

Summary

The *Review of the U.S. Counterdrug Intelligence Centers and Activities* (the Review) was commissioned in September 1997 by the Attorney General, the Director of Central Intelligence (DCI), the Secretary of the Treasury, and the Director of National Drug Control Policy (hereafter termed Director of ONDCP) and supported by the Secretaries of Defense, Transportation, and State. The Review responded to the requirement for a study of the national counterdrug intelligence architecture that was mandated in the Treasury and General Government Appropriations Act of 1998, and a review of the National Drug Intelligence Center (NDIC) that was mandated in the 1998 Intelligence Authorization Act. The field review was conducted over a seven-month period by the White House Task Force (WHTF), which comprised detailees from the Department of Justice, the Central Intelligence Agency (CIA), ONDCP, and the Departments of Defense, Transportation, Treasury, and State. Issues identified in the WHTF Report were resolved by representatives of the Cabinet Principals meeting as the Senior Working Group (SWG) and later as the Counterdrug Intelligence Coordinating Group (CDICG). This General Counterdrug Intelligence Plan (GCIP) is the culmination of deliberations by the SWG, the CDICG, and the Cabinet Principals to address issues identified in the Review.

Review Findings

The WHTF found that there is no single, all-encompassing national counterdrug intelligence architecture.¹ Instead, there are two loosely associated systems, one each for the intelligence and law enforcement communities. The Intelligence Community has a centralized intelligence-sharing system and interagency information-sharing structure; the law enforcement community does not. Within the law enforcement community, each agency has developed its own information-sharing and communication systems that serve agency-specific needs. Terminology, practices, techniques, and expectations vary widely within the law enforcement agencies and between the law enforcement and intelligence communities.

Counterdrug investigative information and intelligence sharing—both among law enforcement agencies and between law enforcement and Intelligence Community components—has improved significantly over the past several years. There are numerous exemplary interagency programs, joint operational and analytic endeavors, and

¹ Intelligence, as used in this document, is a generic term referring to information related to subjects of interest to a government agency. When used to refer to either Intelligence Community or law enforcement community intelligence, the context in which it is used is critical to its intended meaning, as each community uses the same word to mean different things, often resulting in communications problems. Intelligence Community “intelligence” is information resulting specifically from Intelligence Community collection actions and relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons (Executive Order 12333). Law enforcement “intelligence.” also referred to as investigative information, is sensitive information that is part of a law enforcement inquiry, matter, or case, usually developed as a byproduct of law enforcement investigative and interdiction efforts and subject to being divulged, as required, to support the arrest and prosecution of the subject(s) of the investigation.

critical data-sharing mechanisms in place that would have seemed unattainable to most practitioners a decade ago. However, the Review found that while there were laudable achievements, boundaries among various law enforcement and intelligence components are largely bridged by carefully crafted legal interpretations and a mixture of ad hoc interpersonal relationships and informal mechanisms.

This informal environment continues to result in gaps in analytic coverage, as well as incomplete and inaccurate analysis and unnecessary duplication, single-agency perceptions of critical drug threats or issues, and occasional mistrust and confusion in the counterdrug community. At the operational level, some investigators and inspectors still complain of a shortage of actionable intelligence; they believe that they receive insufficient guidance and intelligence support from the national level. The WHTF noted the common complaint was that no one has the charter to define the “lanes of authority” for the different components and to monitor the components’ adherence to them.

Improving the Counterdrug Intelligence Architecture

This General Counterdrug Intelligence Plan (GCIP, or the Plan) reflects the collective agreement of the Director of ONDCP, the Attorney General, the Secretary of the Treasury, the Director of Central Intelligence (DCI), the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Assistant to the President for National Security Affairs on the need to clarify and make systemic changes to U.S. drug intelligence and information programs. The goal is to establish a drug intelligence framework that both supports operators in the field and responds to the needs of policymakers as they formulate counterdrug policy, generate tasking and requirements, and make resource decisions.

The Director of ONDCP, acting on behalf of the President, continues to play the lead role for the U.S. Government in formulating drug control policy and developing the *National Drug Control Strategy*. The Director of ONDCP is responsible for providing oversight and policy guidance to the respective departments and agencies that make up the Federal counterdrug community. Under the new drug intelligence architecture, the Director of ONDCP, as Executive Director of the President’s Council on Counter-Narcotics (PCCN), will monitor progress in the implementation of the GCIP and promote resolution of drug intelligence policy issues.

The GCIP, in turn, provides a means for the law enforcement community and the Intelligence Community, responsive to the national drug policy prescribed by the Director of ONDCP, to resolve drug intelligence issues and to aid National Drug Control Program agencies in satisfying performance measures of effectiveness. The GCIP will also strengthen the overall process to provide operators and investigators with timely, relevant, and actionable drug-related information and intelligence necessary to disrupt and dismantle illicit drug-trafficking infrastructures, organizations, and resources. It will do these things by creating and implementing effective interfaces between domestic and

intelligence- and information-gathering organizations, as well as between the law enforcement community and Intelligence Community agencies, consistent with law.

To fashion the vision for a more integrated, strategically-oriented counterdrug intelligence architecture, the GCIP outlines a series of action items grouped into discrete sections under six general topic areas:

- National Counterdrug Intelligence Coordination
- National Centers
- Regional, State, and Local Cooperation
- Foreign Coordination
- Analytic Personnel Development and Training
- Information Technology

National Counterdrug Intelligence Coordination

The central theme confronted in the WHTF Review was the need for clear, consistent inter-community and interagency coordination of the counterdrug intelligence effort. A concern most often echoed was, “No one is in charge.” The Review established that it was neither possible nor appropriate for any one person or component to be “in charge” in a monolithic coordinating body. The law enforcement and intelligence communities each have very distinct and legitimate legal and operational authorities that must be preserved in the joint management of counterdrug investigative and intelligence activities.

What is possible and appropriate, however, is the establishment of a strengthened interagency coordinating mechanism that fosters and facilitates both greater information sharing and operational coordination between the law enforcement and intelligence counterdrug communities. This mechanism recognizes and optimizes the capabilities, equities, and authorities of all Federal departments and agencies engaged in the counterdrug effort, and also strengthens the important counterdrug partnership among the Federal, state, and local law enforcement communities.

The structure defined in this section of the GCIP forms the core of a new, three-tiered mechanism designed to specifically meet the coordination need. The centerpiece of this new collaborative coordinating structure is the Counterdrug Intelligence Coordinating Group (CDICG), with its supporting staff, the Counterdrug Intelligence Executive Secretariat (CDX). The CDICG will draw its policy guidance and input from the members of the President’s Council on Counter-Narcotics (PCCN), as well as from the five goals and objectives of the *National Drug Control Strategy*. The CDICG derives its ability to resolve issues through the authorities and prerogatives of its respective members.

- The PCCN shall have a Counterdrug Intelligence Executive Committee comprising eight members: the Attorney General, the Director of ONDCP, the Director of

Central Intelligence, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Transportation, the Secretary of State, and the Assistant to the President for National Security Affairs.

- The CDICG comprises 13 representatives of the Cabinet members and agency heads. The CDICG will provide a semiannual report of all cross-jurisdictional counterdrug intelligence issues addressed and recommendations made (including progress on all of the action items in this GCIP) to the PCCN.
- The CDX will be a full-time staff of experienced counterdrug intelligence specialists detailed from all of the participating departments and core agencies in this Plan. Its director will be a senior law enforcement officer; its deputy director will be a senior Intelligence Community officer.

National Centers

One of the key charges by Congress for this Plan was the articulation of clear roles and mission statements for the core components that comprise the interagency counterdrug intelligence architecture. The review process validated the existing program priorities and mission statements for all but three of these components: the National Drug Intelligence Center (NDIC), the El Paso Intelligence Center (EPIC), and the Financial Crimes Enforcement Network (FinCEN).

The respective missions and roles of these three centers have been the source of much of the confusion and uncertainty surrounding the current counterdrug intelligence system. It is imperative that their respective missions, and that of the DCI Crime and Narcotics Center (CNC), be complementary and comprehensive, rather than duplicative or competitive. One intent of this GCIP is to clarify program priorities and mission statements and strengthen each of these centers individually, while collectively promoting a more integrated and coordinated intelligence support architecture for both domestic and foreign counterdrug strategic planning and operational support.

Under the 18 action items advanced in this section of the Plan, the drug intelligence responsibilities of these four primary national-level centers are further defined to improve coordination and eliminate unnecessary duplication.

- CNC will remain the principal center for *foreign strategic* counterdrug analysis and for coordinating Intelligence Community support to U.S. foreign counterdrug activities;
- NDIC will become the principal center for *domestic strategic* counterdrug analysis in support of policymakers and resource planners;
- EPIC will be strengthened as the principal center for *operational* and *investigative* intelligence analysis of illicit drug movements in support of interdiction activities and U.S. law enforcement; and,

- FinCEN will be strengthened as the principal center for *strategic* analysis of narcotics-related *financial* crimes and for *investigative* support to law enforcement concerning financial crimes.²

Regional, State, and Local Cooperation

The overall success of national enforcement efforts to combat the availability and use of illegal drugs in the United States depends in great measure on the effectiveness of state and local law enforcement efforts. Federal drug law enforcement agencies rely heavily on the input and participation of these state and local organizations in task forces and multiagency investigations. The challenge is to leverage resources and existing mechanisms such as Drug Enforcement Administration (DEA) and Federal Bureau of Investigation (FBI) task forces, U.S. Attorneys' Offices, Organized Crime Drug Enforcement Task Forces (OCDETFs), High Intensity Drug Trafficking Areas (HIDTAs), and the Regional Information Sharing System (RISS) to maximize interagency cooperation at all levels. This will also include the High-Risk Money-Laundering and Related Financial Crimes Areas (HIFCAs) as integral parts of the National Money Laundering Strategy.

Some 17,000 Federal, regional, state, local, and tribal law enforcement and support entities exist. Often agencies operate autonomously, frequently with overlapping jurisdictions, and are supported by multiple authorities, procedures, and systems. Drug investigators increasingly have joined together in local or regional task force programs for coordination and support. Multicomponent task forces and HIDTAs, in particular, have multiplied. While all serve to advance local or regional cooperation, they are insufficiently coordinated on a larger scale. This often fosters jurisdictional and funding competitiveness.

The regional or local intelligence centers associated with many of these multiagency programs are intended to be strongly tactical, augmenting the development of individual cases. However, they do not routinely generate meaningful systematic trend and pattern analyses or further interregional information exchange. A typical, large U.S. metropolitan area has the DEA, FBI, Internal Revenue Service (IRS), Immigration and Naturalization Service (INS), U.S. Customs Service, state, county, and city police forces, and Federal, state, city, and county prosecutors carrying out drug investigations, interdictions, and prosecutions in support of their respective missions and jurisdictions. Many have their own intelligence capabilities and many participate in joint task forces. Information is shared among agencies predominately through interpersonal communication on a case-by-case basis. Accommodating the complexity of U.S. law enforcement, in terms of the number of agencies and agent-level information-sharing practices, is a central challenge of a common counterdrug intelligence-sharing system.

This section of the GCIP presents 13 action items to further enhance regional, state, and local cooperative efforts. Specific proposals include a call for major metropolitan areas

²The terms strategic, investigative, and operational intelligence are defined in Appendix D-Glossary of Terms.

to bring appropriate counterdrug intelligence analysts from DEA, FBI, HIDTAs, and other components together into collocated intelligence centers, with a common set of core functions and capabilities, in support of all counterdrug law enforcement within their areas; to enhance interagency enforcement and information-sharing efforts; and, to streamline several processes locally, such as area drug threat assessments, drug seizure reporting, and seized document exploitation.

Foreign Coordination

This section of the Plan addresses the international dimension of the counterdrug intelligence architecture. The 12 action items in this section further enhance the already strong relationships among U.S. counterdrug components operating overseas. They will promote a more robust counterdrug effort between the United States and its many allies in the international counterdrug community. These action items include specific proposals for improving leadership and coordination of counterdrug components of U.S. Missions abroad; improving counterdrug intelligence dissemination to host nations; enhancing intelligence on foreign commercial drug smuggling activities, including the placement of U.S. Customs Service drug intelligence personnel overseas; ensuring adequate drug law enforcement analytic personnel overseas; increasing attention to foreign drug-related illicit finances; and, clarifying legal and policy guidelines on law enforcement and intelligence coordination.

Analytic Personnel Development and Training

This section of the GCIP brings necessary attention to analytic personnel development and training. The action items delineated in this section will strengthen the drug law enforcement community's intelligence structure through adequate staffing, while concurrently enhancing the abilities of law enforcement intelligence analysts and other law enforcement personnel. Overall, Federal components need to build upon their current drug intelligence efforts, especially in areas of analysis, recruitment, training, technology, support, and information sharing. At the same time, a clearer understanding of the legitimate differences among philosophies and policies of law enforcement and Intelligence Community agencies will enable them to perform as a true community and deliver fully coordinated drug intelligence. The analyst function within law enforcement agencies—designed primarily to support ongoing investigations and prosecutions—will be more clearly defined, with a structured career path.

The 20 action items in this section include measures to ensure an adequate number of Federal law enforcement drug intelligence analysts; to establish and standardize across agencies professional development career paths for Federal law enforcement intelligence analysts; to enhance the broader dissemination of sanitized intelligence from law enforcement investigative reporting; and, to better coordinate counterdrug intelligence training and education conducted under the various departmental training programs and facilities, including:

- (1) The Justice Training Center in Quantico, Virginia, within which DOJ is considering establishing a national crime and drug intelligence academy.
- (2) The Treasury Department's Federal Law Enforcement Training Center, in Glynco, Georgia.
- (3) The Defense Department's Joint Military Intelligence Training Center.
- (4) The HIDTA Assistance Center.
- (5) The Intelligence Community-chaired interagency Training for Intelligence and Law Enforcement program.

Information Technology

Drug intelligence analysts must be supported by effective, secure, and powerful information systems. The drug intelligence centers and activities require an architecture that permits rapid access by authorized analysts to all relevant information sources; quick information retrieval and sorting; secure information transfer among organizations; and tools to manipulate and analyze the information. The existing array of information technology and communications systems, particularly in the law enforcement community, needs significant improvement in secure interconnectivity to adequately support drug intelligence dissemination and information sharing.

The state of information systems architectures today is much improved over that of August 1992, when the *National Drug Control Information Resource Management Plan* was published under ONDCP auspices. The Intelligence Community has achieved significant advancements that address many of the requirements for interagency information sharing in the national security realm. The law enforcement community has also completed numerous improvements in overall automation across the Federal, state, and local levels. There are also several positive information-handling and -sharing initiatives involving law enforcement, the Intelligence Community, military components, and regional organizations.

Despite these successes, drug intelligence and law enforcement organizations' systems remain virtual "stovepipes." The counterdrug community can maximize the efficiency of the intelligence process by adopting a systems architecture that places the relevant information into a series of interoperable and accessible information spaces, with respect for need-to-know and proper authorization. The creation of shared information spaces will make community-wide electronic access a reality, providing analysts the flexibility to interact with and gather information from other organizations. It will also provide the technical foundation for the proactive and secure dissemination of intelligence to appropriate customers.

The architecture outlined in this Plan will provide a mechanism for appropriate state and local personnel to interact electronically with one another and their Federal counterparts in a secure environment. The goal is to enable all of the drug intelligence analysts with the appropriate credentials to obtain all of the information they need to do their jobs. There is no intent to enable, nor will the system permit, personnel without appropriate

need-to-know and security clearances to access national security databases, or Intelligence Community analysts to directly access domestic criminal investigative data.

Advances in communications technology have removed most of the technical barriers to information sharing, while also improving methods of protecting information. Technical security measures such as encryption, smart cards, public-private key infrastructures, Internet protocol security standards, biometrics, and firewalls can be used to prevent unauthorized access, allowing network administrators and security professionals to enforce the standards of need-to-know and to ensure that the proper authorizations are in effect. The technical means exist for the drug intelligence community to share information securely, but the connecting hardware and software must be widely available throughout participating agencies. Departmental and agency procedures will be reviewed and revised to ensure they maximize secure information sharing.

This Plan envisions a future systems architecture that is both secure enough to support information sharing and also easily accessible from across the counterdrug intelligence and law enforcement communities. The goal is to ensure that all drug intelligence and law enforcement personnel can obtain expeditiously the information they need. The Plan promotes the use of existing networks and secure Web technology to connect the drug intelligence community. The technical components include more robust, timely, and accurate input to agency databases; adherence to strict security with audit trails; proactive dissemination of non-case-specific law enforcement information to the broader drug intelligence community; single-workstation access to multiple sources of law enforcement information; and, adequate technical support, life-cycle enhancements, training, user support, and analytic tools.

This section provides 10 specific action items that will create the basis for an effective drug intelligence systems architecture. Included are the formation of an interagency Systems Policy Review Group (SPRG) to help guide and coordinate component automation upgrades and connectivity policies and initiatives; plans for the completion within one year of a detailed schedule for implementing specific architectural upgrades; and specific measures to improve the technical capabilities and interactions among the core national level centers with drug intelligence responsibilities (NDIC, EPIC, and FinCEN), and the HIDTA Intelligence Centers.

Recognition of Statutory and Component Authorities

The missions and functions of the agencies of the Intelligence Community and the U.S. law enforcement agencies and their enabling legal authorities differ substantially. This Plan recognizes that agencies of the Intelligence Community are obligated to protect sensitive intelligence sources and methods from improper disclosure. Likewise, drug law enforcement agencies are obligated to protect sensitive, undercover, and legally restricted law enforcement sources, information, individuals, and techniques.

The GCIP does not change fundamental agency authorities or the laws governing interagency relationships. The agenda set forth in this Plan facilitates the appropriate and timely exchange of information between the intelligence and drug law enforcement communities, taking care to respect law and regulation. The Plan recognizes and respects the legal authorities that govern: the collection and dissemination of information pertaining to "U.S. persons;" the dissemination of certain legally-restricted law enforcement information, such as taxpayer information, grand jury information, and information derived from court authorized electronic surveillance; information disclosure pursuant to the Privacy Act, as amended; and, information sharing that, if not properly conducted, could "taint" domestic drug investigations and prosecutions with information derived from sensitive intelligence sources and methods, resulting in the dilemma of either dismissing the prosecution or compromising a sensitive source or method.

The functions and responsibilities of the counterdrug intelligence centers and coordinating bodies addressed in this Plan do not supersede or modify the authorities of Executive Department or Agency heads, nor confer statutory roles and responsibilities upon them. The Plan recognizes the legitimate need of individual agencies to retain their intelligence components.

To the extent that this Plan addresses authorities or functions of the DCI, including the authority to establish requirements and priorities to govern the collection of national intelligence by elements of the Intelligence Community; the authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the Secretary of Defense pursuant to direction of the President; the responsibility for providing national intelligence; and the functions of the DCI Crime and Narcotics Center, it is expository of already existing authorities and functions. Nothing contained herein shall be construed to imply any grant of or change to the missions, functions, or authorities of the DCI.

Resource Implications

To the extent that these 73 action items delineated in the GCIP have resource implications, they must be weighed against other priorities. Currently, FY2000 departmental and agency resources are not programmed to accommodate such action items. Therefore, the action items with resource implications for future years will need to be vetted through the normal budget process. Participating agencies will need to identify funding options to accommodate the Plan's objectives.