



Department of Justice

**STATEMENT OF
CHUCK ROSENBERG
ACTING ADMINISTRATOR
DRUG ENFORCEMENT ADMINISTRATION**

**BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

**FOR A HEARING ON
OVERSIGHT OF THE DRUG ENFORCEMENT ADMINISTRATION**

PRESENTED

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Statement of Chuck Rosenberg
Acting Administrator, Drug Enforcement Administration
Before the Committee on the Judiciary
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Chairman Grassley, Ranking Member Leahy, and distinguished Members of the Judiciary Committee: on behalf of the approximately 9,000 employees of the Drug Enforcement Administration (DEA), thank you for the opportunity to be here today.

Our mission is to identify, investigate, disrupt, and dismantle drug trafficking organizations responsible for the production and distribution of illegal drugs. We are responsible for enforcing the Controlled Substances Act and work closely with our local, state, federal, and international counterparts in that endeavor. Enforcement of our nation's drug laws is, and always will be, our top priority. We strive to faithfully execute that mission with excellence and integrity at all levels and are continually looking for ways to further improve our operations.

In the past year, I have visited approximately 60 DEA offices throughout the country. I have met and talked with many DEA employees at all levels, from Senior Executive Service (SES) managers at headquarters to new employees assigned to our field divisions. I have learned about what we do well, and areas where we can do much better. As a result, I have implemented a number of projects and initiatives, all geared towards improving our "health" and propelling us forward so we can counter the constantly evolving drug threat. I'd like to tell you about a few of our efforts.

Our Projects and Initiatives

Core Values

We launched our Core Values program in November 2015. These values reflect what it means to be a DEA employee and how our personnel should conduct themselves in executing our mission. These values, which are posted in all DEA offices around the world, are:

1. Dedication to upholding the Constitution of the United States and the Rule of Law.
2. Respect and compassion for those we protect and serve.
3. Faithful and effective service to our country and its citizens.
4. Devotion to our core mission of enforcing the nation's drug laws and enhancing public health, safety, and national security.
5. Uncompromising personal, professional, and institutional integrity.
6. Accountability to ourselves, our Agency, and those we serve.
7. Leadership and courage in our profession, communities, and lives.
8. Commitment to diversity and excellence.

We use these Core Values in connection with hiring and training for both new and current employees. They form the cornerstone for our new Compliance Program, geared

towards holding ourselves accountable and maintaining our integrity and reputation for future generations.

Discipline Process

Our culture is a healthy and good one, and the vast majority of DEA employees perform their job to the highest standards of integrity, honesty, and ethical behavior. But we need to be able to respond to instances of misconduct effectively, efficiently, and transparently. In the past year, we have improved our ability to investigate allegations of misconduct. One of the largest hurdles was a lack of staffing within those offices charged with carrying out this important task.

As of May 2015, our Office of Professional Responsibility (OPR) had significant case backlogs and its staffing levels stood at approximately 50 percent. OPR is now staffed at 90 percent, an increase squarely aimed at creating more thorough, efficient, and accurate investigations. We also established processes designed to ensure that investigations are properly prioritized and progressing in a timely manner. Our Board of Professional Conduct, charged with reviewing all integrity and misconduct allegations investigated by OPR, is now also fully staffed and the number of Deciding Officials was raised from two to three. Through that effort, we have reduced the backlog of cases before the Board of Professional Conduct and before our Deciding Officials, significantly reducing case resolution timelines and allowing us to punish the most serious transgressions swiftly and fairly.

We continue to work closely with the Department of Justice (DOJ), Office of Professional Responsibility in revising and enhancing our discipline system. In that endeavor, we have baselined our penalties with other DOJ components and have revised and promulgated serious penalties for sexual-harassment and sexual misconduct offenses.

Implementation of a Compliance Program

As of May 2016, we established a compliance office. Our new chief compliance officer is a former Army officer who taught at West Point and helped run the Federal Bureau of Investigation's (FBI) Office of Integrity and Compliance. Under her leadership, our office will provide a formal process for identifying, assessing, and mitigating risks across the organization. The program sets the stage for open and honest communication across all of DEA, so we can identify and mitigate our risks. The office will use best practices gleaned from federal partners and private industry. It will also serve as the foundation of our enterprise risk management strategy moving forward.

Commitment to Leadership

In May 2015, we had more than two dozen vacant SES positions, many of which were unfilled for years, creating a vacuum of senior leadership and a series of "acting" managers. We established an SES Advisory Board to help us vet, interview, and select the best possible candidates for our senior leadership positions. For the first time in several years, all SES positions within the DEA are filled.

We also established a clear career path for our other employees. We updated our Career Progression Guide, which provides employees with centralized guidance on their future development and progression. We also updated our Voluntary Transfer Policy (VTP), again providing all of our employees with clear guidance on how VTP moves are considered, coupled with central oversight to ensure consistency across the agency. We now regularly conduct Career Board meetings, where employees are selected for promotion every quarter. Combined, these efforts strengthen employee morale and leadership.

Insider Threat Program

Last year, I learned that DEA had not yet established a formal insider threat and detection capability in support of DOJ's Insider Threat Prevention and Detection Program (ITPDP) and as required by Executive Order 13587. Relying on guidance from our Justice Management Division, FBI, and the U.S. Marshals Service counterparts, we are building an Insider Threat Center designed to protect our networks. In our fiscal year (FY) 2017 budget submission, we requested \$7.6 million and 11 positions to build and sustain a DEA Insider Threat Program, and increase the capacity to monitor DEA's increasingly large and complex classified and sensitive infrastructure. We are working expeditiously to make this program operational while at the same time, ensuring that it has undergone adequate legal review.

Policy Review Project

Last year, we identified several outdated DEA policies and determined that too many directives existed outside of established manuals, making key pieces of guidance difficult to find. To address this problem, in March 2016, we established a Policy Review Team, staffed by DEA lawyers, agents, and analysts, along with an attorney on detail from DOJ. This team is updating our policies so that all employees can efficiently locate, understand, and comply with our rules and regulations.

Updating Wiretap Policies

We updated our wiretap policies, through the promulgation of a checklist required for all electronic intercept investigations – federal and state. That checklist, in place since March 2016, improves how we conduct and manage our wiretaps in a number of areas, including a requirement of senior level field approval for all wiretaps, as well as senior headquarters' oversight for sensitive cases. Our field division leaders must also determine that each proposed wiretap is in furtherance of the Division Enforcement Strategy and consult with the United States Attorney's Office (USAO) about the case prior to using this investigative tool. The Checklist is fully deployed and has improved the efficiency and efficacy of our wiretap operations.

Consolidating Operations

To further improve our effectiveness and efficiency, we have consolidated our operations in a number of areas, including in the Information Technology (IT) and financial areas. In the IT arena, I learned that some of our hardware and software upgrade projects were split between our Information Systems and Intelligence groups, creating confusion on responsibilities and slowing

the upgrade process. We have now consolidated those responsibilities under our Chief Information Officer. That office works with other DEA divisions to identify and prioritize our key IT projects on a monthly basis. That flexible process is open to all leaders who have projects under consideration, allowing them to discuss and prioritize current IT demands.

We have also improved our operations under DEA's new Chief Financial Officer, a former senior leader in DOJ's budget staff. One year ago, the financial approval process for DEA's projects moved at a slower pace with defused responsibility between our different financial divisions. We consolidated those processes under the CFO, involving him in our most senior strategic decisions and planning. Externally, our CFO and his staff are also fully engaged with DOJ and other components, collaborating on budget projects and improving our financial operations.

Voluntary Wellness Program

We are creating a voluntary Wellness Program, designed to promote and maintain the health, physical fitness, and well-being of our employees. The program, which we hope to implement DEA-wide later this year, will be open to all DEA employees and is designed to encourage participants to start, or continue, an exercise routine. Pilot programs are currently underway in the Office of Training and the New Jersey and Phoenix Field Divisions as we examine participation incentives.

Countering the Opioid Abuse Crisis

Today, drug overdoses are the leading cause of injury-related death in the United States, eclipsing deaths from motor vehicle crashes or firearms.¹ There were more than 47,000 overdose deaths in 2014, or approximately 129 per day, more than half (61 percent) of which involved either a prescription opioid or heroin.² In our FY 2017 budget submission, we requested \$12.5 million and 42 positions (32 agents) to establish 4 enforcement groups that will help confront the recent spike in heroin abuse.

DEA's 360 Strategy

To counter the opioid crisis, we initiated and continue to expand our 360 Strategy. The strategy leverages existing federal, state, and local partnerships to address the problem on three different fronts: law enforcement, diversion control, and demand reduction. Our enforcement activities are directed at the violent cartels and drug trafficking gangs responsible for feeding the heroin and prescription drug epidemic in our communities. We are also enhancing our diversion control efforts and working with community partners to fill the time and space following our enforcement operations with programs and efforts designed to reduce demand and to prevent the same problems from resurfacing.

¹ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS) [online], (2014), *available at*: <http://www.cdc.gov/injury/wisqars/fatal.html>.

² Rose A. Rudd, Noah Aleshire, Jon E. Zibbell, R. Matthew Gladden. Increases in Drug and Opioid Overdose Deaths - United States, 2000–2014 *Morbidity and Mortality Weekly Report*, 2016;64:1378-1382.

Reinstatement of DEA-led National Prescription Drug Take Back

To dispose of unused, unwanted, or expired prescription drugs that are highly susceptible to diversion and misuse, we reinstated our biannual National Drug Take Back Initiative. Since making that decision, we have held two Take Back events in September 2015 and April 2016, resulting in the combined collection of 1,595,863 pounds of unwanted medications. In our most recent event, DEA partnered with more than 4,200 state, local and tribal law enforcement partners to set up more than 5,400 collection sites in all 50 states. We intend to continue this program and have scheduled our next National Drug Take Back Initiative for October 22, 2016.

Reorganization of DEA's Office of Diversion Control

As our Nation struggles with the epidemic levels of prescription drug abuse, we are improving the Office of Diversion Control's communication and cooperation with its 1.6 million registrants, who represent medical professionals, pharmaceutical drug manufacturers, and those in the drug supply chain. We work with our registrant population by: 1) hosting Pharmacy Diversion Awareness Conferences (PDACs) throughout the country, 2) administering the Distributor Initiative Program with a goal of educating registrants on how to detect and guard against diversion activities, and 3) maintaining an open dialogue with various national associations such as the National Association of Boards of Pharmacy (NABP), American Medical Association (AMA), and other groups to address diversion problems and educate the medical community on improving prescribing practices.

Some Challenges Moving Forward

Hiring and Resource Allocation

DEA continuously evaluates ways to best spend existing resources. Over the last several years, DEA has absorbed mandatory cost increases related to pay, benefits, rent, and other bills. While fee-funded drug diversion staffing levels have increased, Salaries and Expenses-funded staffing levels have decreased by roughly 10 percent.

To balance current and emerging drug threats against available resources, we implemented an internal review of our current staffing levels throughout our domestic field divisions, foreign country offices, and within various headquarters components to ensure proper resource allocation. Based on the results of this ongoing review, our staffing throughout 221 domestic offices in 21 Divisions and 90 foreign offices in 69 countries will be adjusted based on existing, emerging, and evolving threats in alignment with our priorities.

In an effort to use our limited resources to counter ever changing criminal tactics and strategies, we are implementing a Threat Prioritization Process. This process is designed to identify unique drug trafficking threats that confront each of our offices. For the first time, we will model our risks and allocate our resources to meet those risks. We have already started this process and plan to continue it in the future, maintaining flexibility to change with the evolving threats and priorities.

Drug Threat – Fentanyl

The illicit drug market is constantly evolving. We are increasingly encountering counterfeit prescription drugs laced with fentanyl and fentanyl derivatives, as well as heroin laced with fentanyl. According to our National Forensic Laboratory Information System, there were 13,002 fentanyl exhibits tested by forensic laboratories across the country in 2015 - a 1,392 percent increase from the 934 fentanyl exhibits in 2013.³ The trafficking of this drug, which is significantly more potent than street level heroin, presents a significant risk of overdose to users and to the law enforcement personnel who may come into contact with the substance during the course of their work.

Conclusion

We are committed to enforcing our Nation's drug laws and working with our partners at all levels to protect the health and safety of the public. Thank you again for the opportunity to appear before the committee today. I look forward to answering your questions.

³ (U) U.S. Department of Justice, Drug Enforcement Administration, National Forensic Laboratory Information System, Annual Reports 2004-2015.