



US law enforcement in the fight against organised crime

SUMMARY *The United States has a long history of dealing with organised crime. Specific federal laws have been adopted and a number of government agencies set up to tackle various aspects of such criminal activities.*

Federal law enforcement agencies have played an important role in dealing with organised crime and drug-trafficking organisations, with drugs addressed separately to some extent. The Department of Justice and its two component agencies (the FBI and the DEA) are the main bodies involved, although they often coordinate their efforts with those of other agencies. Sizeable numbers of staff of the Departments of Homeland Security, the Treasury and State are also responsible for tracking criminal activities within their respective areas of activity.

Given the scale and impact of international organised crime, agencies with specific jurisdictions and those operating at various levels (federal, state and local) have had to join forces to address it. Numerous task forces, working groups and intelligence centres have thus been set up. The International Organized Crime Intelligence and Operations Center and the Organized Crime Drug Enforcement Task Forces Programme are among major coordinating structures of this kind.

In this briefing:

- Context
- Strategies addressing organised crime
- Executive departments involved
- Major coordination mechanisms
- Main references

Context

Law enforcement agencies

The US legal system is characterised by a highly fragmented approach to law enforcement. Criminal justice and police activities are performed by a wide range of government agencies, with some overlap in competencies. These agencies operate at federal, state or local (county and municipal) levels.

In the US there is therefore no single federal police force. Issues which in most EU Member States are dealt with by national police forces fall within the remit of several federal agencies, defined primarily by the [US Code](#).

Combating organised crime

Organised crime first caught the attention of federal law enforcement in the Prohibition era. In the following decades the Italian Mafia grew in power, followed by Russian, Japanese and Chinese groups.

Since the 1960s, a series of legal acts has been adopted, addressing organised crime directly. These included the 1968 [Omnibus Crime Control and Safe Streets Act](#) and the 1970 [Organized Crime Control Act](#), (which created the [RICO Act](#) and led to the setting up of the [Witness Security Programme](#)).

However, the September 11, 2001 terrorist attacks led to a redirection of law enforcement efforts towards counter-terrorism. This has been seen as detrimental to traditional crime fighting, including actions targeting organised crime.



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In recent years, the situation has changed again, with policy-makers increasingly aware of the organised crime threat. This threat has changed, as more groups have come into play while hierarchical structures have to some extent been replaced by fluid transnational networks. In order to address organised crime effectively, attempts have been made to improve inter-agency collaboration and coordination.

Strategies addressing organised crime

Strategies recently adopted at federal level demonstrate the authorities' increasing awareness of the impact of organised crime syndicates, in particular international ones.

The 2008 [Law Enforcement Strategy to Combat International Organized Crime](#) identified the strategic threats posed by such groups. These included penetrating strategic sectors of the economy, using cyberspace to target US infrastructure, and exploiting US and international financial systems.

The 2010 [National Security Strategy](#) marked the growing recognition of organised crime as not only a public security issue, but a threat to national security. The strategy stressed that transnational crime continued to expand dramatically in size, scope, and influence. It pointed to the crime-terror nexus, with terrorists using criminal networks for logistical support and funding. It concluded that combating transnational crime required a multidimensional strategy.

A [Strategy to Combat Transnational Organized Crime](#) was adopted in 2011. In the Strategy's own words: "Strategy is organized around a single unifying principle: to build, balance, and integrate the tools of American power to combat transnational organized crime and related threats to national security — and to urge our foreign partners to do the same."

Organised crime and drug trafficking

One distinctive feature of the American criminal landscape is the impact of Colombian and Mexican drug cartels, as well as of violent street and prison gangs. It is important to note however that federal law enforcement tends to consider "drug trafficking organisations" and gangs as distinct from organised crime groups.

Executive departments involved

The federal investigation of organised crime has not been centralised, as even the 2011 Strategy did not set up a single agency to deal with it. Therefore several executive departments are involved.

Department of Justice (DoJ)

The [Attorney General](#) heads the [DoJ](#), and is the Federal Government's chief law enforcement officer. On the basis of Presidential Executive Orders [11396](#) and [11727](#), the Attorney General coordinates all federal criminal law enforcement activities and the enforcement of anti-drug laws. This includes tackling organised crime.

The Organized Crime Council
Since 1970, the Attorney General's Organized Crime Council (**AGOCC**) has established priorities and formulated national strategies to combat organised crime.

This policy-making body is chaired by the Deputy Attorney General and composed of the Assistant Attorney General for the [Criminal Division](#), the Chair of the Attorney General's Advisory Committee and the leaders of nine participating federal law-enforcement agencies.

In 2008, the AGOCC was convened for the first time since 1993, to adopt a [strategy](#) on organised crime and oversee its implementation. For the first time ever the AGOCC was to focus on international organised crime, including providing recommendations to the [National Security Council](#) on new inter-agency efforts in this respect.

The Organized Crime and Gang Section (OCGS)

The [OCGS](#) is part of the DoJ's [Criminal Division](#). This specialised group of prosecutors trained in multi-defendant [RICO](#) prosecutions coordinates the Department's programme to combat organised crime.

The OCGS supervises all proposed federal prosecutions under the RICO statute, and provides expert advice and litigation support to prosecutors and investigators across the country. This is done in partnership with US Attorneys' Offices. Furthermore, the OCGS compiles and analyses information on all organised crime cases.

Federal Bureau of Investigation (FBI)

With more than 60 international offices and over 36 000 staff, the [FBI](#) is the largest component investigative agency of the DoJ and of the Federal Government. It has both national security and law enforcement responsibilities, as its mission is to protect the country against terrorism and foreign intelligence threats, enforce US criminal laws, and provide leadership and criminal justice services to other agencies. Following 9/11 the intelligence component has come to the fore. This development was accompanied by a sizeable increase in the Bureau's budget (\$8.12 billion in 2012 against \$3.81 billion in 2001).¹

The FBI is in charge of investigating specific crimes assigned to it, as well as all federal crimes not assigned exclusively to other agencies. Moreover, the FBI has special jurisdiction to investigate a limited number of state law violations (e.g. serial killings) on request by competent state officials.² Public corruption is the FBI's number one criminal priority.

The FBI is the main agency involved in tackling organised crime. The Transnational Criminal Enterprise Section (part of the [Criminal Investigative Division](#)) is divided into three units, devoted respectively to:

- Cosa Nostra and Italian-origin organised crime and racketeering
- Eurasian/Middle Eastern organised crime, and
- Asian and African criminal enterprises.

Moreover, many FBI field offices host organised crime task forces dealing with one or more criminal groups.

Drug Enforcement Administration (DEA)

The DEA was [created](#) in 1973 by President Nixon as a single unified command to combat the global war on drugs. At present, it is staffed by around 5 000 Special Agents and has a budget of \$2.02 billion.

The DEA is the principal agency enforcing the "controlled substances" laws. It is involved in investigating and preparing prosecutions of drug trafficking organisations. The DEA often acts as the lead agency coordinating the activities of other agencies, as in the case of the [El Paso Intelligence Center](#) (see below). Moreover, it is responsible for all programmes involving drug enforcement counterparts in foreign countries and international organisations.

More than any other agency, the DEA has been criticised, both within and outside the US, for its leading role in enforcing highly restrictive policies, including participation in militarised anti-drug activities in Latin America. The DEA stands out as being particularly "hard on drugs", as illustrated by its [opposition](#) to state-level initiatives to legalise medical or recreational use of cannabis.³

Department of Homeland Security (DHS)

The [DHS](#) was set up following the 9/11 terrorist attacks in order to prevent and respond to similar attacks, as well as man-made and natural disasters. The DHS describes its [core missions](#) as:

- Preventing terrorism and enhancing security
- Securing and managing US borders
- Enforcing immigration laws
- Safeguarding cyberspace
- Ensuring disaster resilience.

Immigration and Customs Enforcement

[US Immigration and Customs Enforcement \(ICE\)](#), created in 2003, is the principal investigative arm of the DHS, and the Federal Government's second largest investigative agency, after the FBI. The ICE has a budget of \$5.7 billion and more than

20 000 staff across the US and in 47 other countries.

The agency's primary mission is to enforce federal laws on border control, customs, trade and immigration. The ICE is the lead agency for combating related crimes including illicit cross-border trade and human trafficking and smuggling.

The [ICE's Homeland Security Investigations](#) (HSI) directorate is responsible for investigating terrorist and other criminal organisations. The Directorate brings together a number of units, centres and task forces dealing with specific forms of crime, including:

- [Border Enforcement Security Taskforces](#)
- [Human Smuggling and Trafficking Center](#)
- [Trade Transparency Unit](#), dealing with trade-based money laundering
- [El Dorado Financial Crimes Task Force](#)
- [Foreign Corruption Investigations Group](#)
- [Bulk Cash Smuggling Center](#)
- [National Intellectual Property Rights Coordination Center](#)
- [Cyber Crimes Center](#), and
- [Document Fraud/Forensic Laboratory](#).

Department of State

The Department of State's [Bureau of International Narcotics and Law Enforcement Affairs](#) (INL) plays a crucial role in synchronising US drug and crime assistance to other countries. This support is aimed at enhancing partner countries' capacities in law enforcement, maintaining the rule of law, and the institutional development of their justice systems. This is done through a variety of [programmes](#), which include provision of technical assistance and training. Furthermore, the Bureau leads US delegations in negotiations on international crime-related conventions.

Department of the Treasury

The Treasury's [Office of Terrorism and Financial Intelligence](#) (TFI) marshals the department's intelligence and enforcement functions aimed at safeguarding the US financial system, and combating money

laundering and other forms of financial crime. The TFI develops and implements relevant government strategies, including the [National Money Laundering Strategy](#). TFI staff chair the US delegation to the [Financial Action Task Force](#) – the inter-governmental body which sets anti-money laundering standards.

Major coordination mechanisms

When it comes to specific organised crime investigations, it is sometimes very difficult to establish which agency is responsible or which should take the lead. As a result, inter-agency conflicts arise and important information is not communicated to those who need it. To remedy this, intelligence centres have been set up to consolidate and disseminate intelligence more effectively.

Organised crime

The International Organized Crime Intelligence and Operations Center (IOC-2), established in 2009, pools resources and information from nine law-enforcement agencies and other bodies.

The IOC-2 members include: FBI, ICE, DEA, [IRS](#) (Internal Revenue Service); [ATF](#) (Bureau of Alcohol, Tobacco, Firearms and Explosives), [US Secret Service](#); [USPIS](#) (U.S. Postal Inspection Service), and the [DoJ Criminal Division](#). It also works with US Attorneys' Offices and the [TFI](#).

The IOC-2 serves as the principal coordinating mechanism for joint efforts in combating non-drug related transnational crime. It operates as a federal level task force compiling data and coordinating multi-jurisdictional organised crime investigations and prosecutions. The IOC-2 includes a team of consultant financial experts – such as auditors and forfeiture attorneys – to target the finances of crime syndicates.⁴

Drug trafficking

The OCDETF Program

The [Organized Crime Drug Enforcement Task Forces \(OCDETF\) Program](#) – established in 1982 – is a national programme

considered the centrepiece of the Attorney General's drug strategy. The list of participating agencies closely resembles that of the IOC-2. They work through representatives who reach decisions by consensus.

The primary objective is to dismantle major drug trafficking and money laundering organisations. Emphasis is placed on financial investigations and asset forfeiture, as well as redirecting federal drug enforcement resources to align them with existing and emerging drug threats.

OCDETF thus coordinates the annual formulation of the so-called Consolidated Priority Organization Target List, a multi-agency list of "command and control" elements of targeted crime syndicates. The "OCDETF Strike Forces" in key cities serve as central points of contact for OCDETF agents and prosecutors nationwide.

The **OCDETF Fusion Center (OFC)** is a data centre, collecting and analysing drug and related financial investigative intelligence to support OCDETF's multi-jurisdictional investigations.⁵

El Paso Intelligence Center (EPIC)

Established in 1974, EPIC is now jointly operated by the DEA and the DHS. Whereas it initially focused on drug, alien and

weapon smuggling across the US-Mexico border, following 9/11 its role has widened to cover counter-terrorism intelligence.

IOC-2–OCDETF relationship

Considering the various connections between drug-trafficking organisations and international groups involved in a broader variety of criminal activities, OCDETF and IOC-2 formed a partnership. In fact, IOC-2 is housed at the OCDETF Fusion Center.⁶

Main references

[Organized Crime in the United States: Trends and Issues for Congress](#), CRS Report for Congress / Kristin M Finklea, 22 December 2010.

[Organized Crime: An Evolving Challenge for U.S. Law Enforcement](#) / CRS Report for Congress, J P Bjelopera and K M Finklea, January 2012.

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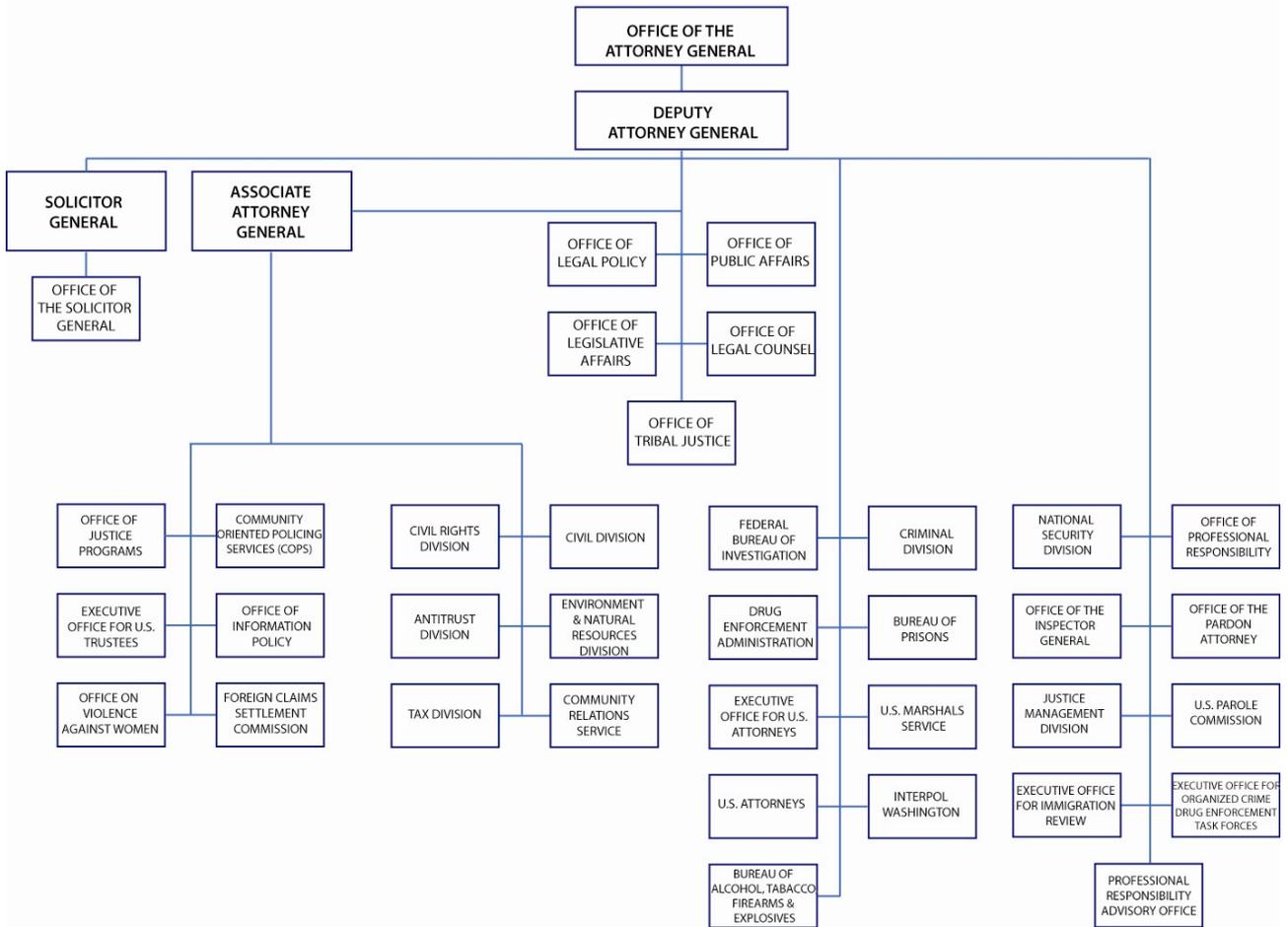
<http://libraryeuroparl.wordpress.com>

Endnotes

- ¹ 2013, however, saw the DOJ's budget decrease in comparison with 2012 - see: [Summary: Fiscal Year 2013 Commerce, Justice, Science and Related Agencies Appropriations Bill](#) / House Appropriations Committee, 2013.
- ² See Titles 28, 18 and 50 of the [US Code](#), as well as [Executive Order 12333](#).
- ³ [Former DEA chiefs call on Obama to crack down on cannabis legalisation](#) / The Guardian, 5 March 2013; [US ex-drug enforcement chiefs urge marijuana crackdown](#) / BBC, 5 March 2013.
- ⁴ [Attorney General Announces Center to fight International Organized Crime](#) / DoJ, 2009.
- ⁵ [The Organized Crime Drug Enforcement Task Forces](#) / DoJ. See also [Organized Crime Drug Enforcement Task Force \(OCDETF\)](#) / US Attorney's Office - Western District of Texas.
- ⁶ CRS Report R41547 / J P Bjelopera and K M Finklea, pp. 38-39.

Annex I

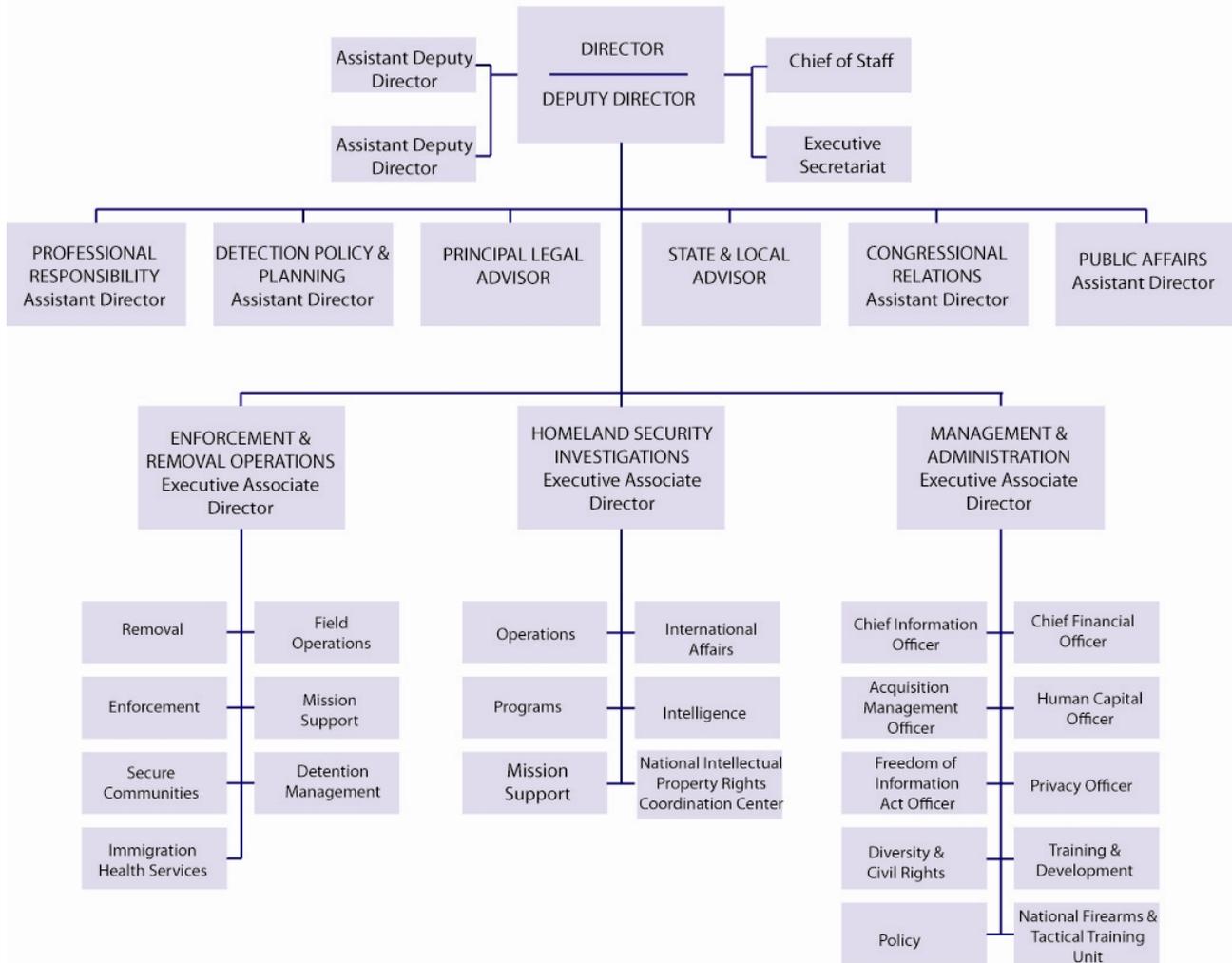
U.S. DEPARTMENT OF JUSTICE



Source: US Department of Justice

Annex II

U.S. IMMIGRATION & CUSTOMS ENFORCEMENT



Source: US Department of Homeland Security