.gov, 7-6259