

**FISCAL YEAR 2006 DRUG CONTROL BUDGET AND
THE BYRNE GRANT, HIDTA AND OTHER LAW
ENFORCEMENT PROGRAMS: ARE WE JEOPARD-
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TION?**

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON

GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

MARCH 10, 2005

Serial No. 109-37

Printed for the use of the Committee on Government Reform



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AND THE BYRNE GRANT, HIDTA AND
OTHER LAW ENFORCEMENT PROGRAMS:
ARE WE JEOPARDIZING FEDERAL, STATE
AND LOCAL COOPERATION?**

THURSDAY, MARCH 10, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2154, Rayburn House Office Building, Hon. Souder (chairman of the subcommittee) presiding.

Present: Representatives: Souder, Cummings, Watson and Norton.

Staff present: J. Marc Wheat, staff director; Nicholas Coleman, professional staff member and counsel; David Thomasson and Pat DeQuattro, congressional fellows; Malia Holst, clerk; Andrew Su, minority professional staff member; and Jean Gosa, minority clerk.

Mr. SOUDER. The subcommittee will now come to order.

Good afternoon and thank you all for coming. This hearing is the second in a series of hearings providing oversight of the President's budget proposals for drug control programs as well as for legislation to reauthorize the Office of National Drug Control Policy and the High Intensity Drug Trafficking Areas program.

This hearing will focus on the President's proposed changes to some very important drug enforcement programs. The administration released its budget proposal for all Federal programs for fiscal year 2006 last month. One of the most significant policies reflected in that budget is a proposal to cut most Federal support for State and local drug enforcement. Among other things, the administration is proposing to eliminate the Byrne Grant to State and local law enforcement, to cut the HIDTA Program by more than 50 percent and transfer its remaining funds to the Justice Department's Organized Crime Drug Enforcement Task Force program, to cut the "Meth Hot Spots" FE administered by the Justice Department's Community Oriented Policing Services office by more than 60 percent, and to significantly reduce the funding for the Counterdrug Technology Assessment Center Technology Transfer program.

The subcommittee shares some of the administration's concerns about excessive or misdirected Federal support to local agencies. It is certainly true that Federal dollars should not be spent on purely

local concerns in the form of pork barrel funding. Rather, they should be tied to clear, national priorities. Similarly, Congress must be careful not to make State and local agencies too dependent on Federal dollars as these agencies must remain under the control of and respond to the needs of State and local taxpayers. State and local governments have a responsibility to fund their own counter narcotics efforts.

That being said, it does not follow that all Federal assistance to State and local agencies lacks national impact. State and local law enforcement personnel are fighting on the front lines in the struggle to stop drug trafficking. They make over 90 percent of drug-related arrests and seizures. They have a wealth of intelligence that could be very valuable if shared with Federal authorities. Federal assistance to these agencies can have a major positive impact by involving them in national goals and enforcement, treatment and prevention. The proper solution is to propose reforms to the programs rather than simply cutting them out.

We hope at this hearing to address these broader issues and to review the administration's specific proposals for certain key programs. First among them is the HIDTA Program. This program was created in 1990 to help reduce the Nation's overall supply of illegal drugs by bringing together Federal, State and local law enforcement agencies in the most significant regions each referred to as a HIDTA, High Intensity Drug Trafficking Area where drugs were created, smuggled or distributed.

Under the current law, the Director of ONDCP may designate certain areas as HIDTAs making them eligible for Federal funding. That funding is administered locally by an executive board made up of equal representation of Federal agencies on one side and State and local agencies on the other. As the budget's program has grown from only \$25 million at its inception, to \$228,350,000 in fiscal year 2005. The number of designated regions has grown as well, from the initial five HIDTAs in 1990, the program has expanded to 28 HIDTAs and pressure is building in Congress to create even more.

As the program has expanded, its focus has frequently drifted from activities that are truly targeted at the national supply of drugs to activities with primarily a regional or local impact. Congress itself has exacerbated the problem by refusing to allow ONDCP sufficient discretion over the program's budget. For many years, appropriations bills have forbidden ONDCP from funding at below its previous year's level effectively locking in \$206 million of its budget. ONDCP has had true discretion over less than 10 percent of the program's funds.

In response to these difficulties, the administration has proposed cutting the program's budget from fiscal years 2005 at an active level of \$228,350,000 to \$100 million. Even more significantly, the administration has requested that the remaining \$100 million be funded through the Organized Crime Drug Enforcement Task Force, a Department of Justice program. If enacted, this proposal would effectively terminate the current HIDTA program and more or less eliminate the Drug Czar's Office.

The subcommittee agrees with the administration that the HIDTA Program is in need of some reform. The administration's

proposal, however, is both premature and too sweeping. First, the program cannot and should not be transferred in hold or in part to OCDETF without authorizing legislation. Such legislation is needed to define the goals of the program and the means of its implementation.

Second, the subcommittee is mindful of the serious disruption of drug enforcement activities in the individual HIDTAs that this sweeping proposal would create, at least in the short term. It would be very undesirable for the Federal Government to take action that drives away State and local participants. The subcommittee will, however, carefully study the administration's proposal as it continues to work on the reauthorization of HIDTA and ONDCP.

Today's hearing will also review the CTAC Program which was established in 1990 to oversee and coordinate the Federal Government's anti-drug research and development. The administration is requesting only \$30 million for the CTAC Program, a sharp decrease from the \$40 million requested from fiscal year 2005 and the \$42 million appropriated by Congress. The proposed decreases would cut the research program nearly in half from \$18 million to \$10 million while reducing the technology transfer program by \$4 million from \$24 million to \$20 million.

The program is certainly in need of greater direction and oversight. ONDCP has not yet demonstrated that the technology transfer program supports national goals in reducing overall drug trafficking and improving interagency communication and cooperation. Such dramatic cuts, however, do not amount to reform. They will only exacerbate the tensions within the program.

As with HIDTA, the subcommittee intends to review the CTAC Program and its future as it continues its work on the reauthorization of ONDCP and its programs. The subcommittee has concerns about the proposed reduction in the COPS "Meth Hot Spots"FE dedicated to local law enforcement activities against methamphetamine trafficking. Methamphetamine abuse has ravaged communities across the United States and put several severe strains on State and local law enforcement agencies forced to find clandestine drug labs, clean up the environmental damage they create and arrest the drug trafficking rings that operate them.

To assist these overburdened agencies, Congress approved \$54,050,000 in fiscal year 2004 and \$52,556,000 in fiscal year 2005. The administration is requesting only \$20 million for the fiscal year 2006, identical to their last year's request which was more than doubled, a cut of more than 60 percent from the appropriated funds from last year. This would greatly reduce the ability of State and local law enforcement agencies to help their Federal partners in reducing methamphetamine abuse particularly given the proposed overall reduction in State and local law enforcement assistance grants.

The subcommittee also has serious concerns about the administration's proposal to terminate the State grants component of the Edward Byrne Memorial Justice Grant Program. Congress already complied with the administration's request to consolidate previously separate grants programs into a single Byrne Grant Program. The administration now proposes to eliminate the \$634 million that Congress appropriated last year for the Byrne grants and

restrict Federal to a series of enumerated grants most of which are previously existing programs under a "Justice Assistance Account." In practice, this will sharply limit the amount of money available to help State and local agencies.

The subcommittee shares the administration's concerns about excessive Federal subsidization of State and local law enforcement. The administration's proposed cuts, however, would create massive shortfalls in the budget of State and local law enforcement agencies across the country. I believe the administration should instead propose reforms where needed to some of the Federal Government's assistance grants.

We have quite a mix of witnesses with us today and we would especially like to welcome all the representatives of the Federal, State and local law enforcement community joining us here at this time. From the Department of Justice on our first panel, we will hear from Tracy Henke, Deputy Associate Attorney General at the Office of Justice Programs who will discuss the Byrne grants, COPS and similar Justice assistance programs and Catherine O'Neil, Associate Deputy Attorney General and Director of OCDETF who will discuss the proposed transfer and restructuring of the HIDTA program. We will also hear from John Horton, Associate Deputy Director at ONDCP for State and Local Affairs.

The second panel will give us the State and local perspective. We welcome Ron Brooks, president of the National Narcotics Officers' Associations Coalition and Director of the North California HIDTA. Ron has been very active with our committee and at many, many hearings helping us with that. Tom Carr is director of the Washington-Baltimore HIDTA; Tom Donahue, Director of the Chicago HIDTA, Chief Jack Harris of the Phoenix Police Department and Vice-Chair of the Southwest Border HIDTA, Leonard Hamm, the acting Baltimore police commissioner, Mark Henry, president of the Illinois Drug Enforcement Officer's Association, and Sheriff Jack L. Merritt of Greene County, MO.

Again, thank you all for coming from so many places across the Nation to be here today. We look forward to your testimony.

[The prepared statement of Hon. Mark E. Souder follows:]

Opening Statement
Chairman Mark Souder

“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA
and other law enforcement programs: Are we jeopardizing
federal, state and local cooperation?”

Subcommittee on Criminal Justice, Drug Policy,
and Human Resources
Committee on Government Reform

March 10, 2005

Good afternoon, and thank you all for coming. This hearing is the second in a series of hearings providing oversight of the President's budget proposals for drug control programs, as well as for legislation to reauthorize the Office of National Drug Control Policy (ONDCP) and the High Intensity Drug Trafficking Areas (HIDTA) program. This hearing will focus on the President's proposed changes to some very important drug enforcement programs.

The Administration released its budget proposal for all federal programs for fiscal year 2006 last month. One of the most significant policies reflected in that budget is a proposal to cut most federal support for state and local drug enforcement. Among other things, the Administration is proposing to eliminate the Byrne Grants to state and local law enforcement; to cut the HIDTA program by more than 50 percent and transfer its remaining funds to the Justice Department's Organized Crime Drug Enforcement Task Force (OCDETF) program; to cut the "Meth Hot Spots" program administered by the Justice Department's Community Oriented Policing Services (COPS) office by more than 60 percent; and significantly to reduce the funding for the Counterdrug Technology Assessment Center (CTAC) Technology Transfer program.

The Subcommittee shares some of the Administration's concerns about excessive or misdirected federal support to local agencies. It is certainly true that federal dollars should not be spent on purely local concerns in the form of "pork barrel" funding; rather, they should be tied to clear national priorities. Similarly, Congress must be careful not to make state and local agencies too dependent on federal dollars, as these agencies must remain under the control of and respond to the needs of state and local taxpayers. State and local governments have a responsibility to fund their own counter-narcotics efforts.

That being said, it does not follow that all federal assistance to state and local agencies lacks national impact. State and local law enforcement personnel are fighting on the "front lines" in the struggle to stop drug trafficking. They make over 90 percent of drug-related arrests and seizures. They have a wealth of intelligence that could be very valuable if shared with federal authorities. Federal assistance to these agencies can have a major positive impact, by involving them in the national goals of enforcement, treatment, and prevention. The proper solution is to propose reforms to the programs, rather than simply cutting them.

We hope at this hearing to address these broader issues, and to review the Administration's specific proposals for certain key programs.

First among them is the HIDTA program. This program was created in 1990 to help reduce the nation's overall supply of illegal drugs by bringing together federal, state, and local law enforcement agencies in the most significant regions (each referred to as a "HIDTA") where drugs were created, smuggled, or distributed. Under current law, the Director of ONDCP may designate certain areas as "HIDTAs", making them eligible for federal funding. That funding is administered locally by an executive board made up of equal representation of federal agencies on one side, and state and local agencies on the other.

As the program's budget has grown – from only \$25 million at its inception to \$228,350,000 in fiscal year 2005 – the number of designated regions has grown as well. From the initial five HIDTAs in 1990, the program has expanded to 28 HIDTAs, and pressure is building in Congress to create even more of them.

As the program has expanded, its focus has frequently drifted from activities that are truly targeted at the national supply of drugs, to activities with a primarily regional or local impact. Congress itself has exacerbated the problem by refusing to allow ONDCP sufficient discretion over the program's budget. For many years, appropriations bills have forbidden ONDCP from funding any HIDTA at below its previous year's level – effectively locking in \$206 million of its budget. ONDCP has had true discretion over less than 10 percent of the program's funds.

In response to these difficulties, the Administration has proposed cutting the program's budget from fiscal year 2005's enacted level of \$228,350,000 to \$100,000,000. Even more significantly, the Administration has requested that the remaining \$100 million be funded through the Organized Crime Drug Enforcement Task Force (OCDETF), a Department of Justice program. If enacted, this proposal would effectively terminate the current HIDTA program.

The Subcommittee agrees with the Administration that the HIDTA program is in need of some reform. The Administration's proposal, however, is both premature and too sweeping. First, the program cannot and should not be transferred in whole or in part to OCDETF without authorizing legislation. Such legislation is needed to define the goals of the program and the means of its implementation.

Second, the Subcommittee is mindful of the serious disruption of drug enforcement activities in the individual HIDTAs that this sweeping proposal would create, at least in the short term. It would be very undesirable for the federal government to take action that drives away state and local participants. The Subcommittee will, however, carefully study the Administration's proposal as it continues its work on the reauthorization of HIDTA and ONDCP.

Today's hearing will also review the CTAC program, which was established in 1990 to oversee and coordinate the federal government's anti-drug research and development. The Administration is requesting only \$30,000,000 for the CTAC program, a sharp decrease from the \$40,000,000 requested for fiscal year 2005, and the \$42,000,000 appropriated by Congress. The proposed decreases would cut the research program nearly in half – from \$18 million to \$10 million – while reducing the Technology Transfer Program by \$4 million, from \$24 million to \$20 million.

The program is certainly in need of greater direction and oversight; ONDCP has not yet demonstrated that the Technology Transfer Program supports national goals in reducing overall

drug trafficking and improving interagency communication and cooperation. Such dramatic cuts, however, do not amount to reform – they will only exacerbate the tensions within the program. As with HIDTA, the Subcommittee intends to review the CTAC program and its future as it continues its work on the reauthorization of ONDCP and its programs.

The Subcommittee has concerns about the proposed reduction in the COPS Meth Hot Spots, dedicated to law enforcement activities against methamphetamine trafficking. Methamphetamine abuse has ravaged communities across the United States, and put severe strains on state and local enforcement agencies forced to find clandestine drug labs, clean up the environmental damage they create, and arrest the drug trafficking rings that operate them. To assist these overburdened agencies, Congress approved \$54,050,000 in fiscal year 2004 and \$52,556,000 in fiscal year 2005.

The Administration is requesting only \$20,000,000 for fiscal year 2006 (identical to last year's request for \$20,000,000), a cut of more than 60 percent from appropriated funds for 2005. This would greatly reduce the ability of State and local law enforcement agencies to help their Federal partners in reducing methamphetamine abuse, particularly given the proposed overall reduction in State and local law enforcement assistance grants.

The Subcommittee also has serious concerns about the Administration's proposal to terminate the state grants component of the Edward Byrne Memorial Justice Assistance Grant program. Congress already complied with the Administration's request to consolidate previously separate grant programs into the single Byrne Grants program. The Administration now proposes to eliminate the \$634 million that Congress appropriated last year for the Byrne Grants, and restrict federal to a series of enumerated grants (most of which are previously existing programs) under a "Justice Assistance" account. In practice, this will sharply limit the amount of money available to help state and local agencies.

The Subcommittee shares the Administration's concerns about excessive federal subsidization of state and local law enforcement. The Administration's proposed cuts, however, would create massive shortfalls in the budgets of state and local law enforcement agencies across the country. I believe that the Administration should instead propose reforms, where needed, to some of the federal government's assistance grants.

We have quite a mix of witnesses with us today, and we would especially like to welcome all the representatives of federal, state, and local law enforcement community who are joining us here at this time. From the Department of Justice on our first panel we will hear from Tracy Henke, Deputy Associate Attorney General at the Office of Justice Programs who will discuss the Byrne Grants, COPS, and similar justice assistance programs, and Catherine O'Neil, Associate Deputy Attorney General and Director of OCDETF, who will discuss the proposed transfer and restructuring of the HIDTA program. We will also hear from John Horton, Associate Deputy Director at ONDCP for State and Local Affairs.

The second panel will give us the state and local perspective. We welcome Ron Brooks, President of the National Narcotics Officers' Associations Coalition and Director of the Northern California HIDTA; Tom Carr, the Director of Washington-Baltimore HIDTA; Tom Donahue, the Director of the Chicago HIDTA; Chief Jack Harris, of the Phoenix Police Department and Vice-Chair of the Southwest Border HIDTA; Leonard Hamm, the Acting Baltimore Police Commissioner; Mark Henry, the President of the Illinois Drug Enforcement Officer's Association; and Sheriff Jack L. Merritt, of Greene County, Missouri.

Again, thank you all for coming from so many places across the country to be here today. We very much look forward to your testimony.

Mr. SOUDER. I will now yield to the Ranking Member, Elijah Cummings.

Mr. CUMMINGS. Thank you, Mr. Chairman.

As I listened, I could not help but think about the fact that when we had one of our last hearings, when the Drug Czar came in and talked about the cuts, I asked him how he felt about these cuts and he said that he was satisfied with what was going on. I have to tell you that since that hearing I have heard from so many people who watched it, and they were very concerned. I think we would be more than remiss if we did not understand that the money simply isn't there. We can debate from now until 1,000 years from now why it isn't there but it is not there. The fact is, then it becomes a question of priorities with the money we do have.

One thing I must give you credit for, Mr. Chairman, and I really appreciate this, is that you have consistently stayed on point with regard to making sure that while we address the War on Terrorism, we acknowledge the fact that we have some terrorists in our own neighborhoods. Many of them have become that way because of drugs. Some of the people who are here, those who fight drugs every day know exactly what I am talking about. They fully understand that there are people who are watching us right now who are much more afraid of something happening to them on their street than from some terrorist from overseas. So it is that we have to I think put all of this in context and try now to figure out the money we do have, how to make sure we use it effectively and efficiently.

I have said many, many times that one thing Republicans and Democrats agree on is that the taxpayer's dollars must be spent effectively and efficiently. The President's budget request for fiscal year 2006 proposes significant changes in the national drug control budget. Most significantly, there is a considerable increase in proportional spending for supply reduction versus demand reduction programs. Demand reduction accounts for just 39 percent of the restructured drug control budget down from 45 percent in fiscal year 2005, the budget as enacted. There is actually a net decrease of \$270 million for demand reduction compared to the fiscal year 2005 enacted level.

This is deeply troubling to those of us in Congress who would like to see an increased commitment to prevention and treatment programs that reduce the consumption of drugs. Even on the supply reduction side of the budget, where the goal is to reduce drug use by driving up the price and eroding the purity of drugs available on the U.S. streets, there are stark changes in the budget the President has submitted to this Congress.

There is an increased commitment to international supply reduction programs while domestic drug enforcement programs that support State and local efforts and partnerships between Federal law enforcement and the State and local counterparts would suffer elimination or sharp decreases. Many of these relationships have been established over the years. Many of these relationships are ones that have become very, very effective, are cost efficient and effective.

The administration argues, for example, that programs such as community oriented policing services, hiring grants, COPS law en-

forcement technology grants, Byrne Justice Assistance Grants and Byrne Discretionary Grants have not had a demonstrably effective impact on reducing crime. The administration therefore proposes to eliminate these programs claiming it will save \$940 million a year.

In addition, the President's request proposes to slash the budget of the HIDTA Program, reducing its funding from a fiscal year 2005 level of \$227 million to \$100 million, a decrease of 56 percent, and to move HIDTA from the Office of National Drug Control Policy to the Department of Justice where it would come under the control of Organized Crime Drug Enforcement Task Force programs.

I am not knocking that program but one thing is for sure, I believe HIDTA would be better off the way it is. I don't want it to get lost in the Justice Department. We have too many people who are depending on HIDTA to do the things that HIDTA does. I haven't looked at all the testimony but I think some of the folks here today who deal with HIDTA can tell us what they see. We have to listen to them very carefully because these are the people on the front lines. They are the one who have to face the officers, who have to face the families of those who may be killed or injured, they are the ones who have to worry about the people under their jurisdiction. So they are not sitting in some nice high office just looking down as if from heaven, they are dealing with this every day.

The proposed reductions to the above-mentioned programs would sharply reduce the level of Federal support for law enforcement programs that involve coordination among Federal, State and local entities. We are always talking about local, State and Federal entities working together so there is not duplication of effort, so they can be most effective when they bring all of their intelligence and all of their resources together.

What is striking about the proposal is that rather than propose reforms to these programs, this budget reflects the President's decision to abandon or sharply curtail them. Problems in the Byrne Grant Program have been well publicized. The Narcotics Task Force funded through the Byrne Program has committed severe abuses, more egregiously in the case of Tulia, Texas where a Byrne-supported task force ran amuck, pursuing racially motivated investigations and prosecutions.

None of us can stand behind the rampant abuse of civil rights by law enforcement efforts supported with Federal dollars, but the Byrne Grant Program supports a range of activities aimed at increasing safety in communities around the country that are affected by violent crime. I would like to see an effort to make this program work as Congress intended instead of doing away with the program as the President proposes.

Let me tell you something. Having practiced law for over 20 years, I can tell you no matter what you do and no matter what structure you create, you are going to have some abuse but you don't throw the baby out with the bath water.

However, I am most concerned about the proposed evisceration of the HIDTA Program. HIDTA is widely credited with having broken down barriers among participating local, State and Federal agencies and HIDTAs around the country can demonstrate numer-

ous such successes and innovations that have had a positive impact on the national drug threat. Under the President's proposal, numerous HIDTAs would surely be eliminated and the scaling back of others would severely curtail their effectiveness.

Successful nationwide programs developed and administered by individual HIDTAs such as event and target deconfliction of enforcement operations, intelligence collection and sharing, and training programs would be significantly reduced or discontinued. An effective interagency partnership that place State and local agencies on an equal footing with their Federal counterparts would wither or disappear.

The Washington-Baltimore HIDTA approach which combines a coordinated implementation of intelligence-driven law enforcement, treatment and prevention initiatives, ought to be held up by this administration as a model to be replicated in areas that face similar threats.

I am not sure about this but I would guess that when you do have the Federal Government, local government and State government working together, just the experience in and of itself of working together makes all of them better. It certainly makes the Federal people more sensitive to what local and State people are doing, and it gives our local and State officers an opportunity to see how the Federal level operates.

Instead, I fear that the administration's proposal will cripple the Washington-Baltimore HIDTA and eliminate the few treatment and prevention dollars used by a handful of HIDTAs. That would be unfortunate, but I am heartened by the fact that the administration's proposal for HIDTA has drawn such an intense negative reaction from the law enforcement community and from many Members of Congress including you, Mr. Chairman, who recognize HIDTA's value. It seems to me we can acknowledge that HIDTA's rapid growth has created challenges related to its mission cohesion, but the correct response is not to throw it out as the administration proposes to do with this budget request.

The fundamental character and unique system of accountability of the HIDTA Program will be lost if it is merged with the Organized Crime and Drug Enforcement Task Force whose mission is complementary but distinct. Contrary to the administration's claims, this change will not improve the effectiveness of U.S. drug enforcement efforts. Rather, it will weaken them while increasing the burden on State and local jurisdictions already struggling within severe budget constraints.

Today's hearing offers an important opportunity to hear from administration officials who have responsibility to administer the law. I welcome their perspectives as well as Tom Carr, the Washington-Baltimore HIDTA's outstanding director, the directors of the Chicago and Southwest Border HIDTAs, the National Narcotics Officers Association, and State and local law enforcement agencies represented on the second panel.

I would like to specifically recognize Acting Commissioner Leonard Hamm of the Baltimore City Police Department who has taken the time to be with us today.

With that said, Mr. Chairman, I look forward to working with you to find constructive solutions to the issues that keep some of

the aforementioned programs from being most effective and to protect those programs that have demonstrated their effectiveness, the administration's assessment notwithstanding. Today's hearing and future hearings related to ONDCP reauthorization will provide a forum for this important bipartisan work.

I must tell you my mother has a saying. She only had a first grade education but something she often said was she hates to see motion, commotion, and emotion but no results. In other words, it is nice to hold the hearings but we have to make sure that we get this administration to hear the people who are on the front lines so they can more effectively and continue to effectively do their job. To all of them, if I don't get a chance to say it again, I want to thank all of you who are out there. You have a tough job. I really thank you on behalf of the many, many citizens who may never know what you do but on behalf of the Congress of the United States of America, we thank you.

With that, Mr. Chairman, I yield.

[The prepared statement of Hon. Elijah E. Cummings follows:]

Opening Statement
Rep. Elijah E. Cummings, D-MD-7
Ranking Minority Member
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform
U.S. House of Representatives

Hearing on "FY 2006 Drug Control Budget and Byrne Grant, HIDTA and Other Law Enforcement Programs: Are We Jeopardizing Federal, State and Local Cooperation?"

March 10, 2005

Mr. Chairman, thank you for holding today's very important hearing on the President's budget request for several vital law enforcement programs that contribute to the National Drug Control Strategy.

The President's budget request for Fiscal Year 2006 proposes significant changes in the national drug control budget. Most significantly, there is a considerable increase in proportional spending for supply reduction, versus demand reduction, programs.

Demand reduction accounts for just 39% of the "restructured" drug control budget, down from 45% in the FY 2005 budget as enacted. There is actually a net decrease of \$270 million for demand reduction compared to the FY 2005 enacted level. This is deeply troubling to those of us in Congress who would like to see an increased commitment to prevention and treatment programs that reduce the consumption of drugs.

Even on the supply reduction side of the budget -- where the goal is to reduce drug use by driving up the price and eroding the purity of drugs available on U.S. streets -- there are stark changes in the budget the President has submitted to Congress.

There is an increased commitment to international supply reduction programs while domestic drug enforcement programs that support state and local efforts -- and partnerships between federal law enforcement and their state and local counterparts -- would suffer elimination or sharp decreases.

The Administration argues, for example, that programs such as Community Oriented Policing Services (COPS) Hiring Grants, COPS Law Enforcement Technology Grants, Byrne Justice Assistance Grants (JAG), and Byrne Discretionary Grants have not had a demonstrably effective impact on reducing crime. The Administration therefore proposes to eliminate these programs, claiming it will save \$940 million a year.

In addition, the President's request proposes to slash the budget of the High Intensity Drug Trafficking Areas Program (HIDTA), reducing its funding from the FY 2005 level of \$227 million to \$100 million -- a decrease of 56% -- and to move HIDTA from the Office of National Drug Control Policy (ONDCP) to the Department of Justice where it would come under the control of the Organized Crime Drug Enforcement Task Force Program (OCDETF).

The proposed reductions to the above-mentioned programs would sharply reduce the level of federal support for law enforcement programs that involve coordination among federal, state, and local entities.

What is striking about the proposal is that rather than propose reforms to these programs, this budget reflects the President's decision to abandon or sharply curtail them.

Problems in the Byrne Grant program have been well publicized. Narcotics task forces funded through the Byrne program have committed severe abuses, most egregiously in the case of Tulia, Texas, where a Byrne-supported task force ran amok, pursuing racially motivated investigations and prosecutions.

None of us can stand behind the rampant abuse of civil rights by law enforcement efforts supported with federal dollars. But the Byrne grant program supports a range of activities aimed at increasing safety in communities around the country that are affected by violent crime. I would like to see an effort to make this program work as Congress intended instead of doing away with the program as the President proposes.

However, I am most concerned, Mr. Chairman, by the proposed evisceration of the HIDTA program. HIDTA is widely credited with

having broken down barriers among participating local, state, and federal agencies, and HIDTAs around the country can demonstrate numerous successes and innovations that have had a positive impact on the national drug threat. Under the President's proposal, numerous HIDTAs would surely be eliminated and the scaling back of others would severely curtail their effectiveness.

Successful nationwide programs developed and administered by individual HIDTAs, such as event and target deconfliction of enforcement operations, intelligence collection and sharing, and training programs would be significantly reduced or discontinued, Mr. Chairman. And effective interagency partnerships that place state and local agencies on an equal footing with their federal counterparts would wither or disappear.

The Washington-Baltimore HIDTA approach, which combines a coordinated implementation of intelligence-driven law enforcement, treatment, and prevention initiatives, ought to be held up by this Administration as a model to be replicated in areas that face a similar threat.

Instead, I fear that the Administration's proposal will cripple the Washington-Baltimore HIDTA and eliminate the few treatment and prevention dollars used by a handful of HIDTAs.

That would be unfortunate, Mr. Chairman, but I am heartened by the fact that the Administration's proposal for HIDTA has drawn such an intense negative reaction from the law enforcement community and from many Members of Congress, including you, who recognize HIDTA's value.

It seems to me we can acknowledge that HIDTA's rapid growth has created challenges related to its mission cohesion, but the correct response is not to throw the baby out with the bathwater as the Administration proposes to do in this budget request.

The fundamental character and unique system of accountability of the HIDTA program will be lost if it is merged with the Organized Crime and Drug Enforcement Task Force, whose mission is complementary but distinct. Contrary to the Administration's claims, this change will not improve the effectiveness of U.S. drug enforcement efforts. Rather, it will weaken them while increasing the burden on state and local jurisdictions already struggling within severe budget constraints.

Today's hearing offers an important opportunity to hear from Administration officials who have responsibility for administering law enforcement programs affected by the President's proposal. I welcome their perspectives, as well as those of Tom Carr, the Washington-Baltimore HIDTA's outstanding director, the directors of the Chicago and Southwest Border HIDTAs, the National Narcotics Officers Association,

and the state and local law enforcement agencies represented on the second panel.

I'd like to specifically recognize Acting Commissioner Leonard Hamm of the Baltimore City Police Department who has taken the time to be with us today.

With that said, Mr. Chairman, I look forward to working with you to find constructive solutions to the issues that keep some of the aforementioned programs from being most effective and to protect those programs that have demonstrated their effectiveness, the Administration's assessment notwithstanding. Today's hearing and future hearings related to ONDCP reauthorisation will provide a forum for this important bipartisan work.

Thank you again, Mr. Chairman. I look forward to hearing from all of our witnesses and yield back my remaining time.

Mr. SOUDER. Thank you.

Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman, and thank you for today's hearing.

It is going to be hard to take seriously Federal drug control efforts if the President's budget before us survives. Whenever there are programs that link various actors in our system, there are problems that arise that need to be eliminated. There needs to be a continuous approach to correction, but one of the most important connections in drug control efforts has been the link that has been built up over the last several years between Federal, State and local actors. By building those links, we built in efficiencies and avoided costly redundancies. There may also be problems that were built in. I happen to believe that the only way to do a reform is to keep reforming, particularly if you are talking about government.

We are looking at cuts that are lethal to drug enforcement. We are talking about cuts of 50 or 60 percent of a program. Those are cuts meant to do away with a program. I would almost rather you shoot this animal in the head than let him die a slow death this way.

I think what is particularly dangerous here is that all these cuts would apparently take place at one time. Perhaps if there need to be cuts, cuts could be spread out so that they could be done very carefully over a period of years and would not disrupt law enforcement efforts and might be acceptable but huge cuts like this to happen to programs and assume that any part of them will be effective, that is the problem here. Can you cut a program in half and still expect it to be effective in any way, particularly if you do so at one time?

What bothers me most is that cuts as gargantuan as this occurring at one time will create enormous opportunities for drug forces. They must be applauding on the sidelines because what we are doing if these cuts take place at one time in one budget is create new sources of business for them, new routes, and worse, destroy much of the work that has been done so painfully over the years. This is one of the hardest jobs in law enforcement and in government.

As I looked at what is attempted in this budget, I didn't see any area of the country that would find the effort we have built up over the last decade or so recognizable, whether you are talking about big cities of the kind that Mr. Cummings and I come from where the drug problem is right before your eyes because of conditions in those cities and let us call it what it is, the elimination of the COPS Program which is being set up for total elimination, including the "Meth Hot Spots" Program that is, I take it, one of the chairman's favorites, or at least we have had a lot of hearings on meth.

To be sure, programs like HIDTA have grown and spread, you have such a program that started where drugs were most visible, the spots where they have been most concentrated since I was a kid, the New Yorks, the border areas and yes, that has grown. Maybe we ought to look at that because now many areas are covered by that same program. If I may say so, it is also the case that

drugs have spread from their usual places. They are no longer only in the New Yorks, New Jerseys, Miamis, LAs, they are everywhere in this country and so, yes, we need these programs that link Federal, State and local law enforcement officials everywhere now. Yes, that costs money. We can spend it one way or we can spend it another.

The ranking member and I have long been on record, and I believe the chairman would like to spend more money in the usual course of business on preventing people from getting to the point where they are serious users of drugs, even the demand parts of these programs are going to be cut.

I don't know what it is you can do about this. I do know that drug control has been an area which, under your chairmanship, we have put in a great deal of time and effort and concentration. I hope in some way we can match what you have been doing in the two or three terms I have been on this committee with this budget so that what is left standing is something that we will not be ashamed of.

I want to particularly thank today's witnesses who are on the front line, in the front ranks of those doing one of the toughest jobs in America. Thank you for coming to share your information and your knowledge with us.

Thank you, Mr. Chairman.

Mr. SOUDER. Thank you.

Let me assure all members of this committee that we will need to work together. I talked to Chairman Wolf again this afternoon and told him we were doing this hearing as well as Chairman Nohlenberg and Chairman Lewis, so we certainly are going to work with the appropriators and work to try to make sure that authorizing language and appropriating language, and I also talked to Chairman Sensenbrenner on a recent trip, so clearly we need to get authorizing and appropriating to work together. This is an important discussion. I appreciate the witnesses coming today.

First, a couple of procedural matters. First, I ask unanimous consent that all Members have 5 legislative days to submit written questions and statements for the hearing record, that any answers to written questions provided by the witnesses also be included in the record. Without objection, so ordered.

I also ask unanimous consent that all exhibits, documents and other materials referred to by Members and the witnesses be included in the hearing record, that all Members be permitted to revise and extend remarks. Without objection, so ordered.

Our first panel as I stated earlier is composed of the Honorable Tracy A. Henke, Associate Deputy Attorney General, Office of Justice Programs, Department of Justice; the Honorable Catherine M. O'Neil, Associate Deputy Attorney General and Director of Organized Crime Drug Enforcement Task Forces, U.S. Department of Justice; and John Horton, Associate Deputy Director, State and Local Affairs, Office of National Drug Control Policy.

For some reason, although we have a good crowd today and lots of people know about this hearing, you haven't drawn the same attention as the seven baseball players we subpoenaed yesterday. While you are famous, you are not quite Sammy Sosa and company yet.

[Witnesses sworn.]

Mr. SOUDER. Once again, thank you for coming and we will go to Mr. Henke first.

STATEMENTS OF TRACY A. HENKE, ASSOCIATE DEPUTY ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE; CATHERINE M. O'NEIL, ASSOCIATE DEPUTY ATTORNEY GENERAL AND DIRECTOR OF ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES, U.S. DEPARTMENT OF JUSTICE; AND JOHN HORTON, ASSOCIATE DEPUTY DIRECTOR, STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY

STATEMENT OF TRACY A. HENKE

Ms. HENKE. Thank you very much for the opportunity to be here.

As you mentioned, I currently serve as the Deputy Associate Attorney General for the Department of Justice as well as the Acting Assistant Attorney General for the Office of Justice Programs. I am pleased to be here today to talk about the President's fiscal year 2006 drug control budget. I also want to thank you once again for the leadership that this committee has shown on these issues.

The President's budget recognizes that the threat of illegal drugs and drug abuse is grave and affects not only the health and well being of our communities and our families but also our national security. The President's budget for the Department of Justice provides over \$1½ billion in grant assistance to State and local governments. That includes \$185 million to strengthen communities through programs providing services such as drug treatment as Congressman Cummings pointed out, as well as \$92½ million to support drug enforcement.

From OJP's inception, substantial resources in programming to support States and local efforts to break the cycle of drug abuse and crime has occurred. We view our core mission to be that of providing Federal leadership and developing a Nation's capacity to prevent and control crime, administer justice and assist victims. Part of that leadership is promoting and supporting Federal, State and local cooperation to address these vital issues.

The support that OJP and the COPS Officer provides for State and local law enforcement generally takes three forms. That is direct grant funding, training and technical assistance and development across jurisdictional resources. The budget request includes investments in three programs that are very well known to this committee: \$70 million for the Drug Court Program; \$44 million for the Residential Substance Abuse Program or what we call RSAP; as well as \$20 million for the COPS Methamphetamine Program.

We are finding that drug courts are an active tool in combating our war on drugs. Drug courts use the power of the court to integrate effective substance abuse treatment, mandatory drug testing, sanctions and incentives and transitional services for non-violent substance abusing offenders. As you may be aware, drug courts started at the grassroots level well before Federal funding was ever made available and today, over 1,500 drug courts exist in the country.

RSAP is a critical aspect of offender reentry programs, helping insure that offenders come back to their communities substance free. For fiscal year 2006, we have requested \$44 million. The investment in RSAP pays off in several ways. It not only allows offenders to return to their communities substance free but also reduces incarceration costs for Federal, State and local governments and helps prevent further financial and emotional costs of drug related crimes on families, friends and communities.

The COPS Methamphetamine Program has provided a unique mix of direct funding, training and technical assistance across the wide range of law enforcement activities. Since 1998, COPS has invested more than \$330 million nationwide to combat the spread of methamphetamine and has developed a problem-solving guide to help law enforcement develop proactive prevention strategies and to improve the overall response to clandestine drug labs. The \$20 million requested for fiscal year 2006 is intended to support State and local clandestine lab clean up efforts.

In addition, the President's 2006 budget request includes other programs that relate to our Nation's capacity to combat illegal drug use and drug abuse. Those programs include the Southwest Border Prosecution Program, the Cannabis Eradication Discretionary Grant Program and the Prescription Drug Monitoring Program.

As important as direct program funding may be, at the Department of Justice we believe that through training and technical assistance that we provide as well as the research and statistical information to inform criminal and juvenile justice practitioners and policymakers, the Department has an even greater impact on making America's communities safe for our citizens. Training and technical assistance are the key to a huge multiplier effect and expanding knowledge and practical operating capability to the field. They can also be the key to helping States and localities leverage or even save limited training dollars.

As an example, in response to law enforcement demand, OJP's Bureau of Justice Assistance has more than tripled the number of free methamphetamine training courses offered nationwide. Individuals on the second panel here today have benefited from some of that training.

In addition to direct funding, training and technical assistance, OJP supports State and local law enforcement through cross jurisdictional efforts that can best be accomplished through Federal capabilities. For example, the President's budget requests \$45 million for the regional information sharing system which facilitates and encourages information sharing and supports more than 6,000 city, county, State, tribal and Federal member agencies. There are 16 HIDTA entities that also use the system.

OJP's Community Capacity Development Office administers the Operation Weed and Seed Program for which we are requesting approximately \$60 million. Weed and Seed is another cross-jurisdictional strategy that aims to prevent control and reduce violent crime, drug abuse and gang activity in designated high crime neighborhoods across the country.

Overall, while the budget request reflects reductions and elimination of some grant program that provide direct funding to State and local agencies, we believe the investments we are proposing

represent a continued commitment to the success of State and local programming while mindful of our dual goals of public safety and economic prosperity.

In closing, I want to emphasize the continued commitment of the administration, specifically the continued commitment to the Department of Justice, to our State and local partners, to complement their efforts to eliminate the scourge of illegal drugs and drug abuse.

Thank you again for the opportunity. I look forward to your questions.

[The prepared statement of Ms. Henke follows:]

STATEMENT OF
TRACY A. HENKE
DEPUTY ASSOCIATE ATTORNEY GENERAL

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

MARCH 10, 2005

Mr. Chairman, Mr. Cummings, and Members of the Subcommittee: I am Tracy A. Henke, Deputy Associate Attorney General and also Acting Assistant Attorney General for the Office of Justice Programs (OJP). I am pleased to be here today on behalf of the Department of Justice to talk about the President's Fiscal Year 2006 Drug Control budget and his larger budget request. I commend the Subcommittee for its attention to addressing drug abuse prevention, treatment and enforcement issues. Your deep concern over these issues is shared by this Administration, specifically by the Department of Justice.

The President's budget recognizes that the threat of illegal drugs and drug abuse is grave and affects not only the health and wellbeing of our communities and families, but even our national security, as drug trafficking is linked to the financing of certain terrorist groups (e.g., FARC). The Department of Justice's overall portion of the President's budget includes over \$1.5 billion in grant assistance to state and local governments, including \$185.3 million to strengthen communities through programs providing services such as drug treatment; \$90.3 million to fight terrorism; \$335 million to combat violence; \$235.2 million for law enforcement technology; and \$92.5 million to support drug enforcement.

Since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, OJP and its predecessor agencies have effectively provided federal leadership in developing the nation's capacity to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims. From its inception, OJP has devoted substantial resources and programming to support state and local efforts to break the cycle of drug abuse and crime. We view our core mission to be that of promoting and supporting federal, state and local cooperation to address these vital issues.

OJP's and the Office of Community Oriented Policing Services' (COPS) support for state and local law enforcement generally takes three forms: direct grant funding for state and local projects; training and technical assistance to help state and local jurisdictions build their crime fighting capacity and leverage resources; and development of cross-jurisdictional resources.

Grant Activities to Control Substance Abuse

The budget request includes investments in three programs that are well known to this Subcommittee: the Drug Court Discretionary Grant Program, the Residential Substance Abuse Treatment (RSAT) Program, and the COPS Methamphetamine Program.

We have requested a \$30.6 million increase for the Drug Court program, for a total of \$70.1 million. The Drug Court Discretionary Grant Program provides financial and technical assistance to states, state courts, local courts, units of local government, and Indian tribal governments to plan, implement, and enhance their drug courts. Drug courts use the coercive power of the court to effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services for non-violent, substance-abusing offenders. As you may be aware, drug courts started at the grassroots level in Florida, well before federal funding became available, and have grown to over 1,100 operating drug courts across the country today, with hundreds more in the planning stage.

Under the direction of OJP's Bureau of Justice Assistance (BJA), we are currently accepting grant applications for funding implementation and enhancements of adult drug courts and statewide enhancement efforts. In Fiscal Year 2005, BJA expects to train over 200 community teams from across the nation in the fundamentals and philosophy of drug court operation. This response to our Drug Court Planning Initiative indicates the high degree of interest in implementing all types of drug courts B adult, juvenile, family, and tribal. In addition to this initiative, BJA provides state-of-the-art training and technical assistance on a variety of subjects to operational drug courts and state agencies.

The FY 2006 Drug Courts funding increase will allow us to increase the number of funded drug courts, expand our training and technical assistance capability, and is expected to result in a two percent improvement in the drug court graduation rate, as compared to FY 2005 estimates.

Knowing of your interest in the issue of methamphetamine abuse and addiction, I would like to point out that many local drug courts have been quite effective in dealing with persons with meth addictions. BJA-funded drug courts have been using the drug court model to address addiction in some of the most methamphetamine-impacted areas for nearly a decade. Further information on these particular programs was provided to the Subcommittee as a follow-up to your November 18, 2004 hearing on "Law Enforcement and the Fight Against Methamphetamine."

The Residential Substance Abuse Treatment Program (RSAT) is a critical aspect of offender re-entry programs, helping ensure that offenders come back to their communities substance-free, and equipped with skills that can help them remain clean and straight once they're home. All 50 states, the territories, and the District of Columbia receive RSAT grants, and operate about 400 RSAT programs. We have requested \$44.1 million for RSAT in FY 2006, an increase of \$19.5 million above the FY 2005 enacted level. These funds would allow us to strengthen the RSAT program through the development of treatment

models that properly match staff training with the appropriate type of treatment for specific offenders. We would also work to ensure that corrections and prison administrators are committed to adhering to treatment goals and minimizing disruptions in offenders' treatment programs. In addition, the funds would allow RSAT programs to provide coordinated aftercare and transitional services.

The investment in RSAT pays off in several ways. It not only allows offenders to return to their communities substance-free, but it also reduces incarceration costs for federal, state, and local governments, and helps prevent further financial and emotional costs of drug-related crimes on families, friends, and communities.

We are in the midst of concerted efforts to solidify performance measures for both the Drug Courts and the RSAT programs. For Drug Courts, OJP developed new measures that will address the number of clients who are re-arrested while in the program and the number of clients who graduate. Data are expected to be available at the end of FY 2005. For an even broader view, the National Institute of Justice is funding a multi-year, longitudinal study of drug court graduates to assess whether the program effectively prevents or reduces recidivism. For RSAT, OJP now requires grantees to collect data for new measures addressing treatment costs related to residential and aftercare programs, recidivism, and reduction in substance abuse.

The COPS Methamphetamine Program has provided a unique mix of direct funding, training, and technical assistance across the wide range of law enforcement activities. Since 1998, COPS has invested more than \$330 million nationwide to combat the spread of methamphetamine, and has developed a problem-solving guide to help law enforcement develop proactive prevention strategies and to improve the overall response to clandestine drug labs. The \$20 million requested for FY 2006 is intended to support state and local clandestine lab clean-up efforts.

Additional Programs to Combat Illegal Drug Use and Drug Abuse

In addition to the programs I have highlighted, the President's FY 2006 budget request includes other programs that relate to our nation's capacity to combat illegal drug use and drug abuse. We are asking for an increase of \$18.8 million, for a total of \$48.4 million, for the Southwest Border Prosecution program, which provides funding for local prosecutors' offices in the four states along the Southwest Border (California, New Mexico, Arizona, and Texas) for the costs incurred in processing, detaining, and prosecuting drug cases and other cases referred from federal arrests or federal investigations. Drug cases constitute about 30 percent of the cases referred by federal authorities. We are also requesting \$19.1 million for the Cannabis Eradication Discretionary Grant Program (formerly Domestic Cannabis Eradication and Suppression Program B DCE/SP), and recommending that the program be moved from the Drug Enforcement Administration to OJP.

The budget request includes \$5 million for continuation of the Prescription Drug Monitoring Program, which helps states, local, and tribal governments prevent and detect the

diversion and abuse of pharmaceutical controlled substances. At the conclusion of FY 2004, 18 states had implemented monitoring programs as a result of this initiative, three are expected to implement programs soon, and one state is implementing a pilot program. Forty-two jurisdictions received technical assistance that would help in establishing programs.

We anticipate changes in two areas of interest to the Subcommittee: the Felony Arrestee Drug Use Reporting Program (formerly ADAM B the Arrestee Drug Abuse Monitoring Program), and tribal substance abuse initiatives. The budget request proposes funding of \$6.5 million for the Felony Arrestee Drug Use Reporting Program, which is being reconfigured and expanded to include a wide sampling of offenders that should provide a clearer picture of offender drug use nationwide.

In FY 2006, \$51.6 million is requested for a consolidated COPS/OJP Tribal Law Enforcement grant program that will operate as a competitive grant program and provide flexibility to tribal communities to address their unique law enforcement needs. There is a particular need to address the high level of alcohol and substance abuse among Native Americans, which creates both significant law enforcement and health problems in tribal communities. This grant program will be jointly administered with OJP.

Training and Technical Assistance to Prevent Substance Abuse and Investigate Drug Trafficking

As important as direct program funding may be, we believe that through the training and technical assistance we provide, as well as the insightful research and statistical information to inform criminal and juvenile justice practitioners and policy makers, the Department has an even greater impact on making America's communities safer for our citizens.

For example, through the Title V Prevention Program, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides training and technical assistance through the Underage Drinking Enforcement Training Center (Center). Throughout its 30-year history, and over the past decade especially, OJJDP has made a significant investment in developing, demonstrating, and evaluating social and law enforcement strategies to reduce underage drinking. The program models and lessons learned from these years of investment are made available to state and local governments at little or no cost through the Center. OJJDP's continuing support of this key training and technical assistance operation allows local law enforcement, using existing local resources, to adopt proven enforcement strategies that are both socially effective and cost effective. Since 2000, the Center has conducted training in underage drinking enforcement operations, development of effective underage drinking prevention policies, strategic use of media, and youth leadership development. These training programs have engaged approximately 36,000 individuals in 49 states and the District of Columbia, with training for the remaining state, Montana, scheduled for May 2005. The Center has served over 16,000 people through its monthly audio teleconferences, over 3,000 annually through its toll-free technical assistance hotline, and over one million contacts in 2004 through its Web site. This training is important to the overall drug abuse

prevention effort because alcohol is the highest drug of abuse among adolescents and is also linked as a "gateway" to other substance abuse.

Training and technical assistance are the key to a huge multiplier effect in expanding knowledge and practical operating capability to the field. They can also be the key to helping states and localities leverage, or even save, limited training dollars.

As you know from OJP's Bureau of Justice Assistance's Director Herraiz's November testimony before the Subcommittee, BJA supports the Center for Task Force Training (CentTF). BJA developed and implemented the CentTF Program to increase the effectiveness of multi-jurisdictional narcotics task force management and enforcement efforts throughout the nation. The program's objectives are to develop and refine curricula, deliver training, produce multimedia resources, and develop and maintain an informational Web site and Web-based resource center. CentTF provides training to law enforcement on drug task force management, investigation, and rave/club drug response. CentTF courses on Narcotics Task Force Management and Methamphetamine Task Force Management address basic investigative techniques and task force management issues such as personnel selection, handling confidential informants, and raid planning. The methamphetamine course also provides information specific to the chemicals required to manufacture meth, exposure risks, and suggestions on handling meth lab seizures. In 2004, more than 1,300 methamphetamine task force commanders received this training, bringing the total number of task force commanders trained to 4,183.

In response to law enforcement demand, OJP's BJA has more than tripled the number of methamphetamine training courses offered nationwide on for a total of up to 12 courses on which will be offered in addition to three narcotics training courses. We are offering the methamphetamine training free of charge to all 50 states, the territories, and the District of Columbia through a regional approach. Through CentTF, BJA is partnering with the state agency designated by the governor to administer the Justice Assistance Grant (JAG) funds, known as the State Administering Agency (SAA). By involving the SAA upfront, we are ensuring that the training reaches the areas, agencies, and officers that are in greatest need. An SAA in each of BJA's five administrative regions will be chosen to host the training course for that region, with the first to be held in Virginia.

We have received many reports of the effectiveness of CentTF, with these two being among the most recent success stories: the St. Tammany Parish (Louisiana) Sheriff's Office credited the BJA Methamphetamine Investigation Management Workshop for helping make the largest methamphetamine "bust" in the history of southeastern Louisiana; and a Coraopolis (Pennsylvania) police officer encountered a meth lab just two weeks after he had attended the course and was able to utilize the skills he learned in the workshop to recognize the lab, shut it down, and make three arrests.

Cross-Jurisdictional Efforts to Prevent Substance Abuse and Investigate Drug Trafficking

In addition to direct funding and training and technical assistance, OJP supports state

and local law enforcement through cross-jurisdictional efforts that can best be accomplished through federal capabilities. For example, the Regional Information Sharing System (RISS) is made up of six regional intelligence centers that serve member state and local agencies in their respective geographic areas. The RISS centers facilitate and encourage information sharing and support to more than 6,000 city, county, state, tribal, and federal member agencies. RISS provides secure communications capabilities and other support, such as investigative analysis products, specialized surveillance equipment loans, and confidential funds for undercover operations. RISS operates and maintains the only secure, nationwide information sharing system, known as RISSNet, available to state, federal, and tribal law enforcement agencies, which is controlled by its member agencies. Officers accessing the RISSNet secure communications network can also access a number of High Intensity Drug Trafficking Areas (HIDTAs), a national gang intelligence data base (RISSGang), the National Drug Intelligence Center, as many as 23 state justice systems, and the National Virtual Pointer Index System, which is an all crimes deconfliction system. RISS's ATIX (Automated Trusted Information Exchange) allows non-traditional groups of users, such as medical facilities, limited access to the RISS Network in order to improve interagency communications, information sharing, and dissemination of threat information.

In 2003, the RISS Program made over 4,700 loans of specialized equipment, such as surveillance devices. This type of assistance is critical, especially to smaller jurisdictions with limited financial resources. Member agency investigations supported by RISS Center services in 2003 resulted in over 4,600 arrests, seizure of \$67 million in narcotics, \$13 million in property, and \$4 million in seized or recovered currency.

The President's budget calls for an increase of \$5.6 million for RISS, for a total of \$45 million in funding. The money will be used to provide increased intelligence and forensic services for state and local law enforcement.

OJP's Community Capacity Development Office administers Operation Weed and Seed (Weed and Seed), which is a cross-jurisdictional strategy that aims to prevent, control and reduce violent crime, drug abuse and gang activity in designated high-crime neighborhoods across the country. Weed and Seed sites range in size from several neighborhood blocks to a few square miles.

The strategy involves a two-pronged approach: law enforcement agencies and prosecutors cooperate in "weeding out" violent crime and drug abuse; and "seeding" by bringing human services to the area to facilitate prevention, intervention, treatment and neighborhood revitalization. A community oriented policing component bridges the weeding strategies. The President's 2006 Budget seeks \$59.5 million for the initiative.

Weed and Seed's approach of coordination and collaboration across disciplinary and jurisdictional lines enables communities to craft local strategies to prevent substance abuse. For example in the 26th Police District of Philadelphia, Weed and Seed assistance is allowing C.A.D.E. (Corporate Alliance for Drug Education) and Shalom Inc. to continue to provide

drug prevention and substance abuse workshops for youth in area schools and in the Safe Havens. C.A.D.E. and Shalom Inc. are providing these services in six public and parochial schools in the Weed and Seed target area. Between the two agencies, over 3,500 youth are participating in the workshops.

It is also important to note that OJP and COPS support our state and local law enforcement partners efforts to combat the manufacturing, trafficking, and use of methamphetamine through a number of the programs highlighted in this testimony. Specifically, we intend to ensure that drug court initiatives include programs targeted to methamphetamine abuse; we will continue to provide training to methamphetamine task force commanders; we will support methamphetamine enforcement and clean-up efforts; and we will support RISS in providing secure communication capabilities, funding, and equipment loans for undercover operations.

Overall, while the budget request reflects reductions and elimination of some grant programs that provide direct funding to state and local agencies, we believe the investments we are proposing represent a continued commitment to the success of state and local programming, while mindful of our dual goals of public safety and economic prosperity. In testimony last week before the House Appropriations Subcommittee on Science, State, Justice, Commerce and Related Agencies, Attorney General Gonzales articulated the Department's objectives, saying:

"In his February 2nd State of the Union Address, the President underscored the need to restrain spending in order to sustain our economic prosperity. As part of this restraint, it is important that total discretionary and non-security spending be held to levels proposed in the FY 2006 Budget. The budget savings and reforms in the Budget are important components of achieving the President's goal of cutting the budget deficit in half by 2009 and '[T]he Department wants to work with the Congress to achieve these savings'.

As part of our efforts to improve management and stewardship, the Department continues to evaluate its programs and operations with the goals of achieving component-specific and departmental economies of scale, increased efficiencies, and cost savings/offsets to permit us to fund initiatives that are of higher priority."

In closing, I want to emphasize the continued commitment of the Administration, specifically the Department of Justice, to our state and local partners to complement their efforts to eliminate the scourge of illegal drugs and drug abuse. As an indication of this commitment, last year OJP employees were asked for suggestions for an OJP tagline that would capture the essence of what OJP is about. The winning entry was the line that now appears on the OJP Web site: "Partnerships for Safer Communities." I can assure you that the Department of Justice and its employees are dedicated partners with state, local, tribal, and community agencies in this shared goal of making America safe for all our citizens.

Thank you again for this opportunity, and I would be pleased to answer your questions.

Mr. SOUDER. Now I will go to Ms. O'Neil.

STATEMENT OF CATHERINE M. O'NEIL

Ms. O'NEIL. Thank you.

I appreciate the opportunity to testify regarding the President's drug control budget and specifically the funding provided to the Organized Crime Drug Enforcement Task Forces. The OCDETF Program was created in 1982 to bring together Federal, State and local law enforcement to mount a comprehensive attack on a regional, national and even international scale against major drug trafficking organizations and the financial systems that support them.

In March 2002, then Attorney General Ashcroft designated the OCDETF Program as the centerpiece of the Justice Department's drug reduction strategy. Since then, the Department has focused the OCDETF Program and vastly improved its overall performance and accountability. OCDETF has achieved great success convicting nearly 23,000 drug dealers since 2002. Most significantly, between 2002 and 2004, OCDETF participants dismantled 14 of the most wanted international drug organizations.

A key to OCDETF's success has been its strong partnerships with State and local law enforcement. State and locals are participating in more than 90 percent of new OCDETF investigations and nearly 2,000 active cases overall. The participation by these officers takes a variety of forms. In some cases, a State and local officer may originate an investigation of a local drug trafficking group that through solid police work and cooperation with Federal counterparts expand beyond the original district to an investigation of a nationwide or even international drug supply organization.

In other cases, State and local officers provide invaluable investigative assistance to an ongoing OCDETF case by monitoring Federal wire taps, conducting surveillance or taking specific enforcement actions within their local jurisdictions that enable the Federal investigation to continue undisclosed.

Although OCDETF's appropriated funding is used only to reimburse Federal participants, State and local departments involved with OCDETF can obtain overtime funding. In fiscal year 2004, for example, OCDETF disbursed about \$7 million in overtime funds to thousands of State and local officers across the country. Additionally, OCDETF shares significant seized assets with our partners. In fiscal year 2004, OCDETF participants deposited more than \$126 million into the Assets Forfeiture Fund and nearly 40 percent of these deposits or \$49.9 million were shared with State and local departments. As OCDETF continues to increase the overall quality of its investigations and particularly its financial investigations, we expect to seize and ultimately share even more.

When discussing State and local participation in OCDETF, we cannot ignore the strong support we have received from the HIDTA Program. In a growing number of cases, HIDTA and OCDETF are working together to impact the drug trade. As you are aware, the President's budget proposes to transfer the HIDTA Program from ONDCP to the Department of Justice with funding through OCDETF. There seems to be confusion about what this move will mean for HIDTA, so let me make one point very clear. Under the President's proposal, the HIDTA Program will not be merged with

the OCDETF Program. OCDETF will use its executive office to administer HIDTA's funding but the programs themselves will remain separate and will pursue individual missions as they do currently.

Both HIDTA and OCDETF will play important roles in the overall drug enforcement effort. The Department welcomes this proposal as a further opportunity to pursue a comprehensive drug strategy that most effectively attacks organizations at all levels and eliminates the various criminal activities and violence associated with drug crime.

The fight against illegal drugs must be fought strategically on many fronts, interationally, nationally, regionally, and locally. Both HIDTA and OCDETF must utilize their limited resources in a manner that is complementary and that best achieves our overall goals. Placing the HIDTA in the Department of Justice will enable us to more effectively define our drug strategy, to establish clear priorities for our key programs and to allocate our drug enforcement resources.

OCDETF is well suited to administer the HIDTA Program as it too is an independent, multi-agency, multi-jurisdictional enforcement program dedicated to promoting cooperation and coordination among drug enforcement personnel. No single investigative agency is more important than another and we strive to ensure that we are effectively leveraging the expertise and manpower of every entity that participates.

While the President's budget reduces HIDTA funding to \$100 million, the Department is committed to making HIDTA operate productively, particularly by emphasizing those elements of the program including coordination and intelligence sharing that have worked so well over the years.

Before closing, I simply want to note that the other elements of OCDETF's budget, the funding for the Fusion Center, for new prosecutors and new marshals and funding for the FBI, all will enhance the program's overall ability to dismantle major drug trafficking and will allow OCDETF to continue to work closely with State and local departments and to share the proceeds of our success. OCDETF was born in an America that was under attack from organized drug trafficking and to respond to that threat, we adopted a strategy of cooperation among law enforcement at all levels, Federal, State and local.

The proud tradition of cooperative law enforcement remains just as vibrant today as it was more than 20 years ago. Today our efforts remain just as critical to our Nation's security and our future. We will continue the fight against illegal drugs, we will fight harder and we will fight smarter and we will win.

I appreciate your support for this program and for our overall drug enforcement efforts.

[The prepared statement of Ms. O'Neil follows:]

**Prepared Testimony of
Catherine M. O'Neil
Associate Deputy Attorney General
Director, Organized Crime Drug Enforcement Task Forces**

**Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
United States House of Representatives**

March 10, 2005

I appreciate the opportunity to testify before you today regarding the President's FY 2006 drug control budget and, specifically, the funding provided to support the Organized Crime Drug Enforcement Task Force (OCDETF) Program.

Overview of the OCDETF Program

The OCDETF Program is one of the longest-standing multi-agency task force programs. It was originally created in 1982 by President Ronald Reagan to respond to the growing threat of organized drug trafficking. And the idea was very simple. Sophisticated criminal enterprises could never be eliminated, unless we attacked them comprehensively -- on a regional, national and even international scale -- and unless we used all of the law enforcement tools and expertise we had at our disposal in a coordinated and unified fashion. Thus, OCDETF was born to bring together federal, state and local law enforcement, as well as foreign governments, and to unite them in a single goal: to dismantle major drug trafficking organizations and the financial systems that supported them.

Today OCDETF combines the talents of more than 3,000 agents and analysts of the Drug Enforcement Administration, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Marshals Service, the Internal Revenue Service, U.S. Immigration and Customs Enforcement and the U.S. Coast Guard, together with nearly 600 prosecutors from the 94 U.S. Attorneys' Offices nationwide and the Criminal and Tax Divisions of the Department of Justice. These men and women of federal drug enforcement work hand in hand with foreign counterparts and with thousands of state and local law enforcement officers and prosecutors across this country to mount a comprehensive and coordinated attack on the most significant drug supply networks threatening this country.

In March, 2002, then Attorney General Ashcroft announced the Department of Justice's drug supply reduction strategy, which focused on disrupting and dismantling the largest drug trafficking and related money laundering organizations operating regionally, nationally and internationally. The OCDETF Program was designated as the centerpiece of that strategy. Since then, the Department has worked to refocus the OCDETF Program and to improve its overall

performance and accountability. Under the leadership of the Deputy Attorney General's Office, the OCDETF Program has achieved great success:

- § OCDETF has placed a renewed emphasis on expanding investigations beyond the originating jurisdiction into neighboring areas where related components of the targeted organizations may be operating. As of December 31, 2004, 82% of all active OCDETF investigations, and 90% of all newly-initiated investigations, were multi-jurisdictional -- that is, the investigations were multi-state, multi-regional or international in scope. This represents a dramatic increase over the 19% of investigations in this category on March 31, 2003.
- § Since the OCDETF Program Guidelines were revised in FY 2002, the number of new investigations that are international in scope has increased from 29% to 47%.
- § OCDETF has focused on including a financial investigation aimed at identifying and destroying the financial systems that support the targeted drug organization in all investigations. As of December 31, 2004, 95% of all newly-initiated OCDETF cases, and almost 89% of all active investigations, included an ongoing financial investigation.
- § OCDETF's focus on financial investigations has resulted in increased success in seizures and forfeitures as well. By the close FY 2004, OCDETF seizures exceeded FY 2003 totals by 42%.

Most significantly, between 2002 and 2004, OCDETF member agencies dismantled 14 of the "most wanted" international drug trafficking organizations B those on the Consolidated Priority Organization Target (CPOT) List B and severely disrupted the operations of another 8. In addition, 17 of the CPOT leaders were arrested. OCDETF participants dismantled another 87 domestic organizations.

One of the premier examples of OCDETF's success is **Operation Busted Manatee**, a 29-month OCDETF investigation targeting the cocaine smuggling organization headed by CPOT Elias Cobos-Munoz. The Cobos-Munoz organization shipped multi-ton quantities of cocaine through the Caribbean corridor into the United States and was estimated to be responsible for approximately 10% of all cocaine traversing that corridor. The organization also generated more than \$145 million in drug profits. Cobos-Munoz and 50 members of his organization were arrested in Colombia, Panama, Jamaica, the Bahamas, the United States and Canada in June, 2004, and more than 7 tons of cocaine were seized. This operation marked the conclusion of eight operations, collectively known as the "Caribbean Initiative." That initiative resulted in the arrest of three other CPOTs, in addition to Cobos-Munoz, and seizures valued at more than \$85 million. DEA, ICE and IRS, together with various state and local agencies, participated in this investigation.

Operation Candy Box was a two-year law enforcement operation involving cooperation between the U.S. and Canada. This OCDETF investigation targeted members of a major ecstasy

trafficking ring, headed by Wong Ze Wai, that manufactured millions of tablets of ecstasy in Canada and transported the drugs into the United States for distribution in nightclubs and on the streets. The operation resulted in the arrests of more than 130 members of the organization, the dismantlement of three ecstasy manufacturing labs, and the seizure of more than 250 pounds of ecstasy powder and more than \$6 million. DEA, FBI, ICE, IRS and numerous state and local agencies, as well as foreign law enforcement authorities, all participated in the investigation.

Operation Panama Express is a multi-agency effort supported by OCDETF that focuses on major maritime smuggling organizations operating from the North and West coasts of Colombia. The two existing task forces collect and analyze information regarding Colombian drug shipments and pass actionable leads on to the Joint Interagency Task Force. Since its inception, Panama Express has led to the seizure of, or caused the loss at sea of, more than 329 tons of cocaine. In addition, nearly 700 persons have been arrested and more than \$14 million in assets have been seized.

State and Local Participation in OCDETF

A key to OCDETF's success has been its strong partnerships with state and local law enforcement officers. During FY 2004, state and local officers participated in 756 of the investigations initiated under the Program B or nearly 86% of all new investigations. Participation has grown this year as state and local departments are involved in more than 90% of the investigations initiated so far during FY 2005. In all, state and locals currently support 1,993 active OCDETF investigations. Among these investigations are cases targeting some of the highest-level international and domestic drug trafficking targets. Indeed, state and locals are actively engaged in 385 CPOT-linked cases; they also are participating in 352 investigations connected to regional priority targets nationwide.

The participation by state and local officers takes a variety of forms. In some cases, a state and local officer may actually originate an investigation of a local drug trafficking group that, through solid police work and cooperation with federal counterparts, expands beyond the original district to an investigation of a nationwide or even international drug supply organization. In other cases, state and local officers provide invaluable investigative assistance to an ongoing federal investigation by monitoring federal wiretaps, conducting surveillance, or taking specific enforcement actions within their local jurisdictions that enable the ongoing investigation to continue undisclosed.

Although OCDETF's appropriated funding is used only to reimburse the salaries of federal agencies participating in the Program, state and local departments involved with OCDETF can obtain overtime funding. In particular, OCDETF separately requests funding through the Department of Justice Assets Forfeiture Fund to support its State and Local Overtime Program. For FY 2005, OCDETF is receiving approximately \$7 million in funds to compensate officers for overtime hours worked on OCDETF investigations. This amount is comparable to the funds received during FY 2004. More than 7,700 officers from 946 different state and local

departments across the country applied for overtime funds from OCDEF during FY 2004. The number of departments participating in the overtime program and the number of individual officers receiving reimbursement have increased consistently since 2002. OCDEF is committed to seeking sufficient levels of state and local overtime funding to enable these departments and officers to continue to make valuable contributions to OCDEF investigations.

Additionally, OCDEF shares significant seized assets with our state and local partners. Indeed, since 2002, the OCDEF Program has required that every OCDEF investigation have a financial component and that drug assets be pursued, seized and forfeited. As a result of this renewed emphasis on finding the drug money, OCDEF contributions to the Assets Forfeiture Fund have increased substantially. In FY 2004, OCDEF participants deposited more than \$126 million in the Fund. Nearly 40% of these deposits or \$49.9 million were shared with state and local departments. Some additional assets seized as the result of OCDEF investigations were directly turned over to state and local departments. We recognize that these monies allow state and local departments to purchase much-needed equipment and to fund other critical enforcement needs, and we are pleased to see the spoils of the drug trade redirected to such worthy recipients. As OCDEF continues to increase the overall quality of its investigations and particularly its financial investigations we fully expect to be able to seize and ultimately share even more with those who support our investigations.

OCDEF and the High Intensity Drug Trafficking Area (HIDTA) Program

The OCDEF and HIDTA Programs both seek to unite federal, state and local law enforcement in the fight against drug trafficking, and the HIDTA Program clearly has made many valuable contributions to our overall drug enforcement effort. In a growing number of cases, moreover, HIDTA and OCDEF are working together to impact the drug trade. For example, during the first quarter of FY 2005, just over 40% of newly-initiated OCDEF investigations involved participation by HIDTA; this is up from only 30% of cases in FY 2002. Significantly, the HIDTAs participate in between 30% and 40% of all active Consolidated Priority Organization Target (CPOT) cases and regional priority target cases. While some of the HIDTAs, by virtue of their proximity to the Southwest border or other major transit zones, routinely pursue these high-level organizations, others have had success in working local and regional investigations into nationwide cases against major domestic and international suppliers.

The FY 2006 President's budget proposes to transfer the HIDTA Program from the Office of National Drug Control Policy to the Department of Justice, with funding provided through the OCDEF Program. The budget also proposes a reduced funding level of \$100 million.

The Department of Justice welcomes the President's budget proposal as a further opportunity to pursue a comprehensive drug strategy that most effectively attacks drug organizations at *all* levels and eliminates the various criminal activities and violence associated with drug crime. Indeed, the fight against illegal drugs must be fought strategically, and on many fronts internationally, nationally, regionally and locally. To this end, both OCDEF and

HIDTA must utilize their limited resources in a manner that is complementary and that best achieves our overall drug enforcement goals. Placing the HIDTA Program in the Department of Justice will enable the Administration to more effectively define its drug strategy, to establish clear priorities for its key enforcement programs, and to allocate its drug enforcement resources.

It is important to make one point clear: under the President's proposal the HIDTA Program will not be merged into OCDETF. OCDETF will administer the funding for the HIDTA Program, but the programs themselves will remain separate and will pursue individual - though non-duplicative - missions. Both HIDTA and OCDETF will play important roles in the overall drug effort.

OCDETF is suited to administer the HIDTA Program, as it, too, is an independent, multi-agency, multi-jurisdictional enforcement program dedicated to promoting cooperation and coordination among drug enforcement personnel. As I have often said, "OCDETF works because it belongs to everyone and to no one." No one single investigative agency is more important than another, and we strive to ensure that we are effectively leveraging the expertise and manpower of every entity that participates.

Moreover, OCDETF has undergone a "rebirth" of sorts since 2002. Indeed, for many years prior to 2002, OCDETF had strayed from its mission and become a simple funding mechanism for federal agencies. Today, however, the program is squarely focused on its core mission of dismantling high-level drug organizations, and its program participants have embraced a new era of accountability and performance. In particular, to improve the overall efficiency and effectiveness of the Program, OCDETF has implemented the following management and performance initiatives:

- § Revisions to the OCDETF Program Guidelines: OCDETF amended the Program Guidelines to focus the Program on its original mission of disrupting and dismantling the most significant drug and money laundering organizations. This change met with some resistance from individual agency participants, who viewed OCDETF as a source of funding for all drug crime; however, under the leadership of the Department, the Guidelines have been strictly enforced and the OCDETF Program is achieving results against these high-level organizations. (2002 and 2004)
- § Emphasis on Financial Investigations: The revised Guidelines also mandated that a financial investigation be conducted as part of every OCDETF investigation. Through recent budget submissions, which have included requests for additional IRS agents as well as financial analysts, OCDETF has sought to increase the capacity of the Program to pursue these investigations. (2002)
- § Formulation of Strategic Plans: At the direction of the Attorney General, and under the guidance of OCDETF, each of the nine OCDETF regions, for the first time ever, developed regional strategic plans, proposing proactive, multi-agency

strategies for attacking the specific drug threats and major organizations operating in the region. The submission of these strategies is now an annual requirement. Subsequently, OCDETF added a requirement that each region establish specific performance goals. Under the leadership of the Deputy Attorney General's Office, these strategies are now being coordinated with other enforcement programs, including the HIDTA Program. (2002)

- § Development of the Consolidated Priority Organization Target List: At the direction of the Attorney General, and under the guidance of OCDETF, the OCDETF-member agencies, for the first time, developed a unified list of the "most wanted" international drug and money laundering targets. OCDETF, through its Associate/Deputy Directors, continues to chair the multi-agency working group tasked with updating and overseeing the List. (2002)

- § Development of Regional Priority Organization Target Lists: As part of the strategic plan process, each of the OCDETF regions must identify Regional Priority Organization Targets (RPOTs) representing the most significant drug and money laundering organizations threatening the region. The OCDETF Executive Office provides specific guidance to the regions in the selection of these targets to ensure that the Lists represented the collective judgment of all districts and all participating OCDETF agencies rather than simply reflecting the Apriority targets@ of a single agency. Currently, there are approximately 350 targets that are designated Regional Priority Organization Targets. (2003)

- § Issuance of Field Guidance: OCDETF management periodically issues formal, written management guidance to the field to explain the Program ' s goals and priorities and to provide specific direction on achieving those goals. In the past, this guidance has addressed CPOT and RPOT criteria, financial investigations, strategic plans and OCDETF reporting standards. The field guidance helps to focus all agencies on uniform priorities, consistent with the President ' s agenda and the Attorney General ' s drug strategy. (2003 and 2004)

- § Initiation of co-located OCDETF Task Forces: OCDETF was originally formed as part of a true "task force" approach against sophisticated criminal organizations, with prosecutors and law enforcement personnel working side-by-side in the same location. As part of its return to its original mission, OCDETF encouraged the development of co-located OCDETF task forces in key cities around the country, which not only could aggressively target the highest-level trafficking organizations but also could function as a central point of contact for OCDETF agents and prosecutors nationwide, gathering intelligence and disseminating leads throughout the neighboring areas. (2003 and 2004)

- § Implementation of Performance-based Resource Allocation and Budgeting: For the first time since the inception of the Program, OCDETF management has

examined the allocation of Program resources to align resources with the drug threat and to reward performance consistent with Program goals. OCDETF now requires member agencies to submit a resource allocation/staffing plan with their annual operating plans, so that resource levels may be regularly evaluated and adjusted. Agencies also must provide annual workload data. As of the close of FY 2004, 45% of OCDETF's agent resources were deployed to the highest threat areas. (2003 and 2004)

- § Enhancements to Program Communication: The OCDETF Executive Office, through the Criminal Division, has designed and launched a Web-based system that enables OCDETF participants, through the U.S. Attorneys' Offices, to access Program data and to report on Program performance. (2003)

- § Focus on Accountability and Reporting: OCDETF implemented an Interim and Final Report requirement for all investigations to collect accurate data on the status, progress and impact of OCDETF investigations. OCDETF also distributes monthly, and more comprehensive quarterly, performance indicator reports to all U.S. Attorneys, OCDETF Lead Task Force Attorneys, and agency managers. These reports track key OCDETF performance indicator data as well as reporting compliance rates for each judicial district. The OCDETF Director uses this information to conduct district and agency performance reviews. These accountability and reporting measures have greatly improved the quality of information reported to the Executive Office and have become essential management tools for field program managers. (2003 and 2004)

- § Improved Financial Controls: OCDETF revised its reimbursement agreements with participating agencies, as well as its State and Local Overtime Program Manual, to strengthen oversight and controls over OCDETF funds. OCDETF also implemented a new tracking system to enable the Program to more effectively monitor the use of state and local overtime funding. In this way, OCDETF is better able to move funding among the OCDETF regions to ensure that the program achieves maximum results. (2004)

- § The OCDETF Fusion Center: OCDETF was authorized to use \$25 million in funding in FY 2004 to establish a Fusion Center that will collect all drug and related financial intelligence data in a single data repository, conduct thorough cross-case analysis of the data, and disseminate to the field trend information, tips and leads. Through the multi-agency Special Operations Division, the Fusion Center will coordinate investigations initiated as a result of Fusion Center tips and leads. The vast majority of OCDETF member agencies, the National Drug Intelligence Center (NDIC) and the Financial Crimes Enforcement Network (FinCEN) have committed to participating in the Fusion Center. The multi-agency "buy-in" to the Center was achieved, in large part, because of its designation as an independent, multi-agency, "OCDETF entity" and through the

support and leadership of the Deputy Attorney General and the Attorney General. This Fusion Center, expected to commence initial operations in 2005, will enhance law enforcement's ability to "connect all of the dots" and to disrupt and dismantle entire organizations. The real value of the OCDETF Fusion Center will be seen in the increased flow of valuable investigative information back to the field, particularly with regard to CPOTs and RPOTs. (2004)

- § Development of Outcome Measures: The OCDETF Director has been working with the Justice Management staff and other Justice components to develop uniform outcome measures to measure impact on drug supply. As a first step, OCDETF developed agreed-upon definitions for "disruption" and "dismantlement" of targeted organizations. (2004)

Given that performance assessments of the HIDTA Program have identified deficiencies in establishing performance goals and demonstrating results, the Department is hopeful that some of the strategies employed with the OCDETF Program will help to improve the overall effectiveness of HIDTA.

Even at a reduced funding level, the HIDTA Program can operate productively, particularly by emphasizing those elements of the Program - including, most significantly, HIDTA's partnerships with state and local law enforcement - that have worked so well over the years. The Department of Justice will work closely with ONDCP and with representatives of the HIDTA community over the coming months to develop a plan to ensure that the transfer of the Program and the funding arrangement can be implemented successfully.

Other Provisions of the FY 2006 OCDETF Budget

While I recognize that the HIDTA proposal is of primary interest to this Committee in this hearing, I would like to highlight the other aspects of the OCDETF budget for FY 2006. All of the funding requested for OCDETF will directly support the President's National Drug Control Strategy and the drug strategy of the Department of Justice, and will enhance the Program's overall ability to disrupt and dismantle significant drug trafficking and related money laundering organizations. Obviously, in doing so, OCDETF will continue to work closely with state and local law enforcement and to share the proceeds of successful investigations with state and local departments.

\$14.5 million for OCDETF Fusion Center

First, the President's budget requests \$14.5 million in base funding to support the operations and maintenance of the OCDETF Fusion Center. The Fusion Center is a critical component of the Administration's effort to conduct intelligence-driven and coordinated enforcement activities against major drug trafficking organizations operating regionally, nationally, and internationally. It will - for the first time - provide a *single* entity for the collection, storage, and analysis of drug intelligence and drug-related financial information from

all the OCDETF member agencies, and it will greatly enhance law enforcement's ability to make connections among the various networks that comprise major trafficking organizations, including, in particular, those networks responsible for moving and laundering drug proceeds. The Fusion Center also will enhance law enforcement's capacity to make links between drug traffickers and terrorists or terrorist organizations.

Six of the seven federal OCDETF-member law enforcement agencies, as well as the National Drug Intelligence Center and the Financial Crimes Enforcement Network (FinCEN) signed as Charter Members of the Fusion Center. OCDETF agencies already have begun transmitting test data and detailing personnel to the project. Once the Fusion Center has become established and fully operational, OCDETF will encourage other entities to join the project. OCDETF already had considered the HIDTA Intelligence Centers, for example, to be invaluable partners for this project.

The base funding requested in FY 2006 is vital to support the operations of the Fusion Center beyond 2005. Indeed, although OCDETF originally had requested \$22 million to develop the Fusion Center, with approximately \$11 million carrying forward to address ongoing costs, the Consolidated Appropriations Act of 2004 (P.L. 108-199) directed that \$25 million in DEA's FY 2003 carryover funds be used to create the OCDETF Fusion Center. These were "one-time" funds, and accordingly, no base funds for recurring costs were appropriated. OCDETF did not have the opportunity to include operational base funding as part of its FY 2005 budget request, as the request was finalized before the final language of the 2004 appropriation had become known. Thus, without the \$14.5 million in funding requested, the OCDETF Fusion Center will not be able to operate beyond 2005.

\$5.9 million for OCDETF Prosecutors

The President's budget also requests \$5.9 million and 41 positions to address existing staffing imbalances within the OCDETF attorney workforce. As part of the refocusing of the OCDETF Program in 2002, OCDETF leadership examined the allocation of investigative and prosecutorial resources nationwide to ensure not only that the resources were properly aligned to meet current and existing drug threats but also that the resources were appropriately balanced. Clearly, an OCDETF investigation is successful not simply once the targets have been identified and arrested; the drug dealers must also be prosecuted and incarcerated. For this reason, every OCDETF investigation requires both investigative and prosecutorial support.

In 2003, OCDETF determined that a staffing deficit of nearly 300 prosecutors existed nationwide. OCDETF, therefore, drafted a four-year staffing plan to gradually increase the number of OCDETF prosecutors and to ultimately achieve an overall staffing ratio of one attorney for every 4.5 agents. This ratio originally had been calculated as a result of a 1985 management study of the OCDETF Program, and it was validated in 2003 by the management review team of Ernst & Young/Giuliani Partners.

OCDETF received new Assistant United States Attorney positions in both the 2004 and 2005 appropriations, and OCDETF has been begun deploying those prosecutors to the field. The President's 2006 request for 41 positions represents a continuing effort to pursue this staffing plan.

\$2.1 million for the U.S. Marshals

The FY 2006 budget also requests \$2.1 million and 9 criminal investigators as Phase II of a multi-year plan to increase the capacity of the U.S. Marshals Service to apprehend OCDETF fugitives. The U.S. Marshals Service is responsible for 90% of all OCDETF fugitive investigations. Currently, there are about 6,500 OCDETF fugitives nationwide. Typically, these fugitives are high-level, repeat offenders who flee apprehension only to continue their criminal enterprise elsewhere. Thus, their arrest immediately promotes a safer community and increases the likelihood that a given drug organization will be permanently unable to operate.

These resources will bolster the regional fugitive apprehension teams that are to be established using resources provided as part of the FY 2005 appropriation.

\$50 million for the Federal Bureau of Investigation

Finally, the President's budget proposes \$50 million to enhance the participation of the Federal Bureau of Investigation (FBI) in the OCDETF Program. These resources will enable OCDETF to initiate and pursue a greater number of complex, nationwide investigations - particularly of organizations that engage in financial crimes, public corruption, fraud and other related activities for which the FBI's expertise will be most valuable.

This increase will compensate for the redirection of \$67 million (365 agents and 243 support personnel) in FBI's direct drug enforcement resources to other FBI priorities.

Direct Funding for Agencies from Treasury and Homeland Security

For the last two years, OCDETF has requested funding for all of its participating agencies B including those from within the Departments of the Treasury and Homeland Security B in a single Department of Justice appropriation. The consolidated budget served as a critical management tool for the OCDETF Program. By having central control of all OCDETF funds, the Program leadership was in a position to more effectively and strategically allocate OCDETF resources, establish uniform priorities and measures of performance, and hold participants accountable for results.

In each of the preceding budget cycles, however, Congress has expressed concern with funding non-Justice agencies from the Justice appropriation. In FY 2005, OCDETF funding for U.S. Immigration and Customs Enforcement, the Internal Revenue Service and the U.S. Coast Guard was reduced to about 70% of the FY 2004 enacted levels, and the Conferees indicated that FY 2005 would be the last year in which funding would be provided to non-Justice participants

through the Justice bill. Thus, while the Administration continues to support the management objectives underlying the consolidated budget, the President's budget does not seek a consolidated budget for the OCDETF Program.

Beginning in FY 2006, Justice agencies are to be funded through the OCDETF budget, while non-Justice OCDETF participants are to be funded through the Treasury and Homeland Security direct appropriations. It will be imperative that these Departments fully support the OCDETF Program with appropriate staffing, funding levels and enhancements, if the goals of the Program are to be achieved.

The absence of a consolidated budget will present management challenges for the OCDETF Program, but the Program leadership will adapt to the new funding environment. In particular, OCDETF will work with its own Executive Committee and its member agencies to codify the practices and policies that have been most critical to the Program's financial management, performance and accountability efforts. OCDETF also will work with relevant Congressional Committees to consider additional methods of achieving the original objectives of the consolidated budget.

Conclusion

The Organized Crime Drug Enforcement Task Forces Program was born in an America that was under attack - attack from an enemy that not only took American lives but also destroyed America's freedom and promise. That enemy was organized drug trafficking. To respond to that threat, we adopted a strategy of cooperation and coordination among law enforcement at all levels - federal, state and local. That proud tradition of cooperative law enforcement - the OCDETF Program - remains just as vibrant today as it was more than twenty years ago. And today, as our country remains under attack, not only from drug traffickers who pour cocaine, methamphetamine, heroin and marijuana into our country and onto our streets, but also from terrorists, some of whom rely upon profits of the drug trade to fund their campaigns of terror, our efforts remain just as critical to our nation's security and our future. So, we will continue to fight the fight against illegal drugs. We will fight harder and smarter, and we will win. I appreciate your support for this program and for our drug enforcement efforts.

Mr. SOUDER. Thank you.
Mr. Horton.

STATEMENT OF JOHN HORTON

Mr. HORTON. Thank you for the invitation to testify before you today regarding the President's 2006 Drug Control Budget. I have submitted written testimony and would ask that it be made a part of the record.

I recognize that you have already heard from ONDCP Director John Walters regarding the overall drug control budget, so I will keep my verbal testimony brief. I will also try to keep it focused on aspects of the budget which specifically pertain to drug enforcement programs.

Broadly, the President's proposal increases the drug control budget by nearly \$270 million or 2.2 percent over this fiscal year. The budget incorporates the programs and principles needed to continue the success the administration has seen over the last 3 years, a 17 percent reduction in youth drug use in America.

The drug control budget increases support for domestic drug enforcement by 2.1 percent or nearly \$70 million. Dividing the drug control budget into five policy categories, prevention, treatment, domestic enforcement, international and interdiction, domestic enforcement occupies the largest individual slice of that pie at 27 percent. This is the Federal budget and so it should come as no surprise that our drug enforcement support is primarily Federal in nature.

I am joined today by colleagues from the Department of Justice and between the three of us, I hope we can answer questions the committee may have about specific programs. I recognize that one of the programs of interest is the HIDTA Program, so before concluding my verbal testimony, I would like to take a few moments to explain the rationale behind the administration's proposal regarding HIDTA.

The President's budget proposes two things regarding HIDTA. First is to move it from its current location at the Office of National Drug Control Policy to the Department of Justice and second to fund the program at \$100 million. With respect to the location of the HIDTA Program, the administration thinks that the best place for drug enforcement programs like HIDTA is at the Department of Justice. That is one of the reasons that the Department of Justice exists, to oversee and to coordinate our national law enforcement efforts.

The HIDTA Program is an important part of those efforts. In order for the program to be the best it can be at important functions like intelligence sharing and fostering multi-agency and multi-jurisdictional coordination, it is important for the program to be at the Department of Justice itself. It is also important that the program retain its focus on State and local law enforcement and ONDCP will work with the Department of Justice and with Congress to ensure that this focus is maintained and that the transition is smooth.

With respect to the funding level for HIDTA, I would note first what we think is the most important fact, that the HIDTA Program is important and that is why it was not proposed for elimi-

nation. Broadly, I know that Congress is aware of the President's commitment to fiscal responsibility and to sustaining the economic expansion by exercising fiscal restraint. As a matter of general principle, the administration is trying to be as efficient with the money of the taxpayers as we can be expected and I think that you and Congress do as well.

The level of funding proposed for the HIDTA Program combined with its placement at the Department of Justice will enable the program to maintain a strong focus on supporting State and local agencies. Additionally, I would note the administration has rightly made program performance central to budget decisionmaking and the Office of Management and Budget has concluded that the PARTS score, the program assessment rating tool used by OMB, of the HIDTA Program suggests that the program has not demonstrated results.

With that said about HIDTA, I think it is important to look at the President's drug control budget as a whole. It increases support for domestic drug enforcement. It increases the drug control budget as a whole in a fiscally responsible manner. I recognize that some of the specific provisions in the budget will be the subject of a healthy debate as they should be. While the American people deserve a rigorous and vigorous discussion of the right funding priorities, they also deserve to have their money spent on the programs that will provide the best results.

The ultimate test of success is continued reductions in especially youth drug use and this budget is the right way to continue the successes of the past 3 years.

Thank you and I look forward to answering any questions you may have.

[The prepared statement of Mr. Horton follows:]

Statement by John C. Horton
Associate Deputy Director for State and Local Affairs
Office of National Drug Control Policy
Before the House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
March 10, 2005

Chairman Souder, Ranking Member Cummings, and Members of the Subcommittee: thank you for the opportunity to appear before you today to discuss the President's fiscal year 2006 drug control budget, and how its provisions further the President's stated objectives of reducing drug use in America by both adults and our youth.

As the Committee is aware, our national drug control efforts to date have resulted in good news. Drug use among our youth – arguably the most important indicator of our national drug control efforts – is down 17 percent. Crime in America is at a 30-year low. Our efforts to disrupt the demand for and the supply of illicit drugs are making steady progress.

Our continuing commitment to making the drug problem smaller is underscored by an overall increase in the fiscal year 2006 drug control budget of almost \$270 million, or 2.2 percent over the fiscal year 2005 enacted level. Of course, drug control is not the only priority reflected within the fiscal year 2006 budget. Other national priorities include the defense of the homeland from attack; the transformation of our military and the support of our troops as they continue fighting the global war on terror; the spread of freedom throughout the world; the promotion of high standards in our schools; and the continuation of pro-growth policies that have helped to produce millions of new jobs and restore confidence in our economy.

The fiscal year 2006 budget adopts a common sense approach to meet our national priorities. It aims to ensure sustained economic expansion by exercising even greater spending restraint than in the past, continuing reductions in the rate of growth in non-security discretionary spending accomplished in each year of the President's first term. In making decisions about spending restraint, program evaluation was guided by three major criteria: whether the program meets the nation's priorities; whether the program meets the President's principles for the use of taxpayer resources; and whether the program produces the intended results. It is important to note that decisions in the second category – regarding the use of taxpayer resources – included an analysis of whether an appropriate federal role can be identified in the program's mission.

The fiscal year 2006 budget provides the resources needed to continue our progress in the three core priorities of the National Drug Control Strategy: Stopping Drug Use Before it Starts; Healing America's Drug Users; and Disrupting the Market.

The overall increase in the federal drug control budget includes a \$69.8 million or 2.1 percent increase in domestic law enforcement – the largest portion of the five functional areas of the federal drug control budget at 27 percent. Notable increases for domestic law enforcement include:

- An increase of \$15.6 million and 36 positions (including 18 Intelligence Analysts and 2 Agents) to fully exploit, gather, analyze and share intelligence information and maintain and upgrade DEA's intelligence capabilities, to include a modernization of the narcotics and Dangerous Drugs Information System (NADDIS).
- An increase of \$22.6 million and 55 Special Agents for the DEA's Priority Targeting Initiative, which will strengthen DEA's efforts to disrupt or dismantle drug trafficking and money laundering Priority Target Organizations, including those linked to trafficking organizations on the Consolidated Priority Organizations Target (CPOT) list.
- An increase of \$14.5 million for the Organized Crime Drug Enforcement Task Force's (OCDETF's) Fusion Center Initiative, which will provide base funding for the ongoing operations and maintenance of the OCDETF Fusion Center beyond FY 2005, developed to collect and analyze drug trafficking and related financial investigative information and to disseminate investigative leads to the OCDETF participants.
- An increase of \$50 million to compensate for the redirection of resources from the FBI's direct drug budget to other FBI priorities. This approach will focus additional funds on targeting major drug trafficking organizations and their financial infrastructure, and increase OCDETF's ability to disrupt and dismantle major international, national and regional networks, particularly to the extent that such organizations are engaged in financial crimes, public corruption and other activities within the expertise of the FBI.
- An increase of \$5.9 million for the Assistant U.S. Attorney Initiative which will provide forty-one new Assistant United States Attorney positions to address staffing imbalances within the U.S. Attorney workforce and between investigative and prosecutorial resources.

Toward enhanced restraint, the fiscal year 2006 budget proposes more than 150 reductions, reforms and eliminations in non-security discretionary programs. Among the reductions is the High Intensity Drug Trafficking Area (HIDTA) program. The President's budget proposes moving the HIDTA program to the Department of Justice (DOJ) at a reduced fiscal year 2006 funding level of \$100 million. The program would maintain a distinct mission and identity, although funding will be administered through the Organized Crime Drug Enforcement task Forces (OCDETF) Program.

There are several reasons for moving the HIDTA program to DOJ. Enforcement-related programs such as HIDTA are best administered by the Department of Justice – the arm of the Federal government with the most expertise in law and drug enforcement matters. Shifting the HIDTA program to DOJ will enable law enforcement to target the drug trade in a manner that is strategic and complements DOJ's other drug enforcement efforts.

The HIDTA program is important, and that is why it was not eliminated. The restructured HIDTA program will retain its focus on state and local law enforcement, and on coordinating the drug enforcement efforts of Federal, State and local agencies. DOJ will preserve the program's worthy elements, such as intelligence sharing and fostering multi-agency and multi-jurisdictional law enforcement coordination. DOJ will also ensure that the HIDTA program continues to play a key role in our nation's drug enforcement efforts, particularly those involving coordination with

state and local departments, in a manner that complements the activities of other existing programs, like OCDETF, and of individual agencies, like the DEA.

The proposed reduction in funding is for the following reasons. First, Congress is aware of the President's commitment to fiscal responsibility and, as previously noted, sustaining economic expansion by exercising fiscal restraint. At a time when discretionary spending is essentially frozen and with a number of competing priorities, some cuts in spending are necessary to meet our national strategic objectives, as noted above.

Second, a frank discussion of the HIDTA program must note its significant growth since its inception in the late 1980s. Originally designed to focus and coordinate anti-trafficking drug enforcement efforts in the areas of the country which have the highest level of drug trafficking, the program has grown to 28 HDTAs from the original five and now encompasses more than sixty percent of the nation's population. This has expanded the HIDTA program to areas which – despite facing drug activity, including some degree of drug distribution or manufacturing – are not necessarily in the top tier of high-intensity drug trafficking regions.

Third, this Administration has made program performance central to budget decision making. The Office of Management and Budget (OMB) has concluded, based on their Program Assessment Rating Tool (PART) assessment of the HIDTA program during the fiscal years 2004 and 2005, that HIDTA has not been able to demonstrate results.

The President's National Drug Control Strategy has, over the last three years, yielded extremely positive results. The President's fiscal year 2006 budget increases support for our drug control efforts overall. It is the right mix of international, interdiction, prevention, treatment and enforcement efforts to meet the core priorities of the National Drug Control Strategy.

Mr. SOUDER. Thank you all for your testimony.

I am very frustrated with the testimony and let me say first off, if I can give as big an insult in my vocabulary as I can, this is the closest I have heard to early Bill Clinton, that from a Republican administration I find it appalling that what we faced when we came in 1994 was a drug czar's office that had been basically gutted. Today, again, we hear the drug czar more or less saying go ahead and gut my office. There is a substantial proposed reduction in staff but you have most of your staff, unlike what happened in the first 2 years under Lee Brown, from 125 down to 25, but they are taking almost all your programs out and you are publicly praising that, and you are going to be left, as all hat and no cowboy because you will have your staff there but your HIDTA Program is gone for the most part, it is transferred; your CTAC Program is dramatically reduced. Quite frankly, this was about all we had in the early days of the administration when President Bush first wanted to downgrade the drug czar to a non-Cabinet level position which comes the question of who cares whether in one sense whether you have an Office of ONDCP with the Drug Czar or whether it is under the Attorney General and the Attorney General becomes the Drug Czar.

Why did Congress do that? I say it doesn't matter who the Attorney General is at a particular time and I certainly have nothing against the Office of Justice Assistance. The sister of our Governor of Indiana was head of that. Terry Donohue from my hometown has been a key player there. My hometown does pretty well with Justice assistance, and I have seen many effective programs. Karen Tandy who now heads DEA headed OCDETF and has done many great things to bust up organized crime.

I can't say this more clearly. The reason we created the Office of National Drug Control Policy and set up these things is the Attorney General's office and the Department of Justice are fair weather friends to the drug battle because you have multiple crime battles to fight in the United States that whatever fad Congress decides, if this thing or that thing or all the variations of organized crime, your primary mission never will be drugs. It will always be a key part of your mission because you can't separate law enforcement from narcotics but it will never be the primary mission.

You have some agencies like DEA but that is why Congress wanted to have and created an oversight office and why Congress is likely to defend that and to come in with the type of testimony that basically sticks your finger in the eye of Congress and the historic tradition of why we did this without any consultation. I talked to each of the appropriators and each of the authorizers, and there was no consultation with any committee about whether you should come in an appropriations process and try to jam every authorizing committee and jam the Appropriations Committee with this approach. It is extremely disappointing.

Furthermore, there was no reference to Byrne grants other than in the front page of your testimony where our hearing title includes Byrne grants. There was no reference to the elimination of Byrne grants which are critical to drug task forces and have been over the years. Multiple times the administration has proposed getting rid of them and Congress puts them back in.

Before I get into a couple of the questions, I also wanted to say that we hear training, training, and training and I have all kinds of people trained on meth. What they don't have is a lab to clean up the mess. We have trained a bunch of people and they sit out there for 4 to 8 hours waiting for somebody to show up with the meth lab.

The argument that we need to transfer more money to training just isn't going to fly here. What we need are more labs and different methods of how to do it.

I have a series of questions I want to make sure I start with specifically. I have listened and these are mostly for Ms. Henke and Ms. O'Neil. Maybe I will start with Ms. O'Neil and Mr. Horton on this.

As I understood your testimony, Ms. O'Neil, the HIDTAs wouldn't be eliminated but their budgets are being cut 60 percent. Are you saying that under this program, no HIDTAs will be eliminated, some HIDTAs will be eliminated, all HIDTAs will be wiped out including the 60 percent production on the southwest border, 60 percent in Texas, 60 percent in California or are you proposing to eliminate Iowa? What is the thought of this?

Ms. O'NEIL. I don't believe I said no HIDTAs would be eliminated. My testimony was that the HIDTA Program would not be merged into OCDETF, that it is not our goal to turn the HIDTA Program into the OCDETF Program. We recognize that HIDTA and OCDETF very clearly have distinct missions and need to continue with an overall strategic vision to have each have focused missions. That is what we hope this will accomplish.

Mr. SOUDER. In my question, did you say all of them would be reduced 60 percent or are you going to cut out some HIDTAs?

Ms. O'NEIL. The President's budget would provide \$100 million in overall funding and it will be incumbent upon the Department of Justice and ONDCP and quite frankly the HIDTA community to work jointly to figure out how that \$100 million can be administered and spread most effectively with the HIDTA Program and with the HIDTAs working most effectively.

Mr. SOUDER. What methodology would you use to determine which HIDTAs you are either cutting by 60 percent, 100 percent, 80 percent or eliminating?

Ms. O'NEIL. At this time, we have not established any sort of firm methodology. I would say we obviously would be looking for HIDTAs that are supporting the overall goals of the National Drug Control Strategy, the goals of the Department's drug strategy and HIDTA programs working effectively.

Mr. SOUDER. Which three HIDTAs do you think aren't working effectively and would be an example because if you came up here proposing to cut out 60 percent of the funding and you don't even have three examples of something that isn't working, you have a fundamental problem. You are asking Congress to change our budget, you are telling me you don't have the methodology of how you are going to reduce it, you don't know whether they are going to be eliminated or partly eliminated and if you can't even name three that you think are a problem, we have a problem here. You are asking us from blindness to wipe out a program that is working. Do you have three you think aren't?

Ms. O'NEIL. I do not have three HIDTAs that I would identify at this time.

Mr. SOUDER. Do you have one?

Ms. O'NEIL. Again, what we want to do is get our arms around the HIDTA Program to make sure we understand exactly where the funding is, how it is being spent, what is working well, what might not be working so well and make decisions that will make sure the HIDTAs achieve the overall goals they are meant to achieve.

Mr. SOUDER. Wouldn't it make sense to do that before you propose eliminating them? I don't even understand as a budget management person, a person with a MBA degree and who worked in the private sector, you just said you want to get your arms around it and figure out which ones are working and how to do it but you have already decided that you want to cut the funds 60 percent and maybe eliminate some. On what basis?

Ms. O'NEIL. The President's budget proposes the \$100 million and it would be my understanding that the manner in which the \$100 million was arrived at would be pre-decisional and I would not be at liberty to answer that.

Mr. SOUDER. How did they come up with the \$100 million?

Ms. O'NEIL. That question may be best turned to my friends at ONDCP. Again, that would be a pre-decisional budget decision that I would not be at liberty to share.

Mr. SOUDER. Mr. Horton, did you make the recommendation of \$100 million and go to OMB or did OMB come to you and say it is \$100 million?

Mr. HORTON. I frankly do not know the answer to that. If you are asking if I personally did it, the answer is no, but I believe it was pre-decisional and resulted from discussions. I don't know who initiated it.

Mr. SOUDER. You are Deputy Director for Local Affairs. Do you work with the HIDTA Program directly?

Mr. HORTON. I am Associate Deputy Director. I do work with the HIDTA Program.

Mr. SOUDER. Did they ask for your input and did you agree that they should be reduced?

Mr. HORTON. Unfortunately, I think that is pre-decisional and I probably can't answer. I am sorry.

Mr. SOUDER. Would OCDETF retain the current operating guidelines of HIDTA? For example, would you have an executive board made up equally, Ms. O'Neil, of State and local and Federal?

Ms. O'NEIL. Certainly we want to look at the way the HIDTA Program is structured and determine how well those executive boards are working and whether they should be maintained. I think there has been some sense that by coming over to the OCDETF Program or being administered by OCDETF we would have a natural inclination to impose the existing OCDETF management structure onto the HIDTAs. OCDETF and HIDTA were created to do different things. Our regional task forces reflect the mission and the direction that the OCDETF Program was meant to have. Our intention would be to maintain a strong partnership with State and local law enforcement and to structure the HIDTA

Program in a way that furthers its mission and makes sense from a management standpoint.

Mr. SOUDER. You are arguing we should change the program but you haven't decided whether you are going to include State and local balance as it currently is? That is something you would determine after we have already eliminated it?

Ms. O'NEIL. We would absolutely include State and locals. The focus of the HIDTA Program has always been a partnership with State and local law enforcement.

Mr. SOUDER. You would have an equal balance between the two? That is the fundamental philosophy of creating the HIDTA, so if you want to change and come to Congress and say we want to change, you need to be able to answer the question, are you proposing changing the fundamental nature of this program where it is 50-50, State and local and Federal or not. If you don't know the answer to that question, why are you proposing a change?

It is one thing to say we want some research money to look into how to do this, we want to propose a reauthorization bill to figure out how to do this but you have a funding bill. By the way, did ONCDP go to OMB and say we would like this program, take it away from the Drug Czar's office?

Ms. O'NEIL. Again, I would have to agree that would be pre-decisional. I personally did not go to OMB.

Mr. SOUDER. Do you know whether OCDETF, Department of Justice or the Drug Czar's office surveyed local law enforcement people to see what they thought about this change?

Ms. O'NEIL. I am not aware whether or not ONDCP or others did. I personally did not conduct a survey.

Mr. SOUDER. Have you seen anything in your departments that would suggest any kind of surveying of State and local law enforcement to ask them whether they would continue to participate, whether they think it would be better off moved over or was this a unilateral budget decision made without consultation at the State and local level?

Ms. O'NEIL. There is certainly nothing that has come across my desk but that does not mean one way or another whether such sorts of surveys or studies exist. I certainly know from communications with HIDTA directors that there has been some sense that they were not consulted.

Mr. SOUDER. Thank you. Mr. Horton, do you have any insight into that? Did your office survey? Let me say as chairman of the subcommittee, I certainly haven't heard anywhere in the country that HIDTAs, Byrne Grant, drug task forces or local law enforcement have been consulted. If it was done, it was very quiet. Do you know if there was any surveying done of State and local law enforcement before you proposed a huge change in the whole drug enforcement program?

Mr. HORTON. I do know the answer, Mr. Chairman, and the answer is that we did not consult the State and local law enforcement about the specific inclusion in the fiscal year 2006 budget on shifting the HIDTA Program from ONDCP to DOJ. To the best of my knowledge, we did not.

Mr. SOUDER. Thank you for your openness.

Mr. Cummings.

Mr. CUMMINGS. I have to tell you this is very upsetting but I want to take this in another direction.

Methamphetamine in Baltimore is not a major problem in Baltimore, but it is a major problem in this country. There is no 1 day that goes by that I walk on the floor of the House that some one of my colleagues, Republicans and Democrats, tell me about a methamphetamine problem in their district. I just want to know what went into the thinking about the whole meth program. Can you tell me about that? Who wants to talk about that?

Ms. HENKE. The COPS Program, the President's budget is consistent with the prior fiscal year budget that he submitted for \$20 million. Congress did appropriate over \$50 million. The President did request \$20 million and those additional resources Congress appropriated all were earmarked. The President's budget remains consistent on that \$20 million request.

Mr. CUMMINGS. You realize the methamphetamine problem is getting worse in this country?

Ms. HENKE. That is why we are working on several programs including the Drug Court Program, the RSAP Program and so forth to try to do what we can to address those issues. I know the chairman referenced the issue of training but we are providing some specific training and tools to law enforcement on that.

Mr. CUMMINGS. What about money? I have gotten so interested in this because I represent a city and I have had people from rural areas, law enforcement, men and women on the front lines and they are so frustrated because they tell us they have limited resources, they have to clean up these labs, they go out with the limited resources they have, tie up somebody sometimes for 8 to 14 hours in a small force. I am trying to figure out what we are doing for them.

The reason I am raising this is I don't know what we will hear from the next panel but I can tell you one thing. If I were on the next panel, I would be very, very, very upset. The reason why I would be upset is because what I said from the beginning, these are the people on the front line. It is nice to hear folk making these decisions but they tell me they worry that the public will get the impression they can just mosey into their jurisdictions because they don't have the manpower and they don't have the resources they need and these folks get these drug dealers and drug manufacturers who believe they can set up shop almost anywhere.

You know this is on C-Span right now and there are drug folks sitting right now watching this. They are bright people and they are listening to all of this and are probably saying to themselves, my, my, my we are in pretty good shape. They are making decisions, they don't talk to each other. Boy, this is great. Let us see where we are going next because we are not so worried about getting caught.

When I hear that these decisions are being made without our local and State input, I have to tell you it is very, very upsetting. It is upsetting for another reason and it just seems logic would tell us when you are dealing with Members of Congress and dealing with things like HIDTA and methamphetamine and these programs, every single Member of Congress is going to go beserk on this. It doesn't even make sense.

I am saying that not long ago around early February, in Indiana, a little girl was killed, she was 10 years old and her last name was Coleman. She was killed because she witnessed some kind of methamphetamine transaction. Then I will take you to Baltimore. We have a major drug problem that our Commissioner will tell you we are fighting with everything we have. Still, you come here and tell us about all these cuts and how you have sliced and diced but the very people who have to face this front line aren't even in the mix.

We do have a program called HIDTA and I would like you to tell me specifically what is wrong with HIDTA, be very specific, so I can know since we have to make these decisions. I want to know why HIDTA has to have its money managed, is it something wrong with the way they are managing their money and I want to know what we expect to happen that is going to make them more effective and efficient? Help me.

Ms. O'NEIL. I would certainly speak to the management issue of the money. I think the very simple answer to that is someone has to manage the money. Currently ONDCP administers the grant funding and now when it comes over to the Department of Justice, there needs to be an entity at the Department of Justice who will serve the same role. I think OCDETF was chosen to serve that role because OCDETF like HIDTA is a Federal, State and local law enforcement partnership. It is not the DEA or the FBI or any other single Federal enforcement agency, but rather a program dedicated to coordinating law enforcement entities at all levels.

Mr. CUMMINGS. Can you hold it right there because you are a bit ahead of me. Was part of the reason there was something wrong with the way ONDCP was administering the funds that caused us to move to this situation? Mr. Horton.

Mr. HORTON. I think the important point to know is there are some things that are very right with HIDTA. In fact, if you look at the drug control budget, it says the HIDTA Program has been effective.

Mr. CUMMINGS. This is Mr. Horton's testimony. It says the administration has made program performance central to the budget and part of it says HIDTA has not been able to demonstrate results. You are talking about 2004-2005. Did I miss something?

Mr. HORTON. If I could explain, there are things the HIDTA Program has done that are effective. It has encouraged cooperation between the Federal, State and local agencies and the PARTS, the Program Assessment Rating Tool, didn't say it was ineffective. That was not the finding.

Mr. CUMMINGS. Let me ask you this because I think we are dancing around words here. You have HIDTA people sitting here and they are going to testify in a few minutes. I don't know what they will say but I want to know, has the HIDTA Program overall demonstrated results. If it hasn't, we need to know that and if it hasn't, I would like to know why. Why do you all think it hasn't demonstrated results so we can talk to the HIDTA people and say we want some accountability. Since we have so many of them here in the room, it seems like a good time to me for us to share information.

Mr. HORTON. We clearly think there are some things very right about the HIDTA Program, that is why it wasn't eliminated. We

are funding it at \$100 million. I recognize that is a cut but again, it is being funded at \$100 million.

Mr. CUMMINGS. I have to tell you I heard Ms. O'Neil say the same thing you just said, that we are not eliminating it but in other words you are saying, be happy, we are not eliminating it. We are only going to cut 60 percent of it, be happy. Be happy because it is going to be better because OCDEF is going to administer the funds now. We don't know how we are going to make this adjustment and still be effective and efficient, a 60 percent cut is a serious cut.

I guess what bothers me is I really wonder what is going through the heads of the HIDTA people sitting behind you. I wonder what is going through the heads of all those men and women who every day go out there work with HIDTA, try to make a difference, putting their lives on the line, leaving their families not knowing whether they will come back because they are dealing with some criminals who think life isn't worth a damned and yet when it comes to them, would you say they are doing a good job?

Mr. HORTON. I think there are a tremendous number of HIDTA directors and law enforcement who do a wonderful job in this country. I know that.

Mr. CUMMINGS. Are they good enough to be consulted. These are highly professional people who know their job, many who have been doing this for many years, many severely underpaid, many have to pump up their personnel and keep them going and have to go back to their offices today or tomorrow and talk to their people and keep their troops in line and keep their moral up after their troops have listened to this that basically says, well, guys, too bad, we are going to make these changes but you are great guys on the front line and you are professionals but, a decision has been made that 60 percent of your budget is going, we don't know what is going to happen to you next. By the way, the criminal element has been watching C-Span.

Mr. HORTON. First, I want to mention I come from a law enforcement family. I am a former prosecutor and I have uncles who are police and I know the sacrifice they make very well. When we come up with the budget every year that we submit to Congress, when we say it is pre-decisional, I think there are very few if any parts of that allowed to go outside of the administration.

I recognize it would be disingenuous for me to state otherwise, that law enforcement of course would have preferred we come to them but that is not the way the budget process works is the honest answer. The other thing I would note is that HIDTA budgets do not account for all of any, whether the Indiana or Baltimore police that are meant to support those efforts. I hope law enforcement understands, this is not personal. It is a tough budget environment this year and we have had to come up with a national drug control strategy that we think is best not one that focuses only on drug enforcement but incorporates prevention, treatment, international interdiction. We think this budget is the right way to accomplish that.

Mr. SOUDER. Predecisional budgets that don't include people don't pass. That has been one of the problems with the Byrne grant proposals. If you don't consult anybody, your budgets don't pass. To

say it is predecisional what is going to be inside the room and we are just going to do this inside OMB and maybe tell the agencies it isn't going to work. And it is going to become abundantly clear again if I have to vote against the budget and it doesn't take very many Republicans to do a wake up call here that an arrogant approach that says everything is predecisional, we are not even going to talk to all these people out in the country, we are not going to present any evidence to Congress and Mr. Cummings asked multiple times and I tried to ask the question, you are proposing to transfer it from ONDCP to OCDETF. What did ONDCP do wrong to cause the transfer? You have not given any compelling evidence to suggest why it should be moved over or what the punishment is. Why do you think the Attorney General's office can do it better than ONDCP?

Mr. HORTON. I don't mean to imply and I don't think anybody at this table means to imply that ONDCP has done anything wrong. I certainly hope that is not the case being part of ONDCP myself. As I indicated in my testimony, we think law enforcement programs, drug enforcement programs like the HIDTA program should be in the part of the Federal Government that has the primary responsibility for law enforcement and drug enforcement.

Mr. SOUDER. Does that include the Department of Homeland Security which has more drug enforcement people than any of you?

Mr. HORTON. No, I am talking in this particular case.

Mr. SOUDER. Why this particular case and not all cases?

Mr. HORTON. As you know, the primary drug enforcement agency of the Federal Government is the DEA.

Mr. SOUDER. I would argue that the Border Patrol, Customs and Coast Guard units inside while they have a mission of homeland security, have as many agents doing drug enforcement things, making as many joint arrests as what is in the Justice Department, and the HIDTAs and local law enforcement do 90 percent of the arrests. That is not a factual answer. Justice has more individual programs but you did answer the question. Your argument is ONDCP didn't do anything wrong, you are moving it over to the Justice Department to try to consolidate drug programs in the Justice Department. Is that basically the testimony?

Mr. HORTON. I am not sure I would use the word consolidate. As the Associate Deputy Attorney General indicated, OCDETF and HIDTA will be distinct programs but we do think it is appropriately placed there.

Mr. SOUDER. You said that you believe some HIDTAs are doing well. Can you name some that aren't doing well?

Mr. HORTON. I don't have specific HIDTAs that I would name right now.

Mr. SOUDER. But you want us to cut the budget and you don't have a single example? I don't understand this. How can you propose cutting the budget and none of you have an example? Mr. Cummings asked this question too. If you have measurements and say you have evidence that suggests the program needs to be redone or even offer testimony that says it can be done better, on what basis and which ones aren't?

Furthermore, when we talk about State and local, in New York which arguably is the most integrated HIDTA where they have

also integrated DEA and Department of Homeland Security and are doing all these things together, are you proposing to cut them 60 percent too? Do you propose to cut the New York City HIDTA 60 percent or will they be funded because if you don't cut them 60 percent, by definition since it is one of the biggest HIDTAs, you are really going to whack everyone else.

Yet everybody thinks it is an amazing unit, why would you touch it? If you say you are not going to touch it and hold it harmless, your budget numbers don't work. You have a flaw here in the basic proposal.

Mr. HORTON. The drug control budget does not specifically propose to cut the New York HIDTA, what is going on in New York. Very clearly there are some decisions that will have to be made. ONDCP and the Department of Justice are going to have to come up with a more specific plan. We knew that, and we will be sharing that with you.

Mr. SOUDER. So you are asking Mr. Cummings, who may not vote for the budget anyway, and Ms. Watson who may not vote for the budget anyway, to say vote blind, trust us that Washington-Baltimore HIDTA and Los Angeles HIDTA aren't going to be eliminated. I don't have a HIDTA. I am making this argument on principle, not on the Ft. Wayne HIDTA. I have a Byrne grant, we don't have a drug task force. On HIDTAs, you want them theoretically to vote for a budget and say trust us as to whether we put all the money in New York or Iowa or down in Texas, vote blind?

Mr. HORTON. We are asking that you vote for the President's budget, not based purely on that factor but because we think this is the overall strategy incorporating all those five functional units that will accomplish continued reductions in drug use in America.

Mr. SOUDER. Ms. Watson.

Ms. WATSON. I am just now coming into the meeting but I understand there have been some charges of corruption and if you have explained then let me know. I don't want you to have to repeat responses.

Are you aware of cases of corruption and abuse involving Byrne funds and do you believe these are widespread problems? I get the sense you are asking to defund some of these programs?

Mr. HORTON. That is correct. As to the corruption question, I am not aware of anything like that in my office or in the HIDTA Program. I am aware you asked about Byrne and perhaps I should defer to the Assistant Attorney General.

Ms. HENKE. Congresswoman, over the years there have been several IG investigations and GAO investigations into COPS programs, into Byrne programs where abuse and misuse has been found. Is it widespread? No, we don't necessarily think it is widespread but we do know there are problems out there.

Ms. WATSON. When you find those problems, what can be done about them, those specific ones since it is not widespread?

Ms. HENKE. It depends on the specific situation that is found, whether or not it resulted in involvement from the FBI or the U.S. Attorneys Office or whether or not it is just a small violation of program rules or responsibilities that has been identified by the Inspector General or the GAO or others. Sometimes it means asking for funds back, sometimes it means freezing funds for that specific

entity until the problem is resolved, so there is a variety of actions we can and do take.

Ms. WATSON. Bring me up to date, are you recommending, Mr. Horton, that we eliminate some of these programs or we cut funds?

Mr. HORTON. There are some recommendations throughout the drug control budget to cut or eliminate some programs. We most recently discussed the cut of the HIDTA Program.

Ms. WATSON. I represent a very critical part of Los Angeles. I represent what they used to call South Central Los Angeles or South Los Angeles, now. We suffer from a rash of gangs and violence with guns, and a lack of police.

We have tried several tax enhancements to hire more police, and they have not succeeded. If there is any program that we need funding or need more of, it certainly is the COPS program, HIDTA programs, and anything that will help us as we deal with youth on the street.

I am wondering why, with proposals that are going to be in front of us, that we are looking at these very critical programs for cuts. Can you explain to me why this is occurring?

Mr. HORTON. Certainly, I would be happy to speak, especially to the HIDTA program itself. Then on some of the other program that fall under the jurisdiction from my colleagues from the Department of Justice, I may defer to them.

But as I indicated earlier, I think that first, we all know that this is a tight fiscal environment. That is an over-arching feature, I think. I indicated earlier that OMB has found that the HIDTA has not demonstrated results. That is under PART, its Program Assessment Rating Tool. That is not to say that it was found ineffective. It was found that it had not demonstrated results.

In the President's direct control budget, it also notes that by moving the HIDTA program over to the Department of Justice, that is where many of our drug enforcement efforts are housed, such as DEA, OCDETF, the Organized Crime Drug Enforcement Task Force. We think that having those programs be able to work from the same section of the Federal Government will be more efficient and help accomplish our drug control objectives better.

Ms. WATSON. Let me just say this. I do not think so. We are 3,000 miles away. There is not even communication between Washington and California. I found that out by trying to get rid of a gun and arms shop, ATF, that has been operating for 15 years illegally.

I go to the ATF Federal level, and then I have the regional in my district office, and I said, did you know they are getting ready to renew the license for this guy who has been there illegally, and he has not complied with the local ordinances? No, they do not talk to each other.

So there is no way you can convince me that you can run it from Washington, DC, when ATF cannot oversee and run the program out in Los Angeles.

Now when there was testimony before Congress in support of the HIDTA program, the Chief of the California Bureau of Narcotics Enforcement testified and said, an essential component of HIDTA is the flexibility and the ability for unique law enforcement problems to be addressed. The benefit of flexibility of the local Board

to decide what threat is pertinent to their region is absolutely essential to righting the drug problem in a particular area.

I can testify to that. You cannot tell me that you can run it from Washington, and believe me, we have a horrendous problem, as you know, in the Los Angeles area, right in my own district. So they are testifying to the effects of a program that gives them the flexibility to be innovative and creative.

Believe me, the gangs on the street, they far out-pace law enforcement being creative. You know, they have got a better communication system and they change their language every day, and they get away. They sell on those streets, guns, you know.

So I am just saying that I do not know what your data is. But I can tell you, from what my people say in the region, this is a program that they cannot do without.

Mr. HORTON. Thank you for those comments. I want to correct a mis-impression that I may have inadvertently made. We are not proposing that we would be taking all the HIDTA activity back up to Washington, DC. I do not forecast that fact.

I fully expect that the HIDTA program is going to retain and maintain its focus on supporting State and locals. The Department of Justice and ONDCP and my office have talked about that, and I will defer to the Associate Attorney General for the remainder of this answer, since the program is proposed to go to her. But I know that we agree that it would retain its ability to respond flexibly to State and local problems as you described.

Ms. O'NEIL. Congresswoman, I would reiterate that comment. Certainly, as I mentioned earlier before you had come in, the program needs to be run from somewhere, and they have determined that within the Department of Justice, the appropriate place to do that would be from the OCDETF program.

I might share with you that while OCDETF does not have certainly quite the same structure that the HIDTA program has from a management standpoint, simply because it is designed to do something different from HIDTA, we, too, run our program out in the field.

Our structure is comprised of district coordination groups that are made up of the representatives of all of our Federal law enforcement agencies, as well as, under our guidelines, a State and local representatives on every one of those district coordination committees.

At the regional level, we have all of our agencies represented again. In fact, we have State and local law representatives on two of those regional committees. We have HIDTA Directors on three of those regional committees. Even the OCDETF program, which has a more regional, national, and international focus, recognizes that strategies have to be developed out in the field.

We have our OCDETF regions submit to us regional strategies that will work for the Southwest and the Great Lakes and the Southeast, so that we can even adjust the OCDETF program to adapt to the way that we must attack the drug trade, and the differences that the drug trade has in different parts of the country.

So I completely agree with you, and that certainly would be an important part of what we would intend to continue to do.

Ms. WATSON. For my own edification and clarification, you are saying we are just going to pick up and house this program over here? It still will depend on local cooperation and collaboration and the locals suggesting strategies. Is that correct?

Mr. SOUDER. May I intervene, because we covered this a little?

Ms. WATSON. Yes, please do, I need to be clear.

Mr. SOUDER. Let me ask this again. You suggested that part of the reason it is moving over to the Justice Department, was that they, and it was interesting that you said "they" rather than "you" at OCDETF, decided that it should be in OCDETF was because of your structure.

Now I had asked you earlier, the way HIDTAs were structured, it was half local and half Federal. Are you going to have half local? The way you just described your Task Forces, is local invited to be part of the committee, but they do not have the same leverage that they do in a HIDTA?

The whole concept of a HIDTA was to give equal voting power, because most of the dollars come in from a local watch, and we use our Federal dollars as leverage. Ms. Watson, when she was asking her question, hit a core point. The fundamental belief, I believe, behind this ideologically, which we have fenced with on this committee, is a feeling that the HIDTAs have become too oriented toward local and regional, and not national enough.

One way to do that, and to change that and nationalize and give less power to the people in Los Angeles is to move it to an OCDETF-type structure, rather than a HIDTA structure. Thus far, you have been unwilling to say, even though you are asking us to move the funds, that you will keep the same structure that half of the group will be local agencies and half will be Federal.

Will you say to this committee, as the authorizing committee on HIDTAs, that you will keep half and half; or do you see it modeled more like the OCDETF model? I am sure Ms. Watson will appreciate this.

We can say all the time, we include the minority on all sorts of bills and they are welcome to come to the hearings. There may be three of them, while there are 200 of us. They may even get to offer an amendment here and there, that we get to vote down.

This is about power, and if the majority is Federal and the minority is included and the HIDTA Director gets to sit on it, the difference in the HIDTA program and the concept that Congress passed was equal, 50/50, it has been a headache.

On national strategy, I understand it has been a headache, and it looks to me like you are saying, we are tired of the headache. We are moving it out of the Justice Department. We are going to have a clear top-down. We would love to have them along for the ride, and as long as they are good, we will keep them on our advisory committee. Otherwise, they are welcome to sit there and complain, but they are going to be voted down.

Ms. O'NEIL. Mr. Chairman, let me make myself clear, because I do not want to leave any mis-impression. When I was describing the OCDETF structure, I wanted to describe it to explain how even we, which you would consider to be much less of a State and local or regional flair-type program, recognized how important it is to get

the input at the District level and the regional level. I was explaining our structure that works for the OCDETF program.

Because the focus of the OCDETF program is a Federal program. What we do is, we fund Federal agencies through our appropriation, and we partner with State and locals. So our management structure reflects that. What we would want to do for the HIDTA program is to preserve what has worked so well for the HIDTA program, which is its focus on State and local law enforcement. It works differently than the OCDETF program does.

We want to, then, select the management structure that works most appropriately to reinforce that mission. If the HIDTA Boards, as they have been structured, are the most effective way to do that, with the 50/50 participation or other recommendations that the HIDTA Directors may have for that management structure, then that would certainly be a direction that we would want to go.

Mr. SOUDER. So you are proposing to change it, but you do not really know, yet? I mean, we just did a loop. Because you said, if the current structure is effective the way it is, then you would keep it; but we already have it.

If you do not have any evidence that it is not effective, why are you changing it? That is, unless there is a management question, as Ms. Watson was just asking, which is are you changing the fundamental nature? You are, at the very least, admitting that you are going to study the fundamental nature and that you have not concluded how you are going to do it.

You admit that OCDETF, which certainly has local participation, and I did not mean to be overly cynical about it, but when there are disagreements, voting rights matter. One of the frustrations here is that you are telling us and you are gradually elaborating a process of how you are going to decide this, but you are asking us to change it, without telling us what you are changing to.

What we know is we have something that all evidence suggests works. There is just as much evidence that this works, as there is that DEA works. In other words, any criticism you can say of a HIDTA that it does not work, the HIDTAs are scoring just as high on any tests as DEA, which is under your watch, as Bureau Justice Assistants. Quite frankly, it is as effective as drug courts, which I am a strong supporter of.

So you cannot look at HIDTAs and say, there is an ineffectiveness here, because we can find study after study that show we have a problem all across the board. It is a hard issue to work. The question is, on what basis, other than management? But now you say you are proposing, and you have not even decided how to manage it.

I am sorry I cut you off, Ms. Watson. Do you have any other comments?

Ms. WATSON. I just have one more question. I think I will ask Ms. O'Neil this question. The proposal is to cut HIDTA's budget by 56 percent when you transfer it over to the Department of Justice?

Ms. O'NEIL. That is correct. The President's budget proposes a funding level of \$100 million.

Ms. WATSON. Why would you want to cut a program that is zeroing in on specific local plans to address the drug trafficking that is discovered, and they are trying to do something about? Why

would you suggest cutting by 56 percent the overall HIDTA budget? If you think that moving it into the Justice Department will allow more coordination, more flexibility to focus in on those areas and those innovations, why would you want to cut the funding? I do not understand that.

Ms. O'NEIL. Clearly, what we are trying to accomplish is to satisfy the budget requirements that we have in very tight budget times, and to achieve a budget that will meet the overall drug enforcement goals and further the administration's strategy to promote prevention, treatment, and drug enforcement. That does require hard choices.

Although with the funding level of \$100 million that has been determined, we are committed to making sure that the HIDTA program remains productive, to focus it.

I think, Mr. Chairman, in his earlier remarks had suggested that the HIDTA program may have drifted a bit. What we would like to do, by bringing it over to the Department of Justice, by having it in a place that is responsible for the Federal drug enforcement strategy, to determine what is it that HIDTA can do best; what part of the strategy should HIDTA focus on; and where should it devote the limited resources that it has to have the biggest impact on our drug enforcement problem, nationwide; and then let OCDETF and other programs do other things.

Ms. WATSON. Let me say this in response and let me suggest this. I represent, as I said, Los Angeles. We are 2 hours from the border between Mexico and the United States. Every day, people are coming over that border illegally. Every day, we are finding that drugs are being brought over the border.

We are finding now that Afghanistan is the biggest producer of heroin. That heroin is finding its way into our community. Our city, 3,000 miles away, is trying to tackle this. Do you know what they do? They go out to the community and they find people who look like these groups that are coming over the border illegally. They must have the resources.

I do not understand how you feel you can fight this kind of crime more specifically, a, coming out of the Department of Justice, and b, with a reduced budget. Fifty-six percent is half. You are going to try to do more with half the means. It just does not compute.

This is at a time when we are fighting and we are fearing terrorism on our own borders. You know, the sales of guns, I do not understand that. Right there, if you want to destroy a city, you know, you throw that bomb up in the middle of its impacted area.

You are telling me that a 56 percent cut will allow you to focus your resources where they are needed the most. That cut, we could use, you know, and we could really do a good job, if we had the funds flowing in.

So I think that this proposal really does not make sense if your goal is to reduce drug trafficking and the associated crimes that come along with it.

Thank you, Mr. Chairman, I appreciate the time you have given me.

Mr. SOUDER. I just want to clarify this for the record. My understanding is that New York City, which is one of the center places

right now where we have a HIDTA, where 100 percent of its funds are merged in, in the main anti-terrorism center.

You are saying you are going to cut it 60 percent; or you do not know, you might cut it 60 percent; you might eliminate it; or is it guaranteed that it is going to be there and not be cut? Because this is a critical part. You do not know. That is what I have heard so far.

Ms. O'NEIL. Mr. Chairman, at this point in time, the plan has not been finalized with regard to how the funding level will be spent; how it will be allocated; and what decisions will be made. The Department of Justice needs to work with OCDCP and with the HIDTA community to determine how we can best function, because we want to make sure that the HIDTA program is productive.

Mr. SOUDER. As we look across the country at the border questions, urban centers, one of the concerns here would be that this is a proposal to cut the HIDTAs, many of which, or the biggest ones, are in urban centers. Those are represented by Democratic members.

If you assured us and said, oh, we are not going to cut the HIDTAs in those big urban areas that are mostly represented by Democrats, then you are proposing to cut the HIDTAs that are represented mostly by Republican members. Are you suggesting that the administration wants to do this without talking to Congress?

Ms. O'NEIL. We would certainly look forward to working with the committee, as the plans are finalized and the funding levels are finalized.

Mr. SOUDER. But you were not going to talk to State and local law enforcement before you came to Congress with this; and not only did you not talk to Congress before this, but what I heard you to say is, we are going to come up with some procedures, and then we are going to make decisions about whether to cut New York or leave New York, or whether we will keep the ones in the center of the country where methamphetamines are present.

You can see why it is hard here. I mean, you are defending a very tough position. I appreciate how difficult it has been today. But it is just unbelievable that your departments would send you up here with no specifics, when we are headed into a budget and, in effect, say, look, we do not know who is getting wiped out. We do not even know how we are going to measure who gets wiped out. We would like to have it over here.

It starts to look, quite frankly, and I am going to say this on the public record, like the Attorney General's Office lost a lot of their staff to Homeland Security. So they decided to go poach the ONDCP office and say we are going to focus on the drug problem, unless there is another issue that comes up.

Let us say that organized crime becomes a big thing. Then because your office is Attorney General, and not drugs of which drugs are a part of it, our concern is, once you basically wipe out the ONDCP, once you weaken the HIDTA system, where we have an even partnership, which is a model-type program, in effect to question whether we should have some in each State that then goes up.

Then also there is the Byrne grant, which we have not talked about much, and we will certainly talk about in the next panel,

which funds those areas that do not have a HIDTA. Their Drug Task Forces are usually funded through a Byrne grant.

In effect, you are proposing changing the whole nature of how we fight drugs in the United States, without consultation. Then you are telling us, no, we are not. We are going to consult before, because that was pre-decisional, but you are not going to consult with us after.

You might inform us, and we will certainly give our opinions at hearings. But you are missing the whole appropriations process. You are missing the whole authorizing process. You are missing multiple branches of Government.

You have to have some kind of compelling case. The disturbing thing today is, you have not made any compelling case. Your compelling case is, we think it would be better consolidated under the Attorney General's Office.

But why is that? The closest you have come to criticizing ONDCP is that you refer to something that I said, which is, the mission has drifted a little bit. So you are, in effect, saying ONDCP could not control it. Director Walters was not a good enough cabinet member to control this, so we think it ought to go over to the Attorney General's Office. That is, in effect, what you just said.

Your saying that some HIDTAs are doing really well implies that many HIDTAs are not doing really well. But you cannot name one. You cannot name three. We certainly would ask you to submit to us if you can say, look, what are the specifics. Delineate them.

If you want Congress to change its budget, Congress writes the budget. That is relatively, in American history, a new thing that the President proposes the budget. It is basically because we could not, and we wanted the executive branch to do it. But we start the appropriations process over here; not this committee, but the Appropriations Committee.

But as we move through this process, there has to be some reasons given for overhauling more than, we think it would be nice to consolidate because we would like to control it through the Attorney General's Office. That is not going to fly. You have to have some kind of substance.

I have one last thing. On the Byrne grants, I just want to clarify this, because twice it has been brought up that there was some abuse in Byrne grants. Is the administration was testifying that you are eliminating Byrne grants because there was corruption in Byrne grants?

Ms. HENKE. No, we are not.

Mr. SOUDER. Did it impact your decision to eliminate Byrne grants, that you are worried about corruption in Byrne grants?

Ms. HENKE. It might have played some role.

Mr. SOUDER. Is it your testimony that you believe by moving it away from Byrne grants and putting it more under Federal control, that there will be less corruption?

Ms. HENKE. The Byrne grants are straight State and local. We are not moving them. What the budget proposes is the elimination of the Byrne Justice Assistance Grant Program; not based on the corruption or possible concerns that have been identified in the past by Inspector General reports and others.

Mr. SOUDER. Then why are you eliminating them?

Ms. HENKE. As my colleagues have stated, but as I had hoped to maybe clarify a little bit, this is a very difficult budget year. You are well aware, Mr. Chairman, that discretionary spending, in essence, is frozen. That means that in preparing the President's budget, some very difficult budget decisions had to be made.

What we had to look at were programs with demonstrable results. We had to look at what was the true Federal role; what is the true Federal responsibility? Where can we take the resources that we do have available under this budget, and direct them in a targeted fashion to be, as Mr. Cummings was pointing out, efficient and effective? That is what we have attempted to do.

The Byrne Justice Assistance Grant Program, we do know, has funded a lot of Task Forces. What we also do know is that for fiscal year 2005, over the past several years, the funding that Congress has provided for this programs or the programs prior to the merging, has been declining.

Four years ago, it was over \$1 billion. Last year, it was approximately \$500 million or \$600 million. So it has been declining. Last year's appropriation represented less than 1 percent of the criminal justice expenditures made by State and locals. So those were some of the factors that did go into consideration.

Mr. SOUDER. So because you crossed several there, I mean, there are ideological things that you put in there, and then there are practical things. You suggested you wanted to put in the programs that were demonstrably effective. Do you have any evidence that Byrne grants are less effective than other programs?

Ms. HENKE. Unfortunately, we do not have tangible outcomes from the Byrne grants. Part of that is, the Byrne grants have over 32 purpose areas. So entities are allowed to spend them on a wide variety of things, from prosecution to law enforcement, correctional items, drug courts, victim assistance. So it makes it very difficult to identify outcome measurements for a program that has such a wide variety of purpose areas.

Mr. SOUDER. There were alternatives to that, granting that is a problem when you are having this drug prevention, drug-free schools money, too, which you are proposing.

Ms. HENKE. And we have.

Mr. SOUDER. But let me ask you a question. Why did you not come to Congress and then say, narrow the scope of the Byrne grants? Why did you not come to Congress and say, we need better research on the Byrne grants? Why would you come and say, eliminate the Byrne grants?

Ms. HENKE. What we have done over the past couple of years is, we have instituted programs, for instance, evaluations of the Justice Assistance Grants Program or the Byrne NNLBG. For this current fiscal year, we have put in place measurements. We are asking the recipients to provide us hard outcome measurements for the resources that they are receiving.

But in this budget, once again, hard choices had to be made. Those hard choices unfortunately resulted in the proposal, in many cases, and we know that it is difficult for State and local law enforcement, to propose the elimination of this program. But part of that also goes to, once again, as I stated, the tough choices.

We have come to Congress to talk about some of those things; for instance, the merger of the Justice Assistance Grant Program. The President has proposed that for 3 years. We worked closely with the Authorization Committee on that program, as well as numerous other programs, and we look forward to continuing to do so.

Mr. SOUDER. Well, thank you, and I know I have taken a lot of time on the first panel and people are waiting. But let me say, as we told Director Walters, if we have an ideological difference, we have an ideological difference.

It is a legitimate debate. Should Federal dollars be used for things that are more Federal directed, and how much do we do, State and local? If that is the decision, that is fine.

But when you raise questions about effectiveness, you have an obligation to come to us, and I will make the open invitation and we would like to have it for this hearing record, with any evidence that you have that Federal-directed programs are more effective than the Byrne grants and the HIDTAs; or any sign that when you are making these hard choices, that this was based on some sort of evidence of what is effective, as opposed to evidence of an ideological choice that Federal dollars ought to be Federal-directed, which we can have a debate about.

My personal belief is, this was more of an ideological decision, and that you are distracting from that debate by raising questions of effectiveness. Because we have looked for effectiveness things and, quite frankly, in the whole drug and narcotics field, it is difficult to measure effectiveness, particularly as we push cooperation.

When something is effective, we find 100 agencies involved in it. Therefore, how you attach who gets what points in effectiveness or ineffectiveness, it is nearly impossible to do. But then you should not imply that the decision was effectiveness. If you have any evidence of that, we would like to see that.

Are there any other questions? Mr. Cummings.

Mr. CUMMINGS. I just have one thing, Mr. Chairman. Just adding on to what you just said, I want the clarification that you just talked about. I am sorry I had to step out, but I did listen to a bit of it.

The clarification about ideology, as opposed to effectiveness, is very important. I emphasize this. They are human beings. You said you are from a police family. You understand what I am saying.

They are human beings, and if you start talking about their effectiveness, it gets real personal. They start beginning to ask themselves, well, you know, you mean to tell me you all cannot see what we have been doing?

The last thing we need is for the morale of those who are fighting on the front line to be, in any way, diminished. If anything, we need to be trying to lift them up and give them the tools that they need to do what they need to do. It is clear that this effort against drugs is one that is very, very, very difficult.

People risk their lives. They risk their livelihoods. They risk their families over this thing called drugs. So I always want us to keep that human element involved there. Because, believe me, when we go back to our offices today, we will have all kinds of calls from all over the country of people who will say, thank you for remembering us.

I just do not want us to get away from them. So I did not want you all to take my words in any other way than that is where I am coming from; thank you.

Mr. SOUDER. Thank you, and let me say, too, if you will communicate to Attorney General Gonzalez, I am thrilled to have an Attorney General who wants to do drug issues, and who is very focused, and it is a great sign. I think we need to work out how we are going to do this.

But whether or not these funds are transferred over, the Attorney General still has, like you pointed out today, Weed and Seed, DEA, Office of Justice Assistance, drug reentry programs, drug court programs.

The Attorney General is certainly one of the major players, if not the major player, in addition to the Department of Homeland Security and ONDCP, in this, regardless of what happens with this budget process.

I am thrilled that he is taking an aggressive interest and your departments are taking aggressive interest, even if we have disagreements about how to deploy these programs. Director Walters has been a friend of mine for many years. I know he is committed, but it is really frustrating to have this happen to ONDCP if this transfer occurs on his watch.

With that, I thank each of you for coming, for being willing to put up with grilling today. It is never fun coming in front of a congressional committee, but this is an oversight committee and this is what we do, and we have a fiduciary responsibility to do so.

Thank you for coming. I would ask the second panel to come forward.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that each of the witnesses responded in the affirmative. Thank you for your patience, first with the vote delay and then the long first hearing. I am sure you found it very interesting, as well.

We are looking forward to hearing your testimony. We will start with Mr. Ron Brooks, president of the National Narcotics Officers Associations Coalition.

Let me say up front that all your testimony will be in the record. If you want to do some highlights or respond, obviously this was the first time we heard from multiple departments about the budget request. But feel free to do your statements, if you want do to your statements; either way you want to do it.

But we will insert anything, and if you want to write additional comments later, because there are a lot of you on this panel, send that in, and we will put that in the record, too. If you know other people on your HIDTA Task Force, when you go back home and share some of what you heard today, and you want to get that in, that is fine. We want to make sure we have a comprehensive mix in this hearing, as we look at the huge challenge of how to do this budget. Mr. Brooks.

**STATEMENT OF RON BROOKS, PRESIDENT, NATIONAL
NARCOTICS OFFICERS ASSOCIATIONS COALITION**

Mr. BROOKS. Chairman Souder, Ranking Member Cummings, members of the subcommittee, thank you for inviting me here. It

is always a distinct pleasure to be at this subcommittee. I want to offer my perspective on the disastrous impact of the President's budget request for State and local drug enforcement programs, including Byrne and HIDTA.

My name is Ron Brooks, and I am the president of the National Narcotics Officers Associations Coalition, which represents 43 State Narcotics Officers Associations, with a combined membership of more than 60,000 police officers around the country.

Mr. Chairman, together, we have made outstanding progress in reducing drug use and violent crime over the past decade. But that progress is threatened by the budget proposal for State and local drug enforcement programs in fiscal year 2006. Congress must seriously consider the consequences of cutting or eliminating Byrne and HIDTA programs.

Since September 11, 2001, the focus of Federal assistance to State and local public safety agencies has shifted from traditional law enforcement to protecting the homeland against terrorist activities and equipping first responders. This is appropriate, however, the shift is coming at the expense of traditional law enforcement missions, such as drug enforcement.

In shifting resources to Homeland Security, we must not lose our focus on drug enforcement and prevention. In fact, protecting our homeland must mean protecting citizens from drug traffickers and violent drug gangs.

Let me put in perspective the impact of drug abuse. We lost almost 3,000 Americans on September 11th. In contrast, more than 3,000 Americans die every 2 months, more than 19,000 people each year, as a result of illicit drug abuse and its related effects.

In addition to the human toll, ONDCP estimates that illicit drug abuse costs our society \$160 billion each year. I believe that a cost of 19,000 lives and \$160 billion makes drug trafficking America's own home-grown terrorism, and it must be restored as a top priority in this Congress' policy agenda.

The Byrne and the HIDTA programs provide only a small amount of the overall funding that is dedicated to State and local drug enforcement. But this funding is the incentive that encourages State and local law enforcement officers to work with their Federal counterparts, and help them implement our national drug control strategy.

It is the coordination that has improved the effectiveness of drug enforcement, and has helped reduce drug abuse and violent crime. I want to address the argument that provides the underpinning of the administration's proposed cuts, which is that Federal Government has gotten too deep into funding State and local law enforcement activities.

I agree that the Federal Government should not supplant State and local funds for law enforcement activities. But I strongly disagree that Byrne and HIDTA fall into that category.

Byrne funds multi-jurisdictional task forces that do not replace State and local funds; but rather provide the incentive for local agencies to cooperate, to communicate, to share information, to build good cases, and to pursue organizational and regional targets, rather than just individual pushers that local agencies typically deal with.

Both enforcement targets are valid and necessary, but without Byrne, law enforcement would go back to the 1970's, where we worked within our own stovepipes, without cooperating and using intelligence to lead us in investigating drug trafficking organizations.

HIDTA initiatives like Byrne-funded Task Forces provide avenues of cooperation, forced information sharing, deconfliction of local and regional intelligence, analysis that State and local agencies simply are incapable of performing themselves, and that Federal agencies are inadequately focused and equipped to perform.

HIDTA and Byrne Task Forces work because they are locally owned. They are a partnership between the Federal, State, and local government.

If Congress allows Byrne to be canceled and HIDTA to be cut, and if you reduce or eliminate the local control over individual HIDTAs, then you effectively remove an entire line of defense against drug trafficking at the local and regional level.

Another argument I have heard from the administration is that since crime and drug use are down, resources should be shifted to other priorities. I could not disagree with this statement more.

You saw in the early 1990's, that when resources were shifted out of the fight against drugs, drug usage and crime rates increased. We should be embracing what has worked; not calling it a day and dismantling a successful program.

The question that must be asked and answered by this Congress is, in light of the successful reduction in drug use and drug-related crime, should America gamble the safety of its citizens by rejecting programs that have allowed police chief, sheriffs, and State police superintendents to fight drug and violence in their own communities?

If the administration's fiscal year 2006 budget is passed as submitted and, in fact, if Byrne and HIDTA are not restored, at least to fiscal year 2005 funding levels, suburban and rural law enforcement will no longer have the financial resources they need to use the best methods they know how to tackle the problem of drugs and drug-fueled gang activities in their community.

Without Byrne and HIDTA, we will see a resurgence of drug usage and drug-related violence. I believe, from talking to my members that this will mean the elimination of the vast majority of the Drug Task Forces in this country.

I know that in California, we will lose the majority of our 58 Task Forces, and at least a third of the California Department of Justice's Bureau of Narcotic Enforcement. Frankly, Mr. Chairman, we would give up coordinated drug enforcement at the State and local level.

With funding cuts already taking a toll in the last 3 years, Task Forces operating on a shoe string will go away. Anything less than full funding of Byrne will result in the elimination of more than half of our Task Forces. The overall impact on drug enforcement would be almost the same as eliminating the program entirely.

This budget proposal is a step in the wrong direction. We have made tremendous progress over the last few years with the leadership of this committee and the Congress with the support that the State and local law enforcement has received.

I, on behalf of our 60,000 members, would urge the restoration of the Byrne and HIDTA funding at the 2005 levels, and the retention of the HIDTA program at ONDCP, where it serves as a fair and honest broker on behalf of all of law enforcement. Thank you.
[The prepared statement of Mr. Brooks follows:]

Statement for the Record

**Ronald E. Brooks, President
National Narcotic Officers' Associations' Coalition (NNOAC)**

**Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform
United States House of Representatives**

March 10, 2005

Introduction

Chairman Souder, Ranking Member Cummings, members of the subcommittee, I appreciate the opportunity to appear before you today to discuss the serious consequences that will occur if federal funding for drug enforcement programs, including the High Intensity Drug Trafficking Area (HIDTA) program and the Edward Byrne Justice Assistance Grant program, are reduced or eliminated as proposed in the Administration's FY 2006 budget request.

I am the President of the National Narcotic Officers' Associations' Coalition (NNOAC) which represents forty-three state narcotic officers' associations with a combined membership of more than 60,000 police officers throughout the nation. I am a veteran police officer and I have spent most of my thirty-year law enforcement career working in narcotic enforcement. Earlier this year I retired from state service as Assistant Chief with the California Department of Justice, Bureau of Narcotic Enforcement.

Thanks to the vision and leadership provided by this subcommittee and many of your colleagues in Congress, there has been good news to report to the American public regarding our fight against illicit drugs and drug related violent crime. Director Walters of the Office of National Drug Control Policy has reported an 11% reduction in overall drug use and a staggering 17% reduction in use by teens over the past three years. Our nation has also experienced dramatic reductions in violent crime and other demonstrable success in the fight against drug abuse. This has caused many of us to look with pride on the accomplishments brought about by the implementation of a balanced and comprehensive drug strategy that relies upon prevention, treatment, and the enforcement of our nation's drug laws.

Unfortunately, if the FY 2006 drug control budget is implemented, with Byrne eliminated and HIDTA eviscerated and moved to the Department of Justice, it will destroy those many years of hard work and the success that we have all helped to accomplish.

Key Questions

In deciding the fate of federal assistance for state and local drug enforcement activities these questions must be asked: with the effects of drug abuse costing 19,000 American lives each year, how many more cuts can we afford to make to drug enforcement programs before our national drug control strategy reaches the point of being ineffective? How many more deaths will occur if we abandon what has proven to be a successful and balanced approach to the nation's drug problem by dramatically reducing or eliminating successful and balanced drug enforcement programs such as Byrne and HIDTA? The impact of diluted drug policies and a reduced federal commitment to helping local law enforcement fight drug trafficking, will deliver a slow but devastating blow to the quality of life in America.

Drug enforcement took a hit last fall when the original Edward Byrne Memorial Grant program and the Local Law Enforcement Block Grant were consolidated into the Byrne Justice Assistance Grant (JAG) program with an overall reduction in funding and the loss of a mandate to use those funds for drug enforcement. The knock-out punch will be delivered – and our recent success in the fight against drug abuse will evaporate – if Congress does not act to restore the Byrne Justice Assistance Grant to full funding, and retain full funding for the High Intensity Drug Trafficking Area Program (HIDTA) while keeping it managed by ONDCP. Moving HIDTA to the Department of Justice Organized Crime and Drug Enforcement Task Force (OCDETF) program would only serve to destroy the partnership between federal, state, and local law enforcement as we know it today.

The Drug War and the Global War on Terror

Since September 11, 2001, the focus of federal assistance to state and local public safety agencies has shifted to protecting the homeland from terrorist activities and equipping first responders. This is appropriately the top priority right now. However, the shift has now come at the expense of traditional law enforcement missions, such as drug enforcement, which not only impact communities on a daily basis, but are directly tied to the Global War on Terror. In shifting resources to homeland security, we must not lose our focus on drug enforcement and prevention. In fact, protecting our homeland MUST mean protecting citizens from drug traffickers and violent drug gangs.

The damage created by the abuse of illegal drugs has not been erased by the events of September 11th. Probably more than most Americans, the members of the NNOAC understand the danger that illegal drugs pose to the fabric of our society. We lost almost 3,000 Americans on September 11th. In contrast, more than 3,000 Americans die every two months - more than 19,000 people each year - as a direct result of illicit drug abuse and its related effects. In addition, ONDCP estimates that illicit drug use costs our society \$160 billion each year. I believe that the loss of 19,000 lives annually and a cost of \$160 billion each year means that drug trafficking is a form of home-grown terrorism in America.

Just as there is a national strategy to combat terrorism, each year the Office of National Drug Control Policy develops the National Drug Control Strategy to apply a comprehensive strategy to combat the public health, violent crime, child abuse, and quality of life consequences that

American society endures as a result of drug abuse. Just like the homeland security strategy, key to the implementation of this plan is resources for federal law enforcement, but also federal assistance to state and local drug enforcement programs that are essential pieces of the overall strategy.

If we agree that drug abuse in America is a national problem that requires an international, national, state, and local law enforcement response; if we agree that drug abuse poses a threat to the security of our nation; if we agree that drug profits fuel terrorism and weaken our ability to respond to terrorist threats; and if we agree that drug trafficking and use increases the power of gangs and promotes violent crime in our communities, then we should all reach the same conclusion: a coordinated strategy that provides resources for targeted and effective drug enforcement activities must be a top priority of the federal government.

The HIDTA and Byrne programs provide only a small amount of the overall funding that each year is dedicated to state and local drug enforcement, but the funding provided by Byrne and HIDTA is the glue that allows state and local law enforcement officers to work with their federal counterparts to control this national epidemic and to help them implement our National Drug Control Strategy. It is this coordination that has improved the effectiveness of drug enforcement and has helped reduce drug use and violent crime.

Philosophy of Federal Assistance for State and Local Drug Enforcement Activities

I want to address the philosophical argument that provides the underpinning of the administration's proposed cuts, which is that the federal government has gotten too deep into funding state and local law enforcement activities, creating a dependency and lessening the ability of states themselves to execute one of their core functions, which is law enforcement. I have to say that on many levels I agree with the philosophy that the federal government should not supplant state and local funds for law enforcement activities. But I strongly disagree that Byrne and HIDTA fall into this category.

Byrne funds multi-jurisdictional task forces that don't replace state and local funds, but rather provide the incentive for local agencies to cooperate, communicate, share information, build good cases, and pursue organizational and regional targets rather than just the individual pushers that local agencies typically deal with. Both enforcement targets are valid and necessary, but without Byrne, law enforcement would revert to catching street-level dealers. We would go back to working within our own stovepipe without regard for working cooperatively and using intelligence to lead us in investigating drug trafficking organizations. I started working narcotics enforcement in 1978 when we drug law enforcement was hampered by mistrust, the inability to share information and a lack of understanding of how best to target organizations. We have come along way since then, but those hard earned improvement in our profession will vanish if federal resources are not available to help continue the multi-jurisdictional task force model and the concept of intelligence led policing.

The same can be said of the HIDTA Program. HIDTA's, like Byrne-funded task forces, provide avenues of cooperation, forced information sharing, deconfliction, and local and regional

intelligence analysis that state and local agencies simply are incapable of performing themselves, and that federal agencies are inadequately focused and equipped to perform.

If Congress allows Byrne to be cancelled and HIDTA cut, and if you reduce or eliminate the local control over individual HIDTA's, then you effectively remove an entire line of defense against drug trafficking at the local and regional level. Is this really what we want to do?

Another argument I've heard from the administration – it was included in the narrative that accompanied the budget request – is that since crime and drug use are down, resources should be shifted to other priorities. I could not disagree more with this statement. We saw in the early 1990s that when resources are shifted out of the fight against drugs, usage and crime rates will increase. We should be embracing what has worked, not calling it a day and dismantling successful programs.

The statistical evidence is overwhelming: Increases in drug arrests are followed by drops in violent crime. Drops in drug arrests are followed by increases in violent crime. This is no surprise to the residents of drug-infested neighborhoods or to those of us who deal with these matters professionally. Make no mistake: violence is the primary tool of drug dealers. Drug criminals use force and intimidation to control turf, ensure the swift payment of drug debts, and deter those who might cooperate with law enforcement. A 1997 Bureau of Justice Statistics study of state prison inmates found that criminals who were under the influence of drugs while committing their crime accounted for 27% of all murders and 40% of robberies, a dramatic example of the link between drug use and violent crime.

It is clear that vigorous law enforcement strategies can greatly reduce the number of victims of drug related violence. New York City's experience with drug related crime control clearly proves that point. In 1994, the New York Police Department implemented a program that targeted those individuals and drug gangs that were believed to be responsible for much of the city's violent crime. It targeted all levels, from street dealers to the drug kingpins that were responsible for supplying the bulk of the drugs that made their way to the streets of New York. The results were nothing short of phenomenal. From 1994 to 1998, narcotics arrests doubled from 64,000 to 130,000. At the same time, serious and violent crimes dropped from 432,000 to 213,000. In fact, New York City's per capita homicide rate was reduced to that of Boise, Idaho. The cumulative effect of this multi-year trend was that 750,000 people were spared from being the victims of violent crime and as many as 6,500 of our fellow human beings are alive today who would have been the victims of a homicide if had not been for the aggressive enforcement of laws including drug violations. But that vigorous law enforcement strategy and the success that resulted would not have been as effective had it not been for the funding and guidance provided by Byrne and HIDTA.

Since September 11th, there has been ongoing criticism that Federal law enforcement, intelligence, and defense agencies did not adequately share information and that they certainly did not work together to reduce the risk of terrorism. That may be true in the terrorism arena but not so in narcotic enforcement. Thanks to the HIDTA Program and Edward Byrne funded multi-jurisdictional drug task forces, federal, state and local drug investigators are collocated and working cooperatively in cities, towns, and rural communities throughout the country. More importantly, these officers from a variety of agencies and backgrounds have established trusted relationships and using the services of RISS and the HIDTA Intelligence Centers (ISCs), are de-

conflicting tactical operations and sharing case information in accordance with the National Criminal Intelligence Sharing Plan.

That sharing would not occur without the cooperation that comes when agencies have the resources and ability to be housed together with a unified command structure working to address a common regional strategy that is funded federally but administered by balanced Executive Boards that equitably represent the interests of all participating agencies. That information sharing and investigative cooperation is enhanced even more when the grant guidelines and Executive Boards mandate that cooperation.

Conclusion

We have made excellent progress in the last few years in the fight against illegal drug use. However, drugs are still at the root of much of the crime and blight in our communities today. Many crimes are directly related to manufacturing, growing, selling, possessing and using dangerous drugs. There are also many visible drug-related crimes including homicides, assaults, and property crimes committed by persons under the influence of drugs or trying to pay for their addiction. And there will always be drug lifestyle crimes and social problems, which are less obvious but no less attributable to the scourge of drug abuse. These problems include domestic abuse, child neglect, prostitution, driving under the influence, homelessness, mental illness, lost productivity at work, and a shirking of one's responsibility to family and community, all of which contribute to a weakened society.

The question that must be asked and answered by this Congress is: In light of a successful reduction in drug use and drug related violent crime, should America gamble the safety of its citizens by changing our strategy and eliminating or reducing the funding and local control strategy that has allowed Police Chiefs, Sheriffs and State Police Superintendents to fight drugs and violence in your communities? The large cities of this country will continue to have drug enforcement programs, albeit reduced, even with the cuts proposed in the Administration's budget. But if the Administration's FY 2006 budget is passed as submitted, in fact if Byrne and HIDTA are not restored to at least the FY 2005 funding levels, suburban and rural law enforcement will no longer have the financial resources they need to address the problems of drugs and drug fueled gang crimes in their communities.

We have all seen the exploding methamphetamine and OxyContin epidemics that have flooded rural and suburban America. Without Byrne and HIDTA, we will take a step back to the early 1980's when there was little or no coordinated law enforcement response to the problem. And I fear that we will see a resurgence of drug related violence and epidemic use that we all lived through in the early 1990's.

I believe that any reductions in federal support to state and local drug enforcement and any change in program structure that would destroy the federal partnership with state and local law enforcement would result in increased drug use, unprecedented gang violence and the loss of opportunities for our nation's children. It would be a step in the wrong direction with devastating consequences.

Mr. SOUDER. Thank you very much.

Our next witness is Mr. Tom Carr, director of the Washington-Baltimore HIDTA, on behalf of the National HIDTA Directors Association.

STATEMENT OF TOM CARR, DIRECTOR, WASHINGTON-BALTIMORE HIDTA, ON BEHALF OF THE NATIONAL HIDTA DIRECTORS ASSOCIATION

Mr. CARR. Thank you, Chairman Souder and Ranking Member Cummings and Congresswoman Watson, and distinguished members of the committee. I am honored to appear before you today to discuss the HIDTA directors' concerns with the administration's fiscal year 2006 budget proposal. My name is Tom Carr, and as mentioned, I am and have been since its inception in February 1994 the director of the Washington-Baltimore HIDTA.

I am going to change my oral testimony somewhat, in light of the previous testimony. But I would like to, first of all, for the record, acknowledge, Mr. Chairman, you and Mr. Cummings for the outstanding work you both have done in Baltimore. Both of you responded to the Dawson family tragedy, which happened not too long ago, where seven members of a family were killed by a drug dealer. They were burned out of their home and killed.

You went to ONDCP and you got extra money from ONDCP to help fight the crime problem in Baltimore. We came about working together with some serious reductions in violent crime and drug dealing in that area. You both should be commended for that. I know that Commissioner Hamm, who has recently inherited that department is very much appreciative of what you both have done.

Let me just shed some light, and I think that is the right medicine for all this, and I am glad you are doing this. I will shed some sunlight on some things that are taking place.

First, let me say that HIDTA makes linking cases originating with State and local agencies possible to bring to Federal prosecution. It is the bridge between Federal, State, and local agencies. I did not hear any data in the testimony before, so let me give you some data about HIDTA and what HIDTA is doing.

With 70 percent of the HDTAs reporting to me thus far and our new automated performance management system, for 2004, the HIDTA program targeted 895 international drug trafficking organizations, 1,111 multi-state organizations, and 1,734 local drug trafficking organizations, many of which were violent in nature.

Of the cases we did, 232 were linked to CPOT investigations. This represents 32 percent of the 730 total active investigations recognized by the Department of Justice. So I would hardly call this a failure in the ability of us to recognize the value of the CPOT in the priority targeting list.

HIDTA Task Forces also comprised over 12,000 Federal, State, and local officers. We disrupted 99 of the 159 organizations of which DEA and OCDETF are claiming sole credit for, insofar as the CPOTs are concerned.

Let me also suggest to you, and I think you recognize this, that the HIDTA program grew, not because it was pork barrel; it grew because it was successful. That is why people want it. It works.

State and local law enforcement have to commit a vast amount of their own resources in order to join with a HIDTA. HIDTA dollars, as few as they are, leveraged those resources. That is why people want it, though. They want it because it works. State and local law enforcement see the value of sharing information, working on a strategy, working on a plan to bring about positive results.

Now I would like to talk about what the administration has said about one of the reasons for getting rid of the HIDTA program and moving the HIDTA program: lack of effectiveness and its inability to demonstrate results.

At the initiative of the HIDTA directors, in response to that first PART review, we established the committee, which I had the honor of chairing, in which we worked with staff from ONDCP to create a performance measurement system. That system now is in effect. It went in effect in January. That is why I can give you that data. It is an automated system. It is showing results, and it is showing that we are truly focused.

Part of the problem was, I think, the administration was looking and shooting from the gut and shooting from intuition, as opposed to using facts to demonstrate what HIDTA was really doing.

We were inclusive. We worked with DEA and we worked with OCEDEF. I know it is shocking, but it may not surprise you to learn that we had to come up with a definition for what a drug trafficking organization is. The Federal Government did not have a uniform definition; nor did they have one for dismantled or disrupted or about 20 other common terms that were necessary to clearly define in order to measure effectiveness and efficiency.

We came up with those measures. We are using those measures, and they are showing results and they will show results.

They will also enable us to show which HDTAs are doing better than other HDTAs, and perhaps at a later point in time, based upon scientific fact, we can inform you of this, and people can make informed decisions on which HDTAs ought to be eliminated, which HDTAs ought to be changed to some degree, and which HDTAs ought to be bolstered. So I think that is a more logical way to go about these things than what I have heard in the previous testimony.

Let me also say that some very wise and thoughtful members of the House of Representatives and the U.S. Senate chose to place the HIDTA program in ONDCP. Why, and I have researched this and I agree with it, because of how it is managed in ONDCP, the HIDTA program enjoys a degree of visibility, efficacy, fairness, and neutrality; points that all three of you have recognized in your questioning.

So before you consider ONDCP's recommendation to move the HIDTA program to the Department of Justice, I want you to think about some of the unintended consequences that such a rash and obviously unplanned move would bring about.

Here are some questions, and I want to close my comments with this. These are some questions I think that ought to be considered before any decision is made. Will the transfer of the HIDTA program preserve its visibility, its efficacy, and its ability to leverage and coordinate Federal, State, and local drug enforcement efforts?

Does OCDETF have a history of effective performance? What impact do State and local law enforcement leaders foresee for the transfer and diminishment of the HIDTA program? I think my colleagues today will shed some light on that. What harm will result when the cooperation among Federal, State, and local law enforcement is diminished? Under the current administration's plan, let me assure you, with 34 years of experience in this, it will be diminished, the way it is structured.

I will leave you with this one final thought. Since the administration's proposal increases the drug control budget by 2.2 percent, I believe Mr. Horton said, the reduction of the HIDTA program is not one then about paying for the war on terrorism. It is about choices.

Why did ONDCP really choose to reduce the HIDTA program? I do not think you have an answer to that, yet. Why did they choose to transfer it to the Justice Department, while at the same time, elect to keep other programs within ONDCP that, by the way, did not do as well in their initial PART's score?

I thank you again for the opportunity to appear before this committee. Again, I appreciate all the great work, Mr. Chairman, that you and the other Members have done, and I look forward to any questions at the end; thank you.

[The prepared statement of Mr. Carr follows:]

NATIONAL HIDTA DIRECTORS ASSOCIATION

Statement by Thomas H. Carr

House Committee of Government Reform and Oversight
Criminal Justice, Drug Control Policy and Human Resources SubcommitteeFiscal Year 2006 Drug Budget and the Byrne Grants, HIDTA, and other Law Enforcement
Programs:

“Are we jeopardizing federal, state and local cooperation?”

March 10, 2005

Chairman Souder, Ranking Member Cummings, and distinguished members of the Committee: I am honored to appear before you today to discuss the HIDTA directors' concerns with the Administration's FY06 budget proposal that contains unprecedented budget cuts for the HIDTA Program, Byrne and Justice Assistance Grant programs and the transfer of the HIDTA Program to the Organized Crime Drug Enforcement Task Force (OCDETF). I come to you with over 34 years of law enforcement experience, including over 20 years of experience in drug law enforcement and policy development. During my career, I worked as a criminal investigator, supervisor, law enforcement administrator and university faculty member. Since its inception in February 1994, I have had the honor of serving as the director of the Washington/Baltimore (W/B) HIDTA. Among my many duties as a HIDTA director, I chaired the committee that developed the HIDTA Performance Management Process (PMP) used in the HIDTA Program today. My testimony today includes a summary of HIDTA accomplishments, provides a description of some important distinctions between HIDTA and OCDETF, and contains a discussion about the PMP. Throughout these remarks I will illustrate what state and local law enforcement will lose if the Administration's proposed budget is not amended.

I. Introduction

As you are well aware, the National Drug Control Strategy includes three goals: 1) stopping drug use before it starts, 2) healing America's drug users, and 3) disrupting the drug market. As recognized at a hearing of this subcommittee just last month, the HIDTA Program plays a vital role in accomplishing goal 3. Specifically, the HIDTA Program's primary goal is to disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations (DTOs). The local HIDTAs address this goal by coordinating the efforts of federal, state, and local law enforcement in order to implement a balanced and effective enforcement strategy encompassing the production, distribution, interdiction, and consumption of drugs.

Since its inception in 1990, the HIDTA Program has expanded to 28 regions covering 43 states, Washington, D.C., Puerto Rico and the Virgin Islands. As recently as October 2004, Director Walters added additional jurisdictions in Ohio. Many HIDTA directors report that they have spoken with representatives from neighboring jurisdictions interested in petitioning ONDCP to establish new HIDTA regions in their areas. The participation in HIDTA efforts is voluntary and always involves a significant commitment of state and local law enforcement personnel and

resources, but state and local law enforcement agencies across the country recognize the value of coordination and cooperation. The HIDTA infrastructure enables federal, state and local law enforcement to work together to address local drug threats through regional strategies that are assessed on an annual basis.

The proposed FY06 budget recommends reducing the HIDTA Program’s funding by 60 percent and transferring it from ONDCP to the Department of Justice’s OCDEF program. The rationale for these changes appears to rest on an inaccurate assessment of the HIDTA Program’s performance and the mistaken belief that the interdiction of drugs entering the country and the concentration on “big cases” should be the primary focus of federal anti-drug funding. Twenty seven HIDTA directors, who collectively represent over 1,000 years of law enforcement experience, are uniformly against the cut in resources and the transfer of the program. Many of the HIDTA Program’s unique resources and opportunities would be lost and replaced with an OCDEF program unable to address numerous critical functions routinely handled by the regional HIDTAs. Even more disturbing, no details have been offered about how the program would be run after the transfer. Indeed, all indications are that this was a somewhat unanticipated and hastily planned proposal.

Committee members are correct in their concerns that this would result in an “unbalanced” enforcement strategy. The National HIDTA Directors Association has prepared a position paper detailing concerns about the proposed budget that is available for your review. The Association also prepared an impact statement detailing how local HIDTAs would be curtailed if this budget were to take effect. In the remainder of my comments, I will set the record straight by describing the harm this budget would cause, sharing with you the HIDTA Program’s accomplishments, and contrasting some important differences between HIDTA and OCDEF.

II. Misconceptions and Clarifications

Director Walters has raised several points to support the Administration’s argument for the proposed budget. The position paper prepared by the HIDTA directors responds to each point in detail. I will share a few of their most important comments with you this afternoon.

Director Walters	HIDTA
1. State and local drug enforcement efforts have not been able to show a link with significant reductions in drug trafficking.	HIDTA makes linking cases originating with state and local agencies to federal prosecutions possible. HIDTA is the bridge between federal, state and local agencies.
2. Efforts to focus regional HIDTAs on targeting high level drug trafficking organizations (DTOs), such as those on the Department of Justice’s Consolidate Priority Organization Target (CPOT) list.	In 2004, the HIDTA Program targeted 895 international, 1,011 multi-state and 1,734 local DTOs. Of these cases, 232 were linked to CPOT organizations. This represents 32% of the 730 total active investigations recognized by the

<p>have failed.</p> <p>3. In 2004, DEA and OCDETF successfully dismantled 36 organizations linked to CPOT listed organizations and significantly disrupted the activities of 159 others.</p>	<p>Department of Justice – hardly a failure. HIDTA task forces – comprised of over 12,000 federal, state, and local officers – disrupted 99 of the 159 organizations for which DEA and OCDETF are claiming credit.</p>
<p>4. In 1990, ONDCP designated five regions, considered the most critical high intensity drug trafficking areas in the country and Congress provided at \$25 million to fund the HIDTA Program. The program expanded to 28 regions and \$227 million in 2004. It is no longer well focused.</p>	<p>The HIDTA Program grew because it was highly successful and capable of uniting a region’s law enforcement and criminal justice communities around a shared strategy and goals tailored to regional needs. Since its founding, the program has continually tightened its focus and become more effective and data driven through emphasis on threat assessment, intelligence collection and sharing, program evaluation, performance measurement and the use of budgetary authority. This confirms that regional efforts are more highly focused than ever.</p>
<p>5. The advantages of placing the HIDTA Program under OCDETF control are: 1) that it would assure its resources are more naturally aligned with programs with a proven record of success against high level targets and 2) that this would improve HIDTA’s access to DOJ’s new intelligence fusion centers reinforcing its intelligence related efforts.</p>	<p>1) Director Walters implied that the HIDTA Program is not aligned with “high level targets.” We firmly disagree. Cases generated and pursued by HIDTA task forces feature prominently in OCDETF’s listing of its successes. The proposed cuts in funding to the HIDTA Program would likely result in the loss of numerous successful task forces, thereby crippling existing efforts and undermining state and local agency support that has played a key role in launching and supporting many of the HIDTA Program’s OCDETF cases.</p> <p>2) We hope Director Walters is not suggesting that law enforcement agencies outside of Justice will have less access to the Intelligence Fusion Center than those within Justice. If so, the fusion center concept should be rethought.</p>

Policy changes based upon misunderstandings or misinformation are not likely to be effective or successful.

In addition to the multitude of law enforcement efforts described above, the HIDTA program has served as a role model in the development of performance measures and data tracking systems such as the nationwide DTO database, which provides real-time tracking of all drug trafficking organizations identified and targeted nationwide by HIDTA task forces. In fact, following a briefing held at ONDCP, the HIDTA PMP Committee received numerous compliments from OCEETF and DEA staff who told us they were impressed with the process.

The PMP was developed and implemented as a result of the Performance Assessment Rating Tool (PART) analysis done during the FY 2004 budget development. The assessment gave the HIDTA Program a rating of "results not demonstrated." I might add that 50.4 percent of the programs and agencies assessed using PART in 2004 received this rating. One curious fact was that during this review, which no doubt contributed to the conclusion reached using PART, ONDCP did not provide the Office of Management and Budget (OMB) with summaries or a compilation of outputs and accomplishments then used to grade the program. Instead, ONDCP provided OMB with budget summaries and anecdotal information about the HIDTA Program.

Using their own initiative, the HIDTA directors established a committee that developed the PMP. One of the first steps we took was to define basic terms such as drug trafficking organization, dismantle, disrupt, efficiency, and effectiveness. In all, we defined over 20 key words; DOJ, DEA and ONDCP concurred with these definitions. PMP is a data driven process that shifts the HIDTA Program from one-time evaluations of specific initiatives to measuring change over time. The process involves four key steps – articulating SMART (Specific, Measurable, Achievable, Relevant, Timely) goals, identifying threats, setting targets, and completing performance measures. Throughout, reports are prepared to define the threats, develop a budget and strategy for addressing the threats, and report on the outcomes. To address one of the major shortcomings of previous efforts, we developed a nationwide drug trafficking organization (DTO) database enabling HIDTAs and ONDCP to track their efforts throughout this process. Reports from this database are generated at both local and national levels. HIDTAs are now in the process of completing 16 core measures upon which the first National HIDTA Annual Report will be based. It will be submitted to ONDCP in June 2005. The completion of the local and national annual reports will enable us to measure the program's success based on the number of HIDTAs that meet their targets and goals. The National HIDTA Annual Report will eventually reflect outcome totals for a variety of measures including the number of DTOs disrupted and dismantled, the amount and value of drugs and drug assets seized or destroyed, the operational scope of all DTO cases initiated, and the return on investment for drugs and assets removed from the marketplace. These measures will also allow ONDCP to determine whether individual HIDTAs have met the performance targets each established in its annual strategy. HIDTA directors are confident that PMP will enable the HIDTA Program to clearly and conclusively demonstrate its effectiveness. Meanwhile, the preliminary results described in the accomplishments section below illustrate that the HIDTAs do indeed have a proven record of success against priority targets on all levels.

III. FY06 Budget Impact

If the proposed budget were to take effect, much of what the 28 HIDTAs have accomplished with federal, state and local law enforcement in the areas of coordination and cooperation will be in jeopardy. In addition, the government will lose a unique opportunity for law enforcement to access computer training and specialized law enforcement and intelligence courses and to coordinate their efforts with drug treatment programs. W/B HIDTA funded programs, for instance, provide drug treatment using a coerced treatment model to over 1,000 hard core drug offenders annually. The HIDTA model has become the standard business practice for treatment services in Maryland, Washington, D.C. and Northern Virginia. W/B HIDTA training programs provide continuing education to nearly 600 officers and investigators from participating agencies and nearly 900 federal, state, and local government employees annually. The comparison below shows what will be lost through the Administration's budget proposal.

HIDTA Program FY05	OCDETF/HIDTA Program FY06
Funding of over 355 task forces on a yearly basis	ELIMINATED; Individual cases will be funded on an ad hoc basis
53 Intelligence Centers	ELIMINATED; Only the OCDETF Fusion Center will receive funding
Intelligence support services routinely supplied to federal, state and local law enforcement within the region	ELIMINATED
Over 35 Watch Centers	ELIMINATED
Officer Training Programs serving over 12,000 officers annually	ELIMINATED
Ability to develop innovative and effective methods for protecting public safety	ELIMINATED
Case selection driven by an intelligence-driven targeting process focused on addressing regional threats	ELIMINATED; Case selection will be driven by participating agencies and the nature of individual targets
Latitude to investigate emerging threats	ELIMINATED; There will be a narrow focus on identified, high-priority threats
Collocation and commingling of federal, state, and local law enforcement	ELIMINATED
Integration of drug treatment and law enforcement	ELIMINATED
Event deconfliction for federal, state and local cases	ELIMINATED; OCDETF does not have the capacity to perform this officer safety function
Case deconfliction for federal, state and local cases	ELIMINATED; OCDETF does not have the capacity to perform this resource management function

Shared direction of drug enforcement by Executive Boards composed of equal representatives of federal, state and local law enforcement executives.

ELIMINATED; OCDETF does not permit state and local law enforcement agencies to participate in funding and strategy decisions.

IV. HIDTA Program Accomplishments

In the 2004 HIDTA Annual Report, issued less than two months before the 2006 Budget was released, Director Walters stated that, "the HIDTA Program continue[s] to bring federal, state, and local law enforcement together to make a measurable difference in disrupting the market for illegal drugs." He went on to point out that "this, in turn, enhances the security of our country from threats both foreign and domestic, and serves as a model for other agencies." So, we are

very puzzled that he now seems to be taking the opposite stance by claiming that the HIDTA Program has been ineffective.

To the contrary, the highly flexible approach to program planning and administration and continuous support of state and local law enforcement agencies make the HIDTA Program a unique platform for both identifying emerging drug threats and developing and implementing responses to them. Currently, all 28 HIDTAs coordinate ongoing task forces to identify and actively target specific drug trafficking organizations having the greatest impact on their regional drug market. They have founded innovative programs, devised and maintained a network of 53 regional law enforcement intelligence centers, annually provided continuing education to over 20,000 officers, and established a nationwide secure communications network for intelligence sharing.

In 2004, HIDTA participating agencies used these resources to identify over 3,640 DTOs. More than 2,000 of these DTOs were successfully disrupted or dismantled including 518 international, 717 multi-state, and 1,106 local DTOs. These DTOs operated in over 50 countries and marketed over 30 different kinds of drugs and drug precursors. The primary drugs trafficked were cocaine, marijuana, methamphetamine, and heroin (in this order). Other trafficked drugs included ecstasy and its analogues, and oxycodone products.

In the W/B HIDTA region 205 DTOs were identified in 2004. Nearly three-quarters of these DTOs were disrupted or dismantled. Over half were multi-state in scope and nearly one-third were international in scope. The drugs marketed by these DTOs came from 18 source countries and 10 states.

It is important to understand that the HIDTA Program generates more money in asset seizures and forfeitures than it costs to run the program. The majority of these funds are distributed among the federal, state and local task forces' member agencies. Consequently, a decrease in overall program funding will likely have a cascading effect on the funds available to state and local law enforcement well beyond what the Administration has indicated.

Other innovations include:

- National Clandestine Laboratory Database – Built in partnership with the El Paso Intelligence Center, this was the first federal law enforcement database to allow direct state/local access. If no HIDTA funds were available, the sources for this database would dry up, and fewer resources would be applied to the methamphetamine problem.
- Electronic intercept capabilities – HIDTAs have developed centralized systems that have revolutionized technical investigative capabilities around the country. Without the HIDTA wide-area-networks that make the systems work, agencies will return to inefficient mechanisms.
- Operation Cobija – a multi-agency, multi-state interdiction project hailed by federal, state and local law enforcement is the best such effort to have ever existed.
- Disseminated intelligence products, including the Annual Threat Assessment and other operational, strategic and prospective reports, are tools used to educate law enforcement about various drug trends. These would be eliminated under OCDETF, as it uses the CPOT list exclusively to determine its targets.

Certainly, these data and innovations are indications of a successful impact on the drug market by anyone's standards.

V. The HIDTA Approach

One of HIDTA's most important contributions is the partnerships it has fostered among participating agencies. These partnerships, developed over time, have become an institutionalized part of the HIDTA Program, leading to leveraging of resources among its participants. This leveraging includes administrative and procurement resources that result in program efficiencies not seen elsewhere such as centralized purchasing, pooling of analysts, shared computer networks and software, and training opportunities.

The HIDTA Program's drug enforcement initiatives follow the law enforcement community's concept of a traditional task force much more closely than do OCDETF's. HIDTA task forces are required by ONDCP policy to commingle (include both Federal and state and/or local law enforcement personnel), collocate (operate out of shared office and work areas), and focus on addressing regional drug threats and dismantling drug trafficking organizations operating in the HIDTA region. In 2004, HIDTA task forces comprised of federal, state and local officers – often including DEA special agents - disrupted 99 of the 159 organizations DEA and OCDETF reported as disrupted. In light of the fact that almost all OCDETF cases feature interagency efforts, claims credited by any one agency for a majority of OCDETF successes should be viewed with skepticism.

Another cornerstone of the HIDTA Program is the promotion of innovative methods and ideas. The evolution of the HIDTA intelligence subsystem exemplifies this approach. Historically, the sharing of intelligence among law enforcement agencies has been abysmal. HIDTA's requirement of establishing intelligence centers within each HIDTA and mandating federal, state and local participation has resulted in the sharing of information and the development of intelligence on an unprecedented scale. The HIDTA.net/ riss.net/LEO information system architecture electronically links each HIDTA. Our HIDTA intelligence centers have earned a stellar reputation among law enforcement agencies for providing timely, useful information, intelligence and much-needed intelligence support services. Among the many assets that these intelligence centers offer are:

- Access to multiple local, state, federal and commercial databases to facilitate investigation and intelligence gathering
- Event deconfliction services that warn participating agencies when they are planning high-risk enforcement operations in close proximity to each other
- Case/subject deconfliction services, which alert investigators to other ongoing investigations targeting their investigations' subjects (allowing them to avoid duplication of effort and enhance productivity)
- Connections to national law enforcement information sharing networks (such as RISS.net) to ensure connectivity among HIDTAs and participating law enforcement agencies
- Post-seizure analysis services
- Development of annual threat assessments and strategic intelligence products

- Analytical support for all phases of an investigation
- Proactive intelligence activities aimed at identifying emerging threats and developing new investigative leads
- Staffs of task force commanders and intelligence analysts drawn from their regions' federal, state and local law enforcement agencies who can facilitate interagency investigative efforts and the sharing of intelligence

Each HIDTA has direct access to multiple agency and commercial databases, and provides a full range of analytical services. HIDTA intelligence support centers (ISCs) now stand as object lessons in interagency cooperation, collaboration and coordination. HIDTA ISCs played an integral role in the investigation of the terrorist attacks on "9/11," and because of their relationships with the public safety community, were able to obtain critical information in a very timely manner. Although the Administration proposes to preserve intelligence sharing, most, if not all, HIDTA intelligence centers would be eliminated and there is no explanation of how OCDETF would encourage or mandate intelligence sharing.

The proposed OCDETF Drug Intelligence Fusion Center would supposedly replace HIDTA intelligence services, but is this truly the case? While it is true that former HIDTA personnel helped to design the Drug Intelligence Fusion Center, its mission and method of operation are very different from the HIDTA model. Consequently, the Fusion Center would *not* respond to event and subject deconflictions, would *not* provide analytic support for the vast majority of state and local drug cases and would *not* provide strategic or tactical assistance to state and local law enforcement as a whole.

VI. HIDTA vs. OCDETF

During his confirmation hearing, Director Walters stated that he did not envision moving the HIDTA Program. In fact, he stated that, "I have no intention at this point in time nor do I know of one in the administration to move these programs out of ONDCP." He went on to say that the HIDTA Program has, "produced front-page results...and (is) not always recognized for the effort." Director Walters seems to have had a change of heart and now wants to move the HIDTA Program to OCDETF, a move of great concern to the HIDTA directors.

In 1988, Congress established the HIDTA program to provide coordination of drug enforcement efforts in critical regions of the country, a remedy necessary to speak to competing strategies within federal, state, and local law enforcement communities. Diminishing the HIDTA Program will ultimately force state and local law enforcement to rely on their own limited funds to combat the drug problem.

HIDTA Executive Boards implement fund-structured and formal initiatives known as task forces, each with a mission that best utilizes a particular expertise. HIDTA-funded task forces are commingled and collocated with full-time federal, state and local law enforcement investigators/officers. These HIDTA task forces are established to operate continuously for several years, contingent on performance. This fosters a greater understanding of a region's drug trafficking organizations and affords task forces the opportunity to execute long-term investigative efforts against difficult targets. Millions of dollars of forfeiture funds from law

enforcement initiatives that are reallocated to local and state law enforcement for continued domestic drug enforcement would be lost under OCDETF. Ultimately, OCDETF has largely been unable to foster federal, state and local cooperation because intelligence-sharing is dependent on participating agency protocols and practices, and unlike the HIDTA, is not mandatory.

With that said, HIDTA Executive Boards are comprised of an equal number of federal and state/local law enforcement executives and meet regularly to govern each HIDTA. The HIDTA management structure creates a level playing field among federal, state and local partners who understand all aspects of law enforcement and put the interests of the HIDTA above their own. HIDTA Directors act as neutral brokers for participating agencies and are charged with carrying out the collective policy decisions of their Executive Boards, whereas an Assistant United States Attorney manages each OCDETF case and generally relates to agencies on an investigator/supervisory level. No other program of the federal government that integrates state, local, and federal assistance and financial awards allows this level of local oversight and direction.

The Consolidated Priority Organization Targeting (CPOT) list, an inventory of international drug traffickers and money launderers, is a major aspect of the OCDETF approach. In 2004, HIDTA targeted 895 international, 1,011 multi-state and 1,734 local DTOs. Of these cases, 831 were also OCDETF cases and 232 were linked to CPOT organizations. This represents nearly one-third of the 730 total active CPOT investigations recognized by the Department of Justice – an impressive feat. Although CPOTs are a contributing element of HIDTA’s approach, focus is also given to local, violent retail dealers. Building on the concept that the country faces not a national drug abuse epidemic, but a series of local drug threats, HIDTA’s focus is to *collaborate* with federal, state and local law enforcement and to disrupt or dismantle those drug trafficking organizations, many of which are violent and have the greatest impact on the region. Unfortunately, ONDCP is of the mindset that the only way to counter the drug traffickers is by attacking high level organizations. However, as indicated by results of the high-level transit zone interdiction strategies in Colombia, cocaine still poses a significant threat in the United States and worldwide.

OCDETF has nine administrative task forces made up of federal representatives who evaluate and recommend investigations for sponsorship. These administrative task forces do *not* generate cases. They are non-operational bodies that focus on reviewing applications for OCDETF assistance, overseeing the disbursement and use of OCDETF funding by qualified investigative efforts and reviewing each OCDETF case upon its completion. All OCDETF-designated investigations originate outside of the program; some qualifying investigations are initiated by OCDETF member agencies, while many others are launched by state and local law enforcement agencies or HIDTA task forces.

HIDTA task force members and analysts, however, do build cases and present them to OCDETF for designation. OCDETF’s scope encompasses the prosecution of significant drug trafficking organizations; hence, close to 90 percent of OCDETF’s funding is limited to paying salaries for federal investigators and prosecutors. Investigative expenses and overtime for state and local participants comprise around 10 percent of the remaining OCDETF budget. Conversely, HIDTA’s budget is more flexible and supports intelligence centers, computer networks, information technology projects, equipment loan pools and the provision of specialized

investigative support services. Close to 90 percent of HIDTA's expenses are tied directly to DTO investigations.

VII. Conclusions

The secret to any successful venture is not a secret at all. It is sound planning. In this instance there is no indication that sufficient planning has taken place to warrant such a drastic step as to decrease significantly HIDTA funding and move it under OCDETF.

In my testimony, I have urged you to consider just a few of the unintended consequences that will arise should the Administration's budget go unchanged. Think back to the late 1960's and early 1970's. We were being told then that just a few criminals controlled the drug trade. In the 80's we were told that if the Columbian cartels were destroyed, the cocaine problem would be resolved. Now we are being led to believe that focusing federal law enforcement on the borders and targeting the big, international traffickers will address our nation's drug problems. I wish it were truly that simple.

From the 1960's until the advent of the HIDTA Program, we were told that federal law enforcement should concentrate on the more complicated, international drug cases and that state and local officers should cope with the retail dealers. That was not a sound assessment then and it is still unsound today. The HIDTA Program, given the opportunity to demonstrate its efficiency and effectiveness through its PMP, will prove that this bifurcated approach contained in our new National Drug Strategy is unacceptable. It will show that a balanced approach to law enforcement that encourages federal, state and local law enforcement to work together; share information; coordinate strategy, develop fact-based operational and tactical plans; and target the same goals and objectives is the only feasible and reasonable way succeed. Keep in mind that state and local law enforcement represent 93 percent of all law enforcement in our great Nation, and estimates are that 98 percent of all drug cases come from their ranks.

The last issue I want to address deals with the placement of the HIDTA Program. Some very wise and thoughtful members of the House of Representatives and the Senate chose to place the HIDTA Program in ONDCP. Why? Being housed and managed in ONDCP, the HIDTA Program enjoys a degree of visibility, efficacy, fairness and neutrality. The structure of the HIDTA Program, allowing state and local law enforcement executives equal representation in deciding how program funds will be spent regionally, has been largely responsible for the unprecedented level of participation in and popularity of the Program. OCDETF can hardly be considered a venue for allowing state and local input on drug policy matters and drug strategy development.

Before you consider ONDCP's recommendation to move the HIDTA Program to the Department of Justice, think about the unintended consequences such a rash move may bring. I urge you not to rush to a decision, but to study the issue thoroughly. It is clear that the impact of the HIDTA Program is significant. Consequently, its movement and restructuring should not be capriciously decided.

Here are some questions we urge you to get answered before you make a final decision on the Administration's FY06 Budget Proposal:

Will the transfer of the HIDTA Program preserve its visibility, efficacy and its ability to leverage and coordinate federal, state and local drug enforcement efforts?

Does OCDETF have a history of effective performance?

What impact do state and local law enforcement leaders foresee with the transfer and diminishment of the HIDTA Program?

What harm will result when the cooperation among federal, state and local law enforcement is diminished?

Since the Administration's proposal increases the drug control budget by 2.2 percent (\$270 million), the reduction to the HIDTA Program is not about paying for the War on Terrorism. It is about choices. Why did ONDCP really choose to reduce the HIDTA Program and transfer it to Justice while, at the same time, elect to retain the Youth Anti-Drug Media Campaign, which received a lower PART score than the HIDTA Program?

Final testimony

Mr. SOUDER. Thank you; next we will hear from Mr. Tom Donahue, director of the Chicago HIDTA.

I know the Speaker has been very supportive of your HIDTA. He used to chair this subcommittee, and has been our chief champion in the higher ranks of leadership. He is a very busy man, but I know he has been very pleased with the efforts in Chicago. Thank you for coming today.

STATEMENT OF TOM DONAHUE, DIRECTOR, CHICAGO HIDTA

Mr. DONAHUE. Chairman Souder, Ranking Member Cummings, and distinguished members of the committee, I am honored to appear before you today to discuss the Chicago HIDTA's concerns with the administration's fiscal year 2006 budget proposal that contains unprecedented budget cuts for the HIDTA program, and suggests transferring the program to the Organized Crime Drug Enforcement Task Force.

I appear before you with over 37 years of law enforcement experience. During that time, I spent 10 years as a narcotics investigator and 12 years as an experienced prosecutor, concentrating on prosecutions of organized crime, narcotics cases, and related violent crimes. I have had the honor of serving as the director of the Chicago HIDTA since August 2000.

My testimony today will attempt to answer the question posed by the committee. "Are we jeopardizing Federal, state, and local cooperation?" In a phrase, yes we are, drastically.

In 1988, Congress wisely recognized the importance of coordinating Federal, State, and local law enforcement agencies to effectively address the Nation's drug threat. Congress established the High Intensity Drug Trafficking Area Program to provide a coordination of drug enforcement efforts in critical regions of the country.

This coordinated effort was necessary due to competing strategies within the Federal, State, and local law enforcement community.

Building on the concept that the country faces a national drug abuse epidemic which is, in reality, a network of related and unrelated regional and local drug abuse problems and the markets that supply them, HIDTAs address regional drug problems based upon a unique threat assessment process.

Each HIDTA develops its own strategy, consistent with and complementary to the National Drug Control Strategy. HIDTA Executive Boards implement their strategies by funding structured and formal initiatives, each with a mission that best uses its particular expertise and addresses a particular threat.

A targeted strategy, implemented locally, produces greater immediate impact, while at the same time, provides avenues for further investigation into national and international trafficking groups.

HIDTA Executive Boards, as you have noted, are comprised of an equal number of Federal, State, and local law enforcement executives that meet regularly to govern each HIDTA. The HIDTA management structure creates a level playing field among Federal, State, and local partners, who understand all aspects of law enforcement, and put the interests of the HIDTA above their own.

This neutrality fosters an innovative program, immune to turf battles. No other program of the Federal Government that integrates State, local, and Federal assistance and financial awards al-

lows this level of local oversight and direction. This is the first time in history State and local law enforcement has been empowered to manage drug investigations in their own regions.

The program requirements of establishing intelligence centers within each HIDTA and mandating Federal, State, and local participation has resulted in the sharing of intelligence on an unprecedented scale. Each HIDTA has direct access to multiple agency and commercial data bases, and provides a full range of analytical services.

The HIDTA Investigative Support Centers now stand as an object lesson in interagency cooperation, collaboration, and coordination.

Two of the most innovative things that have come out of the investigative support centers are event deconfliction and target deconfliction, which will no longer be there if the funding is cut back. In the Chicago region, the only deconfliction that is done is through the Chicago HIDTA.

In event deconfliction, I have pioneered systems that allow undercover officers to schedule a time and location for events such as stakeout, drug buys, execution of search and arrest warrants, and to determine if the event they are scheduling would conflict with a different agency for a similar time and location.

Event deconfliction is a requirement within the program, and is available to non-HIDTA agencies, as well. In the Chicago region, we have trained over 2,000 people to be part of our deconfliction system. This system is critical to officer safety.

The second part I am talking about is the target deconfliction. Agencies have wasted countless resources investigating the same targets, an acacia of systemic difficulties or reticence to share information. HDTAs have developed systems that allow agencies to share targeting information, and are actively working with DEA and other Federal agencies in nationwide programs developed and administered by the individual HDTAs.

HIDTA's most important contribution, however, to the war on drugs is the partnerships it has nurtured among participating agencies. These partnerships developed over the years have become an institutionalized part of the program.

The leveraging of resources and fiscal flexibility will likely be eliminated by placing HIDTA under the Department of Justice. Furthermore, placing HIDTA within a department that gives the perception that it is under the control and direction of a Federal law enforcement entity would certainly influence State and local participation, and threaten collaborative partnerships that have been nurtured by the HIDTA model.

If the HIDTA program is moved from the Office of National Drug Control Policy in the Executive Office of the President, it will give the wrong message to law enforcement and diminish the importance of the war on drugs in the eyes of the public.

Just so you will understand, in Chicago, the war on drugs is raging. In 2004, Chicago HIDTA initiatives seized over a ton of cocaine, an increase of 103 percent from the previous year; 40 kilos of heroin, a 75 percent increase over the previous year; 8 tons of marijuana, a 270 percent increase over the previous year; and over

\$9 million in U.S. currency, a 51 percent increase over the previous year.

In conclusion, HIDTA clearly represents a model for leveraging all resources in order to provide comprehensive approaches for stopping drug crime. Without the ability to maintain the operational collaboration made possible by the HIDTA resources, local law enforcement faces a risk of returning to the days when cooperation was episodic, delivered on a case-by-case basis, and found to be generally ineffective in disrupting drug trafficking.

At a time when State and local governments are increasingly forced to cut budgets because of economic difficulties, it is imperative for the Federal Government to continue local assistance against what is still the war on drugs.

HIDTA is an intricate part of that assistance. Media ads alone will not eliminate drug abuse. More effective is the multi-faceted approach HIDTA brings. Now that we have developed a viable and effective way of combating these organizations on a national and regional level through HIDTA, it is not the time to pull back or try to reorganize.

This country is at war on several fronts, including the streets of our major cities. We have won many battles through the HIDTA program. Yet, the war rages on. Terrorists murdered over 3,000 U.S. citizens on September 11th, and 1,500 soldiers have died in the streets of Iraq.

In the streets of our major cities and surrounding communities, street gangs and drug dealers, better referred to as urban terrorists, have caused the drug-related deaths of over 19,000 of our citizens. We must continue to maintain and increase the support in this noble fight. Thank you for this time.

[The prepared statement of Mr. Donahue follows:]

**Statement by Thomas K. Donahue
to the
Congress of the United States
House of Representatives
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources**

**Fiscal Year 2006 Drug Budget and the Byrne Grants, HIDTA, and other law
enforcement programs:**

“Are we jeopardizing federal, state and local cooperation?”

March 10, 2005

Chairman Souder, Ranking Member Cummings, and distinguished members of the Committee: I am honored to appear before you today to discuss the Chicago HIDTA’s concerns with the Administration’s FY06 budget proposal that contains unprecedented budget cuts for the HIDTA Program, Byrne and Justice Assistance Grant programs and the transfer of the HIDTA Program to the Organized Crime Drug Enforcement Task Force (OCDETF). I appear before you with 37 years of law enforcement experience, 10 years experience as a narcotics investigator and 12 years experience as a prosecutor concentrating on organized crime, narcotics cases, and related violent crimes. I have had the honor of serving as the director of the Chicago HIDTA since August 2000. My testimony today will attempt to answer the question posed by the Committee:

“Are we jeopardizing federal, state and local cooperation?”

In doing so I will provide you with an overview of the HIDTA program; the impact of HIDTA on the Chicago region and the differences between HIDTA and OCDETF.

In 1988, Congress wisely recognized the importance of coordinating federal, state and local law enforcement agencies to effectively address the nation's drug threat. Congress established the High Intensity Drug Trafficking Area (HIDTA) Program to provide coordination of drug enforcement efforts in critical regions of the country. This coordinated effort was necessary due to competing strategies within the federal, state, and local law enforcement community.

Building on the concept that the country faces a national drug abuse epidemic which is in reality a network of related and unrelated regional and local drug abuse problems and the markets that supply them, HIDTAs address regional drug problems based upon a unique threat assessment process. Each HIDTA develops its own strategy consistent with and complimentary to the National Drug Control Strategy. HIDTA Executive Boards implement their strategies by funding structured and formal initiatives (task forces), each with a mission that best uses its particular expertise and addresses a particular threat. A targeted strategy, implemented locally, produces greater immediate impact, while at the same time provides avenues for further investigation into national and international trafficking groups.

HIDTA Executive Boards, comprised of an equal number of federal, state and local law enforcement executives, meet regularly to govern each HIDTA. The HIDTA management structure creates a level playing field among federal, state and local partners who understand all aspects of law enforcement and put the interests of the HIDTA above their own. Executive Boards hire directors who are highly experienced law enforcement professionals. Directors act as neutral brokers for participating agencies and are charged with carrying out the collective policy decisions of their Executive Boards. This neutrality fosters an innovative program, immune to turf battles. No other program of the federal government that integrates state, local and federal assistance and financial awards, allows this level of local oversight and direction. This is the first time in history state and local law enforcement has been empowered to manage drug investigations in their region.

The HIDTA program is in the forefront of promoting innovative methods and ideas. The evolution of the HIDTA intelligence subsystem initiative is an example. Historically, the sharing of intelligence among law enforcement agencies has been abysmal despite decades of attempts by federal agencies to create intelligence sharing centers. The program requirements of establishing intelligence centers within each HIDTA and mandating federal, state and local participation has resulted in the sharing of intelligence on an unprecedented scale. The HIDTA.net/ riss.net/LEO information system architecture electronically links each HIDTA. Each HIDTA has direct access to multiple agency and commercial databases, and provides a full range of analytical services. HIDTA Investigative Support Centers (ISCs) now stand as object lessons in interagency cooperation, collaboration and coordination. HIDTA ISCs have played an integral role in numerous noteworthy criminal investigations.

Other innovations include:

1. Event deconfliction - HIDTA pioneered systems that allow undercover officers to schedule a time and location for events such as stakeouts, drug buys, execution of search and arrest warrants and sweeps, etc., and to determine if the event they are scheduling would conflict with a different agency for a similar time and location. Event deconfliction is a requirement within the program, and is available to non-HIDTA agencies as well. This system is critical to officer safety.
2. Target deconfliction - Agencies have wasted countless resources investigating the same targets because of systemic difficulties or reticence to share information. HIDTAs have developed systems that allow agencies to share targeting information, and are actively working with DEA and other agencies to develop a National Virtual Pointer System that agencies will use. HIDTA credibility as a neutral entity has fostered this progress and the intelligence subsystems are making it work.
3. National Clan Lab Database - Built in partnership with the El Paso Intelligence Center, this was the first federal law enforcement database to allow direct state/local access. Many methamphetamine labs are rural in nature. Many HIDTA-funded task forces who address clan lab investigations would likely be disbanded if no HIDTA funds were available.
4. Electronic intercept capabilities - HIDTAs have developed centralized systems that have revolutionized technical investigative capabilities around the country.
5. RISS/HIDTA partnership -HIDTAs are members of the Regional Information Sharing

Systems and have used the RISS to establish HIDTA.net, a secure system which connects all HIDTAs electronically.

6. Operation COBIJA - a multi-agency, multi-state interdiction project hailed as the best such effort ever developed.
7. Training - HIDTAs have leveraged existing training programs by working with them to bring training to the officer, rather than requiring officers to travel. Tens of thousands of local/state/federal officers have benefited from this coordinated low cost training.

Each HIDTA has its own examples of how regional law enforcement has changed for the better because of its existence.

The HIDTA program has enjoyed wide acceptance by the heads of state and local law enforcement agencies for two important reasons. Under HIDTA, state and local heads of agencies join with their federal counterparts on an equal basis to determine the direction of their individual HIDTAs. There is no other cooperative endeavor of this magnitude in law enforcement today. Secondly, the HIDTA program has been able to project a degree of separation from other federal agencies by its placement within the Office of National Drug Control Policy (ONDCP), a factor which has fostered willing state and local participation.

President Bush's recent budget proposal to Congress includes reducing the High Intensity Drug Trafficking Area Program funding from \$227 million in FY2005 to \$100 million for FY2006. Additionally, the administration's budget moves the program from the Office of National Drug Control Policy (ONDCP) Bureau of State and Local Affairs, to the Department of Justice under the Organized Crime Drug Enforcement Task Force Program (OCDETF).

The proposed funding cuts to the HIDTA program as set forth in the administration's budget submission to Congress will eviscerate a highly successful program and eliminate the existing level of coordination among federal, state and local drug law enforcement agencies. A budget cut of such magnitude (56%) would cause the elimination of some HIDTAs and make the funding of others so minimal as to render them ineffective. Successful nationwide programs developed and administered by individual HIDTAs such as those mentioned above will, at least, be significantly reduced or in some cases discontinued.

HIDTA's most important contribution to the war on drugs is the partnerships it has nurtured among participating agencies. These partnerships, developed over years, have become an institutionalized part of the program. This has led to leveraging of resources among its participants, which would not have occurred under any other program. This leveraging of resources and fiscal flexibility will likely be eliminated by placing HIDTA under the Department of Justice. Furthermore, placing HIDTA within a department that gives the perception it is under the control and direction of a federal law enforcement entity would certainly influence state and local participation and threaten collaborative partnerships that have been nurtured by the HIDTA model. If the HIDTA program is moved from the Office of National Drug Control Policy and the Executive Office of the

President, it will give the wrong message to law enforcement and diminish the importance of the War on Drugs in the eyes of the public.

CHICAGO AREA IMPACT/Comments

In 2004 Chicago HIDTA initiatives seized 2,280 kilos of cocaine, an increase of 102% over 2003; 39.5 kilos of heroin, an increase of 75% over 2003; 16,101 kilos of marijuana, an increase of 270% over 2003 and \$9,015,385. USC, an increase of 51% over 2003. **The drug war is ongoing in Chicago.**

Chicago is a major U.S. transshipment hub for poly drug trafficking organizations. As a Midwest gateway, it serves as a distribution center for vast quantities of heroin, cocaine, marijuana and all types of illegal drugs. Multikilogram to ton quantities of these drugs are transported overland to Chicago primarily from Mexico, California and southwestern states in private and commercial vehicles. Once in Chicago drug shipments are typically broken down into smaller quantities for further distribution in or near the city. Additional quantities are transported to other Midwestern cities such as Detroit, Milwaukee and St. Louis, as well as to many cities and towns in the eastern United States for distribution. Mexican Drug Trafficking Organizations and criminal groups are the principal transporters of most illicit drugs to Chicago, particularly cocaine, marijuana, Mexico produced heroin and also significant quantities of South American heroin. Once in the city, the extensive network of organized street gangs, an estimated 65 gangs with 68,000 members, control nearly all of the retail drug distribution in Chicago proper and its surrounding suburbs. The same routes and methods are used to transport drug proceeds back to source areas.

HIDTA helps to coordinate drug enforcement efforts for the City of Chicago and surrounding counties. Law enforcement partnerships with HIDTA have enabled the investigation, apprehension and prosecution of individuals responsible for distributing a broad array of dangerous drugs and causing the drug related violence manifested in home invasions, shootings, and kidnappings. Moreover, it has helped the Chicago Police Department and other law enforcement agencies build drug conspiracy cases against drug trafficking organizations and has supported complex investigations that have resulted in indictments both at the local and Federal levels.

The Chicago Police Department (CPD) has worked closely with HIDTA since 1995 when an initiative was formed to target the Gangster Disciples Street Gang. Since then, the working relationship between HIDTA and the Chicago Police Department has succeeded in disrupting the major narcotics trafficking rings and the distribution networks that are responsible for the deadly nexus of drugs, gangs and guns that have been a bane on Chicago. Reduction in drug crime has been due, in large part, to the successful collaborative model developed by HIDTA. This model brings local, state and federal law enforcement together to focus on a common mission—the disruption of drug trafficking. Chicago has not only benefited from this collaboration, it has learned that it is a smarter way of doing police business in urban crime areas and has clearly helped to make the city a safer place.

Through their role as a clearinghouse for sharing strategic information, HIDTA has provided the Chicago Police Department with the ability to identify, track and target trafficking groups. The Chicago Police Department and HIDTA have collaborated on numerous successful drug initiatives. One such initiative is the Street Corner Conspiracy Initiative. This initiative clears open air street corner drug markets, reclaims them from drug dealers, and restores community safety, thus giving the community a quality of life they haven't enjoyed in many years. Initiative operations have resulted in 35 investigations and 548 arrests as well as participation in four federal drug conspiracies with 198 arrests. If this one initiative did not materialize because HIDTA was unavailable, the city of Chicago would still be imperiled by 746 drug dealers plying their trade and terrorizing citizens. HIDTA has also coordinated specific enforcement initiatives against local street gangs such as the Gangster Disciples, Vice Lords, Latin Kings, Black Disciples, Four Corner Hustlers, Latin Disciples and numerous others who have created sophisticated networks for the distribution of drugs.

From September, 2002 to May, 2004 HIDTA partnered with the Chicago Police Department and state and federal agencies in addressing what may be the most serious drug threat in Chicago – heroin. HIDTA sponsored Operation DAYTRADER culminated in federal charges against 48 members of the violent Mafia Insane Vice Lords Street Gang and state charges against an additional 55 members. Because of the volume of information gathered from this operation, the initiative and the Chicago HIDTA Investigative Support Center (ISC) developed a Chicago Heroin Tracking Database, which tracks heroin arrests, seizures and other relevant data.

Furthering enforcement activities against organized Chicago street gangs, HIDTA has dedicated three local/state/federal populated initiatives to concentrate on the “Main 21”, the twenty one organized street gang leaders identified as being the most violent and influential in drug distribution.

Drug activity fosters violent crime. In 2001, 2002 and 2003 Chicago ranked second, first and second in the number of murders in the United States. Fifty per cent (50%) of these homicides were gang and drug related. Chicago's homicide total for 2004 was almost 25% lower than in 2003. Innovative and concentrated strategies instituted by Chicago Police Department Superintendent Philip Cline, including HIDTA sponsored initiatives such as the Street Corner Conspiracy Initiative, West Side Heroin Initiative, and the Drug Related Violent Crime Initiative, have been credited with being instrumental in this reduction. There is little question that citizens applaud these enforcement initiatives for making the streets safer and allowing families to once again enjoy life in their communities.

Chicago HIDTA has also partnered with the Cook County Sheriff's Police Department to develop the Cook County Jail Initiative. The Cook County Jail is one of the largest single site pre-trial holding facilities in the United States, with an average daily count of at least 9,000 male and female detainees. This initiative brings together Cook County Sheriff's Police Department personnel and Chicago Police Department personnel as well as a working relationship with the Illinois Department of Corrections to gather intelligence from jail inmates as to gang and drug trafficking activity and disrupt the management of these activities by incarcerated gang leaders. HIDTA has designed an informational gang database to collate this information. Relevant information is shared with law enforcement agencies in affected jurisdictions.

HIDTA has also concentrated drug enforcement efforts in the surrounding areas of Cook, Grundy, Kendall and Will counties. Chicago based street gangs have migrated to these areas due to HIDTA successes in Chicago and a desire to expand markets. HIDTA initiatives have been developed to counter these threats.

Because it is a major destination and transshipment hub for poly drug trafficking organizations, HIDTA sponsors interdiction initiatives that have become nationally acclaimed. The Illinois State Police led Narcotics and Currency Interdiction Unit (NARCINT) uses traditional and non-traditional investigative practices involving surveillance and complex intelligence analysis to identify, target and interdict illicit drug and currency shipments generated by drug trafficking/money laundering organizations. This includes rapid response to intelligence regarding in-transit illicit drug shipments traveling through Illinois via motor carrier and follow up investigations of drug shipments seized in other jurisdictions and destined for delivery in Illinois. The Narcotics and Currency Interdiction Unit works in close concert with the Southwest Border COBIJA operation and was the first non-traditional border state to be included in this highly successful drug interdiction effort.

The Chicago Police Department led Package Interdiction Team (PIT) targets the shipment of illegal drugs sent via government and private package/parcel carrier services. Initiative personnel inspect and profile suspicious packages at shipping facilities. Upon discovering illicit drugs, they target the addressee/receiver and take enforcement action. Information gathered regarding other parts of the chain of distribution, including shippers/receivers, shipping/transportation companies and package handlers is acted upon or shared with other law enforcement agencies. Their expertise has led to numerous speaking engagements and training exercises throughout the country and the 2002 Office of National Drug Control Policy Outstanding Interdiction Effort Award.

The Internal Revenue Service led HIDTA sponsored Money Laundering and Financial Crimes Initiative has recently uncovered a scheme to launder drug proceeds. Over \$100 million in mortgage fraud has been identified to date and this amount is expected to increase substantially with further investigation totally supported by the analytical skills of the HIDTA Investigative Support Center.

In addition to enforcement initiatives, much of what has been accomplished through HIDTA has been possible because of drug intelligence developed by the HIDTA Investigative Support Center. Very few local jurisdictions have the capacity to develop this level of drug intelligence. Consequently, they rely on the astute analysis and real time information from the intelligence operations of HIDTA that are key to advancing our law enforcement goals. The Chicago HIDTA Investigative Support Center provides analytical and case support not only for HIDTA initiatives but also for other law enforcement agencies that lack the resources and expertise to initiate and successfully conclude drug enforcement operations. The Investigative Support Center has also acquired and developed the SAFETNet system, a state of the art target and event deconfliction system essential to officer safety in drug investigations and prevention of duplication of investigative efforts. Chicago HIDTA has provided SAFETNet to five surrounding states.

HIDTA has ensured that law enforcement drug operations have consistent direction, follow policy guidelines, engage in strategic planning, and communicate across

organizations and jurisdictions. These factors give law enforcement an advantage over criminals that would be difficult to achieve if working independently. HIDTA initiatives have been instrumental in assisting law enforcement agencies with:

- Accessing an “all source” counter-drug Investigative Support Center and source of counter-drug intelligence products, including a heroin offender tracking base.
- Disrupting distribution networks that supply organized street gangs in the greater Chicago metropolitan area.
- Targeting the numerous “open air drug markets” operated by street gangs in Chicago, especially the heroin markets on the West side.
- Interdicting drug and currency shipments via the highway system and government and/or private carriers.
- Disrupting organizations involved in laundering illicit money from the drug trade and enabling the development of tax cases against dealers.
- Financial analysis directed at seizing assets acquired through illicit drug proceeds.
- Identifying the international sources of supply of drug trafficking groups operating in Chicago.
- Case and trial support as well as post case seizure analysis.

All of these activities speak to the comprehensive strategy that is required for intervening in drug crime. Each HIDTA has developed a cohesive, comprehensive program combining regional, and locally focused initiatives to implement the national mission of countering the drug threat.

Conclusion: HIDTA clearly represents a model for leveraging all resources in order to provide comprehensive approaches for stopping drug crime. The joint leadership of the HIDTA Executive Board has been instrumental in ensuring that law enforcement engages in strategic planning and coordination of efforts to disrupt drug markets, halt the proliferation of criminal networks, and reduce drug-related deaths. Without the ability to maintain the operational collaboration made possible by HIDTA resources, local law enforcement faces a risk of returning to the days when cooperation was episodic, delivered on a case-by-case basis, and found to be generally ineffective in disrupting drug trafficking. Under these circumstances, it will be impossible to maintain declining crime rates and prevent drug-related violence from again spiraling out of control.

At a time when state and local governments are increasingly forced to cut budgets because of economic difficulties, it is imperative for the federal government to continue LOCAL assistance against what is still the WAR ON DRUGS. HIDTA is an integral part of that assistance. Media ads alone will not eliminate drug abuse. More effective is the multi faceted HIDTA approach. Now that we have developed a viable and effective

way of combating these organizations on a national and regional level through HIDTA, it is not the time to pull back or try to reorganize. This country is at war on several fronts including the streets of our major cities. We have won many battles through the HIDTA program. Yet the war rages on. Terrorists murdered over 3,000 U. S. citizens on 9/11 and 1,500 American soldiers in Iraq. In the streets of our major cities and surrounding communities street gangs and drug dealers, better referred to as urban terrorists, have caused the drug related deaths of thousands of our citizens. We must continue to maintain and increase support in this noble fight.

Attached to this statement are three letters in support of the HIDTA program.

1. Letter from Philip J. Cline, Superintendent of Police, Chicago.
2. Letter from Michael F. Sheahan, Sheriff of Cook County.
3. Letter from Larry G. Trent, Director, Illinois State Police.



OFFICE OF THE
SUPERINTENDENT OF POLICE
CHICAGO

PHILIP J. CLINE
SUPERINTENDENT

March 8, 2005

The Honorable Mark E. Souder
Chairman
Subcommittee on Criminal Justice, Drug Policy and Human Resources
House Government Reform Committee
2231 Rayburn HOB
Washington, D.C. 20515-1403

Dear Chairman Souder,

I would like to take this opportunity to object to the budget cuts and organizational reform proposed for the High Intensity Drug Trafficking Area Program (HIDTA). In recent years Chicago HIDTA has proved to be an invaluable ally for the Chicago Police Department. Through our partnership with HIDTA, we have seen significant results in the reduction of narcotics sales in our communities. It is my understanding that HIDTA stands to lose 56% of their funding, and will be restructured in a way that limits local collaboration. We are concerned that the significant funding cuts and the loss of local participation in HIDTA will severely jeopardize the federal, state and local cooperation that is so important in fighting narcotics and their related crime in our community.

Chicago HIDTA helps to coordinate drug enforcement efforts for the City of Chicago. The Chicago Police Department (CPD) has worked with HIDTA since 1995 when an initiative was formed to target the Gangster Disciples street gang. Since then, working with HIDTA has allowed the disruption of major narcotics trafficking rings and the distribution networks that are responsible for the deadly nexus of gangs, guns and drugs that trouble Chicago. Recent reductions in drug-related crime have been due, in part, to the successful collaborative model developed by HIDTA. This model brings local, state and federal law enforcement together to focus on a common mission—the disruption of drug trafficking. We have not only benefitted from this collaboration, we have learned that it is a smarter way of doing police business in urban crime areas and has helped to make our City a safer place.

Our partnership with HIDTA has enabled the investigation, apprehension and prosecution of individuals responsible for distributing a broad array of dangerous drugs and causing drug-related violence. Moreover, it has helped us build drug conspiracy cases against drug trafficking organizations, and has supported complex investigations that have resulted in indictments both at the local and federal levels.

Much of what we have accomplished with the assistance of HIDTA has been possible because of drug intelligence developed by the HIDTA Investigative Support Center. We rely on the analysis and real time information from HIDTA intelligence operations. Through their role as a clearinghouse for sharing strategic information, HIDTA has provided CPD with the ability to

identify, track and target trafficking groups. If funding levels were reduced, our Department would sustain a critical loss to our ability to continue successful drug operations, such as Street Corner Conspiracies. These operations clear open air street corner drug markets, reclaim them from the drug dealers, and restore community safety. They have resulted in more than 35 investigations and 500 arrests, as well as participation in several federal drug conspiracies resulting in more than 100 arrests. As a result of our successful partnership with HIDTA, our streets are safer and families can more fully enjoy life in their communities.

Keeping the streets safe is further enhanced by other HIDTA initiatives in the metropolitan area such as the Cook County Jail initiative. This initiative brings together Cook County Sheriff's P.D. personnel and CPD personnel to gather intelligence from jail inmates as to gang and drug trafficking activity, and disrupt the management of these activities by incarcerated gang leaders. HIDTA has designed an informational gang database to collate this information.

HIDTA ensures that law enforcement drug operations have consistent direction, follow policy guidelines, engage in strategic planning, and communicate across organizations and jurisdictions. These factors give law enforcement an advantage over criminals that would be difficult to achieve if working independently. HIDTA initiatives have been instrumental in assisting the CPD with, among other initiatives, disrupting distribution networks that supply street gangs, targeting "package interdiction," providing access to the information center and intelligence networks, targeting heroin markets, and providing case and trial support as well as post case seizure analysis.

All of these activities speak to the comprehensive strategy that is required for intervening in drug crime. They also show how varied skills are required that may be beyond those of traditional law enforcement, how multiple knowledge bases need to be developed, and how human, technological and financial resources need to be applied strategically.

HIDTA clearly represents a model for leveraging all resources in order to provide comprehensive approaches for stopping drug crime. The joint leadership of the HIDTA Executive Board has been instrumental in ensuring that law enforcement engages in strategic planning and coordination of efforts to disrupt drug markets, immobilize the proliferation of criminal networks, and reduce drug-related crime. Without the ability to maintain the operational collaboration made possible by HIDTA resources, local law enforcement faces a risk of returning to the days when cooperation was unpredictable, delivered on a case-by-case basis, and often ineffective in disrupting drug trafficking.

The Chicago Police Department opposes plans for the reduced funding and the reorganization of HIDTA. If the funding levels are dropped and if local participation in HIDTA is reduced it will be difficult, if not impossible, to maintain our declining crime rates and to prevent escalated drug-related violence. The Chicago Police Department believes it is imperative to continue HIDTA in its present form of joint federal, state and local participation and at its current or increased funding level if we are to maintain our advantage over narcotic traffickers and beat drug dealers at their own game.

Sincerely,


Philip J. Cline

MICHAEL F. SHEAHAN
SHERIFF



MARJORIE H. O'DEA
CHIEF OF POLICE

COOK COUNTY SHERIFF'S POLICE DEPARTMENT

1401 SOUTH MAYBROOK DRIVE
MAYWOOD, ILLINOIS 60153
TELEPHONE: (708) 865-4700

March 8, 2004

Representative Mark E. Souder
Chairman
Subcommittee on Criminal Justice
Drug Policy and Human Resources
Congress of the United States
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Representative Souder:

The purpose of this letter is to underscore the importance of continued funding of the High Intensity Drug Trafficking (HIDTA) initiative for Federal, State and local law enforcement. A reduction in government funding of this initiative will have a very serious negative impact on law enforcement's ability to investigate drug trafficking and its related crimes in Cook County.

The High Intensity Drug Trafficking (HIDTA) initiative is an extremely successful program in Chicago and surrounding Cook County. Its continued viability is critical to the successful case development and prosecution of Gang Crime and Narcotic offenders in this highly populated area of the country. Cook County is the second largest county in the country and is comprised of the City of Chicago, one hundred and eighteen municipalities and a significant amount of unincorporated area.

The current mission of the Chicago Police Department is to make every effort to vigorously drive gang activity and narcotic trafficking beyond the city limits of Chicago. This strategy has been successful but has had a negative impact on suburban municipalities within Cook County. Suburban municipalities are experiencing increased narcotic activity as well as an increase in narcotic related street crimes and homicides.

The HIDTA initiative has been successful in targeting drug traffickers in the suburbs of Cook County and has been an extremely reliable and beneficial source of intelligence to law enforcement. For example, recent intelligence has revealed that 60% of the Chicago Police Department's "Main 21" drug traffickers live in suburban Cook County. The

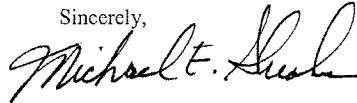
Chicago Police Department, DEA, FBI, ATF, Cook County Sheriff's Office, U.S. Attorney's Office and the Cook County State's Attorneys Office continue to work cooperatively together to share intelligence and investigate the criminal enterprises directed by these high ranking gang members who operate in Chicago and in the suburbs.

Law enforcement's ability to obtain intelligence has been enormously enhanced through the world-wide intelligence network that HIDTA created and maintains. The HIDTA De-confliction Program is invaluable in its ability to identify targets of on-going investigations conducted by disparate law enforcement agencies. The De-confliction Program has become critical to officer safety during undercover operations.

The Cook County Sheriff Office has a 75 member Gang Crimes/Narcotic Unit which receives essential monetary support from HIDTA. The unit's mission is to work cooperatively with federal, state and local law enforcement agencies and focus on assisting suburban Cook County municipalities targeting organized gangs and drug dealers who have begun to take a foot hold within the County. Most suburban police departments are inadequately equipped to conduct their own covert investigations which frequently require undercover operations and several weeks or months to complete.

In conclusion, our ability to pro-actively investigate narcotic trafficking and related crimes is directly linked to maintaining or increasing HIDTA funding. Any reduction in this most critical resource would have a devastating negative effect on our ability to investigate narcotic related crimes and will have an impact on quality of life issues for every citizen in Cook County.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Sheahan". The signature is fluid and cursive, with a large initial "M".

Michael F. Sheahan
Sheriff of Cook County

105



ILLINOIS STATE POLICE
Office of the Director

Rod R. Blagojevich
Governor

March 7, 2005

Larry G. Trent
Director

Honorable Mark Souder
Chairman
Subcommittee on Criminal Justice, Drug Policy,
and Human Resources
2231 Rayburn
Washington, D.C. 20515

Dear Chairman Souder:

I would like to take this opportunity to stress the importance of continued funding support to the Chicago HIDTA and operational support to the Illinois State Police narcotics enforcement efforts in the Chicago area. The ISP has been fortunate to receive continuous funding for the upper-level narcotics enforcement and interdiction efforts of the Narcotics and Currency Interdiction (NARCINT) initiative since 1999. This multi jurisdictional ISP unit has proven to be an extremely important element in furthering the efforts of the Office of National Drug Control Policy (ONDCP), both through operational enforcement efforts and, more importantly, from the cooperative relationships that have been developed between the Chicago HIDTA/NARCINT and law enforcement agencies nationwide.

The cooperative effort and supportive venue made possible through the Chicago HIDTA program have successfully bridged the gap between federal, state, and local agencies allowing for the first time a successful, unified approach to battling the war against drugs. The NARCINT effort alone has propelled the problem of illicit narcotics trafficking and drug-related money laundering in the Chicago area to the forefront of enforcement efforts nationally. The Chicago HIDTA, with the support of NARCINT, became the first non border state effort to be included in the Operation COBIJA Concept that has successfully monitored and devised enforcement strategies against narcotics smuggling through Mexico.

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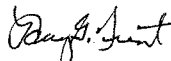
Honorable Mark Souder
March 7, 2005

Page 2

Through the efforts of the Chicago HIDTA initiative, agencies around the country have a support mechanism for the continuation of cases beyond the traditional one-dimensional concept. Additionally, the intelligence support provided through the Chicago HIDTA Investigative Support Center makes the Chicago HIDTA program truly a multi faceted resource. To lose the financial support and logistical tools made possible through the HIDTA concept would be catastrophic to the people of Illinois, because despite the lack of viable funding, the violent and destructive narcotics enterprises that exist around the world will continue to focus distribution efforts toward the hub that exists in the Chicago area. Unfortunately, without the High Intensity Drug Trafficking Area concept in Illinois, the ISP drug enforcement efforts will be significantly curtailed, as will the efforts of other local agencies who have joined forces under the HIDTA umbrella.

As you move forward in your Subcommittee efforts to make critical funding decisions, I respectfully request unbridled support from Washington in order to keep the HIDTA operation in Illinois at its current funding level so that it remains one of vitality and viability. Please do not hesitate to contact me or my staff should there be anything else that can be done by the ISP to impress upon the leadership of Congress what is at stake if the Chicago HIDTA does not remain fiscally strong, functional, and grounded by an Executive Director and Executive Committee that represents all levels of enforcement interests.

Sincerely,



Larry G. Trent
Director

Mr. SOUDER. Thank you very much.

Our next witness is Chief Jack Harris, Phoenix Police Department and Vice Chair of the Southwest Border HIDTA. Thank you for coming today.

STATEMENT OF CHIEF JACK HARRIS, PHOENIX POLICE DEPARTMENT AND VICE-CHAIR, SOUTHWEST BORDER HIDTA

Mr. HARRIS. Thank you, Mr. Chairman and members of the subcommittee. I think when we start looking at, do the policies and the programs that are current in existence work, and we try to evaluate those policies, we have to say that currently, they are working.

We have statistics that show that drug use is down by 11 percent, and teenage drug use is down by 17 percent in this country. But we have to ask ourselves why is that?

Let me give you just a couple of numbers from the Southwest HIDTA and HIDTA, in general: marijuana, seized over 2½ million pounds of marijuana in 2004; 46,600 pounds of cocaine; 740 pounds of heroin, and 5,000 pounds of methamphetamine out of the Southwest Border.

When we look at HIDTAs in general, they disrupted or dismantled in 2004, 509 international, 711 multi-state, and 1,010 local drug trafficking organizations. Those are the type of things that are examples of what is going on in HIDTAs across this country.

I have several concerns that have been voiced by other members of this panel: cutting HIDTA funding by 56 percent. I understand, listening to the first panel, that one of the reasons that the administration is looking at cutting is because there is a shortfall of revenue.

I currently have been asked to cut funding for the Phoenix police department, because of a similar shortfall. To do that, one of the first things that I did was surveyed the community, and asked them what was important in policing in their community, what they are looking for from the Phoenix police department. At the top of their list is drug enforcement and gang enforcement and violent crime. As you may have guessed, even though I did have to make cuts, I did not make cuts in those areas.

Moving the program from ONDCP to OCDETF, I have to say that I am in total opposition of that. OCDETF is an administrative, non-operational body that provides funding and prosecution, not drug enforcement investigations.

HIDTA was formed, as you have heard, as a grassroots program, designed to promote inter-agency cooperation between Federal, local, and State agencies. That is occurring every day in Phoenix.

We have a HIDTA center that is comprised of over 300 agents that represent ATF, FBI, DEA, the Phoenix police department, local police agencies, the sheriff's office, and the State police. They are sharing information that caused all of those seizures that I talked about at the beginning of this presentation to occur. That cooperation and communication between agencies is what brought down those heads of crime organizations dealing with drugs.

We have a similar program in Tucson, AZ, a similar center that has the same results with the same number of people, working out of that center. Those centers will disappear if the funding dis-

appears. The city of Phoenix does not have \$1½ million to apply to these centers and to keep this program running.

The next thing that I would talk about is what is the incentive for local law enforcement. If you take away all of the funding, if you take away an equal voice in who is going to be targeted by that funding, then you are asking us to play and to participate and to conduct the investigations.

By the other panels own statement, over 90 percent of the OCDETF are conducted by local agencies. So you are going to ask us to continue to be a part of that organization and to target individuals that we have no input on.

If you look at those first numbers that I gave you, over 1,100 of those kingpins that were targeted were local traffickers. Local traffickers become national traffickers, who become international traffickers. We do not want to lose the incentive for us to participate with our detectives, with our investigators and with our resources. But we cannot do that without the funding that currently exists.

In conclusion, I oppose the proposed funding cuts, because those cuts will have a dramatic impact on drug enforcement at the local level. The proposed changes will damage cooperation and relationships between local, State, and Federal entities. These changes would eliminate local input into drug target selection and remove the incentives for local agencies to participate in critical drug enforcement programs.

Last, it would hinder information sharing between the very agencies tasked with drug enforcement at the local level, as well as the Federal level, thank you.

[The prepared statement of Mr. Harris follows:]

**Statement by Jack Harris
Police Chief, Phoenix, Arizona Police Department**

**Before the House Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy and Human Resources
Chairman Mark E. Souder, 109th Congress**

**FY 2006 Drug Control Budget and the High Intensity Drug Trafficking Area
(HIDTA) program; Are we jeopardizing federal, state and local cooperation?
March 10, 2005**

Chairman Souder, Vice-Chair McHenry, Ranking Member Cummings, and distinguished Members of the Committee: I am honored to appear before you today to share some very alarming concerns that the proposed budget reductions and changes to the President's Office of National Drug Control Policy's High Intensity Drug Trafficking Area pose to the unified law enforcement efforts of local, state, and federal officers. Mr. Chairman, I appreciate the opportunity to help you answer a very appropriate question that you pose for the purpose of today's meeting, "Are we jeopardizing federal, state and local cooperation?" As your committee reviews the suggested FY 2006 Drug Control Budget for the Byrne Grant, the HIDTA program and other law enforcement programs I believe you will discover the answer is yes.

I will start with the proposed budget reductions and structural changes to the HIDTA program. As the police chief of the fifth largest city in the country and the largest city in Arizona, which is located approximately 135 miles from our country's border with Mexico, I can speak directly to the negative impact that the international and national illegal drug trade has on the safety and quality of life of our citizens. Specifically, this problem continues to bring bloodshed to the streets of many neighborhoods in our community because we are often the first stop of major drug shipments. Drug related homicides continue to rank as one of the highest causes of murder in our community. The majority of these murders are related directly to drug traffic organizations' (DTO's) movement of drugs in their local, regional, interstate and international drug business.

In my career, I have had the opportunity to work as a narcotics undercover detective. I never saw the volume of drugs coming through our community and its associated violence as I have in the past few years. For example, our Department's efforts in the HIDTA program resulted in the seizure of over 45,000 pounds of marijuana in the 2004 calendar year. Furthermore, more than 8 million dollars of drug proceeds were seized during this same time. Additionally, as with every major city, methamphetamine still remains a major problem. The Maricopa County HIDTA Clan Lab Task Force (which is located in our HIDTA building) has seized 200 methamphetamine labs over the past 12 months. These drugs were not just destined for users in Phoenix. The majority were destined to communities throughout the country, including your neighborhoods.

I have delivered to you a position paper that was prepared by members of the National HIDTA Directors Association (NHDA), which represent HIDTA directors from throughout the country. I have found it to be very useful in identifying the strengths and benefits of the HIDTA program from its beginning in 1990 through today. I believe this position paper effectively illustrates the collaboration, coordination, and investigative successes of HIDTA in facilitating local, state, and federal law enforcement. I encourage each committee member to review this paper as you deal with this issue.

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I would like to speak specifically to what I believe are the benefits of HIDTA and how a budget reduction and/or the transferring of HIDTA to the Department of Justice will have a negative affect on law enforcement's abilities to interrupt the national flow of drugs in our country.

To clearly illustrate the benefits of the HIDTA program, let me share with you the most recent success of inter-agency cooperation and collaboration. In April 2004, a street level narcotics undercover detective developed information of a drug stash house in one of our city's affluent communities. Probable cause was developed and a search warrant was served. The result was the arrest of two international drug smugglers and 4,300 pounds of marijuana along with miscellaneous weapons and other evidence. A detective assigned to an intelligence initiative within the Maricopa County HIDTA Center was summoned to the scene. This detective, working side by side with the street detective, gathered information that was processed through the HIDTA Intelligence Service Center and DEA's Intelligence databases. A long term investigation was started and eight months later concluded with a service of numerous arrests and search warrants, the total seizure of 12,000 pounds of marijuana and thousands of dollars in cash and real property assets associated with the illegal proceeds. From a local perspective, this drug organization was linked to one homicide, a planned homicide that was averted during the investigation, a home invasion, and a shootout where over 1,300 pounds of marijuana was recovered along with numerous weapons and over 40 shell casings on the ground. From a national perspective, this investigation revealed that this organization was transporting illegal drugs to Philadelphia, Chicago, New York and Tennessee. From an international standpoint, investigative information showed that this group was linked to one of OCDETF's Consolidated Priority Offender Targets (CPOT). All this was accomplished through the support and collaboration provided by the HIDTA program. Without HIDTA, this investigation would have ended in April with the seizure of the original drugs. This investigation is the norm, not an anomaly of the types of investigations facilitated through the HIDTA program.

HIDTA Provides for Unprecedented Levels of Interagency Cooperation and Collaboration:

As the chairman of the Arizona HIDTA Executive Committee, I believe that over the years this program has created an environment that is conducive to providing unprecedented levels of interagency cooperation and collaboration. This extends well beyond the bounds of our local and state police agencies and the local offices of our federal partners. The HIDTA program extends opportunities for cooperation and collaboration with almost every destination city for the DTO's drug shipments. For example, last month I had two of my detectives who are assigned to our HIDTA Initiative involved in a drug investigation that took them to Florida. I have had detectives, cross designated as Drug Enforcement Administration Task Force Officers, on the streets of Chicago supporting HIDTA investigations. On a routine basis, meaning at least weekly and often daily, my detectives assigned to the HIDTA share or receive specific information that leads to the identification, arrest, and seizure of drugs in just about every region where a HIDTA exists.

Additionally, as a part of the COBIJA project I have sent officers to assist border agencies in their drug interdictions operations. As you are aware, our border cities and counties are at the forefront of drug interdiction and county task forces in Cochise, Yuma and Santa Cruz counties as well as the Tucson Police Department. They have all indicated that without HIDTA assistance and funding they would be forced to greatly curtail or discontinue their investigative and interdiction efforts outside of their jurisdictions.

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Mr. Chairman, I know you have personally visited our HIDTA facility along with others on the Southwest Border and have seen first hand the benefits of the co-location and collaboration that we currently enjoy. Another investigation that comes to mind specifically involves your state. This case started with an offender that we would categorize as a violent Regional Priority Offender Target (RPO). This suspect was known to our street detectives as an individual who had served prison time for drug distribution charges and was closely associated to other violent crimes. As my staff began a local investigation, we learned from one of our HIDTA task force detectives that this individual was involved in transporting drugs to Indianapolis, Indiana. Using the HIDTA methodology, this investigation was escalated to a more complex type of investigation which included working with detectives from the Indianapolis Police Department and your state's Attorney General's Office. Once again, without this collaborative approach, this investigation would have remained a local issue.

Fifty-Six Percent Budget Reductions:

It is very clear that the HIDTA program as constituted today cannot proceed with a fifty-six percent reduction in its budget. As documented on page five of the NHDA position paper, HIDTA funding affectively supports and enhances the partnership between state and local agencies and their federal partners. This funding allows for local agencies who would not normally be allowed to participate in regional, national and international cases to be a member of HIDTA task forces. The benefit of this allows for an inclusive flow of street level information to enhance the larger investigations. In Arizona alone, I know several law enforcement agencies will not be able to continue their support of and participation in the HIDTA program without the financial support that HIDTA provides. Such as in the example I shared with you, cases will end at a street level seizure or arrest and we will lose the ability to impact the President's desire to interrupt the flow of drugs brought into our country.

ONDCP's Bureau of State and Local Affairs as a Neutral Entity:

The current structure of HIDTA provides for an equal partnership between federal, state and local law enforcement leaders. The uniqueness of this infrastructure allows for the local and state executives to focus on the regional drug issues while being mindful and supportive of the national and international concerns that our federal partners are tasked with. This allows for a partnership that is matched by few programs in the law enforcement environment.

As the chairman of the Arizona HIDTA Executive Board, I have personally seen the benefits of the structure that HIDTA provides. This structure brings together local and state law enforcement executives on an "equal playing field" with our peer federal agency administrators. As stated by NHDA, these partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. Once again, it allows for an unprecedented amount of cooperation and support at the operational levels of law enforcement.

Through the HIDTA there is no federal law enforcement agency, such as the Department of Justice's OCDEF that exercise control or domination over the needs of the regional efforts.

OCDEF's Mission and Structure is not Operational Based:

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As stated in NHDA's position paper, OCDEF does not have the structure and mission that encourages this operational co-mingling and co-location of multi-agency task forces. OCDEF only supports cases that have already been developed. It does not support the investigative efforts leading up to cases that are later delineated as an OCDEF case. This approach, without the support of HIDTA, will preclude many agencies from the opportunity to focus on regional cases without a local nexus.

It is also very clear that the administrative support of the proposed OCDEF program will not be able to support them in their daily and full time participation in drug enforcement that affects the regional, national and international illegal drug transportation issues. As stated in NHDA's position paper, the HIDTA program provides for continual operational support that facilitates the local development of drug cases that often result in major investigations. Mr. Chairman, by your comments on February 10th it is clear that you and other committee members understand that most drug enforcement takes place at a local level. As illustrated in our most recent CPOT case, this local participation is a critical component that should not be lost.

Furthermore, the OCDEF structure is reactionary and does not provide for immediate proactive interdiction efforts. The case must first be developed, reviewed by a committee, and then potentially approved for OCDEF designation and overtime support. This is counter productive to immediate investigative efforts. Let me share just one example where immediate collaboration and support was needed to successfully complete a HIDTA interdiction case. In January 2004, members of our HIDTA initiative received information that six pallets of marijuana weighing approximately 1,100 pounds had been identified at our airport. HIDTA task force detectives began an immediate investigation which resulted in a controlled delivery to New York City. The very next day, our HIDTA task force detectives received information that there was another shipment of six crates of marijuana weighing just under 1,200 pounds at the same location. Detectives included this shipment in their investigation of the previous day and allowed for a controlled delivery to New Jersey. They learned that these drugs were being packaged in Tucson and on the third day the detectives, in collaboration with HIDTA initiative detectives in Tucson, recovered six more pallets of marijuana at a packaging facility. They learned that this process had been going on since October of 2003 with up to 50,000 pounds of marijuana being shipped in this timeframe. It was obvious that these drugs were related to the Southwest Border HIDTA issues, and it was through the collaborative relationships fostered through the HIDTA program that this investigation was conducted at the source city and the destination cities. There is absolutely no way that we could have accomplished this investigation without the immediate action of our HIDTA partners. OCDEF would have been of no value in this case. Once again, this is just one of many cases that requires immediate multi-jurisdiction and inter-state action.

Enhance the Current Program—Don't Create a New One:

The HIDTA program has over fifteen years of development, growth, and success. Hopefully, through my comments today and your personal observations of the successes of the HIDTA program, you can see that this program has developed into one that enhances the state, federal and local partnerships, allows for a greater understanding of everyone's role in local, regional and national drug disruption efforts, and provides for effective vehicles to share criminal intelligence and investigative information. It is clear through the Office of Management and Budgets' program assessment of Fiscal Year 2003 that more effort is needed to statistically and

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anecdotally demonstrate the effectiveness of the current HIDTA program. I support NHDA's position that this is merely an administrative task of documenting what is already a very effective program.

Effectiveness of the HIDTA Program:

I strongly disagree with ONDCP's assertion that the HIDTA program has been ineffective in reducing drug use in America and its illegal distribution markets. Clearly, the examples of enhanced collaboration between local, state and federal agencies support the program's effectiveness. In reviewing the preliminary Southwest Border HIDTA seizure statistics for calendar year 2004, I found the results to be exceptional. Let me share some of these with you;

Marijuana seizures in pounds:	2,571,068	
Cocaine seizures in pounds:	46,697	
Heroin seizures in pounds:		741
Methamphetamine in pounds	5,335	

The combination of results and relationships are a priceless return for the funds invested in the HIDTA program.

Summary:

In summary, I share the same views as the members of the National HIDTA Directors Association. Furthermore, I believe if this issue was discussed personally with the executives and through the rank and file of the local and state officers they would share these same views. I would encourage this committee, members of the President's Office of National Drug Control Policy, and the President himself to re-evaluate their proposed changes and focus on a program that is already working and how to improve it. Finally, I believe the points made below illustrate our position.

- HIDTA has been able to demonstrate its effectiveness in targeting, dismantling and disrupting international, multi-state and local drug trafficking organizations many of which have OCDEF designation and are linked to CPOT. However, HIDTA has also maintained its flexibility to successfully address other drug problems such as the clandestine manufacture of methamphetamine.
- The primary reason for the success of the program is that it is within ONDCP's Bureau of State and Local Affairs, a neutral entity with no enforcement arm to compete or take control. No personnel from ONDCP are members of the Executive Board. Thus, HIDTA provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach and goals that are tied to the national mission.
- The HIDTA Program cannot remain effective with a 56% reduction in funds regardless of where it is housed.

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- The human, operational, intelligence and technical infrastructure that HIDTA has built in the last fifteen years, changing the face of drug law enforcement across the nation, will be lost if this proposal becomes reality.
- HIDTA's successes and contributions can and should be factored into the cause for the reduction of teen drug use and drug related crime as much as any other singular endeavor, such as a media campaign.
- OCDETF and HIDTA are beneficial programs but whose missions are dissimilar.
- OCDETF/DOJ has a unilateral, federal approach to drug law enforcement. HIDTA addresses the totality of drug law enforcement.
- OCDETF precludes the incorporation of state and local police executives in drug law enforcement management that affects their areas.
- The HIDTA Program's most beneficial contributions cannot endure under DOJ management and guidelines.

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**National HIDTA Directors Association**PO Box 26314
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Phone: 703.493.9708**Position Paper****PROPOSAL:**

The Director of the Office of National Drug Control Policy (ONDCP) recommends reducing the High Intensity Drug Trafficking Area (HIDTA) Program's funding from \$227 million to \$100 million and transferring the program from the ONDCP to the Department of Justice (DOJ) under the Organized Crime Drug Enforcement Task Force (OCDETF) program.

ISSUES:

- The HIDTA program is a demonstrably effective program and cannot accomplish its mission and objectives with a 56% budget reduction.
- HIDTA cannot remain effective under the auspices of the Department of Justice and should remain at ONDCP's Bureau of State and Local Affairs.
- Representations made supporting the proposal are misleading, incorrect and may seriously hamper accurate legislative decision making related to this proposal.

The ONDCP Director's recommendation was made without consulting the hundreds of federal, state and local law enforcement leaders making up the executive boards of the various HIDTAs. The HIDTA executive boards and directors are opposed to this recommendation because it would virtually render the program ineffective and destroy the equal partnership by giving management and control to the federal government. To infer that these cuts and movement would enhance the program is not logical. There are no specifics or data to demonstrate why this proposal is good public policy or good for drug law enforcement. One can only speculate as to why and how this recommendation came about. The HIDTA Program has shown tremendous positive results and continues to become more successful. The following is success by any measure:

- The development of innovative programs
- Centralized and coordinated intelligence centers
- Nationwide connectivity
- Training 21,893 students in 2004³
- In 2004, the disruption or dismantling of 509 international, 711 multi-state and 1,110 local drug trafficking organizations¹

These are but a few of the areas HIDTA has shown positive results and leadership in drug law enforcement.

HIDTA was designed to be a grass roots program. Its objective is to empower and facilitate local, state and federal law enforcement officials to work as a team. The success of this coordination is due to the required federal, state and local agency executive boards, initiative structure and the relationships made at the regional level. HIDTA was conceptualized as a grass roots program because of the fact that strict federal direction from Washington, D.C. often discourages and minimizes local and state participation. Centralized federal bureaucracy and agency guidelines are seldom flexible enough to be responsive to regional needs.

Proponents of this budget proposal must recognize that the drug problem is not solely national. It is a collection of interconnected, regional drug problems. HIDTA was specifically created to improve law enforcement's ability to react to these various regions. HIDTA's positive influence in those regions and capability to work inter-regionally is part of its success.

Since its inception in 1990, HIDTA programs have:

- Seized record numbers of drugs and assets gained through drug trafficking activities
- Arrested and convicted tens of thousands of criminals
- Disrupted and dismantled thousands of drug trafficking organizations (DTOs)
- Established intelligence centers in 33 regions that are used by hundreds of agencies in and away from those regions
- Provided a level playing field and partnership for local, state and federal leaders
- Established an annual Threat Assessment procedure
- Developed strategies on a regional basis that interrupt the national flow of drugs
- Established commingled, collocated multi-agency task forces whose performance are measured and reported annually to ONDCP
- Provided in-depth annual reporting of accomplishments
- Received numerous OCDETF and ONDCP awards for investigative achievement
- Provided investigators with innovative technology, analytical support and training to support their cases
- Created a national corps of well trained local, state and federal investigators who desire to work in a cooperative environment
- Developed data and deconfliction systems to ensure officer safety, share information, track violators, analyze intelligence and provide nationwide connectivity
- Provided for unprecedented levels of interagency cooperation and collaboration

HIDTA has been and continues to be one of the most successful partnerships between federal, state and local government as well as a successful national drug enforcement program. The program is strategically placed in 28 regions throughout the nation to facilitate and coordinate the activities of drug law enforcement. The overall goal of this partnership is to reduce drug availability regionally and nationally as well as make drug law enforcement more effective and efficient. **The primary reason for the success of**

the program is that it is within ONDCP's Bureau of State and Local Affairs, a neutral entity with no enforcement arm to compete or take control. No personnel from ONDCP are members of the Executive Board. Thus, HIDTA provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach and goals yet tied to the national mission. The federal, state and local drug enforcement missions, although different, are intimately and directly inter-related and must be melded together in the form of collaborative, information sharing, networks and task forces. That is what HIDTA is. An effective national counter-drug strategy will not work if the federal agencies, state agencies and local agencies go their separate ways and don't leverage effort and share information. This proposal sets back fifteen years of effort to meld federal, state and local agencies into effective drug enforcement partnerships.

OCDETF AND HIDTA ARE DIFFERENT PROGRAMS WITH DIFFERENT MISSIONS AND SHOULD BE KEPT SEPARATE:

Task Forces:

OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. They do not perform any enforcement activities. All cases seeking OCDETF sanction emanate from within the member agencies, state and local agencies and/or HIDTAs. None stem from an investigator assigned to an OCDETF regional task force. Their use of the term task force is non-traditional in drug law enforcement.

HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution, sales, interdiction, prosecution, violence, gangs and intelligence. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies) from.³

283 federal agency offices
327 state agencies
916 local agencies

Investigations initiated by HIDTA task forces (825 with OCDETF designation¹) represent a significant portion of OCDETF's reported achievements.

Investigative Intelligence and Support Activities:

OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is that of funding. It does not provide investigative support beyond prosecution and money.

HIDTA has intelligence units that:

- Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
- Provide post-seizure analysis
- Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
- Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
- Produce annual threat assessments and special strategic reports
- Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
- Provide analytical support through all phases of an investigation
- Conduct pro-active intelligence activities to produce informants and develop cases

Funding:

The \$550 million OCDETF budget primarily funds approximately 4,000 federal personnel outside their agency’s budget. In 2004, that included personnel apportioned as follows:²

<u>Agency</u>	<u>Personnel</u>
DEA	1,270
FBI	937
U.S. Attorneys	881
IRS	471
ICE	384
ATF	54
U.S. Marshals	13

These agents and personnel are assigned to their various divisional offices carrying out their respective agency’s mission relating to drug enforcement and under the direction of the special agent in charge of that office. A small percentage of the OCDETF budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement.

The \$227 million of HIDTA funding in twenty-eight strategic regions goes to support:³

- 355 operational task forces (65% established by HIDTA)
- 53 intelligence centers (all but one established by HIDTA)
- 4,428 federal personnel
- 8,459 state and local personnel of which 1,996 are directly funded by the HIDTA Program

By law, at least 51 percent of HIDTA funds must go to state and local agencies. The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility which would be unavailable within the Department of Justice. Fiscal flexibility does not mean non-compliance with OMB regulations. To the contrary, HIDTA funds disbursed to local and state agencies have more levels of scrutiny and audit than any other program. In fact, it is easier to track HIDTA funds to local and state agencies than funds to federal participants. The flexibility mentioned refers to the ability to make a choice when contracting or making purchases by selecting the most appropriate agency and minimizing obstacles.

Structure:

OCDETF is a program for federal agencies and managed by a federal agency, Department of Justice. The majority of its funding is designated for full time federal employees distributed among participating federal agencies (see above). No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). It has no operational task forces, pointer indices or intelligence capability. Non-federal agencies are not represented in their administrative task forces.

HIDTAs are governed by executive boards that contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.

Operations:

OCDETF designated investigations are submitted to OCDETF by federal, state and local agencies and/or task forces. The designation is generally for funding assistance and the assignment of prosecutors on a case by case basis. The OCDETF-funded federal positions are assigned to work within their respective federal offices throughout the United States.

OCDETF is primarily a federal funding mechanism for federal positions and also provides some support to drug law enforcement with funding for major cases. No cases start at or within an OCDETF task force. OCDETF cases generally evolve from local and regional targets and develop into OCDETF investigations.

Unlike OCDETF, **HIDTA** task forces actually develop and open cases, provide and share intelligence and informants that leads to OCDETF investigations and support for other OCDETF cases across the country. HIDTA proactively identifies, targets, investigates

and attempts to disrupt or dismantle international, multi-state and local drug trafficking organizations.

HIDTA staff is currently compiling case statistics from 2004. As of March 3, 2005, with only 70% of HIDTA's reporting, HIDTA funded task forces:

- Investigated 3,117 drug trafficking organizations. Of those, 60% or 1,881 were international or multi-state in scope
- 813 of the drug trafficking organizations were dismantled and 1,517 were disrupted
- 825 OCDETF cases were referred from HIDTA funded task forces and 230 were linked to CPOT targets

CLARIFYING ISSUES RELATED TO THE PROPOSAL:

DEA AND OCDETF SUCCESS RELATED TO CPOT

In 2004, DEA and OCDETF successfully dismantled 36 organizations linked to the consolidated priority organization targeting (CPOT) list and significantly disrupted the activities of 159 others.⁴

RESPONSE

CY2004 preliminary data from the HIDTAs concludes that the majority of the cases cited as OCDETF/CPOT were actually from HIDTA funded task forces with DEA, state and local officers working as a team.³ OCDETF does not investigate and are not involved in operations. Their function is to provide supplemental fiscal and prosecution assistance. Yet the proposal is to cut the HIDTA Program and enhance OCDETF.

HIDTA HAS FAILED WITH CPOT TARGETS

Efforts to focus HIDTAs on targeting high level organizations (DTOs) such as CPOT have failed.⁴

RESPONSE

In 2004, HIDTA targeted¹:

- 875 international DTOs
- 1,006 multi-state DTOs
- 1,236 local DTOs
- Of these targeted cases, 230 were linked to CPOT

- This represents 32% of the 730 active investigations linked to 42 targets cited by USDOJ⁴

It is an inaccurate statement that the HIDTAs failed to target high level DTOs. The real issue was how ONDCP used the supplemental funds to finance investigations linked to the CPOT list. The Director failed to consult with HIDTA leadership, ONDCP guidelines were vague, CPOT lists were difficult to obtain, funding was rarely needed to pursue CPOT cases, and when it was needed for cases, it took over six months to receive the allocation.

It is important to note that the Director was responsible to give final approval for any CPOT or related funding. The Director never requested HIDTA practitioners to assess the viability of the program to fund CPOT cases. HIDTA did not and has not failed to target high level DTOs. The conclusions that HIDTAs did not target high level organizations were made without receiving or including the 2004 performance data.

HIDTA NO LONGER FOCUSED

In 1990, HIDTA originally set up in five regions considered most critical high intensity drug trafficking areas at \$25 million and has expanded to 28 regions and \$227 million in 2004. Today, the program is no longer well focused.⁴

RESPONSE

HIDTA evolved over the last fourteen years precisely because it is a highly successful program. It expanded as drug experts, and Congress recognized the need for a more regional approach to the national drug problem. It grew because it works. The HIDTA Program is more focused today than it has ever been. The newly developed performance measures implemented in CY2004 demonstrate this focus. This is clearly reflected by the caliber of its investigations, the advancement of model intelligence centers, national connectivity, proactive training, law enforcement partnerships, innovative new programs, and a high degree of accountability. The HIDTA Program is one of the most focused programs in law enforcement. It has a clear mission, aligned goals and specific performance measures.

HIDTA NOT LINKED TO SIGNIFICANT REDUCTION

State and local drug enforcement efforts have not been able to show a link with significant reductions in drug trafficking.

RESPONSE

HIDTAs are focused on the most significant drug trafficking organizations and have achieved a very impressive track record. Drug law enforcement experts agree that the majority of high level cases originate with state and local law enforcement efforts. The

best mechanism for these agencies to partner with federal agencies is through existing HIDTA funded task forces. HIDTA supports the efforts of local and state agencies. It enables them to pursue cases to the highest level possible.

It is short sighted and revisionist to imply federal drug enforcement can better impact the national drug problem without a close coordinated cooperative partnership with state and local law enforcement. This is why the HIDTA program was created. Universally, drug enforcement experts agree the key to success is for state and local law enforcement to develop cases, informants, and interdictions on the interstates.

With HIDTA's growth across the country, teen drug use has been lowered and a reduction in crime has occurred. These results were achieved based on a compilation of efforts, and HIDTA was an integral part.

HIDTA TRANSFER WILL RETAIN POSITIVE ASPECTS

ONDCP will ensure the HIDTA Program retains its positive aspects such as an emphasis on intelligence sharing and interagency cooperation after its transfer.⁶

RESPONSE

It is simply not logical to assume a program reduced by 56% of its operational budget will retain much of what the program has accomplished. The proposal will effectively eliminate most of the HIDTA Intelligence Centers and many of the multi-agency drug task forces. If the intelligence sharing and intelligence center is a positive aspect of HIDTA, why is the federal government allocating funds to federal agencies for intelligence sharing and drug intelligence fusion centers? How can interagency cooperation be maintained when preliminary surveys indicate that a good portion of the federal, state and local commingled, collocated task forces will be disbanded with the proposed reduction? How is an equal partnership between federal, state and local law enforcement leaders maintained when the program is run and directed by a federal agency out of Washington, DC? Who can truly believe that much of what the HIDTA program represents would be retained with these cuts and transfer.

HIDTA TARGETS ARE TOO LOW LEVEL

The HIDTA Program is presently pursuing targets at too low a level in the drug market to be effective.

RESPONSE

The 2004 performance measurements demonstrate that this statement is inaccurate. HIDTAs target at a very high level to include international and multi-state DTOs many with CPOT linkage and OCDETF designation. In addition to these high level cases,

HIDTA also targets local drug trafficking organizations. Many of these local investigations evolve into elevated or high level multi-state or international cases. It is uncommon to initiate a DTO investigation at the highest level. HIDTA protocols, support and performance measurements encourage and enable task forces to investigate their cases to the highest level possible.

HIDTA FAVORS CERTAIN AREAS

The process used to fund HIDTAs favors certain areas without systematically assessing the country's overall drug enforcement priority and needs.

RESPONSE

This is contrary to the process for approving funding and allocation of areas to be designated HIDTA. HIDTAs are required to submit a threat assessment, provide a strategy to address the threat and fund initiatives that are part of the strategy. Annually, each HIDTA is judged by performance measures. All of these documents are submitted to ONDCP for their use on an annual basis. There are unique challenges and threats for each HIDTA office. These threats and operational costs often fluctuate based on the region where the office is housed. The ONDCP Director seems to suggest a one size fits all approach will be more efficient. Again, HIDTA was developed regionally to address the threats in a specific area. Not all regional threats are the same. The Director has access to a tremendous resource in terms of leadership and experience within the HIDTA Program. He could have communicated these concerns at any time but failed to do so. The Director should evaluate the process for approving funding and for the allocation of areas designated as HIDTAs, not the program itself.

ADVANTAGES OF HIDTA UNDER OCDETF

The advantages to placing the HIDTA Program under OCDETF control are that it would assure the resources are more nationally aligned with programs with a proven record of success against high level targets. This move would also improve HIDTA's access to DOJ's new intelligence fusion centers reinforcing its intelligence related efforts. This proposed change would enhance the effectiveness and would more than justify the change.

RESPONSE

As shown earlier, these programs with proven records of success are primarily based on HIDTA task forces. As described earlier in this paper, there is not a natural alignment between OCDETF and HIDTA. In fact, they are different programs with different missions. HIDTA has a proven record of success against priority high level targets and has contributed to a great deal of OCDETF statistics. HIDTA has federal, state and local personnel all working in central intelligence centers (ISCs) in 53 locations throughout the

United States. A close relationship between the fusion centers and HIDTA ISCs could be a very powerful tool. However, stating this change will enhance effectiveness is totally unsupported and inaccurate.

OMB CITES HIDTA

The Office of Management and Budgets Program Assessment Rating Tool (PART) cited the HIDTA Program for not being able to demonstrate results.⁶

RESPONSE

PART does not cite the HIDTA Program as being ineffective but rather for “Results not demonstrated”. Twenty-nine percent of the federal programs reviewed received the same rating. OCDETF apparently has not been assessed. The HIDTA Directors did not totally disagree with OMB’s assessment of FY 2003. The performance measures developed and supplied by ONDCP for the most part did not reflect the effectiveness of HIDTA. When this report came out, ONDCP’s Bureau of State and Local Affairs, HIDTA Directors Committee and staff, including a former OMB program manager developed new performance measures. They were used for the first time in 2004.

These performance measures cite sixteen core measurements of effectiveness. Unfortunately, the ONDCP Director chose not to review the data or use this data in making his recommendations. The program is confident that these new performance measurements more than demonstrate HIDTAs efficiency and effectiveness.

Apparently, the ONDCP Director disregarded the following information related to the March 2004 Drug Control Funding Report that is important to this issue. The overall PART rating for the HIDTA Program was “Results Not Demonstrated.” The program’s FY 2003 performance measures are primarily outputs supplemented with milestones. New outcome-oriented measures have been developed for future years as part of the performance management system designed in FY 2003. A committee of HIDTA directors is currently refining the system to enable a better linkage of performance to budgets, taking into account the shortage of HIDTA-specific data. This system should enable the program to document its effectiveness.⁷

The new performance measures (16) used in 2004 includes such data as:

- Efforts against drug trafficking organizations by type and scope including cost
- Efforts against money laundering organizations by type and scope
- Drugs removed by wholesale value and return on investment
- Illegally gained assets removed and return on investment
- Cost of investigative activity
- Efforts against methamphetamine clandestine laboratories, precursor/chemical sources and laboratory dump sites
- Training efficiency

- Event and case deconfliction
- Analytical support
- Investigation referral to other HIDTAs or agencies

SUMMARY:

- HIDTA has been able to demonstrate its effectiveness targeting, dismantling and disrupting international, multi-state and local drug trafficking organizations many of which have OCDETF designation and linked to CPOT. However, HIDTA has also maintained its flexibility to successfully address other drug problems such as the clandestine manufacture of methamphetamine.
- The primary reason for the success of the program is that it is within ONDCP's Bureau of State and Local Affairs, a neutral entity with no enforcement arm to compete or take control. No personnel from ONDCP are members of the Executive Board. Thus, HIDTA provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach and goals yet tied to the national mission.
- The HIDTA Program cannot remain effective with a 56% reduction in funds regardless of where it is housed.
- The human, operational, intelligence and technical infrastructure that HIDTA has built in the last fifteen years, changing the face of drug law enforcement across the nation, will be lost if this proposal becomes reality.
- HIDTA's successes and contributions can and should be factored into the cause for the reduction of teen drug use and drug related crime as much as any other singular endeavor, such as a media campaign.
- OCDETF and HIDTA are beneficial programs but whose missions are dissimilar.
- OCDETF/DOJ has a unilateral, federal approach to drug law enforcement. HIDTA addresses the totality of drug law enforcement.
- OCDETF precludes the incorporation of state and local police executives in drug law enforcement management that affects their areas.
- The HIDTA Program's most beneficial contributions cannot endure under DOJ management and guidelines.

NOTES:

¹ 2004 HIDTA Annual Report Performance Measures Tables (as of 3/3/05 with 70% of HIDTAs reporting)

² DOJ FY 2005 Budget and Performance Summary (OCDETF)

³ HIDTA Director's Survey, February 22, 2005 with 79% of HIDTA's reporting

⁴ Department of Justice 2006 Budget "At a Glance"

⁵ Statement of ONDCP Director Walters before the House Committee on Government Reform Subcommittee on Criminal Justice, Drug Police and Human Resources, February 10, 2005

⁶ National Drug Control Strategy, February 2005

⁷ Drug Control Funding: Agency Summary, FY 2003 – FY 2005

⁸ GAO January 2005 Report, "High Intensity Drug Trafficking Area's effort to link investigations to international drug traffickers"

Mr. SOUDER. Thank you very much for your testimony.

Our next witness is Baltimore's acting police commissioner, Mr. Leonard Hamm. Thank you for coming today. We know your city has been hard hit; and Mr. Cummings, as well as Mr. Ruppenberger have been long-time advocates, and particularly our distinguished ranking member. So thank you for taking time out to come here today.

**STATEMENT OF LEONARD HAMM, ACTING BALTIMORE
POLICE COMMISSIONER**

Mr. HAMM. Thank you, Mr. Chairman, Mr. Cummings, and Ms. Watson; thank you for having me. I am honored that you would have me here testifying on the drug budget for fiscal year 2006.

My name is Leonard Hamm, and I am the acting police commissioner of Baltimore City. I have been doing this for 30 years; 30 years, this drug stuff for 30 years on the local level.

One of the things that was not talked about by the other panel was results. I am going to give you some results. A lot of times, numbers are boring, but please just bear with me.

All partners in HIDTA work under a form of measured success and management for results. In this successful HIDTA formula that law enforcement has worked on for years, this will jeopardize the major cases, networking, leads, and partnerships which have proven to work.

Now I want to talk about some of the groups and some of the things that we are doing locally. First of all, we have Group 51, which is our Violent Trafficking Initiative. In short, this initiative investigates violent gun drug traffickers and organizations that impact on the Baltimore Metropolitan area.

In 2005, our expected output is to arrest 80 drug/firearm traffickers, seizing \$770,000 in criminally obtained assets, disrupt or dismantle 10 major drug trafficking groups, and seizing 2 kilos of heroin, 10 kilograms of crack cocaine, and 10 kilograms of marijuana.

Now in fiscal year 2005 to present, the group has arrested 21 persons, seized \$617,000 in moneys and assets; 1½ kilos of heroin, 11 firearms, 1.6 kilograms of cocaine, 2.7 kilograms of marijuana, and dismantled and disrupted three organizations.

The 2004 actual outputs consist of nine organizations being dismantled and disrupted, 62 people arrested, seizing \$891,000 in money, \$200,000 in assets, 36 firearms, 3½ kilograms of heroin, 8.7 kilograms of cocaine, 1 kilogram of crack, and 9.9 kilograms of marijuana. Baltimore City has five members dedicated to this initiative.

I want to talk about our Group 54. This is our major drug trafficking initiative. This initiative primarily focuses on major cocaine and heroin trafficking organizations.

The 2005 expected outputs are to seize 50 firearms, \$1 million in drug assets, 3 kilograms of heroin, 10 kilograms of crack cocaine, and 15 kilograms of marijuana, to include dismantling of 10 drug organizations.

For fiscal year 2005 to present, this group is well on the way to achieving that expected output. They have seized \$263,000 in money and assets, 18 kilograms of cocaine, 27 arrests, 0.16 kilo-

grams of crack cocaine, 0.35 kilograms of heroin, and disrupted and dismantled two organizations so far this year.

The 2004 actual outputs consisted of 14 organizations being dismantled or disrupted, 89 arrests. They seized \$1,025,000 in money, \$47,000 in assets, 25 firearms, 3.9 kilograms of heroin, 28 kilograms of cocaine, and 2.3 kilograms of marijuana.

We have a REDRUM Group, and that is part of our Group 54. They work jointly with Group 54. However, their primary focus is to topple violent groups in Baltimore City. One group that the Congressmen know about, they call themselves the North Avenue Boys.

Working closely with our Homicide Unit, State and Federal prosecuting teams, we identified their violent trends and patterns through data base analysis and crime mapping, and we work jointly with the Homicide Unit and the State and Federal prosecutors to bring the responsible parties to the table for a successful prosecution. Baltimore City has 12 members dedicated to the entire Group 54 initiative.

Group 56 is our Mass Transportation Initiative. Their efforts and their mission is to reduce drug trafficking in the Baltimore Metropolitan area by interdiction efforts and immediate followup and investigations.

Across the Nation, a new smuggling of choice has been identified as parcel and vehicle traps. In 2003, this initiative merged with the Delivery System Parcel Interdiction Initiative to effect coordination and operational effectiveness.

Our expected outputs for 2005 are to arrest 70 drug/firearm violators, seize \$400,000 in assets, 100 kilograms of marijuana, 10 kilograms of cocaine, 1 kilogram of heroin, and two firearms.

Our output, to date, the group has generated 20 arrests, seizing \$175,000 in assets, three firearms, 19.9 kilograms of marijuana, and 1 kilogram of cocaine. They are also involved in two major case investigations.

We have our DEA Heroin Task Force. This group has arrested three persons, seized \$393,000 in moneys. We have our Weapons Enforcement Initiative. This group investigates armed violent drug trafficking organizations which impact the Baltimore Metropolitan Area. We utilize the ATF Disarm Program as its targeting mechanism.

We have the Customs Baltimore Seaport Initiative. We have the Customs Money Laundering Initiative. We have a Customs Airport Group. All of these groups have measured targets. We are getting great results.

Mr. Chairman, there are those that question the value of HIDTA. They simply have not taken the time to look at these measurable lifesaving results.

I urge all of you to maintain an open mind and speak directly with the HIDTA directors and law enforcement professionals who dedicate their lives to just the kind of cases which Federal, State, and local law enforcement should be focusing on.

I want to thank you for your time. I cut my testimony down. Our successes have been numerous, and thank you for listening to us.

[The prepared statement of Mr. Hamm follows:]

**HIDTA RESULTS TALKING POINTS FOR
POLICE COMMISSIONER AT HEARING SCHEDULED FOR MARCH 10, 2005**

Good afternoon my name is Leonard D. Hamm, and I am the Acting Police Commissioner of the Baltimore Police Department. I would like to thank Chairman Mark E. Souder and Congressman Elijah Cummings for inviting me to provide testimony on the Fiscal Year 2006 Drug Budget. HIDTA is supportive of not only our various police divisions, but also affects our communities on a very personal level. For example, HIDTA supports our Operation Crime Watch. In the City of Baltimore alone, we now have over 5,000 signed and active citizens who report criminal activity. This program provides a safe way for individuals to be a part of taking back their communities in a safe way.

HIDTA has also participated in various law enforcement efforts to include coordinating information from various agencies during the Maryland/Virginia sniper incident, and maintaining a strong network to assist departments with strategic planning to combat drug activity. This assistance is vital in maintaining the ability of the various federal, state, and local law enforcement agencies to share critical information with each other.

On Monday, March 7, 2005, members of HIDTA Group 52 arrested five more members of the "Black Magic" organization under indictment for supplying heroin and cocaine to Baltimore City and Baltimore County. During these arrests, task force members seized 1 kilo of cocaine, 300 grams of heroin, 132 grams of crack cocaine, and \$24,000 in cash. This adds to the 8 kilos of heroin, 32 firearms, \$850,000 in cash, and \$300,000 in assets already seized during the investigation. This is the most recent example of the effectiveness of our HIDTA groups.

RESULTS DRIVEN

All partners in HIDTA work under a formula of measured success and management for results. Ending the successful HIDTA formula that law enforcement has worked on for years will jeopardize the major cases, networking, leads and partnerships which are proven to work.

1. Group 51 Violent Trafficking Initiative

In short this initiative investigates violent drug/gun traffickers and organizations that impact the Baltimore Metro area.

- **2005 Expected Output** is to arrest 80 drug/firearm traffickers, seizing \$770,000 in criminally obtained assets, disrupt or dismantle 10 major drug trafficking groups and seizing 2 kilograms of heroin, 10 kilograms of crack/cocaine and 10 kilograms of marijuana.

- **Fiscal 2005 to present**, the group has arrested 21 persons, seized \$617, 834 in monies/assets, 1.5 kg of heroin, 11 Firearms, 1.6 kg of cocaine, 2.7 kg of marijuana and dismantled/disrupted 3 organizations.
- **2004 Actual Outputs** consist of 9 organizations being dismantled/disrupted, 62 arrests, seizing \$891,405 in monies, \$200,370 in assets, 36 firearms, 3.5 kg of heroin, 8.7 kg in cocaine, 1.0 kg in crack and 9.9 kg in marijuana. Baltimore City has 5 members dedicated to the initiative.

2. Group 54 Major Drug Trafficking Initiative

This initiative primarily focuses on major cocaine and heroin trafficking organizations.

- **2005 Expected Outputs** are to seize 50 Firearms, \$1,000,000 in drug assets, 3 Kilograms of Heroin, 10 Kilograms of Cocaine/Crack and 15 Kilograms of Marijuana to include dismantling 10 Drug Organizations.
- **Fiscal year 2005 to present outputs**, the group is well on their way in achieving the expected outputs; they have seized \$263,566 in monies and assets, 18 kg of cocaine, 27 arrests, 0.160 kg crack cocaine, 0.357 kg of heroin and disrupted/dismantled 2 organizations.
- **2004 Actual Outputs** consist of 14 organizations being dismantled/disrupted, 89 arrests, seizing \$1,025,575 in monies, \$471,920 in assets, 25 firearms, 3.9 kg of heroin, 28.8 kg of cocaine, and 2.3 kg of marijuana.

3. **REDRUM** The REDRUM group is part of Group 54. They work jointly with group 54; however their primary focus is to topple violent groups such as the "North Avenue Boys" working closely with the Homicide Unit and State/Federal Prosecuting Teams. Identify violent trends and patterns through database analysis and crime mapping and work jointly with Homicide and the State/Federal Prosecutors to bring the responsible parties to the table for a successful prosecution. Baltimore City has 12 members dedicated to the entire Group 54 initiative.

4. Group 56 Mass Transportation Initiative

Group 56 focuses their efforts on the mission to reduce drug trafficking in the Baltimore Metropolitan area, by interdiction efforts and immediate follow up investigations. Across the nation the new smuggling of choice has been identified as parcel and vehicle traps. In 2003 this initiative

merged with the Delivery System Parcel Interdiction Initiative to effect coordination and operational effectiveness.

- **2005 Expected Outputs** is to arrest 70 drug/firearm violators, seize 400,000 in assets, 100 kg of marijuana, 10 kg of cocaine, 1 kg of heroin and 2 firearms.
- **Fiscal 2005 to present Outputs** the group has generated 20 arrests, seizing \$175,000 in assets, 3 firearms, 19.9 kg of marijuana, and 1kg of cocaine. They are also involved in two major case investigations.
- **2004 Actual Outputs** consist of 111 arrests, seizing \$1,205,851 in monies, \$591, 440 in assets, 15 firearms, 1 kg of heroin, 192 kg of cocaine, and 331 kg of marijuana. They also provided numerous leads to various other narcotic groups across the country targeting “source cities” such as Los Angeles, Phoenix, Philadelphia, Raleigh, Richmond, New York and many others. Baltimore City has 5 members dedicated to the initiative.

5. DEA Heroin Task Force, Group 52

Baltimore City also has 5 members dedicated to a DEA group, which is comprised of DEA Agents and Baltimore City Police Detectives and 1 Sergeant. The group focuses their efforts targeting violent heroin dealers, whom are selling and smuggling in and to the Baltimore Metropolitan area. DEA does not project expected outputs.

- **Fiscal 2005 to present Outputs** the group arrested 3 persons, seizing 393,863 in monies/assets, disrupted one organization.
- **2004 Actual Outputs** consist of 124 arrests, seized \$344,986 in monies and assets, 4 kg of heroin, and 3 kg of cocaine.

6. Weapons Enforcement Initiative

The group investigates armed, violent drug trafficking organizations which impact the Baltimore Metropolitan area utilizing the ATF Disarm Program as its targeting mechanism.

- **2005 Expected Outputs** are to disrupt/dismantle 7 organizations, 125 arrests, seize \$80,000 in assets, 100 firearms, and have 75 Disarm Initiations.
- **Fiscal 2005 to present Outputs** has arrested 37 persons, seized \$337,290 in assets, 27 firearms, 224 grams of marijuana, 210 grams of cocaine guns and 53 Disarm Initiations.

- **2004 Actual Outputs** the group has disrupted/dismantled 10 organizations, arrested 117 persons, seized \$1,270,000 in monies, \$860,000. in assets, 185 Firearms and had 176 Disarm Initiations.

7. Customs Baltimore Seaport Initiative

This initiative focuses its operations on the cargo and container terminal at the Port of Baltimore. They work closely with the Drug Money Laundering Initiative.

- **2005 Expected Outputs Unknown**
- **Fiscal 2005 to Present** has arrested 9 persons, seizing 5.2 kg of cocaine, 2, 500 lbs of KHAT, \$5,730. in assets, 1 firearm and 28 grams of heroin.
- **2004 Actual Outputs** the group has made 30 arrest, seizing \$299,078 in monies, \$65,000 in assets, 7 Firearms, 2.1 kg of heroin, 186 kg of cocaine, and 65.3 kg of marijuana.

7. Customs Money Laundering Initiative

This initiative is designed to reduce drug trafficking in the Maryland area by focusing on organizations that participate in money laundering. This includes counterfeit monies, stolen credit cards, postal money orders and wire transfers.

- **2005 Expected Outputs Unknown**
- **Fiscal 2005 to present Outputs** the group has seized \$303,699 in assets.
- **2004 Actual Outputs** the group has made 78 arrests, seized \$7,712,894 in monies, \$582,000 in assets, 11 firearms, 3.5 kg in heroin and 582. kg in marijuana. Further they identified and targets 10 international organizations and dismantled 4 and disrupted 3.

8. Customs Airport Group

This initiative focuses its efforts on interdiction operations involving transportation of assets and contraband via the airways operations out of BWI.

- **Fiscal 2005 to present** the group has made 5 arrests, and seized 2.5 kg of cocaine, and 1.7 kg of heroin.

There are those that question the value of HIDTA. They simply haven't taken the time to look at these measurable, live-saving results. I urge you all to maintain an open mind and speak directly with your HIDTA directors and law enforcement professionals who dedicate their lives to just the kind of cases of which federal, state and local law enforcements should be focusing.

Mr. SOUDER. We will put your full statement in, if you have other materials, also.

Mr. HAMM. Thank you, sir.

Mr. SOUDER. I want to make sure for the record that the charts over there get printed so we can get those into the record, as well.

Our next witness is Mr. Mark Henry, president of the Illinois Drug Enforcement Officer's Association. Thank you for being here.

STATEMENT OF MARK HENRY, PRESIDENT, ILLINOIS DRUG ENFORCEMENT OFFICERS ASSOCIATION

Mr. HENRY. Chairman Souder and distinguished panel, I thank you. Good afternoon, or I guess it is good evening now. I thank you for this opportunity to speak.

First, I would like to say that while most of my comments will be directed toward the proposed elimination of Byrne/JAG grants and the impact in Illinois, I do want to go on record as saying that the Chicago HIDTA is a friend to multi-jurisdictional task forces in Illinois, and we appreciate all that they do.

My name is Mark Henry, and I have been a police officer in Illinois for 21 years. For 18 of those years, I have been involved in drug enforcement. In the vast majority of that time, I have been assigned to various multi-jurisdictional Drug Task Forces.

In addition, I served as the administrator of two Drug Task Forces, so I understand the critical importance of the Byrne/JAG Program.

In 2001, I served as the chairman of the Illinois MEG and Task Force Commanders Association, which consists of 20-plus multi-jurisdictional Drug Task Forces, which cover approximately 73 of the 102 counties in Illinois. Once again, I had the opportunity to hear from all the various Drug Commanders about the importance of the Byrne/JAG Program.

Currently, I serve as the president of the Illinois Drug Enforcement Officers Association. We have approximately 1,000 members, consisting of Federal, State, and local officers, from all parts of Illinois. The IDEOA is 1 of 43 such State organizations throughout our Nation, and all of us are concerned about the proposed elimination of the JAG assistance grants.

I am quite familiar with drug enforcement in Illinois, and specifically the role the Drug Task Forces play. I would like to explain that role.

First there is DEA. They are a great partner in the strategy in Illinois. They assist lower law enforcement and Drug Task Forces whenever they can. However, DEA and the other Federal agencies focus much of their efforts on attacking the top levels of the drug pyramid, and rightfully so.

At the same time, you have local police departments that are handling the lower level drug trafficking that is occurring in their communities. The gap which exists between the top and the bottom, that squarely falls on the shoulders of the Drug Task Forces in Illinois.

In short, for most of the State, the Drug Task Forces are the backbone of drug enforcement in Illinois. In addition, these units have taken over the responsibility of investigating and dismantling methamphetamine labs in Illinois, which continues to increase.

In 2004, the Drug Task Force's dismantled an excess of 960 meth labs. Most local police departments do not have the training or resources to handle these labs.

In Illinois, approximately 60 percent of police departments have less than 10 full-time officers. Combining resources and expertise is the only effective and efficient way to address Illinois drug problems.

To ensure my message was accurate today, I would like to read some abbreviated replies from the Illinois Drug Commanders where they reference their thoughts on eliminating the Byrne/JAG Program.

The first quote is, "The elimination of the Byrne/JAG Grant would have a catastrophic effect on the metropolitan enforcement group of Southwestern Illinois. The majority of the Board members indicated they would be forced to either withdraw from the unit or reduce their participation to that of financial contributor."

The next quote is Vermillion County MEG, "Eliminating this funding would cut our number of agents by 62 percent. The elimination of this funding would be the beginning of the end of Vermillion County MEG."

The next quote is, "The West Central Illinois Task Force is the primary if not the only deterrent of narcotic trafficking and enforcement in West Central Illinois. Without the Byrne Grant funding, this concept would be dissolved."

The next quote is, "The Southeastern Illinois Drug Task Force will cease to exist within a year if the Byrne funds are eliminated."

The next quote is from the LaSalle Task Force. "I strongly believe that the elimination of these funds would force the Task Force to close its doors."

The last quote is from Task Force 6. "I look at this proposed Byrne/JAG cut as a closing down of a police department and the abandoning of our children and citizens."

In closing, the State and local police departments in Illinois are committed to the multi-jurisdictional principle, and dedicate many of their own limited resources to this ideology.

The Byrne/JAG funding is the glue that brings hundreds of law enforcement agencies and their resources together to effectively and efficiently attack local drug trafficking, reduce violent crime, and promote safer communities. Without that glue, we will weaken our grip on this important issue, and negatively impact the quality of life for the citizens which we all serve in this great Nation in the State of Illinois.

I thank you for your time and consideration with this critically important matter.

[The prepared statement of Mr. Henry follows:]



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 Task Force*

Good afternoon and thank you for the opportunity to address you today. My name is Mark Henry and I have been a police officer in Illinois for approximately 21 years. For 18 of those years, I have been involved in drug enforcement, with the vast majority of that time assigned to a multi-jurisdictional drug task force. In addition, I served as the Administrator for two of those drug task forces, covering a seven year period, which gave me an appreciation for federal funding assistance.

In 2001, I served as Chairman of the Illinois MEG Directors and Task Force Commanders Association which is an umbrella organization for the twenty-plus multi-jurisdictional drug task forces which cover approximately 73 of the 102 counties in Illinois. Once again, I had the opportunity to hear from the various drug unit commanders about the importance of federal funding to their units.

Currently, I serve as the President of the Illinois Drug Enforcement Officers Association, commonly referred to as the IDEOA. The IDEOA has approximately 1000 members, consisting of federal, state, county and local officers from all parts of Illinois. The IDEOA believes effective drug enforcement is predicated on establishing viable lines of communication and coordination of efforts among law enforcement entities. A significant percentage of our membership are, or have been at one time or another, assigned to one of the 20 plus multi-jurisdictional drug task forces which exist in Illinois. The IDEOA is one of 43 such state organizations throughout our nation, each of them concerned about proposed elimination of JAG assistance.

I mentioned my background to ensure you that I am quite familiar with the state of drug enforcement in Illinois, especially as it pertains to local law enforcement and the role played by multi-jurisdictional task forces. Whether by design or necessity, drug enforcement in Illinois is divided into a multi-tiered approach. Here is how I see the breakdown in Illinois.

First, the Chicago HITDA is a friend to the multi-jurisdictional drug task forces in Illinois. Chicago HIDTA coordinates and conducts much of the drug enforcement occurring in Cook County, which encompasses the city of Chicago. The multi-jurisdictional drug task forces partner with Chicago HIDTA when local investigations migrate to Chicago, which happens frequently when moving up the drug dealer food chain. All the multi-jurisdictional drug task forces in Illinois utilize HIDTA's de-confliction system to ensure officer safety. Chicago HIDTA also provides analytical support to any unit that requests assistance. Chicago HIDTA Director Donahue will provide additional information during this hearing.

Second, DEA, also a great partner in this strategy, assists state and local law enforcement whenever they can. However, DEA and the many other federal agencies focus on attacking the top levels of the drug pyramid. At the same time, local police departments

handle as much street level drug trafficking as their resources and expertise allows. The gap which exists between the two falls on the shoulders of the twenty-plus multi-jurisdictional drug task forces. In short, for much of the state, the multi-jurisdictional drug task forces are the backbone of drug enforcement in Illinois. In addition to handling traditional drug enforcement, these units have taken over the responsibility of investigating and dismantling the increasing number of methamphetamine labs located in Illinois. In 2004, the multi-jurisdictional drug task forces dismantled in excess of 960 meth labs.

The overwhelming majority (87.6%) of all police departments in the United States have less than 50 officers (Census of State and Local Law Enforcement Agencies, 2000). In Illinois, there are approximately 1025 police departments, with approximately 60% of those departments having less than 10 full-time officers. Law enforcement learned long ago that combining resources and expertise is the most efficient and effective way to address an issue of mutual concern. The drug task forces have proven that theory correct over the past decade. It has always been a commonly held belief that effective drug enforcement reduces violent crime. In Illinois, a review of drug arrests validates this belief. A study from 1994 to present revealed that in the areas covered by 18 of the 20 task forces which receive JAG assistance in Illinois, as drug arrests rose, the violent crime index was reduced. An even more telling correlation exists as it relates to commitments to the Illinois Department of Corrections for drug offenses. Examining IDOC commitments removes those drug arrests which do not take the offender off the street for an extended period of time (such as misdemeanor charges or felonies which result in probation). Previous studies conducted by the Illinois Criminal Justice Information Authority show that convictions from multi-jurisdictional drug task forces result more frequently in commitments to the Illinois Department of Corrections than those drug arrest convictions which were initiated by local law enforcement agencies.

To ensure that my message was an accurate portrayal of my Illinois counterparts, I asked the various Directors and Commanders of these units to express the impact of eliminating federal funding. I would like to share with you some of their abbreviated replies:

“East Central Illinois Task Force... All of the law enforcement agencies, the business and education community rely heavily on the task forces expertise in combating the fight against drugs...the most devastating issue is the degradation of the community by those criminals that prey on the community. The task force has been the driving force behind effective law enforcement in the east central Illinois area. The epidemic of meth and it's effects on the quality of life, family and overall safety has taken a great toll as it is. The rise in incidents of cocaine trafficking has increased and needs to be addressed. Without the existence of the task force violent crime and burglaries will likely increase dramatically.”

“The elimination of the Byrne/JAG Grant would have a catastrophic effect on the Metropolitan Enforcement Group of Southwestern Illinois... The majority of the Board members indicated that they would be forced either (to) withdraw from the Unit or reduce their participation to that of a financial contributor. MEGSI would also be required to lay off one direct hire Agent.”

“KAMEG (funding)... loss would have to be absorbed by the villages and counties

already feeling the state's current financial crisis on their existing budgets. KAMEG would likely lose officers because of the lack of Byrne/JAG reimbursement. In addition, we would lose our only secretary, whose salary is grant funded."

"VMEG is made up of 8 agents and 2 ISP supervisors. The Byrne/Jag funding pays for 5 of the 8 agent positions. Eliminating this funding would cut our number of agents by 62%. These are not administrative or fluff positions but are the front line working agents. This would leave VMEG with 2 ISP personnel and 3 agents total. Assuming the percentage would carry over into the investigative figures, all areas such as arrests, cases opened, etc. would be reduced by 62% or more. VMEG does not have local money to pay for any additional agents and state funding has also been reduced. The elimination of this funding would be the beginning of the end for VMEG."

"SLANT has three offices covering the northwest part of Illinois and three counties in southern Wisconsin ... If the funding was lost, the Monroe office would lose one officer which would leave them with a unit of 6 officers to service three counties. The Rockford office would lose one officer which would leave them with 6 officers to service the second largest city in Illinois. SLANT would also lose its Administrative Assistant who handles all clerical work and Asset Forfeiture duties for the entire SLANT unit."

"The West Central Illinois Task Force is the primary if not the only deterrent of narcotic trafficking and enforcement in West Central Illinois. Without the funding that we currently receive from the Byrne Grant our mission would be all but non-existent. We cover approx 10 counties with our task force and once again are the primary responders to narcotic crimes in them. The interaction and cooperation between the Local and State agencies that participate in the Task Force is Monumental. Without the Byrne Grant funding this concept would be dissolved. Our Task Force support staff is also paid from the Byrne Grant. Without the support Staff, our work load and productivity would be cut in half."

"The South Eastern Illinois Drug Task Force (SEIDTF) will cease to exist within a year if the Byrne Funds are eliminated... With the proliferation of clandestine methamphetamine production throughout our area of responsibility, the asset seizures and forfeitures have been sporadic at best...The SEIDTF personnel made 163 arrests last year and responded to more than sixty meth labs. There is no indication that this year will be any different....we are still the only ISP drug unit in the area and will be needed to continue to respond to calls for service when a local dealer sets up shop in some small community in southeastern Illinois."

"For the WCITF-Macomb, elimination of funding would result in 1 agency leaving the TF, 1 agency possibly leaving the TF depending on their budget at the time, and the loss of our part-time secretary. The full time secretary may see her hours cut depending on what the TF could afford. Having very limited financial resources, it is not likely that the TF could afford to purchase equipment that it has in the past received through grants from ICJIA."

"The North Central Narcotics Task Force (NCNTF) is a multi-jurisdictional task force that spans three counties and covers 12 jurisdictions. The elimination or reduction of Byrne/JAG Funding would...force police officers off the street to do clerical work...eliminate communication equipment such as pagers and cell phones... eliminate federal funding to reimburse a portion of officer overtime costs. This encourages those departments to stay committed to the NCNTF as personnel costs rise."

"The elimination of the Byrne funding will have a very NEGATIVE impact on LCMEG's ability to address the drug problems in the Lake County area...The loss of the funding will cause us to eliminate the staff positions, this will cause the jobs they now perform to be reassigned to Police Officers... As history has shown us, time after time, the people that prevail are those which "network" and combine their resources. As we, the Law Enforcement Community, are being forced to abandon the "task force" concepts due to lack of funding, the Drug dealers and Terrorists are becoming more efficient because they're pooling their resources and intelligence."

"The elimination or reduction of this grant would have a very severe impact on the LaSalle Task Force....At the present time the funding accounts for 50% of the Task Force funds with the remaining 50% made up from fines and forfeiture's. I strong believe that the elimination of this funds would force the Task force to close it's doors."

"TF6 is the primary drug enforcement entity in this area and has been a fixture in this area since 1983....TF6 consist of 10 local, county, state agencies... The proposed Byrne/JAG cuts will result in the closure of this unit. Narcotics related crime will increase dramatically and drug dealers will operate at will without the presence of Task Force 6. The local and county agencies rely on Task Force 6's expertise and resources to combat this societal plaque. I look at this proposed Byrne/JAG cut as closing down a police department and abandoning our children and citizens."

"Central Illinois Enforcement Group is responsible for seven counties in Central Illinois. Many departments rely on us to provide knowledge to them concerning officer safety issues, i.e. booby traps, meth lab hazards, counter surveillance trends, etc. CIEG would be able to possibly exist for another year (or two). After that, we would be forced to send all of the inspectors back to their departments and CIEG would no longer exist."

"The Southern Illinois Enforcement Group is but one of the Units operating in the southern most 31 counties in Illinois...We are tasked with the "normal" duties of a MEG Unit with the added burden of methamphetamine investigations as well...SIEG's participation in these investigations would not have been possible without personnel employed here through Byrne funding... Because we are situated in an economically depressed area, we rely on Byrne funding to supplement our manpower needs with direct hire agents. Our contributing member agencies cannot afford to pick up the extra costs associated with a decrease in Byrne funding. If that were to be the case, we would lose 4 agents currently assigned here as well as the 5th we were planning to add with the upcoming Byrne grant funding. If this were to happen, the contributing member agencies of SIEG would be left vulnerable with drug enforcement seriously debilitated."

"We have eight (8) narcotics agents working under cover in a five (5) county area in central IL. Our unit investigates approx. 320 cases each year which results in the arrests of 285 to 298 defendants. These subjects are all mid to upper level drug dealers. If Federal funds under the Byrne/JAG are eliminated our unit will lose three (3) agents. The loss of these agents will cripple our ability to continue effective narcotics investigations. Narcotics trafficking will go unchecked and spread. We might as well turn the keys to our communities over to the gangs."

In closing, state and local police departments in Illinois are committed to this multi-jurisdictional principal and dedicate many of their own limited resources to this ideology. The Byrne/JAG Funding is the glue that brings hundreds of law enforcement agencies and their resources together to efficiently and effectively attack local drug trafficking which reduces violent crime and promotes safer communities. Without that glue, we will weaken our grip on this important issue and negatively impact the quality of life for the citizens which we all serve in this great nation. Thank you for your time and consideration with this critical issue.

Mr. SOUDER. Thank you very much for your testimony. Our clean-up witness today is Sheriff Jack Merritt of Green County, MO. He has worked with Congressman Blunt, who certainly has been a crusader in the house on methamphetamine and is a leader in the meth area, as well as many other narcotics areas, along with your talent. We thank you for coming today. We look forward to your testimony.

STATEMENT OF JACK L. MERRITT, GREENE COUNTY, MO

Mr. MERRITT. Thank you very much, Chairman Souder, Mr. Cummings, and Ms. Watson. I certainly am honored, and I do thank you for the opportunity to appear before this panel to express my concerns and what I believe are the concerns of many other agencies in the Midwest HIDTA with the current proposal to dramatically reduce the Federal support available to State and local enforcement.

Probably my concerns have gone two-fold, after hearing the previous panel express their plan or lack of plans in facilitating this. It is of deep concern, and more than when I arrived.

State and local law enforcement depend on the Byrne Grant and HIDTA Program and other Federal Programs to help us control crime. I understand that budgets are tight at all levels of Government, but I tell you, we in middle America have been extremely dependent on the invaluable assistance that we have received from the Federal Government through these programs. Such drastic reductions will cripple the enforcement capabilities of sheriffs and others in law enforcement.

Mr. Chairman, I represent Greene County, which is the home of Congressman Blunt. It is the third largest county in the State, and I am blessed to have many resources that are unavailable to many of my neighboring sheriffs. But even so, I depend on the assistance I receive from Byrne and HIDTA. My ability to work Drug Task Forces, fight crime, and protect my constituents, all of our constituents, would be devastated if the proposed reductions were to be enacted into law.

Complicating matters, the efforts of this proposal would be even worse for the other counties in my State, and I am sure that all 74 counties in the Midwest OUTDO would face similar adverse effects from the proposed cuts.

As you know, HIDTA funding as currently set by Congress, as has been mentioned here today, is at \$228 million for fiscal year 2005. This budget cut to \$100 million, in the real world, effects of this drastic cut will mean that the current 28 HIDTA areas will be severely scaled back and, I believe, in many cases, eliminated.

The elimination of HIDTA means that resources, cooperative agreements, active cases, and other critical drug control tools and techniques will cease to exist. That might be OK if the flow of drugs ceased, as well. However, we know that will not happen. As soon as enforcement stops, the drug dealers hit the streets with impunity and pollute our neighborhoods with their evil.

With or without the Federal support, law enforcement still faces continuing threats from drug dealers and drug cartels. In the Midwest especially, we have a devastating methamphetamine problem.

One of our greatest assets in the HIDTA program is the collaboration we have with Federal and local agencies.

My 36 years as a city policeman, highway patrolman and now as Sheriff of Greene County has taught me the only hope for continued success in law enforcement is the cooperative spirit that is shared by not only the working elements of those agencies, but also the administrators of those agencies.

Midwest HIDTA brings this concept, not only into the entire State of Missouri, but to the 74 counties in six States. As a criminal investigator for the Missouri State Highway Patrol, I have been involved in OCDETF cases, and certainly understand and appreciate the benefit of pursuing cases in this program. But those cases resulted from investigations we made on the street, and then were pursued and prosecuted as OCDETF cases.

The important fact here is that we need HIDTA to have the resources and the manpower to develop cases and then select those that meet the OCDETF criteria to further that investigation and prosecution. Without HIDTA, we lose that valuable asset that is so important to those of us that live and work in an area that is becoming completely saturated with methamphetamine manufacturing and trafficking.

That is to say that the first line of defense against illegal drugs is by having investigators continuing their investigations at a local level in a unified way as is currently done with our Federal Drug Task Force through the local Drug Enforcement Administration office.

This DTF goes beyond the investigation of our local meth cooks. One of the significant contributions is that of pursuing the drug interdiction cases that are made in the "drug pipeline" that crosses Missouri via Interstates 44 and 70. Certainly, many cases developed through this process reach the realm of national and international proportions and OCDETF criteria.

Again, this is an enforcement concept that would be lost without our support from HIDTA. I believe that many U.S. attorneys in the Midwest, if you inquired of them, would express some of the same concerns that State and local law enforcement agencies have concerning these proposed cuts. I assume, from earlier testimony, they were not consulted, and did not have a part in this decision.

I realize that DOJ may have a differing opinion of the necessity of the HIDTA program, but I do believe that if they would look at the success and benefit of Midwest HIDTA to Mid-America, it would affect their justification to reduce HIDTA funding and increasing that of OCDETF.

I hate to repeat myself, but the loss of HIDTA funding would be devastating to Mid-America. I would also like to express my concerns with the loss of funding to the Byrne Grants as this, too, is something that local law enforcement agencies have become so dependent upon.

In the recent past, we have seen new sheriffs coming into office that are trying to bring new technology and updated equipment into their departments, allowing them to provide a full-service police agency to serve their constituents. Without the benefit of grant funds, many of us would not be able to do this.

In my situation, local resources alone cannot resolve these problems. Every day, we confront pushers and meth cooks from our own communities that buy or steal massive quantities of pseudo-ephedrine to distill into meth.

Also, recently, across the Midwest, we have seen an increase of thefts from anhydrous ammonia tanks on farms. These “cooks” try to steal this fertilizer to make their poison.

Compounding that situation, we also must confront international traffickers as drugs and precursor chemicals make their way from Mexico, traveling our highways across the Midwest to eventually poison our youth.

As law enforcement leaders, we must find new and innovative ways of dealing with this growing problem. Moreover, meth is not our only challenge. Gateway drugs such as marijuana are prevalent among our teenagers. In fact, the problem is so widespread that OCDETF has engaged sheriffs and chiefs across the country to focus on them combatting marijuana use.

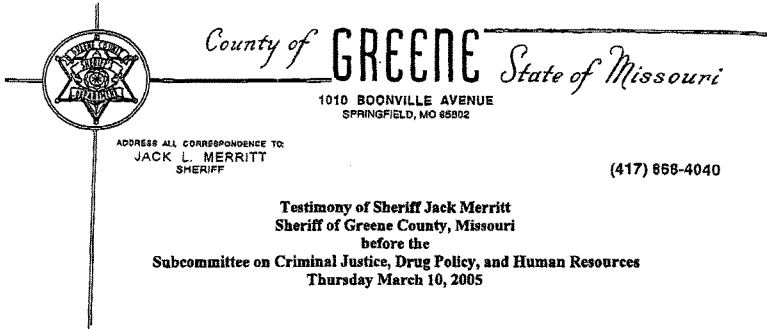
How can we consider reducing the Federal support of HIDTA with all of this work left undone? It is my view, it is a national model that should be expanded and not cut back.

Thank you all very much for your time.

[The prepared statement of Mr. Merritt follows:]

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Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before this distinguished panel to express my concerns, and what I believe are the concerns of many other agencies in the Mid-West HIDTA with the current proposal to dramatically reduce the federal support available to state and local law enforcement. State and local law enforcement depend upon the Byrne Grant, the HIDTA program and other federal programs to help us control crime. I understand that budgets are tight across all levels of government, but I can tell you that we in Middle America, have been extremely dependent on the invaluable assistance that we have received from the federal government through these programs. Such drastic reductions will cripple the enforcement capability of sheriffs and others in law enforcement.

Mr. Chairman, I represent Greene County, Missouri which is the third largest county in the state and I am blessed to have many resources that are unavailable to many of my neighboring Sheriffs; but even so, I depend on the assistance I receive from Byrne and HIDTA. My ability to work drug task forces, fight crime and protect my constituents—our constituents—would be devastated if the proposed reductions were to be enacted into law. Complicating matters, the effects of this proposal would be even

worse for the other counties in my state and I am sure that all of the 74 counties in the Mid-West HIDTA would face similar adverse affects from the proposed cuts.

As you know, HIDTA funding is currently set by Congress at \$228 million for Fiscal Year 2005. The President's budget proposes cutting that figure down to \$100 million for FY 2006. The real world effect of this drastic cut will mean that the current 28 HIDTA areas will be severely scaled back and in most cases, eliminated. The elimination of a HIDTA means that resources, cooperative agreements, active cases and other critical drug control tools and techniques will all cease to exist. That might be okay if the flow of drugs ceased as well. However, we all know that will not happen. As soon as enforcement stops, the drug dealers hit the streets with impunity and pollute our neighborhoods with their evil. With or without federal support, law enforcement still faces continuing threats from drug dealers and drug cartels. In the Mid-West, especially, we face a devastating methamphetamine problem. One of our great assets in the HIDTA Program is the collaboration we have with Federal and Local Agencies. My 36 years as a city policeman, highway patrolman and now as Sheriff of Greene County has taught me the only hope for continued success in law enforcement is the cooperative spirit that is shared by not only the working elements of those agencies, but also the administrators of those agencies. Mid-West HIDTA brings this concept, not only to the entire state of Missouri, but to 74 counties in 6 states. As a criminal investigator for the Missouri State Highway Patrol I have been involved in OCDTEF cases and certainly understand and appreciate the benefit of pursuing cases in this program, but those cases resulted from investigations we made on the street and then were pursued and prosecuted as OCDTEF cases. The important fact here is that we need HIDTA to have the resources and the

manpower to develop cases and then select those that meet the OCDTEF criteria to further that investigation and prosecution. Without HIDTA we lose that valuable asset that is so important to those of us that live and work in an area that is becoming completely saturated with methamphetamine manufacturing and trafficking. That is to say that the first line of defense against illegal narcotics is by having investigators continuing their investigations at a local level in a unified way as is currently done with our Federal Drug Task Force through the local Drug Enforcement Administration office. This DTF goes beyond the investigation of our local meth cooks. One of the significant contributions is that of pursuing the drug interdiction cases that are made in the "drug pipe line" that crosses Missouri via Interstates 44 and 70. Certainly many cases developed through this process reach the realm of national and international proportions and OCEDTF criteria.

Again, this is an enforcement concept that would be lost without our support from HIDTA. I believe that many United States Attorneys in the mid-west, if you inquired of them, would express some of the same concerns state and local law enforcement agencies have concerning these proposed cuts. I realize that our neighbors on the east and west coast may have a differing opinion of the necessity of the HIDTA program, but I do believe that if they would look at the success and benefit of Mid-West HIDTA to Mid-America, it would affect their justification to reduce HIDTA funding and increasing that of OCDETF. I hate to repeat myself, but the loss of HIDTA funding would be devastating to Mid-America. I would like to touch briefly on my concerns with the loss of funding to Byrne Grants as this to, is something that local law enforcement agencies have become so dependent upon. In the recent past we have seen new Sheriffs coming into

office that are trying to bring new technology and updated equipment into their Departments, allowing them to provide a full service police agency to serve their constituents. Without the benefit of grant funds many of us would not be able to do this. In my situation, local resources alone cannot resolve these problems. Everyday, we confront pushers and meth cooks from our own communities that buy or steal massive quantities of pseudo-ephedrine to distill into meth. And recently, across the Mid-West, we've seen an increase of thefts from anhydrous ammonia tanks on farms. These "cooks" try to steal this fertilizer to make their poison. Compounding that situation, we also must confront international traffickers as drugs and precursor chemicals make their way from Mexico, traveling our highways across the Mid-West to eventually poison our youth. As law enforcement leaders, we must find new and innovative ways of dealing with this growing problem. Moreover, meth isn't our only challenge. Gateway drugs such as marijuana are prevalent among our teenagers. In fact, the problem is so widespread that ONDCP has engaged sheriffs and chiefs across the country to focus them on combating marijuana use. How can we consider reducing the federal support of HIDTA with all of this work left undone? In my view, it is a national model that should be expanded, not cut back.

Within the proposal to reduce HIDTA funding, there is a plan to move the HIDTA program from ONDCP to OCDTEF and the Justice Department. I have some experience with and great appreciation for OCDTEF. But this committee should understand that everyone of those cases began as local investigations and the leads and evidence were originally developed on the street. It was only after all the leads were

tracked down and all the investigations complete that they were then prosecuted as OCDTEF cases.

I realize that there are differing opinions about the necessity of the HIDTA program. In its 15 year existence, HIDTA has grown from a meager 5 programs with a \$25 million annual budget to 28 HIDTA programs with a much more substantial budget. I believe this growth is justified and should be sustained given the proven success and benefit of Mid-West HIDTA to Middle America.

Along with HIDTA, the Byrne grant also helps local law enforcement protect our constituents. Like, HIDTA, local law enforcement agencies depend upon the Byrne program to supplement and enhance their capabilities. Last year, Congress unified the Local Law Enforcement Block Grant and the Byrne Grant into a single Byrne Memorial Justice Assistance Grant or JAG grant. Funding was set at approximately \$634 million. Individually, both programs had been funded at \$500 million for a total of nearly a billion dollars in support of local law enforcement. The unification of the programs did streamline two closely related programs. However, combining these programs also cost local law enforcement nearly \$400 million per year. In the recent past we have seen new Sheriffs coming into office that are trying to bring new technology and updated equipment into their departments, that would allow them to provide a full-service law enforcement agency to serve our constituents, but cannot do so. In many cases, these enhancements would not be possible if sheriffs had to rely solely upon local budgets. Without the benefit of grant funds, many of us would not be able to upgrade even the routine functions of a law enforcement office. In my situation, through federal grants I was able to provide to my deputies much needed armored vests to protect them on the

job, in-car cameras to help gather evidence against suspects and protect officers, and many other critical items that we could never have afforded without the assistance of the JAG grant. Some will tell you that these proposals are not really cuts, because similar sums of money are now available in other Departments for use on homeland security initiatives. Make no mistake, the total elimination of the Byrne Grant combined with other proposed cuts to the state and local assistance portion of the Justice budget means a nearly \$1.2 billion hit to local law enforcement. This is an untenable situation and one that could jeopardize the ability of law enforcement to do its job with modern equipment, tools and techniques.

Mr. Chairman, I understand the philosophical differences on whether crime control is a local government issue or a federal government issue. I would suggest that 9/11 made that question irrelevant. The question is not one of dependency upon the federal government to fund local responsibilities, but instead the question is will the federal government help local agencies meet the dual and equally important demands of crime control and homeland security.

Thank you Mr. Chairman for the opportunity to be with you today and I am prepared to answer the committee's questions.

Mr. SOUDER. Thank you for your testimony. This is a great panel. I want to ask a more general question, just to make sure, to reinforce something that I asked of the first panel.

This is an extraordinary panel. Mr. Brooks is from California. You head the National Police Narcotics Association, and you have worked in California for many years.

Mr. Carr is head of the HIDTA Association in the United States. Mr. Donahue heads the HIDTA in the speaker's home district in one of our biggest cities in the United States. Commissioner Hamm is a direct front line person from one of the hardest hit cities in the United States, on the East Coast.

Chief Harris is Vice Chair of the Southwest Border HIDTA, which everybody in Congress agrees is the toughest area and where most of our drugs are coming across the southwest border. Phoenix stands right in the middle of the run in a very critical area.

Mr. Henry has done a thorough job of surveying the speaker's home State, in looking at both the Byrne and the HIDTA grants. Sheriff Merritt is our Majority Whip's home sheriff in one of the meth hot zones in the Nation. Nobody disagrees that in Arizona, Arkansas, and Missouri, they are probably the hardest hit meth area in the United States.

As head of these different associations, in even our leadership home districts, did any of you get consulted before this kind of bomb hit us? Maybe we can go in reverse; Sheriff Merritt?

Mr. MERRITT. No, sir, when I found out about it, it was when we were in a panic about it. It had reached that point where it was a very strong consideration that was going to happen, and I am on the State Board for HIDTA in Missouri.

Mr. SOUDER. Mr. Henry.

Mr. HENRY. No, sir.

Mr. SOUDER. Mr. Harris.

Mr. HARRIS. No, sir.

Mr. SOUDER. Commissioner Hamm.

Mr. HAMM. I was not consulted.

Mr. SOUDER. Mr. Donahue.

Mr. DONAHUE. No, sir, and I can also say that select members of OCDETF, the State and local office were not consulted.

Mr. SOUDER. Mr. Brooks.

Mr. BROOKS. Yes, we have checked with all of our member State associations. No one was consulted, to our knowledge. Not only that, when we learned, through leaks within OCDETF of these proposed cuts, I called Marc Wheat on your staff, Eric Akers on Senator Grassley's staff and others that we work with all the time, very concerned and learned that they were unaware of these proposed cuts.

So not only as the President of a 60,000 member organization, but as a citizen, I am very concerned that they would take away a very effective law enforcement tool without talking to the people here in the Congress that help build that tool, and out on the streets where we apply the tool.

Mr. SOUDER. We need to look at this, in trying to get lemonade out of a lemon, that as an opportunity to do some education, this is an opportunity to educate each Member of Congress, many of

whom have not visited the HIDTAs in their home area or exactly understand how the Byrne Grant works.

They understand they see meth on the news, or they see different challenges. But this is an opportunity to educate and to do surveys in your area and to get this in so that we can help do this, like Mr. Cummings said earlier.

It does not do us any good to have a hearing. We have to figure out how to get the word out. But it is clear here that we have the talking at the grassroots. It is getting back to Members. Mr. Cummings is hearing it. I raised it in our conference, and many Members are very concerned about getting blindsided about something like this. This is an opportunity to educate with this.

I am ideologically disturbed, as a Republican, that one of our philosophies has been to try to do more State and local cooperation, rather than nationalize everything. I just cannot believe we would destroy the program. On tinkering with it, I am going to ask a followup question. Maybe, Mr. Carr, you would be the best person.

Could you describe this a little bit and for the record? In other words, we put a certain amount of funds into a HIDTA. But then State and locals make an investment. A number of you said in your testimony that people would have to pull out if you did not get some of the funds. You might participate financially, but not be able to send officers in. Chief Harris said directly in Phoenix that you have cut other areas, but you did not cut this area.

But this is a tough decision in each of the department's budgets. Even small amounts of leveraging could have a devastating impact. Also, Mr. Carr, and if anybody else wants to take this, what I raised and you have heard me raise it repeatedly, there is this 50/50 question. How important is it when all of you at the local level make decisions to put dollars into a Task Force that you feel you have participatory and not domineered kind of input, especially given the fact that many of you raised concerns about OCDETF?

I had a feeling that some of that might be that you felt it was more top down rather than shared. To some degree, he who pays the piper picks the tune. The question is, how much is local law enforcement putting in, what is the relationship, and if you put the dollars in but do not have any authority, how will you behave? Maybe we can start with Mr. Carr.

Mr. CARR. Mr. Chairman, I would be glad to answer that. First of all, I used to sit on the OCDETF Board when I was the chief of narcotics for Mountain State Police. I stopped going to the meetings, not because I was dis-interested, but because I did not have a voice. I simply sat and listened to cases that they were reviewing.

It is a paper pushing scheme, whereby they approve funding, and they fund officers to go out. They are already investigating. They approve funds to pay for their overtime allowance.

I did not see that it was targeted, at least at that point; and many of the cases that I was hearing were cases that were brought to the panel by my narcotics officers. So they were my cases I was hearing reviewed at the Federal level for funding.

But at the HIDTA, it is completely different. We are comprised of an Executive Board that determines the strategy, the funding levels, the focus, for the dollars to come in. It is a shared responsibility with the Federal, State, and local police.

Our HIDTA is a little bit unique, because we also have treatment and prevention folks that sit on our Board. Now they do not entertain or hear cases, but they determine the strategy, how much money, how many programs go to Baltimore versus D.C., versus northern Virginia.

They make a constant effort to focus the dollars on where the problem is, as opposed to, and I think it was somewhat insinuated in the earlier testimony, of spreading it over nine regions or spreading it over an area. They focus the dollars where they need to be focused.

State and locals, and I believe I brought it up in my testimony and others mentioned it here, as well, get a few HIDTA dollars in return for the commitment they make.

Now as a HIDTA Director, I always like to say, my job is to take away all the excuses. By that, I mean, we use HIDTA funds to provide you with allowance for cars, for State and locals. We pay for a limited amount of overtime. We pay for bi-money. We train officers. By the way, our HIDTA trained 2,000 officers last year, Federal, State, and local. So we do not just use the dollars for State and local officers.

But by having this type of equality on our Board and focusing what we are doing, we have been able to generate very positive results. We have built teamwork. Most of the decisions on our Executive Board, and in fact, I cannot recall any that were not, are unanimous decisions. That is how well it works together after 11 years.

Now in the first couple of years, I can tell you, they were not unanimous decisions, and there was probably some headbutting. But now the people understand the strategy. They are comfortable. They have a voice. They get Federal, State, and local law enforcement, treatment, and prevention folks working together.

If I recall, a few years ago, there was a movement to take treatment and prevention out of our HIDTA. The first people to stand up and shout to the mountains were the Chiefs of Police, who said, we cannot do this alone. We need treatment and prevention.

So that is how well it works, and it is completely different than the dictatorial process that I have seen in OCDETF.

Mr. SOUDER. Yes, Mr. Donahue?

Mr. DONAHUE. Yes, Mr. Chairman, regarding the State and local investment, this is the greatest thing for the Federal tax dollar that I have ever seen.

In the Chicago HIDTA, there are approximately 70 Federal agents who are assigned to the Chicago HIDTA from all of the Federal agencies. There are over 340 State and local police officers who work on regular basis with the HIDTA, not to mention the fact that they come from a body of over 16,000 State and local officers who interact with their own departments and HIDTA. This investment by the Federal Government is absolutely minimal for what they get in return.

As far as OCDETF is concerned, OCDETF's problem is that it is not a program that necessarily addresses the threat as it appears in the regions that we come from. OCDETF is a case specific support organization that pays for overtime for State and local police officers.

The majority of the cases that come to OCDETF come from State and local police officers; and in Chicago, a good portion of those come from the HIDTA. The HIDTA, itself, is divided by eight State and local members on a Board, and eight Federal, thus giving them an even playing field; and thus, giving them something that they do not have in OCDETF, and that is a say in how those cases are managed and how they are prosecuted.

Mr. SOUDER. Mr. Hamm and then Mr. Brooks.

Mr. HAMM. Mr. Chairman, thank you very much; I do not have any money in my city. What I do have are dedicated detectives who work very closely with HIDTA, to the tune of about 54. Now some people may say that may be an excessive amount.

But for the bang for the buck that I am getting, it is well worth my while to have my men and women working in this capacity. Because we are working drugs not only in Baltimore City, but in Baltimore County and Hartford County and Montgomery County, and all that stuff is related.

All these guys are related. It is related stuff. What is going on, most of the guys who are selling drugs in Baltimore City live in Baltimore County. They live in Baltimore County, so there is a connect there. I have made it my business that we are going to address violent crime in Baltimore City.

Drugs drive about 60 percent of the violence in my town. So it is the best investment that I can have, on a local level, having the resources and the money we have. I want to thank Tom and his people for allowing us to participate.

Mr. BROOKS. Mr. Chairman, sometimes there is this perception, not by this committee, because you deal with these issues, but by many in the Congress and others that HIDTA and Byrne are somehow funding law enforcement officers, that it is an entitlement program, that it supplants; when in reality, the officers assigned to HIDTA, with very, very few exceptions, and almost exclusively with the Byrne Task Forces, those are officers paid for by their own agencies, out of their own pockets.

I know, just on the California meth problem, we looked one time at the money we got from meth hot spots. Then we looked at how much money we spent from a State and local perspective. We got \$3 million out of the meth hot spots grant. We spent \$160 million of State and local money on meth enforcement.

That, I think, is the experience across the board at HIDTA and Byrne; that agencies want to put their personnel there. The limited HIDTA dollars and the limited Byrne dollars give them the ability to have a facility to co-locate; maybe to help offset some vehicles or overtime or some communications or inter-operability issues.

But those agencies are truly making the commitment by putting their people there, paying their overtime, paying their salaries and their benefit packages, taking those people out of other assignments and putting them in drug enforcement. So it is truly the best leverage of Federal dollars, anywhere in law enforcement.

Mr. SOUDER. If Chief Harris and Sheriff Merritt could comment on this briefly, too; and if Mr. Henry does on the Byrne Grant, then I will yield.

But what I am hearing here is that the funding is the kind of glue that helps pay the combined overhead, the phones, and so on.

But the actual objects that are being glued together are your dollars. If we take the glue away and it falls apart and they have no plan, how do you have these Task Forces?

Mr. HARRIS. Yes, Mr. Chairman, that is absolutely correct. The HIDTA Center that we have, that has over 300 people assigned to it, we have those people in there. But the HIDTA funds are what pays for the facility, to keep that place up and running; all the things that you talked about, whether it is cars, etc.

We do appreciate OCDETF's current cooperations with working with the agencies that when we apply for OCDETF funding for a target that they approve of, that we receiving overtime funding to cover the overtime of the officers that are actually conducting the investigation.

But what everyone is saying here is absolutely correct. Without that funding that holds everything together, we cannot afford to continue the operation and to put all of those bodies into these Task Forces in these programs with no return on that.

As was stated earlier, we are 130 miles or so from the border with Mexico. If you look at where all of the drugs are coming from, South America through Mexico, they are coming into Arizona and the Southwest Border for distribution all over the rest of the country.

When we target these people, it is great to say only target Federal bad guys. The local bad guys are the Federal bad guys, especially in our case, where we are tying violent crimes, homicides, coyotes smuggling humans across the border, drugs, home invasions, murders; it is all tied together. Those targets develop into the Federal targets.

But to take all of that local input out and say it has to be a Federal or a national target before you can get any funding, it is just not going to work.

Mr. SOUDER. Mr. Henry.

Mr. HENRY. I have a couple of things. In Illinois, the local Drug Task Forces, really are dealing with the issues of local concern. They all have policy boards. Everyone who gives an officer money has an equal vote. They really look at what is going on within the community, and they attack those local drug dealers. The local drug dealer that is on your corner, the Drug Task Force is the one that takes them out.

The drug dealers dealing in the area, they are the ones that do that. We also have a network with these 20 Drug Task Forces in Illinois where the bad guys, the drug dealers, they do not know jurisdictional boundaries. They deal dope anywhere and everywhere they can sell it.

So now we have a network of law enforcement personnel specialized in narcotics that can work with each other, communicate, work investigations together on a local level, attack the problems that really deal with quality of life issues. We are very efficient and effective in what we do.

That money is the glue that brings it all together. The locals in the State are putting their own resources into it, but that extra money is what brings it all together.

If that money goes away, some of these units are going to disband. They will become smaller. There will not be that connection.

There will be pieces of the puzzle that are missing, and there will not be that ability to inter-connect with each other and be as efficient and as effective as we are right now.

Mr. SOUDER. Sheriff Merritt, maybe you could also say what your HIDTA is; a newer HIDTA, formed a lot because of the meth issue. How has it changed with the HIDTA, and maybe you can talk about that connection?

Mr. MERRITT. Well, just the resources to deal with the disposing of the chemicals and everything. The State of Missouri, I think, had about 3,000 labs last year, and a good deal of those in our county, there. It was a few-100 in our county. So it is an extremely critical thing.

Now I think of the problems that are related in these others agencies, much larger agencies, and I think maybe we have it pretty lucky. But proportionately, with what we have to spend, with the manpower, the resources we have, I contribute two officers to a Drug Task Force other than the HIDTA and the DEA Task Force. Without the Byrne Grants, that would not exist. Without the HIDTA money, my participation in the DEA Drug Task Force would not exist.

I see these people sit down once a month around a table about this size. Every agency is represented. They know what is going on. They refer to the deconfliction. They sit there and talk about it. We share offices, and that type of thing.

This brings agencies together that might not otherwise be together. If they are together in the drug enforcement, when a drug-related homicide happens, they are together on that. It brings our agencies as one.

You can watch them working an investigation of a case of any type, and it is hard to tell who belongs to who, for us as Administrators. That is as it should be, because they are working as one. It is a tremendous asset, and well worth what goes into it for our area, for just that collaboration between agencies, because you do not always have that every place. So it is tremendous to see that.

Without this funding, we are pretty well sunk on that. I know our meth labs are not going to go away and, as Mr. Cummings referred to earlier, that they are going to know it. You know, I have a 500 bed jail. I would say a very conservative estimate of 80 to 85 percent of my inmates are meth-related.

The tentacles go from the cost of that, beyond the investigations, beyond what it takes to get them to jail, with the meth mouth. Their teeth are falling out. I have to have extra dental. The medical cost of mine, I spent over \$1 million last year on medical costs for the jail there. I provide a counseling program to try to do something about it.

If I can just touch on one thing. I had a group from the Fellowship of Christian Athletes touring the other night that I took them through personally. As we were in the visitation area, there was a beautiful little 18 month old, and a 2-year old girl with blonde curly hair, with her face against the glass, looking down the hall to see her daddy come and visit her.

This culture is taking over. If we do anything to take away from the effectiveness of enforcement, that little girl is going to be coming down the hall with her little girl looking for her.

Mr. SOUDER. I am just overwhelmed. I am so baffled that we worked so long to get cooperation, and then in one short, we are busted. I just do not understand. Mr. Cummings.

Mr. CUMMINGS. I only have a few questions. First of all, I want to thank you all. Since I have been on this subcommittee, which has been about 9 years, this is one of the best presentations I have heard.

But I wanted to be very careful here, because I always try to figure out what would somebody listening to us have to argue against what you have said. Let me tell you what they would say, and then I want you to address this.

The reason why I am doing this is because I think it is important that you know how the folk think around here. On Capitol Hill, we deal with a lot of turf situations. Maybe these folks just want to hold on to their turf. They have it already carved out, and they do not want anything disrupting what they are doing.

I know that is how folks think. I wish that the folks who testified before could have heard this. I wish they had heard. I was trying to speak for you all, by the way, when I was addressing my questions to them, because I had a pretty good idea of what you would say.

But one of the things, I guess, that has really hit me is that from listening to what you all are saying, OCDETF is not a real law enforcement kind of entity. I mean, in other words, it is out there really fighting crime, but maybe managing some dollars and things like that.

It is not that they are not important. But on the other hand, when you all deal with the HIDTA's and you deal with ONDCP, you feel a lot more comfortable. Is that a fair statement; yes, sir?

Mr. DONAHUE. OCDETF is an important part of this, but it is not the part that has to do with the active every day law enforcement. OCDETF is a prosecution support system.

The reason that OCDETF is important to the HIDTAs is because it takes the cases into the realm of Federal conspiracies. When you get into the realm of Federal conspiracies, you have a huge hammer over the drug dealer.

Mr. CUMMINGS. Right.

Mr. DONAHUE. As far as the turf is concerned, I am not trying to keep my turf. I am trying to increase it.

In 1992, there were 2,200 heroine overdoses in the city of Chicago. In the year 2,000, there were 12,254. Where was the Federal Government during that 8 year period? It is the HIDTA that has addressed the heroine problem in the city of Chicago.

Now Chicago is not unique, as major cities go, but they do have a problem that most major cities do not have. We have 65 active gangs in the city of Chicago, of which there are 65,000 members. They handle 98 percent of the distribution of the drugs in our city and in our region.

Now maybe we are hurting ourselves by calling these people members of street gangs, because there are organized crime. This is not the Jets and the Sharks from West Side Story. These are hardened, organized criminal gangs. So I do not want to keep my turf. I want to double it or triple it, and I need these Federal dollars to do that.

Mr. CUMMINGS. Well, you gave the answer that I was hoping for. I hope the President is listening to what you are saying, Mr. Carr.

Mr. CARR. I just want to add that I did not want to malign OCDETF.

Mr. CUMMINGS. And I do not want you to. I guess what I am trying to get to is your basic concerns. Because actually, what we are being asked to do is make a major shift. So if you are doing this major shift, like the chairman said, you ought to have at least some evidence to show that you are going to do something that is better and much more effective and efficient, as you said.

Mr. CARR. I think we are all perplexed by this. We had no warning. It seems to me the administration is pushing, as the chairman mentioned. They are Federalizing this problem, when it is not totally a Federal problem. It is a State and local problem, as well.

It seems to me that they are abandoning the domestic drug enforcement that we have now in this country, and that we worked so hard to do; and that is, as you have pointed out, to create this partnership between Federal, State, and local.

You brought up an interesting word, "turfism." Let me turn it a different way. The turfism I think of, are the turfisms of the gangs like MS-13, and the turfisms of the drug dealers that are operating in Baltimore, Washington, DC, and northern Virginia, that I am very much aware of, and the conflict that is going on between them.

So, yes, we want to reduce turfism, because it is reducing violence, reducing drug trafficking and the like. I think the Commissioner can comment on that; thank you.

Mr. HAMM. Mr. Chairman, Mr. Cummings, I do not care about turf. I care about what works. What we do now works. That is all I care about. We have a systematic way, and systematic tactics of taking violent, drug-dealing people off the street, and it works. So I do not care about turf. I care about what works, and I have talked about some of the results already. If you check the testimony, you will see. That is my concern; not turf, results.

Mr. SOUDER. Mr. Brooks.

Mr. BROOKS. Relative to those, the one thing that most people, I think, fail to understand is that more than 90 percent of the OCDETF budget just pays for Federal employees. It pays for FTEs for the FBI, the U.S. attorney's office, the marshalls, and others.

There is a misconception that there is an OCDETF Task Force out there somewhere. But really, there are just nine regions with coordinators that sit around a table, and they decide what cases they will fund for prosecution. But there are no, like, HIDTA Task Forces, or Byrne Task Forces. There is no brick and mortar building where law enforcement officers area co-located and where they go out and work investigations.

OCDETF is owned by the U.S. attorney's office. If HIDTA goes to OCDETF, it will be just another Federal program without the kind of partnership and ownership that local law enforcement has built with the HIDTA. So that is my concern; that OCDETF does not even know what it is we really do, because they do not run Drug Task Forces. They have not been in the multi-jurisdictional enforcement business, like we have.

So Byrne and HIDTA are absolutely critical to keep those State, Federal, and local law enforcement officers at the table. They asked me, and I got interviewed on this issue on NPR radio. They said, what is the single most important aspect of HIDTA.

I said, the most important aspect of HIDTA, and it is with Byrne, as well, is that today we have a ton of disparate agencies that would have never been at the table talking before Federal, State, and local that would never shared information; would not have deconflicted their cases; would not have shared their resources.

We have them all now jumping up saying, no, no, let me help you with that. I have a couple of extra cars that I could give you. We could use our radios. We could kick some more money into that case. Those people are all now at the table, sharing information, embracing one and other's organizational cultures, working together willingly, because we brought them together, using the incentive of Federal money.

Mr. CUMMINGS. Well, you just hit on where I was trying to go to. I am not a police officer. But I would assume that there is somewhat of a brotherhood and sisterhood going on there.

I am just wondering, you were just talking about people coming together. I am just guessing, if I am on the Federal level and I am fighting drugs, and I am on the State or local level, and I have an opportunity to work, and we are all working toward the same thing, are relationships established there? You do not even see it in the paperwork. You just know that folks get to know each other, and they talk about the intuition of police officers.

It is amazing this situation up in Chicago. I do not listen to the news very carefully, but I do know some officers apparently stopped the guy. I do not know whether it was intuition or not.

But my point is, I guess there is something that happens, too, that you cannot even put a monetary value on it. You may not even be able to adequately describe it. When folks come together who have a common mission, no matter what agency they are in, because they know that they all are in the same boat, trying to deal with the same kind of thing.

Is that very significant here with regard to HIDTA? Yes, sir; you have not spoken yet.

Mr. MERRITT. Yes, sir, as I mentioned earlier, we watch our people work. They work as one. You do not know who is a Federal agent, and who is county, and who is city police.

You know, there are certain philosophical differences on whether crime control is a local Government or a Federal Government issue, and I think that September 11th took that out. It is irrelevant now.

The question is not of dependency upon the Federal Government to fund local responsibilities. But it is, will the Federal Government help local agencies meet the demands of crime control and Homeland Security? Because truly, as I believe you mentioned in the first panel, this internal terrorism gnaws at us, and there is probably no greater threat to our society than drugs.

Mr. CUMMINGS. Yes, sir?

Mr. DONAHUE. I am going to date myself with this. But back in 1972, I was assigned to probably the first Federal Drug Task Force

in this country. It was in 50 cities across the country, and it put State and locals together for the first time.

You talked about the relationships that develop amongst people who worked together. After 33 years, I have friends from that Task Force. As a result of my experience on that Task Force, I was able to work cases as a narcotics investigator when I was sent back to the Police Department; because after 14 months, the Federal Government turned that Task Force out.

What we had built up was gone, except for the relationships that stayed between the officers and agents who were in that program.

It withered and it died, and Congress had to come back again, 16 years later, to do the same thing. The result of that is HIDTA. So the answer to your question is yes, the relationships become institutionalized, and that is what makes the investigations better.

Mr. CUMMINGS. I have just one last thing. I have often said that the people who are on the front line are the best witnesses. In other words, you all know how you are affected. So I would just suggest that you will let your Congress people know, and I am sure you are already doing this. This is important stuff.

Because I do not think there is one single Congressman that wants to be in a situation where they believe they are doing something, and I do not think the President wants to be in this situation, by the way, doing something that actually goes counter.

Because in listening to you all, it seems to be a concern that you might go backward. I do not want 16 years to back the other way, because in the midst of that 16 years, a lot of people are going to die, a lot of problems are going to happen, and there is going to be a lot of pain.

But the other thing that, I guess, I want you to talk about, and maybe one of two of you are can talk about it, you mentioned the term "deconfliction."

Just for our purposes, would you all tell us what is the significance of deconfliction, just if you do not mind? Keep in mind, there are people on C-SPAN watching this, too, and that is a term that they would like to know.

Mr. CARR. I also work at the University of Maryland, as you know, and deconfliction is not a real word. But as a university, you can make up words, so we did. But I think the word explains what it is.

In other words, there are two types of conflicts that we are very much concerned about. One is when police agencies are conducting high risk operations at the same place or around the same place in time, and they do not know it; where you are confronting good guy and good guy. I have had a gun pulled on me by another police officer years ago in a raid like that. It is not a pleasant feeling.

So that is one of the ways we deal with it, in that we have police agencies call our intelligence centers. They let us know when they are going to do an operation.

Because we are in D.C., several years ago, Mrs. Clinton was Christmas shopping. She was taken to a mall in this area where we were doing it by bus, so I am told. As a result of that, the Secret Service deconflicts with us in our center now. So those things can be very real.

The other type of deconflicting involves cases where I am working a target and you are working a target, and it is the same target, and we do not realize that.

Early on in our HIDTA, we had two of our initiatives not do a case deconfliction. I turned out, one of them was selling drugs to the other in an undercover operation. The only way they found out was that they were from the same Police Department, and they happened to meet and say, what are you doing here; and the other one said, well, I am selling drugs. The other says, I am buying drugs. [Laughter.]

So those are real incidents. That is the officers' safety, their resource incidents, and those are the two types of deconfliction.

Mr. CUMMINGS. Well, that is a good example. Thank you very much. I think that, you know, I would imagine that those people who might be the salespersons of drugs that may be listening to all of this, probably the last thing they want is to see you all continue to do what you have been doing, deconflicting and deal all these other things.

I would imagine that they would just love to know that they can do certain things and, like you said, Commissioner Hamm, they have no boundaries.

By the way, Mr. Chairman, Commissioner Hamm was talking about Baltimore City and Baltimore County. Baltimore City is surrounded by Baltimore County, like a doughnut, like we are right in the middle. So, therefore, we have all these salespersons living outside, but right in the middle is where they do their dirt.

So I guess that communication thing is so very, very important. Again, I want to thank all of you for your testimony; I really do. I hope that when you get back to the men and women who put their lives on the line every day, I hope that you will let them know that we want to do everything in our power to support them. Again, we thank you very much.

Mr. SOUDER. Thank you. Ms. Watson.

Ms. WATSON. I sincerely want to thank the Chair for bringing this panel together, as well. I am amazed that those of you who are on the front line were not consulted. I also understand that the word went out to cut the budget.

But to cut it in such highly sensitive areas of law enforcement is the wrong cut to make. We are facing, in this country, an overwhelming threat of terrorism, and our terrorism is coming from the streets and the drugs that somehow get into the hands of our youth and our violent criminals.

I do not know how they come here. They are smuggled in because we lack the personnel to be able to detect. We lack the intelligence to know how they are bringing it in. We woke up 1 day in the seventies, and I was telling everybody and I was on the school board then, oh, the community does not deal with crack cocaine. They cannot afford it. All of a sudden, everyone was selling the packages for \$20, those plastic packages, including mothers on welfare.

So I have been on it ever since then, and we still have not cracked it. So if you were not contacted that there was a proposed cut and reorganization, then Mr. Chairman and Members, I think

we ought to turn this down and we ought to send the message right now that we will not accept this change.

Right in the middle of success, and I am sorry the other panel is not here, because they did express in front of all of you that they had not seen positive results. That is because they had not talked to you. You know, they had not asked you to give them all of your records that you collect in a year's time or 6 months' time. I can see why they would say that, because the communication has broken down; yes, sir?

Mr. CARR. If you will allow me, real quickly, I just wanted to comment on that. When the PART survey was done originally in 2004, the folks from OMB did not get the outcomes and outputs from the HIDTA program. They got budget summaries and anecdotal information to look at.

So they did not even give them the information that would allow them to say whether or not we were successful. That is what really started the process of us developing our own performance management system.

Ms. WATSON. I would imagine that these decisions were made in a little room, you know, amongst themselves, without reaching out to you. I would say to defund you and reorganize you would cause what you have been doing to fail, and would probably jeopardize a lot of people out there who have been undercover. You would have to pull them out and then they show up in another outfit, a uniform or something, and they get marked.

I mean, I know how that game is played in my city. So I want to thank all of you, you came here and do not be afraid to speak out, stand strong, support your programs' continuation and the funding. We will work with you, I hope, here in the House and certainly in the Senate to see that your funding continues.

Because we have an overwhelming task, all of us do, to get after this scourge in our streets. To stop you while you are doing that does not make sense. It is not going to save money. It is going to create expenditures in other areas. We are going to have to pay more for hospitalization and for survivors of people who have been killed on the street and incarceration and so on.

So I want to just end it by saying I am behind your program and these funds 100 percent. Leave the program as it is. Make cuts in other areas, but not in this crime-stopping component.

The Justice Department, if they came and made the statements that they did and those statements, they believe, are true, then I know they have not been in communication with you. I mean, you did not have to tell us that. Because they would not have made those statements.

If they had gotten out into your regions and observed what was going on, and reviewed what was going on, then they would have to argue against the kind of changes that you propose.

So with that, Mr. Chairman, I want to thank you. It has been an afternoon well spent. I have to rush to catch my plane to go back to the streets of Los Angeles, and watch my drug dealers, you know, dealing on the streets. I mean, I see it, because I am on those streets every day, and they do it with impunity. So thank you very much, and I thank all of you for your contributions this afternoon.

Mr. SOUDER. Thank you, Congresswoman Watson; for those who say we cannot do things in a bipartisan way, when we fight drug dealers and we fight narcotics, we need to fight in a bipartisan way. We did not ask who was Republican or Democrat. Up here, it would have been tough to figure out who was and who was not.

Ms. WATSON. We need policymakers.

Mr. SOUDER. Yes, we need to tackle this. We would appreciate if you could communicate back to your grassroots people. They are putting their life on the line to try to keep the rest of America safe. We very much appreciate that, because it is a few people who then addict other people, spread this through.

It gets into their families and their kids. It puts people at harm when they are shopping. They cannot walk at night on the street. There is a fear to travel or move around that leads to the housing decline, education in school declines. At least drug and alcohol abuse is the enabler that creates much of this problem.

So we thank you very much for your efforts. We need to look at this. If we speak out united, and if we can educate the public more on what is happening, one of the problems in narcotics that people get very frustrated, because it seems like it does not go away. It is just like child abuse, just like spouse abuse. It is just like many other things. It just seems like you work at it and you work at it. But the second you back off, it gets worse.

This is an opportunity to educate, to educate Congress and to educate the general public, and say, basically, to the administration: Look, this is working. We do not know why you did this. But send a clear message from the grassroots level in the Congress: we will do a good job of testing the wind and react real fast, and make sure that we send a message, which is a lesson, not only for this year; but this is a program that works, and we ought to be looking at how to make it more effective; how to spread it.

Yes, if there are things like drug courts that need to be added, then propose adding that. But do not wreck another program in order to try to address another kind of problem.

This has been a terrific panel. Thank you for all the time that you have spent. We appreciate you coming to Washington and being part of this, and we will make sure that the word gets out, and will you please help get it out to your own individual members and back home.

Because this is a big decision, a key crossroads, that could affect, again, because we have done this before. As Mr. Donahue said, in narcotics, sometimes we tackle it. If we start to have success, we give it up and we have to do it all over again.

Now we finally have an integrated system that is probably the most integrated, helping us to work with the Homeland Security agencies that we are seeing internationally. We are better able to track. We are not just going to arrest people on the street. We are going to be able to get to the systems.

But if you cannot turn witnesses, if you cannot follow it through, hey, the whole system falls apart. What good does it do to go down and eradicate cocaine in Columbia, and try to intercept it, if we cannot also work it back the other direction?

Ultimately, it is the ones on the street who are killing the people, and you have to stop them. Because, in effect, if we fail in the

eradication, if we fail in the interdiction, if we fail at the border, then it is in your towns.

We cannot abandon the towns, just because we have not been able to stop it; back in Colombia, or Afghanistan, or elsewhere. So thank you very much for your willingness to participate. With that, the subcommittee stands adjourned.

[Whereupon, at 6:25 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]



March 10, 2005

The Honorable Mark Souder
Chairman
House Subcommittee on Criminal Justice,
Drug Policy and Human Resources
House Committee on Government Reform
B-373 B Rayburn House Office Building
Washington, DC 20515

Dear Chairman Souder:

As you begin to conduct hearings on the FY2006 budget and its potential impact on drug control and law enforcement, the National Association of Counties wishes to go on record in opposition to several of the Administration's proposed cutbacks and eliminations in state and local justice programs. This includes the elimination of the Edward Byrne Justice Assistance Grant (JAG) Program (which consolidated the Byrne and Local Law Enforcement Block Grant Program); the elimination of the State Criminal Alien Assistance Program (SCAAP); the elimination of the Juvenile Accountability Block Grant (JABG) program and major cutbacks in juvenile justice and delinquency prevention programs.

In addition, the U.S. Department of Justice Methamphetamine Enforcement and Cleanup program was cut by \$34 million.

The proposed elimination of the recently enacted JAG program was perhaps the most surprising of all the cuts, since it was recently developed by the Administration as a systematic "good government" approach to crime. A major purpose of JAG is to comprehensively address crime through broad funding categories that address the entire justice system and linked to related health and social services.

Under the JAG, funds can be spent on:

- Law enforcement programs;
- Prosecution and court programs;
- Prevention and education programs;
- Corrections and community corrections programs;
- Drug treatment programs, and
- Planning, evaluation and technology improvement programs.

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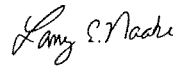
Virtually all aspects of drug and alcohol abuse can be addressed by the JAG program and yet the program is targeted for elimination.

Finally, in FY06 the Administration is proposing a \$160 million cutback in the juvenile justice and delinquency prevention programs. The budget request includes a \$45 million cut in the Title V primary prevention grants and the total elimination of the JABG program.

A controversial report issued by the Office of Management and Budget (OMB) was used to justify the elimination of the JABG Program. The OMB report found that JABG was "ineffective" even though OMB conducted no field visits or meetings with state or local officials. OMB also ignored the findings of a major study commissioned by the National Institute of Justice that had favorably reviewed the program.

Mr. Chairman, these cutbacks and eliminations make no sense. We urge Congress to set its own priorities and to reject these eliminations and cutbacks.

Sincerely,



Larry E. Naake
Executive Director



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 26, 2005

The Honorable Mark Souder
Chairman
Subcommittee on Criminal Justice, Drug Policy
and Human Resources
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed please find responses to questions posed to Ms. Catherine O'Neil, Director of the Organized Crime Drug Enforcement Task Force and Associate Deputy Attorney General, following Ms. O'Neil's appearance before the Subcommittee on March 10, 2005. The subject of the hearing was "FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and Other Law Enforcement Programs: Are We Jeopardizing Federal, State, and Local Cooperation?"

We hope that this information is helpful and we look forward to discussing this further with you. My office has been in contact with Committee staff to discuss this matter further. We hope to get the opportunity to discuss this matter in the near future. Please do not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "William E. Moschella".

William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Elijah Cummings
Ranking Minority Member

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES

COMMITTEE ON GOVERNMENT REFORM

U.S. HOUSE OF REPRESENTATIVES

MARCH 10, 2005

QUESTIONS FOR THE WRITTEN RECORD FOR MS. CATHY O'NEIL,
DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE

1. *You testified that no one at the Organized Crime Drug Enforcement Task Force (OCDETF) had yet determined which individual HIDTAs were underperforming or otherwise should be eliminated or have their budgets reduced.*
 - a. *Has OCDETF now made such a determination as to which HIDTAs should be reduced or eliminated to allow the \$128 million budget cut proposed by the Administration? If so, please provide the Subcommittee with the results of that determination.*

No. The Office of National Drug Control Policy (ONDCP) has been monitoring the performance of the individual HIDTAs, and the Department intends to consult with ONDCP throughout the transition process. The Department currently has no plans to eliminate any HIDTAs during the first year, but rather intends to provide funding to all existing HIDTAs at a level that permits the HIDTA program to operate at the \$100 million funding level. In particular, the Department plans to set aside a portion of the \$100 million to support the intelligence centers and other vital infrastructure of each of the HIDTAs. If feasible, some intelligence functions may be consolidated to reduce overhead and administrative costs. The remaining funds will be available to all HIDTAs, on a competitive basis, to support specific initiatives that align with the priorities of the Department's drug strategy.
 - b. *If OCDETF has still not made the determination, when will it do so, and when will that information be provided to Congress?*

Once the HIDTA Program has made its transition to the Department of Justice, the Department will continuously monitor the performance of the existing HIDTAs to determine whether funding levels should be modified.
 - c. *How did (or how will) the Administration make the determination? What set of performance or other measures were (or will be) used, and who specifically*

made (or will make) the determination?

The Department, in conjunction with ONDCP, made the decision to seek to maintain the core functions of the existing HIDTAs -- particularly the intelligence sharing and deconfliction capacities of the HIDTAs -- as a means to preserve the most valuable elements of the HIDTA Program. In the future, the HIDTAs will be measured in key performance areas, which will be driven by the overall mission of the program. We expect that the HIDTA Executive Boards will certainly have a role, working with OCDETF and the Department, in developing the performance criteria that will be used to assess HIDTA performance going forward.

2. *At the hearing, you declined to state which HIDTA program guidelines or practices should be changed, or which should be kept the same.*

- a. *Has OCDETF now made such a determination?*

Yes. The Administration believes that HIDTA funding must be flexible, so that the program managers have the ability to establish program priorities to assess performance of each individual HIDTA and to allocate resources to those HIDTAs that are most effectively meeting the goals for the program. Accordingly, the practice of automatically providing funding for each individual HIDTA at prior year levels must be eliminated.

- b. *If OCDETF has still not made that determination, when will it do so, and when will that information be provided to Congress?*

OCDETF and the Department will continue to review other policies and guidelines of the HIDTA Program to determine whether other changes are needed and will consult with the Congress as those decisions are made.

- c. *How did (or how will) the Administration make that determination? What set of performance or other measures were (or will be) used, and who specifically made (or will make) that determination?*

OCDETF will implement any new policy decisions for HIDTA in much the same way it does for OCDETF. OCDETF will take direction from Department leadership, which in turn is guided by the Administration and ONDCP. OCDETF also will consult with field level managers on proposed policy changes. It is impossible to specify particular performance measures that will be relied upon in making such decisions, as the recommendation for a particular policy change will be driven by the specific issue that has arisen and has drawn attention to the need for a policy change.

3. ***How would you describe the purpose and goals of the OCDETF program? Are they similar to or different from those of the HIDTA program?***

The OCDETF Program is founded upon the principle that sophisticated drug trafficking networks must be attacked broadly and by using all of the statutory authorities and expertise available to drug law enforcement. The Program, therefore, brings together the resources and expertise of the primary federal drug law enforcement agencies (DEA, FBI, IRS, ICE, ATF, USMS and USCG), as well as prosecutors and state, local and foreign counterparts, and unites them in single mission to disrupt and dismantle the most significant drug organizations operating regionally, nationally and internationally, and the financial systems that support them. In this way OCDETF directly supports goals of the national drug control strategy – that is, to reduce the drug supply.

The HIDTA Program was created to foster coordination among state and local law enforcement, working with federal counterparts, to attack significant regional drug threats that, in turn, impact the national drug market.

HIDTA and OCDETF are similar in that both are multi-agency task forces that seek to reduce the threat of drug trafficking in this county. Both strive to use intelligence to drive enforcement efforts, and both, if successful, will identify and ultimately penetrate major national and international supply organizations. OCDETF, however, is now squarely focused on those organizations that operate nationwide and even internationally, while HIDTA addresses organizations that pose a more regional threat. The goals of the two programs complement one another, and both programs are vital if law enforcement is to attack the entire spectrum of drug crime and thereby, effectively eliminate the threat posed by drug trafficking.

4. ***No PART review has apparently been conducted on the OCDETF program yet. When will such a review take place, and when will the results be published?***

OCDETF is scheduled for a PART review in FY 2006, as part of the preparation of the President's Budget for FY 2008. The results presumably will be made available at the conclusion of that review.

5. ***Do you believe that OCDETF will provide better management of the HIDTA program than ONDCP? If so, what is the factual basis for that belief? How will OCDETF manage the program differently from ONDCP?***

Yes. OCDETF, like HIDTA, is an enforcement-oriented program. It makes sense that both programs should reside within the entity of the Government that is primarily responsible for drug enforcement. Even though other Departments play critical roles in the overall drug enforcement effort, it is the Department of Justice that sets federal drug enforcement priorities and goals. The Department of Justice directly oversees the primary drug agency, DEA. Additionally, through its supervision of the United States Attorneys,

the Department of Justice determines which drug cases ultimately will be prosecuted federally and which cases will be handled in partnership with state and local law enforcement. The Department of Justice is responsible for establishing a drug enforcement strategy that best furthers the policy goals of the National Drug Strategy. As such, the Department is in the best position to assess how its various drug enforcement resources can be used to achieve the overall objectives of that strategy.

Additionally, the Department can most effectively determine the priorities for both the OCDETF Program and for the HIDTA Program to ensure that they are working in ways that complement each other but, at the same time, do not unnecessarily duplicate effort.

The Department, by managing both programs, can ensure that each program has a distinct mission, aimed at achieving specific objectives within the Department's overall strategy. In 2006, for example, the Department will seek to continue its emphasis on major supply organizations, including CPOTs and RPOTs. The OCDETF Program will continue to spearhead this effort. At the same time, the Department recognizes the need to address other regional drug threats, including, for example, the growing threat posed by methamphetamine production and distribution. By having simultaneous oversight over the HIDTA Program, the Department will be able to direct HIDTA resources to address this and other significant regional threats.

The OCDETF Program has an existing executive office that reports directly through its Director to the Deputy Attorney General. Using this existing office – with the addition of five financial positions – would be an effective means to administer HIDTA funding and would ensure that the HIDTA Program receives appropriate leadership oversight. Using OCDETF also would minimize the new administrative personnel needed to absorb and manage the HIDTA Program within the Department. OCDETF would draw upon its recent experience in successfully enhancing accountability and improving performance within its program. OCDETF would not seek to impose its field-level structure onto the HIDTA Program, however. While OCDETF would leverage its field-level resources to facilitate the management of HIDTA, OCDETF recognizes that the missions of the two programs will differ and, hence, that their administrative composition may differ. OCDETF would seek to maintain strong state and local involvement in HIDTA management at the field level, to the extent that such involvement is a key to the success of the HIDTA Program.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 27, 2005

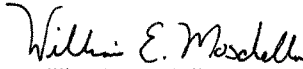
The Honorable Mark Souder
Chairman
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed are responses to questions arising out of the appearance of Acting Assistant Attorney General Tracy Henke before the Subcommittee on March 10, 2005, concerning the fiscal year 2006 Federal drug budget and Federal, State, and local cooperation. We hope that this information is useful to you.

Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,


William E. Moschella
Assistant Attorney General

Enclosure

cc: The Honorable Elijah Cummings
Ranking Minority Member

**COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES**

“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?”

MARCH 10, 2005

**FOLLOW-UP QUESTIONS FOR THE WRITTEN RECORD FOR MS. TRACY
HENKE, ACTING ASSISTANT ATTORNEY GENERAL; OFFICE OF JUSTICE
PROGRAMS, U.S. DEPARTMENT OF JUSTICE**

- 1. Your written testimony made no mention of the Edward Byrne Memorial Justice Assistance Grants (“the Byrne Grants”) to the states, which the Administration proposes to eliminate. We have several questions related to this proposal.**
 - a. Why did the Administration propose to eliminate all funding for the Byrne Grants?**

In order to focus departmental resources on counterterrorism, which is and must be the Department of Justice’s (DOJ) overriding priority, the Administration was required to make difficult choices in this budget proposal, and thus chose to eliminate funding for the Byrne Justice Assistance Grant program (JAG).

JAG should be looked at in the context of government-wide funding proposed for state and local governments, as well as other grant assistance proposed for state and local governments, as contained in the DOJ FY 2006 request. In particular, the Administration is committed to providing funding to state and local entities for terrorism preparedness programs (primarily through the Department of Homeland Security) by maintaining over \$3.5 billion in funding for these programs in FY 2006, the same level proposed in the FY 2005 budget request. DOJ’s budget request includes over \$1.5 billion in other grant assistance to state and locals, including \$90.3 million for the Office of Justice Programs’ (OJP) counterterrorism efforts. As outlined in my testimony, the DOJ budget also includes: \$185.3 million to strengthen communities through programs providing services such as drug treatment; \$335 million to combat violence, including enhancements to Project Safe Neighborhoods; \$235.2 million for law enforcement technology, including funding to continue and further develop the Administration’s DNA initiative; and \$92.5 million to support drug enforcement, including funding to continue and expand the Southwest Border Drug Prosecution Program.

b. Has the Administration conducted a Program Assessment Rating Tool (PART) or other review of the Byrne Grants? If not, what is the factual basis for the Administration's decision to propose terminating the program?

In the 2005 appropriations, the Congress has already replaced the Byrne Formula Grant and the Local Law Enforcement Grant programs with a Byrne Justice Assistance Grant (JAG) program, which combines features of the two. This Byrne program will undergo a PART review in 2005.

As reflected in the response to the previous question, the proposal to eliminate JAG funding was among the difficult choices made to ensure that sufficient funding is available for counterterrorism and to reduce the overall budget deficit. In addition, an assessment of current resources available to state and local jurisdictions for law enforcement purposes found the following:

- Jurisdictions will be awarded \$495.5 million in JAG funding for FY 05. This funding is in addition to over \$720 million in prior year Byrne Formula grant allocations that states have committed but not yet drawn down for their use. Combining these two funding sources results in over \$1.2 billion that is currently available to state and local law enforcement.
- The FY 05 funding level for JAG represents less than one percent of the total direct criminal justice expenditures made by state and local governments.
- Over \$2 billion is available to state and local law enforcement for counter-terrorism purposes through the Department of Homeland Security.

c. Has the Administration conducted any study or analysis of what the impact of terminating the Byrne Grants will be on drug enforcement activities in areas that receive Byrne Grants funding?

No specific study has been done relative to the overall impact on drug enforcement activities. However, as you may know, JAG and its predecessor programs (Byrne Formula and LLEBG) are not designed exclusively for funding drug enforcement activities, but are available for state and local jurisdictions for myriad uses, many that are not drug-related. For example, Byrne's 29 purpose areas allowed funding, at local discretion, for general law enforcement purposes, including funding for multi-jurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, drug treatment, and

justice technology initiatives. LLEBG was available to pay for police overtime, school security, etc. JAG itself allows funding for all purposes previously allowable under Byrne Formula and LLEBG.

Elimination of JAG funding does not leave state and local areas without resources to combat illegal drug use. In addition to funding from the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and the Federal Bureau of Investigation (FBI), the Department's FY 2006 budget proposal for OJP includes an investment of \$92.5 million in programs to support drug enforcement. An additional \$18.8 million is proposed for the Southwest Border Drug Prosecution Program, for a total of \$48.4 million to continue this initiative in California, Texas, Arizona, and New Mexico. To help 24 states plan or implement prescription drug monitoring programs, the Harold Rogers Prescription Drug Monitoring Program request is \$5 million, while \$20 million is requested for the cleanup of methamphetamine labs. In addition, the request for the Cannabis Eradication Program is \$19.1 million, a \$7.5 million increase.

Other OJP programs also support drug enforcement activities, such as the Regional Information Sharing System (RISS) Program, which improves local law enforcement's ability to target, investigate, and prosecute crime, as well as the ability to share information with member local, state, federal, and tribal law enforcement agencies. RISS nodes, which are the access points for information, continue to grow and now include 16 High Intensity Drug Trafficking Areas, 17 state agency systems, and 12 federal systems.

Other federal agencies also provide invaluable support in the fight against substance abuse. The Administration has requested \$100 million for the High Intensity Drug Trafficking Area (HIDTA) Program, currently administered by the Office of National Drug Control Policy. HIDTA creates partnerships between federal, state and local law enforcement agencies to promote a coordinated, intelligence driven response to regional drug trafficking problems. In addition, the Department of Homeland Security, through U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, helps stop drug trafficking across our nation's borders.

2. **During your oral testimony, you stated that one of the reasons why the Administration did not support funding the Byrne Grants was that the grants could be used for too many purposes. Which such purposes does the Administration believe are inappropriate?**

The Byrne Formula Program -- a predecessor program, along with LLEBG -- to the current JAG grants, had grown over the years to include 29 allowable purpose

areas. LLEBG had seven purpose areas. JAG itself allows funding for all purposes previously allowable under Byrne Formula and LLEBG. The Department has no objection to any of these statutorily defined purpose areas. Our concern, as I testified, is that the large number of purpose areas, which allow funds to be spent on a wide array of programs, make it very difficult to identify outcome measures that can provide an accurate picture of program effectiveness.

3. Does the Administration believe that the Department of Justice receives too little data from grantees concerning the use of Byrne Grant funds? If so, what additional data does the Administration believe should be required of grantees?

Currently, OJP collects financial and programmatic information from grantees, as required and stipulated in all grant award documents. Specific performance measure information is included in each solicitation and is required with each semi-annual progress report. However, specific performance information on each sub-award recipient from the primary funding recipient is currently not collected.

With the development of the JAG program for FY05, improved performance measures will be developed and better data will be collected from all grantees. This will permit a truer assessment of the impact of funding and program efforts on all activities, especially those related to drug control and enforcement, which are of particular concern to this subcommittee. While these performance measures are still being finalized, possible measures might include the number of methamphetamine labs seized or the number of ex-offenders graduating from drug courts.

Much of this new performance-based information will be captured by OJP's Web-based Grants Management System, which will help eliminate unevenness in the quality and quantity of information reported by grantees, and yet not overburden them with onerous reporting requirements

4. The Administration has also proposed eliminating all but \$20 million of the "Meth Hot Spots" grant funding, administered by the Community Oriented Policing Services (COPS) office. We have several questions related to this proposal.

a. Why did the Administration propose to reduce funding to only \$20 million?

The \$20 million requested for this program is consistent with the level requested in previous Administration budgets. Also, it should be noted that, historically, the program has consisted almost entirely of earmarked projects. For example, the entire FY 2005 appropriation for the Methamphetamine "Hot Spots" program provided approximately \$51.8 million; all of it earmarked for specific projects. It has been the

Administration's policy not to request such previously earmarked projects within its budget request.

DOJ, in coordination with the Office of National Drug Control Policy and other domestic and international law enforcement agencies, will continue to work together to fight the manufacturing, trafficking, and use of methamphetamine, and will continue to support state and local law enforcement in combating this dangerous drug. In addition to initiatives being carried out by other departmental components, OJP and COPS specifically will support efforts to combat the manufacturing, trafficking, and use of methamphetamine through the following activities:

- Providing training and technical assistance to Methamphetamine Task Force Commanders – tripling the number of training courses in FY 2005, and bringing the number of task force commanders trained through FY 2004 to 4,183.
- Supporting the continued cleanup of methamphetamine sites.
- Supporting the Regional Information Sharing System to provide secure communications capabilities and other support for undercover operations.

While we will continue to provide funding for lab cleanup, more resources have been requested to focus on the prevention and treatment aspects of methamphetamine abuse. These activities include: increased funding for Drug Courts, which have been shown to be effective in dealing with methamphetamine addicts; increased funding for the Residential Substance Abuse Treatment program (RSAT), which provides intensive substance abuse treatment to ensure that offenders are clean and sober when they are released from institutions; and increased funding for prisoner reentry so that released offenders receive support services that will help prevent further methamphetamine abuse.

b. Has the Administration conducted a Program Assessment Rating Tool (PART) or other review of these grants? If not, what is the factual basis for the Administration's decision to propose reducing the program's budget?

The COPS Methamphetamine "Hot Spots" Initiative has not been evaluated through a PART study.

As stated above, the \$20 million funding level requested for this program in FY 2006 is consistent with the level requested in previous

Administration budgets. Also, it should be noted that, historically, the program has consisted almost entirely of earmarked projects. It has been the Administration's policy not to request such projects within its budget request.

- c. Has the Administration conducted any study or analysis of what the impact of reducing the funding will be on drug enforcement activities in the areas that receive these grants?**

No specific analysis has been conducted on the impact of reducing funds for the Methamphetamine "Hot Spots" Initiative. However, the Department remains steadfast in its commitment to addressing the methamphetamine epidemic faced by communities across our nation. We will continue to support efforts to combat the manufacturing, trafficking, and use of methamphetamines by providing training and technical assistance to Methamphetamine Task Force Commanders, supporting the cleanup of methamphetamine lab sites, and supporting RISS, which provides secure communications capabilities and other support for undercover drug operations.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

July 21, 2005

The Honorable Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
Committee on Government Reform
U.S. House of Representatives
Rayburn House Office Building B-377
Washington, DC 20515

Dear Chairman Souder:

Thank you for the opportunity to testify on behalf of the Administration at your subcommittee's March 10, 2005 hearing entitled "FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?" Please find enclosed answers to your questions for the written record. I hope they prove to be helpful in the work of the subcommittee.

Thank you again for your dedication on the issue of drug control. I appreciate your valuable insights and perspectives. If I may be of further assistance, please contact me directly at (202) 395-4694 or have your staff contact the Office of Legislative Affairs staff at (202) 395-6602.

Respectfully,

A handwritten signature in black ink, appearing to read "John C. Horton".

John C. Horton
Associate Deputy Director
State and Local Affairs

COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?”

MARCH 10, 2005

FOLLOW-UP QUESTIONS FOR THE WRITTEN RECORD FOR MR. JOHN C. HORTON, ASSOCIATE DEPUTY DIRECTOR, OFFICE OF STATE AND LOCAL AFFAIRS, OFFICE OF NATIONAL DRUG CONTROL POLICY

1. In your written testimony, you cited the program’s “significant growth since its inception in the late 1980s” as one of the principal reasons underlying the Administration’s decision to reduce the overall High Intensity Drug Trafficking Areas (HIDTA) program budget from \$228 million to \$100 million. We therefore asked you several questions about how the Administration plans to cut back on that “growth.” However, you testified that the Office of National Drug Control Policy (ONDCP) had not yet determined which individual HIDTAs were underperforming or otherwise should be eliminated or have their budgets reduced.

a. Has ONDCP now made such a determination as to which HIDTAs should be reduced or eliminated to allow the \$128 million budget cut proposed by the Administration? If so, please provide the Subcommittee with the results of that determination.

Answer: A plan for the HIDTA program to operate within the funding level proposed is being developed by DOJ and ONDCP. There are currently no plans to eliminate any HIDTAs during FY 2006.

b. If ONDCP has still not made that determination, when will it do so, and when will that information be provided to Congress?

Answer: Once the HIDTA Program has made its transition to the Department of Justice, the Department will monitor the performance of the existing HIDTAs to determine whether funding levels should be modified. That information will be provided to Congress after those decisions are made.

c. How did (or how will) the Administration make that determination? What set of performance or other measures were (or will be) used, and who specifically made (or will make) the determination?

Answer: Decisions regarding support to HIDTAs will be made based on the best intelligence and threat information available, as well as performance. Upon transfer of the program, the Department of Justice will be principally responsible for decisions regarding HIDTA, in coordination with ONDCP.

2. Please provide the Subcommittee with the most recent version of the ‘Program Policy and Budget Guidance’ for the HIDTA program, or with whatever set of guidelines that replaced the Program Policy and Budget Guidelines since 2001. Please also provide the Subcommittee with the most current set of performance measures established by ONDCP for the HIDTA program.

Answer: Please see attached.

3. At the hearing, you declined to state which HIDTA program guidelines or practices should be changed, or which should be kept the same.

a. Has ONDCP now made such a determination?

Answer: No. OCDETF and the Department of Justice will review polices and guidelines of the HIDTA Program to determine whether other changes are needed.

b. If ONDCP has still not made that determination, when will it do so, and when will that information be provided to Congress?

Answer: OCDETF and the Department of Justice will continue to review polices and guidelines of the HIDTA Program to determine whether other changes are needed. Such determinations will be made by the Department of Justice, in coordination with ONDCP, prior to the transfer of the program to DOJ. The information will be provided to Congress soon thereafter.

c. How did (or how will) the Administration make that determination? What set of performance or other measures were (or will be) used, and who specifically made (or will make) the determination?

Answer: Decisions regarding HIDTA program management will be made following a review of program capabilities by DOJ. Upon transfer of the program, the Department of Justice will be principally responsible for decisions regarding HIDTA, in coordination with ONDCP.

OCDETF will implement any new policy decisions for HIDTA in much the same way it does for OCDETF. OCDETF will take direction from Department leadership, which in turn is guided by the Administration, including ONDCP. OCDETF also will consult with field level managers on proposed policy changes.

4. You testified that one of the reasons for the proposed reduction in funding for the HIDTA program was its Performance Assessment Rating Tool (PART) Review, which gave the HIDTA a “results not demonstrated score.” Since this review is the only specific performance-based evidence cited by the Administration to support its proposals for the HIDTA program, we have several questions about it. (A copy of the PART review is attached for your reference.)

a. Section 1.1 of the PART review asserted that the purpose of the HIDTA program was “unclear”. In support, the reviewers stated that while the “first five HIDTAs, designated in 1990, met then, and still meet, the statutory criteria,” the same could not necessarily be said for the 23 other HIDTAs designated since then. Please identify which HIDTAs do not meet the statutory criteria, and why they do not.

Answer: The OMB PART review for this question stated that “While it is undeniable that there is some level of drug problem in all areas designated as HIDTAs, the sheer magnitude of this expansion raises questions about whether the drug trafficking in all of these areas meets the intent of the statute as enacted.” The PART review did not definitively state that any one HIDTA does not meet the statutory requirement.

b. Sections 2.5 and 4.5 of the PART review resulted in reduced scores for the HIDTA program because, in the words of the reviewers, “There has not been an independent evaluation of the HIDTA program.” Why was no such independent evaluation conducted? Does the Administration plan to conduct such an evaluation?

Answer: It was decided to put discussions of an evaluation of the HIDTA program on hold until the Performance Management Process was fully implemented and the structure and results of that system factored into any evaluation plan. Due to the proposed transfer of the program, future decisions regarding an evaluation of the program would be undertaken by the Department of Justice.

c. Why did the Administration propose to cut and move the HIDTA program before conducting such an evaluation?

Answer: The decisions to reduce funding for the HIDTA program and to move it to the Justice Department were driven by two distinct concerns. With respect to the location of the HIDTA program, the Administration believes that the best place for drug enforcement programs like HIDTA is at the Department of Justice. Locating the program at Justice would enable Justice’s law enforcement officials to target the drug trade in a manner that is complementary of the Organized Crime Drug Enforcement Task Force (OCDETF) program, will preserve the program’s praiseworthy elements, such as fostering coordination among State and local law enforcement, and allow the program to establish more comprehensive strategies and allocate resources more effectively across drug enforcement programs.

With respect to the proposed funding level for the program, the decision to reduce the HIDTA budget was made in the context of the President’s strong commitment to accountability and fiscal responsibility. This commitment, coupled with other priorities such as winning the War on Terror and protecting the homeland, requires the Administration to reduce the level of non-security related discretionary spending.

d. Sections 2.6, 3.1, 3.2, 3.CO4, 4.1, and 4.2 all resulted in reduced scores for the HIDTA program because ONDCP had apparently only recently established a performance measurement system for the program, and thus did not yet have complete performance data to give the PART reviewers. Why did ONDCP take so long to establish that system?

Why did the Administration propose cutting and moving the program before that system could generate performance measurement data that would allow for a complete performance review?

Answer: As you know, performance measures for law enforcement and enforcement-related programs have been difficult to establish. Performance measures for the HIDTA program are particularly difficult because, unlike direct federal programs like those in DEA and FBI, ONDCP does not exercise operational control over the HIDTA-funded task forces. Instead, ONDCP's influence on the achievement of HIDTA performance goals is accomplished by oversight such as establishing performance targets, conducting rigorous reviews, and applying program guidelines consistently.

Prior to the PART review, ONDCP attempted to establish performance measures for the HIDTA program. In May 2003, ONDCP convened a group of HIDTA Directors and tasked them with developing a performance measurement system that would: measure the performance both of individual HIDTAs and the national HIDTA program; accommodate the diversity of HIDTAs; reflect what HIDTA task forces actually do; and produce credible, straightforward, and easily understood results without imposing significant reporting on the HIDTAs. This group met several times in 2003 and finalized the Performance Management Process (PMP) in early 2004. Subsequently, each of the 28 HIDTAs was trained on the system during the remainder of that year.

e. Section 4.4 asserted that there are “[n]o similar programs to HIDTA — in other words (based on the question presented in Section 4.4 of the PART review) that there are no “programs with similar purposes and goals.” Does this mean the Administration believes that there are no programs that have purposes or goals similar to those of the HIDTA program? Does this mean that OCDETF, which also funds joint federal, state, and local drug enforcement activity, does not have similar purposes or goals? Does this mean that OCDETF, which also funds some joint federal, state, and local drug enforcement activity, does not have similar purposes or goals? Does this mean that agencies like the Drug Enforcement Administration or Immigration and Customs Enforcement, which investigate drug trafficking activity and seek to disrupt such activity, do not have purposes or goals similar to those of HIDTA? If not, how are the purposes and goals of OCDETF, DEA, and ICE different from those of the HIDTA program?

Answer: There are several programs and agencies which have the same, or similar, goals and objectives as the HIDTA program. Specifically, the DEA, OCDETF, and Immigration and Customs Enforcement exist either primarily, or in part, to disrupt the domestic market for illicit drugs. The objective of the HIDTA program is the same. However, the means of accomplishing this objective – in other words, the specific purposes and goals of the HIDTA program – are somewhat unique in that HIDTA co-locates and supports integrated Federal, State and local drug enforcement initiatives in targeted regions, while giving Federal agencies shared responsibility for designing and carrying out these enforcement activities with State and local law enforcement. Having said that, the Administration believes that the characteristics of the HIDTA program complements other anti-drug programs and entities – specifically those at the Department of Justice – toward a more effective and efficient disruption of the domestic market for illicit drugs.

f. No PART review has apparently been conducted on the OCDETF program yet. When will such a review take place, and when will the results be published?

Answer: The OCDETF program is scheduled to be reviewed for the FY 2008 budget process, and the results of that review will be available when that budget is released.

g. Does the Administration believe that OCDETF will provide better management of the HIDTA program? If so, what is the factual basis for that belief, since no PART review has yet been conducted on OCDETF to determine how well OCDETF is managing itself and meeting its own performance goals?

Answer: Yes. OCDETF has undertaken a number of successful management initiatives in the past two years to refocus the program, establish performance criteria, and improve overall program accountability. A number of these initiatives were discussed in Ms. O'Neil's written statement.

5. Your written testimony made no mention of the Edward Byrne Memorial Justice Assistance Grants (the "Byrne Grants") to the states, which the Administration proposes to eliminate. We have several questions related to this proposal.

a. Why did the Administration propose to eliminate all funding for the Byrne Grants?

Answer: In order to focus departmental resources on counterterrorism, which is and must be the Department of Justice's (DOJ) overriding priority, the Administration was required to make difficult choices in this budget proposal, and thus chose to eliminate funding for the Byrne Justice Assistance Grant program (JAG).

JAG should be looked at in the context of government-wide funding proposed for state and local governments, as well as other grant assistance proposed for state and local governments, as contained in the DOJ FY 2006 request. In particular, the Administration is committed to providing funding to state and local entities for terrorism preparedness programs (primarily through the Department of Homeland Security) by maintaining over \$3.5 billion in funding for these programs in FY 2006, the same level proposed in the FY 2005 budget request. DOJ's budget request includes over \$1.5 billion in other grant assistance to state and locals, including \$90.3 million for the Office of Justice Programs' (OJP) counterterrorism efforts. As outlined in my testimony, the DOJ budget also includes: \$185.3 million to strengthen communities through programs providing services such as drug treatment; \$335 million to combat violence, including enhancements to Project Safe Neighborhoods; \$235.2 million for law enforcement technology, including funding to continue and further develop the Administration's DNA initiative; and \$92.5 million to support drug enforcement, including funding to continue and expand the Southwest Border Drug Prosecution Program.

b. Has the Administration conducted a PART or other review of the Byrne Grants? If no, what is the factual basis for the Administration's decision to propose terminating the program?

Answer: In the 2005 appropriations, the Congress has already replaced the Byrne Formula Grant and the Local Law Enforcement Grant programs with a Byrne Justice Assistance Grant (JAG) program, which combines features of the two. This Byrne program will undergo a PART review in 2005.

As reflected in the response to the previous question, the proposal to eliminate JAG funding was among the difficult choices made to ensure that sufficient funding is available for counterterrorism and to reduce the overall budget deficit. In addition, an assessment of current resources available to state and local jurisdictions for law enforcement purposes found the following:

- Jurisdictions will be awarded \$495.5 million in JAG funding for FY 05. This funding is in addition to over \$720 million in prior year Byrne Formula grant allocations that states have committed but not yet drawn down for their use. Combining these two funding sources results in over \$1.2 billion that is currently available to state and local law enforcement.
- The FY 05 funding level for JAG represents less than one percent of the total direct criminal justice expenditures made by state and local governments.
- Over \$2 billion is available to state and local law enforcement for counter-terrorism purposes through the Department of Homeland Security.

c. Has the Administration conducted any study or analysis of what the impact of terminating the Byrne Grants will be on drug enforcement activities in areas that receive Byrne Grants funding?

Answer: No specific study has been done relative to the overall impact on drug enforcement activities. However, as you may know, JAG and its predecessor programs (Byrne Formula and LLEBG) are not designed exclusively for funding drug enforcement activities, but are available for state and local jurisdictions for myriad uses, many that are not drug-related. For example, Byrne's 29 purpose areas allowed funding, at local discretion, for general law enforcement purposes, including funding for multi-jurisdictional drug and gang task forces, crime prevention and domestic violence programs, courts, corrections, drug treatment, and justice technology initiatives. LLEBG was available to pay for police overtime, school security, etc. JAG itself allows funding for all purposes previously allowable under Byrne Formula and LLEBG.

Elimination of JAG funding does not leave state and local areas without resources to combat illegal drug use. In addition to funding from the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and the Federal Bureau of Investigation (FBI), the Department's FY 2006 budget proposal for OJP includes an investment of \$92.5 million in programs to support drug enforcement. An additional \$18.8 million is

proposed for the Southwest Border Drug Prosecution Program, for a total of \$48.4 million to continue this initiative in California, Texas, Arizona, and New Mexico. To help 24 states plan or implement prescription drug monitoring programs, the Harold Rogers Prescription Drug Monitoring Program request is \$5 million, while \$20 million is requested for the cleanup of methamphetamine labs. In addition, the request for the Cannabis Eradication Program is \$19.1 million, a \$7.5 million increase.

Other OJP programs also support drug enforcement activities, such as the Regional Information Sharing System (RISS) Program, which improves local law enforcement's ability to target, investigate, and prosecute crime, as well as the ability to share information with member local, state, federal, and tribal law enforcement agencies. RISS nodes, which are the access points for information, continue to grow and now include 16 High Intensity Drug Trafficking Areas, 17 state agency systems, and 12 federal systems.

Other federal agencies also provide invaluable support in the fight against substance abuse. The Administration has requested \$100 million for the High Intensity Drug Trafficking Area (HIDTA) Program, currently administered by the Office of National Drug Control Policy. HIDTA creates partnerships between federal, state and local law enforcement agencies to promote a coordinated, intelligence driven response to regional drug trafficking problems. In addition, the Department of Homeland Security, through U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, helps stop drug trafficking across our nation's borders.

**HIGH INTENSITY DRUG TRAFFICKING AREAS
PROGRAM POLICY AND BUDGET GUIDANCE**

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Section I. REFERENCES

- A. Anti-Drug Abuse Act of 1988, as amended (P.L. 100-690)
- B. National Drug Control Strategy (NDCS), 1999 as modified by the FY 2001 NDCS Annual Report
- C. Performance Measures of Effectiveness
- D. ONDCP Strategic Plan
- E. ONDCP Annual Performance Plan
- F. 1994 Crime Control Act
- G. Government Performance and Results Act of 1993 (GPRA)
- H. Title VII - ONDCP Reauthorization Act of 1998 (P.L.105-277, Div. C, SEC.707 - HIDTA)
- I. OMB Circulars A-87 (Cost Principle), A-102 (Common Rule), and A-133 (Single Audit Act)
- J. General Counterdrug Intelligence Plan (GCIP), 2000
- K. Code of Federal Regulations Title 28 – Part 23 (28 CFR 23)
- L. Code of Federal Regulations Title 21 – Part 1403 (21 CFR 1403)
- M. Continuing Criminal Enterprise, 21 USC 848
- N. ONDCP Annual Performance Plan
- O. Executive Order 12968, August 4, 1995

Section II. AUTHORITY AND PURPOSE

2.01 Authority

High Intensity Drug Trafficking Areas (HIDTAs) are regions designated by the Director of the Office of National Drug Control Policy (ONDCP) that have critical drug trafficking problems that adversely impact the United States. The Anti-Drug Abuse Act of 1988 (P. L. 100-690), and the ONDCP Reauthorization Act of 1998 (P.L. 105-277) authorizes the Director of ONDCP, upon consultation with the Attorney General, Secretary of the Treasury, heads of national drug control agencies, and the Governor of each applicable state, to designate any specified area of the United States as a high intensity drug trafficking area.

In considering whether to designate an area under this section as a high intensity drug trafficking area, the Director of ONDCP shall consider, in addition to such other criteria as the Director of ONDCP considers to be appropriate, —

- (1) the extent to which the area is a center of illegal drug production, manufacturing, importation, or distribution;
- (2) the extent to which state and local law enforcement agencies have committed resources to respond to the drug trafficking problem in the area, thereby indicating a determination to respond aggressively to the problem;
- (3) the extent to which drug-related activities in the area are having a harmful impact in other areas of the country; and
- (4) the extent to which a significant increase in allocation of federal resources is necessary to respond adequately to drug-related activities in the area.

2.02 Purpose

The following is a directive of the Executive Office of the President, ONDCP's National HIDTA Program. This document provides program and budget policy and guidance for HIDTAs. The Director of ONDCP is the sole authority for amending this document.

This policy supercedes previous program guidance and policies. The exception is the Southwest Border Organization Plan, which was instituted September 2000, and remains in effect. This policy and all of its provisions shall be in effect from the date of publication until revised or amended.

It will be the responsibility of each HIDTA Executive Board and HIDTA Director to ensure that the funding and resource recipients within the HIDTA have knowledge and understanding of all directives, policies, procedures, and rules and regulations contained in this document.

HIDTA Program Policy and Budget Guidance

For additional information, please contact the ONDCP National HIDTA Program Office (NHPO): (202) 395-6603; Fax: (202) 395-6841.

Edward H. Jurith September 27, 2001
Acting Director
Office of National Drug Control Policy

Section III. PROGRAM DESCRIPTION

The HIDTA Program provides assistance to federal, state, and local agencies in accordance with the goals and objectives contained in the President's *National Drug Control Strategy (NDCS)*.

The HIDTA Program predominantly addresses the improvement of the ability of HIDTAs to counter drug trafficking. HIDTAs are joint efforts of regional federal, state, and local law enforcement agencies whose leaders work together to assess regional drug threats, design strategies to combat the threats, and develop initiatives to implement the strategies. HIDTAs:

- Coordinate and enhance federal, state, and local drug law enforcement efforts;
- Foster a strategy-driven, systems approach to integrate and synchronize efforts; and
- Focus on outcomes.

The mission of the HIDTA Program is to enhance and facilitate the coordination of America's drug-control efforts among federal, state, and local law enforcement agencies in order to eliminate or reduce drug trafficking and its harmful consequences in critical regions of the United States. The mission includes coordination efforts to reduce the production, manufacturing, distribution, transportation, and chronic use of illegal drugs, as well as the attendant money laundering of drug proceeds.

The HIDTAs strengthen America's drug control efforts by forging partnerships among federal, state, and local law enforcement agencies to facilitate information/intelligence sharing, cooperative investigations, and joint operations related to reducing drug trafficking. The HIDTA Program functions as a coordination umbrella for federal, state, and local law enforcement agencies in designated areas to combine resources and efforts in order to reduce drug trafficking and distribution.

With a balanced partnership approach under the control and direction of an Executive Board (formerly called an Executive Committee), each HIDTA produces a regional threat assessment, develops a strategy to address the threat, and builds initiatives to implement the strategy. Executive Boards must establish a mechanism to annually evaluate all initiatives to maximize the impact of the HIDTA initiatives on the identified threat. HIDTA resources are to be used only to fund and support initiatives with sufficient measurable and attainable outputs/goals that target and advance the HIDTA strategy. Continued funding for initiatives is based upon performance.

Federal funds appropriated to the HIDTA Program assist multiple law enforcement agencies affiliated with a HIDTA that have documented a need and have committed personnel and other resources to mutual drug control efforts. This assistance is provided for support of:

- **Collocated/Commingle**d HIDTA Intelligence Subsystem that contains one or more intelligence center with joint, collocated federal, state, and local participation that provide full-service analytical support for the HIDTA initiatives. Participating agencies have access to information through on-site federal, state, and local databases, case analysis, and other support services. The Intelligence Subsystem is frequently

included within an Investigative Support Center (ISC), which may include other support elements such as technical equipment pools, electronic surveillance monitoring facilities, etc.

- **Collocated/Commingled** HIDTA multi-agency task forces comprised of representatives from federal, state, and local law enforcement agencies, who disrupt¹ and dismantle² drug trafficking and money laundering organizations³.
- Other activities that integrate federal, state, and local mutual drug control efforts within a HIDTA in achieving the goals of the *NDCS*. Such activities are based on the drug threat and enforcement needs in the region. Examples include joint interdiction efforts, investigative support such as surveillance or technical support, crime/forensic lab programs, prosecution support, and joint training.

ONDCP/NHPO confers on HIDTA-related matters on the national level with the HIDTA Coordinating Committee (HCC), which is comprised of representatives from the Departments of Justice, Treasury, and Health and Human Services. The HCC reviews the annual regional HIDTA proposals and provides input to the ONDCP/NHPO.

HIDTAs are encouraged to create partnerships and/or seek relationships and leverage resources with other program and funding sources such as the Organized Crime Drug Enforcement Task Force (OCDEF) Program, Community Oriented Policing Services (COPS), High Intensity Financial Crime Areas (HIFCA), United States Housing and Urban Development (HUD), Asset Forfeiture, Byrne Grant, Drug Free Communities, and various state and local programs. Developing these partnerships and relationships will provide for maximum use of law enforcement funds and provides a holistic delivery of leveraged services in the HIDTA areas.

As a result of the 1998 ONDCP Reauthorization Act (P.L. 105-277), no funds appropriated to the HIDTA Program can be expended for the establishment of new, or the expansion of existing, drug treatment programs. For all HIDTAs, funds expended in addressing treatment and prevention activities shall be capped at the level expended on said program in FY 1999.

¹ Disrupt: the normal effective operation of an identified organization is significantly impacted so that it is temporarily unable to conduct criminal operations for a significant period of time. This disruption must be the result of an affirmative law enforcement action including, but not limited to, the arrest, indictment and conviction of the organization's leadership or a substantial seizure of the organization's assets.

² Dismantle: the identified organization is eviscerated and no longer capable of operating as a coordinated criminal enterprise. The dismantling must be the result of an affirmative law enforcement action including, but not limited to, the arrest, indictment and conviction of all or most of its principal leadership, the elimination of its criminal enterprises and supporting networks and the seizure of its assets. The organization must be effected to the extent that it is incapable of reforming.

³ Organization: five or more persons in violation of any provision of this subchapter or subchapter II of this chapter the punishment for which is a felony, and such violation is a part of a continuing series of violations of this subchapter or subchapter II of this chapter (A) which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and (B) from which such person obtains substantial income or resources. [Continuing Criminal Enterprise, 21 USC 848].

Section IV. ADMINISTRATION AND MANAGEMENT

4.01 Executive Boards

Each HIDTA will have an Executive Board whose role is to provide direction and oversight in implementing the HIDTA concept and establishing the goals of the region. Fostering a balanced partnership, the Executive Board will be comprised of an equal number of federal and state/local law enforcement leaders in the HIDTA region who make decisions together regarding the regional HIDTA strategy, initiatives/budget, and internal policies and procedures.

(a) Organization:

1. HIDTA Executive Boards shall be chaired and vice-chaired by one state or local law enforcement official and one federal law enforcement official for one-year terms. The vice-chairman will succeed the chairman each year. Chairman and vice-chairman positions shall not have alternates or stand-ins during their tenure.
2. HIDTA Executive Boards shall be comprised of an equal number of state/local and federal law enforcement members, for a total of 16 members with voting authority. Some HIDTA Executive Boards may be granted up to 20 members; however, such instances require written justification and approval by the ONDCP/NHPO.
3. HIDTA Executive Board membership shall consist of either the head of the agency or a permanently designated high-ranking official that has decision-making authority for the department or agency.
4. HIDTA Executive Board membership should be selected based on that agency's committed resources to the HIDTA and the ability of that agency to affect the identified drug threat.

(b) Responsibilities:

The Executive Board is responsible for providing direction and oversight to ensure that the HIDTA funds and resources are utilized in compliance with all program guidance and policies, the HIDTA achieves measurable results in addressing the threat, and the goals and objectives of the HIDTA Program are met. To that end, the Executive Boards shall:

1. In concert with the HIDTA Director, develop, implement, and approve the HIDTA strategy, initiatives, and budgets, which are based on the drug threat assessment.
2. Establish an ongoing internal program review, for both fiscal and programmatic issues, in order to determine each initiative's effectiveness and progress in achieving targeted goals, and ensure compliance with program policy and accountability of resources. The internal program review shall ensure:

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- a. the advancement of the collective HIDTA effort, making certain that joint initiatives do not merely support otherwise existing agency operations or supplant agency budgets; (See Section VIII 8.06 Supplanting Agency Funds Prohibition for more details on supplanting.)
- b. that HIDTA initiatives and overall strategy are targeting and achieving the expected outputs as well as the Government Performance and Results Act (GPRA) performance targets, which are mandated by Congress and ONDCP; (See Section V Performance Measurement for more details on these targets.)
- c. that a performance-based budgeting approach is applied for funding purposes so that unproductive initiatives are terminated and new initiatives can be created in response to changes in the identified threat.

(See Section XII 12.02 Phase 2: Internal Program Reviews Conducted by the HIDTAs for more details on internal program review.)

3. Establish controls to ensure the HIDTA is in compliance with fiscal and administrative guidelines and policies, including the expenditure and accountability of prior year funds and reprogrammings. (See Section XI 11.02 Reduction in Funding Based on Un-obligated Balances and 11.04 Reprogramming for more details.)
4. Establish an intelligence and information sharing plan that requires (1) all agencies to contribute data to the HIDTA intelligence center, (2) the HIDTA intelligence center to support HIDTA initiatives, and (3) connectivity issues regarding information sharing with the HIDTA intelligence center be addressed.
5. Select the HIDTA Director and provide sufficient guidance, authority and adequate resources to allow him/her to carry out his/her duties and responsibilities.
6. Establish appropriate committees, with suitable decision making authority, to assist the Executive Board in carrying out its duties. Examples of such committees include Intelligence, Budget and Finance, Initiative Evaluation, and Administration.
7. Meet at least four times per year. Meeting minutes will be submitted to the ONDCP/NHPO.
8. Establish policies and procedures, through the creation of Standard Operating Procedures (SOPs)/Charter/By-Laws or other administrative, fiscal, or operational guidelines and/or agreements that do not violate participating agencies or ONDCP HIDTA Program policy. Such documents shall consider issues/topics such as chain of command; building security; the formation and composition of committees; meeting times; Executive Board agency membership composition; asset forfeiture

sharing plan; personnel issues; written guidelines identifying the duties and responsibilities of the HIDTA Director.

4.02 HIDTA Director

(a) Appointment:

The HIDTA Director is selected by his/her respective Executive Board. Prior to notifying the selectee, the Executive Board will notify the Director of ONDCP through the ONDCP/NHPO. A similar procedure will be utilized regarding any change in the status of the HIDTA Director. The HIDTA Director will have professional experience in a criminal justice profession.

The HIDTA Director reports to his/her respective Executive Board. The HIDTA Director, in concert with the Executive Board and various committees, is responsible for the successful implementation of its HIDTA Program.

(b) Responsibilities:

The principle role of the HIDTA Director is to manage the day-to-day HIDTA functions on behalf of the HIDTA Executive Board. These duties include:

1. In concert and with the approval of the Executive Board, develop and submit in the proper format on the required dates the four major document requirements of the HIDTA Program: Threat Assessment, Strategy, Initiatives/Budgets, and the Annual Report.
2. Exercise programmatic, administrative, and fiscal oversight in support of all HIDTA initiatives to ensure they are in compliance with ONDCP HIDTA Program Policy, and other program requirements. The HIDTA Director, as well as any other HIDTA funded administrative personnel within the HIDTA, shall not have operational control or authority of any initiative other than the Management and Coordination Initiative to which they are assigned.
3. The HIDTA Director serves as the point of contact between the Executive Board and ONDCP/NHPO. He/She keeps the Executive Board apprised of all ONDCP/NHPO programs and requirements. The HIDTA Director may also be requested to represent the regional HIDTA and provide input to the ONDCP/NHPO.
4. Exercise reprogramming authority, as approved by the Executive Board, that is consistent with the HIDTA Program guidance and policy. (See Section XI 11.04 Reprogramming for more details.)
5. Establish and maintain a central inventory tracking system for equipment/property purchased with HIDTA funds. Bar-coding and automated inventory controls are encouraged. (See Section VIII 8.09 Equipment/Property Inventory for more details.)

6. Assist HIDTA agencies/initiatives in establishing and recording measurable outcomes for the HIDTA and outputs for the initiatives.
7. Establish an internal review process to evaluate the effectiveness and efficiency of each initiative in achieving its targeted individual goals (outputs) and its impact on the overall goals (outcomes) of the strategy. (See Section XII 12.02 Phase 2: Internal Program Reviews Conducted by the HIDTAs for more details.)
8. Facilitate the enhanced coordination and the flow of information between and among initiatives and participating/supporting agencies. Promote regional and national cooperation among law enforcement agencies.
9. Provide advice and counsel to the Executive Board concerning the status, direction, and success of the HIDTA initiatives, programs, and ONDCP requirements.
10. HIDTA Directors are accountable to their respective Executive Boards for their travel. Travel must be related to official HIDTA business on behalf of their Executive Board or the HIDTA Program at large.
11. Additional duties/requirements identified by the Executive Board must be consistent with ONDCP HIDTA Program policies and procedures and deemed necessary to enhance the overall HIDTA Program. The additional duties will be forwarded to ONDCP/NHPO for review.

Section V. PERFORMANCE MEASUREMENT

In accordance with the 1994 Crime Control Act and the ONDCP Reauthorization Act of 1998, ONDCP provides budget guidance to federal drug control programs and agencies and evaluates the effectiveness of their efforts. In addition to this legislative requirement, the GPRA requires ONDCP to develop a long-term Strategic Plan and Annual Performance Plans. By law, the Strategic Plan must include a comprehensive mission statement covering the agency's major functions, including a mission statement for the HIDTA Program. The Strategic Plan must also include general goals and objectives, a description of how these will be achieved (including processes, technology, capital, information, etc.), identification of key factors external to the agency (beyond its control) that could affect the achievement of the goals and objectives, a description of the program evaluations used in establishing or revising general goals, and objectives with a schedule for future program evaluations.

The Annual Performance Plan must ultimately provide a basis for comparing actual program results with the established performance goals. The Performance Plan must incorporate measurable goals and indicators and a summary of the processes, skills, capital, technology, etc. used to pursue the performance goals. To fulfill this requirement, ONDCP produces a combined Annual Performance Plan/Report and submits it through the Office of Management and Budget (OMB) and then to Congress as part of the ONDCP budget request justification. The ONDCP 2002 Performance Plan includes guidelines on how ONDCP measures the performance of the HIDTA Program and reports the results.

To comply with the GPRA requirements, ONDCP requires all funded HIDTAs to measure and report their performance towards achieving GPRA performance targets. ONDCP will determine funding priorities, in part, by the extent of performance target achievement. In addition, ONDCP will make funds available to HIDTAs primarily for those initiatives that most directly lead to the accomplishment of established outcomes. Therefore, HIDTA law enforcement initiatives must directly support *NDCS Goals* and *Objectives*.

GPRA Reporting Requirements:

On April 30 each year, each HIDTA is required to submit specific data* on its progress toward the GPRA performance targets listed below. ONDCP will determine the success of each HIDTA's efforts towards GPRA using the following measurement criteria:

* A form(s) requesting specific required data will be provided to the HIDTAs.

GPRA Performance Goals and Targets:

ONDCP's HIDTA FY 2002 Performance Plan emphasizes three performance goals, each of which have an associated annual target. For FY 2002, the following performance targets apply to each of the three goals. (See the ONDCP FY 2002 Performance Plan, available at www.whitehousedrugpolicy.gov, for further discussion.)

Goal One: Improve the efficiency and effectiveness of law enforcement within HIDTAs.

FY 2002 Performance Target: All HIDTAs will employ the HIDTA funding priorities in FY 2002 according to the funding priorities and milestones guide developed in FY 2001.

Goal Two: Reduce the efficiency and impact of drug trafficking organizations in America.

FY 2002 Performance Target: ONDCP will establish objective criteria in the areas of production, transportation, distribution, chronic use and money laundering for HIDTA threat assessments by September 30, 2001. All HIDTAs will establish base year performance data by the end of FY 2002. Beginning in FY 2003, each HIDTA will identify, target and reduce drug trafficking in one or more of the five areas by five percent each year, as identified by threat assessments prepared by the Intelligence Center and targeted by the HIDTA Executive Board.

Goal Three: Increase the safety of American neighborhoods.

FY 2002 Performance Target: By October 1, 2001, ONDCP will complete a plan that will establish performance indicators and data sources to support Goal Three of the HIDTA Program. By the end of FY 2002, this plan will be executed and a baseline of data will be established to support Goal Three of the HIDTA Program.

Verification/Validation:

ONDCP will verify target achievement through:

1. Review of the Annual Report and the Strategy, Initiatives/Budgets submitted by each HIDTA.
2. Review of results of internal program reviews conducted by each HIDTA management and forwarded to the ONDCP/NHPO.
3. On-site program reviews conducted at the HIDTAs by the ONDCP/NHPO.

Section VI. PROGRAMMATIC REPORTING REQUIREMENTS

The HIDTA Program is a strategy-driven system wherein the Executive Board assesses the drug threat identified in the region and designs a strategy to reduce that threat. Subsequently, initiatives with corresponding budgets are developed to implement the strategy. At the end of each year, an Annual Report documents the progress made by the initiatives in addressing the strategy and the impact of the strategy on the identified drug threat. The Annual Report and other measures of success are analyzed with an updated threat assessment by the HIDTA to reevaluate and make adjustments to the strategy and initiatives/budgets every year. The HIDTA process requires thoughtful continuity and integration between the Threat Assessment, Strategy, initiatives, and Annual Report, yet each document must be able to stand-alone. HIDTA programmatic reports provide the Executive Boards with the necessary documents to design a regional strategy, evaluate the impact of the strategy, and make appropriate adjustments on an annual basis.

Annual Proposal Due Dates at a Glance:

Annual Report:	April 15
Threat Assessment:	May 15
Strategy with Threat Summary:	June 15
Initiatives/Budget:	June 15

6.01 Annual Report

The Executive Board will oversee and direct the development of an Annual Report to be submitted to the ONDCP/NHPO no later than April 15 each year. (See Appendix B.01 for the Annual Report format.)

The Annual Report must contain information on the outputs (accomplishments) of initiatives and overall outcome (impact) of strategies. The reporting period for the Annual Report will be the most recent full calendar year from the current due date.

The Annual Report will summarize the HIDTA's overall impact on drug trafficking in the region including: major drug trafficking organizations targeted; major drug organizations disrupted or dismantled; reduction in drug related crimes; reduction in violent crimes; drug trafficking organization changes in trends and methods of operation; increase in intelligence productivity; enhanced law enforcement cooperation; indicators of reduced drug sales and use; and an estimate of the HIDTA's long-term impact on the region. Each Annual Report will also document the HIDTA's impact on the GPRAs targets.

6.02 Threat Assessment

The Executive Board will oversee and direct the development of an updated regional drug threat assessment to be submitted to the ONDCP/NHPO no later than May 15 each year. (See Appendix B.02 for the Threat Assessment format.)

The Threat Assessment describes the nature of the illicit drug-related activities affecting the HIDTA region. Its primary purpose is to provide a drug intelligence basis for the development of the HIDTA strategy and the enforcement initiatives that implement the strategy. This long-standing requirement is unchanged. Additionally, the drug intelligence provided by HIDTA Threat Assessments is of value beyond the HIDTA, and has specific requirements per the General Counterdrug Intelligence Plan (GCIP).

The primary area of concern for the HIDTA Threat Assessment are the designated counties which constitute the individual HDTAs. Other areas that directly affect illicit drug-related activities in the designated counties are also important. Therefore, the geographical scope of the Threat Assessment should be expanded to cover states, regions, drug trafficking corridors, etc. as deemed necessary to provide appropriate coverage. The geographic coverage should also include information pertaining to drug activities in the HIDTA that affect other areas of the country since such information is required per statutory criteria for HIDTA designation.

HIDTA Threat Assessments are produced by the HIDTA intelligence center from information gathered from a wide range of sources, including HIDTA enforcement initiatives and participating agencies, and other federal, state, and local law enforcement agencies in the area. Input should also be obtained from district crime and drug assessments prepared by the U.S. Attorneys' Offices and regional drug threat assessments prepared by OCDETF Regional Advisory Councils. Information from national and regional drug intelligence centers and non-law enforcement sources should be included, as appropriate.

HDTAs should coordinate their information collection activities with other agencies and centers as much as possible to avoid duplication of effort. Coordination is essential with the National Drug Intelligence Center (NDIC). It is mandated to produce national and regional drug threat assessments.

As HIDTA Threat Assessments are widely distributed, they shall not contain national security classified information, or any information considered "law enforcement sensitive." GCIP requires that HIDTA Threat Assessments be forwarded to NDIC for its use in preparing national and regional threat assessments. HDTAs shall also forward the Threat Assessment to the National Drug Intelligence Library (NDIL). (See the Threat Assessment format for more details.)

Threat Assessment Summary

In addition to the Threat Assessment submission, an overview of the threat assessment in the HIDTA region, highlighting the most critical drug trafficking, money laundering and related violent crime threats in the region shall be submitted with the HIDTA strategy to the ONDCP/NHPO no later than June 15 each year. The summary should be in bullet or a brief narrative format and not exceed three pages.

6.03 Strategy

The Executive Board will oversee and direct the development of an updated HIDTA Strategy to be submitted to the ONDCP/NHPO no later than June 15 each year. (See Appendix B.03 for the Strategy format.)

The HIDTA Strategy details the Executive Board's plan to reduce the identified drug threat in the HIDTA region. The strategy shall be linked to the drug threat and initiatives through a clear delineation of the relationship between: (1) the problems posed by the threat, (2) the actions to be taken by the participating agencies, and (3) the anticipated impact on the region. HIDTA funds will be expended in a manner to maximize the leveraging of federal, state, and local agency contributions that are committed to the HIDTA mission.

The HIDTA Strategy describes how the Executive Board maintains oversight and direction of the HIDTA, the regional HIDTA Intelligence Subsystem, and the plan for area law enforcement agencies to coordinate and combine drug control efforts. The strategy must embody the spirit of the HIDTA Program, clearly demonstrating how federal, state, and local agencies have combined drug control efforts to reduce drug trafficking, eliminate unnecessary duplication of effort, maximize resources, and improve intelligence and information sharing. The strategy must identify its expected overall accomplishments in the region to support the design of the strategy and to provide the ability to measure the strategy's success at the end of the year. The strategy must also contain the HIDTA's anticipated developmental standards attainment and address the performance targets set by GPRA.

The collocated and commingled drug task forces and initiatives that are built to implement the strategy must be comprised of full-time, multi-agency participants. If the HIDTA incorporates an existing task force, intelligence or support operation, or other program into the HIDTA's strategy, then the value added by such a group to the HIDTA must be evident. Additionally, if the existing group is an investigative support element, i.e. intelligence, laboratory, technical, etc., then the amount of HIDTA funds allocated by the Executive Board must be determined based on specific measurable support provided to the HIDTA.

Strategy Subsystems

Initiatives that are developed to implement the strategy are categorized into one of five subsystems. Initiatives in the Intelligence and Investigative Subsystem are mandatory, as is a Management and Coordination Initiative in the Support Subsystem. The remaining two subsystems are optional, depending on the identified threat and needs of the HIDTA region. Subsystem categorization also pertains to reprogramming rules for current and prior year funds. (See Section XI 11.04 Reprogramming for more details.)

- (1) **Intelligence:** A HIDTA Intelligence Subsystem is a cornerstone of every HIDTA, and includes an intelligence center that contains full-time, collocated multi-agency personnel and databases. HIDTA intelligence centers provide deconfliction services and tactical and strategic support to HIDTA initiatives and participating agencies, and prepare the annual regional drug threat assessment.

- (2) **Investigation:** Contains collocated/commingled multi-agency task forces targeting drug trafficking and money laundering organizations, drug production organizations, drug gangs, drug fugitives, and drug-related violent crime.
- (3) **Interdiction:** Threats in various parts of the United States require interdiction efforts, which are essential to the HIDTA's strategy and drug control efforts.
- (4) **Prosecution:** Some HIDTAs integrate state and federal prosecutors into the HIDTA strategy in order to prosecute drug trafficking organizations targeted by HIDTA initiatives. Some prosecutors are on-site with the collocated/commingled task forces.
- (5) **Support:** Initiatives beyond the core enforcement program, to include crime/forensic labs, technical support, joint training, administration, treatment, and prevention. Support initiatives must demonstrate how HIDTA funds provide a greater benefit to the respective HIDTA program than to the funded agency; and maintain the same fundamental elements of the HIDTA concept as other initiatives, i.e., being law enforcement related, creating multi-agency partnerships, and targeting measurable outcomes, including GPRA targets. Existing treatment and prevention initiatives must provide additional information detailed in the initiative format

6.04 Initiatives/Budget

(a) Initiatives

The Executive Board will oversee and direct the development of HIDTA initiatives to implement the strategy and target the threat. The initiatives and corresponding budgets shall be submitted with the HIDTA strategy to the ONDCP/NHPO no later than June 15 each year. (See Appendix B.04 for the Initiative format.)

The initiatives must be focused with measurable outputs (goals/objectives) that justify the requested HIDTA funding. Initiatives must be reevaluated each year by the Executive Board to determine that the initiative should continue to be included in the HIDTA's strategy. Such determination is made based upon the current drug threat, reviews of the initiatives by the HIDTA and the ONDCP/NHPO, and progress that the initiative makes towards the identified goals and objectives. HIDTA Program funds will support only collocated/commingled initiatives that include full-time federal and state/local participation (unless an exception is requested and approved annually by ONDCP/NHPO) and directly support the HIDTA strategy.

Every initiative that was approved for funding must be accounted for in the following year's initiative reporting submission. For initiatives that were terminated during the existing cycle, the HIDTA shall submit an initiative report in the following annual proposal providing a brief explanation why the initiative was terminated, any actual outputs achieved, and accounting for the originally approved funds, i.e., expended, reprogrammed, or retained in the initiative.

Terminated Initiatives – HIDTAs must submit a status report of any terminated initiatives with outstanding funds to ONDCP/NHPO every six months (until closed) to account for remaining funds. The report shall identify any outputs that were accomplished with the funds, including developmental and process related accomplishments; briefly discuss specifically what the HIDTA funds were used for; and provide an estimated amount of remaining funds and a time frame for the complete expenditure of these outstanding HIDTA funds.

New Initiatives Created Within a Funding Cycle : (October 1 – September 30) – Any new initiatives created within a funding cycle must be submitted to the ONDCP/NHPO in the required Initiative format with an explanation as to where the proposed initiative fits into the HIDTA strategy and a detailed report as to how the proposed initiative will be funded.

Initiatives that Change Within a Funding Cycle : (October 1 – September 30) – Any initiative that changes significantly within a funding cycle, e.g. a major shift in focus, mission, or reorganization, requires a revised initiative submission and approval from ONDCP/NHPO. A memorandum must accompany the revised initiative submission, describing the changes to be made, the reason for the changes, and any related information regarding the impact of the budget.

(b) Budget

Each initiative must provide a detailed budget identifying the funding requirements needed to achieve its expected outputs. Budgets must reflect realistic funding projections in support of each initiative’s mission. HIDTA funds are used to provide resources to an initiative that has a specific purpose in the overall HIDTA strategy. HIDTA funding is provided to agencies in support of initiatives.

Funding requests, with sufficient detail, must be submitted in the proper budget categories approved by the ONDCP Financial Management Office (FMO). A budget summary depicting categories per funding recipient(s) must be submitted per initiative and per HIDTA. (See Section XI Fiscal Guidelines for more details; and Appendix B for budget-related format issues.)

Annual proposals shall be submitted in the format on or before the required due dates. The submission of any HIDTA proposal that is not in the proper format or lacks sufficient data or required information may delay the obligation of funds to that HIDTA. See Appendix for formats.

Section VII. ORGANIZATION

7.01 Management and Coordination

All overhead and administrative expenses, including management and staff support positions, salaries, and non-operational expenses for the HIDTA, shall be approved by the Executive Board. Additionally, all related expenses must be included within the projected funding level and included in the Management and Coordination Initiative, itemized separately from other expenses that might be reflected in the Management and Coordination Initiative budget.

The standard HIDTA management staff generally consists of a HIDTA Director, Secretary/Administrative Assistant, and Financial Officer. A Deputy Director(s), Intelligence Coordinator, and Information Technology Specialist may be added to the management staff as needed and approved by the Executive Board. Any variation in excess of these positions must be justified in writing by the Executive Board to the ONDCP/NHPO. All positions related to the management of the HIDTA are subject to review during the ONDCP/NHPO Review Process. Additionally, if such positions are deemed necessary, the funding requirements shall be factored into the HIDTA's funding level and shall not be dependent upon additional or supplemental HIDTA funds.

Each HIDTA must submit an administrative table of organization that includes all personnel in the Management and Coordination Initiative and identifies all HIDTA funded positions, as part of their initiative submission.

(See Section XI 11.06 Restricted Expenditures for more related information.)

7.02 HIDTA Funded Personnel

The Executive Board shall establish policy regarding the use of HIDTA funds for personnel by an agency(s) that meets the grant requirements and non-supplanting rule. Per OMB Circulars and the Cooperative Agreements signed between ONDCP and the fiduciary(s), HIDTA funds cannot supplant federal, state, and local agency or department budgets. Federal funds must be used to supplement existing funds for program activities and not replace those funds which have been appropriated for the same purpose. Therefore, the use of HIDTA funds for personnel and positions for which the agency receives budgeted funds is considered supplanting and strictly prohibited. Using HIDTA funds to reimburse the salaries and fringe benefits of law enforcement officers is discouraged. HIDTA funds are best utilized to leverage resources contributed by agencies, including fully equipped law enforcement officers, by providing items such as equipment and overtime.

Hiring Agency Non-Supplanting FTE Certification

Any agency that receives a HIDTA funded Full-Time Equivalent (FTE) requires the annual submission of a non-supplanting FTE certification, signed by the responsible local agency official and printed on agency letterhead, to the respective HIDTA. These certifications shall be maintained by initiative at the HIDTA Director's office and be made available to the

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ONDCP/NHPO upon request and/or during on-site reviews. The certification must specifically attest to each of the following verbatim:

1. The [Title of Position(s)] does not supplant the [Name of Agency] budget. HIDTA funds for this position(s) do not replace funds that have been appropriated for the same purpose.
2. Each FTE is exclusively dedicated to the HIDTA and a position description is on file.
3. The HIDTA position(s) would be terminated if the funding were not available.
4. There is no alternative funding available to support the salary(s) and benefit(s) of the FTE(s).
5. The Agency will be responsible for tracking overtime billing to ensure that HIDTA and Organized Crime Drug Enforcement Task Force (OCDETF) and other grant programs do not pay for the same hours worked by this officer(s) and that overtime paid to this officer(s) does not exceed the authorized limit.

(See Section XI 11.06(b) Personnel for more details.)

Section VIII. PROGRAM REQUIREMENTS

8.01 Collocation/Commingling

The collocation/commingling of **full-time** federal and state/local law enforcement agencies working together in the same facility is a required standard for all HIDTA drug task forces and initiatives. Collocation/Commingling also denotes free and open access and interaction among law enforcement agency participants in all HIDTA initiatives that are housed in the same facility. HIDTA initiatives shall seek to house multiple HIDTA funded initiatives, composed of multi-agency participants, in a central location(s). Such a location(s) would optimally be devoid of any physical barriers that prohibit or hinder the interaction and commingling of participants between initiatives. Optimally, one of the initiatives in the central location would be the HIDTA intelligence center. Until this level of collocation can be achieved, the minimal acceptable HIDTA initiative will constitute the housing of full-time multi-agency law enforcement agency participants who commingle and work together in space approved by the Executive Board. Regardless of location, all HIDTA law enforcement participants and initiatives must have access to and interact with the HIDTA Intelligence Center.

8.02 Multi-agency Participation

Multi-agency, as it relates to HIDTA, means **full-time** federal and state/local (optimally both state *and* local) participation in a single HIDTA initiative and to all task forces/groups/units within a single initiative, who are physically collocated and commingled full-time in the same facility. Liaison and/or part-time participation as the only federal or state/local representation in an initiative does not meet this requirement.

Combining task forces/groups/units at either the same or separate locations to form a single initiative for the purpose of satisfying the full-time, multi-agency requirement is not acceptable. All initiatives with more than one task force/group/unit must identify and discuss each task force/group/unit separately, and provide a clear justification demonstrating how these separate task forces/groups/units cooperate and coordinate their activities. This justification must detail the added value in combining these task forces/groups/units and the expected enhanced enforcement results. ONDCP may require such initiatives to be separated into different initiatives or place reprogramming or other restrictions on such initiatives.

Any exception to the full-time, multi-agency requirement must be justified and explained in detail to the ONDCP/NHPO. Exceptions require annual approval by the ONDCP/NHPO and the plausibility of an exception will be verified at the on-site review. Funding of an initiative will be denied or withheld, or another appropriate action will be taken, if an evaluation/review demonstrates the unreasonable absence of the collocation/commingling or full-time, multi-agency requirements. Single-agency initiatives or task forces/groups/units will not be funded without justification.

8.03 Intelligence Subsystem

Every HIDTA will have an Intelligence Subsystem, which contains one or more HIDTA intelligence centers, which is a primary component of a HIDTA and the HIDTA Program. The Intelligence Subsystem is frequently included within an ISC, which may include other support elements such as technical equipment pools, electronic surveillance monitoring facilities. HIDTA intelligence centers are jointly managed by a state/local and federal agency selected by the Executive Board; staffed with collocated and commingled full-time members from federal, state, and local participating agencies; and contain the agency's criminal databases and other pertinent databases, including open source information and other information management systems. HIDTA intelligence centers facilitate the timely exchange of information among HIDTA task forces, participating agencies and other law enforcement agencies in the HIDTA, providing intelligence support to all HIDTA member agencies.

The Intelligence Subsystem provides services such as event and criminal subject deconfliction; database queries; analytical case support; post seizure analysis and dissemination; strategic analysis and products; collection of trend and pattern data; and production of area threat assessments. The Intelligence Subsystem facilitates the connectivity between and/or among federal, state, and local law enforcement agencies, criminal databases as well as other informational databases, HIDTA intelligence centers, national intelligence centers, and databases. (See Section IX Intelligence Subsystem for more details.)

8.04 Organized Crime Drug Enforcement Task Force (OCDETF)

HIDTA task forces will pursue OCDETF case designations as a matter of course. HIDTAs will maintain meaningful, productive relations with OCDETF to assure successful prosecution/dismantlement of drug trafficking organizations and provide for a more effective utilization and leveraging of limited HIDTA and OCDETF resources. Investigative initiatives, in addition to other relevant measurements, should always include an evaluation of the initiative's success in achieving OCDETF case designation. Coordination with OCDETF will ensure maximum use of both HIDTA and OCDETF funds for the benefit of the investigation(s). HIDTAs should encourage that the recipient agencies coordinate with OCDETF to ensure that HIDTA and OCDETF do not duplicate efforts, such as each paying for overtime for the same hours worked by an officer.

8.05 Benefit to the HIDTA

HIDTA is not an agency and as such does not compete with any law enforcement agency. Rather, the HIDTA Program provides funding and resources to facilitate and enhance coordination of the participating agencies' drug control efforts. HIDTA program funds are provided where they enhance and promote the HIDTA's strategy, and shall not fund any independent agency. The expenditure of HIDTA funds must provide greater benefit to the HIDTA strategy than to the fiduciary or supported agency. (See Section XI Fiscal Guidelines for more financial requirements.)

8.06 Supplanting Agency Funds Prohibition

Per the relevant OMB Circulars and grant requirements, and the Cooperative Agreements and Memorandums of Agreements that are signed by ONDCP and the fiduciaries, HIDTA resources shall not supplant agency budgets or budget deficits. Federal funds must be used to supplement existing funds for program activities and not replace those funds which have been appropriated for the same purpose. HIDTA funds are dedicated to the joint initiatives through which the funding was requested (e.g., equipment purchased for a joint, collocated task force must be located in that task force or controlled by a HIDTA initiative for HIDTA related investigations and operations).

Executive Boards must make every effort to ensure that HIDTA expenditures do not supplant the resource agency's budgets. **SUPPLANTING OF AGENCY FUNDS IS STRICTLY PROHIBITED.** (See Section XI Fiscal Guidelines for more financial requirements.)

8.07 HIDTA Developmental Standards

The HIDTA Developmental Standards outline basic, intermediate, and optimal requirements expected of a HIDTA in four basic areas. The Developmental Standards are in the form of a matrix that lists these requirements in four categories – Intelligence and Information Sharing, Teamwork, Strategic Planning and Execution, and Accountability. Within each category, there are itemized topics with milestones that each HIDTA seeks to achieve. Each HIDTA should be encouraged to progress from basic to optimal on the developmental standards matrix.

A HIDTA's strategy identifies objectives and expected progression toward attainment of the HIDTA Developmental Standards. The Annual Report documents the actual accomplishments achieved relative to the attainment of the HIDTA Developmental Standards. (See Appendix for the HIDTA Developmental Standards.)

8.08 Measurable Outputs

The HIDTA Program is a strategy-driven, systems approach that focuses on outputs and outcomes. Therefore, each HIDTA strategy shall identify overall measurable expected outcomes for the HIDTA, and each HIDTA initiative shall identify specific measurable expected outputs, and outcomes if applicable, that the initiative will accomplish. Outputs are the quantifiable results of the initiative. Measurable outputs contain statistical data that is required for comparison to a baseline figure, justification for the requested HIDTA funds, and for use as an analytical tool in the HIDTA's threat assessment. Outcomes are considered the end result of the outputs achieved by initiatives in total, or the overall impact of the initiatives' success to the strategy and HIDTA region. Some initiatives can have outcomes as well as outputs.

Every year, the HIDTA strategy will identify expected overall outcomes that the strategy will achieve, based on the initiatives developed to implement the strategy. The subsequent Annual Report will document the impact that the initiatives had on the strategy. Additionally, each year each HIDTA initiative shall report specific measurable expected outputs that the initiative will accomplish and later report the actual outputs accomplished in order to justify the requested

budget and placement in the HIDTA's strategy to the Executive Board and the ONDCP/NHPO. Every year the HIDTA's strategy is evaluated for effectiveness and the threat assessment is updated so that adjustments to the strategy can be made. Therefore, individual initiatives must be evaluated annually to determine their effectiveness in achieving their expected goals and impact on the HIDTA's strategy. Additionally, the initiative's impact on the overall ability of the HIDTA to meet the required GPRA targets must be considered. A performance-based budgeting approach is applied to all initiatives during the annual budget cycle so that appropriate adjustments can be made based on various factors, such as the HIDTA's funding level and changes in the drug threat. For example, new initiatives can be created as a result of changes to the identified threat and existing initiatives that are unproductive, no longer relevant to the drug threat, have already achieved their goals, or that have decreased in priority based on available funding may require termination. It is expected that initiatives show appropriate progression from year to year in order to justify the continued support of HIDTA funds.

8.09 Equipment/Property Inventory

Each HIDTA shall establish and maintain a central inventory tracking system of HIDTA-purchased equipment/property. The HIDTA is required to maintain a central inventory list and accountability of HIDTA-purchased equipment/property, which includes ensuring that the items are used in HIDTA initiatives. The system may incorporate the tracking system of the purchasing agency if the system has adequate inventory system controls to track and account for this equipment/property. The design of the system must include the following:

1. Each HIDTA must establish and maintain a central inventory list of HIDTA-purchased equipment/property. The inventory list must account for all property, equipment, vehicles, and other items valued at \$500 or more at the time of purchase.

This central inventory list of HIDTA-purchased equipment/property that is maintained by the HIDTA shall include property records with (1) a description of the property; (2) a serial number or other identification number; (3) the source of property (vendor); (4) who holds title (purchasing agency); (5) the acquisition date and the cost of the property (from invoice); (6) the location, use and condition of the property; and (7) any ultimate disposition data including the date of disposal and sale price of the property.

Tracking software licenses purchased with HIDTA funds in order to keep software systems up-to-date is also the responsibility of the controlling agency/entity or the HIDTA. Software licenses under \$500 are classified as supplies and software licenses over \$500 must be tracked and inventoried by the controlling agency/entity as HIDTA designated property.

2. The HIDTA must ensure that the agency/entity controlling the HIDTA-purchased property, equipment, etc. has an adequate inventory system to track and account for the HIDTA-funded property/equipment. If the agency/entity does not have an adequate system or cannot account for the property/equipment purchased on behalf of the HIDTA, then the HIDTA must establish such a system.

3. Inventory tracking controls must include, at a minimum, the ability to (1) conduct a physical inventory every two years; (2) identify HIDTA-funded equipment/property; (3) track the location and use of the equipment/property; and (4) ensure HIDTA designated equipment/property is assigned to HIDTA initiatives.
4. All HIDTA purchased equipment/property must be identifiable as HIDTA designated equipment/property, either through a serial number, agency inventory number, or a HIDTA inventory number.
5. All equipment/property must be managed in a manner that provides maximum flexibility and availability to all HIDTA initiatives. When equipment/property or services are purchased with HIDTA funds by one agency for use by a different agency, the HIDTA shall maintain documentation identifying the agency using the resources. HIDTA inventories, whether tracked at the controlling agency(s) or the HIDTA, must be kept current and be made available upon request for review by the ONDCP/NHPO. The HIDTA must be able to provide a complete and detailed list of equipment/property, per initiative, for its internal reviews, audits, ONDCP/NHPO on-site reviews, and other requirements.
6. Accountability and use of HIDTA funded equipment/property is the shared responsibility of HIDTA management and purchasing agency.
7. HIDTAs will develop procedures for managing equipment/property (including replacement equipment/property) and shall include the following:
 - A. A physical inventory of the property taken, and the results reconciled with the property records every two years. The most recent inventory, along with all supporting documentation, will be retained for review purposes.
 - B. A control system developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Records of investigations pertaining to any loss, damage, or theft shall be maintained.
 - C. Development of adequate maintenance procedures to keep the property in good condition.
 - D. Proper sales procedure to ensure the highest possible return, if the grantee is authorized to sell the property.
 - E. When acquiring replacement equipment/property, the grantee may use the equipment/property to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency (ONDCP).

8. The HIDTA must maintain a specific procedure to determine when the equipment/property purchased with HIDTA funds is no longer of use to the HIDTA. Once the HIDTA determines that a piece of equipment/property purchased with HIDTA funds is no longer of use to the HIDTA or if the equipment/property is outdated, damaged, lost, or stolen, the equipment/property should be disposed of/processed in accordance with the purchasing agency's policies and procedures. Disposition of the equipment/property must be maintained in the inventory and documentation maintained in HIDTA files, as equipment/property purchased with HIDTA funds is considered HIDTA designated equipment/property.

Section IX. INTELLIGENCE SYSTEM

9.01 Purpose

This Section serves multiple purposes. It contains descriptive information regarding the HIDTA Intelligence Subsystem and guidance regarding system structure and organization. It also provides policy direction and policy guidelines to ensure that the purposes and objectives of the HIDTA Intelligence Subsystems are consistent with the ONDCP *NDCS* and the strategies and policies of participating federal, state, or local law enforcement agencies.

These guidelines are the minimum required for HIDTA Intelligence Subsystems. Other directives, provided they do not conflict with these guidelines, may be developed and implemented by individual HIDTA Executive Boards. The program should remain flexible to respond to the particular identified needs of a designated area.

Compliance is required with applicable federal, state, and local regulations, including 28 CFR 23. Intelligence Subsystem development should be further guided by the HIDTA Developmental Standards and the GCIP.

These guidelines are not intended to conflict with individual agency guidelines or policies relative to information sharing; personnel and physical security; or other operational or administrative procedures. If a conflict does arise, the policies of an individual agency will take precedence over these guidelines. The National HIDTA Director will be notified of these conflicts.

There will be no exemptions to the intelligence policy requirements unless a request is submitted in writing to the National HIDTA Director. The request must indicate its approval by the Executive Board. After appropriate consultations with representatives of affected agencies, the National HIDTA Director will respond in writing, granting approval or denying the request.

9.02 Mission

The fundamental mission of the HIDTA Intelligence Subsystem originates from the *NDCS*, i.e., "Improve the ability of High Intensity Drug Trafficking Areas to counter drug trafficking." A basic HIDTA tenet is that the ability of federal, state, and local law enforcement agencies within a HIDTA to counter drug trafficking is significantly improved when those agencies work together and share information. The HIDTA Intelligence Subsystem is designed to facilitate this interaction and sharing. An Intelligence Subsystem is mandated. It is the primary system for each HIDTA.

The Intelligence Subsystem's operational mission is to provide accurate, detailed, and timely tactical, investigative and strategic drug intelligence to HIDTA initiatives, HIDTA participating agencies, and other law enforcement agencies as appropriate, enabling a more effective and efficient utilization of drug investigative resources. HIDTA intelligence centers serve as hubs for the sharing of drug intelligence among federal, state, and local law enforcement in the HIDTA regions.

9.03 Approval

Each HIDTA, when submitting its annual strategy, shall include an Intelligence Subsystem, with descriptions of intelligence/information sharing initiative(s) approved by the Executive Board. The core Intelligence Subsystem functions should include:

- Event Deconfliction
- Case Subject Deconfliction
- Post Seizure Analysis
- Analytical Case Support
- Strategic Intelligence
- Connectivity to other databases
- Drug Threat Assessments
- Reports of drug seizures by agencies to the National Drug Seizure System at El Paso Intelligence Center (EPIC) when developed
- Photo-Imaging Network capability (optional depending on regional need)

Prior to final approval and funding by the Director of ONDCP, all proposed HIDTA intelligence initiatives are reviewed to ensure that initiatives conform to ONDCP policy and program guidance. Under the auspices of the National HIDTA Director, these reviews are conducted by the ONDCP/NHPO Staff and assigned interagency representatives. All HIDTA initiatives are further reviewed by an interdepartmental HIDTA Coordinating Committee (HCC).

9.04 Description

The basic form of an Intelligence Subsystem is an intelligence center, with collocated and commingled participants from federal, state, and local agencies, who interact on a daily basis and have on-site access to the agencies' intelligence databases. The center provides a variety of core services and functions to support drug enforcement activities of the HIDTA initiatives and those of participating agencies. It also develops strategic intelligence for use by the Executive Board in developing strategy. Optimally, the intelligence center is located at a central facility with other multi-agency initiatives and the administrative staff.

HIDTA Intelligence Subsystems vary in organizational structure due to geography and Executive Board preferences. Some HIDTAs, especially those with large geographical areas, have multiple intelligence centers within their Intelligence Subsystem. Various intelligence centers within a HIDTA are considered elements of the same Subsystem and require central coordination of their activities by the Executive Board. Requirements for interagency participation apply to each intelligence center.

HIDTAs generally have an initiative or organizational element known as the Investigative Support Center, or ISC. ISCs may include support elements such as technical equipment pools, electronic surveillance monitoring facilities, etc. Since a primary function of the Intelligence

Subsystem is to provide support for investigations, many HIDTAs include the Intelligence Subsystem as part of the ISC. The term "ISC" is frequently used to denote the Intelligence Subsystem or an intelligence center.

9.05 Management

The Executive Board has oversight responsibility for the management of the Intelligence Subsystem. Consistent with the requirements of the following paragraph, the Executive Board must determine the management structure of the Intelligence Subsystem, to include its role and the role of any Intelligence Committee that it may establish.

Intelligence initiatives must be sponsored by a law enforcement agency(s). HIDTA Executive Boards will develop a federal and state or local mechanism to provide joint management over intelligence centers, with single-line supervision. Intelligence supervisors will be sworn federal, state, or local law enforcement officers or law enforcement intelligence analysts designated by a participating agency and approved by the HIDTA Executive Board. At least one supervisor must represent a federal agency and at least one must represent a state or local agency. Additional supervisors are permitted, as determined by the Executive Board. Supervisors do not have to be at the same management level. Supervisors must have security clearances at a level to permit them access to all areas of the intelligence facility.

The above provision does not preclude the use of non-sworn or non-law enforcement personnel to serve in a staff or other non-supervisory capacity. The HIDTA Director, as delegated by the Executive Board, has administrative and coordination oversight responsibility for all initiatives, including intelligence initiatives. The HIDTA Director may assign a member of his staff to conduct administrative and coordination activities relating to the Intelligence Subsystem on his behalf. This staff position has no line supervisory authority over the supervisors or personnel of the intelligence centers and no involvement in intelligence production activities.

The Intelligence Subsystem's services must be available to all participating agencies, local, state, and federal, on an even-handed basis. The agency sponsorship and management of the Intelligence Subsystem must reflect an acceptable balance between federal and state/local agencies to avoid any perception of favoritism in service to particular agencies and initiatives.

9.06 Staffing

Participating agencies and the Executive Board shall ensure that an adequate number of trained law enforcement personnel are assigned to the Intelligence Subsystem to perform deconfliction, investigative, tactical, and strategic intelligence functions.

The Intelligence Subsystem is central to the HIDTA. It supports the enforcement efforts of all initiatives and participating agencies and is a natural element to foster interagency relationships. Therefore, all agencies participating in the HIDTA ideally should contribute personnel to the Intelligence Subsystem by assignment of agency personnel. Preferably, these analytical and investigative personnel should have a background in drug investigations and have experience in

conducting research and analytical work. However, if necessary to facilitate an agency's participation, less experienced analysts and investigators can be assigned to the Intelligence Subsystem and receive appropriate training through the assignment. Contract or military personnel may augment Intelligence Subsystem staffing.

9.07 Coordination

- (a) HIDTA enforcement initiatives must coordinate their activities with the Intelligence Subsystem. Identification of all drug criminal targets should be coordinated through the Intelligence Subsystem to facilitate cross-case analysis, prevent duplication, and ensure the Executive Board, where appropriate, has sufficient information to establish priorities. Identification and targeting of drug trafficking organizations must be coordinated with the Intelligence Subsystem.
- (b) Some HIDTA Intelligence Subsystems have multiple components as a result of geographical or other reasons. The concept that binds the agencies and designated geographical areas into one HIDTA also applies to the Intelligence Subsystem. The Intelligence Subsystem is considered as one system and those with multiple intelligence centers must have a central coordination mechanism, i.e., management oversight and a coordination plan, to govern the operation of the separate centers. There must be clearly defined roles for each center and a system for each to coordinate and share information.
- (c) HIDTA intelligence centers should maintain good relationships with intelligence components of the participating agencies and other law enforcement agencies in the HIDTA region. Intelligence should be exchanged and common activities coordinated, as appropriate.

9.08 Functions

- (a) Intelligence Subsystem will manage event, case, and target deconfliction and, when applicable, watch operations for the HIDTA region. The Intelligence Subsystem must, at a minimum provide event deconfliction eight hours per day five days a week with same day service, with an optimal goal of 24 hour 7 day availability.
- (b) The intelligence centers within the Intelligence Subsystem will provide intelligence support to HIDTA-funded initiatives and all participating agencies, in accordance with direction and guidance provided by the HIDTA Executive Board. Intelligence support should include trend and pattern analysis and the collection, collation, analysis, and dissemination of investigative information concerning the composition, scope, magnitude and dynamics, both internal and external, of drug trafficking enterprises or organizations.
- (c) Within budget limitations, each Intelligence Subsystem will develop the capability of providing document exploitation (DOCEX) support as a component of the core post seizure analysis function. DOCEX analysis teams will provide support within the designated HIDTA region for HIDTA initiatives and HIDTA participating agencies. Each Intelligence

Subsystem will determine the feasibility of team size, composition, and deployment based on funding and resource limitations. The NDIC document exploitation and computer forensics specialists, in conjunction with the Justice Training Center, will assist in the training of selected analysts. DOCEX capability and resource requirements will be identified in future budget submissions.

- (d) The intelligence centers will utilize the EPIC as a source for subject/target law enforcement data base queries. HIDTA will share drug movement related information with EPIC. Each HIDTA will ensure that EPIC checks are a standard part of appropriate HIDTA operational protocols.
- (e) The intelligence centers will serve as locations for collocated access to participating agencies' law enforcement databases. Agencies participating in HIDTA intelligence centers will provide center personnel with on-site, direct access to their agency's pertinent data bases, whenever possible and in accordance with existing federal and state regulations. If direct access by center personnel to participating agencies' data bases is not possible, dedicated full time personnel will be assigned to the center from the participating agency to ensure access to its information.

9.09 Information Sharing

- (a) ONDCP will oversee the establishment of a system to provide interconnectivity between HIDTA intelligence centers and the member agencies they serve. HIDTA intelligence centers will adhere to all system standards developed by ONDCP, including the employment of a standard suite of software to the maximum extent feasible, consistent with the recommendations of the Counterdrug Intelligence Coordinating Group (CDICG's) Systems Policy Review Group (SPRG) to ensure information-sharing capability.
- (b) Each HIDTA will establish and maintain a relationship with its respective Regional Information Sharing System.
- (c) HIDTA intelligence centers will encourage and facilitate participation in the National Drug Pointer Index (NDPIX).
- (d) The intelligence centers shall produce intelligence products including reports, organizational profiles, biographies, link and toll analysis, to include investigative summaries, and provide such products to HIDTA enforcement initiatives and participating agencies and to non participating agencies, when appropriate.
- (e) HIDTA Intelligence Subsystems will produce comprehensive and coordinated annual interagency drug threat assessments for their areas. HIDTA intelligence centers and the NDIC will coordinate the data collection system and survey process to ensure an accurate and non-duplicative effort when compiling the National Drug Threat Assessment. Each HIDTA will also provide a copy of the annual HIDTA drug threat assessment for its area to the NDIC.

- (f) The Intelligence Subsystem will be governed by applicable federal, state, or local laws, regulations or policies regarding the collection and dissemination of investigative information. All information provided to the intelligence centers and resulting analytical products will be stored and disseminated in strict compliance with applicable federal, state, and local guidelines. Intelligence products will be disseminated to participating agencies, subject to legal restrictions, using the following categorizations:

Proprietary Dissemination – Requests from a law enforcement agency on a criminal organization/enterprise for which an agency has a pending investigation or other significant law enforcement interest will be researched to produce an intelligence product. If there is no information from any other agency, this product will be returned to the requesting agency. An agency holding relevant proprietary information will be responsible for disseminating its own information. The agency holding relevant proprietary information will be provided, at a minimum, pointer information.

Limited Dissemination – Intelligence products initiated by HIDTA intelligence centers with a nexus to ongoing cases conducted by a HIDTA task force will be disseminated to the agency or agencies having the investigative/operational interest. Additional dissemination of the product will be at the approval of those agencies.

General Dissemination – Intelligence products initiated by HIDTA intelligence centers with no specific agency operational/investigative equities will be disseminated to the various HIDTA participating agencies and to non-HIDTA participating law enforcement agencies, when appropriate. HIDTA intelligence centers will use the NDIL as a repository for final intelligence products, as appropriate. Intelligence centers are encouraged to list final and pending intelligence products in the NDIC Counternarcotics Publications Quarterly.

9.10 Security

(a) Personnel

Intelligence center personnel with a requirement to access national security information or areas must possess a security clearance at a level to allow such access. Intelligence center personnel from various agencies should be able to commingle and interact throughout the intelligence facility. Security clearances should be sought for personnel to reinforce this concept. The federal agency with joint management responsibility for the intelligence centers will assist the parent agencies in ensuring that their personnel assigned to the centers possess the appropriate clearances. The intelligence supervisor(s) must have security clearances at a level to allow them access to all areas of the intelligence facility. HIDTA funds may be expended for background checks.

(b) Facility

At a minimum, the intelligence facility will meet the physical security requirements of the federal Departments of Justice and Treasury, the Department of Defense, and that of

individual member agencies. Each Executive Board should develop individualized security policies for the intelligence facility and designate an agency to be responsible for ensuring these guidelines are followed. The expense identified to meet these requirements will be paid from individual HIDTA budgets, as determined by the HIDTA Executive Board.

(c) Information

All intelligence center personnel will be required to properly store all files, documents, and data storage disks in compliance with information classification and handling caveats. Safeguarding and handling of classified information shall be in compliance with Executive Order 12968.

9.11 Training

Each HIDTA should develop and implement a training regimen, consistent with the requirements of Section X Training Program, appropriate for personnel assigned to the HIDTA intelligence centers, for participating agencies and when appropriate, to non-participating law enforcement agencies. This regimen should strive to achieve the highest professional standards to assist analysts in developing and maintaining skills.

9.12 Implementation

The above guidelines are applicable to all intelligence initiatives proposed for funding under the HIDTA program. Individual HIDTA Executive Boards are responsible for ensuring these guidelines and any subsequent changes are promulgated to representatives of member agencies as required and to the management of the Intelligence Subsystem.

Section X. TRAINING PROGRAM

10.01 Purpose

HIDTA invests significant funding in training and related activities, within the individual HIDTAs and at the National HIDTA Assistance Center (NHAC). Training is one of HIDTA's activities that makes a significant contribution to drug law enforcement. This contribution has not always been recognized in large part due to lack of quantification and reporting of overall training accomplishments.

This Section provides policy guidance for a national HIDTA Training Program. This is a new HIDTA concept. The HIDTA Training Program will provide a uniform system for determining training requirements, identifying training sources, and coordinating training efforts. It will result in HIDTA sponsored training that has a higher visibility within the HIDTA Program, is more responsive to actual needs, tracks accomplishments, and maximizes the effective, efficient, and accountable use of HIDTA resources devoted to training.

The requirements of this section will become effective in relation to HIDTA Strategies, Initiatives, and Budgets for FY 2003. These requirements are presented one year in advance to provide ample time for preparation. The training policy presented in this section is in preliminary form. It will be fully developed and be presented in appropriate detail in subsequent editions of this policy.

There will be no exemptions to the training policy requirements unless a request is submitted in writing to the National HIDTA Director, who will respond in writing, granting approval or denying the request. Requests for exemptions will only be considered in the following situations:

- (a) Adherence to the letter of this policy would seriously disrupt operations of the HIDTA, and
- (b) Substitute procedures are proposed for use by the requesting HIDTA that are compatible the objectives of this policy.

10.02 Mission

The HIDTA training mission derives from the *NDCS*, i.e., "Improve the ability of the High Intensity Drug Trafficking Areas (HIDTAs) to counter drug trafficking." Selective training opportunities, provided in support of HIDTA initiatives and law enforcement agencies within the HIDTA, will contribute directly toward accomplishing this objective.

10.03 Description

The HIDTA Training Program is a concept that involves three primary elements: the individual HIDTAs, the NHAC, and the ONDCP/NHPO. The Training Program is a system to organize the collective HIDTA training efforts by defining the respective training roles and responsibilities of

the aforementioned three elements and integrating their activities. Policy guidance will provide requirements and direction for the three elements, leading to increased effectiveness, efficiency, and accountability in the use of HIDTA resources for training activities.

10.04 Requirements

- (a) Each HIDTA will report all regional training activities conducted by the HIDTA for each year in a single Training Initiative. The initiative submission will include an operational plan for all training to be provided for the year and related budget requirements. The content and format for the operational plan will be included in subsequent versions of this policy document.
- (b) Each HIDTA will designate a Training Coordinator. This responsibility will be assigned to an agency representative or as a collateral duty to an existing HIDTA staff member. HIDTA funded staff should not be increased for this purpose without approval of the National HIDTA Director.
- (c) Utilization of HIDTA resources for training will be based on two principles, i.e., positive contribution to the mission and efficient utilization of resources.
 1. Positive contribution to the mission

The prospective training must be directly related to the professional assignment of the trainee and anticipated to measurably improve job performance.
 2. Efficient utilization of HIDTA resources

HIDTAs will take maximum advantage of existing training programs and courses, rather than develop or duplicate training that is reasonably available from other sources.

HIDTA training activities, or use of HIDTA resources, will not supplant training activities of law enforcement or other agencies.
- (d) Priorities for HIDTA training are as follows:
 1. HIDTA Initiatives
 - Intelligence Subsystem: Analytical and related training at appropriate levels for personnel assigned to HIDTA intelligence centers. This includes basic intelligence skills training for law enforcement personnel who are assigned in lieu of experienced analytical personnel.
 - Enforcement Initiatives: Selective training to improve individual skills or initiative operations in direct support of the HIDTA mission.

Law enforcement officers generally have extensive training opportunities through their agencies and other sources. HIDTA training is not in competition with these activities and should not attempt to duplicate them. HIDTA should be innovative in sponsoring law enforcement training. It should identify training needs and sponsor courses that would result in a positive impact, but are not otherwise reasonably available through non-HIDTA sources.

- Management Initiative: In-service training to improve the management and administration of the HIDTA, e.g., fiscal, inventory systems, information technology, etc.
2. HIDTA participating agencies
 3. Other law enforcement agencies within the HIDTA area.

10.05 Roles and Responsibilities

(a) Under the direction of the HIDTA Director, the HIDTA Training Coordinator will:

1. Serve as point of contact for training coordination and activities related to the individual HIDTA.
2. Assess training needs and requirements for the HIDTA, coordinate requirements with the NHAC, and provide appropriate input to the training plan presented in the Training Initiative.
3. Coordinate and facilitate training activities in the HIDTA.
4. In conjunction with the NHAC, maintain and report training statistics for the HIDTA, maintain appropriate training records, and provide documentation of training completion to participants, etc.

(b) In coordination with the ONDCP/NHPO, the NHAC will:

1. Document standard operating procedures for the NHAC related to training, which are consistent with the requirements of this policy, and submit them for approval to the ONDCP/NHPO.
2. Serve as the primary HIDTA central training information and coordination element. Maintain roster of HIDTA Training Coordinators. Provide information and guidance to Training Coordinators. Sponsor training coordination meetings when needed.
3. Develop and maintain appropriate standards for training, professional development, etc, related to the HIDTA program.

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4. Assess requirements and establish a HIDTA-wide in-service training curriculum related to HIDTA management and administration.
 5. Develop and maintain lists of sources for training and training materials. Evaluate sources. Recommend use of sources based on quality, reliability, availability, costs, etc.
 6. Receive training requirements from Training Coordinators, consolidate requirements, determine appropriate sources for training, etc.
 7. Assist Training Coordinators in contracting for training courses with recommended sources. Negotiate favorable financial arrangements with sources, as appropriate.
 8. Develop training courses for use by the HIDTAs in situations where required courses are not available or where developing the course in-house is clearly cost effective.
 9. Develop the NHAC Training Catalog in conjunction with a cost analysis to facilitate cost-efficient use of HIDTA resources.
 10. Assist Training Coordinators in coordinating and facilitating training in the HIDTAs. Provide training materials, as needed.
 11. In conjunction with the Training Coordinators, maintain and report training statistics, maintain training records, and provide documentation of training completion to participants.
 12. Submit to the ONDCP/NHPO:
 - Annual Training Report describing overall HIDTA training program, accomplishments for the previous calendar year, challenges for the future, etc. The Annual Training Report is due at the ONDCP/NHPO no later than April 15 of each year. NHAC will develop a standard format for the report and submit the format to the ONDCP/NHPO for approval prior to the submission of the first report under this program.
 - Annual Training Initiative description and budget requirements for the coming fiscal year. The NHAC Training Initiative and budget submission is due at the ONDCP/NHPO no later than June 15 of each year. The standard initiative and budget format will be used.
- (c) Under the direction of the National HIDTA Director, the ONDCP/NHPO will:
1. Oversee the HIDTA Training Program, including promulgating policy guidance, establishing national objectives, etc.

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2. Review and approve annual training initiatives and budgets submitted by the HIDTAs and the NHAC.
 3. Review training initiatives at the HIDTAs and at the NHAC, as part of the HIDTA On-Site Review Process.
- (d) The National HIDTA Training Committee is constituted under the auspices of the HIDTA Directors' Advisory Committee (HDAC) and consists of HIDTA Directors representing various HIDTA regions and representatives of the ONDCP/NHPO. The Committee will meet regularly. It will advise the HDAC and the ONDCP/NHPO regarding HIDTA training policy and, in coordination with the HDAC and ONDCP/NHPO, conduct activities deemed appropriate in support of the HIDTA Training Program.

Section XI. FISCAL GUIDELINES

11.01 Terms and Conditions on Use of HIDTA Funds

1. Expenditure of HIDTA funds must be in accordance with the budgets approved by ONDCP and are subject to the terms and conditions contained in ONDCP HIDTA Program Policy, Code of Federal Regulations Title 21 – Part 1403 (21CFR1403), and OMB Circulars A-87 (Cost Principle), A-102 (Common Rule), and A-133 (Single Audit Act).⁴
2. State and local agency acceptance of the Award/Cooperative Agreement, and federal agency agreement to the ONDCP Memorandums of Agreement constitute acceptance of the terms contained therein, including reference to the provisions contained in this Program Policy.
3. **Supplanting of agency funds is strictly prohibited.** Supplanting is defined as the acceptance or use of HIDTA funds in replacement of those funds which have been appropriated for the same purpose. Prior to the approval of the annual budget submission, Executive Boards must make reasonable efforts to ensure that HIDTA expenditures do not supplant the resource agency's budgets. (See Section VIII 8.06 Supplanting Agency Funds Prohibition.)
4. HIDTA funds must be used in compliance with the regulations and policies of the agency receiving the HIDTA funds. No exemptions to established agency policies are permitted by unilateral action of HIDTA administrators, grantees, or participants.
5. HIDTA funds awarded to state and local agencies may be expended for a period of one year; this period may be extended with appropriate justification upon request. (See Section 11.03(j) Award Period Extensions for more details.) Effective with the FY 2001 appropriation, HIDTA funds awarded to federal agencies may remain available for a period of two years concluding at the end of the second federal fiscal year.

11.02 Reduction in Funding Based on Un-obligated Balances

HIDTA funds should be used during the year for which they are requested. Each HIDTA will include in its grant extension request the amount of and reason for not obligating funds in the year provided. Funding for initiatives and/or a HIDTA may be reduced by ONDCP in the amount of total un-obligated funds remaining from prior fiscal years.

11.03 Fiscal Reporting Requirements

(a) Coordination & Assistance

⁴ Access the OMB Circulars on the OMB website at the following address: <http://www.whitehouse.gov/omb>

1. Officials requesting HIDTA funds must assist in coordinating the administration of HIDTA funds with their agency's administrative offices, the National HIDTA Director, the NHAC for state and local agencies, and ONDCP.
2. The HIDTA Director is the award recipient's point of contact for assistance and resolution of HIDTA issues.

(b) Budget Submission Addendum: Initiative Budget Summaries

Initiative budget summaries must be submitted with funding requests using the format built into the HIDTA's budget development spreadsheet template.

(c) Budget Submission Addendum: Budget Detail Sheet

A Budget Detail Sheet must be submitted with every initiative budget if any of the requested budget items on the template require further clarification or explanation. Budget Detail Sheets reflect the budget for the initiative that is approved by the Executive Board and a separate Budget Detail Sheet is required for each budget template sheet. (See Appendix for the Budget Detail Sheet format.)

(d) Application for Federal Assistance (SF 424)

State and local agencies requesting HIDTA funds must submit the SF 424 Application for Federal Assistance (and associated certifications and representations) through the HIDTA Director to the NHAC. Issuance of awards cannot be processed until the properly prepared SF 424 is received by the NHAC.

(e) Award/Cooperative Agreement

1. ONDCP executes approved funding requests or award modifications for state and local agencies through issuance of the Award/Cooperative Agreement. The Award/Cooperative Agreement sets forth General Provisions as well as Special Conditions, Payment Basis and Reporting Requirements.
2. The award recipient is required to sign a copy of the Award/Cooperative Agreement and return it through the HIDTA Director to the NHAC. After the Cooperative Agreement is received, requests for reimbursement may be submitted for expended funds. For noncompliance with the Award/Cooperative Agreement, repayment or appropriate restrictions may apply.

(f) Memorandum of Agreement

Federal agencies participating or serving as fiscal agents for a HIDTA are required to sign a Memorandum of Agreement (MOA) with ONDCP prior to transference of funds. The MOA sets forth provisions pertaining to the scope of the initiatives, reprogramming of funds, reporting requirements, and financial management standards. The purpose of all HIDTA funded activities must directly relate to counterdrug activity. For non-compliance with the MOA, repayment or appropriate restrictions may apply. Each HIDTA may request a copy of signed MOA's from ONDCP/FMO.

(g) Financial Status Report (SF 269)

In accordance with the Award/Cooperative Agreement, state and local agencies are required to submit OMB SF 269 – Financial Status Report on a quarterly basis during the award period. SF 269's shall be submitted through the HIDTA Director to ONDCP.

(h) Request for Advance or Reimbursement (SF 270)

In accordance with the Award/Cooperative Agreement, state and local agencies are required to submit *OMB SF 270 – Request for Advance or Reimbursement* to request payments. SF 270's shall be submitted through the HIDTA Director to the NHAC. All other provisions for submission of SF 270's are contained in the *Attachment to the Award/Cooperative Agreement*.

(i) Federal Agency Quarterly Obligation/Expenditure Reporting

In accordance with the HIDTA MOA, federal agencies are required to submit quarterly reports of initiative obligations and expenditures to the HIDTA Director within 30 days of the end of each federal fiscal quarter during the MOA funding period. The obligation and expenditure reports will contain comparisons of approved budgets and obligations and expenditures organized by the budget categories detailed in the approved ONDCP/HIDTA budget.

(j) Award Period Extension Requests

Initiatives may request award period extensions for grants issued to their state and local agency fiduciaries. All requests shall be submitted in the format distributed by the ONDCP/NHPO. All extension requests shall be submitted to the ONDCP/NHPO. Prior year extension requests must include a timetable and budget synopsis detailing how and when all remaining funds are proposed to be expended. These requests will be approved on a case-by-case basis.

11.04 Reprogramming

HIDTA funds must be spent in accordance with ONDCP approved budgets. In the event that programmatic needs change, initiatives and agencies must request budget modifications through their HIDTA Director. The process of obtaining approvals for budget modifications is herein referred to as *reprogramming*.

(a) Administrative Requirements

1. HIDTA Executive Boards are responsible for establishing local procedures to ensure that all approved reprogramming requests are in accordance with agency regulations and HIDTA Program Policy. HIDTAs that do not adhere to the ONDCP reprogramming guidelines contained herein may lose all reprogramming authority.
2. Reprogramming of HIDTA funds requires written approval prior to funds being spent as proposed by the reprogramming. Reimbursement for expenditures that

were not in accordance with the approved HIDTA budget at the time of encumbrance may not be approved.

3. All reprogramming must be submitted to the ONDCP/NHPO by the HIDTA Director utilizing the format distributed by the ONDCP/NHPO.
 - i. Full programmatic justification and budgetary detail must be included in each reprogramming. Budgetary detail must be specific, e.g., when funds are reprogrammed into equipment, a list of equipment to be purchased must be provided.
 - ii. In order to process reprogramming, all grant numbers, agencies, initiatives and budgetary figures must be provided. Incomplete submissions will be returned.
4. HIDTA Directors are required to maintain updated budgetary records reflecting all approved reprogramming.

(b) Approval Authority

1. Participating agencies and initiatives do not have approval authority for reprogramming of HIDTA funds.
2. All reprogramming requires written approval of the HIDTA Director, and must be in accordance with Program Policy and procedures set by the Executive Board:
 - i. Approval authority for reprogramming within an initiative and agency is delegated to the HIDTA Director, subject to the limitations provided below under “(c) Reprogramming Guidelines and Limitations.”
 - ii. All reprogramming between agencies, initiatives and distinct initiative components requires the written approval of the Executive Board, HIDTA Director and ONDCP. Initiatives that are funded by a common grant are not exempt from this requirement. ONDCP approval must be obtained prior to implementation of the requested reprogramming.

(c) Reprogramming Guidelines and Limitations

1. Budget modifications within categories of an approved budget require HIDTA Director approval if the budgeted item or type of good or service changes. “Type” of good or service does not include changes in brand, model, vendor or supplier.
2. Funds awarded to agencies cannot be reprogrammed into new initiatives after September 30th of the fiscal year in which they were granted (i.e., prior year awards can only be reprogrammed to initiatives that were in existence when the funds were originally awarded). The federal fiscal year (October 1 – September 30) is the time frame that governs reprogramming between initiatives and agencies.

3. Prior year awards can only be reprogrammed between like type initiatives (e.g., enforcement to enforcement) in order to preserve the original intent for which the funds were obligated by ONDCP. "Like type initiatives" are grouped into four categories – Investigative, Treatment, Prevention, and Administrative.
 - i. Investigative initiatives include enforcement, interdiction, eradication, clandestine laboratory and those initiatives considered in direct support of investigations such as intelligence, prosecution, forensic, and surveillance/intercept monitoring.
 - ii. Treatment initiatives only include treatment-related initiatives and programs.
 - iii. Prevention initiatives include prevention-related initiatives and programs.
 - iv. Administrative initiatives include management/coordination, network support/connectivity, and training.

Reprogramming of prior year funds between initiatives or agencies should be held to a minimum.

4. Any decrease in HIDTA funding for treatment and prevention programs from the FY 1999 level must be tracked and requires the prior approval from ONDCP and Congress. Therefore, any reprogramming request that decreases the funding level of such programs requires careful planning by the HIDTA.

11.05 HIDTA Internal Review

The HIDTA's internal review program must ensure that HIDTA participants and grantees are in compliance with Program Policy and the various fiscal requirements associated with acceptance of HIDTA funds. Detailed policies of the HIDTA's internal review programs are left to the discretion of the Executive Board. Three fiscal elements, however, must be included in the HIDTA's internal review:

- (a) **Review of Expenditures**
 1. The Director must review agency and initiative expenditures through either of the following methods:
 - i. Periodic audits using sampling-based review of expenditures, or
 - ii. Systematic review of expenditures (e.g., using existing ledger-based expenditure tracking systems)

2. HIDTA's may elect to combine both methods to satisfy HIDTA-specific needs. Duplication of methods is not recommended.

(b) Compliance With Reporting Requirements

1. The Director must monitor award recipient compliance with quarterly financial reporting requirements. The Director shall report to the Executive Board:

- i. Instances of non-filing.
- ii. Analysis of material variances between actual expenditures and the approved budget.

(c) Expenditure Tracking for Initiatives Combined Under Single Grants

1. HIDTA Directors must ensure that expenditures of all initiatives funded under single grants are tracked separately by initiative and grant year through either the award recipients accounting system or other expenditure tracking system (e.g., a HIDTA-developed spreadsheet or database).
2. HIDTA's and initiatives that rely on HIDTA-developed expenditure tracking systems are required to reconcile expenditures of both the HIDTA and agency accounting systems on a quarterly basis (for consistency with the SF 269 reporting requirements).

11.06 Restricted Expenditures

(a) HIDTA Director and Deputy Director Compensation

1. Compensation for the HIDTA Director, Deputy Director, and administrative staff will be submitted in the Management and Coordination Initiative. The salary range for HIDTA Directors will conform to the federal pay level GS-15, step 1-5, while the salary range for HIDTA Deputy Directors will not exceed the federal pay level GS-14, step 5 (both to include locality adjustments). This salary range and fringe limit must be followed, with no exception, whether it is paid through a personal services contract or as an agency employee.
2. Fringe benefits packages shall not exceed 30 percent of salary. In the event that the fringe package exceeds 30 percent, the salary portion must be adjusted to compensate for the excess fringe.
3. ONDCP recommends that new HIDTA Directors begin at a GS-15 step 1 (including locality adjustments) and that in subsequent years, based upon performance, compensation be adjusted up to the GS-15 step 5 level.

(b) Personnel

1. Where supplanting is not an issue, HIDTA funds may be used for salary and fringe benefits if the position directly supports the HIDTA.

2. HIDTA Executive Boards shall seek to establish compensation in accordance with the hiring agency's pay scale. Compensation for HIDTA funded positions specifically in support of a HIDTA must be based on defined agency positions, or positions with comparable duties and responsibilities. Compensation levels may be established at levels not to exceed and in accordance with the federal General Schedule where a demonstrated lack of qualified candidates make it difficult to fill a position.
3. HIDTA funds can also be used to support contract services for personnel. Fiduciaries hiring contractors or entering into employment contracts with HIDTA-funded personnel must comply with their agency rules and regulations pertaining to contracting. A contract employee's compensation must be reasonable to the extent that it is comparable to that paid for similar work in the labor market.
4. The HIDTA, to the extent possible, must ensure compliance with all applicable laws, regulations and procedures governing employment and contracts for employment services. Executive Boards and Directors shall ensure application of uniform standards in matters pertaining to personnel administration within the HIDTA.
5. For positions specifically filled in support of the HIDTA Administration, the Executive Board and Director must document the applicable policies and procedures for compensation, advancement and all other personnel administration issues.

(c) Hiring Agency Certification

Each agency that receives HIDTA funds for FTE positions must submit a certification to the respective HIDTA. (See Section VII 7.02 HIDTA Funded Personnel for more details.)

(d) Overtime

1. Authorized Uses:
 - i. HIDTA funded overtime must be in support of HIDTA designated investigations and conform to limitations established by the Department of Justice. Use of HIDTA overtime funding is strictly limited to HIDTA-related law enforcement activities and non-administrative case support.
 - ii. HIDTA overtime compensation is authorized only if the participant is eligible for such compensation by his/her parent agency.
2. Unauthorized Uses:
 - i. Unauthorized uses of HIDTA funded overtime include support of the following activities: training, financial management, treatment, and drug demand reduction/prevention, non-investigative related administration.
 - ii. Federal agency personnel may not receive HIDTA funded overtime with the exception of uniformed federal agents (e.g. uniformed U.S. Border Patrol, U.S. Customs Service, and U.S. Forest Service) personnel involved in specific joint drug interdiction operations.
3. Overtime Cap:
 - i. HIDTA funding of overtime for individual state and local agency personnel must not exceed the current equivalent to 25 percent of the federal GS-10 step 1 level (for law enforcement personnel, referenced under the federal General Schedule pay scale for Law Enforcement Officers (rest of U.S.), and for non-law enforcement personnel, referenced under the General Schedule (rest of U.S.)). This overtime limit may be lowered if required by respective agency regulations.
 - ii. The annual overtime cap amount must be based on the federal pay scale in effect at the beginning of the parent agency fiscal year.
 - iii. HIDTA funded overtime is comprised of the agency's gross hourly overtime pay rate (for the individual) multiplied by the hours of overtime worked. The period over which an individual's accumulated overtime is measured should be the fiscal year of the individual's parent agency (to facilitate tracking by the parent agency accounting system).
4. Administrative Responsibilities
 - i. The parent agency of the participant receiving HIDTA funded overtime is responsible to ensure the aforementioned limits are not exceeded, that the

overtime is for HIDTA-related investigations, and that the participant does not receive overtime compensation from another funding source for the same hours worked.

- ii. HIDTA Directors and Executive Boards, as part of their internal review process, must ensure that HIDTA funded overtime is in support of HIDTA investigations and participating agency personnel are not exceeding the aforementioned limits.
- iii. Exceeding the limit or any misuse of HIDTA overtime funds may require repayment to ONDCP per the terms of the state and local agency Cooperative Agreements, federal Memorandums of Agreement, and applicable federal OMB Circulars.

(e) Vehicles

1. Administration

- i. HIDTA funded vehicles must only be used for official HIDTA-related business.
- ii. Operators of HIDTA funded vehicles must not violate applicable vehicle regulations of the agency holding title or otherwise providing the vehicle.
- iii. Agencies holding title or otherwise providing HIDTA funded vehicles must comply with OMB regulations pertaining to program-funded assets. Accordingly, in cases where vehicle operators or agencies no longer participate in the HIDTA program, HIDTA funded vehicles assigned to the operator or agency must be made available to other HIDTA initiatives and agencies.
- iv. Individual assignment of specific vehicles may only be made for Directors, Deputy Directors, and state and local law enforcement personnel on 24-hour recall status, provided that all are working full-time in a HIDTA initiative. Otherwise, vehicle assignments must be made on an *ad hoc* basis.
- v. In all cases, either the agency or initiative utilizing HIDTA funded vehicles must document vehicle assignment and usage in support of HIDTA counter-drug activities. It is the responsibility of the Executive Board and Director to ensure the proper assignment and use of HIDTA-funded vehicles.
- vi. Executive Boards will assure that appropriate insurance is maintained on all HIDTA-funded vehicles.

2. Limitations

- i. HIDTA funds shall not supplant agency budgets or budget deficits. For example, it is strictly prohibited to utilize HIDTA funding for vehicles and

vehicle related expenditures, such as fuel, repair and maintenance, when funds for such items are provided for in the budgets of the respective agencies.

- ii. HIDTA funds may not be used to purchase or lease vehicles, air or watercraft for assignment to federal agency personnel. This does not apply to HIDTA Directors or Deputy Directors who are employed by a federal agency.
- iii. HIDTA funds may not be used for fuel, repair and maintenance for vehicles purchased, leased, or otherwise acquired by federal agencies.

(f) Liability Insurance

- 1. The purchase of liability insurance to cover liability of the Director (and the Deputy Director, if deemed appropriate by the Executive Board) may be listed as a line item expense in the Director's budget submission, provided:
 - i. Adequate liability insurance is not provided or available through the agency/contracting agent employing and/or housing the HIDTA Director (and Deputy, if applicable). If provided coverage is considered inadequate, the budget submission must only reflect the cost of augmenting that coverage to an acceptable level and a justification as to why the additional amount is required.
 - ii. Respective HIDTA Executive Boards authorize the expenditure.
 - iii. Expenditure is deemed reasonable and necessary by the ONDCP/NHPO.
 - iv. To be authorized, insurance coverage needs to provide coverage reflective of the duties of covered individuals, for example, typical coverage provided for a public official. The NHAC has identified a possible source for such coverage. However, each HIDTA should consider available options before concluding that any one policy is the most advantageous to meet its need.

(g) Information Management

- 1. The following types of HIDTA-funded Information Systems expenditure require approval by the ONDCP/NHPO prior to encumbrance:
 - i. Development of Local, Wide Area and Virtual Private Networks (includes contract services and equipment purchases).
 - ii. Development of specialized software applications (includes contract services and equipment purchases).
 - iii. Purchase of major computer software applications and equipment.
- 2. Requests for authorization to encumber funds for these purposes must be submitted in writing to the ONDCP/NHPO. Requests should provide sufficient

detail for evaluation (e.g., synopsis of systems, including architecture descriptions, software and equipment lists).

11.07 Unallowable Expenditures

OMB Circular A-87 and 21CFR1403 contain federal regulations governing the expenditure of federal funds. In addition to the disallowable items listed in OMB Circular A-87 Attachment B, and in furthering the specific statutory mission of the HIDTA program, the following items may not be submitted as budget expenses to be purchased with HIDTA funding:

- Clothing
- Food and beverage items
- Personal hygiene or medication items
- Professional association or bar dues
- Promotional or representational items (e.g., hats, pins, T-shirts, or other memorabilia)
- Gifts
- Real property
- Travel that does not clearly benefit the HIDTA Program
- Weapons, ammunition, and holsters
- Standard issue departmental-type raid/tactical gear
- Fuel, repair and maintenance for vehicles, aircraft, and watercraft purchased, leased, or otherwise acquired by federal agencies

11.08 Miscellaneous

(a) Internet/Website

Individual HIDTA websites can be linked to the ONDCP website upon approval by ONDCP. Such websites must be kept current and subsequent updates must be coordinated with ONDCP.

(b) Printed Materials

All publications printed with HIDTA funds (e.g., newsletters, reports) must include a statement clearly indicating its use in the HIDTA Program. A statement such as "Specially prepared for the ONDCP High Intensity Drug Trafficking Area Program" is appropriate for reports.

Section XII. PROGRAM REVIEW PROCESS

The ONDCP must ensure that the overall HIDTA Program addresses the goals and objectives of the *NDCS* in an effective, efficient, and fiscally responsible manner. The ONDCP/ NHPO must be continuously aware of the management, operation, and performance of the individual HIDTAs so that ONDCP/NHPO can fulfill its oversight and support responsibilities in managing the HIDTA Program and provide recommendations to the Director of ONDCP regarding the Program.

The individual HIDTAs are required to assess the drug-related threats in their areas and establish effective strategies and appropriate initiatives to address the threats. Performance must be measurable and in accordance with GPRA. HIDTA resources must be used efficiently with a high degree of fiscal accountability. Compliance with ONDCP/NHPO policies and procedures is required.

In order to monitor the HIDTAs and to provide the oversight required by ONDCP/NHPO, a HIDTA Program Review Process for review of the individual HIDTAs has been established.

The HIDTA Program Review Process addresses the following areas with regard to the individual HIDTAs:

- *Support* of the *NDCS* by the strategies and initiatives of the individual HIDTAs;
- *Effectiveness* of the HIDTAs' efforts in accomplishing their missions;
- *Efficiency* in the use of HIDTA resources;
- *Accountability* in the use of HIDTA resources; and
- *Compliance* with ONDCP/HIDTA policies, program guidance, and directives.

The HIDTA Program Review Process is coordinated by the ONDCP/NHPO. The review process is conducted in the following three phases:

Phase 1: Review of the Annual Report and the Strategy, Initiatives, and Budget submitted by each HIDTA.

Phase 2: Internal Program Reviews conducted by the HIDTAs, with results forwarded to the ONDCP/NHPO.

Phase 3: On-Site Program Reviews conducted at the HIDTAs, coordinated by the ONDCP/NHPO.

The three phases of the review are complimentary. The phases have different perspectives, levels of detail, and timing. The combination provides ONDCP/NHPO with comprehensive and continuous awareness of the management, operation, and performance of the HIDTAs. ONDCP/NHPO can be assured that the HIDTA funding is invested in effective and efficient

activities that directly support the *NDCS*. The ONDCP/NHPO can facilitate the operation of the HIDTAs by providing appropriate feedback guidance during each review phase and by early detection of problems with assistance in their resolution. Lessons learned through these reviews, both positive and negative, can be shared with other HIDTAs for the benefit of the HIDTA Program. The three review phases are outlined below:

12.01 Phase 1: Review of Annual Reports and Strategy, Initiatives, and Budget Submissions

(a) Background

The HIDTA Program requires that the HIDTAs submit an Annual Report, Threat Assessment, Strategy, and Initiatives/Budget on an annual basis. These reports contain extensive significant information concerning the management, operation, and performance of the HIDTAs. In addition to their other uses, the reports are also examined in context of the HIDTA Program Review Process by the ONDCP/NHPO. The review of these documents allows an initial assessment of the HIDTA's contributions to the *NDCS* and the effectiveness, efficiency, and accountability with which it functions. The information developed in Phase 1 supports the program review efforts of Phases 2 and 3.

(b) Schedule

Annual Reports are submitted by the HIDTAs by April 15 of each year. They report activities and accomplishments for the previous calendar year. Annual Reports are reviewed at ONDCP during the period April - June.

Threat Assessments are also submitted by May 15. They are reviewed during April - June as background information to be used in reviewing the Strategy, Initiatives, and Budget submissions.

The Strategy, Initiatives and Budget documents are submitted by June 15 and are reviewed during June - September.

(c) Participants

The ONDCP/NHPO, including assigned agency Detailees and Liaisons, reviews all reports. An assigned HIDTA Director may also participate. The ONDCP/FMO reviews the Budget submission, in conjunction with the ONDCP/NHPO.

(d) Scope and Level of Detail

The ONDCP/NHPO reviews each Annual Report and assesses the HIDTA's progress in accomplishing its mission. The ONDCP/NHPO refers questions and comments to the HIDTA Director regarding the Annual Report and any management or operational area of particular concern.

The Threat Assessment is reviewed in relation to drug-related threats nationwide to assure that the threat in that area warrants the level of proposed HIDTA involvement.

The strategy is evaluated for its potential to effectively and efficiently address the drug-related concerns defined by the Threat Assessment. Each initiative is evaluated in terms of its past performance and future potential to effectively accomplish its respective anti-drug mission. The funding requirements for each initiative are viewed in relation to the initiative's effectiveness, so that financial resources can be applied where they provide the most benefit to the mission.

From this review, the ONDCP/NHPO assesses the efficacy of the HIDTA response to the drug threat in the area and can make recommendations to the HIDTA regarding activities and budgets. Adjustments to the strategy may be warranted. New initiatives may be proposed or existing initiatives may require modification, combination, or termination, with corresponding changes in proposed funding. Compliance with mandated HIDTA principles; e.g., intelligence sharing, interagency participation, collocation of personnel, etc. are monitored.

The Strategy, Initiatives, and Budget submission also has a Management and Coordination Initiative, which describes the management of the HIDTA and related funding requirements. The management structure, mission, and activities are examined in the context of support for the initiatives and for conformity with HIDTA policy and program guidelines.

The ONDCP/NHPO is joined by the ONDCP/FMO in reviewing the fiscal aspects of the proposal. The requests for funding are scrutinized for adherence to applicable fiscal practices and procedures. Expenditure trends, reprogramming of funds, etc. are also noted during the review of the proposed HIDTA Budget. Any problematic fiscal matters related to the HIDTA or to the budget process itself, are identified and addressed.

(e) Reporting

The ONDCP/NHPO refers questions and comments to the HIDTA Director regarding the Annual Report and confers with the Director regarding any management or operational area of particular concern.

The ONDCP/NHPO reports the results of its review of the Strategy, Initiatives, and Budget to the HIDTA Director. Requests to the HIDTA Director for clarifications are made when necessary. Recommendations to the HIDTA Director for modifications to the HIDTA structure, operations, funding, or to the Strategy, Initiatives, and Budget documentation, are made as appropriate. The ONDCP/NHPO assists the HIDTA Director in addressing any concerns that become apparent during the Strategy, Initiatives, and Budget review process.

12.02 Phase 2: Internal Program Reviews Conducted by the HIDTAs**(a) Background**

The Internal Program Review Process has two primary purposes. It provides a formal and scheduled mechanism for the HIDTA management, (i.e., Director, Executive Board, others, as appropriate) to review and evaluate the management, operation, and performance of the HIDTA. It also provides information to the ONDCP/NHPO as part of the overall HIDTA Program Review Process.

Each HIDTA is required to establish an on-going process of fiscal and programmatic self-review and systems for measuring performance. These evaluation and self-review processes are also required by the HIDTA Developmental Standards.

The Internal Program Review Process requires that HIDTA management examine all aspects of the HIDTA Program for effectiveness in accomplishing its mission, efficiency and accountability in the use of resources, and compliance with ONDCP and HIDTA requirements and policy. This allows the HIDTA management to detect and address program deficiencies, reallocate resources based on productivity criteria, and identify other appropriate actions to result in a more effective and efficient HIDTA. The ONDCP/NHPO is available to assist in resolving issues in those situations where its participation would be beneficial and warranted.

Since there is wide variation in structure and operation among the HIDTAs, the Internal Program Review Process is designed to be flexible. As long as the minimum requirements of ONDCP/NHPO are satisfied, the HIDTA management has latitude in the scheduling and scope of the review.

The management of a HIDTA is a continuous process requiring managers to review activities as frequently as necessary to ensure accountability and appropriate use of resources. The range of evaluation and control measures used by the HIDTA should not be limited by the requirements of the Internal Review Process.

(b) Schedule

An Internal Program Review must be conducted at least once per year by each HIDTA. The HIDTA management may choose to conduct reviews more frequently.

Some HIDTAs have many initiatives and program elements and it may be disruptive to conduct the review in its entirety at one time. The HIDTA management has the option to schedule it in phases, as long as the equivalent of the entire review is conducted at least once per year. If the size or complexity of the HIDTA, lack of sufficient review personnel, or other factors preclude reviewing the entire HIDTA within a year, then the situation should be discussed with the ONDCP/NHPO. Appropriate arrangements will be made, e.g., extend the review period, provide review personnel, etc., to accommodate the situation.

The scheduling of the review is at the discretion of the HIDTA management. In January of each year, the HIDTA Directors will be asked to forward their internal review schedule for the coming year to the ONDCP/NHPO. Exact dates are not necessary. Indicating which program elements will be reviewed during which months or even which quarters, will suffice. HIDTA management may revise the scheduling of the reviews at any time, with notification to the ONDCP/NHPO. The ONDCP/NHPO needs this information to monitor compliance with the Internal Program Review Process and to coordinate scheduling of the On-Site HIDTA Program Reviews conducted by its staff.

(c) Participants

The HIDTA Director will be the primary point of contact with the ONDCP/NHPO regarding the review. However, the HIDTA Director may use other persons to assist with the review. Other participants might include members of the Executive Board, the HIDTA Director's immediate staff, Initiative Supervisors, and others associated with the HIDTA. Evaluation initiatives may have a defined role in the review process. Some HIDTAs use formal presentations by Initiative Supervisors to the review team as part of the initiative review process.

For financial management reviews, the services of an outside auditor may be utilized. The temporary services of an auditor may be available from a participating agency, another HIDTA, or by contract.

(d) Scope and Level of Detail

The scope of the Internal Program Review is designed to be flexible. Each HIDTA is unique and the HIDTA management may design an Internal Program Review outline based on the structure of the individual HIDTA and particular management needs. However, the scope of the review must include at least the aspects of HIDTA management and operations listed below. These categories are considered essential to the overall HIDTA review process and are directly related to the scope of on-site reviews conducted by the ONDCP/NHPO.

The HIDTA Internal Program Review must review the management, operations, and performance of the HIDTA in relation to:

- ◆ Compliance of management and operations with all ONDCP/HIDTA policies and program guidance
- ◆ Attainment of HIDTA Developmental Standards regarding:
 - Intelligence and information sharing
 - Teamwork
 - Strategic planning and execution
 - Accountability

- ◆ Performance in relation to *National Drug Control Strategy*, mission, threat.
 - Overall performance of the HIDTA
 - Performance of the initiatives
 - Systems for evaluating initiative performance
- ◆ Financial and Inventory Management
 - Financial control system and records
 - Selected audits of expenditures
 - Inventory control system and records
 - Selected audits of inventory items
- ◆ Additional reviews as determined by HIDTA management.

The level of detail of the Internal Program Review is also flexible. There is a relationship between the scope and level of detail of the internal reviews conducted by the HIDTA and the on-site reviews coordinated by the ONDCP/NHPO. The ONDCP/NHPO has the results of the internal reviews conducted by the HIDTA. From this information, it can adjust the scope and level of detail of its on-site review, based on the thoroughness of the internal review in certain areas, perceived problem areas, etc. It is expected that the coverage of successive internal and on-site reviews will be adjusted, based on mutual feedback between the two review phases. (See Section XI 11.05 HIDTA Internal Review for more details.)

Each HIDTA shall develop an internal review outline and submit a copy of it to the ONDCP/NHPO. Any subsequent revisions to the review outline should also be forwarded. HDTAs should also submit procedures, checklists, etc. that are used in conjunction with the outline. The ONDCP/NHPO reviews the outline and other materials for sufficiency and directs any comments in this regard to the HIDTA Director. The ONDCP/NHPO will respond to HIDTA requests for assistance in developing review outlines.

(e) Reporting

The documentation related to an internal review should consist of guidelines, completed checklists, etc. used for the review and summary reports with the results of the review. The summary reports should include a narrative indicating the period, participants, areas covered, etc. A general summary of results should relate to the overall HIDTA, with individual summaries for each program element that was reviewed. Favorable comments may be succinct; areas of concern should be explained fully.

Copies of the above documents should be forwarded to the ONDCP/NHPO upon completion. Except for a forwarding memorandum to the National HIDTA Director, this should require no additional documentation to that which the HIDTA would normally prepare for use by the Director and the Executive Board. The ONDCP/NHPO needs this information to carry out its responsibilities in the overall review process, including preparing for on-site reviews of the HIDTA.

If a situation is revealed that the HIDTA management considers especially urgent, critical, or sensitive, the facts should be communicated to the National HIDTA Director immediately. This would include situations that could negatively impact the HIDTA's ability to function or succeed in its mission, unusual conditions that could cause harm to persons, serious integrity issues, loss of funds, egregious behavior or activities that could cause liability or significant embarrassment to the HIDTA Program, etc.

When forwarding the review documents to the ONDCP/NHPO, the HIDTA Director should include a memorandum to the National HIDTA Director briefly summarizing the review. Program areas or situations identified by the review that require remedial or corrective action should be reported. Any action already taken by the HIDTA management to address the concerns and the results of the action should be included. Any future action that is required should be presented with details of what is required, who will take the action, when the action will be taken, etc.

Some issues or deficiencies require a long time to resolve. Sometimes a resolved issue resurfaces. Any findings of the internal review that were identified during a previous internal review by the HIDTA, or by an on-site review by the ONDCP/NHPO, should be clearly labeled as an "unresolved issue" and addressed appropriately.

Specific requests by the HIDTA Director for assistance from the ONDCP/NHPO in resolving identified problems may be made in this memorandum. The submitted documents are reviewed by the ONDCP/NHPO in terms of both process and results. The ONDCP/FMO assists with reviews relating to fiscal matters. Questions, comments, and recommendations related to the review process or to results that require no action by the ONDCP/NHPO will be forwarded to the HIDTA Director, generally within three to four weeks of receiving the documents.

The ONDCP/NHPO requests that the internal review documents be forwarded as paper hardcopies accompanied to the degree possible by the same information in electronic form.

The ONDCP/NHPO will retain submitted internal review documentation for a minimum of two years, or completion of two complete internal review cycles by the HIDTA. Longer retention may relate to unresolved issues, use in conjunction with a pending on-site review, etc. Each HIDTA may establish its own retention guidelines, but a minimum two-year or two-cycle standard is recommended.

12.03 Phase 3: On-Site Program Reviews Conducted at the HIDTAs by the ONDCP/NHPO**(a) Background**

The third phase of the overall HIDTA Program Review Process consists of comprehensive reviews of the HIDTAs conducted on-site at the HIDTAs by teams coordinated by the ONDCP/NHPO. As with the other phases, the purpose of the review is to assess the effectiveness of the HIDTA program, the efficiency and accountability with which it uses HIDTA resources, and adherence to ONDCP and HIDTA requirements and program policy.

The process identifies efficiencies and unique successes achieved by a HIDTA that can be shared with other HIDTAs. It also identifies program deficiencies so they can be addressed. This contributes to improved HIDTA management and operations.

(b) Schedule

Each HIDTA will be subject to an on-site review periodically. This on-site review process, in conjunction with the internal reviews conducted by the HIDTAs themselves, satisfies the policy requirement for annual evaluations.

On-site program reviews are scheduled in advance. In January of each year, the ONDCP/NHPO issues a tentative on-site review schedule for the year. The schedule must remain flexible to account for necessary changes due to concerns that have been revealed through Phase 1 or Phase 2, a necessary review per request of the HIDTA, or other unforeseen issues that arise. In the event of any change in the schedule, the HIDTA would be informed in advance.

The duration of an on-site review is a function of the geographical and organizational size and complexity of the HIDTA being reviewed, as well as any special review considerations that may require additional time. The number of persons on the review team can be increased to accommodate reviews of large HIDTAs. The review team should generally be able to complete the review activities at the HIDTA within a five-day workweek.

(c) Participants

The on-site review is coordinated by the ONDCP/NHPO. This Office will assemble the review team and provide a staff member to serve as Review Team Coordinator. The Review Team Coordinator is responsible for coordinating all aspects of the on-site review. This includes pre-review preparation, coordination with HIDTA management, assignment of review tasks to team members, coordination of review activities, and preparation and presentation of review findings.

Review teams may include personnel from the following sources:

- The ONDCP/NHPO

- The Departments of Justice and Treasury
- A visiting HIDTA Director

HIDTA Directors are asked to volunteer to serve as members of the review team because of their first-hand experience in HIDTA management. Their participation also facilitates the sharing of insights among other HIDTA Directors regarding both positive and negative practices. A visiting HIDTA staff member, with particular expertise, may also be included on the review team.

- Contract audit personnel from an independent accounting firm

Contract audit personnel may conduct fiscal audits of the HIDTA, and/or HIDTA grantees in conjunction with or aside from reviews being conducted by the review team. This process will be coordinated with the ONDCP/FMO, which may also send representatives as part of the review team.

(d) Scope and Level of Detail

Prior to the on-site visit, the review team will peruse information at the ONDCP/NHPO relating to the HIDTA. The purpose of this review is to (1) familiarize all members of the review team with details regarding the HIDTA, (2) determine the general scope and level of detail for the on-site review, and (3) identify areas of focus.

This information examined during this preparation period includes the materials related to the other two phases of the overall review process. Phase 1 documents include the Annual Report, the Threat Assessment, and the Strategy, Initiatives, and Budget, including correspondence between ONDCP and the HIDTA regarding funding questions, reprogramming of funds, etc.

Phase 2 documents, i.e., information relating to internal reviews conducted by the HIDTA, are examined with regard to procedures, scope and level of detail, and results of the internal review.

The On-Site Program Review Process is designed to be able to cover all aspects of the HIDTA's management and operation. In practice, however, the scope and level of detail of the review of a HIDTA varies. The validity and thoroughness of the internal review conducted by HIDTA management and reported to the ONDCP/NHPO, factor significantly in determining the scope and level of detail of the on-site review.

The input of the HIDTA Director is also sought during preparation for the review. Any suggestions from him/her regarding who to interview or what areas of the HIDTA should receive particular emphasis are taken seriously. The Director is also invited to advise the team regarding its approach and demeanor in interviewing persons or requesting records, in any areas where particular sensitivities exist. While the Director's input is important, it is not definitive regarding coverage by the review team.

The HIDTA Director is informed in advance of the aspects of the HIDTA to be reviewed. The HIDTA Director may be asked to make advance preparations for availability of certain documents, arrangements for interviews and visits, etc.

At the beginning of the on-site review, the Review Team Coordinator and members of the team will meet with the HIDTA Director to discuss the review activities. The review will utilize detailed procedures and checklists covering all aspects of HIDTA management, operation, and performance. The process will involve interviews, reviews of records, and observations.

Specific and detailed fiscal audits will be conducted to ensure that the HIDTA utilizes proper fiscal control systems and is accountable for HIDTA resources. Standards and coverage requirements for these audits will be determined in conjunction with the ONDCP/FMO. The fiscal audit team may consist of contract personnel from an independent accounting firm. If so, the audit team prepares an independent report of its findings.

HIDTA intelligence initiatives are viewed with special significance. Individually, the intelligence center serves as the focal point for the HIDTA's operations. Collectively, they are considered the national vehicle for sharing of drug enforcement information among federal, state, and local agencies. Because of their importance to the HIDTA Program, the on-site review will examine the intelligence center(s) as they currently exist, but also with view of what they might be in an expanded network of the future.

In general, the on-site review consists of the following:

- ◆ Interviews with:
 - HIDTA Director
 - Executive Board Chairman and/or his designee(s)
 - Representatives of participating agencies
 - Supervisors of selected initiatives
 - Other persons, as appropriate

- ◆ Management Review
 - Use of good management practices, standard operating procedures, etc.
 - Compliance with ONDCP/HIDTA policy and program guidance
 - Review of management in relation to HIDTA Developmental Standards for Strategic Planning and Execution, i.e., Planning (including Threat Assessment and Strategy), Initiative Execution, Resource Management
 - Review of management practices in relation to HIDTA Developmental Standards for Accountability, i.e., Fiscal Controls, Inventory Controls, Information Management

- ◆ Financial Review

HIDTA Program Policy and Budget Guidance

- Use of sound fiscal practices and procedures
 - Compliance with policy and program guidance regarding financial matters.
 - Review of budget process, expenditure trends, reprogramming, etc.
 - Review of fiscal control procedures and records, with selected audits related to personnel, payroll, fringe benefits, overtime, travel, services, supplies, facilities
 - Review of procedures regarding, and selected audits of, funds received from sources other than normal HIDTA funding
 - Review of equipment purchases, inventory control procedures and records, with selected audits
- ◆ Performance Review
 - Review of Strategy and Initiatives in relation to Threat Assessment
 - Review of HIDTA progress in relation to Developmental Standards for Teamwork, i.e., Task Force Operations, Training
 - Review of system(s) for evaluating initiatives and overall HIDTA performance
 - Review of overall HIDTA performance in relation to threat, mission, Performance Measures of Effectiveness and expected Outputs and Outcomes
- ◆ Intelligence Review
 - Management, agency participation, etc. of the Intelligence Center
 - Operations, operational procedures, access to information, support for initiatives
 - Compliance with ONDCP/HIDTA requirements for Intelligence Initiatives
 - Review of progress in relation to Developmental Standards for Intelligence and Information Sharing, i.e., Event Deconfliction Services, Case/Subject Deconfliction, Post Seizure Analyses, Analytical Case Support, Connectivity to Other Databases, Strategic Intelligence
 - Performance: Performance measures, performance evaluation process, attainment of expected outputs
 - Use of HIDTA funds
 - Potential role in an expanded intelligence network.
- ◆ Initiatives Review
 - Management, agency participation, etc. of the initiative.
 - Operations and Operational Procedures
 - Compliance with ONDCP/HIDTA requirements regarding initiatives
 - Performance: Performance measures, performance evaluation process, attainment of expected outputs
 - Interaction with Intelligence Center
 - Use of HIDTA funds

(e) Reporting

At the end of the On-Site Program Review, preliminary results will be presented at a meeting with the HIDTA management before the review team departs the HIDTA. Within a specified time period, the results will be submitted to the HIDTA management in writing.

The On-Site Final Report will document the results of the on-site review with positive and negative areas identified as *Observations, Findings, Instructions*. Suggestions provided by the on-site review team to correct deficiencies or improve the effectiveness or efficiency of the HIDTA are identified as *Recommendations*.

An *Observation* is described as an activity of positive note demonstrating the HIDTA's progress, coordination, or cooperative nature, which enhances the mission of the HIDTA and embodies the overall concept of the HIDTA Program. Such activity is worthy of recognition as a Best Practice and should be considered by all HIDTAs.

A *Finding* is a serious deficiency in compliance with approved HIDTA programmatic or fiscal guidelines or a circumstance that significantly impedes the ability of the HIDTA to achieve its desired outcomes. A Finding requires corrective action to be implemented within 30 days with written documentation of correction provided to the ONDCP/NHPO.

An *Instruction* is a situation mandating remedial action to correct a lapse in programmatic or fiscal compliance. This procedural oversight does not significantly impede the ability of the HIDTA to achieve its desired outcomes. An Instruction requires a report of completed corrective action to the ONDCP/NHPO within 90 days of the final report.

A *Recommendation* is a suggestion to correct an identified deficiency or lapse or a proposed improvement to the HIDTA operation in order to enhance its efficiency or effectiveness. A Recommendation is a non-binding suggestion that can be accepted or rejected by the Executive Board and/or the HIDTA Director.

The ONDCP/NHPO will monitor *Findings* and *Instructions* and is available to provide appropriate assistance to the HIDTA in addressing these concerns. Appropriate exchanges between the HIDTA and the ONDCP/NHPO will continue, with mutually established milestones and/or reporting dates, until the problem(s) identified in the *Findings* and *Instructions* are resolved.

The ONDCP/NHPO will permanently retain final reports of the on-site review. Interim reports and working papers will be retained until at least the next on-site review of the HIDTA is completed. Longer retention may be required for unresolved issues or continuing problem(s).

APPENDIX A: DEVELOPMENTAL STANDARDS

A) Intelligence and Information Sharing

Basic	Intermediate	Optimal
1. Event Deconfliction Services		
A.1.1 <input type="checkbox"/> service to all HIDTA task forces	A.1.4 <input type="checkbox"/> service to all drug control agencies within HIDTA	A.1.5 <input type="checkbox"/> service to all law enforcement in HIDTA region
A.1.2 <input type="checkbox"/> work week availability		A.1.6 <input type="checkbox"/> 24 hours/7 day availability
A.1.3 <input type="checkbox"/> same day service		A.1.7 <input type="checkbox"/> immediate service
2. Case/Subject Deconfliction		
A.2.1 <input type="checkbox"/> criminal subject deconfliction to all HIDTA task forces	A.2.2 <input type="checkbox"/> pointer index service to the HIDTA region	A.2.4 <input type="checkbox"/> connectivity to national pointer index
	A.2.3 <input type="checkbox"/> connectivity of all HIDTA task forces to the intelligence center and each other	A.2.5 <input type="checkbox"/> pointer index service to other HIDTA and HIDTA agencies
3. Post Seizure Analysis		
A.3.1 <input type="checkbox"/> ad hoc post seizure analysis	A.3.2 <input type="checkbox"/> post seizure analysis and dissemination for HIDTA task forces and participating agencies	A.3.3 <input type="checkbox"/> post seizure analysis and national dissemination
4. Analytical Case Support		
A.4.1 <input type="checkbox"/> case support for most significant cases	A.4.2 <input type="checkbox"/> specific analytical support to HIDTA task forces (e.g. toll, Title III, and document analysis)	A.4.3 <input type="checkbox"/> full-service case support to all HIDTA cases upon request (complete analysis including prosecution stage)
5. Connectivity to Other Databases		
A.5.1 <input type="checkbox"/> collocated access to major databases	A.5.3 <input type="checkbox"/> access to unique databases	A.5.5 <input type="checkbox"/> access to global intelligence
A.5.2 <input type="checkbox"/> access to regional intelligence	A.5.4 <input type="checkbox"/> access to domestic intelligence	
6. Strategic Intelligence		
A.6.1 <input type="checkbox"/> collection of trend and pattern analysis	A.6.2 <input type="checkbox"/> full trend & pattern analysis, special assessments produced	A.6.3 <input type="checkbox"/> predictive analysis (strategic intelligence products)

B) Teamwork

Basic	Intermediate	Optimal
1. Task Force Operations		
B.1.1 <input type="checkbox"/> multi-jurisdictional, collocated task forces (exceptions must be approved)	B.1.2 <input type="checkbox"/> joint OCDETF level investigations, HIDTA region multi-task force operations (information exchange, case coordination)	B.1.2 <input type="checkbox"/> routine/institutional multi-task force OCDETF operations B.1.3 <input type="checkbox"/> task force operations with other HIDTAs
2. Training		
B.2.1 <input type="checkbox"/> joint training for HIDTA task forces	B.2.2 <input type="checkbox"/> joint training for HIDTA region	B.2.3 <input type="checkbox"/> export specialized training to requesting HIDTAs

C) Strategic Planning and Execution

Basic	Intermediate	Optimal
1. Planning		
C.1.1 <input type="checkbox"/> develop available HIDTA region Threat Assessment, Strategy, and Annual Report C.1.2 <input type="checkbox"/> correlate Strategy to Threat C.1.3 <input type="checkbox"/> identify measurable objectives	C.1.4 <input type="checkbox"/> produce measurable outputs and outcomes	C.1.5 <input type="checkbox"/> achieve targeted (articulated) outputs and outcomes C.1.6 <input type="checkbox"/> establish evaluation capacity C.1.7 <input type="checkbox"/> integrated planning with other HIDTAs
2. Initiative Execution		
C.2.1 <input type="checkbox"/> implement initiatives which execute Strategy	C.2.2 <input type="checkbox"/> integrated systems approach among HIDTA task forces (investigation, intelligence, interdiction, prosecution)	C.2.3 <input type="checkbox"/> integrated systems approach within HIDTA region (parole, courts, probation, corrections, testing, sanctions)
3. Resource Management		
C.3.1 <input type="checkbox"/> correlate budget to Strategy (Initiatives)	C.3.2 <input type="checkbox"/> periodically review and reallocate resources	C.3.3 <input type="checkbox"/> continuous review and reallocation of resources

D) Accountability

Basic	Intermediate	Optimal
1. Fiscal Controls		
D.1.1 <input type="checkbox"/> establish sound fiscal/ programmatic management including shared fiscal reports among EXCOM members	D.1.3 <input type="checkbox"/> implement scheduled self-inspection program to monitor HIDTA resources	D.1.5 <input type="checkbox"/> implement self-review process to evaluate initiatives and recommend programming needs to EXCOM
D.1.2 <input type="checkbox"/> identify and implement resource saving systems, eliminate duplication	D.1.4 <input type="checkbox"/> share successes, failures with all HIDTAs (recommend best practices)	D.1.6 <input type="checkbox"/> adapt efficiencies developed by other HIDTAs
2. Inventory Controls		
D.2.1 <input type="checkbox"/> establish and maintain HIDTA equipment inventory and control system	D.2.2 <input type="checkbox"/> system allows sharing of equipment between initiatives	D.2.3 <input type="checkbox"/> sharing of equipment with other HIDTAs
3. Information Management		
D.3.1 <input type="checkbox"/> establish an information management system		

APPENDIX B: FORMATS

B.01 Annual Report

I. INTRODUCTION TO THE HIDTA

- A. Data Reflected Covers the Period of _____ to _____ (*Reporting Year*)
- B. FY ____ (*last full fiscal year*) Budget: \$ _____
- C. Designated in _____ (*Month/Year*)
Funding Received in _____ (*Month/Year – for new HIDTAs only*)
- D. Geographic Area of Responsibility (*List counties by state.*)
- E. Mission Statement:
In support of the *National Drug Control Strategy*, Goal 2, Objective 2 – [to] “Improve the ability of the High Intensity Drug Trafficking Areas (HIDTAs) to counter drug trafficking” (the most predominant goal that pertains to the HIDTAs) – this HIDTA’s mission is
- F. Participating Agencies (*Give the number of full-time and part time HIDTA assigned personnel separately. Part-time in this section refers to regularly participating members.*)

	Full-time	Part-time	Total (Full-time plus Part-time)
Federal			
State			
Local			
National Guard			
JTF-6			
Other			
Total			

- G. Initiatives Effect on the Strategy: (*Categorized by subsystem, provide a brief description of each initiative and a narrative of the initiative’s accomplishments that reflect how the initiative has improved the ability of the HIDTA to counter drug trafficking.*)
- H. Executive Board Membership (*List the number of Executive Board members, broken out by local, state and federal agency; and attach a list of the Board.*)

II. OVERALL HIDTA OUTPUTS AND OUTCOMES

A. Expected and Actual Overall Outputs and Outcomes
(Based on Expected/Desired Outputs and Outcomes in the previous year's Strategy.)

- Report on overall HIDTA outputs and outcomes, not initiative by initiative.
- All subsystems must be reflected in this section. Support Subsystem should be broken out by category (treatment, drug demand reduction, crime lab, training, etc.).
- If desired, breakdown the Investigation Subsystem into drug trafficking, money laundering, drug-related violent crime, drug fugitives, drug gangs, drug production, etc.

Expected Overall Outputs and Outcomes	Actual Overall Outputs and Outcomes

B. Discussion on the HIDTA's Major Accomplishments (Outcomes and Outputs). (Free form. Use attachment if preferred.)

Discussion:

1. Case-Related (Briefly discuss highlights for the year, including on-going investigations without disclosing case sensitive information. Do not use case specific information – only things that would go in a news release. Discussions should be to the point and only highlight significant accomplishments. NOT every case.)
 2. System-Related (Briefly discuss any developmental break-through worth mentioning, e.g. highlights and big accomplishments for the HIDTA.)
- C. Trends: Changes in Behavior of Drug Trafficking Organizations (Observations on changes in operations of targeted organizations in subjects such as Communications (i.e. type of communication used; percentage of crypted telephones encountered); Costs/Fees (+/- money laundering fees; +/- transportation fees); Distribution Patterns, or Price/Purity. Site Source. (Source documentation subject to validation at On-Site Review.)
- D. Sharing with Other HIDTAs and/or Non-HIDTA Jurisdictions (Briefly discuss sharing with other HIDTAs and/or non-HIDTA jurisdictions.)
- E. Cooperative Law Enforcement (One of the things HIDTAs do best is enhance the level of cooperation among federal, state, and local law enforcement agencies. Describe your accomplishments in this area.)

III. PERFORMANCE MEASUREMENTS

A. #1: HIDTA Developmental Standards

1. Matrix

Directions: This section refers to the ONDCP HIDTA Developmental Standards Matrix distributed in the Appendix of the HIDTA Program Guidance. The matrix is divided into four categories – Intelligence and Information Sharing, Teamwork, Strategic Planning & Execution, and Accountability. Within each category, there are itemized topics with milestones that each HIDTA seeks to achieve. Each milestone has an increased level of progression, beginning at the most basic requirement, to intermediate, and, finally, to optimal as the goal. Accomplishing each milestone, and progressing from basic to optimal, is the desired goal.

Using the tables below, which were designed from the ONDCP HIDTA Developmental Standards Matrix, mark the check- boxes next to the milestones that the HIDTA has achieved from program inception through 2000. At the end of each category table, there is a Remarks section to discuss the success or constraints of progress towards any of the itemized topics.

Each milestone has a designated check-box that has been given a corresponding number to identify the milestone in order to make reference to it. These milestone identifying numbers contain the category (A, B, C, or D), topic number within the category, and number within the topic.

a) INTELLIGENCE AND INFORMATION SHARING

Basic	Intermediate	Optimal
1. Event Deconfliction Services		
A.1.1 <input type="checkbox"/> service to all HIDTA task forces	A.1.4 <input type="checkbox"/> service to all drug control agencies within HIDTA	A.1.5 <input type="checkbox"/> service to all law enforcement in HIDTA region
A.1.2 <input type="checkbox"/> work week availability		A.1.6 <input type="checkbox"/> 24 hours/7 day availability
A.1.3 <input type="checkbox"/> same day service		A.1.7 <input type="checkbox"/> immediate service
2. Case/Subject Deconfliction		

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A.2.1 <input type="checkbox"/> criminal subject deconfliction to all HIDTA task forces	A.2.2 <input type="checkbox"/> pointer index service to the HIDTA region A.2.3 <input type="checkbox"/> connectivity of all HIDTA task forces to the intelligence center and each other	A.2.4 <input type="checkbox"/> connectivity to national pointer index A.2.5 <input type="checkbox"/> pointer index service to other HIDTA and HIDTA agencies
3. Post Seizure Analysis		
A.3.1 <input type="checkbox"/> ad hoc post seizure analysis	A.3.2 <input type="checkbox"/> post seizure analysis and dissemination for HIDTA task forces and participating agencies	A.3.3 <input type="checkbox"/> post seizure analysis and national dissemination
4. Analytical Case Support		
A.4.1 <input type="checkbox"/> case support for most significant cases	A.4.2 <input type="checkbox"/> specific analytical support to HIDTA task forces (e.g. toll, Title III, and document analysis)	A.4.3 <input type="checkbox"/> full-service case support to all HIDTA cases upon request (complete analysis including prosecution stage)
5. Connectivity to Other Databases		
A.5.1 <input type="checkbox"/> collocated access to major databases A.5.2 <input type="checkbox"/> access to regional intelligence	A.5.3 <input type="checkbox"/> access to unique databases A.5.4 <input type="checkbox"/> access to domestic intelligence	A.5.5 <input type="checkbox"/> access to global intelligence
6. Strategic Intelligence		
A.6.1 <input type="checkbox"/> collection of trend and pattern analysis	A.6.2 <input type="checkbox"/> full trend & pattern analysis, special assessments produced	A.6.3 <input type="checkbox"/> predictive analysis (strategic intelligence products)

REMARKS: (Optional. Reference the corresponding milestone number to discuss the success or constraints of progress for any of the itemized topics in this category.)

b) TEAMWORK

Basic	Intermediate	Optimal
1. Task Force Operations		
B.1.1 <input type="checkbox"/> multi-jurisdictional, collocated task forces (exceptions must be approved)	B.1.2 <input type="checkbox"/> joint OCDETF level investigations, HIDTA region multi-task force operations (information exchange, case coordination)	B.1.2 <input type="checkbox"/> routine/institutional multi-task force OCDETF operations B.1.3 <input type="checkbox"/> task force operations with other HIDTAs

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2. Training		
B.2.1 <input type="checkbox"/> joint training for HIDTA task forces	B.2.2 <input type="checkbox"/> joint training for HIDTA region	B.2.3 <input type="checkbox"/> export specialized training to requesting HIDTAs

REMARKS: (Optional. Reference the corresponding milestone numbers to discuss the success or constraints of progress for any of the itemized topics in this category.)

c) STRATEGIC PLANNING AND EXECUTION

Basic	Intermediate	Optimal
1. Planning		
C.1.1 <input type="checkbox"/> develop available HIDTA region Threat Assessment, Strategy, and Annual Report	C.1.4 <input type="checkbox"/> produce measurable outputs and outcomes	C.1.5 <input type="checkbox"/> achieve targeted (articulated) outputs and outcomes
C.1.2 <input type="checkbox"/> correlate Strategy to Threat		C.1.6 <input type="checkbox"/> establish evaluation capacity
C.1.3 <input type="checkbox"/> identify measurable objectives		C.1.7 <input type="checkbox"/> integrated planning with other HIDTAs
2. Initiative Execution		
C.2.1 <input type="checkbox"/> implement initiatives which execute Strategy	C.2.2 <input type="checkbox"/> integrated systems approach among HIDTA task forces (investigation, intelligence, interdiction, prosecution)	C.2.3 <input type="checkbox"/> integrated systems approach within HIDTA region (parole, courts, probation, corrections, testing, sanctions)
3. Resource Management		
C.3.1 <input type="checkbox"/> correlate budget to Strategy (Initiatives)	C.3.2 <input type="checkbox"/> periodically review and reallocate resources	C.3.3 <input type="checkbox"/> continuous review and reallocation of resources

REMARKS: (Optional. Reference the corresponding milestone numbers to discuss the success or constraints of progress for any of the itemized topics in this category.)

d) ACCOUNTABILITY

Basic	Intermediate	Optimal
1. Fiscal Controls		
D.1.1 <input type="checkbox"/> establish sound fiscal/ programmatic management including shared fiscal reports among EXCOM members	D.1.3 <input type="checkbox"/> implement scheduled self-inspection program to monitor HIDTA resources D.1.4 <input type="checkbox"/> share successes, failures with all HIDTAs (recommend best practices)	D.1.5 <input type="checkbox"/> implement self-review process to evaluate initiatives and recommend programming needs to EXCOM D.1.6 <input type="checkbox"/> adapt efficiencies developed by other HIDTAs
D.1.2 <input type="checkbox"/> identify and implement resource saving systems, eliminate duplication		
2. Inventory Controls		
D.2.1 <input type="checkbox"/> establish and maintain HIDTA equipment inventory and control system	D.2.2 <input type="checkbox"/> system allows sharing of equipment between initiatives	D.2.3 <input type="checkbox"/> sharing of equipment with other HIDTAs
3. Information Management		
D.3.1 <input type="checkbox"/> establish an information management system		

REMARKS: (Optional. Reference the corresponding milestone numbers to discuss the success or constraints of progress for any of the itemized topics in this category.)

2. List all Investigative Support/Intelligence Center(s) and the date(s) they became operational:

3. Summary

a) Using the milestone identifying numbers, indicate the milestones specifically achieved during this reporting year.

b) What percentage of the National HIDTA Developmental Standards has been accomplished to date by this HIDTA?

$$\frac{\text{Total number of milestones accomplished to date}}{56 \text{ (total number of milestones)}} = \frac{\quad}{56} = \quad \%$$

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B. #2: Impact On Drug Trafficking/Money Laundering Organizations⁵ By HIDTA Funded Initiatives

1. Drug Trafficking/Drug Money Laundering Organizations in the HIDTA Region

Level	# Identified	# Targeted	# Disrupted	#Dismantled	Total Impact % Disrupted + Dismantled
Local/Regional ⁶					
National ⁷					
International ⁸					
TOTAL					

2. Related Discussion: (Optional)

C. #3: DRUG-RELATED VIOLENT CRIME

1. Crime Rates

Directions: Report violent crime rates for the entire HIDTA region. If this is not possible, as is with multi-state HIDTAs, HIDTAs with large geographic areas, and HIDTAs encompassing several counties, report on the critical targeted areas within the HIDTA. HIDTAs reporting on the entire region can *additionally* report on target areas if desired.

If reporting on critical targeted areas, or measurable geographically defined areas – county, city(s), community(s), briefly explain how they were determined.

▲ ▼ = increase/decrease

Areas: HIDTA Region or Targeted Areas	Homicides	Robbery	Aggravated Assault	Rape	Burglary
Area 1:					
Total # of each crime					
% up or down					
Crime rate based on population ▲ ▼					
<i>Source/date/population base of data:</i>					
Area 2:					
Total # of each crime					
% up or down					
Crime rate based on population ▲ ▼					

5 Organization: for HIDTA purposes, the definition of an organization is five or more people, organized in some fashion, who gain substantial income from a continuing series of drug-related activities. [Continuing Criminal Enterprise, 21 USC 848]

6 Local/Regional Level Organization: organizations operating at a local or regional level, within the designated HIDTA area.

7 National Level Organization: organizations operating at a national level.

8 International Level Organization: organizations operating at an international level.

Source/date/population base of data:
(Duplicate for additional Areas.)

2. Related Discussion: (Optional)

IV. STATISTICAL OUTPUTS OF HIDTA INITIATIVES

(This section helps to draw a picture of the depth and scope of the HIDTA. It is not a measurement of 'impact'. This section reflects the collective output of HIDTA initiatives only. These statistics are attributed to the participating agencies' contribution to the area.)

Directions: Fill in for 2000, and where possible, for 1999 and 1998. Compute difference from 1999 to 2000.

1. Arrest Data	Quantity			
	1998	1999	2000	+/- % ('99, '00)
Total Arrests				

REMARKS: (Optional.)

2. Drug Seizures	Quantity			
	1998	1999	2000	+/- % ('99, '00)
Cocaine	Kilos	Kilos	Kilos	
Heroin	Kilos	Kilos	Kilos	
Cannabis (bulk)	Kilos	Kilos	Kilos	
Cannabis Eradication (plots)				
Cannabis Eradication (plants)				
Methamphetamine	Kilos	Kilos	Kilos	
Clandestine Labs				
Type:				
Other:				
Other:				
Other:				
Other:				

REMARKS: (Optional.)

3. Asset Seizures (in	Quantity

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dollars)	1998	1999	2000	+/- % ('99, '00)
U.S. Currency				
Other:				
Other:				
Other:				
Total Value Seized Assets:				

REMARKS: (Optional)

4. Investigative Activity	Quantity			
	1998	1999	2000	+/- % ('99, '00)
Title III Initiations				
Pen Registers				
Pager Intercepts				
OCDETF Cases Initiated				
Total Cases with Intelligence Analysts Assigned				

REMARKS: (Optional)

5. Investigative Support Center/ Intelligence Center Activity	Quantity			
	1998	1999	2000	+/- % ('99, '00)
Event/Subject Deconfliction Inquiries				
Charts/Graphs				
Telephone Tolls				
Document Analysis				
Geo-mapping				
Link Analysis				
Statistical Analysis				
Intelligence Profiles				
Photographs				
Other:				
Other:				
Other:				
Other:				
Other:				

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Other:					
Other:					
Other:					
Other:					

REMARKS: *(Optional)*

V. CONCLUSION/CLOSING STATEMENTS/ADDITIONAL PERTINENT INFORMATION

(Use this area to report any information that has not been reported above.)

B.02 Threat Assessment**(a) Threat Assessment Format – General Information*****Report Classification***

HIDTA Threat Assessments are widely distributed, as is information extracted from the Threat Assessments for various purposes. Therefore, it is important that the Threat Assessment contains no national security classified information, nor any information considered "law enforcement sensitive."

Report Due Date

Information collection for the Threat Assessment is a continuous process, with the annual report reflecting the most up to date information available at the time of publication.

The annual Threat Assessment report is due at the ONDCP National HIDTA Program Office no later than May 15 of each year.

Report Form

The Threat Assessment reports will be provided in two forms: electronic and hardcopy.

Complete reports will be provided on Compact Disks with text stored in Microsoft Word 7.0 format. This is to include embedded objects such as pictures stored in Bitmap format and spreadsheets stored in Microsoft Excel 7.0. The reason for this standard is to insure that the Threat Assessment can be converted to HTML for web enabling. In the future, Microsoft Word's HTML converter will be used to publish on the HIDTA Intranet.

Complete and appropriately bound hardcopies of the Threat Assessment report will also be provided. These copies are distributed beyond the HIDTA and it is important that high standards be maintained for these publications. They should be attractive and user-friendly documents, not just unedited or poorly formatted printouts of the electronic version.

Report Format and Content

An established format contributes to more uniform coverage among the HIDTAs. It also facilitates the collective use of the Threat Assessments to assemble nationwide information on specific topics.

The attached format is to be used for all HIDTA Threat Assessments. The topic areas are consistent with previous HIDTA format guidance, with minor changes in order. Threat Assessment Preparation Notes provide additional details regarding the content of the Threat Assessment.

(b) Threat Assessment Outline

- I. Executive Summary
- II. Methodology
- III. Environment and Related Threats
 - A. Geography
 - 1. Air Threat
 - 2. Land Threat
 - 3. Sea Threat
 - B. Demographics
 - C. Economics
 - D. Other
- IV. Drug Threats
 - A. Overall Scope of Drug Threats
 - B. Cocaine/Crack
 - 1. Assessment of the Threat
 - 2. Abuse
 - 3. Availability
 - 4. Associated Crime and Violence
 - 5. Production
 - 6. Transportation
 - 7. Distribution
 - C. Heroin
 - 1. Assessment of the Threat
 - 2. Abuse
 - 3. Availability
 - 4. Associated Crime and Violence
 - 5. Production
 - 6. Transportation
 - 7. Distribution
 - D. Methamphetamine
 - 1. Assessment of the Threat

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2. Abuse
 3. Availability
 4. Associated Crime and Violence
 5. Production
 6. Transportation
 7. Distribution
- E. Marijuana
1. Assessment of the Threat
 2. Abuse
 3. Availability
 4. Associated Crime and Violence
 5. Production
 6. Transportation
 7. Distribution
- F. Other Drugs
1. Assessment of the Threat
 2. Abuse
 3. Availability
 4. Associated Crime and Violence
 5. Production
 6. Transportation
 7. Distribution
- V. Drug Trafficking Organizations and Activities
- A. Number of Identified Organizations
1. Local/Regional
 2. National
 3. International
- B. Profiles of Identified Organizations
- C. Activities
1. Production
 - a. Organizations
 - b. Quantities of Drugs
 - c. Methods
 - d. Emerging Trends
 2. Transportation
 - a. Organizations

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- b. Quantities of Drugs
 - c. Routes and Methods
 - d. Emerging Trends
- 3. Distribution
 - a. Organizations
 - b. Quantities of Drugs
 - c. Methods
 - d. Emerging Trends
 - 4. Finance/Money Laundering
 - a. Organizations
 - b. Amounts of Money
 - c. Methods
 - d. Emerging Trends
 - 5. Other Related Criminal Activities
 - a. Organizations
 - b. Methods
 - c. Emerging Trends
- VI. Drug-Related Crime Rates
- VII. Outlook

(c) Threat Assessment Preparation Notes

These Threat Assessment Preparation Notes provide information regarding the expected content of the Threat Assessment. Notes are presented in the same format order as the topics to which they apply.

General Notes:

The format outlines topics normally reported in Threat Assessments. However, in developing their strategies, individual HIDTAs may require additional information that is not specifically listed in the format, (e.g. drug-related activities in a particular neighborhood.) Additional topics may be included in the Threat Assessment; to the degree they are consistent with the strategic scope and purpose of the document.

The Threat Assessment is a strategic intelligence document that reports the drug-related threats to the HIDTA area. Information regarding the HIDTA's strategy, initiatives, enforcement efforts, accomplishments, etc. shall **not** be reported in the Threat Assessment. Other HIDTA reports, i.e., Strategy, Budget Submission, Annual Report, etc are designated for reporting this information.

The format has separate sections relating to Drug Threats and to Drug Trafficking Organizations and Activities. Overlapping information is reported in the two sections. Some redundancy is necessary to increase the utility of the document. In reporting this information, the emphasis and level of detail should be adjusted to support the focus of the section.

Notes keyed to Format:

I. Executive Summary

The Executive Summary is an overview of the information that is contained in the Threat Assessment, with emphasis on the most critical aspects of the threat. It is 2-3 pages in length, with subjects organized in similar order as the Threat Assessment.

II. Methodology

Briefly describe the process by which the Threat Assessment was developed. Mention agencies that contributed personnel or information to the development of the Threat Assessment, and other significant sources or documents used.

III. Environment and Related Threats

Discuss the geographic, demographic, economic, social, and legislative conditions within the area that do or might contribute to drug distribution and abuse. Describe the area's transportation infrastructure. Discuss railways, interstate highways, ports of entry and maritime activity, international airports and destination countries, and any other factors that may affect the movement of goods to, through, and within the area. Also, include information on any financial centers in the area that may facilitate drug-related money laundering.

IV. Drug Threats

A. Overall Scope of the Drug Threat

Introduce the material to be presented in the succeeding sections related to specific drugs. Establish the priorities of concern for the various drugs in the area, by relating which ones pose the greatest threats. Drug information that is not specific to a particular drug (e.g., combined drug abuse information) may also be presented.

Drug trafficking organizations and their respective activities are discussed in detail in Section V. Therefore, references to these organizations in relation to the specific drugs may be brief.

B.- F. Cocaine/Crack, Heroin, Methamphetamine, Marijuana, Other Drugs

Section B and subsequent drug sections contain specific information concerning Cocaine/Crack, Heroin, Methamphetamine, and Marijuana. Other drugs, of importance in the area, e.g., pharmaceuticals, club drugs, etc., may be presented in one or more separate sections following the same format. Arrange these sections according to the severity of the threat they pose, beginning with the drug that represents the greatest threat to the area and concluding with the drug that poses the least threat.

Discuss the following elements in each drug section as separate subheads:

1. Assessment of the Threat

Provide a brief introduction to the discussion of the drug as it affects the area.

2. Abuse

Describe the abuse problem in the area. Include charts containing statistical data and provide a discussion of that data. Include such relevant information as the number of drug-related deaths, the number of arrests for possession or other drug-related offenses, the number of child abuse/neglect cases related to drug abuse, the number of addicts seeking treatment, emergency room mentions, findings from school, household, and hospital surveys, etc. Discuss this data in its historical context, paying particular attention to increases or decreases.

3. Availability

Discuss the availability of the drug in the area. Provide information on drug prices and purity levels, seizures, and cases heard in special drug courts. Include available statistical data, comparing it to prior years.

4. Associated Crime and Violence

Discuss violence related to drug abuse and/or drug distribution. Explain whether the violence is intrinsically linked to the drug itself or whether the violence stems from disputes associated with the transportation or distribution of the drug. Include a discussion of the criminal groups involved, highlighting any national or international ties or associations these groups may have.

Describe the drug-related crimes that have been committed in the area. Explain the link between crime and drug use. Use statistical data to assess how many crimes are committed by people who are using or distributing drugs.

5. Production

Describe the methods and volume of the drug cultivation, conversion, or production occurring in the area. Begin by determining where the drug is primarily cultivated, converted, or produced. If the drug is not cultivated, converted, or produced in this area, then briefly describe where these activities are occurring.

If the drug is cultivated, converted, or produced in this area, include a detailed discussion of the following: where the activity is occurring (both general—Cook County—and specific—in motel rooms, warehouses, and trailers); how much of the drug the activity yields; what criminal groups or gangs are involved; what methods are employed; what raw materials are used (include information on precursor diversion and seizures). Also, include statistical and anecdotal information about laboratory seizures and clean up (include clean up costs and environmental damage). Finally, discuss developing trends.

6. Transportation

Describe how the drug is transported into the area, focusing on the route the drug travels from its domestic source or from the U.S. border, if appropriate.

Describe how the drug is moved within the area. Discuss the major groups involved; the routes traveled—maritime, air, overland; and the methods employed—body carries, hidden compartments in vehicles, hidden shipments in fresh produce, etc. Be as specific as possible. Mention particular routes (“Cocaine is transported via I-95.”) and specific means of conveyance (“Cocaine was concealed in baby strollers.”)

Determine what locations (if any) serve as transportation hubs or transshipment points to outside areas. If a city in the area functions as a transportation hub, identify the distribution centers that it serves. If a city in the area is a transshipment point to other cities, provide detailed information about how the drug is smuggled to those cities and how it is divided or repackaged. Also, identify its probable destination and the route it travels to arrive there. The following are suggested definitions for a location’s function:

Transportation hub: a city or area that is the intended primary destination for drugs and from which one or more distribution centers are supplied. Transportation hubs usually function as distribution centers as well.

Transshipment point: a city or area in which drugs are temporarily stored with the ultimate intent being transportation to another location for distribution.

Distribution center: a city or area that supplies drugs to local markets in and out of the state.

7. Distribution

Describe all the phases (wholesale, midlevel, retail) of the distribution process, including identifying the major group(s) involved in the drug's distribution within the area. Determine where these groups operate, the quantities they distribute, and the drug prices they demand.

Describe the methods of distribution these criminal groups employ (e.g., open-air street sales, person-to-person sales, sales from stash houses, use of beepers and cellular telephones, etc.) Also, discuss the prices the drug commands on the retail market and the amounts that users typically buy. Include comments regarding the drug's packaging (foil, heat-sealed plastic, etc.).

V. Drug Trafficking Organizations and Activities

The focus of this section is on drug trafficking organizations and their activities. Some of the information regarding production, transportation, distribution, etc., overlaps information presented in Section IV in relation to specific drugs. Structure the emphasis and level of detail of this redundant information to provide an understanding of the organizations and their operations, rather than focusing on the drug problem, as in the previous section.

A. Number of Identified Organizations

State the number of drug trafficking organizations that have been identified and are currently operating in the area and meet the qualifying conditions indicated below. Indicate separate totals for organizations whose scope of operations is:

1. *Local/Regional*
2. *National*
3. *International*

Include organizations that are engaged in any or all of the activities of drug production, transportation, distribution, or money laundering.

*The quantitative requirement for consideration as a "drug trafficking organization" is based on the standards of the Continuing Criminal Enterprise statute, 21 USC 848, i.e., **five or more persons**, committing a continuing series of violations, obtaining substantial income or resources.*

B. Profiles of Identified Organizations

This section requires the reporting of information regarding specific drug trafficking organizations. Descriptions of organizations should be as definitive as possible, without revealing information that is "law enforcement sensitive" or otherwise classified.

Drug trafficking organizations should be described as to their size, ethnic composition, organizational structure, areas of operation, trafficking activities, types and quantities of drugs, methods of operation, etc.

Significant organizations may be described individually. Organization names are not required, but specific information regarding the organization may be reported.

Organizations that share common characteristics, (e.g., street gangs), may be described collectively, if appropriate.

C. Organization Activities

This section relates drug trafficking organizations to drug trafficking activities.

1. Production

Identify organizations that are involved in drug production. Include information regarding the types and quantities of drugs produced, methods of operation including sources of materials and product distribution, emerging trends, and any other relevant information.

2. Transportation

Identify organizations involved in drug transportation and smuggling. Discuss types and quantities of drugs transported, routes and methods used, emerging trends, and any other relevant information.

3. Distribution

Identify organizations involved in drug distribution. Include information regarding types and quantities of drugs distributed, sources and customers, methods of operation, emerging trends, and any other relevant information.

4. Finance/Money Laundering

Identify organizations involved in financing drug trafficking activities and/or laundering of drug-related proceeds. Discuss amounts of money involved, methods of operation, emerging trends, and any other relevant information.

5. Other Related Criminal Activities

Identify organizations involved in criminal activities related to drug trafficking, e.g., firearms trafficking, public corruption, etc., to the degree these activities are significant in the area. Discuss the nature of the activities, methods of operation, emerging trends, and any other relevant information.

VI. Drug-Related Crime Rates

Present statistical data regarding drug related crime.

VII. Outlook

Address the following questions in this section:

- *What indicators, changes, patterns, and trends can be identified or concluded from the available information?*
- *What warnings, vulnerabilities, strengths, and intelligence gaps can be identified or concluded from the available information?*
- *What is predicted for the future and on what are the predictions based?*

B.03 Strategy

The HIDTA Strategy details the Executive Board’s plan to reduce the identified drug threat in the HIDTA region. The Strategy shall be linked to the drug threat and initiatives through a clear delineation of the relationship between: (1) the problems posed by the threat, (2) the actions to be taken by the participating agencies and (3) the anticipated impact on the region. HIDTA funds will be expended in a manner to maximize the leveraging of local, state, and Federal agency contributions that are committed to the HIDTA mission.

The HIDTA Strategy describes how the Executive Board maintains oversight and direction of the HIDTA, the regional HIDTA Intelligence Subsystem, and the plan for area law enforcement agencies to coordinate and combine drug control efforts. The Strategy must embody the spirit of the HIDTA Program, clearly demonstrating how local, state, and Federal agencies have combined drug control efforts to reduce drug trafficking, eliminate unnecessary duplication of effort, maximize resource, and improve intelligence and information sharing.

I. Environment

- A. Note HIDTA area of responsibility, listing all designated counties by state
- B. Provide a brief overview of the threat assessment that highlights the most critical drug threat in the region. Reference to the HIDTA Threat Assessment Summary is acceptable.

II. HIDTA Mission

Reflects the **overall** mission of the HIDTA, which should be consistent with the goals of the *National Drug Control Strategy* as well as the statutory criteria.

III. Overall Concept of Strategy

This section should capture what the HIDTA as a “coordination umbrella” is doing. It should demonstrate the equal partnerships and balancing of efforts of the regional law enforcement agencies.

- A. **Structure** — The structure will provide a general overview of the HIDTA system, noting who and what is involved in the building and implementation of the HIDTA Strategy, from conducting the threat assessment, to developing and approving initiatives that combat the threat, and evaluating the impact of the initiatives.
- B. **Composition** — The composition will describe the actual organization of the HIDTA, discussing the role and makeup of the Executive Board, HIDTA Director, and if applicable, Deputy Director(s), and Executive Board Sub-committees; and the number of full-time federal, state, and local law enforcement participants, and other participants. The role of OCDETF should also be noted, as all HIDTAs pursue OCDETF case designations as a matter of course.

- C. Unity of Effort** — This section will demonstrate how local, state, and federal agencies have combined drug control efforts to reduce drug trafficking, eliminate unnecessary duplication of effort, maximize resources, and improve intelligence and information sharing under HIDTA. A discussion of each subsystem will describe how that subsystem will support and implement the strategy.

C-1 Each subsystem will support and implement the Strategy as follows:
a. Intelligence Subsystem Description:

Every HIDTA will have an Intelligence Subsystem, which contains one or more HIDTA intelligence centers, which is a primary component of a HIDTA and the HIDTA Program.

The core Intelligence Subsystem functions should include:

- Event Deconfliction
- Case/Subject Deconfliction
- Post Seizure Analysis
- Analytical Case Support
- Strategic Intelligence
- Facilitation of connectivity between and/or among local, state, and federal law enforcement agencies, criminal databases as well as other informational databases, HIDTA intelligence centers, national intelligence centers, and databases
- Develop drug threat assessments
- Encourage the reporting of drug seizures by agencies to the National Drug Seizure system at EPIC when developed
- Facilitate Photo-Imaging Network capability (optional depending on regional need)

Describe how the Intelligence Subsystem will support and implement the Strategy. Depict a clear picture of the components and the services and functions that the center(s) provides to support drug enforcement activities of the HIDTA initiatives and those of participating agencies. Compliance with program guidance must be evident, i.e. full-time, collocated multi-agency personnel and databases. The related HIDTA Developmental Standards and General Counterdrug Intelligence Plan (GCIP) requirements should be depicted in the discussion.

In some cases the Intelligence Subsystem is contained within an Investigative Support Center (ISC) initiative, which might also contain additional support elements, such as technical equipment pools, electronic surveillance monitoring facilities, etc. In this case, distinguish between

which elements are part of the Intelligence's Subsystem and those that are not.

If more than one intelligence initiative exists, discuss what the relationship is among the separate initiatives and how they all coordinate and interact with one another. Also, note if they are electronically connected to each other.

b. Investigation Subsystem Description:

Give a brief description of how, overall, all the initiatives that make up the Investigative Subsystem will support and implement the strategy.

c. Interdiction Subsystem Description: (if applicable)

Give a brief description of how the Interdiction subsystem will support and implement the strategy. If any investigative subsystem initiative conducts interdiction-related investigations in addition to other investigative techniques, then this should be discussed here, too. NOTE: not all HIDTAs have interdiction subsystem initiatives.

d. Prosecution Subsystem Description: (if applicable)

Give a brief description of how the Prosecution Subsystem will support and implement the strategy. Clarify if the prosecutors comprise an actual HIDTA initiative or if they are part of other HIDTA investigative initiatives. NOTE: not all HIDTAs have prosecution subsystem initiatives.

e. Support Subsystem Description: (if applicable)

List the support initiatives that apply to the HIDTA **separately** and describe how each will support and implement the Strategy. (Drug Demand Reduction, Treatment, Crime/Forensic Lab, Investigative Tech Support, Training, Computer Support, etc.)

C-2 Operational Task Forces

List and provide a brief description all operational task forces.

- IV. Organizational Chart** — Include an organizational chart of the HIDTA administration from the Executive Board to the support staff. Include full-time and part-time participants and indicate all HIDTA funded positions. All members of the Management and Administration Initiative must be depicted.
- V. Developmental Standards Attainment** — The Strategy should address progression toward attainment of the HIDTA Developmental Standards. This should entail a narrative of the expected developmental standards that the HIDTA will seek to achieve for the period that is covered by the Strategy. The Strategy must include a description of how it will address the performance targets set by GPRA.

- VI. Expected Overall Outcomes** – The Strategy must identify **overall** outcomes that are expected to be achieved with successful implementation of the proposed initiatives. The overall outcomes should be broad and somewhat generic rather than listing a cumulative total of all the initiative's outputs. Outcomes should include, but are not limited to disrupting/ dismantling drug trafficking and money laundering organizations, reducing drug-related violent crime, and progression in the HIDTA developmental standards. The expected outcomes should predominantly focus on Goal 2, Objective 2 of the National Drug Strategy. Outcomes from all subsystems for which the HIDTA has initiatives must be represented in this section, but DO NOT list outcomes per initiative.
- VII. Resources to Implement Strategy.** Refer to the individual initiatives.

B.04 Initiatives**INITIATIVE TITLE:** _____

Title should be reflective of the initiative. In multi-state HIDTAs, please indicate which state the initiative is in unless it is included in the title.

Combining task forces/groups/units at either the same or separate locations to form a single initiative for the purpose of satisfying the full-time, multi-agency requirement is not acceptable. All initiatives with more than one task force/group/unit must identify and discuss each task force/group/unit separately, and provide a clear justification demonstrating how these separate task forces/groups/units cooperate and coordinate their activities. This justification must detail the added value in combining these task forces/groups/units and the expected enhanced enforcement results. ONDCP may require such initiatives to be separated into different initiatives or place reprogramming or other restrictions on such initiatives.

I. MISSION STATEMENT

The Mission Statement is a meaningful, to the point, brief statement that reflects how the initiative will impact the threat and how it relates to the strategy.

II. INITIATIVE DESCRIPTION

Can be brief, but needs to provide enough information for the reader to understand the operations of the initiative/task force(s) and to support the outputs and budget. Do not include law enforcement sensitive information. Minimally, the system description should include the following (which can be in bullet format or included in a narrative paragraph):

- A. Report if this initiative changed in any way from last year's submission and approval. If initiative has been **terminated**, since approved last year, please provide a brief explanation why, any actual outputs achieved and the status of remaining funds. If initiatives are being **merged**, please note which ones are being merged and provide a brief explanation why. If this initiative has been **revised** for any other reason, e.g. operational focus or name change, please provide brief explanation of what changed and why.
- B. A description of the operations and structure of this initiative – who/what specifically are the targets – drug type(s), level and activity of organizations, investigative techniques.
- C. A statement of how and how often this initiative interacts and shares information with the HIDTA intelligence center.
- D. A statement of how, how often and what type of services this initiative receives from the HIDTA intelligence center.

- E. Collocated/Commingling⁹ of full-time federal and state/local participants. If not, an explanation is required as well as a Program Policy Exemption form.
- F. Full-time multi-agency¹⁰ participation. If not, a clear explanation is required as well as a Program Policy Exemption form.
- G. Lead agency(s).
- H. Physical location (city, state) of initiative.
- I. Note if this initiative is located in same facility as other HIDTA initiatives, or other agencies or non-HIDTA task forces.
- J. Note if facility or HIDTA space is HIDTA-funded.
- K. For initiatives with multiple units/groups/etc., list all units/groups/etc. Describe how these units/groups/etc. interact together to form a single initiative. Note the location of each and identify those in the same facility.
- L. If appropriate, highlight any unique or exceptional aspects (e.g. K-9 interdiction for the first time in the state, efforts contributed to changes in law, a new level of agency collaboration, first time or unique computer forensics or stash house effort, etc.).
- M. If the initiative is an existing task force, intelligence or support operation, or other program, then the value added of such a group to the HIDTA must be evident. Additionally, if the existing group is an investigative support element, i.e. intelligence, laboratory, technical, etc., then the amount of HIDTA funds allocated by the Executive Board must be determined based on specific measurable support provided to the HIDTA, as demonstrated in the outputs.

If a HIDTA Intelligence Subsystem Initiative:

- Include how all initiatives share information and support the HIDTA intelligence center and how, in turn, the HIDTA intelligence center provides support to the HIDTA initiatives. Include developmental standards intelligence and information sharing aspects relative to the current capabilities of the intelligence center, and planned for the near and far future. For example, note if there are commercial and

⁹ The Collocation/Commingling as it relates to HIDTA drug task forces and initiatives, denotes full-time federal and state/local agencies working together in the same facility; with free and open access and interaction among all participants in all HIDTA initiatives that are housed in the same facility. HIDTA initiatives shall seek to house multiple HIDTA funded initiatives, composed of multi-agency participants, in a central location(s). Such a location(s) would optimally be void of any physical barriers that prohibit or hinder the interaction and commingling of participants between initiatives. Optimally, one of the initiatives in the central location would be the HIDTA intelligence center. Until this level of collocation can be achieved, the minimal acceptable HIDTA initiative will constitute the housing of full-time multi-agency participants who commingle and work together in space approved by the Executive Board. Regardless of location, all HIDTA participants and initiatives must have access to and interact with the HIDTA intelligence center.

¹⁰ Multi-agency participation for HIDTA is full-time federal and state/local (optimally state and local) participation in a single HIDTA initiative and drug task force, who are physically collocated and commingled in the same facility.

criminal databases on-site; electronic connectivity to HIDTA initiatives, participating agencies, states, and/or HIDTAs, and services provided (Event Deconfliction, Case/Subject Deconfliction, Post Seizure Analysis, Telephone Tolls, Link Analysis, Intelligence Profiles, Title III Support, Charts/Graphs, Trend and Pattern Analysis, Analytical Case Support, and Other).

- Different components/units of the intelligence center should be described, e.g. Watch Center, Analytical Group, Strategic Unit, Financial Unit, etc.
- If more than one Intelligence Subsystem element exists, explain how this one integrates with the other(s).
- If the intelligence initiative is an existing unit/group of an agency that has been enhanced or expanded through HIDTA resources, it must be evident in the narrative that HIDTA is the primary customer and how it prioritizes HIDTA support. The added value of HIDTA resources and how the HIDTA funds provide a greater benefit to the HIDTA than to the agency receiving funds must be evident.

If a Prosecution Initiative or Unit:

- It must be evident in narrative if these prosecutors exclusively support HIDTA and if not, what percentage of time and type of support are provided to HIDTA cases.

If a Support Initiative:

- If an investigative support initiative, i.e. **crime/forensic lab, surveillance support, or technical support** group, the need and support provided to the HIDTA must be measurable and detailed. It must be evident how HIDTA is prioritized.
- If **training**, note how training is coordinated with the National HIDTA Assistance Center (NHAC).
- If **treatment or prevention**, answer the following:
 1. List alternative funding sources received.
 2. List which local/state and federal programs or agencies where resources have been leveraged or will become integrated as a result of this initiative.
 3. Causal linkages to specific outcomes that reduce drug trafficking.
 4. Descriptions of measurable benefits to the HIDTA that are greater than to the agency receiving the funds.
 5. Documentation that the initiative will complement or enhance initiatives or programs of other agencies.
 6. List of HIDTA task forces that benefit from the supporting initiative.

III. PARTICIPANTS

HIDTA Program Policy and Budget Guidance

This section identifies all agencies and the quantity and positions of personnel participating in the initiatives that work towards reported objectives and outputs. Include known additional personnel who will be added if this budget is approved or added in the near future.

- *If this initiative has several task forces/squads/groups/components, please list each task force/squad/group/component separately in this Section.*
- *Provide the total number of personnel per agency, including contractors.*
- *Identify personnel by titles. Identify supervisory personnel, agents/officers, and support personnel (e.g. administrative, analysts, chemists). Every position identified must identify the agency affiliation. This includes Contractors. Please note that HIDTA is not an agency and personnel should not be identified as 'HIDTA'. For example:
5 Mayberry PD (1 Sgt., 2 Detectives (1 HIDTA funded), 1 Secretary, 1 Contract Systems Admin (HIDTA funded))*
- *Identify all HIDTA funded positions and in the budget template identify the task force/squad/group/component for each funded position in the personnel, fringe, and services (for contractors) categories.*
- *Separate full-time from part-time and collocated from non-collocated.*
- *Be consistent with titles of personnel, including above in the Initiative Description, and in the budget template and Budget Detail Sheet.*
- *Provide totals.*
- *All agencies for which funds are requested in the related budget must be identified in this section. If this is not the case, use Budget Detail Sheet to explain.*

Total of _____ full-time, collocated members:

Quantity	Agency	Quantity	Agency

Total of _____ part-time, collocated members:

Quantity	Agency	Quantity	Agency

Total of _____ non-collocated members, separate full-time (f/t) and part-time (p/t)

Quantity	Agency	Quantity	Agency

In addition, the following agencies participate frequently and/or are available on an as-needed basis: _____

IV. OUTPUTS

Outputs must be quantifiable and measurable, related to the mission, support the level of funding requested, and demonstrate targeting of the Government Performance Results Act (GPRA) performance targets. Outputs are the results produced by the initiative, e.g. number of drug trafficking organizations disrupted or dismantled, and number of arrests, drug, currency, and other assets seized, prosecutions initiated, etc. When identifying quantifiable outputs/outcomes such as dismantle X number of drug trafficking organizations or reduce by X% the number of drug trafficking organization as identified in base year, prior year or base year statistics should documented for comparison purposes.

For initiatives with several task forces/squads/groups/components, outputs must be reported for each task force/squad/group/component if the components are not part of the same subsystem, do not have the same mission and types of targets, are non-located, are not under one unity of command.

If the initiative is an existing investigative support element, i.e. intelligence, laboratory, technical, etc., or a training unit, then the amount of HIDTA funds allocated by the outputs must demonstrate specific measurable support provided to the HIDTA in order to justify the requested budget.

For continuing initiatives, each expected output reported last year should have an accompanying actual output. Expected outputs for current year funding request should be based on the previous years' actual outputs and, when possible, expectations should be higher. If this request merges initiatives that were separate last year, report expected and actual outputs separately for each initiative.

Outputs are to be reported based on the calendar year. Therefore, the following three years of information is required in this section: CY 2000 expected and actual outputs; CY 2001 expected outputs as these are in process and outstanding; and CY 2002 expected outputs, which are proposed to be accomplished under this funding request. Select either one of the style-formats below for this section.

Do not include law enforcement sensitive information.

A. CY 00 Expected Outputs: <i>(as reported in FY 99 proposal)</i>	B. CY 00 Actual Outputs: <i>(all expected, should have an actual)</i>

C. CY 01 Expected Outputs: <i>(as reported in FY 00 proposal)</i>

D. CY 02 Expected Outputs:

OR

A/B. CY 2000 Expected and Actual Outputs:
 Expected:
 Actual: *(response to expected output above.)*

Expected:
 Actual: *(response to expected output above.)*

C. CY 2001 Expected Outputs: *(as reported in FY00 proposal)*

D. CY 2002 Expected Outputs:

V. SUMMARY ACTIVITIES IMPACTING OTHER AREAS OF THE COUNTRY
Give a brief text summary of efforts that this initiative supported outside the HIDTA, including with other HIDTAs, e.g. major hand-off cases or enforcement or intelligence assistance given to non-HIDTA cases and agencies.

VI. INITIATIVE'S BUDGET

- A. FY 2002 Request for initiative: \$ _____. *(Attach the corresponding budget behind this initiative write-up).*
- B. Previous year's funds for this initiative:
- | | | |
|--------|----------|--|
| (2001) | \$ _____ | - Initial approved request plus any supplemental funds |
| | \$ _____ | - Actual budget, including reprogrammings |
| (2000) | \$ _____ | - Initial approved request plus any supplemental funds |
| | \$ _____ | - Actual budget, including reprogrammings |
| (1999) | \$ _____ | - Initial approved request plus any supplemental funds |
| | \$ _____ | - Actual budget, including reprogrammings |
- C. Provide a brief explanation if this initiative has in excess of 25% remaining in FY 00 funds.
- D. Identify any other fiscal years where outstanding money remains. If any of these fiscal years have 25% or greater of funds remaining from the original approved amount in that year, please explain.
- E. All budget requests must be submitted on the form (Microsoft Excel template) approved by the ONDCP/NHPO. These budget sheets must contain specific details and reflect the amount and categories approved by the Executive Board.
- F. Provide a budget summary sheet for the initiative (categories per funding recipient).

VII. BUDGET DETAIL SHEET

Where applicable, attach a Budget Detail Sheet for each budget sheet directly in front of or behind the corresponding budget sheet.

B.05 Budget Detail Sheet

A Budget Detail Sheet must be submitted with every initiative budget if any of the requested budget items on the template require further clarification or explanation. A separate Budget Detail Sheet is required for each budget template sheet. Explanations should be provided for any out of the ordinary, unusually high, or other unique funding requests that are depicted on the initiative budget sheets (template) as approved by the Executive Board. This is not for regular; self-explanatory funding requests; therefore, not all initiative budgets or budget items will be reflected on a Budget Detail Sheet. Also, information for which funds are **not** requested should not be depicted, i.e. personnel/fringe for positions funded by the agency/department. Explanations provided on the Budget Detail Sheet do not take the place of the detail required on the budget sheet (template). It is recommended that dollar values be used only when needed for the explanation. See examples provided below.

A. Personnel

Explain any personnel issues that are out of the ordinary or require an explanation. For example, if only a percentage of funds are requested for an officer or if funds are requested for salary and not for fringe, provide a brief explanation.

For HIDTA funded personnel, mention if certification letters have been signed and are retained at the HIDTA.

B. Fringe

Same as above.

C. Overtime

Explain if overtime funds are for a pool, how monitored and controlled to ensure that they go towards HIDTA investigations and that individual amounts do not exceed HIDTA limit per officer.

Provide justification for overtime requests for part-time and non-collocated personnel.

Provide justification for overtime requests for support (analysts, administrative) personnel.

D. Travel

Provide explanation for large funding requests for travel.

E. Facilities

Briefly discuss buildout/renovation costs, for example "justified due to the fact that XYZ Agency is providing space at no cost to HIDTA".

F. Services

Provide brief justification for vehicle request for part-time and non-collocated personnel.

Provide brief explanation and details for personnel service contracts (e.g. contracts to agency for greater than one person, Title III, evaluation, etc.). Provide details of services for other types of contracts such as network administration/development, treatment and prevention services, etc.

G. Equipment
Explain any specialized equipment requests or high cost items.

H. Supplies
Provide explanation for large funding request for supplies.

I. Other
Provide explanation for large funding requests for PE/PI.

Explain if PE/PI is requested for multiple funding recipients in this initiative.

B.06 Budget

Funding requests, with sufficient detail, must be submitted in the proper budget categories and in the Microsoft Excel Template provided by ONDCP/NHPO. All budget requests must be approved by the HIDTA Executive Board and submitted with the respective initiative proposal write-up. The Microsoft Excel Template is provided by ONDCP/NHPO.

(See Section VI, 6.04 Initiatives/Budget (b) Budget and Section XI Fiscal Guidelines for more detail regarding fiscal related issues.)

APPENDIX C: ACRONYMS

1. CCE	Continuing Criminal Enterprise
2. CDICG	Counterdrug Intelligence Coordinating Group
3. CFR	Code of Federal Regulations
4. COLA	Cost of Living Adjustment
5. COPS	Community Oriented Policing Services
6. DOCEX	Document exploitation
7. EPIC	El Paso Intelligence Center
8. FTE	Full-Time Equivalent
9. GCIP	General Counterdrug Intelligence Plan
10. GPRA	Government Performance and Results Act of 1993
11. HIC	HIDTA Intelligence Center
12. HIDTA	High Intensity Drug Trafficking Area
13. HIFCA	High Intensity Financial Crime Area
14. HUD	U.S. Department of Housing and Urban Development
15. ISC	Investigative Support Center
16. LEA	Law enforcement agency
17. MOA	Memorandum of Agreement
18. MOU	Memorandum of Understanding
19. NDIC	National Drug Intelligence Center
20. NDIL	National Drug Intelligence Library
21. NDCS	National Drug Control Strategy
22. NDPIX	National Drug Pointer Index
23. NHAC	National HIDTA Assistance Center
24. NHPO	National HIDTA Program Office
25. OCDETF	Organized Crime Drug Enforcement Task Force
26. OMB	Office of Management and Budget
27. ONDCP	Office of National Drug Control Policy
28. PME	Program Measures of Effectiveness
29. SOP	Standard Operating Procedure
30. SPRG	Systems Policy Review Group
31. UGCMS	Uniform Grant and Control Management Standards

APPENDIX D: CALENDAR OF HIDTA ACTIVITY

April 15	HIDTAs submit Annual Reports to ONDCP.
April 15	Annual Training Report describing overall HIDTA training program, accomplishments for the previous calendar year, challenges for the future, etc.*
April 30	HIDTAs submit specific data on progress towards the GPRA performance targets to ONDCP. [A form(s) requesting this specific required data will be provided to the HIDTAs.]
May 15	HIDTAs submit updated drug Threat Assessments to ONDCP.
June 15	HIDTAs submit Strategies, Threat Assessment Summaries, and Initiatives/Budgets to ONDCP.
June - September/October	ONDCP reviews HIDTA proposals, providing passback questions and comments to the HIDTAs.
October - November	The HIDTA Coordination Committee (HCC) reviews the Initiatives/Budgets and meets with ONDCP/NHPO. Any outstanding issues from the passback questions and HCC meeting are sent to the HIDTAs. ONDCP/NHPO considers the HIDTA's responses and submits its recommendations for resource support to the Director of ONDCP.
November/December	The Director of ONDCP considers the recommendations and budget for approval. Upon approval, the Initiatives/Budget are sent to the Congressional Committee on Appropriations for review.
November/December	ONDCP informs agencies and HIDTAs of the ONDCP Director's decisions. Funds are transferred from Funds Appropriated to the President (FAP) based upon enactment of the Treasury, Postal Service, and General Government Appropriations Bill.

* effective for FY 2003

Note: Dates subject to change

**REQUIRED PERFORMANCE MEASURES FOR
HIDTA ANNUAL REPORT**

15-Apr-05

The following core performance measures are required in your local HIDTA annual report. Data from these measures will also be used to create the National HIDTA Annual Report. A blank table is provided for each measure that includes all necessary formulas. Threat/need specific performance measures are optional. The first year for all performance measures is 2004.

CORE MEASURES

Sixteen Core Measures have been developed to assess outcomes for Goals 1 and 2. The eleven Goal 1 tables are color coded rust. The five Goal 2 tables are color coded blue. Calculations will be automatically completed as data is entered. Completed tables are provided for your reference. All core measures must be completed by all HIDTAs.

THREAT/NEED SPECIFIC MEASURES

You should develop additional measures for all HIDTA threat/need specific outcomes targeted in your matrix. Twelve example measures (i.e. dismantling firearms trafficking organizations, apprehending federal fugitives, calculating recidivism rates, use of new computer skills) shared by multiple HIDTAs have already been developed and are included for your use. These measures are color coded teal. If you have included any of these activities in your matrix, please complete the appropriate performance measures and include them in your annual report.

All performance measures (core and threat/need specific) should be completed and submitted to Tom Carr at the W/B HIDTA no later than March 1, 2005.

If you have questions or require additional assistance, please contact the W/B HIDTA.

Performance Measure Questions

Tom Carr
PMP Committee Chair
301-489-1700

Technical Questions

Glenn Fueston
CTC Program Manager
301-982-7522

REQUIRED PERFORMANCE MEASURES FOR HIDTA ANNUAL REPORT

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CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 1: Cost per DTO Disrupted or Dismantled in 2004

SAMPLE TABLE 1

Sample HIDTA Cost per DTO Disrupted or Dismantled in 2004								
	DTOs Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Budget	Cost per DTO Dismantled or Disrupted
Begin 04	40	35	30	86%	2	6%		
During 04	60	40	36	90%	1	3%		
Total 04	100	75	66	88%	3	4%	\$5,694,128	\$82,524

Sample HIDTA Cost per DTO Disrupted or Dismantled in 2004								
	DTOs Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Budget	Cost per DTO Dismantled or Disrupted
Begin 04								
During 04								
Total 04	0	0	0		0			

SOURCE: DTO Report

NOTE: Law enforcement budget includes ONLY enforcement, intelligence, and prosecution initiatives. It does not include but Management & Coordination or Support initiatives.

NOTE: The same budget figure used in this table should be used in all tables requiring the law enforcement budget. Total Targeted = the number of DTOs targeted by the end of the year; each DTO should be counted only once.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 2: Percentage of DTOs Disrupted or Dismantled by Scope, 2004

SAMPLE TABLE 2

Sample HIDTA DTOs Disrupted or Dismantled, 2004								
Scope	# Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Total Disrupted or Dismantled	Total % Disrupted or Dismantled
International	10	4	2	50%	0	0%	2	50%
Multi-state	17	8	5	63%	1	13%	6	75%
Local	73	60	59	98%	2	3%	61	102%
Total	100	72	66	92%	3	4%	69	96%

HIDTA DTOs Disrupted or Dismantled 2004								
Scope	# Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Total Disrupted or Dismantled	Total % Disrupted or Dismantled
International								
Multi-state								
Local								
Total	0	0	0		0		0	

SOURCE: DTO Report

NOTE: Breaks Table 1 down by scope.

NOTE: The total line in Table 2 should match the 2004 line in Table 1.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 3: Percentage of Money Laundering Organizations Disrupted or Dismantled by Scope, 2004

SAMPLE TABLE 3

Sample HIDTA Money Laundering Organizations Disrupted or Dismantled, 2004									
Scope	# Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Total Disrupted or Dismantled	Total % Disrupted or Dismantled	
International	4	4	2	50%	1	25%	3	75%	
Multi-state	4	2	1	50%	0	0%	1	50%	
Local	8	5	3	60%	1	20%	4	80%	
Total	16	11	6	55%	2	18%	8	73%	

HIDTA Money Laundering Organizations Disrupted or Dismantled, 2004									
Scope	# Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Total Disrupted or Dismantled	Total % Disrupted or Dismantled	
International									
Multi-state									
Local									
Total	0	0	0		0		0		

SOURCE: DTO Report

NOTE: Breaks out a specific type of DTO - money laundering organizations - from Table 2. Money laundering is the primary function of these organizations.

NOTE: Numbers entered in Table 3 should be lower than those in Tables 1 and 2.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 4: Operational Scope of All DTO* Cases Initiated, 2004

Sample HIDTA Operational Scope, 2004

	# Cases Opened	# CPOT Cases	# RPOT Cases	# OCDETF Cases	% OCDETF of Total Cases
International	4	4	0	4	100%
Multi-state	30	0	30	30	100%
Local	75	0	0	5	7%
Total	109	4	30	39	36%

SAMPLE TABLE 4

HIDTA Operational Scope, 2004

	# Cases Opened	# CPOT Cases	# RPOT Cases	# OCDETF Cases	% OCDETF of Total Cases
International					
Multi-state					
Local					
Total	0	0	0	0	

SOURCE: DTO Report, Regional OCDETF Coordinator

*NOTE: DTO refers to drugs, money laundering, and firearms.

NOTE: Cases opened refers to the total number of cases opened during the year. CPOT, RPOT, and OCDETF are not mutually exclusive categories. # of cases opened should be calculated after completion of the second DTO survey.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 5: Drugs Removed from the Marketplace, 2004

SAMPLE TABLE 5

Sample HIDTA Drugs Removed from the Marketplace, 2004		
Drug Seized (kg or D.U.)	Amount Seized (kg/D.U.)	Wholesale Value
heroin kg	60	\$3,750,000
cocaine HCL kg	694	\$15,268,000
crack cocaine kg	27	\$594,000
marijuana commercial grade kg	784	\$8,232,000
marijuana hydroponic kg	56	\$182,000
methamphetamine kg	15	\$97,500
methamphetamine ice kg	8	\$160,000
ecstasy (MDMA) (D.U.s)	20069	\$120,414
other:		
other:		
other:		
Total Wholesale Value		\$28,403,914

HIDTA Drugs Removed from the Marketplace, 2004		
Drug Seized (kg or D.U.)	Amount Seized (kg/D.U.)	Wholesale Value
heroin kg		
cocaine HCL kg		
crack cocaine kg		
marijuana commercial grade kg		
marijuana hydroponic kg		
methamphetamine kg		
methamphetamine ice kg		
ecstasy (MDMA) (D.U.s)		
other:		
other:		
other:		
Total Wholesale Value		\$0

SOURCE: "Special Issue: Illicit Drug Prices January 2004-June 2004," Narcotics Digest Weekly, Vol. 3, No. 29, July 20, 2004. HIDTAs may use other sources for drug prices if they are more accurate for their geographic area. Please cite all sources used.

NOTE: If your HIDTA covers more than one geographic area, please use Worksheet 1 to calculate the wholesale value of each drug. 1kg = 2.2lbs. 1lb = 16oz. Round all seizures to the nearest whole number (under 5 round down, 5 or over round up).

EXAMPLE: The average of a wholesale value of \$2,000-\$4,000 is \$3,000. $(2000+4000)/2$

EXAMPLE: When calculating the wholesale value of drugs seized use the average of the NDIC listings for all areas (states, cities) and all drug types (Mexican heroin, South American heroin, Southeast Asian heroin) in your HIDTA. If your area is not listed, use the area closest to your HIDTA region. For example, the wholesale value of heroin in Washington/Baltimore HIDTA would be calculated as follows:

Wholesale value of heroin = (Wash. average X kg seized in Wash.) + (Balt. average X kg seized in MD) + (Fairfax average X kg seized in VA)

NOTE: The wholesale value for drugs seized established in Table 5 will also be used in Tables 6 and 8.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 6: Return on Investment (ROI) for Drugs Removed from the Marketplace by Law Enforcement Initiatives*, by Year

SAMPLE TABLE 6

Sample HIDTA ROI for Drugs Seized by Year					
Year	Budget	Baseline Drug Wholesale Value	Targeted Drug ROI	Drug Wholesale Value Removed From Market	Actual Drug ROI
2004	\$5,694,128	\$43,000,000	\$8	\$28,403,914	\$5
2005					
2006					
2007					

HIDTA ROI for Drugs Seized by Year					
Year	Budget	Baseline Drug Wholesale Value	Targeted Drug ROI	Drug Wholesale Value Removed From Market	Actual Drug ROI
2004					
2005					
2006					
2007					

SOURCE: HIDTA Budget, Matrix

SOURCE: "Special Issue: Illicit Drug Prices January 2004-June 2004." Narcotics Digest Weekly, Vol. 3, No. 29, July 20, 2004. HIDTAs may use other sources for drug prices if they are more accurate for their geographic area. Please cite all sources used.

*NOTE: Law Enforcement includes prosecution, intelligence, and law enforcement initiatives. The budget used should be the same as the budget in Table 2. The wholesale value used here should be the same as the wholesale value used in Table 5.

NOTE: The target value should be rounded to the nearest million. Calculations will be automatically completed as data is entered.

EXAMPLE: When calculating the wholesale value of drugs seized use the average of the NDIC listings for all areas (states, cities) and all drug types (Mexican heroin, South American heroin, Southeast Asian heroin) in your HIDTA. If your area is not listed, use the area closest to your HIDTA region. For example, the wholesale value of heroin in W/B HIDTA would be calculated as follows:

Wholesale value of heroin = (Wash. average X kg seized in Wash.) + (Balt. average X kg seized in MD) + (Fairfax average X kg seized in VA)

NOTE: ROI = yield realized from investing time and funds expressed as a ratio of HIDTA dollars invested versus dollars returned. This calculation does not represent all of the valuable contributions by other agencies.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 7: Return on Investment (ROI) for Assets Removed from the Marketplace by Law Enforcement Initiatives*, by Year

Sample HIDTA ROI for Assets Seized by Year

SAMPLE TABLE 7	Year	Budget	Baseline Value of Drug Assets	Targeted Asset ROI	Value of Drug Assets Removed From Market	Actual Asset ROI
	2004	\$5,694,128	\$34,000,000	\$6	\$45,645,000	\$8
	2005					
	2006					
	2007					

HIDTA ROI for Assets Seized by Year

Year	Budget	Baseline Value of Drug Assets	Targeted Asset ROI	Value of Drug Assets Removed From Market	Actual Asset ROI
2004					
2005					
2006					
2007					

SOURCE: HIDTA Budget, Matrix

NOTE: Law enforcement budget includes ONLY enforcement, intelligence, and prosecution initiatives. It does not include but Management & Coordination or Support initiatives.

NOTE: The value of assets seized should be calculated using the value determined at the time of seizure.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 8: Total Return on Investment (ROI) for Drugs and Assets Removed from the Marketplace by Law Enforcement* Initiatives, by Year

SAMPLE TABLE 8

Sample HIDTA Total ROI by Year					
Year	Budget	Drugs and Assets Baseline	Targeted Total ROI	Drugs and Assets Removed From Market	Actual Total ROI
2004	\$5,694,128	\$77,000,000	\$14	\$75,048,914	\$13
2005					
2006					
2007					

HIDTA Total ROI by Year					
Year	Budget	Drugs and Assets Baseline	Targeted Total ROI	Drugs and Assets Removed From Market	Actual Total ROI
2004					
2005					
2006					
2007					

SOURCE: HIDTA Budget, Matrix

SOURCE: "Special Issue: Illicit Drug Prices January 2004-June 2004." Narcotics Digest Weekly, Vol. 3, No. 29, July 20, 2004. HIDTAs may use other sources for drug prices if they are more accurate for their geographic area. Please cite all sources used.

NOTE: Law enforcement budget includes ONLY enforcement, intelligence, and prosecution initiatives. It does not include but Management & Coordination or Support initiatives.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 9: Prosecution Initiative Cost per Investigation, by Year

SAMPLE TABLE 9

Sample HIDTA Cost per Investigation by Year						
Year	Budget	Investigations Baseline	Investigations Projected	Investigations Handled	% Handled	Cost/ Investigation
2004	\$455,743	200	215	218	101%	\$2,091
2005						
2006						
2007						

HIDTA Cost per Investigation by Year						
Year	Budget	Investigations Baseline	Investigations Projected	Investigations Handled	% Handled	Cost/ Investigation
2004						
2005						
2006						
2007						

SOURCE: Prosecutors' statistical reports

NOTE: An investigation refers to an open case file. The budget should include ONLY HIDTA \$/prosecutors HIDTA pays for.

NOTE: If you do not currently run a prosecution initiative, please enter zeros in each cell.

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 10: Value of Clandestine Methamphetamine Labs Dismantled in 2004, by Size

SAMPLE TABLE 10

Sample HIDTA Clandestine Methamphetamine Laboratories Dismantled in 2004			
Meth Cost Per Ounce			\$425
Lab Size	Labs ID/Targeted	Labs Dismantled	Value of Labs Dismantled
A. Less 2 Oz	412	412	\$350,200
B. 2 - 8 Oz	170	170	\$361,250
C. 9 Oz - 16 Oz	65	65	\$345,313
D. 32 - 144 Oz	70	70	\$2,618,000
E. 160 - 320 Oz	63	63	\$6,426,000
F. Over 320 Oz	68	68	\$9,248,000
Total	848	848	\$19,348,763

HIDTA Clandestine Methamphetamine Laboratories Dismantled in 2004			
Meth Cost Per Ounce			
Lab Size	Labs ID/Targeted	Labs Dismantled	Value of Labs Dismantled
A. Less 2 Oz			\$0
B. 2 - 8 Oz			\$0
C. 9 Oz - 16 Oz			\$0
D. 32 - 144 Oz			\$0
E. 160 - 320 Oz			\$0
F. Over 320 Oz			\$0
Total	0	0	\$0

SOURCE: National Clan Lab Seizure System

NOTE: Meth cost per ounce can be taken from NDIC's "Special Issue: Illicit Drug Process January 2004-June 2004." Verifiable local data may also be used. Please add a note below the table to identify the source used.

NOTE: All averages used to calculate lab values are calculated using ounces. 1lb = 16oz. Values represent one cook per lab. Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Core TABLE 11: HIDTA Clandestine Laboratory Activities in 2004

SAMPLE TABLE 11

Sample HIDTA Clandestine Laboratory Activities in 2004					
	Baseline	# Targeted	# Identified	% Identified	Actual Change from Baseline
Suspicious Precursor/Essential Chemical Transactions*	3000	3050	3025	99%	25
Laboratory Dump Sites	200	187	175	94%	-25
Chemical/Glassware Seizures	163	170	167	98%	4

HIDTA Clandestine Activities in 2004					
	Baseline	# Targeted	# Identified	% Identified	Actual Change from Baseline
Suspicious Precursor/Essential Chemical Transactions*					0
Laboratory Dump Sites					0
Chemical/Glassware Seizures					0

SOURCE: National Clan Lab Seizure System

*NOTE: Transactions refers to both identified sellers and purchasers. Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Core TABLE 12: HIDTA Training Efficiency by Year and Type of Training

SAMPLE TABLE 12

Sample HIDTA Training Efficiency												
Type of Training	# Students Expected for Training		# Students Actually Trained		# Training Hours Actually Provided		Total Training Cost		Training Cost per Hour			
	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	% Change 2004-2005	
	Analytical/Computer	3575		2600		5200		\$140,013		\$27		
Investigative/Interdiction	125		114		228		\$39,036		\$171			
Management/Administrative	30		29		58		\$9,335		\$161			
Other: Financial	15		15		15		\$269		\$18			
Other: _____												
Other: _____												
Other: _____												
Total	3745	0	2758	0	5501	0	\$188,653	\$0	\$34			

HIDTA Training Efficiency												
Type of Training	# Students Expected for Training		# Students Actually Trained		# Training Hours Actually Provided		Total Training Cost		Training Cost per Hour			
	2004	2005	2004	2005	2004	2005	2004	2005	2004	2005	% Change 2004-2005	
	Analytical/Computer											
Investigative/Interdiction												
Management/Administrative												
Other: _____												
Other: _____												
Other: _____												
Other: _____												
Total	0	0	0	0	0	0	\$0	\$0				

SOURCE: Matrix
 NOTE: This table refers to ALL trainings conducted by HIDTA staff and other sources.
 NOTE: Total Training Cost = trng initiative budget for trng type + all fees to attend external trngs for trng type
 NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Core TABLE 13: Percentage of HIDTA Initiatives Using Event and Case Deconfliction Services, by Year

Sample HIDTA Deconfliction Services by Year

Year	Total HIDTA Initiatives	# Initiatives Targeted to Use Services	# Initiatives Using	% Initiatives Using
2004	20	20	19	95%
2005				
2006				
2007				

HIDTA Deconfliction Services by Year

Year	Total HIDTA Initiatives	# Initiatives Targeted to Use Services	# Initiatives Using	% Initiatives Using
2004				
2005				
2006				
2007				

SOURCE: Initiative Statistical Reports, Matrix

NOTE: Using = regular, routine, part of standard business activity

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Core TABLE 14: Percentage of Event and Case Deconflictions Submitted, by Year

SAMPLE TABLE 14

Sample HIDTA Deconfliction Submissions by Year						
Year	Baseline # Deconflictions Submitted	# Deconfliction Submissions Targeted	# Event Deconflictions Submitted	# Case/Subject Deconflictions Submitted	Total Deconflictions Submitted	% Deconflictions Submitted
2004	673	680	556	109	665	98%
2005					0	
2006					0	
2007					0	

HIDTA Deconfliction Submissions by Year						
Year	Baseline # Deconflictions Submitted	# Deconfliction Submissions Targeted	# Event Deconflictions Submitted	# Case/Subject Deconflictions Submitted	Total Deconflictions Submitted	% Deconflictions Submitted
2004					0	
2005					0	
2006					0	
2007					0	

SOURCE: Initiative Statistical Reports

NOTE: Using = regular, routine, part of standard business activity

NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Core TABLE 15: Percentage of Investigations Provided Analytical Support, by Year

SAMPLE TABLE 15

Sample HIDTA Investigations Supported by Year				
Year	Baseline # Investigations Receiving Analytical Support	# Investigations Targeted for Analytical Support	# Investigations Provided Analytical Support	% Targeted Investigations Supported
2004	90	96	88	92%
2005				
2006				
2007				

HIDTA Investigations Supported by Year				
Year	Baseline # Investigations Receiving Analytical Support	# Investigations Targeted for Analytical Support	# Investigations Provided Analytical Support	% Targeted Investigations Supported
2004				
2005				
2006				
2007				

SOURCE: Initiative Statistical Reports, Budget
NOTE: Analytical support refers to toll, mapping, link analysis, document analysis, and other similar activities supporting an enforcement initiative or prosecution of the resulting cases.
NOTE: Use 2004 as the baseline for establishing 2005 targets.
NOTE: Calculations will be automatically completed as data is entered.

CORE MEASURE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Core TABLE 16: Percentage of HIDTA Initiative Investigations Referred to Other HIDTAs and Other Agencies, by Year

SAMPLE TABLE 16

Sample HIDTA Initiative Investigations Referred by Year						
Year	Total HIDTA Initiative Investigations	# Initiative Investigations Targeted for Referral	# HIDTA Initiative Investigations Referred to Other HIDTAs	# HIDTA Initiative Investigations Referred to Other Agencies	Total Initiative Investigations Referred	% Targeted Initiative Investigations Referred
2004	966	110	45	48	93	85%
2005					0	
2006					0	
2007					0	

HIDTA Affiliated Cases Referred by Year						
Year	Total HIDTA Initiative Investigations	# Initiative Investigations Targeted for Referral	# HIDTA Initiative Investigations Referred to Other HIDTAs	# HIDTA Initiative Investigations Referred to Other Agencies	Total Initiative Investigations Referred	% Targeted Initiative Investigations Referred
2004					0	
2005					0	
2006					0	
2007					0	

SOURCE: Initiative Statistical Reports

NOTE: Use 2004 referrals as the baseline for establishing 2005 targets.

NOTE: Calculations will be automatically completed as data is entered.

THREAT SPECIFIC EXAMPLE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Threat Specific TABLE ____: Percentage of Firearms Trafficking Organizations Disrupted or Dismantled by Scope, 2004

SAMPLE THREAT SPECIFIC TABLE

Sample HIDTA Firearms Trafficking Organizations Disrupted or Dismantled, 2004								
Scope	# Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Total Disrupted or Dismantled	Total % Disrupted or Dismantled
International	6	6	3	50%	1	17%	4	67%
Multi-state	10	8	4	50%	1	13%	5	63%
Local	50	23	11	48%	6	26%	17	74%
Total	66	37	18	49%	8	22%	26	70%

HIDTA Firearms Trafficking Organizations Disrupted or Dismantled, 2004								
Scope	# Identified	# Targeted	# Disrupted	% of Targeted Disrupted	# Dismantled	% of Targeted Dismantled	Total Disrupted or Dismantled	Total % Disrupted or Dismantled
International								
Multi-state								
Local								
Total	0	0	0		0		0	

SOURCE: DTO Report

NOTE: The same budget figure used in this table should be used in all tables requiring the law enforcement budget. Total Targeted = the number of DTOs targeted by the end of the year; each DTO should be counted only once.

NOTE: Calculations will be automatically completed as data is entered.

THREAT SPECIFIC EXAMPLE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Threat Specific TABLE ____ : Fugitives Targeted and Apprehended, by Year

SAMPLE THREAT SPECIFIC TABLE

Sample HIDTA Fugitives Targeted and Apprehended by Year					
Year	# Identified	# Targeted	% Targeted of Identified	# Apprehended	Apprehended % of Targeted
2004	100	72	72%	50	69%
2005					
2006					
2007					

HIDTA Fugitives Targeted and Apprehended by Year					
Year	# Identified	# Targeted	% Targeted of Identified	# Apprehended	Apprehended % of Targeted
2004					
2005					
2006					
2007					

SOURCE: Matrix

NOTE: Calculations will be automatically completed as data is entered.

THREAT SPECIFIC EXAMPLE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Threat Specific TABLE ____: Recidivism of HIDTA Treatment Clients in 2004

SAMPLE THREAT SPECIFIC TABLE

Sample HIDTA Recidivism in 2004				
Site	# of Clients	# Arrests in 12 months before HIDTA Treatment	# Arrests in 12 months after HIDTA Treatment	% Change in Arrests
Baltimore City	324	185	139	-25%
Baltimore County	44	29	15	-48%
Charles County	256	174	82	-53%
Howard County	192	138	54	-61%
Montgomery County	407	243	164	-33%
Prince George's County	192	143	49	66%
Washington, D.C.	169	97	72	-26%
Alexandria	56	27	29	7%
Arlington	115	78	37	-53%
Fairfax/Falls Church	193	140	53	-62%
Loudon County	22	7	15	114%
Prince William County	43	32	11	-66%
Total	2,013	1,293	720	-44%

HIDTA Recidivism in 2004				
Site	# of Clients	# Arrests in 12 months before HIDTA Treatment	# Arrests in 12 months after HIDTA Treatment	% Change in Arrests
Total	0	0	0	

SOURCE: Initiative Statistical Reports
 NOTE: Calculations will be automatically completed as data is entered.

THREAT SPECIFIC MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Threat Specific TABLE _____: Value of Outdoor Marijuana Plants Eradicated, by Year

SAMPLE THREAT SPECIFIC TABLE

Sample HIDTA Outdoor Marijuana Plants Eradicated				
Mj Cost Per Plant _____				
Year	# Plants on Federal Land Identified/Targeted	# Plants on Non-Federal Land Identified/Targeted	Total # Marijuana Plants Eradicated	Value of Marijuana Plants Eradicated
2004				\$0
2005				\$0
2006				\$0
2007				\$0

HIDTA Outdoor Marijuana Plants Eradicated				
Mj Cost Plant Kg _____				
Year	# Plants on Federal Land Identified/Targeted	# Plants on Non-Federal Land Identified/Targeted	Total # Marijuana Plants Eradicated	Value of Marijuana Plants Eradicated
2004				\$0
2005				\$0
2006				\$0
2007				\$0

SOURCE: Initiative Statistical Reports

NOTE: Marijuana cost per Kg can be taken from NDIC's "Special Issue: Illicit Drug Process January 2004-June 2004." Verifiable local data may also be used. Please add a note below the table to identify the source used.

NOTE: All averages used to calculate lab values are calculated using ounces. 1lb = 16oz. Calculations will be automatically completed as data is entered.

THREAT SPECIFIC MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Threat Specific TABLE _____ : Value of Indoor Marijuana Plants Eradicated, by Year

SAMPLE THREAT SPECIFIC TABLE

Sample HIDTA Indoor Marijuana Plants Eradicated			
	Mj Cost Per Plants	\$100	
Year	# Indoor Plants Identified/Targeted	Total # Indoor Plants Eradicated	Value of Indoor Marijuana Plants Eradicated
2004	2,000	2,000	\$200,000
2005			\$0
2006			\$0
2007			\$0

HIDTA Indoor Marijuana Plants Eradicated			
	Mj Cost Per Plant		
Year	# Indoor Plants Identified/Targeted	Total # Indoor Plants Eradicated	Value of Indoor Marijuana Plants Eradicated
2004			\$0
2005			\$0
2006			\$0
2007			\$0

SOURCE: Initiative Statistical Reports

NOTE: Marijuana cost per Kg can be taken from NDIC's "Special Issue: Illicit Drug Process January 2004-June 2004." Verifiable local data may also be used. Please add a note below the table to identify the source used.

NOTE: All averages used to calculate lab values are calculated using ounces. 1lb = 16oz. Calculations will be automatically completed as data is entered.

THREAT SPECIFIC MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Threat Specific TABLE _____: Wholesale Value of Marijuana Seized, by Location 2004

THREAT SPECIFIC TABLE

Sample HIDTA Wholesale Value of Marijuana Seized					
Location	Baseline Value of Marijuana Seized	# Plants Seized	Amount Processed Marijuana Seized	# Eradication Arrests	Wholesale Value of Marijuana Seized
Outdoor Federal					
Outdoor Non-Federal					
Indoor					

SA

HIDTA Wholesale Value of Marijuana Seized					
Location	Baseline Value of Marijuana Seized	# Plants Seized	Amount Processed Marijuana Seized	# Eradication Arrests	Wholesale Value of Marijuana Seized
Outdoor Federal					
Outdoor Non-Federal					
Indoor					

Value of plants seized = _____
 Value of processed marijuana seized = _____

SOURCE: Initiative Statistical Reports

NOTE: Marijuana cost per Kg can be taken from NDIC's "Special Issue: Illicit Drug Process January 2004-June 2004." Verifiable local data may also be used. Please add a note below the table to identify the source used.

NOTE: All averages used to calculate lab values are calculated using ounces. 1lb = 16oz. Calculations will be automatically completed as data is entered.

NEED SPECIFIC EXAMPLE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Need Specific TABLE ____: HIDTA Training Sessions by Type of Training, 2004*

SAMPLE NEED SPECIFIC TABLE

Sample HIDTA Training Sessions, 2004			
Type of Training	# Courses	# Students Trained	Pre- and Post-training Tests** (Y/N)
Analytical/ Computer	32	1577	Y
Investigative/ Interdiction	13	67	Y
Management/ Administrative	7	14	Y
Other: _____			
Other: _____			
Other: _____			
Other: _____			
Total	52	1658	N/A

HIDTA Training Sessions, 2004			
Type of Training	# Courses	# Students Trained	Pre- and Post-training Tests** (Y/N)
Analytical/ Computer			
Investigative/ Interdiction			
Management/ Administrative			
Other: _____			
Other: _____			
Other: _____			
Other: _____			
Total	0	0	N/A

**NOTE: Pre- and Post-tests are required for all trainings. Although no test results are required for this measure, you must be able to validate a yes response with completed tests.

*NOTE: This table refers to trainings conducted or controlled by HIDTA staff only.

SOURCE: Initiative Statistical Reports
 NOTE: Calculations will be automatically completed as data is entered.

NEED SPECIFIC EXAMPLE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Need Specific TABLE ____: Use of Skills from HIDTA Training Sessions by Type of Training, 2004*

Sample HIDTA Use of Skills from HIDTA Training Sessions, Jan.-Sept. 2004

NEED SPECIFIC SAMPLE TABLE	Type of Training	# Classes	# Students Trained	# Sent 6 Month Survey	# Responding to 6 Month Survey	# Users of New Skills	% Students Using New Skills of Those Responding
	Analytical/ Computer	28	1150	1100	785	690	88%
	Investigative/ Interdiction	9	45	40	26	21	81%
	Management/ Administrative	7	14	11	9	8	89%
	Other: _____						
	Other: _____						
	Other: _____						
	Other: _____						
	Total	44	1209	1151	820	719	88%

HIDTA Use of Skills from HIDTA Training Sessions, Jan.-Sept. 2004

Type of Training	# Classes	# Students Trained	# Sent 6 Month Survey	# Responding to 6 Month Survey	# Users of New Skills	% Students Using New Skills of Those Responding
Analytical/ Computer						
Investigative/ Interdiction						
Management/ Administrative						
Other: _____						
Other: _____						
Other: _____						
Other: _____						
Total	0	0	0	0	0	

SOURCE: Initiative Statistical Reports

*NOTE: This table refers to trainings conducted or controlled by HIDTA staff only.

NOTE: 6 month surveys for all trainings conducted from January through September should be included in this table. Calculations will be automatically completed as data is entered.

NEED SPECIFIC MEASURE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Need Specific TABLE ____: Use of Skills from HIDTA Computer Training Sessions, 2004*

SAMPLE NEED SPECIFIC TABLE

Sample HIDTA Computer Skills Training Sessions, Jan.-Sept. 2004						
Type of Training	# Classes	# Students Trained	# Sent 6 Month Survey	# Responding to 6 Month Survey	# Users of New Skills	% Students Using New Skills
HIDTA Software	22	352	325	275	235	85%
Office Productivity	76	610	590	475	437	92%
General Computer Skills	34	132	120	95	75	79%
Analytical Computer Skills	9	56	52	42	33	79%
Total	141	1150	1087	887	780	88%

HIDTA Computer Skills Training Sessions, Jan.-Sept. 2004						
Type of Training	# Classes	# Students Trained	# Sent 6 Month Survey	# Responding to 6 Month Survey	# Users of New Skills	% Students Using New Skills
Total	0	0	0	0	0	

SOURCE: Initiative Statistical Reports

*NOTE: Pre- and Post-tests are required for all trainings. Although no test results are required for this measure, you must be able to validate a yes response with completed tests.

NOTE: This table refers to trainings conducted or controlled by HIDTA staff only. Calculations will be automatically completed as data is entered.

NOTE: 6 month surveys for all trainings conducted from January through September should be included in this table.

NEED SPECIFIC EXAMPLE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Need Specific TABLE ____: Use of Skills from HIDTA Intelligence Training Sessions, by Year

NEED SPECIFIC SAMPLE TABLE

Sample HIDTA Use of Skills from HIDTA Intelligence Training Sessions							
Year	# Agencies Participating	# Students Trained	# Training Hours Provided	# Sent 6 Month Survey	# Responding to 6 Month Survey	# Users of New Skills	% Students Using New Skills of Those Responding
2004	50	500	5000	450	350	250	71%
2005							
2006							
2007							

HIDTA Use of Skills from HIDTA Intelligence Training Sessions							
Year	# Agencies Participating	# Students Trained	# Training Hours Provided	# Sent 6 Month Survey	# Responding to 6 Month Survey	# Users of New Skills	% Students Using New Skills of Those Responding
2004							
2005							
2006							
2007							

SOURCE: Initiative Statistical Reports

*NOTE: This table refers to trainings conducted or controlled by HIDTA staff only.

NOTE: 6 month surveys for all trainings conducted from January through September should be included in this table. Calculations will be automatically completed as data is entered.

NEED SPECIFIC EXAMPLE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Need Specific TABLE _____: Percentage of Intelligence Driven Cases Supported, by Year

Sample HIDTA Intelligence Driven Cases					
Year	Baseline # Cases Generated	# Cases Strategically Supported	# Cases Tactically Supported	Total Cases Supported	% Cases Supported
2004	36	15	17	31	86%
2005					
2006					
2007					

HIDTA Intelligence Driven Cases					
Year	Baseline # Cases Generated	# Cases Strategically Supported	# Cases Tactically Supported	Total Cases Supported	% Cases Supported
2004					
2005					
2006					
2007					

SOURCE: Initiative Statistical Reports

NEED SPECIFIC EXAMPLE

Goal 2: Improve the efficiency and effectiveness of HIDTA initiatives

Need Specific TABLE ____ : Number of Spin-off Cases Referred, by Year

Sample HIDTA Spin-off Cases					
Year	Baseline # Prisoner Debriefings	Baseline # Spin-off Cases	# Prisoner Debriefings	# Spin-off Cases Referred	% Change in Cases Referred from Baseline
2004	36	19	27	15	-21%
2005					
2006					
2007					

HIDTA Spin-off Cases					
Year	Baseline # Prisoner Debriefings	Baseline # Spin-off Cases	# Prisoner Debriefings	# Spin-off Cases Referred	% Change in Cases Referred from Baseline
2004					
2005					
2006					
2007					

SOURCE: Initiative Statistical Reports

CORE MEASURE

Goal 1: Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations

Worksheet for Core TABLE 5: Drugs Removed from the Marketplace, 2004

Worksheet: _____ HIDTA Drugs Removed from the Marketplace, 2004				
Drug Seized (kg or D.U.)	Location	Amount Seized (kg/D.U.)	Cost per kg/D.U.	Wholesale Value
heroin kg				\$0
cocaine HCL kg				\$0
crack cocaine kg				\$0
marijuana commercial grade kg				\$0
marijuana hydroponic kg				\$0
methamphetamine kg				\$0
methamphetamine ice kg				\$0
ecstasy (MDMA) (D.U.s)				\$0
other: _____				\$0
other: _____				\$0
Total Wholesale Value				\$0

SOURCE: Matrix, "Special Issue: Illicit Drug Prices January 2004-June 2004." Narcotics Digest Weekly, Vol. 3, No. 29, July 20, 2004. HIDTAs may use other sources for drug prices if they are more accurate for their geographic area. Please cite all sources used.

NOTE: 1kg = 2.2lbs. 1lb = 16oz. Round all seizures to the nearest whole number (under 5 round down, 5 or over round up).

EXAMPLE: The average of a wholesale value of \$2,000-\$4,000 is \$3,000. $(2000+4000)/2$

EXAMPLE: When calculating the wholesale value of drugs seized use the average of the NDIC listings for all areas (states, cities) and all drug types (Mexican heroin, South American heroin, Southeast Asian heroin) in your HIDTA. If your area is not listed, use the area closest to your HIDTA region. For example, the wholesale value of heroin in Washington/Baltimore HIDTA would be calculated as follows:

Wholesale value of heroin = (Wash. average X kg seized in Wash.) + (Balt. average X kg seized in MD) + (Fairfax average X kg seized in VA)

NOTE: The wholesale value for drugs seized established in Table 5 will also be used in Tables 6 and 8.

QFR Response from the Central Florida HIDTA

March 28, 2005

Chairman Mark Souder
 Subcommittee on Criminal Justice,
 Drug Policy and Human Resources
 B-373 Rayburn Office Building Washington, DC 20515

Dear Chairman Souder:

I would like to thank you and the committee members for seeking the facts about the High Intensity Drug Trafficking Area program and giving myself and the other HIDTA Directors the opportunity to respond to your inquiry. In response to your questions:

- 1) **“Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.”**
 - a) **“What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA ?”** The dollar amount is approximate because of differences in salaries, fringe benefits, leasing expenses, etc. This figure is an estimate and I believe it to be very conservative. The total dollar value of all unreimbursed state and local contributions to the Central Florida HIDTA is approximately \$11,934,000 annually.
 - b) **“What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?”** Approximately \$6,559,000 annually.
 - c) **“Do you believe that, if your HIDTA’s federal program fund were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?”** I believe four (4) of our ten (10) enforcement task forces would cease to exist immediately. The remaining six (6) task forces would probably remain in place but would not have the resources to work investigations outside their immediate jurisdictions. Sgt. Ken Morman, Tampa Police Department : “ In over twenty years of drug law enforcement, HIDTA is the only program I have seen, heard of, or been affiliated with, that has facilitated cooperation and communication between agencies for an extended period of time. HIDTA is not just a funding source for cases; it is the foundation on which our battle plan is formulated to fight the war against drugs”. Lt. Marty Hart, Pinellas County Sheriffs Office: “Without HIDTA I can assure you that my agency, and others like mine, would definitely be unable to function in the manner

that we have since HIDTA was instituted”. Captain Dave Hudson, Volusia County Sheriff's Office: “I believe that this cut in funding, and /or dismantling of certain HIDTA initiatives, would have a direct negative impact on federal, state, and local agencies ability to conduct the number of safe, quality, and long term narcotics investigations the citizens of our country deserve”.

I have been told by numerous law enforcement administrators and drug unit commanders that should HIDTA funds be eliminated or significantly reduced that they could not continue to make the contributions they are making to drug enforcement and would have to realign their resources.

- 2) **“State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA’s federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?”** It would not only make it very difficult it would lead to their lack of participation in the HIDTA program. A fluctuation would void some enforcement task forces. It would not be very productive to ask, or require, a narcotic task force to expand the scope of their investigations to a national or international level and then decrease or fluctuate their funding.

- 3) **“The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA’s budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA’s operations?”** One of the strengths of the HIDTA Program is its ability to adapt to, and address a changing regional drug threat. Should a new drug pose a threat to central Florida the Central Florida HIDTA could re-direct assets to address that threat within thirty days and quite possibly sooner per direction of the Executive Board. Each HIDTA has to have an annual baseline budget which will not fluctuate. ONDCP in the past has had the discretion to distribute supplemental funding as it deemed appropriate. I believe this is sufficient discretion.

- 4) **“The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.”**
 - a) **“Do you support this proposal? If not, why not?”** I do not support this proposal. OCDETF and HIDTA are different programs. I have served as a Regional OCDETF Coordinator. OCDETF is a case specific funding mechanism. OCDETF funding is not threat specific. Various law enforcement agencies request OCDETF funding for a

particular investigation quite possibly with no thought to the pending threat to that region. HIDTA funds drug enforcement task forces. These task forces are required to meet several criteria including but not limited to the regional threat, sharing of intelligence, de-confliction, and focusing on drug organizations with regional, national, and international scope. These task forces are reviewed quarterly and failure to meet the above criteria can result in loss of funding.

- Under ONDCP HIDTA executive boards are made up of equal representation between state/local and federal participants. This balance is one of HIDTA's strengths. A move to OCDETF under the Justice Department would give the federal side at least a perceived advantage.
 - The HIDTA Program has been successful under ONDCP's Bureau of State and Local Affairs. If it is not broken why fix it ???
 - The HIDTA Programs success is due largely to support by state and local agencies. Both state and local agencies and federal agencies have a voice in the HIDTA program. As a manager of a HIDTA program I strive to see that neither the federal or the state and local side gain an advantage.
- b) **“Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?”** Not one HIDTA participant would prefer OCDETF. Many have referred to inconsistencies with OCDETF funding. Numerous have mentioned OCDETF funding not being available when needed, stating that if a case had been initiated early in the fiscal year they may have received OCDETF funding, however, if the investigation was initiated later no funding was available. This indicates no emphasis being given to the scope or caliber of the investigation or the threat. **All Central Florida HIDTA participants questioned emphatically preferred HIDTA to OCDETF.**
- c) **“What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?”**

OCDETF is a funding mechanism and is not operational. They do not perform any enforcement activities. HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, drug distribution, sales, interdiction, prosecution, violence, gangs and intelligence. These task forces are evaluated quarterly.

OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency with no mandate to share that intelligence. OCDETF's support activity is that of funding. The majority of OCDETF funding goes to federal personnel for salaries.

- 5) **“Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDEF would maintain this practice if given control of the HIDTA program.”**
- a) **“Does your HIDTA currently comply with this directive? If not, why not?”** Yes, the Central Florida HIDTA does comply with this directive. However, the merger of US Customs with Immigration has temporarily created an imbalance. It has not been a problem but another federal agency is being sought.
- b) **“How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HDTAs? If so, how?”** One reason for the success of the HIDTA Program is the balance of the executive boards between federal, state and local law enforcement leaders giving each an equal voice in the program. If this balance were eliminated and federal agencies were to take control many state and local participants would eventually leave. This would certainly weaken the program. The state and local commitment and resources to the HIDTA Program outweigh those of the federal government.
- 6) **“Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA’s administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?”** Yes, it has had a significantly negative impact on the HIDTA Program. It has been very disruptive. Task force officers and support personnel are concerned whether the HIDTA will be in existence. This uncertainty has also affected morale and to a lesser extent damaged the relationship between our state/local and federal agencies.

All federal and state and local agencies involved in the HIDTA program are great supporters of the program. While the funding is certainly important, these agencies believe in the concept of the HIDTA program. These law enforcement officers enjoy, and see the need to take their investigations to the next level. The HIDTA program affords them this opportunity. Thank you for your interest and allowing me to respond to these questions.

William T. Fernandez
 Director
 Central Florida HIDTA

**COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES**

“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and other law enforcement programs: Are we jeopardizing federal, state, and local cooperation?”

RESPONSES FROM Appalachia HIDTA Director Frank Rapier

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.

- a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

Appalachia HIDTA consists of 68 counties in the Appalachian regions of Kentucky, Tennessee and West Virginia. The HIDTA funding that is provided to these regions funds 16 Investigative Task Forces that are made up of 79 full time federal; 252 full time state; and 88 full time local participants. The AHIDTA also funds an Investigative Support Center, and Drug Demand Reduction and Prosecution Initiatives in each state. The AHIDTA additionally supports one of our Nations largest and most productive Marijuana Eradication Programs. Based on our best estimates the total dollar value of un-reimbursed state and local contributions to the Appalachia HIDTA is approximately \$20,250,000 annually. We consider this to be a very significant “buy-in” to this HIDTA since we are located in a poverty stricken part of the country where state and local budgets are very limited.

- b. What is the approximate value of all un-reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

The value is approximately \$9,700,000 annually.

- c. Do you believe that, if your HIDTA’s federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?

No. The participating agencies would be unlikely to be able to maintain and fund task forces. A survey of HIDTA task forces has indicated that the results of the proposed cuts in funding would result in the elimination of 5 task forces and a 50%-75% cut in 11 others. HIDTA enables its participating agencies to pursue worthwhile national and international targets as well as the regional drug threat without being dependant upon forfeiture money. It's also a "no match grant". This enables very "poor" or financially strapped agencies to participate on an equal basis. Sheriff Gene Hollon, from Laurel County, Kentucky serves on the AHIDTA Executive Board. He describes the HIDTA program as being, *"the only federal program that brings federal, state and local law enforcement collaborating together beginning at an Executive Board."* When he learned of the proposal to drastically cut the funding of HIDTA, and place it under OCDETF, he stated, *"The federal agencies can't do it alone and neither can we. There is one successful way we can achieve law enforcement results in fighting the drug problem. The way we are currently doing it at Appalachia HIDTA – together."* Chief Alan Meek of the Barboursville Police Department, Barboursville, West Virginia wrote in a letter to all police chiefs in the three states represented by the AHIDTA, *"... (The reduction in funding and move to OCDETF) will severely curtail out ability to engage the most serious threat to our society – drugs. Personally, I feel that with the emerging threat of methamphetamine in our areas, these cuts could not come at a worse time! The President cannot lose focus on the war we are fighting everyday here at home. We should be looking at ways of increasing funding for this war not reducing or eliminating it."* The drastic reduction or elimination of these and Byrne Grant funds would have a devastating effect on task force operations, and force an increased dependence on forfeiture funding. This would restrict the ability to investigate crimes that while having a devastating effect on the community, have little or no "return" potential eg. Crack, methamphetamine, and diverted prescription drugs, as well as allow forfeitures to dictate investigative efforts.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

Absolutely! Not only would this make commitment on a year to year basis almost impossible, it would (and already is) subtly eroding confidence in our program and making it far more difficult to depend on a total "buy-in" by participating agencies. *Executive Board Chairman, Tennessee Bureau of Investigation Assistant Director William Benson* described the problem thusly, "***I have no doubt that if federal program funds are drastically reduced or completely eliminated, state and local law enforcement agencies would be forced to redirect resources, particularly manpower. I would also be concerned that if these resources are reallocated, attention toward large-scale drug organizations might also be redirected to smaller, street level operations.***"

3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?

This discretion should be limited. While one can argue that in theory this concept is logical, in reality we have seen that in this instance, ONDCP has proposed an arbitrary and capricious plan of action that would cripple state and local drug enforcement efforts, with no logical basis and with no real alternative plan. In reality, Congress thoughtfully funded each HIDTA after in-depth research and planning. A large scale shift in funding should be made only after reflection, within the perspective of the regional threat and only in the case of a drastic change in that threat or in the event of proven corruption or inefficiency.

I feel that additional (supplemental) discretionary funding should be placed at the discretion of the National HIDTA Director to best address rising threats and trends. This special funding could be used for any number of initiatives including eradication, interdiction and CPOT investigations.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.
 - a. Do you support this proposal? If not, why not?
 - (1) No. Definitely not.

(2) They are entirely different programs with entirely different focuses and approaches. The OCDETF program is made up of 9 regional task force areas nationally. These “task forces” are non-operational administrative bodies that are labeled with the misnomer that they are actually functional task forces. AHIDTA is comprised of counties from three states. If this program came to pass, our three states would be administered by two separate OCDETF task force regions. This also puts rural areas with unique but significant drug problems at a great disadvantage when competing for case funding. For example Kentucky and West Virginia are in the Great Lakes region, which is administered out of Chicago. In past dealings with OCDETF, Kentucky and West Virginia being less populated rural areas were unable to compete for funding with large metropolitan areas like Detroit, Chicago and Cleveland. *As ONDCP Director John Walters has stated, the domestic marijuana production that our rural area is noted for is every bit the national threat as that found in these urban areas.*

b. Do you believe that state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

Absolutely not.

c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

The OCDETF program is an administrative funding program that operates from the top down. In other words, money is only allocated after an investigation is developed to the point that upper level targets have been identified, and a strategy is in place to address them. This funding in our experience is only limited to overtime which either never materializes or is so difficult and untimely in attainment that most agencies give up in frustration or never seek it to begin with.

OCDETF only funds federal salaries and state and local overtime. HIDTA is *forbidden to supplant* Federal budgets, and in fact is mandated to allocate no less than 51% of its funding to state and local initiatives. AHIDTA currently allocates 92% of its \$6,022,000 budget to fund

state and local initiatives. Obviously severely cutting or eliminating these funds would be devastating!

In addition to investigative and intelligence initiatives, HIDTA's support demand reduction initiatives as well as domestic marijuana eradication. This gives them a unique approach that OCDETF has never taken. OCDETF does not fund either.

The HIDTA program is built from the bottom up, featuring equal partnership with all participants. A major attribute of this program is the Executive Board which provides state, local and federal ownership of the program. Each HIDTA is individualized according to its operational area, and allows for unique strategies to address unique problems. The administrative function is extremely timely and smooth. Major cases are developed and support from initiation to adjudication by a task force that has a continuous funding mechanism. ***Ironically, according to recent statistics illuminating HIDTA's position in CPOT, RPOT, and OCDETF designated cases, it appears that CPOT, RPOT, and OCDETF would be severely hampered by the elimination of HIDTA!***

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

- a. Does your HIDTA currently comply with this directive? If not, why not?

Yes

- b. How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance was eliminated and federal agencies were given the majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?

This balance is extremely important. Without this balance, it would *be just another Federal program*. As *Chairman Souder* stated on March 10, 2005, "State and local law enforcement personnel are fighting on the front lines, in a

struggle to stop drug trafficking. They make over 90% of the drug-related arrests and seizures.”

No one entity should be able to control the others. The danger in this would be a focus on one aspect of a threat, which limits a coordinated response to the systemic problem. This type of approach does not accurately reflect an effective drug control strategy, and consequently a fair allocation of resources. An example of this arbitrary shift in focus is reflected in Director Walters’s statements in March of this year, when he spoke of the Administration’s recognition of the national threat of domestically cultivated marijuana. Only day’s later, he advocated a shift to total financial commitment of CPOT investigations and foreign sources of supply. Without the aforementioned 50/50 balance, it would be impossible to stay the course of aggressively and systematically addressing the Nation’s drug threat in a logical manner. ***This environment would not only create a negative impact on HIDTA’s, but also to every man, woman and child in the United States.***

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

Yes, definitely. In fact, it has already subtly eroded our participating agencies confidence in us. On numerous occasions, I or my staff has been asked about the future of funding for the HIDTA program. Trust is a fragile thing. We have worked hard to build up this trust. This budget proposal has damaged it.

Effective enforcement must be carefully planned. This would be impossible if this proposal comes to pass.



Honorable Mark E. Souder
Congress of the United States
House of Representatives
Committee on Government Reform
Chairman - Subcommittee on Criminal Justice, Drug Policy and Human Resources
B-373 Rayburn House Office Building
Washington, DC
20515-5143

Dear Congressman Souder,

I received your request for information concerning the impact on the Houston HIDTA related to the President's FY/2006 budget proposal to reduce funding and move the HIDTA program to the Department of Justice, reportedly under the auspices of OCDETF. I want to preface my response by thanking you and the subcommittee for your incisive deliberations and dedication to making informed decisions. I was a career federal officer with years spent in the Border Patrol, Customs Agency Service and DEA. I was fortunate enough to be part of task forces for many of those years and was the only federal agent to ever be president of the California Narcotic Officers Association. I offer this brief biography only as a qualification for understanding the issues of drug law enforcement as it relates to the many disciplines combating the threat of drug trafficking. After ten years as the Director of the Houston HIDTA, prefaced by three years as a DEA supervisor assigned to a HIDTA task force, I have intimate knowledge of the program's strengths and weaknesses. I can state honestly and unequivocally in my 39 years of law enforcement related experience the HIDTA program is the best example of what inter-agency cooperation and planning can achieve. Its loss will place drug law enforcement back to an era of operational isolation, agency parochialism and distrust. Again, thank you and the subcommittee for your concern and interest in this matter.

Stanley E. Furce

**QUESTIONS FOR THE WRITTEN RECORD FOR MR. STAN FURCE,
DIRECTOR, HOUSTON HIDTA**

1. Although EACH High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.

- a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

Response: \$21,053,356 (conservative estimate)

- b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

Response: \$17,361,340 (conservative estimate)

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions or would they be likely to put those resources elsewhere?

Response: It would be impossible for all of our state/local participants to make the current unreimbursed contributions and commitments. Some may be able to maintain a presence but minimally compared to the present state. In most instances those resources will be returned to the host agency.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decision. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

Response: Too often the federal government's inconsistency in programs is its actual consistency. Long term planning (beyond one year) requires a stable base upon which to determine direction, goals

and objectives. Fiscal stability is key to such planning. However, so is the commitment to maintain a program, a promise and a course of action. Vacillation in commitment is not the same as tweaking operational and strategic processes for the sake of improvement. If a chief of police decides to devote officers and other resources to a task force most likely he/she has had to revamp other areas of his/her department. Understandably, if such assignment is targeted at a short term, ad hoc problem, those resources can be reinserted into departmental operations predictably. However, the HIDTA program's very essence is to assess threats and employ strategic measures to combat those threats in a consistent manner...making adjustments as the threat dictates. Constant programmatic fluctuations from Washington, D.C. would create strategic planning chaos at the local level. The federal government cannot and should not expect state/local counterparts to react and follow its whims. State/local law enforcement agencies have their own mandates and responsibilities. Their participation in federal programs can and should only be expected if their mandates and responsibilities derive benefit from such participation. Consistency must drive the train. The federal government's creation of new terrorist, intelligence, gang, and strike force task forces is placing a complicated, stove piped demand on state/local participation. They naturally wonder if HIDTA can be dissolved, what about the integrity and durability of other new task forces? Loss of the HIDTA program will certainly give state/local agencies pause about future participation in any program.

3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?

Response: Individual HIDTA budgets have been largely stagnant since 1997. Although HIDTAs have consistently argued for and requested cost-of-living increases, we have been denied. Despite that fact and ONDCP's assertion, HIDTAs have been able to maintain, add and realign task forces and strategies to address new and changing threats. That demonstrates the unique ability of HIDTA Executive Boards to adjust to regional needs. ONDCP staff, other than the Office of State and Local Affairs (OSLA), has never entered into dialogue with the HIDTA Director's Advisory Committee or Executive Boards to seek their guidance about the National Drug Strategy, formulation of the

annual HIDTA budget submission, their wants, needs, desires or ideas. Therefore, unless the HDTAs were involved I would not promote unilateral discretion to ONDCP for their disbursement of funds to HDTAs. The current \$20million dollar enhancement that ONDCP receives annually from the Congress for discretionary funding is adequate but should also involve HIDTA input for delineation. Finally, ONDCP does not have the resources or capability to determine or assess the needs of every HIDTA.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.

- a. Do you support his proposal? If not, why not?

Response: *No, I do not support this proposal. All of my opinions are outlined in the position paper furnished by the National HIDTA Directors Association (NHDA) that I helped author. Succinctly put:*

- *The missions are totally different. OCDETF assists in the federal prosecution of a specific level of cases. HIDTA supports operational task forces that prosecute cases, state and federal, at all levels. HIDTA also supports systemic innovations that improve the efficiency and effectiveness of law enforcement agencies.*
- *OCDETF will be led and driven by DOJ personnel, policies and intent. HIDTA is led and driven by an equal partnership of federal, state and local agencies deciding their direction.*
- *OCDETF cannot act as the neutral party that HIDTA represents.*
- *OCDETF cannot support or maintain the intelligence or investigative support network established by HIDTA over the last fourteen years.*
- *OCDETF cannot offer the fiscal or strategic flexibility HIDTA can and does perform.*

- b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

Response: *The state/local agencies in the Houston area generally only interact with OCDETF through HIDTA task forces or DEA groups. State/local agencies do not consider OCDETF, as it currently exists, as anything more than a funding mechanism to add state and local participants to a federal case.*

- c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

Response: In addition to my responses in 'a.' above and the NHDA position paper my opinion is that HIDTA represents and addresses the totality of drug enforcement, i.e., classic drug investigations, money laundering, gangs, interdiction, ad hoc threats, strategic intelligence, investigative support, bricks and mortar, equipment and evaluation led by regional law enforcement administrators. HIDTA encourages and supports innovation and creativity. OCDETF is a DOJ- led program designed to add personnel to federal agencies and support specific cases only.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and the state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

- a. Does your HIDTA currently comply with this directive? If not, why not?

Response: Yes, the Houston HIDTA has sixteen members on its Executive Board. Eight are from state/local agencies the other eight represent federal agencies.

- b. How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTA's? If so, how?

Response: There is no doubt that there will be a negative impact. No matter how well intentioned the Dept. of Justice may be to include state/local participation the playing field can never be even. In every program overseen by a DOJ agency their rules supersede all others. While state/local agencies may participate in some form of morphed HIDTA there can never be the degree of fairness for them and as a result less reason to play a part. Federal agencies are driven by DC politics and policies that may or may not dovetail with regional needs and requirements. If those regional needs or requirements cannot be addressed by the federal entity, the incentive for state/local participation becomes less than enthusiastic.

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's program? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

Response: *As I mentioned above, inconsistency thwarts involvement, contribution and attachment to any program. Our state, local and federal agencies are disillusioned and disappointed. They have worked very hard as a team over the last fourteen years to build alliances and trust; to build systems and standard-operating-procedures (SOPs); to be innovative and creative; to elevate the extent of their cases beyond parochial boundaries; and to critically evaluate their performance. Now the budget proposal suggests that was not enough, and/or not good enough and/or OCDEF can do it better with their leadership. That is a slap in the face. The fact that ONDCP and DOJ have no plans or answers to how this change in leadership will be conducted or affect any of the accomplishments just mentioned is an insult. The personnel that HIDTA employs are nervous and looking for jobs elsewhere. The enthusiasm to conduct business as usual dissipates daily. How are we to prepare the budget for FY/2006? To whom do we send it? What do we do about leases for space, vehicles, copiers, telephone lines etc? Do we proceed with long-term projects? How and when do agencies prepare for the loss of funding and the return of personnel? This proposal can implode HIDTAs before the budget is passed. Despite all this negativity, cops will do what cops always do, make cases and put people in jail. The issue is 'can or will they be as effective post-HIDTA'? The Houston HIDTA does not believe they can be.*

NATIONAL HIDTA DIRECTORS ASSOCIATION

Questions / Responses for the Written Record
by
Roger F. Bass, Director
Los Angeles High Intensity Drug Trafficking Area

House Committee on Government Reform
Subcommittee on Criminal Justice
Drug Policy and Human Reform

Fiscal Year 2006 Drug Budget and the Byrne Grants, HIDTA and other Law Enforcement Programs:

“Are we jeopardizing federal, state and local cooperation?”

March 31, 2005

Chairman Souder, Ranking Member Cummings and distinguished members of the Committee: I would like to thank you very much for allowing me the opportunity to respond to your questions concerning the Administration’s F/Y 2006 budget proposal that contains both unprecedented budget cuts and transfer of the HIDTA Program to the Organized Crime Drug Enforcement Task Force (OCDETF). I write to you with over 40 years of diversified law enforcement experience. During my career, I have worked as a police officer, supervisor, administrator and Chief of Police. I have had the privilege of serving as the Director of the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA) since July of 1994. Among my duties as a HIDTA Director, I served on the committee that developed the HIDTA Performance Management Process (PMP) presently used in the HIDTA Program. I have had the opportunity to witness the remarkable growth and maturity of the HIDTA Program from its early days to its current day development as a fully functioning and extremely capable regional and multi-jurisdictional law enforcement narcotic trafficking strategy.

Questions / Responses

- 1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives - - in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.**
 - a) What is the approximate dollar value of all un-reimbursed state and local contributions to HIDTA initiatives in your HIDTA?**

Response: In C/Y 2005, this HIDTA consists of seven major operational task forces comprised of collocated Federal, State and local law enforcement agencies, three intelligence initiatives and five critical support elements. Each are dedicated to the task of positively impacting the major drug trafficking problems that continue to face our geographic region and country.

The Los Angeles HIDTA program involves hundreds of State and local law enforcement personnel from agencies that make significant contributions to our initiatives which are not reimbursed. The dollar amounts that are reflected have been reported by our participating agencies and provide a fairly accurate and conservative estimate of their contributions to our Los Angeles HIDTA Program.

The total amount of all State and local law enforcement agency contributions to the Los Angeles HIDTA Program amounts to \$42,646,961

- b) **What is the approximate dollar value of all un-reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?**

Response: The total amount of all Federal law enforcement agency contributions to the Los Angeles HIDTA Program amounts to \$13,043,409.

- c) **Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of these un-reimbursed contributions, or would they be likely to put those resources elsewhere?**

Response: The various state and local law enforcement agencies clearly would take their resources and place them where they could get better support. They simply could not afford to participate in the HIDTA program should funds be reduced or eliminated. The following will reflect the estimated impact:

The Following impact statements' reflect what will occur should the Administration's 2006 Budget Proposal be placed into effect:

- Would, in all probability, eliminate the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA) or so minimally fund the program that it would make it ineffective.
- Would dissolve the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA) Executive Board, which is comprised of regional Federal, State and local law enforcement executives, thus eliminating this very unique and viable leadership capability – loss of neutral leadership.
- Most likely would eliminate the 3 intelligence initiatives and 7 multi-jurisdictional (Federal, State & local), collocated task forces of the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA).

- ☑ Would result in significantly less trafficking organizations, drugs and assets being removed from the streets of our country. As an example in 2004, our intelligence and enforcement efforts impacted **192** major drug trafficking organizations (**64%** of those targeted) resulting in the seizure of over **52** tons of dangerous drugs, **1,378** arrests and over **\$22** million in cash and an additional **\$8** million in assets.
- ☑ Seriously impact information sharing -- Of special concern would be the loss of our deconfliction capabilities which presently serves 4 HIDTA regions (Los Angeles, Northern California, Central California and Nevada. This notable capability presently serves **24** counties within the State of California (**24** out of **58** – **41.4%**) and **1** county in the State of Nevada all of which includes **384** Federal, State & local law enforcement agencies. In 2004, our deconfliction center handled **262,267** inquiries, **33,784** critical events with **1,221** (**4%**) “conflicts” successfully resolved – a direct impact on both officer and citizen safety.
- ☑ Would eliminate the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA) Annual regional Threat Assessment, Strategy, and Annual Reporting process.
- ☑ Would decentralize the drug enforcement efforts in our region taking everyone back to the 1960’s and 1970’s with everyone “doing their own thing” with little or no communication, coordination, accountability or centralized purpose.
- ☑ Potential loss of over \$14 million dollars annually dedicated to support Federal, State and Local drug law enforcement efforts in our four county (Los Angeles, Orange, Riverside and San Bernardino Counties) region.
- ☑ Elimination of a viable training capability which traditionally provides over **200** law enforcement related training events (**37,216** student hours) each year. These “state of the art” training offerings typically reach over **2,500** “students” from some **180** various Federal, State and local law enforcement agencies within our region.
- ☑ Would significantly restrict the ability of law enforcement to remain current with “state-of-the-art” technological advances and / or upgrades to existing systems.
- ☑ Would enhance an environment conducive to violent crime and death – negative impact on the overall “quality of life” for our citizens.
- ☑ Would eliminate the ability to “leverage” drug law enforcement resources in the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA) – thus seriously impacting efficiency, effectiveness and productivity.

- Would eliminate prosecution resources dedicated to the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA).

2. **State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that it would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?**

Response: Yes – I absolutely feel that fluctuating budgets will cause participating agencies to lose confidence in the HIDTA Program and that will ultimately result in diminished participation. HIDTA Program stability and consistent funding are two crucial elements that directly affect federal, state and local agency participation in the long term.

3. **The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?**

Response: Every year, Congress wisely directs that each HIDTA be funded at current levels. The provision of providing consistent funding is quite necessary in my view in order for the various task force and intelligence initiatives to be able to work on long-term drug trafficking investigations and to perform long range planning. Additionally, the very critical funding stability directly facilitates federal, state and local participation in the various task force and intelligence efforts of the HIDTA.

It is the HIDTA that must adapt to drug trafficking changes -- One of the more absolute benchmarks of the HIDTA Program is its ability to adapt to the ever changing drug threat in the region. It is not ONDCP's ability to quickly adapt that is critical; rather it is the HIDTAs'. As an example, the following will describe how the Los Angeles HIDTA facilitates this ability to adapt to the various changing drug threats:

Annual Threat Assessment Process -- In the Los Angeles HIDTA, we continue to be successful in moving the Annual Threat Assessment process forward by establishing a periodic review beginning with an annual baseline, continuing with a mid-year evaluation and ending with the year-end review and impact assessment. This review process results in changes being made to the Threat

Assessment and Strategy as new data is received. This gives us the ability to change direction and focus on current information thus keeping pace with the continual shifting of the drug trafficking threat in our region. To our knowledge, there is not any other law enforcement program in the federal government that measures the threat in such a dynamic fashion and can shift focus and direction as rapidly.

Additionally, in order to come into compliance with the calendar year reporting requirement, a Los Angeles HIDTA Threat Assessment “window” has been established (January 1 through December 31) and it is within this “time frame” that the Threat Assessment, Strategy and Annual Report will focus and against which the impact of law enforcement efforts in our region will be measured each year.

ONDCP Discretion – The Director of ONDCP currently has sufficient authority, under the existing authorizing legislation, to effectively manage the Program through his designation, management and budget authorities.

Usually, Congress provides ONDCP with discretionary funds (\$16 million in 2005) over which they do have direct disbursement control. It is my thought that this funding amount provides ONDCP with capable resources that they could use to “move” or “change the direction or focus” in accordance with their perceived view of the “changing drug trafficking threat”. However, it remains our view that, in order for drug law enforcement to be effective, the primary drug trafficking threats must be determined at the regional level, not Washington, D.C..

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U. S. Department of Justice.

a) Do you support this proposal? If not, why not?

Response: No – I do not support the proposal. One of the absolute “benchmarks” of the HIDTA program is one simply of “neutrality” -- the creation of a “level playing field” where regional federal, state and local law enforcement have an equal voice in the development, operation, direction and success of their HIDTA.

OCDETF and HIDTA are very different programs and missions. The placement of the HIDTA Program with any department or agency, like the Department of Justice, OCDETF, would ultimately cause the program to fail because they already have a vested interest in counter narcotics law enforcement and their oversight and direction would be viewed as biased and unresponsive to regional needs. OCDETF is a federally operated program, not a partnership, and it focuses strictly on National issues.

The primary reason that ONDCP is such a successful place for the HIDTA Program is that, with no operational interest in drug law enforcement, they simply don’t have a “dog in the fight” and they are viewed as providing a

completely “neutral” leadership environment by the participants of the HIDTA Program.

Through the years, the HIDTA Program has grown and matured in to a very effective narcotic trafficking strategy under the ONDCP, Bureau of State and Local Affairs. Why change and jeopardize the effectiveness of this most capable program.

Additionally, I feel that many of the HIDTA Program’s unique abilities and resources would most certainly be lost and replaced by the OCDETF program whose leadership currently has difficulty in being creative by “thinking outside of the box”. Further, as a result of past observations, it would be very difficult for the Department of Justice to remain objective or unbiased toward the HIDTA Program because all of the various agencies and programs under their wing would be competing for the same Federal dollars. It is obvious that the OCDETF program would be unable to successfully address numerous critical functions routinely handled by regional HIDTAs’.

Within the present day HIDTA Program, old agency cultures and the resulting turf battles are surmounted daily in favor of “what is best for the Program” which includes enhanced cooperation and coordination among participating agencies. These very significant and unprecedented outcomes would not occur if it were not for the neutral environment surrounding the HIDTA Program.

It is my view that in order for the HIDTA Program to remain successful, it must be managed regionally by balanced, neutral federal, state and local, Executive Boards. These Executive Boards understand very well the regional threat and they know what drug law enforcement and intelligence efforts works best in their respective areas of responsibility. This crucial historical insight by these regional law enforcement executives would tragically be lost if the program were to be run like OCDETF from Washington, D.C..

- b) Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?**

Response: No – I do not. Again, the Federal, State and local law enforcement agencies in our region appreciate the “neutrality” and “level playing field” environment created by the HIDTA Program under ONDCP. It is found that by being housed and managed in ONDCP, the HIDTA Program enjoys and greatly benefits from both the visibility and neutrality.

We have been unable to find any Federal, State or local law enforcement executives in our region who felt that being under OCDETF, or the Department of Justice, would be a positive move for the HIDTA Program.

c) **What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?**

Response: The following will provide a brief overview of the primary differences between the OCDETF and HIDTA Programs:

TASK FORCES
<p>OCDETF has 9 “administrative”, non operational task forces made up of federal representatives who evaluate and recommend investigations for sponsorship. They do not perform any enforcement activities and do not generate cases. All OCDETF designated investigations originate outside of their Program.</p> <p>HIDTA funded task forces are commingled, collocated and multi-agency operational initiatives comprised of Federal, State and local law enforcement personnel. In the Los Angeles HIDTA, their primary purpose is to identify and dismantle mid-level to major drug trafficking organizations and seize their assets through intelligence based investigations. Los Angeles HIDTA was originally designated in 1990 as a “Major Narcotic Trafficking Gateway”, a distinction which holds true to this day, our purpose is to work the “higher levels” of the narcotics trafficking food chain in order to impact regionally, nationally and internationally.</p> <p>It is interesting to note that the 355 HIDTA funded task forces across the country involve over 12,000 personnel (2/3 of which are from State and local law enforcement agencies).</p>
INTELLIGENCE
<p>OCDETF does not have any intelligence capabilities. All intelligence efforts reside with the participating agency. OCDETF does not provide any investigative support beyond prosecution and money.</p> <p>HIDTA has intelligence initiatives that have comprehensive Federal, State and local intelligence and deconfliction capabilities. Enhanced information sharing. HIDTA Intelligence components facilitate the following:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Have multiple Federal, State & local and commercial databases designed to avoid duplicative efforts and enhance operational productivity. <input checked="" type="checkbox"/> Post seizure analysis capabilities – analytical case support during all phases of an investigation. <input checked="" type="checkbox"/> Case, subject and event deconfliction. <input checked="" type="checkbox"/> Connectivity with various National law enforcement computer systems – ensure connectivity and information sharing. <input checked="" type="checkbox"/> Produce threat assessments and strategic reports. <input checked="" type="checkbox"/> Conduct pro-active intelligence activities designed to produce informants and develop viable cases.

FUNDING

OCDETF --The \$550 million OCDETF budget primarily funds some 4,000 Federal personnel outside their respective agency budget. These agents and personnel are assigned to the various divisional offices carrying out their respective agencies mission relating to drug enforcement and under the direction of the SAC. A very small percentage of the OCDETF budget directly helps fund designated investigations with overtime and travel money for State and local law enforcement.

HIDTA -- The \$227 million of HIDTA funding in 28 strategic regions goes to support the following:

- 355 operational task forces (65% established by HIDTA).
- 53 intelligence centers (52 established by HIDTA)
- 4,428 Federal law enforcement personnel participate in HIDTA Nationwide
- 8,549 State and local law enforcement personnel participate in HIDTA Nationwide (24% funded by HIDTA)
- The fact that funding can be allocated among Federal, State and local agencies at the discretion of the Executive Board allows for fiscal flexibility which would not be available under the Department of Justice.

STRUCTURE

OCDETF is primarily a program for Federal agencies which is led by a Federal agency. The majority of its funding supports full time Federal employees distributed among participating Federal agencies. No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to an OCDETF designation).

OCDETF has no operational task forces, pointer indices or intelligence capability. Non-Federal agencies are not represented in their administrative task forces. OCDETF has largely been unable to foster federal, state and local cooperation because of the following:

Primarily a funding mechanism for federal drug trafficking cases, OCDETF does not have a process for developing and enhancing cooperative efforts between federal, state and local law enforcement agencies. Under OCDETF, intelligence sharing is dependent on participating agency protocols and practices and unlike the HIDTA program, sharing is not mandatory. OCDETF has a limited understanding of regional drug enforcement needs.

HIDTA's are governed by balanced Executive Boards with an equal number of federal, state and local law enforcement executives. They provide for a "balanced" and "level playing field" and no other program of the federal government that integrates federal, state and local assistance and financial awards, allows this level of local oversight and direction.

These "partnerships" produce regional threat assessments, develop and implement viable strategies and attack the threat through intelligence supported operational task forces. Additionally, the Executive Board determines the level of funding for each task force and intelligence initiatives and they assess the results annually.

Each task force, intelligence initiative and the HIDTA must report their success through OMB compatible performance measures – Performance Measurement Plan (PMP).

OPERATIONS
<p>OCDETF – Designated investigations are submitted to OCDETF by Federal, State and local agencies and/or task forces. The designation is generally for funding assistance and the assignment of Federal prosecutors on a case-by-case basis. The OCDETF funded Federal positions are assigned to work within their respective agencies throughout the United States.</p> <p>HIDTA task forces actually develop and open investigations, provide and share intelligence that leads to OCDETF investigations throughout the country. HIDTA task forces and intelligence initiatives proactively identify, target, investigate and dismantle/disrupt major drug trafficking organizations that operate regionally, nationally and internationally</p>
FLEXIBILITY
<p>OCDETF investigations generally involve major drug trafficking organizations only brought to them by Federal agencies or HIDTAs¹. OCDETF does not target threats or maintain the flexibility to address associated critical issues such as prescription drugs, club drugs, clandestine methamphetamine laboratories, or steroids, etc.</p> <p>HIDTA retains the flexibility to both target major drug trafficking organizations while also addressing regional threats such as clandestine methamphetamine laboratories which are presently a very serious emerging threat for our country. The HIDTA's are very capable of not only determining the regional threat, but moving with it as it changes throughout the year – a very unique capability indeed.</p>

5. **Current ONDCP operating guidelines for the HIDTA require that each HIDTA divide full voting authority in its executive board between federal agency representatives on the one hand and state and local agency representatives on the other. The Administration has apparently not yet decided whether the OCDETF would maintain this practice if given control of the HIDTA program.**

- a) **Does your HIDTA currently comply with this directive? If not, why not?**

Response: Yes – we comply with this program requirement.

- b) **How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance was eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTA's? If so, how?**

Response: It is very obvious to those in the HIDTA Program that the federal, state and local balance of the Executive Board is absolutely essential to the overall success of any HIDTA. The overall structure of the HIDTA Program which allows regional federal, state and local law enforcement executives equal representation in deciding how program funds will be spent is largely responsible for the unprecedented level of participation in and popularity of the HIDTA Program.

It is my thought that the Executive Board members truly find that they do indeed work very well together and their different disciplines really add to the overall strength of the HIDTA. After all, it is their resources that are dedicated to the various initiatives within a HIDTA and, as a result, they are the primary individuals responsible for its success.

It is my experienced opinion that if the federal agencies were given majority control of the individual HIDTAs', the program would ultimately fail. The rather simple reason for this failure would be that suddenly there would be only one way to do anything – that being the federal way.

The initial result would be that the various federal, state and local partnerships that have been developed over time, and have successfully driven the HIDTA Program through the years, would be quickly lost. It is very apparent to me that no one law enforcement discipline has all the answers to the very significant vexing problems that surround the various drug trafficking problems in our nation. It is when you bring all of these different law enforcement disciplines together and cause them to focus on the various international, national and regional drug trafficking problems facing our country that you really see positive results – thus the success of the HIDTA Program.

- 6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resources, or other commitments from state, local or federal agencies participating in your HIDTA?**

Response: The uncertainty surrounding the HIDTA Program created by the Administration's 2006 proposed budget and transfer proposals has indeed had a very negative impact on the Los Angeles HIDTA program. In addition to feeling betrayed by the ONDCP Director and his immediate staff, the overall impact of uncertainty has resulted in at least 2 critical staff positions (recommended by ONDCP as a result of their latest review of our HIDTA – 1 Budget and 1 Inventory Specialist) in the Director's Office being placed "on hold" by our Executive Board pending a resolution of this entire funding and HIDTA Program placement issue.

Additionally, a number of state and local law enforcement agencies who were intending on placing additional resources in Los Angeles HIDTA initiatives have indicated that they are going to also wait for a resolution. This in itself is presently impacting our ability to identify and target major drug trafficking organizations operating in and through our region.

The law enforcement personnel involved in the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA) initiatives are really questioning how the

Administration could even consider reducing HIDTA Program funding when their very hard work over the past eleven years has resulted in the seizure of some **389** tons of dangerous drugs, arrested **16,539** drug trafficking offenders and seized over **\$215 million**. Additionally, they have positively impacted **1,665** drug trafficking organizations by dismantling **1,115** and severely disrupting **550**. *The LA-HIDTA task forces (7) accomplish this with less than 400 agents and officers inside our 4 county (Los Angeles, Orange, Riverside and San Bernardino), 32,341 square mile region which contains a general population of (+/- 16 million).*

Over the years, both our Executive Board and initiatives have worked very hard to successfully embrace the HIDTA Program concept. Through the years, our Executive Board has become a very decisive, responsive and cohesive governing body. They have expressed strong concerns that their hard work and dedication to the HIDTA program has literally gone unnoticed by the Administration and that all of the gains they have made in fighting the significant drug trafficking problem in the region will soon be lost. This sense of uncertainty and the remarkable lack of knowledge and leadership demonstrated by ONDCP have had a direct effect on the morale of all personnel involved in the Los Angeles High Intensity Drug Trafficking Area (LA-HIDTA).

As an aside, I really am completely at a loss to understand why the ONDCP Director failed to understand or appreciate both the effectiveness and uniqueness of the HIDTA Program. He held the nations drug law enforcement community in his hands and apparently had no idea what to do with it.

In conclusion, Congressman Souder, I would like to express my deepest appreciation to you, and all of the distinguished members of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, for asking us to participate by providing written testimony from the Los Angeles HIDTA for review and consideration. It has indeed been an honor and privilege.

April 1, 2005

The Honorable Mark Souder
Chairman, Subcommittee on Criminal Justice,
Drug Policy and Human Resources
B-373 Rayburn Office Building
Washington, DC 20515

Re: New Mexico HIDTA Response

Dear Chairman Souder:

Thank You for the opportunity to respond to your questions about the New Mexico HIDTA and the negative impact the President's Budget Proposal will have on our overall law enforcement effort. Law enforcement agencies within the HIDTA Counties presently rely heavily on HIDTA for financial support and leadership to improve their effectiveness in attacking the Mexican Cartels smuggling narcotics to and through the State of New Mexico. Recent developments clearly indicate that New Mexico is becoming a funnel for the importation of illegal narcotics intended for distribution throughout the United States. Any decrease in the amount of money appropriated to New Mexico will severely hurt not only New Mexico, but many other states where the Mexican Cartels distribute their narcotics.

The level of cooperation demonstrated by the federal, state and local law enforcement agencies is at an all time high. Without the support from the New Mexico HIDTA many of the narcotic task forces will be disbanded. Local police departments will focus on other crimes leaving narcotic enforcement at a much lower level on their priority list. Even if narcotic traffickers are apprehended by the state and locals, District Attorneys could not accept many of the lower level narcotic cases that do not meet the federal threshold. That will force the United States Attorney's Office to accept these cases. This will increase the case load the United States Attorney' Office will be obliged to take, in addition to their existing heavy workload. Federal Judges will then be forced to hear more cases in a Judicial District that already has the heaviest docket in the nation.

The increase in the amount of narcotics into the United States continues to be a real threat for everyone. The New Mexico HIDTA plays a key role in our nation's overall effort to

interdict narcotics and hold the line at the border with Mexico. With that in mind I will answer your questions.

1. **"Although each High Intensity Drug Trafficking Area (HIDTA) and each HIDTA partnership receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all."**

- a. **"What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA in your initiatives?"**

In most of New Mexico HIDTA Counties, the tax base is so low that they cannot afford to pay the salaries of their officers, much less overtime. It is important to note that the average salary level is amongst the lowest level in the nation. The actual dollar value of all unreimbursed state and local contributions to HIDTA may not compare to other HIDTA's, but, nonetheless, the effort is equal to or greater than most.

The New Mexico HIDTA has 28 initiatives in thirteen counties. Local participation is almost 100 percent. If participation is not possible because of lack of manpower, the locals take on a supporting role in the HIDTA. Based on the actual number of participants, however, the figure is approximately \$16,146,851.00.

- b. **"What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?"**

The estimated dollar amount is inconclusive. A number of federal agencies failed to respond to HIDTA's request for the information. Comments such as: "This request will have to be forwarded to our Congressional Affairs for comments" or "The best answer we can provide is that we feel safe in saying that what we spend out of our own budget does exceed that which we are given through HIDTA." The United States Attorney's Office did report that they provide approximately \$3,351,700 in costs associated with HIDTA cases which are not reimbursed by HIDTA.

- c. **"Do you believe that, if your HIDTA'S federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those unreimbursed contributions, or would they be likely to put those resources elsewhere?"**

State and locals would not continue making the un-reimbursable contributions they are presently making. They would redirect their efforts to other priorities. The financial benefits they are now receiving make up for the financial strain caused by their participation in the HIDTA program. Most local agencies cannot afford to continue in

the program without some type of reimbursement. Any reduction in the money they now receive would also cause most members to withdraw from the HIDTA program.

2. **"State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?"**

There is much more to the budget process than simply getting approval to dedicate resources. In many areas along the border with Mexico, there is an extreme shortage of people willing to be recruited into the law enforcement profession. This is also true for the entire state, mainly because of lack of money to pay the salaries. The number of vacancies that currently exist in many departments is alarming.

HIDTA has been able to provide stability to the HIDTA task forces. The investment that HIDTA has made helps build the foundation for narcotic law enforcement, but the foundation is not strong enough to sustain any narcotic task force or program over the long term.

3. **"The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could the discretion best be used without unduly disrupting each HIDTA's operations?"**

Once a program has been proven to be successful, it is extremely important that the program be sustained for an indefinite period of time. Drug traffickers are resilient. They will take advantage of any weakness detected in any interdiction program. That is why the New Mexico HIDTA program must remain in tact, not only to interdict the drugs, but also to deter the traffickers and the illegal aliens entering the United States.

Investigative initiatives are directly tied to the interdiction initiative effort for maximum success. With the help of the CPOT funds, the New Mexico HIDTA Task Forces are just now able to focus on major investigations that will develop into RPOT and CPOT investigations. New Mexico was consumed by their interdiction initiatives and was not able to devote sufficient resources to CPOT investigations. New Mexico is a target rich environment and without the help the law enforcement agencies receives from HIDTA, investigations would not progress beyond the interdiction stage. HIDTA funds do help

develop major investigations. Any reallocation of funds on any major investigation would diminish our momentum.

The New Mexico HIDTA initiatives do go through a yearly review process and are graded on their impact. If they cannot demonstrate that they are accomplishing their stated goals or they are not performing at a level necessary to show effectiveness, their funding is either reduced or eliminated.

The HIDTA strategy is reviewed every year and changed when new threats are identified. New programs or initiatives are funded to address newly identified threats. The New Mexico HIDTA is flexible and does respond to the threat. According to the ONDCP guideline, the response requires the participation of federal, state and locals. The New Mexico HIDTA ensures that these guidelines are followed.

4. "The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice."

a. "Do you support this proposal? If not, why not?"

I do not support such a proposal!

The benefit of having an Executive Committee with membership from the federal, state and local level allows everyone participating in the HIDTA task forces to express their opinions and contribute to the planning of an effective law enforcement and prosecution program for the State of New Mexico. The OCDETF program, by design, limits the voice state and locals have in developing a strategy that affects their areas of responsibility. OCDETF is focused on the prosecution of major violators at the federal level under the leadership of the United States Attorney's Office.

OCDETF is an effective program and should continue, but not at the expense of state and local governments.

b. "Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with the HIDTA as it currently exists?"

There is a significant difference between the HIDTA and OCDETF. HIDTA and other Grants (i.e.; Edward Byrne Memorial Grant) support one another in developing investigations. The intent is to raise the level of the investigation until it is accepted for an OCDETF prosecution. There is no competition between OCDETF and HIDTA. HIDTA supports investigations that can be prosecuted in the state or federal courts. OCDETF is intended for a federal prosecution. Defendants not accepted for a federal prosecution in an OCDETF adopted investigation are left out to be prosecuted at the state level. Without HIDTA funding, it is doubtful many of these defendants would be prosecuted.

I believe that the state and local agencies would prefer to work in a HIDTA supported task force because of the funding that is available. They would lose vital funding for investigations if they work solely with OCDETF.

c. "What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?"

In New Mexico, HIDTA has several interdiction initiatives that result in the arrest of numerous low level narcotic couriers. An extremely high percentage of these defendants are prosecuted in the state courts, because they do not meet the threshold of the United States Attorney's Office. The United States Attorney has established the threshold because they are over worked as it is, prosecuting other higher level federal violators brought to them by the federal agencies. The difference in this case is that OCDETF would not support an interdiction initiative and thousands of defendants would not be prosecuted.

Similar result would be produced with the methamphetamine and heroin programs statewide. The Mexican Cartels are sending couriers with small amounts of methamphetamine and heroin into the United States through New Mexico. The Mexican Cartels are very familiar with the threshold, even though it is not public information. The amounts usually do not meet the threshold and are prosecuted at the state level. There is an ant army of couriers passing through New Mexico. Once again, OCDETF would not become involved in this process.

The obvious difference is the ability to handle the case load. If the HIDTA program is transferred to OCDETF under the leadership of an Assistant United States Attorney the New Mexico HIDTA Interdiction Initiatives would fail. Neither the United States Attorney's Office nor the Federal Court System could handle the case load.

5. "Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program."

a. "Does your HIDTA partnership currently comply with this directive with respect to its partnership executive board? If not, why not?"

The New Mexico HIDTA is in full compliance with ONDCP guidelines. There are eight (8) federal representatives and eight (8) state and local representatives on the Executive Committee. The committee membership consists of the following:

Federal

Drug Enforcement Administration
 United States Attorney's Office
 United States Marshal's Service
 Alcohol Tobacco and Firearms
 Bureau of Land Management
 Federal Bureau of Investigations
 Immigration & Customs Enforcement
 Customs and Border Protection

State and Locals

New Mexico Dept. of Public Safety
 Dona Ana County Sheriff's Office
 Albuquerque Police Dept.
 Eddy County Sheriff's Office
 San Juan Sheriff's Office
 3rd Judicial District Attorney
 Sheriff's and Police Association
 1st Judicial District Attorney

- b. "How important is this 50/50 balance on the executive board to the overall success of your HIDTA partnership? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAS? If so, how?"**

Any attempt to offset the balance would violate the trust and confidence state and locals have in the HIDTA program. It has taken years for the state and locals to develop the trust in cooperating with the Federal Government. Lack of confidence in the Federal Government still exists. The expressions that the Feds only travel a one way street; they take but do not share; they always want to be in charge; are still heard throughout the state. Permanently placing a federal agency in charge would destroy the teamwork concept

- 6. "Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposal has itself had a negative impact on your HIDTA partnership's programs? For example, could that uncertainty make it more difficult to obtain personnel, resources, or other commitments from state, local or federal agencies participating in your partnership?"**

Every participant in the HIDTA program understands that if they do not perform or meet their expected outcomes they could be penalized by the Executive Committee. The

uncertainty of not having a HIDTA program goes beyond being penalized. Although the HIDTA is proceeding as usual, the investment HIDTA participants now make is for the short term. It has become increasingly difficult to get long term commitments from the HIDTA participants.

Also, people employed by the HIDTA Regional Directors Office are already looking for other jobs. If they leave in mass it could have a serious negative impact and setback the HIDTA program to the point that it may take years to recuperate. The recruitment process was taken seriously. Every effort was taken to employ the best person for the job. People are now looking for a more permanent position

7. "Your HIDTA partnership is one of five that makes up the overall Southwest Border HIDTA. We have several questions regarding the special status of the Southwest Border HIDTA and its five partnerships."

a. "In your opinion, what is the proper role of the overall Southwest Border HIDTA?"

The newly signed Standard Operational Procedures (SOP) for the Southwest Border (SWB) HIDTA is more appropriate for the day to day operations of the five regions in the SWB HIDTA. There is no supervisory role over the five (5) Regional Directors. The SWB HIDTA Director does not and should not have operational, budgetary or any other authority over the Regional Directors. The SWB HIDTA Director takes his direction from the SWB Executive Board and the Regional Directors take their direction from their own Executive Committee. The SWB HIDTA Director should be viewed more as a Coordinator rather than a Director.

The SWB Director is also the conduit to ONDCP for the Regional Directors. This may be unnecessary if the Directors could access ONDCP directly. The deadlines placed upon other HIDTA's and the SWB HIDTA requires the Regional HIDTA's to respond 30 days in advance to allow the SWB HIDTA time to compile the Regional HIDTA's reports into one report and send it to ONDCP.

It is important to note that each Regional HIDTA involves their Congressional District. For New Mexico and Arizona, the HIDTA represents every Congressional District in their state. It is unfair to weaken the voice the Regional HIDTA's have by having them report through the SWB HIDTA. When New Mexico and Arizona Regional Directors speak out they usually represent the views of the entire state law enforcement community.

Regional Directors are also at a disadvantage when dealing with other Directors from HIDTA's outside of the SWB HIDTA, because ONDCP does not consider Regional Directors as Directors. Regional Directors are not allowed to sit on the ONDCP Advisory Board. The SWB HIDTA Director is the only one allowed to represent the five regions.

The question should be: What is the added value of having a SWB HIDTA Executive Board? The present structure of the SWB HIDTA Executive Board lends itself to constant turmoil. The Executive Board consists of ten (10) members, two from each Regional HIDTA. When voting on issues involving the distribution of funds, most often the only solution is to split the amount into five equal shares. At times, reason and common sense do prevail, but it would be much easier if the Regions could be funded directly from ONDCP.

b. "Do you have concerns about ceding at least some authority back to the Central Southwest Border HIDTA? How could Congress address those concerns without splitting the HIDTA up into five (5) separate HIDTA's?"

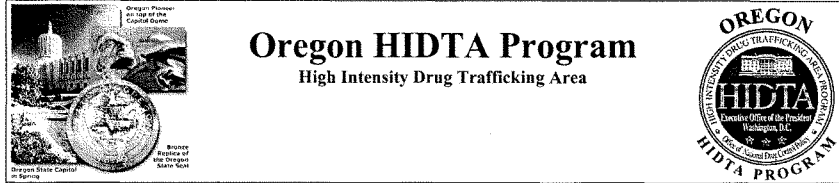
There is no advantage to ceding some authority back to the SWB HIDTA. By defining the role of the SWB Director as that of a Coordinator and eliminating the SWB HIDTA Executive Board there is no need to split the five (5) separate HIDTA's. Coordination will continue amongst the five (5) regions. The Regional HIDTA's have improved their relationship over recent years and work well together in developing HIDTA programs. Intelligence is shared and inter-HIDTA investigations are increasing in number. Communication between law enforcement agencies is developing quite well without the input from the HIDTA Executive Board.

Since Regional Directors already represent their Executive Committees and take direction from their respective Executive Committees, the fear that the SWB HIDTA will fail is without merit. The implementation of a recent procedure allowing the Regional Directors to act on behalf of the SWB HIDTA Executive Board in resolving financial issues for each Regional HIDTA worked quite well. Every Regional HIDTA was satisfied with the results. Continuing with this process would be the reason to eliminate the SWB HIDTA Executive Board.

Once again, thank you for the opportunity to answer your questions about the President's 2006 Budget proposal.

Sincerely,

Errol J. Chavez
Director
New Mexico HIDTA



Oregon HIDTA Program

High Intensity Drug Trafficking Area

Oregon HIDTA Program Executive Board

State/Local Representatives

Chris Brown (Chair)
Sheriff, Douglas County

Steven Briggs
Chief Counsel, Oregon
Dept. of Justice

Judy Cushing (Ex-Officio)
Oregon Partnership

Jim Ferraris
Assistant Chief
Portland Police Bureau

John Foste
District Attorney
Clackamas County

Tim Hartnett (Ex-Officio)
CODA

Andy Jordan
Chief, Bend Police Department

Ed Mourey
Oregon State Police

Craig Roberts
Sheriff, Clackamas County

Rick Williams
Col. Oregon National Guard
Counter Drug Program

Federal Representatives

Linda Enders
Supervisory Special Agent IRS

Dennis G. Fernald
Postal Inspector, Oregon

Karin Immergut
United States Attorney Oregon

Robert Jordan
Special Agent in Charge
FBI

Ken Magee
Asst. Special Agent in Charge
DEA

Joe Meisenheimer
Resident Agent in Charge
ICE

Dennis Merrill (Vice-Chair)
U.S. Marshal Oregon

Frederick Milanowski
Resident Agent in Charge
ATF

April 5, 2005

Representative Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
U.S. House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Information Request of March 17th, 2005 from each regional HIDTA Program

Dear Representative Souder,

I sincerely wish to thank you for your interest in the critical issue of drug enforcement in our country.

This letter is in response to your request for specific information from each regional HIDTA Program as a result of your Subcommittee Hearing, held on March 10th, 2005, regarding the Administration's FY 2006 budget proposals for key programs designed to assist state and local drug enforcement.

The information contained in this correspondence represents data concerning the Oregon HIDTA Program prepared by the Oregon HIDTA Director. Additionally, preliminary comments and opinions expressed in this document are for the record and represent those of the Oregon HIDTA Director and not necessarily every member of the Oregon HIDTA Executive Board listed on this letterhead.

Specific answers to each individual requested item are addressed in the attached response document and impact report.

Preliminary comments and opinions of the Oregon HIDTA Director are as follows:

The National HIDTA Program has strengthened America's drug control efforts by forging partnerships among federal, state, and local law enforcement agencies in order to facilitate information and intelligence sharing, cooperative investigations, and joint operations related to reducing drug trafficking.

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As each participating agency brings its special expertise to the partnerships, new ideas and innovative approaches create opportunities for new inroads in counter-drug activities. Such inroads may be operational in nature, or they may be systemic, such as electronic access to numerous computerized databases.

The HIDTA Program functions as a coordination umbrella for law enforcement agencies in designated areas to combine resources, ideas and efforts in order to reduce drug trafficking and its consequences. HIDTA initiatives share information and resources with one another, and with all domestic law enforcement agencies, regardless of their affiliation.

With a balanced partnership approach under the control and direction of an Executive Board, participating federal, state, and local law enforcement agencies work together to assess regional drug threats, design strategies to combat the threats, and develop initiatives to implement the strategies. Participating agencies have distinct missions with similar goals of dramatically reducing drug trafficking and its harmful consequences. The federal, state, and local drug enforcement missions, although different, are intimately and directly inter-related and, to be most effective, must be linked together in the form of collaborative, information sharing, networks and task forces. HIDTA is a collaborative network of counter-drug task forces. This same situation applies to homeland security or any other national level organized crime problem. An effective counter-drug organized crime strategy, or homeland security strategy, will not work if the federal agencies, state agencies, and local agencies go to their separate corners and don't leverage effort and share information even when their missions differ.

HIDTA initiatives:

- coordinate and enhance federal, state, and local drug law enforcement efforts;
- foster a strategy-driven, systems approach to integrate and synchronize efforts;
- foster intelligence-driven investigations; and,
- focus on outcomes.

Federal funds appropriated to the HIDTA Program assist multiple law enforcement agencies affiliated with a HIDTA that have documented a need and have committed personnel and other resources to mutual drug control efforts.

As the Oregon HIDTA Program prepares its 2004 Annual Report with performance data, and supplies the enclosed information to you and others, I am extremely disappointed with the recently proposed budget cuts for the HIDTA Program nationwide. The proposed 56% budget cut will essentially eliminate the Oregon HIDTA Program and much of the work that has occurred by federal, state, and local law enforcement coalitions targeting those who prey upon our state and this country by manufacturing, delivering, and distributing the various addictive poisons of illegal drugs.

Equally disappointing are the allegations made in the proposed budget that the HIDTA Program is a non-performing program, not effective, has failed to show an impact, and is not focused. These allegations are not accurate. Many dedicated chief executives, managers, supervisors, staff, and narcotics investigators have dedicated their professional careers to combating the difficult problem of illegal drugs. They have seen the utter destruction of people's lives from addiction. They have witnessed the related destruction to families and communities

from addiction and related crime. This observed destruction has encouraged them to put forth extraordinary effort to be as effective and efficient as possible. Because drug trafficking knows no geographical boundaries, it's vicious footprints cross from the street corner, through the neighborhoods, the cities, the counties, the state, neighboring states, and the nation and on into other countries.

Over twenty years ago, it became clear to these law enforcement professionals that collaboration and leveraging effort between federal, state, and local agencies was essential to maximize impact and be effective. For at least the last twenty years federal, state, and local law enforcement agencies have contributed shared resources towards this collaborative model. Phenomenal results have occurred from these efforts. The HIDTA Program represents one of these collaborative programs and is a very structured and focused coalition of federal, state, and local law enforcement agencies with measurable outputs and outcomes that have consistently been reported to ONDCP. It is only partially funded by the federal government. State and local agencies are major stakeholders in this program and have invested considerable resources into this effort. It will be a huge setback to destroy many of the networking structures, and relationships, which have been formed and accomplished since the programs inception.

The HIDTA Program is designed to significantly disrupt the illegal drug market and dismantle the organizations perpetrating these illicit activities. Every time illegal drugs and associated drug assets are seized, the regional marketplace for illegal drugs suffers a setback. These seizures hit drug trafficking organizations (DTOs) hard, affecting their profitability, and frequently their ultimate survival. By disturbing the drug supply chain, particularly at the multi-state or international level, law enforcement impacts the drug flow before it ever reaches the individual user. Law enforcement activities, of course, also have a cost. A key question emerges, therefore, as to how efficiently and effectively public dollars are being spent on these objectives. This letter partially addresses those questions.

By way of a brief summary, the following are but a few anecdotal examples of Oregon collaborative law enforcement effectiveness that was supported by HIDTA funding during 2004.

1. In March 2004, agents from the ROCN Task Force and the Portland FBI joined forces (utilizing agency funds and HIDTA funds) to investigate a subject involved in trafficking large quantities of heroin, cocaine, and methamphetamine from Mexico into Arizona, California, Texas, and the Portland Metro area. Investigators from FBI and ROCN were able to insert a confidential operative into the drug trafficking organization (DTO). The operative was able to make large hand-to-hand purchases of heroin and methamphetamine directly from the leader of this DTO. After gaining the leader's confidence, the operative knew when vehicles would attempt to transport quantities of drugs from Mexico into the United States. Basic air and vehicle surveillance techniques were used to identify members of the DTO. Two of the DTO's vehicles were seized at the Texas and Arizona border. Drugs were seized and the transport drivers were arrested by the U.S. Border Patrol. During the investigation, it was learned that the Portland based leader of the DTO was directing vehicles, loaded with drugs, to be distributed to other U.S. destinations; such as St. Louis and Kansas City, Missouri, Atlanta, Georgia,

and Chicago, Illinois. It was also determined that the leader of this DTO was associated with two CPOT organizations.

In September 2004, utilizing surveillance techniques, ROCN and the FBI were able to determine that the leader of this DTO was putting together another large load of drugs for transportation from Los Angeles to the Portland Metro area and St. Louis, Missouri for distribution. As the DTO leader and his associate were in the process of secreting their drugs in a vehicle in Los Angeles, the Orange County Regional Narcotic Suppression Team (RNSP), FBI and ROCN located the subjects. With arrest warrants in hand, warrants were served on the subjects. Investigators found the DTO leader and his associate with the rear vehicle bumper off of the transport vehicle. Approximately 37 pounds of heroin and 6 pounds of methamphetamine were in the process of being hidden in the vehicle for transportation to Portland and St. Louis. Upon the service of the arrest warrants in Los Angeles, four other search warrants were served in Portland, Oregon.

The FBI and ROCN Task forces both receive HIDTA funds to specifically bring together federal, state, and local agencies to target major drug trafficking organizations.

2. News release March 15th, 2005: "HILLSBORO, Oregon - FOX 12 is on meth watch with a major bust that took a year and a half to coordinate. The Westside Interagency Narcotics team worked alongside the DEA for 18 months to crack a drug trafficking ring they say was moving drugs from Mexico up to Washington County."

Last weekend they raided several homes and arrested six people. Agents seized 42 pounds of methamphetamine, 6 pounds of heroin, one pound of pot, seven guns, and \$100,000 in cash.

The Westside Interagency Narcotics team receives HIDTA funds to specifically bring together federal, state, and local agencies to target methamphetamine drug trafficking organizations.

News release: The Oregonian Newspaper (March 15th, 2005) Meth seized from cars' cubbyholes - Six men, thought to be leaders of one of the West Coast's most active meth smuggling rings, are arrested in Portland.

Federal agents found a mother lode of methamphetamine during a weekend raid at a Washington County, Oregon farmhouse. But most of the talk in a federal courtroom Monday was about the cars used to smuggle the dope. Of 11 vehicles seized by authorities in the Portland area Saturday, five were outfitted with elaborately designed secret compartments for trafficking drugs up Interstate 5 from Mexico, authorities said. "They were very sophisticated, electronically activated," said Chuck Stuckey, assistant U.S. attorney. Six men were accused in U.S. District Court of using the compartments to smuggle drugs north and profits south. They were arrested Saturday in various locations in the Portland area. Rodney Benson, special agent in charge of the DEA's Seattle field office, said the suspects led one of the West Coast's most active meth smuggling rings, with distribution headquartered in the Portland area. Agents seized 42 pounds, with a

value of about \$225,000, on its way to the street. "I can now say it's no more," Benson said. It was about 19 months ago that the DEA first heard of an operation moving large amounts of drugs along the Interstate 5 corridor in a small fleet of cars with hidden compartments, Benson said. While the smugglers also brought heroin and cocaine into California, Oregon and Washington, their primary drug was methamphetamine, manufactured at superlabs in Mexico, authorities said.

The smuggling operation had two cells, one in California and one in Portland, federal officials said. Officials called the investigation Operation Global Warming. Agents moved to shut down the California hub first, arresting 10 people and seizing 44 pounds of meth, \$109,000 in cash, four cars and 12 guns.

Saturday morning, agents raided a farmhouse near Hagg Lake in Washington County, Oregon. Besides the crystal meth, they found six pounds of heroin and a Toyota Camry outfitted with a secret compartment. Throughout the day, federal agents and police executed 35 search warrants. They arrested Ricardo Mendoz-Morales, Octavio Mendoza-Morales, Heriberto Montenegro-Mendez, Hector Ricardo Villaruel-Lopez, Oscar Aguirre-Sanchez and Jose Natividad Rios-Ruiz. Three of the men are Mexican nationals in the United States illegally, Stuckey said. They range in age from 20 to 36. In addition to the vehicles and drugs, authorities recovered a pound of marijuana, seven guns and more than \$100,000 in cash.

3. Drug traffickers are not only plaguing major metropolitan areas of Oregon and our country but are utilizing rural America as both a market place and a cover for manufacturing, smuggling, and distribution of drugs. In Late 2004, the Central Oregon HIDTA Task Force identified a multi-state Mexican drug trafficking organization believed to be one of the largest suppliers of "crystal methamphetamine" in rural central Oregon. This organization has been in possession of as much as 30 pounds of crystal meth at one time and is believed to sell up to 5 pounds per week from one location. It is believed that these drugs are being manufactured in California and Mexico and distributed in Oregon. This case is currently active.
4. On March 11th, 2005 federal and local drug agents made 15 methamphetamine-connected arrests in Coos and Douglas counties, resulting in confiscation of nine pounds of the drug, plus weapons and cash. This drug trafficking organization has transported significant amounts of meth to Oregon from the Southwestern United States. The Douglas County HIDTA Task Force and the Drug Enforcement Administration have been working on this case for approximately 18 months and this portion of the organization is connected to an even larger drug network on the West Coast.

During calendar year 2004, the Oregon HIDTA funded initiatives disrupted the market for illegal drugs by meeting or exceeding most of their performance targets for the year, and they did so in a cost effective manner. The following highlights illustrate this success:

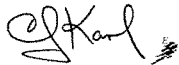
- To maximize results, HIDTA funding facilitates information exchange, cooperation, and joint efforts between many different federal, state, and local law enforcement organizations. There were over 8 federal, 3 state, and 26 local law enforcement agencies participating in the Oregon HIDTA regional law enforcement initiatives including 8 task forces and 159 personnel. Out of the 159 personnel, only 24 are HIDTA funded. **That means that participating agencies are contributing 135 full-time law enforcement personnel to HIDTA initiatives.** With support from the Oregon HIDTA Intelligence and Investigative Support Center (OSIN), regional initiatives continue to make significant progress in identifying, investigating and dismantling or disrupting the area's most dangerous and prolific DTOs, drug dealers, money launderers, weapons traffickers, and violent criminals.
- The Oregon HIDTA Intelligence and Investigative Support Center (ISC) continues to provide a state-wide electronic information sharing, case, and tactical event deconfliction system. This system, the Oregon State Intelligence Network (OSIN), is interfaced with WSIN and connected to the national RISS projects and other databases nationwide. In brief, during 2004 the analysts at the ISC supported 232 cases, produced 451 charts or graphs, processed 367,674 phone tolls, produced 79 document analysis products, 352 link analysis products, and 2,183 intelligence profiles. Many other services were also provided to include training and specialized equipment support.
- Fighting the battle against illicit drug trafficking costs money. One can take great comfort, however, from the fact that every Oregon HIDTA budget dollar spent on law enforcement, prosecution and investigative support activities, contributed to removing \$2,625,562 in illicit drugs from the market and seizing \$13,804,977 of drug-related assets. Thus, the Oregon HIDTA initiatives achieved a combined Return-on-Investment (ROI) of \$5.00 for every \$1.00 of Oregon HIDTA funds invested.
- HIDTAs exist to disrupt and dismantle DTOs. During 2004, the Oregon HIDTA initiatives identified 89 DTOs and targeted 72 of those identified. Twenty eight (28) were at least international in scope, thirty eight (38) were at least multi-state in scope, and twenty three (23) were at least local in scope. Two were clearly CPOT (National Priority Targets) level cases. By the end of the year, 21 (30%) of these targeted DTOs, and money laundering organizations were disrupted. In addition, 15 (21%) DTOs were totally dismantled.
- The Oregon HIDTA strives to investigate larger, more complex DTOs where the greatest positive impact can be achieved. Disrupting or dismantling a large complex DTO takes much longer than stopping a street level operation, but doing so can substantially reduce the supply of illicit drugs and disrupt the marketplace by making both users and distributors more cautious. As illustrated by the statistical measures contained throughout this Annual Report, during CY 2004, the Oregon HIDTA initiatives targeted more complex cases involving larger DTOs. More

specifically, Oregon HIDTA investigators were significantly involved in thirteen (13) OCDETF cases of which all involved multi-state and international level DTOs.

- One Oregon HIDTA initiative targeted an international DTO in 2004 responsible for smuggling hundreds of kilograms of cocaine per year into Oregon and the United States from South America and Mexico. To date, twenty nine (29) defendants have been arrested and 52 kilograms of cocaine have been seized.

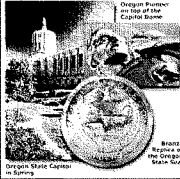
In conclusion, I hope the above information, and that enclosed, will assist you and your colleagues to make decisions regarding drug enforcement policies and funding. The HIDTA Program has had an exceptional level of accountability and impact contrary to what the Office of Management and Budget (PART report) might suggest.

Sincerely,




Charles J. Karl, Director
Oregon HIDTA Program
Retired Deputy Police Chief, Portland, Oregon Police Bureau

Attachments



Oregon HIDTA Program

High Intensity Drug Trafficking Area



Oregon HIDTA Program Executive Board

State/Local Representatives

Chris Brown (Chair)
Sheriff, Douglas County

Steven Briggs
Chief Counsel, Oregon
Dept. of Justice

Judy Cushing (Ex-Officio)
Oregon Farmership

Jim Ferraris
Assistant Chief
Portland Police Bureau

John Foote
District Attorney
Clackamas County

Tim Hartnett (Ex-Officio)
CODA

Andy Jordan
Chief, Bend Police Department

Ed Mourey
Oregon State Police

Rick Williams
Col. Oregon National Guard
Counter Drug Program

Federal Representatives

Linda Enders
Supervisory Special Agent IRS

Dennis G. Fernald
Postal Inspector, Oregon

Karin Immergut
United States Attorney Oregon

Robert Jordan
Special Agent in Charge
FBI

Ken Magee
Asst. Special Agent in Charge
DEA

Joe Meisenheimer
Resident Agent in Charge
ICE

Dennis Merrill (Vice-Chair)
U.S. Marshal Oregon

Frederick Milanowski
Resident Agent in Charge
ATF

April 5, 2005

IMPACT REPORT

Re: the potential loss of federal funding for the Oregon HIDTA Program

The Administration's proposed budget for FY 2006 calls for a 56% cut in funding for the High Intensity Drug Trafficking Area (HIDTA) Program (from \$226.5 million to \$100 million) and for the program to be moved from the Office of National Drug Control Policy (ONDCP) to the Department of Justice (DOJ), falling under the operational control of the Organized Crime Enforcement Task Force (OCETF) Program.

The proposed 56% budget cut will eliminate the Oregon HIDTA Program and much of the work that has occurred by federal, state, and local law enforcement coalitions targeting those who prey upon our state and this country by manufacturing, delivering, and distributing the various addictive poisons of illegal drugs. Because the Oregon HIDTA region is largely rural with two mid-sized cities, we can expect all remaining HIDTA funding to be reallocated to the larger metropolitan areas and the southwest border.

The Oregon HIDTA was designated in 1999. Over five (5) years have been spent developing effective initiatives and information sharing infrastructures. The Oregon HIDTA Program consists of thirteen (13) initiatives (1 mgmt, 1 intelligence, 1 training, and 10 enforcement) which utilize \$2.75 million HIDTA dollars. The Intelligence and Investigative Support initiative receives \$1.1 million to provide for investigative, tactical, and strategic information coordination and exchange between all law enforcement agencies.

The allegations made in the proposed budget that the HIDTA Program is a non-performing program, not effective, has failed to show an impact, and is not focused are not accurate. Many dedicated chief executives, managers, supervisors, staff, and narcotics investigators have dedicated their professional careers to combating the problem of illegal drugs. They have seen the utter destruction of people's lives from addiction. They have witnessed the related destruction to families and communities from addiction. This observed destruction has encouraged them to put forth extraordinary effort to be as effective and efficient as possible. Because drug trafficking knows no geographical boundaries, its vicious footprints cross from the street corner, through the neighborhoods, the cities, the counties, the state, neighboring states, and the nation and on into other countries. Over twenty years ago, it

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became clear to these federal, state, and local law enforcement professionals that collaboration and leveraging effort between federal, state, and local agencies was essential to maximize impact and be effective. For at least the last twenty years federal, state, and local law enforcement agencies have contributed shared resources towards this collaborative model. Phenomenal results have occurred from these efforts. The HIDTA Program represents one of these collaborative programs and is a very structured and focused coalition of federal, state, and local law enforcement agencies with measurable outputs and outcomes that have consistently been reported to ONDCP.

The HIDTA Program is only partially funded by the federal government. State and local agencies are major stakeholders in this program and have invested considerable resources into this effort. It would be a huge setback to destroy or seriously damage many of the networking structures, and relationships, which have been formed and accomplished since the program's inception. The immediate impact of lost HIDTA funding includes:

- The investigation of 89 identified Drug Trafficking Organizations (DTOs) will be reduced to a very few investigations.
- Reduced arrests of drug traffickers.
- Dissolution of the Oregon HIDTA Executive Board with an associated loss of interagency communication and coordination.
- Closure of ten (10) multi-agency HIDTA drug task forces initiatives.
- Reduced and lost services to nearly 1,000 law enforcement investigators in Oregon from the Intelligence and Investigative Support Center (50%+reduction estimated).
- Reduced and lost specialized training for drug investigators and support staff.
- Loss of 24 HIDTA funded positions including three cross-designated prosecutors which will not be funded by federal, state, or local agencies.

The following information was obtained from the Oregon HIDTA Initiatives regarding the impact of losing HIDTA funds.

Oregon Department of Justice/HIDTA Intelligence and Investigative Support Center (ISC):

The ODOJ/HIDTA ISC receives \$1,085,998 in HIDTA Grant funds annually. Although the HIDTA ISC does not receive any direct Byrne Grant Funding, most of the HIDTA task forces and non-HIDTA Narcotics task forces receive this funding. The loss of this funding would directly impact the HIDTA ISC as positions and equipment (computers, high-speed internet access, etc) have been allocated so these task forces can cooperate with the intelligence sharing process, specifically the Oregon State Intelligence Network (OSIN), and the Oregon Terrorism Network (ORTIC).

For the HIDTA ISC to function properly and effectively, law enforcement agencies need to pledge resources to share narcotics and terrorism related intelligence. There is no statute, or regulatory mandate for these agencies to participate in the program. Without Byrne Grant funding, these agencies will lose the ability to dedicate personnel and other resources for the purposes of sharing investigative information and intelligence with the HIDTA ISC. This could

cause devastating effects on issues such as terrorism, coordinating officer safety related tactical operations, and redundant investigative effort and costs.

The Oregon State Intelligence Network (OSIN), developed and maintained with HIDTA funding, allows law enforcement, **statewide**, to share criminal intelligence with other federal, state, and local law enforcement investigators electronically nationwide.

The impact of losing HIDTA funding for the Oregon HIDTA ISC would cause the unit to completely disband. A total of 13 positions would be eliminated, and the oversight, and effective use of millions of dollars of technical equipment would be terminated.

The following ISC programs would be directly affected:

Tactical analytical support for major narcotics investigations would be eliminated. Without the 4 HIDTA Intelligence Analysts and the HIDTA funded analytical supervisor, the Oregon Department of Justice would be unable to support major narcotics investigations. Currently, the unit is assisting in 232 investigations statewide (including 3 OCDETF cases). The unit also obtained, in concert with the HIDTA Watch Center staff, 15,398 Department of Motor Vehicle photographs for criminal investigations in 2004. This represented a savings of \$100,087 in DMV fees for law enforcement agencies statewide.

Research support from the Oregon HIDTA ISC Watch Center would be eliminated. Without the 3 HIDTA Research Analysts and the HIDTA funded Watch Center Supervisor, the Oregon Department of Justice would be unable to support narcotics investigators with database research, money laundering cases, and the oversight of the tactical, officer safety deconfliction program. In addition, the HIDTA program currently funds access to numerous investigative databases including ACCURINT, LEXIS-NEXIS, and FINCEN. These databases create a safety net for police officers in the field by advising them of potentially dangerous locations, armed suspects, and other officer safety related information. In 2004, the unit assisted in 2,183 criminal investigations, provided assistance in 688 tactical officer safety events, and oversaw 24,815 OSIN system accesses.

The operation of the Oregon State Intelligence Network (OSIN) would be eliminated. Without direct, full-time technical support of the network, the Oregon Department of Justice would be unable to operate the system. Currently, the HIDTA program funds two Information Services positions that oversee the maintenance and operation of the OSIN system. Due to the reliance on the system by more than 150 police agencies, (federal, state, and local) the elimination of the system would be devastating. Almost all narcotics task forces, gang task forces, criminal investigative units, detective bureaus, and special operations units (SWAT teams) utilize the system for both intelligence sharing and tactical officer safety event tracking. To date, the HIDTA program has invested over two million dollars in equipment, software, communication costs, training, and contractor costs to the system. This investment will be lost. The OSIN computer network is currently a secure and direct conduit for sharing all types of criminal information with the five western states and nationwide.

The operation of the Oregon HIDTA Title III, wiretap system would be eliminated. In 2004, 43 pen register investigations were conducted using this system. It is estimated, that within the last two years, the system was responsible for assisting in the seizure of over two times the value of the system. In addition, the HIDTA program pays for the permanent positioning of telecommunication lines into the Title III computer system. Without this program, individual agencies would have to pay this cost every time a pen register or Title III operation was initiated. This program saves law enforcement agencies approximately \$5,000-\$20,000 on each case.

The operation of the Oregon HIDTA Equipment loan program would be eliminated. Currently, the Oregon HIDTA ISC owns approximately \$200,000 worth of tactical surveillance equipment and tracking devices. This equipment is maintained and installed by a HIDTA funded Technical Equipment Specialist. The technician has attended numerous hours of specialized technical training in order to operate, install, and maintain complex electronic and computer controlled equipment. All of the equipment is currently installed on major narcotics cases, two of which are OCDETF cases. There are no such programs available in the state of Oregon, and the loss of this asset would be very difficult.

Information sharing and coordination would be dramatically reduced.

Lastly, and most important, the level of interagency cooperation and trust between local, state, and federal law enforcement agencies (especially since 9/11) that has been built over the last 6 years in the HIDTA program will be seriously damaged. The HIDTA ISC is the focal point and hub for investigative information and intelligence sharing in the state of Oregon. Investigators and task force agents have grown to trust the system, and now share information at unprecedented rates, leading to more thorough and efficient investigations. Without the assistance of the Oregon HIDTA ISC, the continued success of these efforts will be lost.

Central Oregon Drug Enforcement (CODE):

CODE receives \$350,305 in HIDTA Grant funds annually.

Loss of HIDTA Grant would cause the task force/drug unit to disband to include the loss of the cross-designated HIDTA Prosecutor.

Loss of both Byrne and HIDTA Grant would cause the task force/drug unit to disband.

Additionally, the Klamath Interagency Narcotics Team (KINT) and the Mid-Columbia.

Interagency Narcotics Task Force (MINT) would lose \$72,000 in Byrne Grant funds.

Douglas County HIDTA Task Force (DINT):

DINT receives \$65,000 in HIDTA Grant funds annually.

Loss of HIDTA funds would be a reduction of 21% of the DINT revenue and would eliminate a vital portion of the DINT overtime and PI/PE funding. DINT's ability to identify and investigate drug trafficking organizations would be greatly reduced without these funds.

Loss of both the Byrne Grant and HIDTA Grant funds represents a 54% reduction in task force revenue. This would result in a similar reduction (at minimum) in operations during the first year and if funding was not restored, DINT would be forced to disband the second year.

FBI Metro Heroin Task Force (PMAHTF):

The PMAHTF is a co-managed HIDTA initiative between the FBI and the ROCN Task Force.

The PMAHTF does not receive Byrne Grant funds.
 The PMAHTF receives \$62,800 in HIDTA Grant Funds annually.
 Loss of HIDTA Grant funds would result in the closure of this initiative.

Jackson County HIDTA Task Force (JCHTF):

JCHTF receives \$318,674 in HIDTA Grant funds annually.
 Loss of Byrne Grant funds would disrupt or reduce operations by 75%.
 Loss of HIDTA Grant funds would result in the closure of JACNET and the elimination of the cross-designated HIDTA prosecutor.
 Loss of both Byrne and HIDTA Grant funds would have the same result.

Marion County DEA/HIDTA Task Force (MCHTF):

MCHTF receives \$185,456 in HIDTA Grant funds annually.
 Loss of HIDTA Grant funds only would result in the closure of this initiative and the elimination of the HIDTA cross-designated HIDTA prosecutor.

Oregon HIDTA Fugitive Task Force (USMS)(OHFTF):

OHFTF receives \$33,500 in HIDTA Grant funds annually.
 Loss of HIDTA grant funds would cause the task force to disband due to the loss of financial support (buy money, overtime, travel, and equipment) for local officer participation.

Oregon State Police HIDTA Training Initiative:

The OSP HIDTA Training Initiative receives \$46,850 per year for enhanced investigative and technical training for narcotics investigators.
 This initiative does not receive Byrne Grant funds.
 Loss of HIDTA funding would close this initiative.

Portland Interdiction Task Force (PIT):

PIT receives \$84,952 in HIDTA Grant funds annually beginning in 2005.
 Loss of HIDTA Grant funds would cause the task force to disband.

Regional Organized Crime Narcotics Task Force (ROCN):

ROCN receives \$123,400 for two HIDTA initiatives annually, plus one time money in 2004 of \$100,000 in CPOT funds and \$45,000 in Domestic Marijuana targeted funds from the National Marijuana HIDTA Initiative.
 Loss of Byrne Grant funds would disrupt or reduce operations by 20%. These funds pay for half of the Task Force Commanders Salary and half of a cross-designated task force prosecutor.
 Loss of HIDTA Grant funds would disrupt or reduce operations by 35% and may result in the disbanding of the ROCN task force within three years without additional funding support. Loss of HIDTA Grant funds would definitely close the ROCN HIDTA initiatives.
 Loss of both Byrne and HIDTA Grant funds would disrupt or reduce operations by 50% and would likely result in ROCN being dismantled within two years without additional funding support.

Westside Interagency Narcotics Team (WIN):

WIN receives \$65,000 in HIDTA Grant funds annually.

Loss of HIDTA Grant funds would disrupt or reduce operations by 25%.

Moving the HIDTA Program to the Department of Justice under the OCDETF Program:

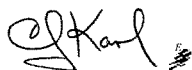
The HIDTA Program functions as the only coordination umbrella for law enforcement agencies in designated areas and the state to combine resources, ideas and efforts in order to reduce drug trafficking and its consequences. HIDTA initiatives share information and resources with one another, and with all domestic law enforcement agencies, regardless of their affiliation.

The HIDTA Program has a balanced partnership approach under the control and direction of an Executive Board. Participating federal, state, and local law enforcement agencies work together to assess regional drug threats, design strategies to combat the threats, and develop initiatives to implement the strategies. Participating agencies have distinct missions with similar goals of dramatically reducing drug trafficking and its harmful consequences. The federal, state, and local drug enforcement missions, although different, are intimately and directly inter-related and, to be most effective, must be linked together in the form of collaborative, information sharing, networks and full-time task forces.

- **HIDTA** is a collaborative network of full-time task forces implementing a counter-drug strategy for a specific geographical region with a specific identified drug threat.
- **OCDETF** is a loose network of investigators from numerous agencies working part-time on a single investigation. The two programs are different.

There is a real fear that should the HIDTA Program be moved to the U.S. Department of Justice and be managed by the OCDETF Program, the balanced partnership approach, mentioned above, utilizing a balance federal, state, and local executive board will be eliminated or quickly dissolved and that the funds will be used to supplement the OCDETF Program.

Report written by:



Chuck Karl, Director
Oregon HIDTA Program

Oregon HIDTA Program

Specific responses to Representative Souders request:

1. a. **What is the approximate dollar value of all non-reimbursed state and local contributions to HIDTA initiatives in your HIDTA?**

Response:

A conservative estimate of all non-reimbursed state and local salary and fringe benefits contributions to the Oregon HIDTA from 3 state agencies and 26 local agencies is:

\$7,150,646

Additional non-reimbursed contributions include nine facilities costs (Not estimated but significant) provided by federal, state, or local agencies for HIDTA task force initiatives.

Additional non-reimbursed contributions include numerous part-time sworn and non-sworn law enforcement participants on HIDTA initiatives.

Additional non-reimbursed contributions include equipment and vehicles provided by participating agencies.

- b. **What is the approximate dollar value of all non-reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?**

Response:

A conservative estimate of all non-reimbursed federal salary and fringe benefits contributions to the Oregon HIDTA from 8 federal agencies is:

\$1,257,160

- c. **Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those non-reimbursed contributions, or would they be likely to put those resources elsewhere?**

Response:

State and local agencies would redirect most, if not all, of these non-reimbursed drug enforcement resources towards their specific jurisdiction in the form of patrol activities and/or focus drug enforcement efforts on street level drug trafficking that obviously impacts neighborhood livability (drug houses, open air markets, gangs, etc.) but has little impact on the supply or suppliers (organizations) of the drugs. A few personnel would likely remain in some federal, state, or local task forces. Most local drug task forces in Oregon would close their doors in a very short time.

Oregon HIDTA Program

The successful investigation of organized crime or drug trafficking organizations can best be accomplished by leveraging the resources and combining the information, efforts, knowledge, skills, and abilities of all the federal, state, and local agencies in the impacted geographical areas. State or local agencies that often have most of the initial evidentiary information on drug trafficking organizations have limited enforcement jurisdictions, which precludes them from pursuing drug organizations and their leaders beyond their own jurisdictions without the assistance of agencies from neighboring jurisdictions and/or federal agencies. Without multi-jurisdictional task forces, agencies will go to their separate corners of the world where they have authority. Efforts will not be greatly leveraged and information exchange will be reduced. Agency partnerships which coordinate and focus both full-time and part-time personnel resources on identified targets are essential to combat organized crime because organized crime does not have jurisdictional boundaries.

2. **If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?**

Response:

All budget fluctuations of any type impact state and local law enforcement agencies already faced with limited resources and significant public safety responsibilities. Fluctuating funding destabilizes personnel hiring and all operations.

3. **Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?**

Response:

ONDCP has had the discretion to allocate or reallocate the HIDTA budget. That is precisely why the HIDTA program has expanded from its original five HIDTAs to twenty eight HIDTAs. The program has been effective and popular. Congress and ONDCP approved the expansion of the program because it was effective.

4. **The Administration has proposed transferring the HIDTA Program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.**

- a. **Do you support this proposal? If not, why not?**

Response:

No I do not support this transfer.

Oregon HIDTA Program

OCDETF AND HIDTA ARE DIFFERENT PROGRAMS WITH DIFFERENT MISSIONS AND SHOULD BE KEPT SEPARATE:**Task Forces:**

OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. They do not perform any enforcement activities. All cases seeking OCDETF sanction emanate from within the member agencies, state and local agencies and/or HIDTAs. None stem from an investigator assigned to an OCDETF regional task force. Their use of the term task force is non-traditional in drug law enforcement. OCDETF cases are investigated on a part-time basis by investigators from numerous agencies. Cases often take multiple years to complete due to this approach. HIDTA task forces utilize full-time investigators to focus on priority cases and get them done much more quickly.

HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution, sales, interdiction, prosecution, violence, gangs and intelligence. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies) from:³

283 federal agency offices
327 state agencies
916 local agencies

Investigations initiated by HIDTA task forces (825 with OCDETF designation¹) represent a significant portion of OCDETF's reported achievements.

Investigative Intelligence and Support Activities:

OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is that of funding. It does not provide investigative support beyond prosecution and money.

HIDTA has intelligence units that:

- Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
- Provide post-seizure analysis
- Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
- Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
- Produce annual threat assessments and special strategic reports

Oregon HIDTA Program

- Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
- Provide analytical support through all phases of an investigation
- Conduct pro-active intelligence activities to produce informants and develop cases

Additionally, most drug enforcement cases that eventually are designated as OCDETF cases have percolated up from a state or local investigation that either is brought to a federal sponsor agency by the state or local agency, or gets the attention of a federal sponsor agency in some fashion.

b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

Response:

Some state and local agencies welcome the policy board oversight and accountability of the HIDTA program to ensure that their limited resources are used effectively. The HIDTA program requires administrative oversight by a balanced federal, state/local policy board. It insures that a strategic work plan to deal with the regional drug threat is implemented and evaluates the success of this plan annually.

Other state and local agencies may prefer to work with the OCDETF program because it does not have the policy board oversight, documentation requirements, and performance measures or accountability requirements that the HIDTA program has had from the beginning

c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

Response:

See "a." above.

5. **Current ONDCP operating guidelines for the HIDTA Program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other.**

a. Does your HIDTA currently comply with this directive? If not, why not?

Response:

Yes, the Oregon HIDTA Policy Board has 8 federal executives and 8 state/local representatives plus 2 "ex-officio" treatment and prevention executives.

Oregon HIDTA Program

- b. How important is the 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?**

Response:

A nearly 50/50 balance is essential and is one of the key components of the HIDTA program that make it successful. It is the mechanism for joint management of a regional counter-drug strategy and cooperative initiatives. Without this component it would not be a HIDTA program as originally designed or intended.

- 6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resources, or other commitments from state, local, or federal agencies participating in your HIDTA?**

Response:

Absolutely, in every way! The manner in which the administration's proposal was submitted to Congress without consultation with the stakeholders (federal, state, and local agencies) has created many hard feelings amongst many professional law enforcement personnel.



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March 28, 2005

The Honorable Mark Souder
 Chairman, Subcommittee on Criminal Justice,
 Drug Policy and Human Resources
 B-373 Rayburn Office Building
 Washington, DC 20515

Re: Questions for the written record for Mr. Larry D. Burnett, Director, Hawaii HIDTA

Dear Chairman Souder:

Thank you for the opportunity to respond to your questions and to make this part of the written record. I want to commend you and the committee members for seeking the facts about the High Intensity Drug Trafficking Area program related to the proposal to reduce funding by \$127 million and to move the program from ONDCP to the Department of Justice. In response to your questions:

- 1) "Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all."
 - a) "What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?"

The Hawaii HIDTA has 20 different multi-agency initiatives operating statewide. The program includes an intelligence center, a training unit, a Federal/County prosecution initiative, 10 multi-agency collocated drug task forces, 3 interdiction/eradication task forces, and methamphetamine clan lab support group. The program involves 229 State and Local personnel that make significant unreimbursed state and local contributions to our initiatives. The dollar amount is an estimated average, based on differences in salaries, fringe benefits, support

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS • CITY AND COUNTY PROSECUTING ATTORNEY'S OFFICES • DRUG ENFORCEMENT ADMINISTRATION
 FEDERAL BUREAU OF INVESTIGATION • HAWAII COUNTY POLICE DEPARTMENT • HAWAII NATIONAL GUARD • HAWAII STATE DEPARTMENT OF PUBLIC SAFETY
 HONOLULU POLICE DEPARTMENT • IMMIGRATION AND CUSTOMS ENFORCEMENT • INTERNAL REVENUE SERVICE • KAUAI COUNTY POLICE DEPARTMENT
 MAUI COUNTY POLICE DEPARTMENT • UNITED STATES ATTORNEY'S OFFICE • UNITED STATES MARSHALS SERVICE • UNITED STATES POSTAL INSPECTION SERVICE
 WESTERN STATES INFORMATION NETWORK • NAVAL CRIMINAL INVESTIGATIVE SERVICE • UNITED STATES COAST GUARD

HAWAII HIGH INTENSITY DRUG TRAFFICKING AREA

equipment and enforcement gear, etc. The total dollar value of all unreimbursed State and Local contributions to the Hawaii HIDTA is approximately \$10,585,652 annually.

- b) “What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?”

Federal law enforcement is commingled within the same 20 different multi-agency initiatives operating statewide. They contribute 73 personnel to our initiatives. The dollar amount is also an estimated average, based on differences in salaries, fringe benefits, support equipment and enforcement gear, etc. The total dollar value of all unreimbursed Federal contributions to the Hawaii HIDTA is approximately \$7,048,817 annually.

- c) “Do you believe that, if your HIDTA’s federal program fund were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?”

There is little doubt should the HIDTA funds be significantly reduced or eliminated that the State and Local agencies would not continue these unreimbursed contributions. The loss of HIDTA funding for office rent, parking, services, phones, and equipment would dismantle all task forces and initiatives collocated in Hawaii HIDTA funded facilities. Funding through the HIDTA program for overtime, training, and equipment makes commitment of manpower by State and Local departments feasible. Without funding, member agencies, in these current budget times, will have to remove resources. Also without the leverage afforded through the HIDTA program Federal agencies, with the exception of DEA, will direct their resources away from narcotics trafficking to other department and agency priorities. Hawaii HIDTA initiatives will lose manpower or dismantle altogether if the proposed federal budget goes forward.

- 2) “State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA’s federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?”

It is very difficult for State and Local agencies to commit their resources to HIDTA over the long term if each individual HIDTA’s federal budget were to fluctuate significantly each year. They make their decisions on long term budgeting, committing resources, signing contracts, signing leases, establishing networking systems, etc. Stability in the HIDTA Program allows the State and Local law enforcement administrators to gain confidence that HIDTA funds will be available

to facilitate long-term planning. It is almost impossible to address any threat and implement effective strategies if it can't be done in a stable environment.

- 3) "The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?" It is interesting to note that one of the many positive aspects of the HIDTA Program is its ability and flexibility to adapt to meet the regional drug threat. Each HIDTA region has a slightly different drug threat which cannot be effectively addressed from a centralized distant location. This should be done at a regional level. For the federal government to indicate that they don't have the discretion to respond to the changing drug threat is to not understand the HIDTA Program. The federal government, along with state and local government, is using its regional discretion to redirect HIDTA resources to respond to the regional drug threat which affects this nation.

The Director of ONCP has sufficient authority under the existing authorizing legislation to effectively manage the program. He and his staff can designate HIDTA regions, approve program policy guidance, and review and authorize each HIDTA region's budget, subject only to the approval of the Administration and Congress.

However, the most positive aspects of the HIDTA program are the flexibility and adaptability it offers to participating agencies in designing and implementing regional drug control strategies. Each region's executive board provides a forum for frank and open discussion of regional drug threats and ensures that federal, state and local government input is integrated into the HIDTA's regional drug control strategy. ONDCP concentrates its efforts on budget and program policy compliance issues and does not conduct in-depth evaluations of drug enforcement strategies. ONDCP's staff is in a far inferior position than the combined regional Executive Boards and participating agencies to determine what the focus should be for each HIDTA region.

The HIDTAs function best if there is a baseline for each HIDTA so they can implement long-term planning and strategies; and the Bureau of State and Local Affairs, within ONDCP, has supplemental funds to plus-up programs to meet emerging national threats as documented by the regional HIDTAs and their Executive Boards.

- 4) "The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice."
- a) "Do you support this proposal? If not, why not?"

I do not support this proposal. The HIDTA program is currently funded under the Bureau of State and Local Affairs within ONDCP. *It is a State and Local law enforcement program* with incentives to partner with Federal agencies having a counter-drug mission. This is an important distinction in that it places State and Local law enforcement on an equal footing with their Federal counterparts through the operation of the Executive Board. There is equal representation on the Executive Board, the Chair and Vice-Chair alternates annually between a State/Local department Head and a Federal agency Head.

The State/Local members provide 76% of the personnel that make up the full time task forces and initiatives of the Hawaii HIDTA. By contrast the Department of Justice, OCDETF program is 98% funding for Federal investigative and prosecutorial positions, with no full time task forces.

If HIDTA were to be moved to Justice, it would be difficult for Department of Justice to remain objective or certainly prevent the appearance and perception of being partisan in management of the program since Department of Justice (DEA, FBI, ATF and U.S. Marshals Service) vie for resources. The OCDETF program does not require state and local agency involvement in order for the funds to be distributed. Moving the HIDTA program to the Department of Justice fundamentally changes it to a Federal program, not a State and Local program. Federal government agencies not aligned with DOJ will have similar difficulties finding a neutral environment to participate in.

This proposal will also have a negative impact on the OCDETF program itself, with the loss of HIDTA support, fewer OCDETF cases will be developed. There will be less manpower to support complex cases, less shared intelligence from which OCDETF cases will develop, and far less collaboration between Federal, State and Local law enforcement agencies.

- b) "Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?"

We have met with all of the Federal, State and Local partners on the Hawaii HIDTA Executive Board; they were unanimous in not wanting the HIDTA program placed in the Department of Justice or the OCDETF Program.

- c) "What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?"

Structure:

OCDETF is a program for federal agencies and managed by a federal agency. The majority of its budget funds full time federal employees distributed among participating federal agencies. No investigative funding is provided prior to OCDETF designation.

HIDTAs are governed by executive boards that contain an equal number of State/Local law enforcement agency heads and Federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.

Operations:

Investigations are submitted for OCDETF designated generally for funding assistance and the assignment of prosecutors on a case by case basis.

HIDTA task forces actually develop and open cases, provide and share intelligence and informants that can lead to spin-off investigations for other HIDTAs, areas of the country, and OCDETF designation. HIDTA operations are flexible and funding can be distributed among Local, State and Federal agencies at the Executive Board's direction. This allows for fiscal flexibility which would be unavailable within the Department of Justice. HIDTAs proactively identify, target and investigate drug trafficking organizations (DTO). HIDTAs mission is to disrupt or dismantle international, multi-state and local DTOs.

Task Forces:

OCDETF's nine regional "task forces" are really small federally staffed, non-operational, coordinating groups that perform no enforcement activities.

HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of Federal, State and Local officers. They investigate and interdict narcotics trafficking, money laundering, distribution, sales, eradication, prosecution, violence, gangs and intelligence. Nationally the 355 HIDTA-funded task forces involve over 12,000 personnel (2/3 of which are from State and Local agencies.) HIDTA retains the flexibility to both target major DTOs but also address regional threats that are identified such as methamphetamine and clandestine labs.

Intelligence and Support Activities:

OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency.

HIDTA has intelligence units that have multiple Local, State and Federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity; provide post-seizure analysis; offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety; are connected to

national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies; produce annual threat assessments and special strategic reports; have sub-committees and task force commanders from Local, State and Federal agencies to direct their activities; provide analytical support through all phases of an investigation; conduct pro-active intelligence activities to produce informants and develop cases.

- 5) “Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.”
- a) “Does your HIDTA currently comply with this directive? If not, why not?”
As required by ONDCP’s HIDTA Program Policy, the Hawaii HIDTA Executive Board maintains an even balance of Federal and State and Local agencies on its Executive Board (see table below).

Hawaii HIDTA Executive Board

Federal (8 seats)	State and Local (8 seats)
ATFE	City and County Prosecuting Attorney’s
DEA	Hawaii County Police Department
FBI	Hawaii National Guard
ICE	Hawaii State Department of Public Safety
IRS	Honolulu Police Department
US Attorney/District of Hawaii	Kauai County Police Department
USMS	Maui County Police Department
USPIS	WISN-Hawaii/Pacific

In addition the Executive Board has two advisory, non-voting members:
 The Naval Criminal Investigative Service and the United States Coast Guard

- b) “How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance was eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?”

Moving the HIDTA program to the Department of Justice fundamentally changes it to a federal program, not a state and local program. Also, federal agencies not aligned with DOJ will have similar difficulties finding a neutral environment to participate in. OCDETF does not require State and Local agency involvement in order for the funds to be distributed. If this balance is eliminated and Federal agencies take control, it would become just another federal program, and many State and Local participants would eventually leave. State and local law enforcement would not have ownership and thus, would not have the commitment. The state and local resources to the HIDTA Program far outweigh what the federal government has committed.

Hawaii HIDTA
Page 7 of 7

- 6) "Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?"

Yes, the uncertainty surrounding the HIDTA Program has had a negative impact on the Hawaii HIDTA. There are leases that have to be signed, positions to be filled and new initiatives on hold. The participating law enforcement agencies are wondering how to best manage their staff allocations. The Federal, State and Local agencies involved in designating personnel for task forces and overseeing the program are waiting to see what the final decisions will be for the HIDTA Program before they proceed.

The men and women involved in the Hawaii HIDTA initiatives are questioning how the Administration could even consider reducing HIDTA funding when their efforts have resulted in the seizure of more dollars in drug assets than it costs to run the program. They are worried that the gains they have made in fighting the drug problem will soon be lost. This sense of uncertainty has had a direct effect on the morale of all personnel working for HIDTA Program.

By design each HIDTA executive board consists of one State or Local representative for every Federal agency represented. Our Executive Board, over time, has become a very decisive, responsive, and cohesive governing body. The strain created by the Administration has disrupted the Board's ability to perform and has the potential for impairing heretofore excellent working relationships among participating agencies.

In many ways, it will take time to repair the damage caused already through the Administration's budget proposal. None of us involved in the HIDTA Program understand the rationale for such a drastic and devastating step. The Administration has yet to produce evidence that the HIDTAs have not performed well or that it would be better managed under OCDEFT. What the Administration has done is to propose altering an effective drug control program that has demonstrated positive performance measurements and made a significant impact on drug trafficking organizations across the nation.

Sincerely,

/s/

Larry D. Burnett
Director, Hawaii HIDTA



Raymond L. Vinsik
Director

Arizona Attorney
General

Arizona National
Guard

Department of
Public Safety

Drug Enforcement
Administration

Federal Bureau of
Investigation

Joint Task Force
Six

Maricopa County
Sheriff's Office

Phoenix Police
Department

Pima County
Sheriff's
Department

Southwest Border
Alliance

Tucson Police
Department

U.S. Attorney

U. S. Border Patrol

U. S. Customs

Arizona High Intensity Drug Trafficking Area

1750 East Benson Highway, Tucson, Arizona 85714-1758
(520) 746-4400 FAX: (520) 746-4402/4405

April 5, 2005

The Honorable Mark Souder
Chairman, Subcommittee on Criminal Justice
Drug Policy and Human Resources
B-373 Rayburn House Office Building
Washington, D.C. 20515

Via Fax: (202) 225-1154


RE: Subcommittee Hearing "FY2006 Drug Control Budget and the Byrne Grant, HIDTA and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?"

Response: Arizona High Intensity Drug Trafficking Area

Chairman Souder:

I would like to take this opportunity to thank you and your subcommittee for addressing this vital issue of national importance.

Sincerely,


Raymond L. Vinsik
Director
Arizona HIDTA

In response to questions:

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by federal funds, but not all.

- a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

SWB - Arizona HIDTA Resources Leveraged by HIDTA Funds, Return on Investment						
	HIDTA Funding Resources	Baseline Leveraged ROI	State & Local Agency Resources	Federal Agency Resources	Total Agency Resources Leveraged	Leveraged Return on Investment (ROI)
2004	\$11,142,859	\$6	\$35,842,000	\$29,510,000	\$65,352,000	\$6
2005						
2006						

The AZ HIDTA has 24 HIDTA supported task forces with a combined Federal, State and local budget of 11,142,859. State and local unreimbursed contributions to the Arizona HIDTA add up to approximately \$35,842,000 dollars. This includes full time and part time employees of the task forces supported by HIDTA but not funded by HIDTA as well as operational cost absorbed by the state and local agencies once a HIDTA initiated investigation has began. Part time employees were calculated on a percentage of time spent supporting HIDTA funded operations. Also added into this number is the dollar amount for the used space at various task forces donated by the supporting state or local law enforcement agency.

- b. What is the approximate dollar value of all reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

The Federal unreimbursed contributions to the AZ HIDTA task forces add up to approximately \$29,510,000 dollars. This number also includes full time and part time employees of the task forces supported by HIDTA but not funded by HIDTA as well as operational cost absorbed by federal agencies once a HIDTA initiated investigation has began. Part time employees were calculated based on a percentage of time spent supporting HIDTA funded operations. Also added into this total is the dollar amount for the used space at various task forces donated by the supporting federal law enforcement agency.

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those unreimbursed contributions, or would they be likely to put those resources elsewhere?

The Arizona HIDTA task force commanders were surveyed and asked what the impact of reduced or eliminated HIDTA funds would have on their task forces and

how this would impact ongoing operations. The state and local response was unanimous in stating that reduced or eliminated HIDTA funds would severely impact their operations and in over 1/3rd of the responses it was clearly stated that the task force could not survive those types of cuts and would be dissolved. It is important to take note that three of the four task forces responsible for drug interdiction along the Arizona / Mexico border said they could not survive a reduction of funding. The fourth, a federally lead initiative on a border reservation said these types of cuts would negatively effect their task force and would cause a reduction in their operations by at least 50%. The four task forces are responsible for 372 miles of international border and are among the poorest counties and reservation in the Southwest. If these task forces were cut or eliminated altogether there is no doubt that State and Local drug law enforcement would pull back and consolidate their resources in their individual communities causing a great deal less enforcement in the border communities and virtually no enforcement between border communities. This would once again open Pandora's Box concerning home invasions, kidnappings, auto thefts, property and violent crimes against our citizens.

A major loss to law enforcement would be the COBIJA Program.

COBIJA (Coordinated Operations Before Initiating Joint Activities) is an Arizona HIDTA facilitated concept that brings together local, tribal, state, and federal law enforcement to plan/conduct coordinated/synchronized criminal interdiction operations and enhanced information sharing and intelligence generation in support of interdiction, investigative, and intelligence agencies. COBIJA I involved 6 HIDTA funded multi-agency task forces from 3 states; COBIJA XVII operational planning meeting had 600 representatives from 45 states and Canada participating. Over 2,700 coordinated operations plans were submitted for the current operational period.

This effort has grown to the level that over 100 agencies routinely send their incident/seizure reports into the Arizona HIDTA intelligence center where information is analyzed, fused and placed on a live, inactive graphic situation map available to all law enforcement. This has resulted in the Arizona HIDTA collaborating with EPIC/DEA to develop the National Drug Seizure System.

It has evolved into a nation-wide and regional process of federal, state, tribal, and local law enforcement agencies and multi-agency task forces working together to plan coordinated operations and share their intelligence on a routine basis. COBIJA also provides the mechanism to quickly "ramp up" coordinated multi-agency border and/or internal U.S. highway interdiction efforts. *Without the HIDTA program there will be no COBIJA – and these capabilities/initiatives will cease.*

2. **State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate**

significantly each year, do you believe that that would make it more difficult of state and local agencies to commit their resources to HIDTA over the long term?

It is unquestionable that even a moderate fluctuation in funds from year to year would negatively effect the planning process, and monetary fluctuations are always felt more by the State and Local agencies then by the Federal agencies. In almost all cases the assignment of law enforcement officers, intelligence officers, support staff, lease agreements, contracts, supplies, etc. would be much more difficult for states and local agencies. Fluctuations downward would put the state and local agencies in various dilemmas and situations such as closing out facility contracts, reducing services and equipment, and reducing or eliminating officer participation etc. Specific examples include leases for two Investigative Centers each containing 300 federal, state and local law enforcement officer and 118 state and local officer salaries.

Stable funding is one of the primary reasons state and local law enforcement has embraced the AZ HIDTA as well as HIDTA's nation wide. As long as the task forces meet their stated goals the funding has remained reasonably stable and state and local agencies have advanced payments due to the stability of the HIDTA program funding. Large fluctuations in funding would eliminate the confidence now enjoyed by state and local law enforcement in the HIDTA program.

- 3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking each HIDTA's budget every year means that the HIDTA cannot adapt when drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting HIDTA's operations?**

The flexibility of the HIDTA program lies with the local HIDTA Executive Board that understands the regional drug threat. HIDTA Executive Boards and HIDTA task force commanders, with HIDTA resources reacts immediately to those threats. It is difficult to imagine how ONDCP could react more quickly or with better insight than the regional HIDTA Executive Boards or local task force commanders on any specific area of concern. The Arizona HIDTA as well as all HIDTA's produce regional threat assessments, strategies, and annual reports explaining exactly what the threat is and how that threat will be addressed. These products are flexible and allow the local Executive Boards the latitude to shift assets and funding within the local HIDTA to support any unforeseen threat and to immediately address the threat locally.

The reallocation of HIDTA funds by ONDCP would upset the mid and long term planning process of the regional HIDTAs. The stability, and therefore the support to the HIDTA program by the state and local law enforcement would be upset if the baseline for the regional HIDTA's were not a constant. ONDCP has discretionary funds at its disposal to address any new national threat or for any new program that the ONDCP staff feels should be reviewed or implemented.

4. The Administration has proposed transferring the HIDTA program from the Management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.

a. Do you support this proposal? If not, why not?

I do not support this proposal. Under ONDCP the Justice Department agencies such as DEA, FBI, US Attorney and the U.S. Marshal could be instructed to vote as a group and therefore destroy the partnership that presently exists among board members.

OCDETF and HIDTA are completely different types of organizations. HIDTA supported law enforcement agencies are able to recommend prosecutions to state and county prosecutors.

Under the OCDETF program only federal agencies can recommend OCDETF cases for funding and prosecution. If HIDTA was rolled into OCDETF prosecution for all cases would be determined by the US Attorney. This would take away all perceptions of equal representation by state and local law enforcement and prosecution attorneys and would severely limit the number of cases prosecuted.

OCDETF does not fund long-term task forces. They fund short term, target specific cases. A large percentage of OCDETF cases originate within HIDTA task forces. True partnership between federal, state and local cannot exist under OCDETF. Under the current ONDCP / HIDTA program the chair of the Executive Board rotates yearly between Federal and State/Local representation. Currently the Arizona HIDTA Executive Board has 16 members with 8 being Federal and 8 being State/Local.

Federal

SAC DEA
SAIC FBI
U.S. Attorney
Chief USBP
SAC ICE
U.S. Marshal
DOI
JTF-N

State/Local

Director DPS
Maricopa Co. Sheriff
Pima Co. Sheriff
Chief, Phoenix PD
Yuma Co. Sheriff
Chief, Tucson PD
AZ Attorney General
AZNG/JCNTF

As required by ONDCP the AZ HIDTA has a balance of federal / state / and local LEA representation as well as federal and state prosecutors that are members the AZ HIDTA Executive Committee.

b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

No, as stated above the AZ HIDTA conducted a task force survey of the HIDTA supported initiatives. State and local task force commanders were unanimous in their support to keep the AZ HIDTA funded as is and under ONDCP not OCDETF.

c. What are the primary differences, in your opinion, between the OCDETF

program and the current HIDTA program.

- OCDETF are not real task forces. They are short term and non operational and dissolve after the conclusion of the investigation and prosecution
- HIDTA task forces are long term with continuity among federal / state/ and local law enforcement and with the prosecutors. HIDTA task forces are collocated and commingled multi-agency operational entities.
- Unlike HIDTA, OCDETF does not have an Executive Board with equal state and local representation to consider best use of resources and internal reallocation to immediately address emerging drug threats
- Under HIDTA, state and local LEAs are full members and have equal status with their federal counterparts in HIDTA funded task forces. OCDETF rarely use state and local investigators and do not have state and local representation of equal stature as partners or advisors.
- OCDETF task forces do not perform enforcement activities. All OCDETF cases are forwarded to the Justice Department for review. OCDETF task forces do not initiate operations or investigate new cases.
- HIDTAs have Investigative and Intelligence Centers, which allow all agencies access to valuable intelligence that both serve and protect the public, and allow smaller agencies information not otherwise available. OCDETF does not have intelligence and operations centers.
- HIDTA requires deconfliction of all cases and incidents. This is not only an excellent information sharing mechanism between agencies but also acts as an officer safety mechanism. OCDETF have no such requirement or deconfliction program. HIDTA provides post seizure analysis; OCDETF does not have that capability.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agencies representation on one hand, and state and local agency representation on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

a. Does your HIDTA partnership currently comply with this directive with respect to its partnership executive board? If not, why not?

YES

b. How important is this 50/50 balance on the executive board to the overall success of your HIDTA partnership? If that balance were eliminated and federal

agencies were majority control of each HIDTA, would that have a negative impact on the HDTAs? If so, how.

The 50/50 balance creates true partnership among the agencies. Giving federal agency majority control of the HIDTA executive boards would have a negative impact. State and local law enforcement agency heads feel that the local representation is imperative. This allows state and local agencies the ability to promote and implement new and innovative methods in combating narcotics trafficking in partnership with federal counterparts. Elimination of equal representation would likely cause the dissolution of the program causing the information flow between state and local LEAs and the federal agencies to cease to exist. At least 80% of intelligence on criminal activities are in the state and local law enforcement databases. The federal government has very few ways to obtain this information. The collocated and commingled HIDTA Investigative and Intelligence Centers involving federal, state, and local law enforcement data bases are available and long term task forces and working relationships are already established have proven to be very successful.

- 6. Do you believe the uncertainty surrounding the HIDTA program created by the Administration proposals has itself had a negative impact on your HIDTA partnership's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your partnership's administrative offices, or make it more difficult to obtain personnel, resources, or other commitments from state, local, or federal agencies participating in your partnership?**

Yes, job announcements for clerical and intelligence positions have fewer applications than normal. Personnel that have been recently hired for our financial and intelligence positions are concerned about a possible downgrade of the HIDTA and are pursuing other more secure positions. Agencies have expressed concerns relative to renewing leases and contracts. The uncertainty concerning the continuation of the program has had a negative impact on the HIDTA.

- 7. Your HIDTA partnership is one of five that make up the overall Southwest Border HIDTA. We have several questions regarding the special status of the Southwest Border HIDTA and its five partnerships.**

- a. In your opinion what is the proper role of the overall Southwest Border HIDTA? What kind of operational, budgetary, or other authority should the executive board, director, and other staff of the overall Southwest Border HIDTA have over the five partnerships? Conversely, what kind of authority, whether shared or otherwise, should the partnerships have?**

The Southwest Border Executive Board and Director duties were clarified recently with the adaptation of the new Southwest Border SOP, approved unanimously by the SWB Executive Board and the five regional HIDTA Directors. The role of the SWB Executive Board and the position of the Director and staff is to assist the Partnerships as needed and to assist with special project and reports to include Threat

Assessments, Strategies, Annual Reports, Coordination plans, and review the Annual Budget proposals. The SWB Executive Board and the Director will assist the five partnerships in the development of a joint regional system for coordinating intelligence sharing and products, interdiction, prosecution, and investigative efforts that results in the measurable reduction of drug trafficking.

The Southwest Border Executive Board has agreed to establish an ongoing internal program review for both fiscal and programmatic accountability to ensure efficiency and effectiveness of all initiatives along the Southwest Border. The SWB Executive Board will also provide direction and oversight in establishing and achieving the goals of the National HIDTA Program.

The newly established standard operating procedures for the Southwest Border HIDTA clearly defines the role of the executive committee's vis-à-vis the Southwest Border HIDTA Board.

It in effect retains control of initiative selections, staffing and utilization of HIDTA funding to the discretion of the Regional Executive Committees.

b. Do you have concerns about conceding at least some authority back to the central Southwest Border HIDTA? How could congress address those concerns without splitting the HIDTA up into 5 separate HDTAs?

The question off conceding some authority back to the central SWB HIDTA was addressed on February 8th, 2005 by the SWB Executive Board in voting to approve the Current SOPs. A real issue of concern to the SWB HIDTA partnerships is that ONDCP behaves as though the five Southwest border partnerships are not full and equal members of the program. Congress can mandate to the ONDCP that the partnerships be regarded as sole and separate as relates to meetings, correspondence and normal business activities. And further, that the partnerships shall be funded for FY2006 at a level no less than the previous year's funding.

**COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES**

“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?”

MARCH 10, 2005

**RESPONSE TO QUESTIONS FOR THE WRITTEN RECORD FOR MR.
TRAVIS KUYKENDALL, DIRECTOR, WEST TEXAS PARTNERSHIP,
SOUTHWEST BORDER HIDTA**

1. Although each High Intensity Drug Trafficking Area (HIDTA) and each HIDTA partnership receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of these contributions are reimbursed by the federal funds, but not all.

- a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA partnership?

[Travis Kuykendall] In West Texas there are two major local law enforcement organizations who participate significantly in the HIDTA program – the El Paso Police Department and the El Paso County Sheriff’s Department. The table below reflects the agency resources committed to the HIDTA effort by all participating State & Local agencies. A good portion of the commitment comes from the two agencies I mentioned. Both of those agencies are supported by the tax payers of El Paso, a large population with only modest wealth.-

SWB - West Texas HIDTA Resources leveraged by HIDTA Funds, Return on Investment					
	HIDTA Funding Resources	State & Local Agency Resources	Federal Agency Resources	Total Agency Resources Leveraged	Leveraged Return on Investment (ROI)
2004	\$8,077,895	\$6,312,374	\$43,982,350	\$50,294,724	623 %

- b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in you HIDTA partnership?

[Travis Kuykendall] See table to question a. All federal law enforcement agencies in West Texas contribute a greater amount of agency resources than local agencies, quite frankly because their agency resources are enormously greater in comparison. The contributions of all jurisdictions of law enforcement are necessary, however. The federal agencies cannot work without the information and knowledge unique to local agencies and local agencies cannot operate in a vacuum. With the loss of HIDTA I believe that even federal law enforcement resources will be withdrawn from drug enforcement due to competing agency priorities.

- c. Do you believe that, if your HIDTA partnership's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they likely put those resources elsewhere?

[Travis Kuykendall] Most of the participating agencies are extended as far as they can go in helping the Federal Government attack this National problem and several have already stated that they intend to withdraw if the Federal government stops helping with some of the funding. They are very angry that the President's proposed budget takes funds from domestic drug programs for State and locals and gives it to the Federal Agencies for use in Columbia and Afghanistan. They are very aware that there is an overall increase of 2 plus % in the counter drug budget and not a savings as has been stated.

Without the support of HIDTA the agencies I discussed in question 1a will certainly turn their back on attempting to stop the drugs being transshipped through this region. Drug enforcement would solely target the local distribution. The large scale interdiction efforts that agencies are currently able to conduct by combining resources would be difficult without local agency support. HIDTA provides the means for the local agencies to commit precious resources full-time to joint agency task forces.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces and initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

[Travis Kuykendall] Absolutely: The primary benefit of HIDTA is the ongoing cooperation, communication, and development of trust that occurs between agencies. Unknown factors, such as participation in initiatives from other agencies, reduce local agencies ability to prepare their agency budgets, and to commit their resources appropriately.

3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug trafficker's adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?

[Travis Kuykendall] This is the Administrations basic dislike of the HIDTA program. The bureaucrats in Washington D.C. refuse to accept the fact that law enforcement at the local level could and often do have better intelligence, better ideas, more expertise and much more knowledge of the history and extent of drug trafficking in an area where they have lived and worked all of their lives.

ONDCP has had many opportunities to properly distribute HIDTA funds based on the drug threat to our nation but instead has chosen to award favorites or yield to political pressure in the disbursement of supplemental funding or increases in overall HIDTA funds. They have created HIDTA's when they knew the area did not begin to meet the established and published criteria for a HIDTA.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.

a. Do you support this proposal? If not, why not?

[Travis Kuykendall] No I do not. This in effect kills the program. The Department of Justice does not allow State or local officials to participate in any decision making process and exercises control over any and all funds and personnel.

b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

[Travis Kuykendall] Very few Agencies participate in OCDETF cases and they are very costly to local agencies in manpower.

c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

[Travis Kuykendall] OCDEFT is after the fact prosecution preparation of cases specific. OCDEFT does not development cases. All OCDEFT cases must meet criteria that require prior development which is what HIDTA is designed to do.

HIDTA is infrastructure, cooperative case and mission development with all participants as equal partners sharing intelligence, resources, assets, expertise, respect and trust.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

- a. Does your HIDTA partnership currently comply with this directive with respect to its partnership executive board? If not, why not? *Yes.*
- b. How important is this 50/50 balance on the executive board to the overall success of your HIDTA partnership? If that balance was eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?

Equal authority of board members establishes the development of respect, cooperation, trust and equal responsibility and commitment of all member agencies. It also removes the appearance of big brother Fed dictating to the local law enforcement.

Federal Agencies receive their direction and priorities from Washington from individuals who may not be knowledgeable of a HIDTA areas threat or needs. Federal Agencies set conditions that are national in scope and often times do not address local drug threats.

Federal Agencies rotate their field executives on a regular basis and seldom do they have the chance to develop local area knowledge or expertise that Sheriff's, Chief and other live long residents have that hold law enforcement positions.

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA partnership's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your partnership's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your partnership?

The overall effect has been demoralizing to all involved. We in the drug law enforcement business understand the huge differences between the HIDTA program and the OCDETF concept. They are miles apart. The HIDTA program is exceptionally successful and has always been a Congressional sponsored and supported program with little or no support from the last four administrations. The administration does not like the fact that HIDTA decisions are made in the field by knowledgeable individuals rather than by bureaucrats in Washington D.C.

7. Your HIDTA partnership is one of five that make up the overall Southwest Border HIDTA? We have several questions regarding the special status of the Southwest Border HIDTA and its five partnerships.

- a. In your opinion, what is the proper role of the overall Southwest Border HIDTA? What kind of operational, budgetary, or other authority should the executive board, director, and other staff of the overall Southwest Border HIDTA have over the five partnerships? Conversely, what kind of authority, whether shared or otherwise, should the partnerships have?

Each of the Regional partnerships is self sufficient with their own Executive Committees, Directors and staffs, Intelligence Centers, Initiatives and Budgets. ONDCP allocates funding directly to the Regions. The SWB does not have oversight over the funds and should not have. If there were no SWB Board, Director or staff there would be no noticeable effect on the Regions or the continued success of the HIDTA program on the south west border with Mexico.

The SWB Executive Board voted on 4 separate occasions to abolish the office of executive director and staff, and rotate the overall South West Border administrative functions among the 5 regional directors where the current chairperson presides. ONDCP objected to this and insisted that the South West Border maintain the Exec Dir. position and staff at a cost of over \$600,000 per year.

The second best solution is to operate under the current SOP that was recently approved by the SWB EX Board, and a copy is attached to this letter. This SOP explains the position and role of all parties.

- b. Do you have concerns about ceding at least some authority back to the central Southwest Border HIDTA? How could congress address those concerns without splitting the HIDTA up into 5 separate HIDTAs?

Yes, we have many concerns.

The SWB Executive Director and staff are a duplication of the five Regional Staffs administratively and add no benefit or increased value to the operation. All of the

Regional Directors and staffs are very experienced, well trained and fully operational in a stand alone posture.

Congress could resolve this issue by implementing the wishes of the SWB Board and rotating the administrative function among the regions and saving over \$600,000.00 for operational initiatives and still remain one HIDTA

*Why does Congress insist that there be only one HIDTA on the Southwest Border?
Within the 2000 plus miles of the southwest border there are four States, five Judicial Districts, five U.S. Attorneys, seven Border Patrol Sectors, four DEA Divisions, five FBI Divisions, five BICE Divisions, over 150 different County Sheriff's Department and Police Departments but there can only be one HIDTA???????*

The second best solution is to continue to operate under the current Standard Operational Procedures that the Executive Board approved in February 2005.



Midwest High Intensity Drug Trafficking Area
 10220 Northwest Ambassador Drive, Suite 720
 Kansas City, Missouri 64153
 Phone (816) 746-4911 Fax (816) 746-9712

April 5, 2005

Chairman Mark Souder
 Subcommittee on Criminal Justice,
 Drug Policy and Human Resources
 B-373 Rayburn Office Building
 Washington, DC 20515

Dear Chairman Souder:

Thank you for your interest in the High Intensity Drug Trafficking Area Program, and in this nations fight against drug abuse and drug criminals. In response to your questions:

- 1) **“Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.”**
 - a) **“What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?”**

Midwest HIDTA consists of 74 designated counties in the states of Missouri, Kansas, Nebraska, Iowa, South Dakota, and North Dakota, including urban core cities, statistical metropolitan areas, suburban and rural areas with a total population in these designated counties of 8.1 million people, making the Midwest HIDTA one of the larger HIDTA’s in size as well as population. The Midwest HIDTA involves 42 different initiatives in this six state region. The program includes one Regional Intelligence Support Center, three Intelligence Groups, a Demand Reduction initiative, a Regional Technology Enhancement initiative, Forensic and Prosecution Support, and thirty three 33 multi-agency collocated drug enforcement task forces. The Midwest HIDTA program involves 830 federal, state and local full time personnel from 160 state/local agencies and federal regional offices. Midwest HIDTA funds 100% of 151 full time positions with agencies, making additional significant contributions to these HIDTA initiatives.

The dollar amount of unreimbursed funds will be approximate because of the differences in salaries, fringe benefits, price per square foot for facilities, etc. The HIDTA Program in the Midwest leverages other federal assistance programs extensively such as Byrne (JAG) and COPS. The current FY2005 Midwest HIDTA base budget is \$12.5 Million. The total dollar value of unreimbursed state and local contributions to the Midwest HIDTA initiatives as collected 4/1/2005 is approximately \$ 22,537,445 annually. Documentation as to this approximate figure is attached. We have been very conservative in our estimate of our agency contributions. Salary costs alone of agents and officers participating in Midwest HIDTA initiatives not reimbursed by HIDTA funds would be \$33.95 million (830-151=679x50K).

- c) **“Do you believe that, if your HIDTA’s federal program fund were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?”**

There is little doubt should Midwest HIDTA funds be significantly reduced or eliminated that state and local agencies would not continue these unreimbursed contributions to collocated task forces at the same level, and would develop contingency plans to withdraw resources to deal with local priority impact problems. This is their responsibility. As detailed on the attached tables, at least 14 of our most significant task forces would be severely impacted or eliminated and 24 task forces believe that their operational productivity would be reduced anywhere from 25 to 50%.

Sheriff Mike Millstead, Minnehaha County South Dakota, stated: Combining the proposed cuts in Byrne Funding and with the HIDTA funding reduction would be a devastating “two fisted” blow to our drug enforcement efforts statewide. The only people who would win would be our drug dealers.

Sheriff Lauren Wild, Walsh County North Dakota, stated: The added elimination of Byrne funds would definitely cause my task force to cease functioning. My county does not have the resources to keep added staff, added equipment costs and sustain the needed support items that are part of a task force operation. Drug enforcement is a full time operation and can’t be effective if my road deputies on patrol are also expected to do an extensive drug investigation along with all their current duties. It would have a disastrous effect on my county and its citizens.

Special Agent in Charge Kelly Ralston, Task Force Commander of the KBI Enforcement Initiative, advised that elimination of HIDTA funding for his task force would potentially result in the furlough/dismissal of three KBI Special Agents, one Crime Analyst, one accounting technician and an Assistant Attorney General, since the KBI state budget currently has no provision or funds for absorbing these positions. This would effectively eliminate the KBI EI.

Capt. Mike Scott, Muscatine, Iowa Police Department, said the TF would be eliminated. They would lose one position. He advised, “HIDTA has been a great

thing for Muscatine. It has been very positive and we have taken hundreds of pounds of meth off the street because of it."

Captain Donna Saunders, Kansas City Missouri Police Department, Task Force Commander of the Kansas City Metropolitan Drug Enforcement Task Force, advised that the discontinuance of HIDTA Funding for the Task Force would result in its elimination. Captain Saunders advised that the Task Force received \$8,237 in OCDETF case support in FY-2004. Captain Saunders also stated the it would be impossible to manage the Initiative in terms of fiscal planning if the budget were subject to fluctuation every year. Most of the Initiative's investigations are long term in nature and need dedicated resources over an extended period of time.

Chief Thomas H. Warren, Sr., Omaha, Nebraska Police Department, stated: "Current federal dollars including those from Byrne, LLEBG, and HIDTA all provide critical resources for our agency in our fight against illegal guns, gangs, and drugs as well as all types of property crimes and violent crimes which are a direct result of the illegal drug trade and addiction. It is my hope congress will continue to fund these important initiatives."

Capt. Pete Groetken, Sioux City, Iowa Police Department, said Sioux City is committed to the TF. "In my 32 years in law enforcement, there has never been a time when the cooperative effort between federal, state, county, and local law enforcement agencies has been stronger than it is right now in the area of drug enforcement. This is a direct result of the HIDTA Program. Under strong leadership, HIDTA has created multi-jurisdictional and collocated drug task forces that work together everyday to target illegal drug trafficking in the Unites States. The success of the HIDTA Program is directly related to the team effort that exists today. If federal funding for the HIDTA Program is eliminated, drug enforcement efforts will take a huge step backwards!!"

Captain Tom Jackson, Task Force Commander of St. Louis County Multi-jurisdictional Drug Task Force, advised that the elimination of HIDTA Funding to the Task Force, and the HIDTA Program overall, would severely hamper its operating ability, not only in terms of financial support of day to day Task Force activities and needs, but participation in its services such as the ISC, de-confliction, data storage, and the overall spirit of cooperation it brings to the anti drug law enforcement community. He also stated that concerning the St. Louis Interdiction Task Force, the loss of HIDTA funding for some of the vehicles and fuel, coupled with the overall affect of the loss of the whole HIDTA program would cause the termination of this Initiative and the possible recall of the local officers (definitely those (6) from St. Louis County).

Kevin Thom, Director South Dakota Division of Criminal Investigation, stated: If HIDTA and Byrne are eliminated it would in essence gut drug enforcement in South Dakota. We would each have to go back to our legislative bodies to seek state or local funding. This would be an uphill battle as dollars are tight most places.

Paul T. Stave, Chief of Police, Grafton, North Dakota, stated: The added elimination of Byrne funds would most likely cause our task force to close. We are made up of several small agencies and the smaller ones would have a very hard time funding the necessary agents and equipment. The loss of our task force would put a huge burden on our Department and community.

Director Ken Carter, Iowa Division of Narcotics Enforcement, advised: Iowa has 1472 clan lab incidents in CY-2004. Loss of HIDTA funding would greatly reduce or eliminate any DNE response to clandestine methamphetamine lab sites. Clan lab certification and re-certification training, which DNE provides to city & county law enforcement throughout the year would be eliminated. Loss of HIDTA funding would greatly increase the risk of children being exposed to clandestine methamphetamine labs. The Iowa Division of Narcotics Enforcement has played a leadership role in supporting Drug Endangered Children efforts. Approximately 1000 Iowa children have been rescued by law enforcement from meth labs sites over the past three years. Loss of HIDTA funding would have deep adverse consequences to the youngest and most vulnerable Iowans. HIDTA funding provides the glue that keeps federal, state, county, and city drug enforcement officers working in concert.

Lt. Dave Tiefenbrunn, Task Force Commander of St. Charles County Drug Task Force, stated: The combined loss of HIDTA Funding and Byrne funds (JAG) would affect operating ability by a reduction of 75%. Uncertainty about funding was beginning to affect the usual strong long-term decisions by the Task Force Board of Directors and that they were exploring diminished alternatives.

Chief Jim Livingston, Scotts Bluff Nebraska Police Department, stated: "Loss of HIDTA funds will create the possibility of a lay off to balance out the funds. I do not see the value or benefit of having another federal agency get involved with HIDTA funds in order to have some discretion. HIDTA has been doing fine on its own. It took me one full year and intervention by Senator Hagel to get a \$5700 reimbursement in OCDETF overtime money from Washington. HIDTA already knows the playing fields and they monitor the various programs closely. They know what we are up against."

Kevin Glaser, Task Force Commander of Southeast Missouri Drug Task Force, stated: He estimated that the loss of HIDTA funding alone would reduce the operating ability of the Task Force by 50%. The loss of Byrne (JAG) Funding would be disastrous to the task force and probably cause its termination

Deputy Chief Jim Peschong, Lincoln, Nebraska Police Department, stated: "If the HIDTA and Byrne Grant money was no longer available to help fund our narcotics investigative efforts, we would not be able to sustain our current level of resources to this effort. If HIDTA budgets fluctuated significantly our local Mayor and City Council would probably chose not to participate because of the unknowns. My fear is that if everything gets shifted over to OCDETF, local issues will take a back seat.

This does not happen under the current HIDTA initiatives. HIDTA provides funding and we must produce results.

Special Agent in Charge Rod Page, KBI, who has administrative and supervisory responsibility for the Southeast Kansas Drug Enforcement Task Force advised that the SEKDETF is totally funded by a combination of HIDTA and Byrne Grant monies. The elimination of these programs will destroy the task force.

Deputy Chief Steve Tellatin, Fremont, Nebraska Police Department, stated: "Federal money is critical to the survival and operation of the III CORPS Drug Task Force. Keeping fulltime officers assigned, equipped and operationally funded is seriously jeopardized if not eliminated without federal funding."

Jeff White, Chief Agent North Dakota Bureau of Criminal Investigation and Commander of Bismarck Task Force, stated: The added elimination of HIDTA and Byrne funds would reduce the task force by an additional 30 per cent leaving us where we were ten (10) years ago. Fractured/not sharing Intel or resources through lack of personnel, unable to focus on criminal groups, being ineffective to our constituents, not having a combined effort/strategy will occur as when the task forces become diminished other local needs will not allow those agencies to provide the same response as currently being given.

Chief Kyle L. Hetrick, Grand Island, Nebraska Police Department, stated: Losing HIDTA dollars would significantly impact drug enforcement efforts at the Tri-City Federal Drug Task Force. Local dollars are stretched to the limit as is.

Dallas Carlson, Chief Agent North Dakota Bureau of Criminal Investigation and Commander of Grand Forks Task Force, stated: The added elimination of Byrne funds would definitely cause my task force an additional loss of 30-40 per cent causing the task force to go out of business completely. Local entities do not have the funds they need to pick up what would be lost by a pull back of Byrne or HIDTA funds. We would be back to one or two members at each department working drug cases when time permits.

Lt. Greg Vandekamp, Commander of Sioux Falls Drug Task Force, stated: Our task force uses benefits from Byrne funds and includes members funded by the Byrne grant. You combine losing HIDTA and Byrne funding at the same time, you are pulling the rug right out from under the feet of our task force.

- 2) **"State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would**

make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?”

Due to the previous stability in our program and the local management of the Midwest HIDTA, state and local law enforcement administrators have gained some confidence that funded initiatives would truly be judged on productivity, performance, and impact on the regional enforcement strategy. Impacting drug availability in identified markets takes longer than one year to accomplish and even longer to measure impact usually by trending data. Long term planning and multi-year commitment is required when devising a market impact enforcement strategy. The planning process can be hampered or not accomplished at all if dramatic funding and resource fluctuations occur. If federal assistance and commitment levels are not stabilized we then are asking local commitment to increase each year until the task is accomplished. Local elements then rightly become the determinate of strategy, and how assets are used. This may not mesh with National identified priorities. Additionally it is generally through HIDTA state and local fiduciaries that people are hired, buildings are leased, cars are rented, and equipment is purchased or leased. These commitments require good faith commitment to local and state government that federal funds for reimbursement will be available.

Resource commitments to this program also occur on the local timetable, not the federal timetable. An example of this issue is the lag time for obligation of federal funds at the local level. ONDCP currently has not awarded any of the FY 2005 HIDTA funds budgeted by Congress to HIDTA initiatives as of 4/1/2005. Due to the late appropriation and the administrative processes in place, state and local agencies are operating on the assumption and commitment of the government that they will be reimbursed by appropriated funds when received. We expect the funds to be out by 4/30/2005. We are currently in the planning process for FY2006 and do not expect any of these funds if received to be available until 4/1/2006. This program does not operate on the federal fiscal year, it never has. In this program without long term planning we can accomplish very little.

- 3) **“The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA’s budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget?”**

Attempts by ONDCP to formulate and administer discretionary programs in the last three fiscal years appears to have have been less than adequate. Practitioners have not been included in discretionary program design, identification of best practices or in program implementation. Innovative and productive projects are one of the HIDTA Programs strong attributes. In the past two years when discretionary funds have been available there has been little or no interaction with Executive Boards as to how these additional funds should be allocated or on what projects they should be spent.

Having regional and local management with budget authority allows for the shifting of funds between initiatives and agencies based on the ability of task forces to respond to changing trafficking patterns and threats, or to an identified change in initiative resource needs. Washington D.C. is too remote and isolated tactically to be efficient in identifying and responding to change in any timely fashion. Putting all supplemental funding into National Priority projects also stifles growth of highly productive projects or growth of existing initiatives. Level funding of HIDTA's operating budget in favor of projects each year does not allow HIDTA's to grow based on local decisions or to meet increased local operating costs.

Bottom up input to regional management through a selected Executive Board provides for effective planning and strategy development. The Midwest HIDTA Executive Board, through formed advisory committees and in conjunction with participating agencies has identified threat, determined mission, and developed enforcement strategies and initiatives to implement the mission of the HIDTA Program. The Executive Board and the Midwest HIDTA Director, in cooperation with other subcommittees, coordinate initiatives to ensure a unified effort in achieving the mission.

The Board; selected by their peers according to guidance from ONDCP, is currently chaired by the Director, North Dakota Bureau of Criminal Investigation, with the Special Agent in Charge of the Drug Enforcement Administration serving as the vice-chair. The Executive Board provides oversight, policy guidance, review and approval of all initiatives and budgets submitted to ONDCP. Each state within the Midwest HIDTA has also formed a state program advisory committee comprised of law enforcement leaders, which provides input to the Executive Board and Directors staff on formation of the market strategy, making recommendations on initiatives and associated budgets to implement that strategy. The Midwest HIDTA has developed a cohesive and comprehensive regional program, which focuses on reducing and disrupting the importation, distribution, and manufacturing of illegal narcotics. Additionally, the Midwest HIDTA strives to enhance the public awareness of the social, economic and environmental dangers of drug abuse, improve the systematic sharing of intelligence and increase officer safety as it relates to the investigation of clandestine laboratories.

With direction from ONDCP, the HIDTA Program has been instructed to strengthen the focus of investigative efforts on high value targets. The emphasis on high value targeting concentrates participating agencies efforts on investigations having the most impact on the drug trafficking market. The Midwest HIDTA provides resources to initiatives that identify organizations, and dismantle DTOs on the Consolidated Priority Organization Target (CPOT) list, the Regional Priority Organization (RPOT) list, and the OCDETF defined regional target list. The identification of major organizations, and out of state sources of supply remains a goal of the Midwest HIDTA enforcement strategy. This provides more direct contribution to the market disruption goal of the National HIDTA Program strategy, and the National Drug Control Strategy.

Due to the size, geographic separation and the rural nature of some designated counties within the Midwest HIDTA, it is difficult to establish stand-alone collocated HIDTA task

forces in all counties. Where possible and in the more urban areas, collocated HIDTA multi-jurisdictional groups have been formed. In rural counties where federal resources and manpower are always scarce, and the threat requires, HIDTA funding has been utilized to enhance existing multi-agency task force operations. Often these existing Task Forces receive funds through DOJ Byrne (JAG) funds or the COPs Program in addition to regular budgeted local funds. These task forces target the most significant individuals in their area involved in the distribution of illegal narcotics or the clandestine manufacturing of methamphetamine.

The HIDTA Program provides infrastructure support and resources to establish or increase the capabilities of federal, state, and local intelligence driven enforcement task forces, which operationally impact regional and national drug markets. The national drug epidemic is in reality a network of related and unrelated regional and local drug abuse problems and the markets that supply them. Illicit drugs flow to drug markets and population centers much like any other business model. As one part of a larger market disruption strategy, HIDTA targets the most significant trafficking and distribution markets in the United States. A targeted strategy, implemented locally, produces greater immediate impact; while at the same time provides avenues for further investigation into national and international trafficking groups.

4) “The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.”

a) “Do you support this proposal? If not, why not?”

There are too many unknowns associated with this proposal to offer an appropriate and educated response. We have not seen any planning documentation or been part of a discussion with ONDCP or the Department of Justice as to what this move would mean to the HIDTA program, its core structure, or funding here in the Midwest. We also can only base opinions or more appropriately apprehensions, based on what is in place currently, not on what a transfer could mean to program coordination in the future.

The HIDTA Program provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional strategy and goals yet tied to the national mission. OCDETF is a federal partnership and focuses on federal resources and case support. OCDETF and HIDTA are mutually beneficial but different programs with different structures and missions. HIDTA provides infrastructure, intelligence sharing, and strategy coordination; OCDETF provides target coordination and prosecution support to operations. HIDTA and OCDETF should be complimentary not competitive programs.

b) “Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?”

This question as asked further illustrates the confusion on this issue. Agencies can, do, and should participate in both programs if they are located in a HIDTA designated area.

Program coordination should be encouraged. The HIDTA Program has locality issues in that HIDTA designated counties makeup only 12% of all US counties, while OCDETF has no such geographically restrictions. (See below for clarification) The programs are complementary in that HIDTA initiatives produce OCDETF designated cases. In these instances OCDETF provides targeting and operational coordination, HIDTA provides law enforcement infrastructure support, and agencies provide operational leadership, expertise, manpower, and productivity.

c) “What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?”

HIDTA’s have Executive Boards who locally manage the program with an equal number of federal and state/local representatives. No ONDCP representative as the sponsoring agency, sits on any of the boards to exert undo policy or resource pressure.

HIDTA funds follow Treasury financial award rules rather than DOJ Grant rules while both have many similarities. The Department of Justice through Office of Justice Programs has the expertise, and staff to facilitate the movement of state and local grant awards, and in all likelihood could be efficient at grant management. It is also our understanding that BJA administered the HIDTA awards for a number of years in the 1990’s under a memorandum of understanding with ONDCP.

HIDTA awards currently receive more scrutiny than DOJ awards as to appropriateness of expenditure due to the local management of all awards by HIDTA staff, and the mandate that program funds advance the collective effort making certain that joint initiatives do not merely support otherwise existing operations or supplant agency budgets.

From a National perspective, the HIDTA program provides ONDCP’s Bureau of State and Local Affairs with a unique link to state and local criminal justice agencies, an often-overlooked commodity and partner in our fight against illicit drugs and drug-related crime. Many interagency meetings intended to enhance cooperation and coordination are attended by ONDCP solely because it manages the HIDTA Program. ONDCP would lose their platform and their direct access to domestic supply reduction information if HIDTA is moved.

The HIDTA Program has flourished largely because of support by law enforcement agencies. This support comes chiefly because the program is managed by a neutral agency with no competing interests for program resources. ONDCP provides the unbiased neutrality, real and perceived, necessary for law enforcement agencies to willingly participate in the program.

Using the HIDTA Program as the primary vehicle to implement national projects significantly enhances the Bureau of State and Local Affairs policymaking and leadership roles. Some projects such as connectivity between HIDTAs, the National Clandestine Laboratory Seizure System, the National Methamphetamine Initiative, the National

Virtual Pointer System, and other programs that directly impact national drug policy, would have been difficult to implement without the brokering done by a neutral entity.

Federal, state and local agencies working in joint task forces, (HIDTA and others), or working joint cases, can have *cases* designated by the regional OCDETF committees, as OCDETF cases. There are no funds available to *build* cases to OCDETF level. No OCDETF funding is provided for sustained analytical or intelligence support, equipment or case development (prior to OCDETF designation). OCDETF has no operational task forces, pointer indices or intelligence gathering systems.

Participation in OCDETF cases by state and local agencies should continue and will be encouraged and supported by HIDTA, but this participation does not provide agencies the direct and sustained budgets that active participation in HIDTA provides. Up until now, the Programs are distinctly different, with different capabilities, but complementary missions. OCDETF and HIDTA are complementary not competing programs.

- 5) **“Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.”**

- a) **“Does your HIDTA currently comply with this directive? If not, why not?”**

Midwest HIDTA does comply with this directive and each member of the executive board has full voting authority. Because of the commitment to the concept of equal representation, and due to the size of the Midwest HIDTA the Board is 24 members, 12 from the federal side, and 12 from the state and local side.

Federal Representatives	State and Local Representatives
United States Attorney District of Kansas	Kansas Bureau of Investigation
United States Attorney W District of MO	Kansas City KS Police Department
United States Attorney E District of MO	Missouri State Highway Patrol
United States Attorney S District of Iowa	Lees Summit Police Department
United States Attorney N District of Iowa	Iowa Division of Narcotics Enforcement
United States Attorney District of Nebraska	Sioux City Police Department
United States Attorney District of S Dakota	Omaha Police Department
United States Attorney District of N Dakota	Nebraska State Patrol
DEA	Minnehaha County Sheriff
FBI	South Dakota DCI
ATFE	North Dakota BCI
United States Marshal W District of MO	Walsh County Sheriff

- b) **“How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?”**

HIDTA has been and continues to be one of the most successful partnerships between federal, state and local government as well as a successful national drug enforcement program. The program is strategically placed in 28 regions throughout the nation to coordinate the activities of drug law enforcement. HIDTA has funding and enforcement task force infrastructure in the top 40 Statistical Metropolitan Areas or drug consumption markets in the United States. The overall goal of this partnership is to reduce drug availability regionally and thus nationally as well as improve drug law enforcement effectiveness. Secondly, HIDTA is an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach yet tied to the national mission. Balanced executive boards of federal, state and local law enforcement leaders give each ownership of the program.

- c) **“Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA’s administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?”**

Of course discussions about future funding have required agencies to re-evaluate their commitment to programs that require long-term resource commitment. We have tabled plans for growth and movement of enforcement efforts based on threat, until these budget issues become clearer. At this point it is understandable for employees committed to this mission to be uneasy about employment and unwilling to further commit to long-term plans. Agencies are also reevaluating pre-planned growth in systems due to funding uncertainty, and are developing contingency plans to withdraw from existing initiatives if resources are removed.

Yes, this debate over HIDTA funding, move of HIDTA from ONDCP, and the bigger funding issues of Byrne (JAG) elimination, COPS and LLEBG elimination, and National Guard CD Support reduction, is definitely affecting the plans of many agencies committed to this effort. To state otherwise would be untrue.

What is also of concern is the realization that we may not have a quick resolution to any of these issues. We have delayed important projects or have lost momentum for change until these issues are resolved. Drug law enforcement cuts combined with the current fiscal environment within states in our region will leave state and local governments with difficult choices.

Sincerely,



David Barton
Director

ATTACHMENTS

IOWA
Midwest HIDTA Initiatives

No Impact	Reduce Operational Productivity by 25%	Reduce Operational Productivity by 50%	Reduce Operational Productivity by 75%	Eliminate
		1. DM/DEA \$369,315		
				2. Muscatine TF- \$165,000
	3. Tri-State/DEA \$527,414			
	4. CR/DEA \$727,406			
				5. SAUSA Program
	6. IA Lab \$85,000			

1. Des Moines/DEA Task Force

Lt. Tom Tremble, Des Moines Police Department, didn't know if they could continue in the TF, they would have to re-evaluate. They are presently in two TFs.

Chief Deputy Neil Shlutz, Polk County Sheriff's Office, said they would have to reassess TF commitment. They are presently in two TFs.

2. Muscatine Task Force

Capt. Mike Scott, Muscatine Police Department, said the TF would be eliminated. They would lose one position. He advised, "HIDTA has been a great thing for Muscatine. It has been very positive and we have taken hundreds of pounds of meth off the street because of it."

Capt. C.J. Ryan, Muscatine Sheriff's Office, said the TF would be eliminated. They would lose two positions.

3. Tri-State Sioux City DEA Task Force

Capt. Pete Groetken, Sioux City Police Department, said Sioux City is committed to the TF. "In my 32 years in law enforcement, there has never been a time when the cooperative effort between federal, state, county, and local law enforcement agencies has been stronger than it is right now in the area of drug enforcement. This is a direct

result of the HIDTA Program. Under strong leadership, HIDTA has created multi-jurisdictional and collocated drug task forces that work together everyday to target illegal drug trafficking in the United States. The success of the HIDTA Program is directly related to the team effort that exists today. If federal funding for the HIDTA Program is eliminated, drug enforcement efforts will take a huge step backwards!!"

Iowa Division of Narcotics Enforcement

Director Ken Carter, Iowa Division of Narcotics Enforcement, advised he would have to find funding for his agents. Those agents he pays for would be reassigned to their local area. The loss of HIDTA funding would reduce the Division of Narcotics strength by 17%, which would not only impact the state's drug enforcement efforts, but would critically impact the support the federal task forces receive from DNE. The DNE initiates the majority of the undercover investigations and supplies most of the undercover funds utilized by these task forces.

Iowa has two federal judicial districts and most of DNE cases are prosecuted federally. Any loss of DNE agents would have an immediate impact on the number of cases prosecuted federally. According to recent data, 76.5% of federal drug sentences were meth related as opposed to 15.5 nationally.

Iowa has 1472 clan lab incidents in CY-2004. Loss of HIDTA funding would greatly reduce or eliminate any DNE response to clandestine methamphetamine lab sites. Clan lab certification and re-certification training, which DNE provides to city & county law enforcement throughout the year would be eliminated.

Loss of HIDTA funding would greatly increase the risk of children being exposed to clandestine methamphetamine labs. The Iowa Division of Narcotics Enforcement has played a leadership role in supporting Drug Endangered Children efforts. Approximately 1000 Iowa children have been rescued by law enforcement from meth labs sites over the past three years. Loss of HIDTA funding would have deep adverse consequences to the youngest and most vulnerable Iowans.

HIDTA funding provides the glue that keeps federal, state, county, and city drug enforcement officers working in concert. Elimination of HIDTA funding would undercut these cooperative efforts, permitting organized drug trafficking organizations to continue to operate unhampered.

Loss of HIDTA funding coupled with the decrease or loss of Byrne Grant funding would set drug enforcement back 20 years in Iowa.

KANSAS
Midwest HIDTA Initiatives

No Impact	Reduce Operational Productivity by 25%	Reduce Operational Productivity by 50%	Reduce Operational Productivity by 75%	Eliminate
				1. Kansas Bureau of Investigation Enforcement Initiative \$149,788
				2. Southeast Kansas Drug Enforcement Task Force \$496,067
			3. Federal Bureau of Investigation, Criminal Intelligence Unit \$325,000	
	4. DEA Garden City Task Force \$125,000			
5. DEA Interdiction Task Force \$480,000				
		6. DEA Overland Park Combined Task Force \$540,000		
		7. DEA Wichita Task Force \$540,000		
				8. SAUSA Program
	9. KBI Forensic Lab			

1. Kansas Bureau of Investigation Enforcement Initiative

Special Agent in Charge Kelly Ralston, Task Force Commander of the KBI Enforcement Initiative, advised that elimination of HIDTA funding for his task force would potentially result in the furlough/dismissal of three KBI Special Agents, one Crime Analyst, one accounting technician and an Assistant Attorney General, since the KBI state budget currently has no provision or funds for absorbing these positions. This would effectively eliminate the KBI EI. The KBI, as an agency, supported this Initiative in the amount of \$149,788 in fiscal year 2004, to pay for prorated salary and fringe and ancillary costs for an additional 17 part time meth trained Special Agents assigned throughout the State of Kansas, under the supervision of SAC Ralston, to investigative methamphetamine related criminal cases. The dissolution of this Initiative and the resulting discontinued focus on methamphetamine manufacturing and use, would have devastating consequences for the numerous communities depending on the KBI throughout a vast rural geographical area covering 75% of the State of Kansas, which is under the jurisdiction of this specific task force. This task force receives no Byrne Grant funding.

2. Southeast Kansas Drug Enforcement Task Force

Special Agent in Charge Rod Page, KBI, who has administrative and supervisory responsibility for the Southeast Kansas Drug Enforcement Task Force, advised that the SEKDETF is totally funded by a combination of HIDTA and Byrne Grant monies. The elimination of these programs will destroy the task force. Byrne Grant funding amounts to \$411,840. 19 LE Agencies contribute an additional \$137,280 non-reimbursable dollars to be a part of this extended coalition/task force. Additionally, the Kansas Bureau of Investigation deliberately collocated a regional forensic crime lab within the T/F space, comprised of 2 field agents, 2 chemists, 1 fingerprint expert, and 1 evidence clerk at a non-reimbursed cost of \$327,899. The KBI also pays 75% of the lease, non-reimbursed, on the building housing both the T/F and the Forensic lab. The total of KBI non-reimbursed monies to support this T/F is \$496,067.

The Kansas Bureau of Investigation also has assigned three Special Agents, one each respectively, to the DEA Overland Park Combined T/F, the FBI Criminal Intelligence Unit, and the DEA Wichita T/F. Even though these three federal task forces are HIDTA funded, the salary and fringe benefits of the three KBI agents are non-reimbursed expenses borne by the KBI to support these Task forces and their HIDTA missions. The KBI has advised that these agents would remain on the Task Forces even if HIDTA funding were discontinued for overtime, vehicle and cell phone expenses for these three KBI agents. The total of KBI non-reimbursed monies for the three KBI agents is \$195,132.

3. Federal Bureau of Investigation, Criminal Intelligence Unit

The FBI Criminal Intelligence Unit has seven local and state task force officers assigned to this Intelligence Initiative. Two of those officers are fully funded by HIDTA, and the remaining five are funded for overtime, vehicles, and cell phones and pagers by HIDTA. The estimated state and local non-reimbursed salary and fringe expenses for these five officers is \$325,000 dollars. This T/F would reduce its operational efficiency by 75% if HIDTA funding were to be discontinued due to lack of vehicles and overtime and the potential loss of at least the two fully funded HIDTA task force officers, and probably a portion of the remaining five task force officers. The Midwest HIDTA program also has been instrumental in the creation of and expansion of the "Intel Plus" intelligence system, which currently integrates with other HIDTA intelligence protocols. It is anticipated that the FBI would quickly act to salvage this valuable intelligence asset and resource by requesting FBI HQ to fund the implementation of a contingency plan to keep this system operational, but not tied to a collocated intelligence infrastructure, such as the HIDTA Investigative Support Center (ISC). The internalization of the "Intel Plus" intelligence protocol within the FBI would deal a serious blow to long standing efforts to collocate broad based Federal, State, and Local LE agency participation in an intelligence sharing infrastructure. There are no Byrne Grant monies involved in funding this task force.

This intelligence initiative received \$30,000 in OCDETF support in each of the fiscal years 2002 and 2003, but did not receive any OCDETF support in FY 2004

4. DEA Garden City Task Force

The DEA Garden City T/F has four state and local Task Force Officers assigned, one of which (Finney County SO) is HIDTA funded. Finney County has advised that they would discontinue providing a TFO if HIDTA funding is terminated. The estimated non-reimbursable expenses of the three other state and local participating agencies are \$125,000.

5. DEA Interdiction Task Force

The DEA Interdiction Task Force in Kansas City, Missouri is a HIDTA funded T/F with nine state and local investigators assigned, one of which (Missouri State Highway Patrol) is fully funded. The estimated non-reimbursable expenses of the other eight local and state participating agencies is \$480,000.

6. DEA Overland Park Combined Task Force

The DEA Overland Park Combined Task Force has 13 state and local task force officers assigned, 7 of which are fully HIDTA funded. Approximately 25% of the salary and fringe benefits of these 7 funded officers is absorbed by the participating agencies due to a level funding mandate by ONDCP based on FY 2001 funding. This amounts to approximately \$150,000 in non-reimbursable expenses. In addition, the non-reimbursable expenses of the remaining 6 participating agencies is approximately \$390,000. The seven participating agencies with HIDTA funded officers have stated that they would withdraw their officers from the T/F if HIDTA funding were discontinued. Total of non-reimbursable expense is \$540,000.

7. Wichita DEA Task Force

The Wichita DEA Task Force has 9 state and local task force officers assigned, three of whom are HIDTA funded in the areas of overtime, vehicle expenses, and cell phone/pager expenses. The non-reimbursable participating agency expenses for these three TFO's is estimated at \$180,000. The non-reimbursable expenses for the remaining six TFO's are estimated at \$360,000. The three participating agencies have stated that they would withdraw their officers from the T/F if HIDTA funding is discontinued.

MISSOURI
Midwest HIDTA Initiatives

No Impact	Reduce Operational Productivity by 25%	Reduce Operational Productivity by 50%	Reduce Operational Productivity by 75%	Eliminate
				1. Kansas City Metro Drug Enforcement Task Force \$1,132,137
	2. St. Charles County Drug TF \$402,000			
		3. Southeast Missouri DTF \$627,916		
4. South Central Missouri DTF \$473,000				
				5. Interdiction & Info Exch. Int. \$1,500,000 DDCC,MSHP
		6. St. Louis Co.MJ DTF \$2,500,000		
				7. St. Louis Interdiction TF \$420,000
				8. Springfield DEA TF \$50,000
	9. St. Louis FBI Combined Enf. TF \$180,000			
		10. St. Louis DEA Intell Group \$60,000		
		11. Violent Traffickers TF \$420,000		
		12. Major Conspiracy & Inv Group \$360,000		
	13. Task Force Group 32 \$540,000			
			14. FIT \$180,000	
				15. MW HIDTA ISC \$220,400
				16. SAUSA Program
	17. KCPD Crime Lab			
				18. DEA Satellite Lab
	19. St. Louis County Police Department Laboratory			

1. Kansas City Metro Drug Enforcement Task Force

Captain Donna Saunders, KCMOPD, Task Force Commander, advised that the discontinuance of HIDTA Funding for the Task Force would result in its elimination. The KCMOPD has assigned 15 investigators and support staff to the Task Force. Seven are not funded by HIDTA and eight are partially HIDTA funded. The total non-reimbursed funding by the KCMOPD to the Task Force is \$624,034. Four other Local Departments and the Jackson County Prosecutor's Office assign 4 officers and a prosecutor to the Task Force. Part of their cost is not reimbursed in the approximate amount of \$61,000, because their reimbursement is frozen at 2002 levels due to an ONDCP mandate.

Additionally the Task Force (KCMDETF) is collocated with the KCMOPD's Career Criminal Unit (CCU). CCU is comprised of seven KCMOPD Officers and seven Federal Agents. The CCU received one time HIDTA infrastructure funding to move and collocate with the MDETF so that the two could share resources and intelligence. Also the Missouri State Highway Patrol has a regional narcotics unit comprised of eight MSHP narcotics investigators collocated in the same space along with the other two task forces. The MDETF and the CCU are collocated in a stand-alone building that is totally funded by HIDTA in terms of leasing, utilities, telephones, investigative infrastructure and hardware. The loss of HIDTA funding would immediately suspend the investigative efforts of over thirty investigators and support staff, as well as severely disrupt the activities of the MSHP narcotics unit. The other four participating local agencies and Jackson County would also have to withdraw if HIDTA funding was to stop.

The KCMOPD has seven investigators assigned to the CCU, all of which are non-HIDTA funded. The total non-reimbursed funding expended by the KCMOPD is \$447,103. The seven federal investigators assigned to the CCU are all non-HIDTA funded. The total non-reimbursed federal funding expended to support the CCU, in the areas of salary, benefits and AUO is approximately \$435,426.

Captain Saunders advised that the Task Force received \$8,237 in OCDETF case support in FY-2004.

Captain Saunders also stated the it would be impossible to manage the Initiative in terms of fiscal planning if the budget were subject to fluctuation every year. Most of the Initiative's investigations are long term in nature and need dedicated resources over an extended period of time.

The total state and local non-reimbursed funding to this Initiative is \$1, 132,137. The total federal non-reimbursed funding to support this Initiative is \$435,426.

2. St. Charles County Drug Task Force

Lt. Dave Tiefenbrunn, Task Force Commander advised that the total approximate unreimbursed contributions from local participants is about \$402,000. He also advised that the total unreimbursed federal contributions to the task force for one DEA agent were about \$105,000. He estimated the loss of HIDTA funding alone would reduce the operating ability by 25%. The combined loss of HIDTA Funding and Byrne funds (JAG) would affect operating ability by a reduction of 75%. The Task Force Commander was uncertain what the Task Force Board of Directors would do regarding continued operation of the TF at that level of effectiveness. Lt. Tiefenbrunn also stated that year to year fluctuations in funding would make it impractical for long range planning regarding trained staffing, assignments and conduct of long term investigations. He also stated that the uncertainty caused by the recent suggestion of cuts in HIDTA funding and other anti drug funding, was causing problems. He cited the recent example of the lease for the task force space and putting it off in terms of the amount time desired by the lessor, until he (TF Commander) had a better grasp of where things are going. He also said that uncertainty about funding was beginning to affect the usual strong long-term decisions by the Task Force Board of Directors and that they were exploring diminished alternatives.

Lt. Tiefenbrunn did not know of any OCDETF Funding received by the Task Force since his appointment as Commander some months ago.

3. South East Missouri Drug Task Force

Task Force Commander Kevin Glaser advised that the total approximate unreimbursed contributions from State and Local participants are about \$627,916. There are no direct contributions from any Federal LE Agency. He estimated that the loss of HIDTA funding alone would reduce the operating ability of the Task Force by 50% (this includes the loss of prosecution ability through 2 HIDTA funded state and federal prosecutors in the immediate area which are utilized by the Task Force). The loss of Byrne (JAG) Funding would be disastrous to the task force and probably cause its termination. The loss of HIDTA Funding and Byrne Funding combined would definitely cause its termination and certain demise. Task Force Commander Glaser consolidated the questions concerning possibly dealing with year-to-year fluctuations in funding; and the uncertainty in making decisions brought about by the ongoing budget cut process. He felt the area affected most by both of these issues was Task Force personnel. Fluctuating annual budgets and ongoing uncertainty would definitely have an affect on hiring and maintaining the best qualified Task Force Officers and the assignment of Officers from participating agencies.

Without HIDTA reimbursement the MSHP would have to withdraw its one reimbursed narcotics investigator (four others are not reimbursed) from the Task Force and assign him to road duty.

Task Force Commander Glaser did not know of any OCDETF money received by the Task Force in several years.

4. South Central Missouri Drug Task Force

Task Force Commander Jason Weisacosky advised that the total approximate unreimbursed contributions from State and Local participants are about \$473,000. The estimated unreimbursed federal contribution from the US Forest Service, which assigns two officers and an analyst to the Task Force, at about \$200,000. Task Force Commander Weisacosky advised that because the Task Force receives only a minimal amount of HIDTA funding for its participation in the program, the loss of HIDTA funding (\$10,000 per year) would have a minimal impact on the Task Force in terms of operating ability (overtime and federal prosecution services). Though this could not be measured accurately in terms of saying “no impact”, it would not reach 25%. He did stress that the loss of Byrne (JAG) funding would cause the termination of the Task Force. Task Force Commander Weisacosky also consolidated the questions concerning possibly dealing with year-to-year fluctuations in the budget and the uncertainty in making decisions brought about by the ongoing proposed budget cuts to anti-drug funding. Since the Task Force area of responsibility is largely made up of a huge undeveloped area of US National Forest Land, the ongoing need for special purpose vehicles is paramount. The planning for the vehicles and their replacement is an ongoing issue, which is disrupted by the current quandary and any chance of fluctuating budgets in an overall sense. The ability to plan for Overtime regarding special projects would also be taken away.

The Task Force Commander provided no instances of the Task Force receiving any OCDEF funding.

5. Interdiction and Information Exchange Initiative (DDCC, MSHP)

This initiative has advised that the total approximate unreimbursed contribution from state participation in this HIDTA Initiative and the Program is about \$1,500,000. The loss of HIDTA funding to this Initiative would cause its termination. The Initiative receives funding from two HIDTA Awards. One, Supplemental 2004 funding for Interdiction of \$200,000 and another regular budget for Interdiction Support for \$68,000. No federal LE contributions are received. Initiative participants advise that year- to- year to fluctuations to the budget would not work. In the State of Missouri, it is required that each state agency request through the legislative process “spending authority” to expend funds including federal money. This is done a year in advance. The long range planning in their own budget process necessitates the ability to plan for in-depth plotted out interdiction strategy in terms of participation in “surge operations”, training classes and scheduling travel and overtime for participating road officers. Fluctuations would not work for Information Exchange portion of the Initiative either. The planning for the continued technology necessary to participate in the NVPS and the information sharing necessary to facilitate it in terms of the Interdiction program, necessitates the same long term planning for technology infrastructure and support. The uncertainty caused by the ongoing quandary over the possible loss of HIDTA funding is a constant problem in terms of planning, commitment, and acquisitions.

No OCDETF funding is received by this Initiative

6. St. Louis County Multi-jurisdictional Drug Task Force

The Task Force Commander, Captain Tom Jackson, stated that the total approximate amount of state and local contributions is \$2,500,000 (43 municipal, county and state personnel) to this 45 person Task Force. He estimates federal contributions for one full time assigned ATF Agent at \$105,000. Captain Tom Jackson, advised that the elimination of HIDTA Funding to the Task Force, and the HIDTA Program overall, would severely hamper its operating ability, not only in terms of financial support of day to day Task Force activities and needs, but participation in its services such as the ISC, de-confliction, data storage, and the overall spirit of cooperation it brings to the anti drug law enforcement community. Captain Jackson advised that the loss of HIDTA funding and the Program would reduce the operational effectiveness of the Task Force by 50%. He feels that the Task Force's effectiveness, since starting participation in the program in 2002, has been enhanced tremendously. This includes the results of having the prosecution services of two HIDTA funded federal prosecutors and Laboratory. Captain Jackson further advised that if Byrne (JAG) funding were lost also, this unique task force would cease to exist, as it does now, and simply become a 1970's single agency type drug unit, concerned with localized drug issues. Captain Jackson noted the adverse affect a fluctuating budget and the current uncertainty are having in terms of planning for and entering into leases and contracts for their facility and vehicles. For a Task Force of this size, these are major ongoing outlays of funds. Meeting these large obligations requires certainty of resources far in advance. Captain Jackson also noted that the cumulative effect of loss of funding (both HIDTA and Byrne) would be a collapse in structure regarding paying for unfunded obligations and that the twenty county officers assigned by St. Louis County to the DEA and FBI Initiatives in St. Louis via the Task Force would eventually be called back.

Captain Jackson stated that the Task Force receives about \$10,500 annually in OCDETF funding. He also noted the difference between OCDETF and HIDTA in stating "HIDTA supports the Task Force, rather than a specific case."

The Missouri State Highway Patrol advised they would have to withdraw their narcotics investigator assigned to the Task Force if HIDTA funding were discontinued and assign them to road duties.

7. St. Louis Interdiction Task Force

Captain Tom Jackson estimates the total local contribution to this Initiative at \$420,000 The loss of HIDTA funding for some of the vehicles and fuel, coupled with the overall affect of the loss of the whole HIDTA program would cause the termination of this Initiative and the possible recall of the local officers (definitely those (6) from ST. Louis County). The Initiative, which is collocated in the DEA

Office, has one DEA agent assigned at an estimated federal contribution of \$105,000. Captain Jackson reiterated his concerns stated earlier about long-term commitment, planning and uncertainty.

No known OCDETF funding is received by this Initiative.

8. Springfield DEA Task Force

The Springfield DEA Task Force is almost a completely HIDTA funded Initiative in Springfield, Missouri. The state and local unreimbursed contribution is about \$50,000. HIDTA funding completely reimburses the Salaries, Fringe Benefits, Overtime, Vehicles, Fuel, Cell Phones, and Pagers for seven state, county and local officers assigned to the Task Force. DEA pays overtime for one other County Officer assigned to the Task Force. A separate HIDTA Budget through DEA also funds Task Force Office Operating expenses and some PEPI funding. Representatives of the five participating agencies (MSHP, Springfield PD, Greene County Sheriff's Department, Christian County Sheriff's Department, and COMET TF) that provide the seven officers were contacted. All advised that under the current situation, they would have to withdraw their personnel and participation if HIDTA funding to the Initiative were discontinued. This would simply leave the DEA personnel assigned to Springfield, one Newton County Deputy and a Missouri National Guard Analyst. In essence this would no longer be a Regional Task Force but simply a slightly supplemented DEA Field Office.

It is not know if OCDETF funding is received by this Initiative.

9. St. Louis FBI Combined Enforcement Task Force

This FBI Initiative receives some HIDTA funding that is utilized for the purchase of Evidence and Information, Nextel communication service for the whole group and Equipment. The local unreimbursed contribution to this Initiative about \$180,000 The FBI might eventually replace the impact, of the loss of HIDTA funding, but there would be some temporary reduction in operating ability. The State Coordinator estimates this temporary operating ability loss at 25%.

It is not known if OCDETF funding is received by this Initiative.

ST. LOUIS DEA INITIATIVES – Information estimated

10. St. Louis DEA Intelligence Group

This Initiative receives an estimated \$60,000 in unreimbursed state and local contributions. Additionally, three of its participants (a Detective and 2 analysts) from the St. Louis County Police Department are funded in a large part by a HIDTA Award to the Initiative for Personnel and Fringe. Captain Tom Jackson advised the loss of HIDTA funding would cause the Department to recall them and quit their participation. Additionally, the Initiative receives even more funding from HIDTA

through the DEA Office (\$129,000) toward the operation of the group. The loss of HIDTA funding (St. Louis County Personnel + the sizable amount of funding) leads the state coordinator to place the operating ability loss to the group at 50%.

11. Violent Traffickers Task Force

This Initiative receives approximately \$420,000 in unreimbursed local contributions. The loss of HIDTA funding for vehicles and fuel for participating local officers might cause their departments to consider their recall. Captain Jackson advised that the St. Louis County Police Department would recall their officers if such a loss occurred. The Initiative does also receive HIDTA funding for operations (\$70,000). The estimated loss of operating ability to the Initiative of three detectives + operating funding would cause a reduction of 50%.

12. Major Conspiracy and Investigation Group

This Initiative receives about \$420,000 in unreimbursed local contributions. The Initiative receives over \$93,000 in HIDTA funds for vehicles, fuel and group operations. The loss of the HIDTA funding would in all likelihood cause the recall of many of the local officers, definitely those from St. Louis County Police Department. The estimated loss in current enhanced operating ability would be reduced by 50%.

13. Task Force Group 32

This Initiative receives about \$560,000 in unreimbursed local contributions. The group receives \$36,000 in operating funds from HIDTA. The estimated loss in current enhanced operating ability would be reduced by 25%.

14. Financial Investigation Team (FIT)

This Initiative receives about \$180,000 in unreimbursed local contributions. The Initiative currently operates on a 2004 Supplemental HIDTA Award of \$150,000 in CPOT Funding. The loss of HIDTA funding would cause the recall of at least the St. Louis County Police Department Officers (one full time and two part time). Since they are such and integral part of the Initiative and the HIDTA CPOT funding is crucial to the Initiative, the estimated loss of operating ability is placed at 75%.

15. Midwest HIDTA Investigative Support Center (ISC)

The Midwest HIDTA Investigative Support Center (ISC) would be lost if HIDTA funds were eliminated. The Drug Enforcement Agency has a full time supervisory special agent and an intelligence analyst as the lead agency for the ISC. In addition the FBI Criminal Intelligence Unit a separate HIDTA Initiative and the ATF Kansas City Field Division Intelligence Unit are both collocated and co-mingled within the ISC space. Each of these groups would be forced to return to their respective agencies if the ISC disbanded.

NEBRASKA
Midwest HIDTA Initiatives

No Impact	Reduce Operational Productivity by 25%	Reduce Operational Productivity by 50%	Reduce Operational Productivity by 75%	Eliminate
				1. WING Task Force \$132,324
			2. Lincoln/Lancaster Task Force \$424,386	
			3. Tri-City Task Force \$280,332	
	4. Omaha Metro Task Force \$6,349,000			
			5. III Corp Task Force \$193,394	
	6. NE Analyst \$8,984			
				7. Special Asst. US Attorneys \$6,195
	8. NE Forensic Lab \$21,615			

1. WING Task Force

Jim Livingston of Scottsbluff, NE and Chief of WING Task Force, stated: "Loss of HIDTA funds will create the possibility of a lay off to balance out the funds. I do not see the value or benefit of having another federal agency get involved with HIDTA funds in order to have some discretion. HIDTA has been doing fine on its own. It took me one full year and intervention by Senator Hagel to get a \$5700 reimbursement in OCDETF overtime money from Washington. HIDTA already knows the playing fields and they monitor the various programs closely. They know what we are up against."

2. Lincoln/Lancaster Task Force

Deputy Chief Jim Peschong, Lincoln Police Department, stated: "If the HIDTA and Byrne Grant money was no longer available to help fund our narcotics investigative efforts, we would not be able to sustain our current level of resources to this effort. If HIDTA budgets fluctuated significantly our local Mayor and City Council would probably chose not to participate because of the unknowns. My fear is that if everything gets shifted over to OCDETF, local issues will take a back seat. This does not happen under the current HIDTA initiatives. HIDTA provides funding and we must produce results. The uncertainty surrounding the HIDTA program makes vacancies difficult to fill because of the uncertainty as to whether or not the position will be available for very long. Local governments are nervous about signing

contracts for vehicles and facilities because they may find themselves locked into a contract that they now have to come up with the money. Uncertainty is bad for everyone; moral, efficiencies with money and long term commitment.”

3. Tri-City Task Force

Chief Kyle L. Hetrick, Grand Island Police Department, stated: The Grand Island Police Department contributes \$205,200 to The Tri-City Task Force. The personnel expense will go up when we fill our drug slot vacancy this September. That will add another \$40,000+ to the total. A quarter million dollars a year is a pretty significant contribution for an agency this size. Losing HIDTA dollars would significantly impact drug enforcement efforts at the Tri-City Federal Drug Task Force. Local dollars are stretched to the limit as is.

4. Omaha Metro Task Force

Chief Thomas H. Warren Sr., Omaha Police Department, stated: "Current federal dollars including those from Byrne, LLEBG, and HIDTA all provide critical resources for our agency in our fight against illegal guns, gangs, and drugs as well as all types of property crimes and violent crimes which are a direct result of the illegal drug trade and addiction. It is my hope congress will continue to fund these important initiatives.”

5. III Corp Task Force

Deputy Chief Steve Tellatin, Fremont Police Department, stated: “Federal money is critical to the survival and operation of the III CORPS Drug Task Force. Keeping fulltime officers assigned, equipped and operationally funded is seriously jeopardized if not eliminated without federal funding.”

**NORTH DAKOTA
Midwest HIDTA Initiatives**

No Impact	Reduce Operational Productivity by 25%	Reduce Operational Productivity by 50%	Reduce Operational Productivity by 75%	Eliminate
		1. HIDTA Task Force- Bismarck \$359,096		
		2. Grand Forks County Task Force \$386,386		
	3. DEA Task Force – Fargo \$47,290			
				4. SAUSA Program
	5. Forensic Lab			

1. HIDTA Task Force – Bismarck

Jeff White, Chief Agent North Dakota Bureau of Criminal Investigation, stated: The added elimination of Byrne funds would reduce the task force by an additional 30 per cent leaving us where we were ten (10) years ago. Fractured/not sharing Intel or resources through lack of personnel, unable to focus on criminal groups, being ineffective to our constituents, not having a combined effort/strategy will occur as when the task forces become diminished other local needs will not allow those agencies to provide the same response as currently being given.

2. Grand Forks County Task Force

Dallas Carlson, Chief Agent North Dakota Bureau of Criminal Investigation, stated: The added elimination of Byrne funds would definitely cause my task force an additional loss of 30-40 per cent causing the task force to go out of business completely. Local entities do not have the funds they need to pick up what would be lost by a pull back of Byrne or HIDTA funds. We would be back to one or two members at each department working drug cases when time permits.

Sheriff Lauren Wild, Walsh County North Dakota, stated: The added elimination of Byrne funds would definitely cause my task force to cease functioning. My county does not have the resources to keep added staff, added equipment costs and sustain the needed support items that are part of a task force operation. Drug enforcement is a full time operation and can't be effective if my road deputies on patrol are also expected to do an extensive drug investigation along with all their current duties. It would have a disastrous effect on my county and its citizens.

Paul T. Stave, Chief of Police, Grafton, North Dakota, stated: The added elimination of Byrne funds would most likely cause our task force to close. We are made up of several small agencies and the smaller ones would have a very hard time funding the necessary agents and equipment. The loss of our task force would put a huge burden on our Department and community.

SOUTH DAKOTA
Midwest HIDTA Initiatives

No Impact	Reduce Operational Productivity by 25%	Reduce Operational Productivity by 50%	Reduce Operational Productivity by 75%	Eliminate
		1. Sioux Falls Drug Task Force \$484,652		
		2. Pennington County Drug Task Force \$248,348		
	3. Forensic Lab			

1. Sioux Falls Drug Task Force

Lt. Greg Vandekamp, Commander, Sioux Falls Drug Task Force, stated: Our task force uses benefits from Byrne funds and includes members funded by the Byrne grant. You combine losing HIDTA and Byrne funding at the same time, you are pulling the rug right out from under the feet of our task force.

Sheriff Mike Millstead, Sheriff of Minnehaha County South Dakota, stated: Combining the proposed cuts in Byrne Funding and with the HIDTA funding reduction would be a devastating “two fisted” blow to our drug enforcement efforts statewide. The only people who would win would be our drug dealers.

South Dakota Division of Criminal Investigation

Kevin Thom, Director South Dakota Division of Criminal Investigation, stated: If HIDTA and Byrne are eliminated it would in essence gut drug enforcement in South Dakota.

We would each have to go back to our legislative bodies to seek state or local funding.

This would be an uphill battle as dollars are tight most places.

Prolog on Methodology:

Data provided by State and Local task force commanders, lead agencies, and agency heads. Dollar amounts of unreimbursed matching resources are based on average costs and a conservative look at staffing assumptions provided by agency leads. Due to the size of the Midwest HIDTA and the wide difference in expense costs from Bismarck ND to St. Louis MO, these costs have been estimated on the low side. Example: staff used the salary cost of \$50K as the total salary, and fringe costs of a S/L officer. A federal agent assigned to the initiative was figured at the same cost, when in reality this cost should be at least doubled.

Impact of loss of funding on initiatives was determined from statements of State and Local leadership, based on the worst-case scenario. Operational impact on the task force may not equate directly to the dollar amount lost. Example, the loss of 2 officers directly reimbursed by HIDTA results in the removal of these officers from the task force, which when implemented results in another officer being removed due to agency staffing needs. Loss of two salaries results in the removal of three from the TF. All would be based on S/L agency decisions.



Michigan High Intensity Drug Trafficking Area
613 Abbott Street, 2nd Floor
Detroit, MI 48226

April 5, 2005

Honorable Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources.
Unites States House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20515-6143

Re: Reply to questions for the written record from Mr. Abraham L. Azzam, Executive Director, Michigan HIDTA.

Dear Chairman Souder:

I would like to thank you and your subcommittee for the opportunity to respond to your questions as part of the official written record of these proceedings. I am sure you are aware by now that the HIDTA Director's are not in support of Director Walter's assessment of our program, or the proposed cutbacks and movement of the program. The Michigan HIDTA responses are as follows:

1. *Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.*

a. *What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?*

The approximate dollar value of all unreimbursed state and local contributions to the Michigan HIDTA is **\$47,234,377** (see attachment A).

b. *What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?* The approximate dollar value of all unreimbursed federal contributions to the Michigan HIDTA is **\$14,030,472** (see attachment A).

- c. *Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?*

The Michigan HIDTA provides funding to 23 Task Forces. Of these 23 Task Forces, 7 were established by the Michigan HIDTA Executive Board to address specific threats identified that were not being addressed by previously established Task Forces. It is unlikely those seven Task Forces would continue without HIDTA funding.

Many of the Michigan HIDTA Task Forces would likely remain in effect without HIDTA funds; however, they would suffer significant reductions in efficiency and effectiveness. I also believe that numerous smaller police departments would pull their respective officers out of the Task Forces and return them to patrol duties if HIDTA funds were not available to supplement significant expenditures such as overtime, vehicles, equipments and services (i.e. Nextel, pen registers, etc.).

Another significant asset that would be lost without HIDTA funding is the Investigative Support and Deconfliction Center. The loss of the Deconfliction Center would severely impact officer safety throughout the entire State of Michigan.

2. *State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?*

One of the many strengths of the HIDTA program has been to give our State and Local Partners an equal voice in the formation and operation of Initiatives and Task Forces. The flexibility of the HIDTA process allows for personnel anomalies. HIDTA Initiatives are based upon the specific threat to the area in question. This threat or problem identification is arrived at collectively by the participating agencies, Federal, State and Local, who are canvassed through the HIDTA Process and Investigative Support Center (ISC) analysts.

Construction of the actual Initiative or Task Force is based upon the multi-agency, multi-jurisdictional, non-duplicative and collocated components who commit personnel to accomplish the goals and focus of the venture. A consistent budget allows efficient planning and allocation of existing resources. Locally we are able to adjust, improve or eliminate our Initiatives, as needed, because of the somewhat stable baseline budgets now in existence.

The current process gives ONDCP extraordinary review powers over each year's budget and strategy requests that are submitted. We are forced to justify all of our budget requests for the next year, each year. The baseline amounts for each existing HIDTA are determined by ONDCP and the Congress, not by us.

It would drive away our law enforcement partnerships if we were forced to have an arbitrarily fluctuated budget each year. The Michigan HIDTA would be hard pressed to be taken seriously if we did not have a somewhat stable budget for our partners to work with each year.

3. *The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?*

This position by the Administration indicates that somehow the current process to obtain HIDTA funding is unknown or being ignored for the sake of this unfounded accusation.

I will speak on the process we use at the Michigan HIDTA. This process is used by each HIDTA in some similar fashion. Currently, the Michigan HIDTA has a flat line budget of \$3,250,000 per year.

In January we convene the Initiative and Finance Sub-Committee. Each existing Initiative or Task Force is represented and reviewed by the assembly. Internal reviews, the Annual Report, each Initiative's Quarterly Report, and the Annual Threat Assessment are factored into the process. There are numerous animated meetings of this Sub-Committee. The process results in a balanced budget and Initiatives which addresses our regional issues which are generally the current drug trends, interdiction, violence, money laundering and since 9/11 national security and terrorism.

The Sub-Committee Chairperson regularly briefs the Michigan HIDTA Executive Board of their progress, and answers any inquires. The Michigan HIDTA Executive Board has adopted a Strategy which targets the three levels of the Drug Traffic and the attendant associated crime. These levels are Street, Mid-level and the National and International Traffickers and Money Launderers, including CPOT and RPOT Targets.

An objective review of the Michigan HIDTA Initiatives will support my statements. The HIDTA Process and Philosophy is infinitely more flexible and adaptable to meet specific Regional Drug Traffickers variants in an expeditious and decisive way. Currently the ONDCP/HIDTA budget has the air of a healthy partnership between the wishes of Congress and a discretionary supplemental feature for the Director of ONDCP. Considering that HIDTA is not a Federal Agency, this appears to us to be an equitable arrangement. Any increase of supplemental funds to the Director without destabilizing

the tried and true HIDTA methods developed over 15 years of hands on experience may be acceptable.

We have found that the Director and his staff took a very long time to disburse the discretionary funds for the targeting of emerging threats. An example is the 2004 CPOT and RPOT funds. However, they were very efficient and timely in disbursing the discretionary funds for Domestic Highway Interdiction.

4. *The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.*

a. *Do you support this proposal?*

I do NOT support the placing of HIDTA under the OCDETF/DOJ Management!

If not, Why not?

The HIDTA Program is similar to a Galaxy, with numerous aspects; e.g., Training, Methamphetamine Labs, Gangs, Violence, Money Laundering, Drug related Homicides, Highway and Port Interdiction, Marihuana and Dangerous Drugs investigations, Forensic Services, Multi-Agency Investigative Support Centers (Intelligence Centers), Interconnectivity, Multi- Data bases, Deconfliction and many, many other law enforcement enhancements. HIDTA is governed by a Democratic process of voluntary participants who are equal partners and not subjects. Their motivations are mutually beneficial to the whole of law enforcement and they have embraced the neutral non agency aspects of HIDTA. They all own it. No single agency has dominance. Their best features are allowed fulfillment, each participant has brought the best of their experience, specialties and talents to strengthen each other and benefit their constituencies.

OCDETF is a very good program to focus on individual investigations. But it is too narrowly focused and bureaucratic to properly manage the multi faceted and popular structure of the HIDTA program. I fear that the rigidity of OCDETF will stifle and disillusion the many voluntary law enforcement participants who are accustomed to participating in the governance of the HIDTA Program.

- b. *Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than work with HIDTA as it currently exists?*

State and Local Law Enforcement know very little about the OCDETF Program. Few of them participate in OCDETF task forces. The structure of the OCDETF program is radically different and strange to S&L. Based on comments by Police Officials, I believe S &L participation will wither and gradually disappear.

- c. *What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?*

I have the benefit of being in the Government in Washington in the 1980's when both OCDETF and HIDTA were conceived and brought into existence. OCDETF came into being because geographically expansive multi-state and multi-national investigations were very difficult to coordinate and prosecute as they became more numerous. The Department of Justice established OCDETF to resolve the problem. OCDETF was narrowly focused on investigations.

HIDTA came into being because in the 1980's it became apparent to the Administration and Congress that the numerous Federal Anti-Drug Identities were diverse and separate in mission and specialties. Cooperation and Synchronization of effort was parochial and haphazard at best. Each of the concerned agencies vied for dominance with an apparent breakdown of coordination. It was apparent a neutral establishment was necessary to bring the Federal Agencies together without destroying their identity and strong points. Equally important was to engage the vast numbers of State and Local Law Enforcement in cooperative ventures with their Federal partners. This resulted in the Anti-Drug Abuse Act of 1988 and the creation of The Office of National Drug Control Policy (ONDCP).

HIDTA was created to deal with Coordination and Synchronization of Federal, State and Local law enforcement. Further, the Policies and Procedures of HIDTA are designed to foster local regional governance (Executive Boards). Identification of local regional threats (HIDTA Threat Assessment). Collective strategy designed locally to meet the threat (Initiatives, Budget and Strategy Plan). Finally, HIDTAs are very transparent and accountable (Performance Measurement Program and Developmental Standards).

The Michigan HIDTA has 16 Governors (8 Federal and 8 State and Local), 5 Ex-Officio Advisors, all known as the Executive Board. We also have ONDCP and the National HIDTA Staff for guidance and policy. In addition we have Congressional budget oversight. This combination has resulted in an extremely successful and popular law enforcement program that continues to show its effectiveness.

OCDETF is a great program supervised exclusively by the Department of Justice.

There is a comprehensive 12 page discussion paper regarding the differences between HIDTA and OCDETF which was prepared by the HIDTA Directors which will probably be submitted to this sub committee by several other Directors. I am confident you will receive it and I do endorse its comparative content between HIDTA and OCDETF.

5. *Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its Executive Board between federal agency representatives on one hand, and state and local agencies on the other. The Administration has apparently not yet decided whether ODCETF would maintain this practice if given control of the HIDTA program.*

- a. *Does your HIDTA currently comply with this directive? If not, why not?*

Yes. The Michigan HIDTA has an Executive Board composed of 8 federal and 8 state/local representatives.

- b. *How important is this 50/50 balance on the Executive Board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HDTAs? If so, how?*

The 50/50 balance is instrumental in the HIDTA program's success. It is due to this equal voice of all representatives that there is a sense of local ownership in the program. This monumental fact is completely overlooked by those who would move the HIDTA program to DOJ. If there is not a balanced, equal voice for the state and local participants, it is just another federal program. If there is no state/local ownership, there will be little state/local participation. The US Attorney's Office made an attempt several years back to have a permanent US Attorney Chairperson in each HIDTA to ensure the HIDTA program better interacted with ODCETF and other federal initiatives. The HIDTA Executive Board's resoundingly rejected the idea.

6. *Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resources, or other commitments from state, local or federal agencies participating in the HIDTA?*

The Administrations Proposal for the 2006 Budget has had a profound impact on every aspect of the Michigan HIDTA. My staff of five was immediately cast into an uncertain status. They are all young and raising families. They are dependant upon their employment with The Michigan HIDTA. I vouch that my staff is dedicated and committed to the principles of the HIDTA Program and the Law Enforcement community it serves. I have counseled my staff several times since February 7, 2005 when the proposal was made public. They are trying to maintain their high level of interest and morale. It is very obvious to me that they are concerned and very worried. I would not blame them if they did seek other employment.

Our law enforcement partners have been triple hammered. They are losing Byrne Grants (JAG), C.O.P.S. Grants and now HIDTA appears to them to be doomed.

This has caused State and Local Police Executives and Officials to lose faith and trust in the Federal establishment, especially the Administration. Sheriffs, Chiefs of Police, and their Associations in Michigan and throughout the United States are alarmed and angered by what they perceive as a betrayal of their good faith participation in national programs.

Our local partners are receiving mixed messages from Washington and the Federal establishment. On one hand they hear that they are needed for Homeland Defense, Intelligence Sharing and that they are the first line of defense for our Nation. They know and understand very well the seamless interaction of Terrorist and Drug Traffickers, known as Narco-Terrorism. It is difficult for them to accept a de-emphasis of Domestic Drug Enforcement, while International Drug Traffickers receive all the Administration's attention.

They are becoming more and more disillusioned. Quick resolution of this issue may help. This ill advised proposal is having serious consequences. Credibility is at stake here.

Thank you for this opportunity to be heard on this important subject.

Sincerely,

Abraham L. Azzam
Executive Director
Michigan HIDTA

Attachment A

State and Local Unreimbursed Contribution Estimates.Individual officers:

Salaries (including fringe benefits): =	\$32,228,010
Individual equipment (weapon, cuffs, etc.): \$3,500 x 358 S/L officers =	\$1,253,000
Radios (mobile and prep radios average \$1,500 each): \$3,000 x 358 S/L =	<u>\$1,074,000</u>
Total contribution for personnel:	\$34,555,010

Non-sworn personnel costs:

Average cost \$50,683 x 33 support personnel assigned =	\$1,672,539
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Vehicle costs:

Average costs per vehicle \$9,745 x 286 non-HIDTA vehicles =	\$2,787,070
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Facilities:

Average lease costs \$100,605 x 22 Task Forces =	\$2,213,310
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Non-HIDTA Overtime:

Average amount per officer \$6,548 x 348 officers =	\$2,278,704
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Travel/Training:

Average per Task Force \$16,152 x 19 Task Forces =	\$306,888
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Equipment/Supplies:

Office: Average \$6,458 per Task Force =	\$142,076
Equipment (copiers, printers, computers, etc.) Avg. \$57,286 per Task Force x 22 =	\$1,260,292

Investigative costs:

Average \$74,474 per Task Force x 19 Task Forces =	\$1,415,006
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Services (long distance, pagers, cell phones etc.):

Average \$27,431 per task Force x 22 Task Forces =	\$603,482
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Total State and Local Unreimbursed Contribution:	\$47,234,377
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Attachment A

Federal Unreimbursed Contribution Estimates.Individual officers:

Salaries (including fringe benefits): =	\$11,660,000
Individual equipment (weapon, cuffs, etc.): \$3,500 x 104 agents =	\$364,000
Radios (mobile and prep radios average \$1,500 each): \$3,000 x 358 agents =	<u>\$312,000</u>
Total contribution for personnel:	\$12,336,000

Vehicle costs:

Average costs per vehicle \$9,745 x 104 non-HIDTA vehicles =	\$1,013,480
Total Federal Unreimbursed Contribution:	\$13,349,480
Total Combined Unreimbursed Contributions:	\$60,583,857



Michigan High Intensity Drug Trafficking Area
613 Abbott Street, 2nd Floor
Detroit, MI 48226

We the Michigan HIDTA Executive Board, having been duly briefed on the proposed Presidential FY 2006 Budget, do hereby adopt the following motion:

- We **DO NOT** support the proposed reduction in HIDTA funding from \$226 million to \$100 million.
- We **DO NOT** support the proposed move of the HIDTA Program from the Office of National Drug Control Policy to the Department of Justice, Organized Crime Drug Enforcement Task Force Program.
- We **DO NOT** support the proposed elimination of the Community Oriented Policing (COPS) Program.
- We **DO NOT** support the reduction of the Byrne Memorial Grant Program.
- We **DO** support the funding of the National HIDTA Program at a minimum of the FY 2005 level of \$226 million and remaining within the Office of National Drug Control Policy.
- We **DO** support keeping the COPS and Byrne Memorial Grant program fully funded at least at the FY 2005 Levels.

Since the Michigan HIDTA began operations in 1997, we have noted an increase in the cooperation between federal, state and local law enforcement efforts. These efforts culminated in 2004 with the Michigan HIDTA receiving the National HIDTA of the Year Award from the Office of National Drug Control Policy.

This motion was made and accepted at the Michigan HIDTA Executive Board meeting on April 13, 2005. Abstaining members were the FBI, DEA, ICE, US Attorney's Office for both eastern and Western District's, ATF, and the US Marshal's Service.

William J. Dwyer
Chair, Michigan HIDTA Executive Board
Chief, Farmington Hills Police Department

Abraham L. Azzam
Director, Michigan HIDTA



California Border Alliance Group
 Southwest Border High Intensity Drug Trafficking Area



David Bejarano
 Marshal
 United States Marshals Service

March 31, 2005

Harold Carter
 Sheriff, Coroner, Marshal
 Imperial County

Michael Coleman
 Sr. Special Agent in Charge
 California Department of Justice
 Bureau of Narcotic Enforcement

The Honorable Mark Souder
 Chairman, Subcommittee on Criminal Justice
 Drug Policy and Human Resources
 B-373 Rayburn House Office Building
 Washington, D.C. 20515

Bonnie M. Dumanis
 District Attorney
 San Diego County

Daniel Dzwilewski
 Special Agent in Charge
 Federal Bureau of Investigation

Via Fax: (202) 225-1154

Richard Emerson
 Chief
 Chula Vista Police Department

RE: Subcommittee Hearing "FY2006 Drug Control Budget and the Byrne Grant, HIDTA and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?"

John S. Fernandes
 Special Agent in Charge
 Drug Enforcement Administration

Response: Southwest Border-HIDTA, California Border Alliance Group

Darryl Griffen
 Chief Patrol Agent
 US Border Patrol, San Diego

William B. Kolender
 Sheriff
 San Diego County

Chairman Souder:

Carol C. Lam
 United States Attorney
 Southern District of California

William M. Lansdowne
 Chief
 San Diego Police Department

Raymond Loera
 Chief
 El Centro Police Department

John Long
 Captain
 U. S. Coast Guard

Gilbert G. Otero
 District Attorney
 Imperial County

Denise Rubin
 Special Agent in Charge
 Internal Revenue Service
 Criminal Investigation, San Diego

Michael Unzueta
 Special Agent in Charge (Acting)
 Dept of Homeland Security
 U.S. Immigration & Customs
 Enforcement

I would first like to take this opportunity to thank you and your subcommittee for addressing the proposed FY-2006 budget for key programs designed to assist state and local drug enforcement. As you are aware, the Administration's Plan to cut the High Intensity Drug Trafficking Area (HIDTA) program funding from \$227 million to \$100 million and to transfer the program to the Department of Justice, Organized Crime Drug Enforcement Task Force (OCDETF) is of concern to both federal and state and local law enforcement agencies.

We welcome the opportunity to have our comments included in the written record so that your subcommittee and Congress may make informed decisions regarding the HIDTA program.

As one of the five regions within the Southwest Border HIDTA, the California Border Alliance Group (CBAG) has been in operation since 1990, and is one of the five original High Intensity Drug Trafficking Areas. The CBAG area of

1010 Second Avenue, Suite 1900, San Diego CA 92101-4945
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responsibility, San Diego and Imperial Counties, extends from California's international border with the Republic of Mexico, north 65 miles to Orange and Riverside Counties (Los Angeles Metropolitan Area) and east from the Pacific Ocean to the border with Arizona. The area includes seven U. S. Ports of Entry, (five of the busiest) as well as international airport and sea ports. Although the 140-mile border facing the CBAG is only 7% of the entire U. S. Mexico border, it is home to 60% of the entire bi-national southwest border population. Since FY-1999, CBAG has received level HIDTA funding in the amount of \$9,907,701.00 that supports 18 HIDTA task force initiatives staffed with 404 full time and 82 part time federal and 187 full time and 78 part time state and local law enforcement officers. Additionally two (2) national programs, the National Methamphetamine Chemical Initiative and the National Marijuana Initiative (\$500,000.00 each) are administered through the CBAG offices.

In response to your questions:

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.
 - a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

Unreimbursed state and local contributions:

Personnel:

187 F/T Salary/benefits @ \$85,000	
+ 78 P/T Salary/benefits @ \$42,500 =	\$18,214,817

Equipment and overhead (training, cars, etc) 226 @ \$5,000 =	\$ 1,130,000
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Facilities:

(Clan Lab, RxNET, NCRGTF) 18,000 sf @ \$24 =	\$ 450,000
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<u>Total State and Local Costs</u>	<u>\$19,660,000</u>
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Minus HIDTA reimbursement =	\$ 5,326,326
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<u>Total State and Local Unreimbursed Contributions</u>	<u>\$14,333,674</u>
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- b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

Unreimbursed federal agency contributions:

Personnel:

404 F/T salary/benefits/LEA @ \$110,000	
+ 82 P/T salary/benefits/LEA @ \$55,000 =	\$48,950,000

Equipment and overhead (training, cars, etc) @ \$5,000 =	\$ 2,225,000
Facilities (NIN, Op Alliance, SDVCTF, MTF, FTF, RCFL) = (estimated 133,000 sf total)	\$ 3,200,000
<u>Total Federal Agency Unreimbursed Contributions</u>	<u>\$54,375,000</u>
<u>Total Federal, State, Local Unreimbursed Contributions</u>	<u>\$68,708,674</u>
<u>Total HIDTA Funds to CBAG Region agencies</u>	<u>\$10,907,701</u>
<u>Ratio: 6.2 : 1 (for every HIDTA dollar, agencies provide \$6.20)</u>	

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?

Without consulting effected state and local law enforcement leaders, the Office of National Drug Control Policy has recommended reducing funding for the High Intensity Drug Trafficking Area Program by almost 60% in FY2006 and moving the program to the Department of Justice, OCDETF Program. If HIDTA funds were eliminated or significantly reduced, state and local agencies participating in the HIDTA program would be compelled to redirect their resources elsewhere. The reduction and or elimination of HIDTA funds is compounded by the proposed reduction in Byrne Grant, Justice Assistances Grants, (JAG), Cops and Special Criminal Alien Apprehension Program (SCAAP) funds. The combination of budget reductions would force already fiscally constrained state and local agencies to redirect their united resources to regional issues thus eliminating 15 years of carefully developed federal, state and local cooperative efforts.

The HIDTA program has been and continues to be one of the most effective and successful partnerships among federal, state and local law enforcement agencies. For the past three years, the CBAG Executive Committee has worked to develop a single co-located Law Enforcement Coordination Center for San Diego and Imperial Counties. This center, located in San Diego, but with a satellite Law Enforcement Coordination Center in Imperial County, would locate the Intelligence resources of Federal (FBI, DEA, CBP-ICE, BCBP) and state and local agencies into one center that would not only address drug trafficking but would also include resources directed to homeland security (Joint Terrorism Task Force). The State of California, through their Office of Homeland Security has dedicated \$2 million in FY-04 funds and \$1 million in FY-05 funds in support of this joint effort. These efforts would be significantly impacted and or canceled if HIDTA funds were reduced or eliminated.

To further complicate matters, San Diego and Imperial Counties both utilize HIDTA funds to support a Joint Border Prosecution Initiative that prosecutes border related crimes. This initiative is fully funded by HIDTA and would eliminate 11 prosecutors resulting in an

unintended impact on the local U. S. Attorney's Office, currently scheduled for a 10% reduction in its budget.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

Most state agencies, California included, operate much the same as the federal government as far as the budget process. In California and for most local agencies, their fiscal year runs from July 1 through June 30 of each year. With the federal budget, fiscal years run October 1, through September 30. For the last few years, HIDTA has not issued award letters on approved grants until early to late spring of the budget year. Consequently many local agencies, particularly those acting as "fiscal agents" for HIDTA grants, have extended or covered HIDTA expenses well into the federal fiscal year. Fluctuating HIDTA budgets from year to year would significantly impact HIDTA's ability to operate without the support of these fiscal agents. In order to be efficient and effective HIDTA's you must be able to make long-term commitments, not only for facilities (usually a five to ten year commitment) but also for personnel. This requires long term planning to properly address the threat, plan strategies and implement programs. This planning cannot occur unless there is some assurance on recurring budget approvals. Drug investigations, by their very nature, cannot be identified, targeted, dismantled and prosecuted during a single fiscal year. Drug Trafficking Organizations in our region are continually changing and restructuring and targeting them requires a reasonably consistent program, which requires a stable budget. Federal agencies cannot operate when their budgets fluctuate significantly from year to year and HIDTA cannot reasonably expect state and local agencies could, either.

3. The administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?

The Office of National Drug Control Policy (ONDCP) has had some discretion in addressing the changing drug threat. Witness the fact that in 1990 there were five designated HIDTA areas with a total budget of \$25 million dollars. As the drug threat grew, so did the HIDTA program. In fiscal year 2004 there were 28 designated HIDTA areas with a budget of \$227 million dollars. From its initial inception, the HIDTA program was established to address "High Intensity Drug Trafficking Areas" of the United States. HIDTA has grown from that initial concept and has evolved into a much broader concept that brings together the limited resources of federal state and local agencies in an effort to dismantle local, state and

International Drug Trafficking Organizations. HIDTA, along with its many participating agencies, has been responsible for historic reductions in drug use while at the same time assisting in record seizures of drugs and successful prosecutions. ONDCP's response to these dramatic efforts has been to propose dramatic reductions and or significant eliminations of funds to the HIDTA program as well as transfer what remains of the program to another agency.

While I feel it is important for ONDCP to have discretion in its overall program, it is the local HIDTA Executive Boards and Committees that assess the threat and develop strategies to address that threat. In order for this to happen there needs to be, a minimum "level funding" so that HIDTA can effectively solicit support from participating agencies. Local boards composed of equal members of federal, state and local agency heads have been tasked by ONDCP to address changing threats in their regions, to include reallocation of funds to meet emerging threats or reinforce successful efforts.

Baseline funding has been limited to \$206 million, while supplemental (discretionary) funding has increased that budget to \$227 million. ONDCP has had discretion over the distribution of those supplemental funds and has chosen to designate much of these funds in support of OCDETF's, CPOT Targeted Organizations. With level funding for the past five years, and addressing increasing costs of doing business, each HIDTA has critically reviewed each of its initiatives and re-directed funds to those programs that are most effective.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U. S. Department of Justice.
 - a. Do you support this proposal? If not, why not?

I do not support this proposal. HIDTA was placed in the Office of National Drug Control Policy for a good reason. ONDCP has been perceived as a "Neutral" location, not in competition with any other agency. This concept has worked very well and has for the first time in many cases, placed federal, state and local agencies on equal ground. HIDTA Executive Boards/Committees are composed of equal numbers of federal, state and local agency heads. Each member has one vote, and equal with each other these Executive Boards and or Committee have accepted the responsibility and accountability to identify and in co-located/co-mingled task forces, target and dismantle the most significant drug trafficking organizations in their area. Most importantly, state and local agencies have an equal voice in HIDTA operations that foster joint participation. If this program were moved to the Department of Justice and placed under the OCDETF program it would put federal, state and local cooperative efforts back 20 years. To be perfectly blunt, OCDETF does not provide for local input into its operation. OCDETF has been primarily a funding mechanism for additional federal employees. Approximately 10% of OCDETF funds remaining after salary and benefit packages go towards enforcement and overtime for state and local officers. As no transition plans have been announced by the Administration, in fact testimony has indicated that no plans are in place; it is difficult to determine how OCDETF would administer the program. From what has been indicated, it appears that OCDETF attorneys will identify the threats

and approve expenditures, eliminating all local “ownership” and or participation. OCDETF funding is designated to support federal initiatives, while state and local agencies appear to be expected to fund their own efforts.

- b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

From conversations I have had with our Executive Committee, I have received no support for this change. The HIDTA program and its Executive Board and Committee have provided a venue for agencies to meet, discuss and resolve differences in an entirely neutral environment. Federal, state and local agencies in our area were not consulted prior to this proposal and prefer to continue working together under the HIDTA program.

- c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

Of the nine OCDETF Regional Task Forces, the Southwest Border OCDETF is located in Houston, TX covers the entire Southwest Border states, to include the Los Angeles metropolitan Area. These task forces do not perform enforcement activities but do meet and coordinate funding of OCDETF investigations. OCDETF primarily funds federal positions, within the U. S. Attorney’s Office, DEA, FBI, IRS, ICE and U.S. Marshall Service with remaining resources (10%) going to fund operations and state, local overtime. HIDTA, on the other hand, has Executive Boards/Committees that have formed joint, co-located enforcement initiatives that conduct proactive enforcement activities. Each HIDTA area has established its own Intelligence Support Center (ISC) that assists all participating agencies in information analysis, deconfliction and the operation of watch centers in each of its locations. OCDETF is proposing the establishment of a single “fusion center” in the Washington, D.C. area that reportedly will identify and target drug organizations nationwide. There is no proposal for Regional Fusion Centers such as the HIDTA ISC’s that have been critical to the success of HIDTA.

The HIDTA program is one of the few federal grant programs that has implemented significant oversight and accountability of federal funds. In fact, most federal agencies have not implemented oversight controls that meet or exceed those of the HIDTA program:

- HIDTA conducts yearly on-site internal reviews of all of its initiatives
- HIDTA has contracted with KPMG Accounting firm to conduct in depth fiscal audits of each HIDTA at least once every three years
- ONDCP conducts on-site fiscal and initiative audits of each HIDTA every two years
- Establishment of a comprehensive Performance Manage Plan
- HIDTA is the only program that reviews all federal, state and local reimbursement invoices to ensure compliance with program guidance.

The federal government has worked over the last 10 years to promote programs to enhance coordination and collaboration among federal, state and local law enforcement

agencies. One of the notable examples of the government's efforts has been the HIDTA program. The program funds joint task forces that specifically target drug trafficking organizations having the most significant impact in their regions. HIDTA effectively integrates law enforcement activities through resource/information sharing and joint task force initiatives. Preliminary information from the National HIDTA program shows that HIDTA programs identified over 3,300 Drug Trafficking Organizations in 2004, dismantled over 650 of them, and disrupted almost 1,400 more. OCDETF on the other hand, provides funding on an adhoc basis to fund federal law enforcement cases related to the Consolidated Priority Organization Target (CPOT) list. The CPOT list established by the Office of the Attorney General identifies those drug trafficking organizations most responsible for the drug supply to the United States. OCDETF is a program managed by federal agencies and designed to support federal investigations the majority of its budget is dedicated to full time equivalent (FTE) federal positions distributed among participating federal agencies. No funding is provided for sustained analytical support, equipment, or case development prior to OCDETF designation.

OCDETF has no operational task forces, pointer indices or separate intelligence gathering capability. State and local agencies are not represented in their administrative task forces. Each of the 28 designated HIDTA's are governed by Executive Boards or Committees that contain equal numbers of federal agency administrators and state/local law enforcement agency heads. These partnerships between federal, state and local agencies, produce regional threat assessments, develop strategies and implement these strategies through operational task force initiatives that combine and require federal and state and local participation. OCDETF designated investigations on the other hand are submitted to the OCDETF Review Committee composed of representatives of participating federal agencies, for funding approval. OCDETF designation is generally for funding assistance to federal agencies and the assignment of a federal prosecutor. Unlike OCDETF, HIDTA Task Forces develop and initiate criminal investigations, provide and share intelligence, analysis and sources of information. To obtain federal prosecution of a drug investigation it is virtually a requirement that the investigation carry an OCDETF designation. OCDETF does not target threats or maintain the flexibility to address regional issues such as diversion of prescription drugs, club drugs, clandestine labs, steroids, highway interdiction or training. HIDTA retains the flexibility to both target major drug trafficking organizations but also to address regional threats that are identified by the HIDTA Executive Board or Committees, such as the proliferation of methamphetamine, availability of chemical precursors and clandestine labs. In FY2006, federal funding for OCDETF is proposed to increase from \$554 million to \$662 million, mostly due to the transfer of \$100 million in HIDTA resources into the program. The administration has not revealed how the HIDTA program will be managed by OCDETF.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

- a. Does your HIDTA currently comply with this directive? If not, why not?

The California Border Alliance Group is in full compliance with this directive. The current breakdown of the CBAG Executive Committee is eight federal and eight state and local agency representatives:

David Bejarano, Marshal, U. S. Marshals Service
 Harold D. Carter, Sheriff, Coroner, Marshal, Imperial County Sheriff's Department
 Michael Coleman, Sr. Special Agent in Charge, CA DOJ, BNE
 Honorable Bonnie M. Dumanis, District Attorney, San Diego County
 Daniel Dzwilewski, Special Agent in Charge, FBI
 Richard Emerson, Chief of Police, Chula Vista Police Department
 John S. Fernandes, Special Agent in Charge, DEA
 Darryl Griffen, Chief Patrol Agent, Bureau of Customs & Border Protection, San Diego
 William B. Kolender, Sheriff, San Diego County Sheriff's Department
 Honorable Carol C. Lam, United States Attorney, Southern District of California
 William M. Lansdowne, Chief of Police, San Diego Police Department
 Raymond Loera, Chief of Police, El Centro Police Department
 John Long, Captain, United States Coast Guard
 Honorable Gilbert G. Otero, District Attorney, Imperial County
 Denise Rubin, Special Agent in Charge, IRS, Criminal Investigation, San Diego
 Michael Unzueta, Special Agent in Charge, Acting, DHS, ICE

- b. How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTA's? If so, how?

This balance of federal and state and local participation on the HIDTA Executive Boards or Committees is critical to the success of the program as it provides a balanced equal voice and ownership of the program. If this balance is lost, the program would become another "federal" program, without the state and local participation. Participating federal, state and local agencies have accepted the responsibility and accountability of this program having worked together collectively to address regional and national issues. Without equal participating and ownership, this process will fail, leaving numerous areas of the country without the coordinated efforts of federal, state and local law enforcement programs.

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?

Yes. Without question the FY-2006 budget proposal has had far reaching impact on the HIDTA program.

Current employees whose salaries are fully or partially reimbursed are concerned and have already begun looking for employment outside the program. Intelligence analysts currently fully reimbursed by HIDTA, risk losing their State of California positions, as their employment is contingent on HIDTA reimbursement. Lease agreements on facilities, some in effect for up to five years, would be terminated, potentially opening the door to numerous lawsuits throughout the country. Equipment lease and maintenance contracts are also in jeopardy as well as contract employee positions that have been critical to the success of the program. Currently we have been advised that all HIDTA Grants will expire on January 31, 2006, and that no extensions will be granted. The potential for the expiration of all grants in early 2006 has made it impossible to extend lease agreements, hire employees and or enter any new contracts with any measure of good faith. What has impacted the morale of those working within the HIDTA program, even more than the proposed reductions in funding is the fact that the Director Walters has refused to state that he supports HIDTA or the men and women who have committed to the program, even after having been pointedly asked by the sub-committee Chair.

7. Your HIDTA partnership is one of five that make up the overall Southwest Border HIDTA. We have several questions regarding the special status of the Southwest Border HIDTA and its five partnerships.
- a. In your opinion, what is the proper role of the overall Southwest Border HIDTA? What kind of operational, budgetary, or other authority should the executive board, director, and other staff of the overall Southwest Border HIDTA have over the five partnerships? Conversely, what kind of authority, whether shared or otherwise, should the partnerships have?

In late 1999, the Southwest Border HIDTA Executive Board determined that the Office of the Southwest HIDTA Director was duplicative and voted 8-2 in favor of disbanding the office. ONDCP responded in September 2000 and directed that the Southwest Border HIDTA Directors Office be reestablished and that it would be located in El Paso, Texas. Since that time, the Southwest Border HIDTA Executive Board has developed a Standard Operating Procedures (SOP) that has been approved by each of the Regional Executive Committees. In addition, ONDCP has submitted its input that has been incorporated. The most recent Southwest Border HIDTA SOP, approved on February 8, 2005, clearly defines the role of the Southwest Border HIDTA as that of Coordination, not direction and proscribes the centralization of budget authority, addresses the role, duties and responsibilities of the Southwest Border HIDTA, its Executive Board, Committees and its Directors. I have included a copy of this document for your information.

- b. Do you have concerns about ceding at least some authority back to the central Southwest Border HIDTA? How could Congress address those concerns without splitting the HIDTA up into five separate HIDTA's?

This issue has been debated for years, both within the Southwest Border HIDTA and with ONDCP. I believe that the current approved Southwest Border HIDTA SOP,

dated February 8, 2005, provides appropriate authorities to the Southwest Border HIDTA and its five Regions.

I have attached a brief summary of the impact that the proposed reduction would have on our area as well as a copy of the Southwest Border HIDTA, Standard Operating Procedures. If you have further questions, I may be contacted at telephone number (619) 557-5865 fax: (619) 557-6450 or e-mail at gormanr@cbag.hidta.org

Sincerely,

Richard E. Gorman
Director
California Border Alliance Group

Attachments

Approved 02/08/05

**SOUTHWEST BORDER HIDTA
STANDARD OPERATING PROCEDURES AND POLICIES**

INTRODUCTION

The Southwest Border High Intensity Drug Trafficking Area (HIDTA) has a primary responsibility to assist the five Regional Southwest Border (SWB) HIDTAs in their efforts to reduce the flow of illicit drugs across the Southwest international border, and to assist these HIDTAs in dismantling major Drug Trafficking Organizations. The policies and procedures outlined in this document will support this effort and will become effective when approved by the Southwest Border HIDTA Executive Board.

Article I. AUTHORITY

Section 1.01 The Anti-Drug Abuse Act of 1988 (P.L. 100-690) and the ONDCP Reauthorization Act of 1998 (P.L. 105-277) authorize the Director of ONDCP to designate specific areas in the United States as HIDTAs. The SWB is one such area with critical drug trafficking problems that adversely affect the United States. All counties along the SWB in the states of California, Arizona, New Mexico, and Texas have been designated as HIDTA counties since 1990. The Director of ONDCP chartered the SWB HIDTA and each of the Regional HIDTAs, respectively, in 1996. The SWB HIDTA and the five Regional HIDTAs shall comply with HIDTA Program Policy and Budget Guidance as published by ONDCP.

Article II. MISSION

Section 2.01 The mission of the HIDTA Program is to disrupt the market for illegal drugs in the United States by assisting federal, state, and local law enforcement entities participating in the HIDTA Program to dismantle and disrupt drug trafficking organizations, with particular emphasis on drug trafficking regions that have harmful effects on other parts of the United States.

Section 2.02 The mission of the SWB HIDTA is to directly assist the five HIDTA Regions bordering the Republic of Mexico in the development of joint regional systems for coordinated intelligence, interdiction, investigation, and prosecution efforts that result in a measurable reduction in illegal drug trafficking, including the smuggling, transportation, manufacturing, distribution, production, and use of illegal drugs, as well as disrupting the finances and disrupting and/or dismantling the responsible drug trafficking organizations.

- (a) As a key program element, each Regional HIDTA shall establish a collocated/commingled HIDTA Intelligence Subsystem that contains one or more intelligence centers with joint, collocated federal, state, and local participation that provide full-service analytical support and event/subject deconfliction for the

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HIDTA initiatives. Participating agencies shall have access to information through on-site federal, state, and local databases, case analysis, and other support services.

Article III. ORGANIZATION AND RESPONSIBILITIES

Section 3.01 The SWB HIDTA is organized into five distinct HIDTA Regions, with each of these areas having their own HIDTA Executive Committee and Regional HIDTA Director, responsible for that region's use and distribution of HIDTA funds. These Regions are defined as: California, Arizona, New Mexico, West Texas, and South Texas. The SWB HIDTA Executive Board is made up of representatives from the five Regional Executive Committees, and is supported by a SWB HIDTA Executive Director and staff.

Section 3.02 THE SWB HIDTA EXECUTIVE BOARD

- (a) MEMBERSHIP. -- The SWB HIDTA Executive Board shall consist of ten voting members: the Chairman and Vice Chairman (or designee) from each of the five Regional HIDTAs, with equal representation between federal agencies and non-federal agencies. The SWB HIDTA Executive Director and the SWB Regional HIDTA Directors are non-voting members of the SWB HIDTA Executive Board.
- (b) RESPONSIBILITIES --
 - (i) provide direction and oversight in establishing and achieving the goals of the HIDTA
 - (ii) monitor the distribution of HIDTA funds for the SWB HIDTA Executive Director's office and Executive Board expenses
 - (iii) conduct border-wide coordination of all proposals to assure consistency with the overall objective of the HIDTA
 - (iv) provide oversight for the development and publication of the annual SWB HIDTA Threat Assessment, Strategy, Coordination plans, budget, and the distribution for those specific funds for the SWB HIDTA Director's office and SWB HIDTA Executive Board expenses
 - (v) meet at least four times per year. Meeting minutes shall be taken and submitted appropriately.
 - (vi) establish an on-going internal program review for both fiscal and programmatic accountability to ensure efficiency and effectiveness of all initiatives. This program is delegated to the SWB Regional Executive Committees, which will provide copies of all results to the SWB Executive Board.
- (c) RESTRICTIONS ON FUNDING MEASURES

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- (i) No funds shall be designated to a central fiduciary to be drawn upon by the Regional HIDTAs as part of a border-wide project or initiative except as approved by a 2/3 (7-3) vote of the SWB HIDTA Executive Board. Except for those funds designated for the SWB HIDTA Executive Director's office and SWB HIDTA Executive Board administrative costs, all funds shall be awarded to, and administered by, the Regional Executive Committees and their respective fiduciaries.
- (ii) No funds shall be moved from one Regional HIDTA to any other except as approved by a unanimous vote of the SWB HIDTA Executive Board.

Section 3.03 THE REGIONAL HIDTA EXECUTIVE COMMITTEES.

- (a) MEMBERSHIP – The Regional HIDTA Executive Committees shall consist of at least 10 members (up to 20,) with equal federal and state/local representation, comprised of the agency executives or their designated representatives in each Region.
- (b) RESPONSIBILITIES -
 - (i) Providing fiscal and programmatic management oversight and policy-making authority for their respective Regional HIDTAs. Level B reprogramming authority resides with the Regional HIDTAs and ONDCP. Information-only copies of reprogrammings shall be provided to the SWB Director.
 - (ii) Determining initiative selection, and allocation of funding for their respective Regional HIDTA and coordination of intelligence issues.
 - (iii) Hiring and oversight of their respective Regional HIDTA Director and staff. Staffing levels will be determined by the Regional Executive Committees to address the needs of each individual HIDTA Region.
 - (iv) Development and publication of the annual HIDTA Threat Assessment, Strategy, Annual Report, budget, and the distribution and fiscal management – including reprogramming – of HIDTA funds for the Regional HIDTA.

Article IV. SOUTHWEST BORDER HIDTA DIRECTOR AND STAFF

Section 4.01 SELECTION –

- (a) The SWB HIDTA Executive Board shall select the SWB HIDTA Executive Director.
- (b) Additional staff positions must be approved by the Executive Board. Selections for any staff positions shall be made by the Executive Director, and shall

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be conducted according to generally accepted, open practices, which include advertisement / search, application, and interview.

Section 4.02 **FUNCTIONS AND RESPONSIBILITIES --**

- (a) The SWB HIDTA Executive Director's office shall:
- (i) under the direction of the SWB HIDTA Executive Board, provide administrative coordination and support to the Regional HIDTA Directors and Regional HIDTA Executive Committees;
 - (ii) ensure the expeditious and accurate flow of correspondence and information between ONDCP and the Regional HIDTAs;
 - (iii) identify border-wide issues and problems;
 - (iv) propose strategies for border-wide coordination and intelligence sharing;
 - (v) assist, coordinate, and review all national reporting and training requirements for the SWB HIDTA;
 - (vi) act as the point of contact with ONDCP on border-wide issues, as well as administrative issues for the SWB HIDTA Executive Board Director's office. (The SWB HIDTA Regional Directors are the point of contact for the five SWB HIDTA Regions.) and;
 - (vii) coordinate and administer all SWB Executive Board meetings;
 - (viii) assist in the ONDCP review of the SWB HIDTA;
 - (ix) provide all other necessary support to ensure that the SWB meets its overall objectives.
 - (x) establish continuous interaction and coordination with other entities such as El Paso Intelligence Center (EPIC), Joint Task Force North (JTF-N), Operation Alliance, National Intelligence Network (NIN), etc.
 - (xi) act as the Southwest Border HIDTA representative to the national HIDTA Directors Advisory Committee.

Article V. SWB HIDTA MEMBERSHIP AND VOTING PROCEDURES

Section 5.01 The Executive Board shall consist of ten voting members, two from each of the five regions. The SWB HIDTA Executive Director and the five SWB Regional HIDTA Directors are non-voting members of the SWB HIDTA Executive Board.

Section 5.02 Each Region shall appoint one federal and one state/local representative to the SWB Executive Board. The board shall have a chair and vice-chair

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with one of the two being a federal representative and the other being a state/local representative. The vice-chair shall succeed the chair and assume those duties on the 1st of October every calendar year. This will allow rotation of the chair every 12 months between federal and state/local representation.

Section 5.03 Each regular member of the SWB Executive Board has one vote. To approve routine decisions a majority vote (6-4) is required. Special matters, including removal of personnel, changes to the SOP or bylaws, or funding allocations involving SWB-wide projects or more than one Regional HIDTA require a 2/3 (7-3) vote. Section 3.02 (c) above specifies certain issues requiring a unanimous vote.

Section 5.04 The board has the authority to nominate Ex-Officio members to the board. Ex-Officio members are full members of the board but do not have voting authority.

Section 5.05 Alternative board members are authorized and may vote in the place of the Executive Board member with prior notification and approval submitted by the board member to the chair. This request shall be in writing and will be distributed to board members at the beginning of the board meeting. The person representing the absent board member should be from a "like" agency, i.e. federal representing federal and state/local representing state/local. The alternative board member must be a member of a Regional Executive Board.

Section 5.06 The Executive Board may establish committees and sub-committees for specific purposes as the board deems necessary, and for the required duration of time. These committee members may be from outside the SWB depending on expertise.

Section 5.07 Termination of a member from the SWB HIDTA Executive Board requires a 3/4 vote of the members. If the board for any reason terminates a member a new member should be appointed from that Regional HIDTA. This new member must be from the same representation as the removed member, i.e. federal replaced with a federal or state/local replaced with a state/local. Voluntary termination will be effective upon receipt and approval from the chair, and if necessary a fax vote to appoint a new board member will be conducted.

Section 5.08 Termination of a member agency shall require a 3/4 vote of the members. If a member agency or task force is removed by vote from the HIDTA by the Executive Board all equipment purchased with HIDTA funds shall be turned into the HIDTA for redistribution when applicable. Transfer of property will follow established procedures.

Article VI. INTELLIGENCE SUBCOMMITTEE

Section 6.01 An Intelligence Subcommittee shall be formed, chaired by the SWB HIDTA Vice-Chairman, and consisting of the Directors of the five Regional HIDTA Intelligence Support Centers (ISC) and other staff as appropriate. The subcommittee shall meet as necessary, but not less than quarterly, either in person or through

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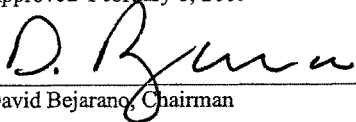
teleconferencing, to coordinate and implement procedures and methodologies to enhance border-wide intelligence and information sharing.

Section 6.02 An Intelligence Subsystem is mandated by HIDTA Program Policy, and characterized as the primary system for each HIDTA in that policy. The Intelligence Subsystem within the SWB HIDTA is composed of the Intelligence Support Centers in each of the five respective SWB Regional HIDTAs, as implemented by the Regional Executive Committees in accordance with HIDTA Program Policy.

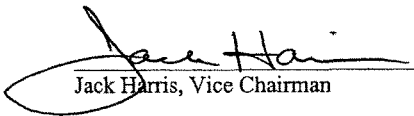
Article VII. DATA COLLECTION

Section 7.01 In order to support the planning, implementation, evaluation, and reporting requirements of the SWB HIDTA, it may be necessary to obtain data from one or all of the SWB Regional HIDTAs. Whenever possible, LEA sensitive requests should be requested through the Regional HIDTA Directors to ensure federal, state, and local disclosure procedures are handled in accordance with those agencies policies.

Approved February 8, 2005



David Bejarano, Chairman



Jack Harris, Vice Chairman

Impact of Budget Reductions and Movement of HIDTA Program on San Diego and Imperial Counties (CBAG Region)

Impact Statements

- Most likely would eliminate much of, or so minimally fund, the CBAG's program that it would make it ineffective.
- Dissolve the CBAG HIDTA Executive Committee, which is a partnership between federal, state and local law enforcement administrators to address the drug problem on a regional basis.
- Virtually eliminate the regional drug Threat Assessment as well as planning and executing a regional strategy based on federal, state, and local priorities to address the drug threat.
- Regression to the pre-HIDTA state of affairs, with many agencies implementing single-scope strategies and missions, with little coordination, accountability or overall strategy.
- Loss of almost \$10 million annually to the region to support and coordinate federal, state and local drug enforcement effort.
 - Loss of at least \$2.1 million in direct funding to Imperial County agencies.
 - Loss of at least \$2.7 million in direct funding to San Diego County agencies.
 - Loss of at least \$4.9 million in general support to both counties (NIN, RCFL, CBAG.)
- Loss of two National Initiatives: the National Methamphetamine Chemicals Initiative and the National Marijuana Initiative, which support nation-wide federal, state, and local efforts against meth lab precursors and equipment, and domestic marijuana cultivation respectively.
- Loss of HIDTA resources, including but not limited to overtime, undercover vehicles, office lease, specialized equipment, supplies and investigative travel.
- Loss of neutral leadership and coordination within the region.
- Elimination of approximately 35 training courses including gang investigations, basic drug investigations, clandestine lab certification, Spanish language, and analytical training, for over 500 students annually for a total of 14,000+ student hours.
- Seriously impact the prosecution of drug cases in both state and federal court, as funding for 16 Deputy District Attorney, Assistant US Attorney, and support staff positions are eliminated.
- Seriously degrade information sharing, and mandated subject and event deconfliction systems, which handled over 80,000 subject inquiries and almost 10,000 critical enforcement events during 2004 alone.

- Most likely would eliminate funding for both the San Diego Narcotic Information Network and the Imperial Valley Law Enforcement Coordination Center and thus, most if not all of the services, including case analysis, post seizure analysis, mapping, link charts, telephone toll analysis, profiles, training, photographs, Document Exploitation, etc.
- Result in the closure of 6 drug task forces (see Table 1).
- Result in the reduction of operational productivity from 50 - 75% in 5 drug task forces (see Table 1).
- Likely result in significantly less drugs and illegal assets being removed (see Table 1).
- Likely result in a significantly less number of major DTOs being investigated as well as being disrupted and dismantled (see Table 1).
- Result in the loss of 33 officer positions, 45 analyst positions, 10 prosecution positions, and 16 support positions, all of which are state and/or local employees (see Table 2).

TABLE 1

**San Diego / Imperial County
Multi-Agency, Collocated Drug Task Force**

No Impact	Reduce Operational Productivity by 25%	Reduce Operational Productivity by 50%	Reduce Operational Productivity by 75%	Eliminate
San Diego North County NTF	San Diego NTF (Commercial Interdiction Tm 4)	Major Mexican Traffickers	Imperial Border Interdiction Tm	Imperial Street Interdiction Team
	Op Alliance JTF	SD North County Gang TF	Marine TF	Imperial County NTF
	SD Financial TF	Regional Computer Forensics Lab		SD/Imperial NIN (Investigative Support Center)
	Clandestine Lab Group			Imperial Valley LECC
	CA Southwest Border Intel Group			National Marijuana Initiative
				National Meth Chemical Initiative

TABLE 2

POSITIONS ELIMINATED

	San Diego	Imperial	General	
Officers	18	15	0	33
Prosecutors	8	2	0	10
Analysts	11	7	27	45
Support	3	5	8	16
Total	40	29	35	104



Gulf Coast High Intensity Drug Trafficking Area

3838 N. Causeway · Suite 1900 · Metairie, Louisiana 70002 · Phone (504) 840-1400 · Fax (504) 840-1406

April 4, 2005

Director Tom Gorman
Rocky Mountain HIDTA
1002 East Girard Avenue, Building C, #444
Denver, Colorado 80231

Re: **Gulf Coast HIDTA Response**

Dear Director Gorman:

Enclosed are the Gulf coast HIDTA responses to Chairman Souder's questions regarding Federal, state and local in-kind contributions to the HIDTA program. Please contact us should any response need further clarification.

Thanks for your untiring efforts on our behalf to organize and lead the campaign to stave off the administration's attempt at destroying our fine program. We all owe you and Washington/Baltimore HIDTA Director Tom Carr our unwavering support and gratitude.

Yours very truly,

Tony Soto
Gulf Coast HIDTA Director

RESPONSES:

1. "Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all."

a. What is the approximate dollar value of all un-reimbursed state and local contributions to HIDTA initiatives in your HIDTA? \$17,320,600. (see table)

b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA? \$20,812,500. (see table)

UN-REIMBURSED STATE AND LOCAL CONTRIBUTIONS									
GULF COAST HIDTA									
Category (Equivalent FT)	# Assigned	Avg. Salary	Avg. Benefits	Total Salary	Total Benefits	Equipment (1)	# Unfunded Vehicles	Vehicle Allowance (2)	Mobile Radios (3)
Officer	233	40,000	16,000	9,320,000	3,728,000	699,000	129	1,083,600	451,500
Non-Officer	15	30,000	12,000	450,000	180,000	45,000	0	0	0
National Guard	23	30,000	12,000	690,000	276,000	69,000			
Fed Agents	151	80,000	32,000	12,080,000	4,832,000	453,000	135	1,134,000	472,500

1. Est. \$3,000 per officer for equipment.
2. Est. \$8,400 annually per vehicle.
3. Est. \$3,500 cost per mobile radio unit.

Total S & L	16,992,100
Total Fed	18,971,500
Total Un-reimbursed Contributions	35,963,600

UN-REIMBURSED FACILITIES EXPENSES						
GULF COAST HIDTA						

Category	No. Task Forces	Cost Space	Cost Equipment	Cost Supplies	Cost Services	Total
Federal	14	104,500	2,000	5,000	20,000	131,500
State & Local	3	82,500	2,000	5,000	20,000	109,500

Total S & L	328,500
Total Fed	1,841,000
Total Un-reimbursed Facilities Expenses	2,169,500

c. Do you believe that, if your HIDTA's federal program fund were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?"

Having a state/local enforcement background and in speaking with the heads of most of our participating state/local agencies, I have no qualms in stating that without the HIDTA program all of these resources and manpower will return back to their parent agencies and, in some cases, diverted from the drug enforcement activities.

2. **"State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?"**

Fluctuating budgets from year-to-year will signal to our HIDTA participants the lack of overall commitment to the National HIDTA program and will most certainly result in reluctance on the part of participating agencies to assign resources and manpower. The strength of the HIDTA program has been a consistency in purpose and course emanating from the strong support received by state and local law enforcement. Without a similar commitment demonstrated by Congress and the Administration's to ensure the program's sustainability, state and local participation will dwindle.

3. **The Administration has argued that the HIDTA program gives too little discretion to the federal government to redirect HIDTA resources in response to the changing drug threat. Do you believe that this is the right amount of discretion and could that discretion best be used without unduly disrupting each HIDTA's operations?**

First, this is the same Administration that testified during recent hearings that the overall HIDTA program has not been as successful as it had hoped. Yet when asked for specific examples of areas in need of improvement, or identification of HDTAs that were unsuccessful, Administration Officials had no suggestions.

For the past several years, ONDCP has received discretionary funding to address the changing drug threat. Often these funds were not directed to the programs where they were most needed, or dispersed in such a restricted manor that no benefit was gained. Under the current administration, we do not believe that giving ONDCP additional authority to redirect HIDTA resources would be effective.

4. **"The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice."**

a. Do you support this proposal? If not, why not?

No!

HIDTAs operate as a cohesive operational unit with multi-jurisdictional members working towards a common goal with the free flow of intelligence and operational information. The HIDTA initiatives set their outputs during the yearly budget cycle. The HIDTA program is administered by law enforcement personnel with investigative and interdiction experience. The program is setup to be responsive to the ever-changing drug threat. The strength of the HIDTA program is the cooperative and collaborative way its participating agencies come together to provide oversight and direction to each HIDTA. This does not exist within the OCDETF Program.

The OCDETF Program is a funding mechanism where people meet periodically to evaluate investigations for resources (which are limited). In most instances, Federal agencies take the lead, because they can support the investigation financially when OCDETF resources are depleted, which often occurs. Local law enforcement agencies have no stake in the operational/administrative decisions made by OCDETF. In most instances, the decision makers are located in a core city thousands of miles away from the location of the investigation. Often the decision makers have no understanding of the geographic area, drug threat, or people involved. OCDETF funding does not allow for long term commitments, but rather is based on a narrowly defined investigative effort. OCDETF has no cohesiveness because each investigation is proposed for funding as the need requires. Unlike HIDTA, the Organized Crime Drug Enforcement Task Force has no effective measuring system to determine success.

It is the consensus of law enforcement agencies that OCDETF programs lack operational experience and ultimately impedes law enforcement's best efforts.

b. "Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?"

I have discussed this matter with state, local, and Federal law enforcement administrators in the tri-state area. The consensus is the HIDTA program is the preferred task force. Several leaders have expressed their deep concern on the adverse impact if OCDETF should take over the HIDTA program. As I have previously stated, the OCDETF program does not meet the needs of state and local law enforcement agencies in our area.

c. "What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?"

OCDETF funds cases, whereas, HIDTA funds task forces. The Gulf Coast HIDTA funds 21 task forces in its 3 state area. Each task force reports to a state operations director, who in turn, reports to the HIDTA director and the Executive Board. OCDETF does not cover the same geographic areas. As previously stated, HIDTA task forces are multi-agency, commingled and co-located operational units made up of federal, state and local

officers with missions that include money laundering, drug distribution and sales, interdiction, gang violence and intelligence.

OCDETF is a program for federal agencies managed by federal agents. The majority of its budget funds full time federal employees. No funding is provided for sustained analytical/intelligence support, equipment or case development. OCDETF has no operational task forces, pointer indices, or intelligence backbone.

HIDTAs are governed by an Executive Board that contains an equal number of state, local, and federal administrators. They work together to produce regional threat assessments and develop strategies to attack the threat with task forces. All task forces are continually monitored for efficiency and effectiveness by the Executive Board.

5. **“Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.”**

- a. **Does your HIDTA currently comply with this directive? If not, why not?**

Currently, we have nine state & local Executive Board members and eight federal members. We have submitted a waiver to the National HIDTA Program Office in this regard.

- b. **How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance was eliminated and federal agencies were given majority control of each HIDTA would that have a negative impact on the HIDTAs? If so, how?**

The 50/50 balance on the executive board is very important to the Gulf Coast HIDTA. With a balanced board it allows all executive board members to have a stake in the operations and direction of the HIDTA. By having a near equal federal versus state and local members, it encourages them to contribute to the process and help make the overall HIDTA program successful. The 50/50 balance has greatly contributed to HIDTA's success and popularity.

6. **Do you believe that the uncertainty surrounding the HIDTA program created by the Administrations proposals has itself had a negative impact on you HIDTAs programs? For example, could that uncertainty make it more difficult to hire or retain new personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA.**

Of course, the uncertainty surrounding the HIDTA program because of the Administration's proposal has caused a significant impact on morale. Yet, people continue to do a good job. We have stopped hiring until a final resolution is made. This means that in some instances where we have found an excellent applicant for a position we have been unable to make a firm job offer.

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For example, we are currently running short handed at our HIDTA Watch Center. Since we have not received any FY-2005 funds we are restricting all expenditures and delaying infrastructure improvements.

Already we are hearing that some of our best qualified people are seeking employment at other agencies. They have no choice! They have families to support and cannot afford to wait until the last minute to look for a job. Finally, no agency is going to assign or replace personnel at HIDTA until the overall issue is resolved. Most have taken the attitude of wait and see.

Cc: Baltimore Washington Director



CHICAGO HIDTA
OFFICE OF THE EXECUTIVE DIRECTOR/DEPUTY DIRECTOR
Cook County Administration Building
69 West Washington Street, Suite 400
Chicago, Illinois 60602

Office: 312-603-8009
Fax: 312-603-9728

April 5, 2005

Chairman Mark E. Souder
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
Committee on Government Reform
B-373 Rayburn Office Building
Washington, DC 20515-6143

Dear Chairman Souder:

Thank you for this opportunity to add to the written record regarding the issues raised by the 2006 proposed budget. In response to your questions the following is submitted:

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.

a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

Chicago HIDTA is comprised of four contiguous Illinois counties, including the city of Chicago, encompassing an area of 2524 square miles and approximately six million residents. Included in the program are 13 multi-agency enforcement initiatives, an Investigative Support Center, a Training Initiative and a Management/Coordination initiative. There are 186 full time state and local task force officers as well as varying numbers of part time officers. Unreimbursed contributions of these state and local officers include wages, fringe benefits and the cost of office space. The estimated monetary value of these unreimbursed contributions is approximately \$15,168,000.00.

b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

Approximately \$7,271,000.00.

c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?

Philip J. Cline, Superintendent of the Chicago Police Department, wrote in a letter supporting HIDTA, "If funding levels were reduced, our Department would sustain a critical loss to our ability to continue successful drug operations, such as Street Corner Conspiracies.... If the funding levels are dropped and if local participation in HIDTA is reduced it will be difficult, if not impossible, to maintain our declining crime rates and to prevent escalated drug related violence." Larry G. Trent, Director of the Illinois State Police, also in a supporting letter, states, "Without the High Intensity Drug Trafficking Area concept in Illinois, the Illinois State Police drug enforcement efforts will be significantly curtailed, as will the efforts of other local agencies who have joined forces under the HIDTA umbrella." Michael F. Sheahan, Sheriff of Cook County, the second largest county in the nation, stated: "Our ability to pro-actively investigate narcotic trafficking and related crimes is directly linked to maintaining or increasing HIDTA funding. Any reduction in this most critical resource would have a devastating negative effect on our ability to investigate narcotic related crimes and will have an impact on quality of life issues for every citizen in Cook County."

The HIDTA program has developed and nurtured relationships with federal, state and local agencies to the point that they each willingly make considerable unreimbursed resource contributions to further mutual drug enforcement goals. State and local contributions, however, are substantially more. Reduction or elimination of HIDTA program funds would indicate that the Administration no longer has the same commitment to those mutual goals. In such a scenario it is foolish to think that the substantial state and local unreimbursed contributions will continue.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach those decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

Significant yearly fluctuations would be detrimental to the state and local elements of the HIDTA program and most assuredly make it more difficult for them to commit long term resources. Long term planning and commitment are the keys to any successful budgetary plan as well as to planning successful narcotic enforcement operations, which often entail lengthy investigations. The assurances fostered by the stability of HIDTA have allowed state and local agencies to dedicate personnel and resources to definitive plans for reducing drug trafficking and its harmful consequences. Any significant variance of annual budgetary amounts would jeopardize the success of these plans as well as the faith state and local agencies have exhibited in committing their resources. State and local agencies who have contributed their resources generously in the past to joint efforts would undoubtedly be inclined to reallocate these resources.

3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?

*Each HIDTA exhibits a regional drug threat which may be different from other regions. The success of HIDTA has been due in part to its executive boards which are made up of an equal number of federal and state/local law enforcement leaders. These leaders have first hand knowledge of the drug threats in their regions and the ability to counter or eliminate these threats by initiating task force operations and allocating resources. Some of these threats may be continuing and necessitate long range planning and strategy, others may be short term and successfully dealt with through immediate impact initiatives. I firmly believe that a steady baseline budget is necessary to allow for long term planning to counter continuing threats. The question of dealing with new or changing threats has been problematic in the past. Chicago
HIDTA has fortunately been able to reallocate resources to deal with these new or changing threats. However, I believe that new or changing threats can be dealt with more successfully and efficiently by establishing supplemental funding awards that can be granted by ONDCP after application and review. ONDCP should set aside or allocate a certain amount of discretionary funding each year to deal with specific and emerging threats in the various HIDTA's. This would involve establishing a method for applying for additional funding, reviewing the merits of the threats and awarding grants as expeditiously as possible. A reasonable amount to ensure effectiveness, in my opinion, would be \$15 - \$20 million. ONDCP discretion should take the form of utilizing the newly initiated PMP process to annually assess the effectiveness of the program as a whole as well as individual HIDTA's. This information can then be presented to Congress for their determination.*

4. During the hearing, we discussed the current ONDCP operating guideline for the HIDTA program that requires that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. Can you confirm that your HIDTA currently complies with this directive?

Yes. The current configuration of the Chicago HIDTA executive board is as follows:

Federal

*Bureau of Alcohol, Tobacco, Firearms and Explosives
Bureau of Immigration and Customs Enforcement
Drug Enforcement Administration
Federal Bureau of Investigation
Internal Revenue Service
United States Attorney's Office
United States Marshals Service
United States Postal Inspection Service*

State/Local

*Chicago Police Department
Cook County Sheriff's Office
Cook County State's Attorney's Office
Illinois Attorney General's Office
Illinois Department of Corrections
Illinois National Guard
Illinois State Police
Tri-County (Kendall County Sheriff)*

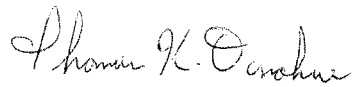
5. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

The uncertainty caused by the Administration's budget proposals regarding HIDTA have been extremely disruptive. Because the proposed budget cuts could conceivably have a major impact on the lives and livelihoods of HIDTA employees they have been kept apprised of developments. They were candidly advised that seeking other employment would not be held against them or affect working relationships. To their credit, all employees have expressed loyalty to HIDTA, continue to perform their duties at an exemplary level and

conveyed their consternation at the proposed budget cuts and realignment to OCDETF. At this point Chicago HIDTA has lost one valued employee who changed employment due to the uncertainty of the situation. In candid conversations a number of other employees admit to making inquiries regarding alternative employment for the good of themselves and families. The budget uncertainty has also caused a hiring hiatus in that hiring new employees under the current circumstances would be ill advised and unfair. Vendors supplying resources have also been reluctant to commit to long term contracts and leases beyond the current year. There has also been negative impact on the morale of task force leaders who now question whether long term investigations and activities can be brought to a successful conclusion and whether new investigations should be initiated. This consternation and disruption, though perhaps unintended, has inadvertently created an advantage for drug traffickers. Also, because this proposal is perceived to be a "takeover" by the federal government, state and local agencies are fearful they will once again be relegated to a subjugated position. The communication between federal, state and local agencies, which has been the hallmark of HIDTA, has also suffered to some extent for this same reason. In all dialogue the common question was: Why would funding be withdrawn or a potentially disruptive realignment of HIDTA be proposed, or even considered, in light of the exemplary accomplishments of HIDTA?

Thank you very much for all assistance rendered in this matter.

Sincerely,



Thomas K. Donahue
Executive Director



*New England
High Intensity
Drug Trafficking Area
13 Branch St., Suite 9
Methuen, MA 01844-1947*

April 1, 2005

Chairman Mark E. Souder
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
B-373 Rayburn Office Building
Washington, DC 20515

Response from New England HIDTA

Dear Chairman Souder:

Thank you for your support of the HIDTA Program and for your request for information regarding the New England HIDTA. I also want to commend you and the committee members for seeking the facts about the High Intensity Drug Trafficking Area program related to the proposal to reduce funding by \$127 million and to move the program from ONDCP to the Department of Justice. In response to your questions:

- 1) **“Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.”**

- a) **What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?**

The New England HIDTA's budget for Fiscal Year 2004 is \$2,847,636 for the six New England states. The NEHIDTA includes twelve multi-agency collocated task forces, one intelligence center, an intelligence initiative in Middlesex County, MA and a training initiative. Over two hundred Federal, state and local personnel participate in the NEHIDTA and make considerable unreimbursable contributions to the NEHIDTA initiatives. The dollar amount will be approximate because of the differences in salaries, fringe benefits, equipment, etc. I have taken into account that some of our initiatives receive funding from other federal programs. Nevertheless, it is a conservative number that could vary \$1 million or so either way.

The total dollar value of all unreimbursed state and local contributions to New England HIDTA is approximately **\$13,086,398** annually.

- b) **“What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?”**

Approximately \$11,118,695 annually.

- c) **“Do you believe that, if your HIDTA’s federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?”**

If the New England HIDTA’s funds were significantly reduced or eliminated the state and local agencies would not continue to make the unreimbursed contributions and would likely put their resources elsewhere.

A reduction in NEHIDTA funds would result in the closing of 8 task forces and significantly limit the operations of the NEHIDTA intelligence center. The NEHIDTA has 12 task forces in 6 states. These task forces are not highly funded and funding them at lower levels would create safety issues for the law enforcement personnel. As a result, the task forces would be eliminated rather than reduced in funding. Reduction of funding in the intelligence center would create significant problems in the Watch Center, impacting Event and Subject Deconfliction programs as well as critical investigative support provided by the NEHIDTA intelligence analysts. The elimination of HIDTA Federal program funds would result in the closure of the New England HIDTA Investigative Support Center, the only center of its kind in the New England region. The NEHIDTA participating state and local agencies participate in the New England HIDTA because they have a voice and vote on the threat assessment, strategy, task forces and budget in their region. The NEHIDTA offers on the job training and experience their officers receive from other task force members and the support their investigations receive from the intelligence center. They participate because the HIDTA program successfully disrupts or dismantles Drug Trafficking Organizations in the HIDTA region and also supports local enforcement operations and investigations. They participate for all the right reasons that benefit the people we all serve. The HIDTA funding they receive is minimal compared to the contributions of these agencies. The HIDTA program philosophy of cooperation, coordination, communication and collocation would be eliminated if funding was drastically reduced or eliminated.

- 2) **“State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA’s federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?”**

New England HIDTA task force supervisors and management executives have literally worked years to get personnel commitments from local police departments for the NEHIDTA. If the budgets fluctuate years of work by these supervisors will be lost. NEHIDTA law enforcement personnel require leased vehicles, space, equipment and training. Vehicles and space require leases and training must be planned in advance so that it does not conflict with trials and investigative duties. Fluctuating budgets will render the New England HIDTA Program ineffective and we will lose necessary, effective state and local support.

State and local agencies respond to all types of crimes, local and state governments, the public, labor unions and special interest groups. Their limited budgets must ensure public safety and security and to respond and investigate narcotics crimes, homicides, burglaries, suspected terrorist activities and a myriad of other administrative and criminal violations. To meet all their commitments and accomplish their mission they need to know years in advance what their budgets will be so they can decide on a strategy implemented through personnel assignments, equipment and training issues. If each individual HIDTA's federal budget were to fluctuate significantly each year it would be extremely difficult, to impossible, for state and local agencies to commit their resources to HIDTA over the long term.

- 3) **“The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA’s budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each?”**

HIDTAs are level funded each year and have a baseline to plan their budget. However, ONDCP's Bureau of State and local Affairs should be allocated discretionary funds to be given to the HIDTAs that need additional funding for long term planning and strategies to attack developing threats. This funding would also allow ONDCP, in consultation with the HIDTA directors, to allocate funds for national projects that would require implementation by the HIDTAs. It is suggested that \$20 million a year in discretionary funds be allocated for these purposes.

- 4) **“The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.”**

- a) **“Do you support this proposal? If not, why not?”**

I do not support this proposal for a number of reasons as follows:

- OCDETF and HIDTA are different programs with different missions.

- The HIDTA Program is agency neutral and, as a result, can obtain cooperation and participation from federal, state and local law enforcement.
- HIDTA Executive Boards, comprised of an equal number of federal and state/local enforcement and prosecution executives, meet regularly to govern each HIDTA. Conversely, an Assistant United States Attorney manages each OCDETF and generally deals with agencies on an investigator/supervisor level.
- HIDTA funded task forces are commingled and collocated with full-time federal, state and local law enforcement officers, a concept that OCDETF had largely been unable to effect.
- Each HIDTA initiative proposal includes measurable outputs as part of the HIDTA Performance Management Plan. This allows for review by the Executive Boards who determine if funding should be continued or eliminated. No other federal program that integrates state, local and federal assistance and financial awards, allows this level of local oversight and direction.
- The HIDTA Program has worked extremely well and effectively under ONDCP's Bureau of State and Local Affairs. Why is a change necessary and potentially negatively impact the program's effectiveness.
- Agency cultures and impending turf battles are surmounted daily in favor of more suitable cooperation and coordination among participating agencies. This is possible because the HIDTA Program is agency neutral.
- Management of the program requires review of HIDTA threat assessments, strategies and budgets. Information gleaned from these processes gives the Bureau of State and Local Affairs a unique, accurate perspective of drug issues. Congressional wisdom in having ONDCP manage the HIDTA program has paid huge dividends for law enforcement and the American People.
- The HIDTA program provides ONDCP's Bureau of State and Local Affairs with a unique link to state and local criminal justice agencies, an often-overlooked commodity and partner in our fight against illicit drugs and drug-related crime. Many interagency meetings intended to enhance cooperation and coordination are attended by ONDCP solely because it manages the HIDTA Program.
- The HIDTA Program has flourished largely because of grass roots support by state and local criminal justice agencies. This undaunted support comes chiefly because the program is managed by a neutral agency with no competing interests in the program resources. ONDCP provides the unbiased neutrality, real and perceived, necessary for law

enforcement agencies to willingly participate in the program.

- ONDCP's Bureau of State and Local Affairs policy making and leadership roles are significantly enhanced by using the HIDTA Program as a primary vehicle to implement its national policies i.e., connectivity between HIDTAs, National Clandestine Laboratory Seizure System, National Methamphetamine Initiative and other programs that directly impact national drug policy.
- The HIDTA Program's national scope provides an immediate pulse on regional drug trends and issues while enhancing the capability to implement policy nationwide.
- HIDTA improves ONDCP's Bureau of State and Local Affairs' ability to promote cooperation and coordination among all levels of criminal justice agencies as well as law enforcement, prevention and treatment.

b) "Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?"

I do not believe that the state and local agencies I work with would prefer to work with the OCDETF program than with HIDTA as it currently exists. The state and local agencies have equal representation on the New England HIDTA's Executive Board and an equal vote on budgets and strategies that affect the New England Region. They do not have the same representation or vote with OCDETF. The HIDTA Program focuses resources on federal strategies and goals and at the same time responds to regional and local crime, violence and drug problems. HIDTA provides a balanced strategy approved by the state, local and federal law enforcement and prosecution executives who are board members. HIDTAs attack regional and local drug and crime problems before they become national problems. HIDTAs also provide many other services that are not required by ONDCP. The New England HIDTA has produced a New England-Canadian border threat assessment documenting the growing Canadian hydroponic marijuana and methamphetamine precursor smuggling threats. In addition, the New England HIDTA was the first to document the heroin epidemic and focus the attention of law enforcement, treatment providers, prevention specialists and the medical community on the problem. Three separate summits were sponsored and were very well attended by healthcare professionals and law enforcement. The New England – Canadian Border Threat and Heroin Summits were the New England HIDTA's response to state and local concerns and requests for strategies and support.

c) "What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?"

- Task Forces: OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied

federal participants. They do not perform any enforcement activities. HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution, sales, interdiction, prosecution, violence, gangs and intelligence. Many HIDTA task forces are co-managed by a federal and state or local law enforcement officer. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies.)

- Intelligence and Support Activities: OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is that of funding. It does not provide investigative support beyond prosecution and money. HIDTA has intelligence units that:
 - Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
 - Provide post-seizure analysis
 - Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
 - Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
 - Produce annual threat assessments and special strategic reports
 - Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
 - Provide analytical support through all phases of an investigation
 - Conduct pro-active intelligence activities.
- Funding: The \$550 million OCDETF budget primarily funds approximately 4,000 federal personnel outside their agency's budget. These agents and personnel are assigned to their various divisional offices carrying out their respective agency's mission relating to drug enforcement and under the direction of the special agent in charge of that office. A small percentage of the OCDETF budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement. The \$227 million of HIDTA funding in twenty-eight strategic regions goes to support:
 - 355 operational task forces (65% established by HIDTA)
 - 53 intelligence centers (all but one established by HIDTA)
 - 4,428 federal personnel
 - 8,459 state and local personnel of which 1,996 are directly funded by the HIDTA Program

The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility

which would be unavailable within the Department of Justice.

- Structure: OCDETF is a program for federal agencies and managed by a federal agency, Department of Justice. The majority of its funding is designated for full time federal employees distributed among participating federal agencies (see above). No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). It has no operational task forces, pointer indices or intelligence capability. Non-federal agencies are not represented in their administrative task forces. HIDTAs are governed by executive boards that contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.
 - Operations: OCDETF designated investigations are submitted to OCDETF by federal, state and local agencies and/or task forces. The designation is generally for funding assistance and the assignment of prosecutors on a case-by-case basis. The OCDETF-funded federal positions are assigned to work within their respective federal offices throughout the United States. Unlike OCDETF, HIDTA task forces actually develop and open cases, provide and share intelligence and informants that leads to OCDETF investigations and support for other OCDETF cases across the country. HIDTA proactively identifies, targets, investigates and attempts to disrupt or dismantle international, multi-state and local drug trafficking organizations.
 - Flexibility: OCDETF cases are generally major DTOs only brought to them by federal agencies. OCDETF doesn't target threats or maintain the flexibility to address problems such as prescription drugs, club drugs, clandestine labs, steroids, etc. HIDTA retains the flexibility to both target major DTOS but also address regional threats that are identified such as heroin and prescription drugs that are causing record drug overdose deaths and injuries.
- 5) **“Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of**

the HIDTA program.”

- a) **“Does your HIDTA currently comply with this directive? If not, why not?”**

New England HIDTA does comply with this directive and each member of the executive board has full voting authority. New England has equal representation; 9 federal representatives and 9 state/local representatives. All six New England states are represented on our board. The Chair of our board changes each year and rotates between the federal and state representatives. This system works extremely well and provides a neutral platform representing each level of government.

- b) **“How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance was eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?”**

One of the primary keys to the success of the HIDTA Program is that there are relatively balanced executive boards between federal, state and local law enforcement leaders giving each an equal voice and ownership of the program. If this balance was eliminated and federal agencies would take control, it would become just another federal program and many state and local participants would eventually leave. State and local law enforcement would probably not embrace the program, would not have ownership and thus would not have the commitment. The state and local resources to the HIDTA Program far outweigh what the federal government has committed. The HIDTA Program partners with state and local law enforcement to address the drug problem regionally but join the federal government’s national drug strategy also nationally.

- 6) **“Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA’s administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?”**

Yes, it has had a significant negative impact on the HIDTA Program. Task force supervisors and members of the Management initiative have spent many hours bringing new agencies to the New England HIDTA. It is extremely difficult obtaining future commitments for personnel and other resources. We are entering the planning stage for the Fiscal Year 2006 budget and have received no guidance on the budget process. Further, agencies are reluctant to sign contracts, make any commitments past this calendar year and employees worried about their jobs will be seeking employment elsewhere. This has been very disruptive and distracting. Task force officers and support personnel are concerned whether the task force will be in existence and are reluctant to commit to long term drug trafficking organization investigations. The proposal has affected morale for those who have worked so hard to make the HIDTA Program a success. The

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men and women on the street doing the work feel as if they have been given a severe blow. The future is now in the hands of Congress and most feel Congress will do the right thing.



OHIO HIGH INTENSITY DRUG TRAFFICKING AREA
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The Honorable Mark E. Souder
Chairman, Subcommittee on Criminal Justice,
Drug Policy and Human Resources
B-373 Rayburn Office Building
Washington, DC 20515

April 5, 2005

Re: Your letter dated March 17, 2005.
Response of Mr. John Sommer, Director, Ohio HIDTA

Dear Chairman Souder:

Thank you for this opportunity to respond to your questions and to include the below as part of the written record before your Subcommittee on Criminal Justice, Drug Policy and Human Resources. I want to commend you and the committee members for seeking the facts about the High Intensity Drug Trafficking Area program related to the proposal to reduce funding by \$127 million and to move the program from ONDCP to the Department of Justice. In response to your questions:

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives- in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.

- a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

The Ohio HIDTA supports sixteen different initiatives in the state. The program includes an Investigative Support Center, a Management and Coordination Unit, a Training Unit, twelve multi-agency collocated drug task forces and an interdiction initiative with the Ohio State Highway Patrol. The program involves nearly two hundred state and local personnel who make significant unreimbursable state and local contributions to our initiatives. The dollar amount will be approximate because of the differences in salaries, fringe benefits, price per square foot for facilities, etc. I have attempted to provide a conservative response and a "best estimate." I have taken into account that some of our initiatives receive funding from other federal programs. The total dollar value of all unreimbursed state and local contributions to the Ohio HIDTA is approximately \$20,570,000 annually.

- b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

Approximately \$8,619,000 annually.

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?

There is little doubt should the HIDTA funds be significantly reduced or eliminated that the state and local agencies would not continue those unreimbursed contributions and would likely put their resources elsewhere. In the case of the Ohio HIDTA, this resource gap would mean at least half (8) of our most successful task forces would be disbanded or significantly reduced with the remaining task forces having their operational productivity reduced anywhere from 50% to 75%.

The Akron/Summit County Methamphetamine Team, part of the Akron/Summit County HIDTA Initiative, has had to deal with, by far, the largest clandestine lab problem in the State of Ohio. This multi-agency team has been responsible for the takedown of one third of all methamphetamine labs in the entire state.

Captain Baker who commands the Summit County Drug Unit made the following comments:

"With the overwhelming support of the Ohio HIDTA ... I feel that the Akron/Summit County HIDTA Initiative has become one of the most successful and productive initiatives in the nation. I believe that, if we lose our HIDTA support, we are doomed. With our level of drug traffickers and our high numbers of methamphetamine labs, we cannot afford to go back where we were in the 1990's."

Numerous law enforcement administrators and drug unit commanders have said that should HIDTA funds be eliminated or significantly reduced, that they could not continue to make the contributions they are making to drug enforcement and would have to realign their resources.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

Although the Ohio HIDTA maintains all contractual obligations with a funding caveat, the fluctuation of the federal grant on a yearly basis would increase the difficulty for state and local agencies to commit resources for the long term.

Since an investigation (CPOT, RPOT, OCDETF, etc) typically exceeds 12 months in duration, local and state agencies may revert to policing their own communities rather than risk a potential financial liability (due to a budget fluctuation) by participating in federally funded investigations or Task Forces. In the Ohio HIDTA Program, approximately 17% of the cases are in the CPOT category alone with a significant number of the remaining cases as OCDETF designated cases.

3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?

On the local level, the federal government has a great deal of discretion representing one half of the members of the Ohio HIDTA Executive Board. The Annual Threat Assessment, the direction of the strategies of the task forces, evaluation process and individual budgets of each of the initiatives are vetted through all board members (full local and federal representation). The Ohio HIDTA furthermore particularly leans upon the advice, experience and oversight of the lead U.S. Department of Justice OCDETF attorney for case review and evaluation. This is an active and ongoing process, which takes place during regularly scheduled meetings.

The ONDCP does have some discretion to reallocate HIDTA budgets through the form of disbursing supplemental funding requests (normally to CPOT or RPOT related cases) on an annual basis.

Because of the balance that presently exists between the local/state and federal law enforcement agencies represented on the Ohio Executive Board, there is no need to alter the current budget system. The ONDCP Director, with authority over county designations and level of funding with supplemental budget recommendations is sufficient.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U. S. Department of Justice.

- a. Do you support this proposal? If not, why not?

I do not support this proposal for a number of reasons as follows:

- OCDETF and HIDTA are different programs with different missions.

OCDETF is a program for federal agencies and managed by a federal agency, U.S. Department of Justice. The majority of its funding is designated for full-time federal employees distributed among participating federal agencies. No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). This program has no operational task forces, pointer index or intelligence capability. Non-federal agencies are not represented in their administrative task forces.

HIDTAs are governed by Executive Boards that contain an equal number of state/local law enforcement agency heads and federal agency heads. These partnerships produce regional threat assessments, develop strategies to attack the regional drug threat and implement the strategies with operational task forces. They decide the level of funding for each task

force and evaluate task force performance annually. Task force commanders are selected from participating HIDTA agencies and lead commingled, collocated task force officers and analytical personnel in their investigative efforts. The task forces are continually monitored for adherence to their particular mission by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.

Investigative Intelligence and Support Activities:

OCDETF does not have intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is that of funding. It does not provide investigative support beyond prosecution and funding.

HIDTA has intelligence units or Investigative Support Centers that:

- Have multiple local, state and federal criminal as well as commercial databases with pointer index to avoid duplicative investigative effort and enhance productivity.
- Provide post-seizure analysis.
- Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety.
- Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies.
- Produce annual threat assessments, bulletins and special strategic reports.
- Have sub-committees and task force commanders supervising task forces comprised of local, state and federal agencies.
- Provide analytical, strategic, operational and tactical support of investigations.
- Conduct pro-active intelligence activities to produce informants and develop cases.

Training

- The Ohio HIDTA has trained over 1,000 law enforcement personnel in the past 12 months. A HIDTA task force commander stated that training for task force officers would decrease an average of 50% with the loss of the HIDTA. OCDETF does not provide this type of training.

Regarding the recognized value of the Ohio HIDTA Program.

As recently as October 1, 2004, John P. Walters, Director of ONDCP, announced in a press release that six new counties were designated as High Intensity Drug Trafficking Areas (HIDTAs) in the southern region of Ohio. He recognized the value of the HIDTA program by stating:

“The HIDTA program designates geographic areas to which federal resources are allocated to link federal, state and local drug enforcement

efforts and to optimize the investigative return on limited fiscal and personnel resources. Properly targeted, HIDTAs offer greater efficiency in countering the illegal drug trade in local areas. Building on the efforts to combat drug-related crime and counter drug trafficking, President Bush and members of Congress have continued to support the program, which currently consists of 28 designated HIDTA regions across the United States. **The HIDTA Program has achieved a great deal of success because it is able to break down old barriers between the federal, state and local law enforcement agencies. Coordinating efforts and sharing information has (have) extended beyond a single initiative or task force, to between initiatives and task forces in a single HIDTA, a region, and among HIDTAs nationally.**

- b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

State and local law enforcement agencies prefer to keep the current programs as they now exist, separate but each complimenting each other.

In regards to OCDETF, all concurred that with the loss of HIDTA support, less OCDETF cases will be developed. There will be less manpower to support complex cases, less shared intelligence from which OCDETF cases will develop, and far less collaboration between federal, state and local law enforcement agencies. Many OCDETF cases are predicted upon information developed and received at the local law enforcement level.

The Ohio HIDTA has educated hundreds of law enforcement officers in clandestine methamphetamine lab awareness. This training continues to be critical to officer and citizen safety. Without HIDTA funding, this training will be eliminated or decreased significantly. OCDETF offers no such training.

Any federal funding for state and local law enforcement, to include HIDTA, is absolutely critical to cope with the ever-increasing methamphetamine problem in Ohio.

- c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

The OCDETF program has nine administrative task forces made up of federal representatives who evaluate and recommend investigations for sponsorship. These administrative task forces do not generate cases. They are non-operational bodies that focus on reviewing applications for OCDETF assistance, overseeing the disbursement and use of OCDETF funding by qualified investigative efforts and reviewing each OCDETF case upon its completion. All OCDETF-designated investigations originate outside of the program; some qualifying investigations are initiated by OCDETF member agencies, while many others are launched by state and local law enforcement agencies or HIDTA task forces.

The OCDETF program is primarily for federal agencies and managed by a federal agency, U.S. Department of Justice. The majority of its funding is designated for full-time federal employees distributed among participating federal agencies. No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). This program has no operational task forces, pointer index or intelligence capability. Non-federal agencies are not represented in their administrative task forces.

HIDTA task force members and analysts, however, do develop cases and present them to OCDETF for designation. The HIDTA Program therefore compliments the OCDETF Program. OCDETF's scope encompasses the prosecution of significant drug trafficking organizations (DTOs); hence, nearly 90% of OCDETF's funding is limited to paying salaries for federal investigators and prosecutors. Investigative expenses and overtime for state and local participants comprise approximately 10% of the remaining OCDETF budget. Conversely, HIDTA's budget is more flexible and supports intelligence centers, LAN/WAN networks, information technology projects, equipment loan pools and the provision of specialized investigative support services. Nearly 90% of HIDTA's expenses are tied directly to support major (DTO) investigations.

HIDTAs are governed by Executive Boards that contain an equal number of state/local law enforcement agency heads and federal agency heads. These partnerships produce regional threat assessments, develop strategies to attack the regional drug threat unique to their areas and implement the strategies with operational task forces. They decide the level of funding for each task force and evaluate their productivity annually. Task force commanders are selected from participating HIDTA agencies and lead commingled, collocated task force officers and analytical personnel in their investigative efforts. The task forces are continually monitored for adherence to their particular mission by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

- a. Does your HIDTA currently comply with this directive? If not, why not?

The Ohio HIDTA does comply with this directive by having a total of 16 Executive Board Members, 8 from local/state agencies, and 8 from federal agencies.

- b. How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HDTAs? If so, how?

The 50/50 balance is very important to the state and local chiefs, sheriffs, and superintendents who are committing to and providing manpower and resources to drug task force initiatives with no guarantee of funds being reimbursed through forfeitures. If federal law enforcement agencies were given total control, most of the local and state agencies would pull their people back to their home agencies.

The HIDTA management structure, as an equal balance, creates a "level playing field" among federal, state and local partners who understand all aspects of law enforcement and put the interest of the HIDTA above their own. HIDTA directors act as neutral brokers for participating agencies and are charged with carrying out the collective policy decisions of their Executive Boards, whereas an Assistant United States Attorney manages each OCDETF case and generally relates to agencies on an investigator/supervisor level. Other than the HIDTA program, no other law enforcement grant program of the federal government integrates the leadership and cooperation state, local and federal agencies from top to bottom.

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

The Administration's proposal has already alerted state and local agencies to the possibility that funding may not be available past 12/31/05. This has caused a negative impact on services issues such as vehicle leases and communication service contracts. The local agencies are allocating time and resources to review commitments that extended beyond 12/31/05 and to renegotiate with vendors for the possibility of shorter contract commitments.

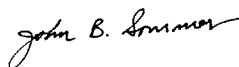
Since all Ohio HIDTA personnel (staff) contracts are through an Ohio municipality, all benefits such as health insurance, worker's comp and retirement benefits are tied directly to the state system. Some benefits require a minimum of five service years to qualify. The lack of uncertainty regarding the possible loss of employment through the HIDTA is devastating, demoralizing and will make it increasingly difficult to recruit career-minded staff members.

Finally, during the normal course of business, the ability to receive competitive market prices or cost-saving contracts from vendors that transact with the HIDTA often stems from the commitments from the local agencies and the reimbursement "pledge" of the HIDTA through ONDCP. Further favorable terms are obtained from the unquantifiable benefit the vendor obtains from being a HIDTA supplier. That future "pledge" and any potential benefits are no longer as valuable due to the tenuousness of the HIDTA's program existence that the administration's proposal has generated.

In summary, once state, local and federal agencies, along with commercial vendors, perceive the

lack of continuity of the HIDTA program, the commitments will diminish severely and the program's effectiveness will also diminish. Unfortunately, the proposed FY 2006 President's Budget has begun this process. Therefore, it is extremely important to urgently address and resolve this matter. The longer the future of the HIDTA program is up for discussion, the greater the negative impact it will have on unified law enforcement efforts in this country and therefore "short change" its citizens who as taxpayers will pay a heavy price in the war against drug trafficking.

Sincerely yours,



John B. Sommer
Executive Director

**HIDTA Directors****Appalachia**

Frank Popper

Arizona

Raymond L. Virsik

Atlanta

Ronald J. Caffrey

CBAG

Richard Gorman

Central Florida

William T. Fernandez

Central Valley

William Buzzarment

Chicago

Thomas K. Donahue

Gulf Coast

Einy Soto

Hawaii

Larry D. Burnett

Houston

Stan Furce

Lake County

Leo Arreguin

Los Angeles

Roger Bass

Michigan

Abraham L. Azzam

Midwest

David Barton

Milwaukee

Eric V. Szarka

Nevada

Mike Hawkins

New England

George C. Fiepa

New Mexico

Enriol J. Chavez

NHAC

William I. Martin

North Florida

Edward B. Williams

North Texas

Mona Neff

Northern California

Ronald Brooks

Northwest

Dave Rodriguez

Ohio

John Sommer

Oregon

Chuck Karl

Philadelphia/Camden

Jeremiah Daley

PR/USVI

Jose M. Alvarez

Rocky Mountain

Thomas J. Gerhardt

South Florida

Tim Wagner

South Texas

Vernon P. Parker

Southwest Border

Jerecia M. Azbill

West Texas

Travis Kuykendall

Washington/Baltimore

Thomas H. Carr

- 1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by federal funds, but not all.**

- a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?**

In the Washington/Baltimore HIDTA, state and local contributions consist primarily of personnel, overtime funding, vehicles and certain operating expenses. Based upon feedback from our participating agencies, we estimate that state and local law enforcement contribute \$16,825,696 annually to the HIDTA Program.

- b. What is the approximate dollar value of all reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?**

Federal contributions to the W/B HIDTA Program total \$18,435,098 annually.

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those unreimbursed contributions, or would they be likely to put those resources elsewhere?**

Without HIDTA funding, state and local agencies would not be able to continue their same level of support for HIDTA Program. State and local agencies rely upon HIDTA funding to augment and enhance their drug enforcement efforts. HIDTA funding encourages and allows them to focus more of their resources on drug enforcement. This "leveraging" translate into greater levels of information sharing, strategic planning and case coordination. Intangible issues, such as co-location, which can not easily be measured in terms of funding, would be eliminated should HIDTA

funding be diminished or should the HIDTA Program be placed under OCDETF.

2. **State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult of state and local agencies to commit their resources to HIDTA over the long term?**

Most definitely.

The assignment of officers, the execution of leases for office space and vehicles are only a few of the commitments that are determined primarily by the HIDTA budget. For the past eleven years, W/B HIDTA initiatives have functioned with the expectation of continued funding based upon performance. Although, each participating agency accepts the fact that the budget may fluctuate slightly based upon regional needs and their performance, the consistency of funding has allowed all the participating agencies to plan and allocate their resources to the advantage of the HIDTA Program. They have been able to balance their participation with HIDTA with other pressing needs. As a result, the initiatives have been stable over time and consequently have yielded excellent performance outcomes.

Without the stable funding, the W/B HIDTA successes would not have been possible. If budgets fluctuated wildly from year to year, the involvement of federal, state and local law enforcement agencies would vary in direct proportion. One of the reasons that the W/B HIDTA has been so successful in dealing with drug issues has been the commitment of federal, state and local law enforcement. The long-term commitment is, by necessity, tied to the expectation that program funding will continue at a consistent level.

All of the HIDTA initiatives are co-located. In W/B HIDTA, there are four co-location sites, each with a five year lease. The leasing corporations managing these sites require that new leases be signed six months in advance. In addition to the office space, the budgets for the W/B HIDTA initiatives include funds for leasing vehicles. Although these leases are for a term of one year, the procurement process starts six months prior to signing the contract. Without confirmed funding, the W/B HIDTA initiatives cannot engage in these agreements. Co-location of the

initiatives is a HIDTA Program requirement and is vital for creating and maintaining a cooperative and coordinated drug enforcement environment.

The year to year fluctuation of funding would have a devastating effect upon the W/B HIDTA and all other HDTAs. HDTAs are made possible because of the contributions made by the state and local law enforcement agencies. Without the assurance of consistent funding the participating state and local agencies could not realistically continue their involvement.

3. **The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking each HIDTA's budget every year means that the HIDTA cannot adapt when drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting HIDTA's operations?**

Two of the HIDTA Program's most positive aspects are the flexibility and adaptability it offers to participating agencies in designing and implementing regional drug control strategies. Through its participating agencies, each HIDTA region is able to assemble myriad data and expertise on its specific drug threats. Each region's executive board provides a forum for frank and open discussion of regional drug threats and ensures that federal, state and local government input is integrated into the HIDTA's regional drug control strategy.

It is difficult to see how ONDCP staff would be in a better position than that region's executive board and participating agencies to determine what the focus should be for each HIDTA region. The HIDTA directors are not aware of any federal data sources on drug trafficking or drug-related crime that are accessible exclusively to ONDCP staff and would provide them with this level of insight. ONDCP maintains an interagency committee to advise the Director on the HIDTA Program and the agencies represented on this committee already have a strong voice in determining HIDTA regions' strategies and budgets through the participation of their field offices in HIDTA executive boards and task forces. Finally, ONDCP has not generated any significant evaluative research on the various approaches used by the HIDTA regions to address drug trafficking. The National HIDTA Program staff concentrates its efforts on budget and program policy compliance issues and has not been tasked with conducting in-depth evaluations of drug enforcement strategies.

The Administration's contention that it does not have sufficient discretion to effectively manage and direct the HIDTA Program is puzzling. The

Director of ONCP has sufficient authority under the existing authorizing legislation to effectively manage the program. He alone can designate HIDTA regions; while the authorizing legislation does require some consultation, it is clear the Director of ONDCP has final authority in designation decisions. He approves the HIDTA Program's policy guidance and, with the help of the National HIDTA Program staff, reviews and authorizes each HIDTA region's budget on a yearly basis. If the Director wishes to revise the HIDTA Program's mission, impose additional requirements for HIDTA designation, alter the budget process to take national priorities into account, or encourage HIDTA regions to adopt particular strategies, he appears to have ample authority to do so, subject only to the approval of the Administration and Congress.

The National HIDTA Directors do not feel that there is any need to alter the HIDTA Program's existing budget system. The Director of ONDCP already wields the authority he needs to effectively guide the program through his designation, management and budget authorities.

4. **During the hearing, we discussed the current ONDCP operating guideline for the HIDTA program that requires each HIDTA divide full voting authority on its executive board between federal agencies on one hand, and state and local agency representatives on the other. Can you confirm that your HIDTA currently complies with this directive?**

As required by ONDCP’s HIDTA Program Policy, the W/B HIDTA Executive Board maintains an even balance of Federal and state and local law enforcement and criminal justice agencies on its Executive Board (see table below).

The W/B HIDTA is unique among the nation’s HIDTA regions in sponsoring treatment/ criminal justice initiatives aimed at providing effective coerced treatment programs for repeat drug offenders in the criminal justice system. To ensure fair representation of agencies providing treatment services, the Executive Board sought and received from ONDCP an exemption to a HIDTA Program policy limiting Executive Boards to sixteen members. All of the treatment/criminal justice initiative representatives are drawn from state and local agencies as the federal government does not play an active role in delivering treatment services at the local level.

Washington/Baltimore HIDTA Executive Board

Law Enforcement and Criminal Justice Agencies

Federal (8 seats)	State and Local (8 seats)
DEA	Maryland State Police
FBI	Maryland Division of Parole and Probation
ICE	Virginia State Police
ATFE	Arlington County Police Department
United States Attorney/District of Columbia	Baltimore Police Department
United States Attorney/District of Maryland	Commonwealth’s Attorney – Arlington County
United States Attorney/Eastern District of Virginia	Prince George’s County Police Department
Administrative Office of the US Courts	State’s Attorney – City of Baltimore

Treatment/Criminal Justice Initiative Representatives

State and Local (4 seats)
Arlington County Substance Abuse Services
Court Supervision and Offender Services Agency
Maryland Alcohol and Drug Abuse Administration
Maryland Governor’s Office of Crime Control and Prevention

- 5. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?**

Yes.

The uncertainty surrounding the HIDTA Program has put many actions on hold for the W/B HIDTA. There are leases that have to be signed, positions to be filled and new initiatives on hold. The participating law enforcement agencies are wondering how to best manage their staff allocations. In some cases, new officers were to be added to initiatives to expand their workforce. The federal, state and local agencies involved in designating personnel for these positions are waiting to see what the final decisions will be for the HIDTA Program before they make a final commitment.

The men and women involved in the W/B HIDTA initiatives are questioning how the Administration could even consider reducing HIDTA funding when their efforts over the last ten years have resulted in the seizure of \$161 million dollars in drug assets and over 51,000 kilograms of illicit drugs being removed from the region. They are worried that the gains they have made in fighting the drug problem will soon be lost. This sense of uncertainty has had a direct effect on the morale of all personnel working for HIDTA Program.

By design each HIDTA executive board consists of one state or local representative for every federal agency represented. The Administration's budget proposal has created an unwarranted division within the W/B HIDTA Executive Board, with state and local agencies on one side and some federal agencies on the other. Our Executive Board has been in operation for eleven years. Over time, it has become a very decisive, responsive, and cohesive governing body. The strain created by the Administration has disrupted the Board's ability to perform and has the potential for impairing heretofore excellent working relationships among participating agencies.

In many ways, it will take time to repair the damage caused already through the Administration's budget proposal. None of us involved in the HIDTA Program understand the rationale for such a drastic and devastating step. The Administration has yet to produce evidence that the HIDTAs

have not performed well or that it would be better managed under OCDEFT. What the Administration has done is to propose altering an effective drug control program that has demonstrated positive performance measurements and made a significant impact on drug trafficking organizations across the nation.

The following quotes offer some insight into the value state and local law enforcement place on the W/B HIDTA.

Thomas E. Hutchins
Secretary Maryland State Police

“The Washington Baltimore HIDTA has been instrumental in coordinating and funding complex drug investigations that have directly impacted the safety of Maryland’s citizens. This significant budget reduction will have an immediate and devastating impact on Maryland’s drug enforcement and drug treatment efforts. Maryland State Police, in addition to many local police agencies in Maryland, have devoted considerable resources to partner with federal law enforcement agencies.”

Leonard Hamm
Police Commissioner for the Baltimore Police Department

“There are those that question the value of HIDTA. They simply haven’t taken the time to look at these measurable lifesaving results.”



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April 4, 2005

The Honorable Mark Souder
 Chairman, Subcommittee on Criminal Justice,
 Drug Policy and Human Resources
 B-373 Rayburn Office Building
 Washington, DC 20515

Re: **Southwest Border South Texas HIDTA**

Dear Chairman Souder:

We appreciate your effort to obtain input from HIDTA Directors concerning the counter drug effort addressed in the Administration's Fiscal Year 2006 budget. Thank you for an opportunity to provide comments from frontline Law Enforcement Agencies (LEA) and associated professional organizations concerning perspectives regarding the successes and needs in HIDTA regions. The proposed \$127 million reduction in Federal counter narcotics support, as well as the movement of the HIDTA Program to the Department of Justice, raises concerns regarding continued Federal State, and local cooperation, information exchange, and participation in joint counter narcotics effort across the nation. In response to your specific questions, the following is provided.

1) **“Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.”**

a) **“What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?”** The Southwest Border, South Texas (SWB, STX) HIDTA involves 22 commingled and collocated multi-agency task forces covering 14 counties in Texas adjoining the border of the United States of America and Mexico. The task forces consist of five money-laundering task forces, eight counter narcotics task forces, six investigative support elements or centers, one interdiction task force, one training element, and one management and coordination support element force.

More than 500 law enforcement officers from 43 Federal, State, and local Law Enforcement Agencies (LEA) work in the SWB STX HIDTA task forces to reduce the illicit narcotics within this region and the nation. Through association with neighboring Federal, State, and local LEA, these task forces indirectly support numerous anti-smuggling (human, animal, terrorist, consumer goods, etc.) efforts along the border region. An approximate dollar value of state and local non-Federally reimbursed costs of counter-narcotics efforts alone, which state and local LEA absorb (salaries, fringe benefits, price per square foot for facilities, etc), is \$24,112,175. These expenses are conservative and a best estimate of the State and local LEA support. Federal reimbursable expenses, received through other Federal, State, or local programs, are not included these estimates

b) “What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?” Though considered to be costs of the normal operations in the counter drug effort of Federal LEA, a total of \$25,544,000 is estimated to be the amount of funds ‘brought to the table’ for the counter narcotics effort within the SWB, STX HIDTA. These funds, nor the state and local funds, can measure the impact of the LEA efforts within the region due to the immeasurable impact made available due to the collocation and commingling of these Federal agency elements with State and local LEA in the counter narcotics, and associated narco-terrorist effort, within the region.

c) “Do you believe that, if your HIDTA’s federal program fund were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?” The impact of a reduction or elimination of HIDTA Program funds would devastate the SWB, STX HIDTA counter drug effort. Without the federal funding, most, if not all, the intelligence, interdiction, investigation, and associated prosecution efforts would be impacted negatively. State and local resources associated with the HIDTA Program would in all probability be refocused to address more local illicit drug activity and not continue to address major regional and national counter drug efforts. This is due to the mission of the HIDTA Program normally addressing those illegal activities above and beyond their normal LEA abilities. For the SWB, STX HIDTA, the six investigative support centers, five money-laundering task forces, and the training support task force would be severely reduced or eliminated if HIDTA funding is reduced or eliminated. The efforts of the eight counter drug task forces would be severely reduced or eliminated. The interdiction effort would also be severely reduced or eliminated. Coupled with the reduction of the Byrne and COPS programs, the counterdrug effort across the region and state would be significantly reduced or eliminated in most of the areas.

2) “State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA’s federal budget were to

fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?” State and local governments can't depend on a program with an annually fluctuating budget. Current Federal budgetary systems already cause HIDTA participating State or local agencies, unlike Federal agencies, to 'front' operating or salary expenses until Congressional budgetary appropriations and subsequent grants arrive. Issues at the State and local level focus on other than HIDTA Program illicit narcotics efforts, therefore a HIDTA program focus is missed. The HIDTA Program allows state and local agencies to participating in a program giving equal recognition and support under the umbrella of the HIDTA Program. Without the HIDTA umbrella, state and local agency administrators wonder of the focus of Federal counter narcotics program as it applies to regional or local counter narcotic programs. This is important as local government committed based on an established long term focus and budgets, therefore resources are they commit resources, contracts, leases, automation support and associated computer developments on published Congressional mandates. Due to the stability of the HIDTA Program, the state and local law enforcement administrators have gained some confidence, that short of productivity issues, the HIDTA funds will be available, and they can continue to do long-term planning. It is almost impossible to address any threat and implement associated effective strategies if Congress doesn't communicate policies and program goals.

3) “The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?” Currently, each HIDTA provides the ONDCP with an annually updated regional Threat Assessment approved by Federal Special Agents in Charge, State Narcotics LEA as well as local LEA. Of note, one of the many positive aspects of the HIDTA Program is its ability and flexibility to adapt to meet the changing regional drug threat. Each HIDTA region has a slightly different illicit drug threat, which cannot be effectively addressed from a centralized Federal location. The focus should continue to be at a regionally focused level by HIDTA Executive Boards or Committees. For the federal government to indicate they don't have the discretion to respond to the changing drug threat indicates there is no comprehension of the Drug Threat and its associated regional problem. The federal government, along with state and local government, must continue its regional focus and associated discretion to direct HIDTA resources in response to each regional drug threat as it affects the nation.

Each HIDTA has an established baseline, 2004, to use and implement a long-term planning strategy and its impact on the nation. However, the ONDCP's Bureau of State and Local Affairs should maintain a certain discretionary amount of funds over the baseline to allow some flexibility to direct funds to developing 'hot-spot's across the nation, which demand a national focus on counter narcotics issues. This flexibility would

allow the opportunity to test new strategies and techniques to reduce developing illicit narcotics issues. This methodology has been a winning technique in the HIDTA Program's methodology. The Congress should address this successful methodology and capitalize on its successes. The HIDTA directors can be in a key advisory role since they are involved with federal, state and local law enforcement throughout the nation interacting with the top law enforcement leaders in this country as well as the officers implementing the strategy.

4) "The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime rug Enforcement Task Force (OCDETF) at the U.S. Department of Justice."

a) "Do you support this proposal? If not, why not?" Movement of the HIDTA Program to the OCDETF Program is not an informed decision. The SWB STX HIDTA does not support this proposal.

OCDETF and HIDTA are different programs with different missions.

Since the executive boards are made up of an equal number of federal and state/local representatives, placing HIDTA under DOJ could potentially or be perceived as Justice members being afforded the ability to vote as a block. Department of Justice personnel such as the U.S. Attorney, DEA, FBI, ATF and U.S. Marshals Service are on many if not all the boards. Currently, there is no ONDCP representative on any of the boards and thus nobody from the management agency to exert pressure. There is an equal representation on the Executive Committee in South Texas between Federal and State/local LEA.

The HIDTA Program works extremely well and effectively under ONDCP's Bureau of State and Local Affairs, where each Executive Committee has equal representation between Federal and State/Local LEA. If it isn't broke, why change it?

If HIDTA is moved to the DOJ, how could the DOJ effectively and objectively maintain an appearance of objectivity and an appearance of neutrality and for an unbiased opinion within the HIDTA Program, as most Federally managed Programs, DEA, FBI, DHS, etc. are under the auspices of the DOJ?

Age-old agency cultures and impending turf battles are surmounted daily in favor of more suitable cooperation and coordination among participating agencies. These significant and unprecedented outcomes would not occur if HIDTA were under the stewardship of a Justice agency.

Management of the program requires review of HIDTA threat assessments, strategies and budgets. Information gleaned from these processes gives the ONDCP, Bureau of State and Local Affairs a unique, accurate perspective of drug issues. Congressional wisdom in having ONDCP manage the HIDTA program has paid huge dividends for law

enforcement and the American People.

The HIDTA program provides ONDCP's Bureau of State and Local Affairs with a unique link to state and local criminal justice agencies, an often-overlooked commodity and partner in our fight against illicit drugs and drug-related crime. Many interagency meetings intended to enhance cooperation and coordination are attended by ONDCP solely because it manages the HIDTA Program.

The HIDTA Program flourishes largely because of grass roots support by state and local criminal justice agencies. This support comes chiefly because the program is managed with no competing agency interests in the program resources. ONDCP provides the unbiased neutrality, real and perceived, necessary for law enforcement agencies to willingly participate in the program.

ONDCP's Bureau of State and Local Affairs policy making and leadership causes the HIDTA Program to be a primary vehicle for the implementation of a national policy (i.e., connectivity between HDTAs, National Clandestine Laboratory Seizure System, National Methamphetamine Initiative and other programs directly impacting national drug policy).

The HIDTA Program's national scope provides an immediate response for the Administration and national LEA to provide a measurement of regional drug trends and issues, while enhancing the capability to implement policy nationwide.

HIDTA improves the nation's ability to promote cooperation and coordination among all levels of criminal justice agencies as well as among law enforcement, prevention and treatment.

The HIDTA Program provides for an equal partnership between Federal, State and local law enforcement leaders tailored for a regional approval and goals yet tied to the national mission.

"Without HIDTA, the nation's counter-narcotics effort is a disjointed effort focused on regional issues led by politics and not the needs of the nation."

b) "Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?" No. The OCDETF Program, though a recognized effort, does not give local and state elements equal representation and voting rights within their region. The OCDETF Program is a prosecution and Federal investigative program, which often does not recognize local or state efforts. Since this proposal has been recommended, many Chiefs of Police and Sheriff's have voiced or stated their concerns with LEA partners within in the HIDTA Program.

c) **“What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?”**

Task Forces: The regional OCDETF task forces are non-operational, administrative bodies labeled task forces due to their varied federal participants. They do not perform any enforcement activities. HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of Federal, State and local officers with various missions that include money laundering, distribution, sales, interdiction, prosecution, violence, gangs and intelligence. The HIDTA-funded task forces across the country involve personnel dedicated to their region and the impact of illicit drug trafficking across the nation.

Intelligence and Support Activities: The HIDTA Intelligence activities provide a service not equaled by the OCDETF community. The HIDTA Program also provides a support element for all LEA, not just a select few within the OCDETF community, an important element in the counter-terrorist and counter narcotics arena. HIDTA has intelligence units that:

- Provide multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
- Provide post-seizure analysis
- Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
- Are connected to national law enforcement cyber pipelines to ensure connectivity among HDTAs and other law enforcement agencies
- Produce annual threat assessments and special strategic reports
- Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
- Provide analytical support through all phases of an investigation
- Conduct pro-active intelligence activities to produce informants and develop cases

Funding: The OCDETF budget primarily funds approximately 4,000 federal personnel outside their agency's budget. These agents and personnel are assigned to their various offices carrying out their respective agency's mission relating to drug enforcement and under the direction of the special agent in charge of that office. A small percentage of the OCDETF budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement. The HIDTA funding goes to support:

- Operational task forces (65% established by HIDTA)
- Intelligence centers (all but one established by HIDTA)
- Counter drug funds for federal personnel
- Counter drug funds for state and local personnel

Structure: Executive Committees and Boards govern HIDTAs and contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort.

Operations: HIDTA task forces actually develop and open cases, provide and share intelligence and informants leading to OCDETF investigations and support of other OCDETF cases across the country. HIDTA proactively identifies, targets, investigates and attempts to disrupt or dismantle international, multi-state and local drug trafficking organizations.

Flexibility: HIDTA retains the flexibility to both target major DTOs but also address regional threats that are identified such as methamphetamine and clandestine labs. Meth labs have been a major threat for many HIDTAs.

5) **“Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.”**

a) **“Does your HIDTA currently comply with this directive? If not, why not?”**
The SWB, STX HIDTA has an equal representation and voting membership between Federal and State/local LEA. This arrangement has served the community well with no problems.

b) **“How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?”** One of the primary keys to the success of the HIDTA Program is there are relatively balanced executive boards between federal, state and local law enforcement leaders giving each an equal voice and ownership of the program. If this balance were eliminated and federal agencies would take control, it would become just another federal program, and many state and local participants would eventually leave. State and local law enforcement would probably not embrace the program, would not have ownership and thus, would not have the commitment. The state and local resources to the HIDTA Program far outweigh what the federal government has committed. The HIDTA Program addresses the drug problem regionally and joins the federal government in addressing the national drug strategy.

6) **“Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to**

hire or retain new personnel for your HIDTA's administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?" Yes, it has had a significant negative impact on the HIDTA Program. Agencies are reluctant to sign contracts, make any commitments past this calendar year and employees worried about their jobs are seeking employment elsewhere. This has been very disruptive. Task force officers and support personnel are concerned whether the task force will be in existence and are reluctant to commit to long term drug trafficking organization investigations. The proposal has affected morale for those who have worked so hard to make the HIDTA Program a success. The men and women on the street doing the work feel as if they have been given a severe blow. The proposal has created some sense of separation between those members of the board in Justice who, for the most part, understandably refrain from getting involved in this issue. This has put a strain on relationships and communications between our state/local and federal agencies and will need some mending for the future. The future is now in the hands of Congress and most feel Congress will do the right thing.

Sincerely,

Vernon P. Parker
Director
SWB, STX HIDTA



400 2nd Ave. W., Seattle, WA 98119 • 206-352-3600 • fax 206-352-3699

April 5, 2005

The Honorable Mark Souder
Chairman, Subcommittee on Criminal Justice,
Drug Policy and Human Resources
B-373 Rayburn Building
Washington, D.C. 20515

RE: Northwest HIDTA Director's Response

Dear Chairman Souder:

Thank you for giving my colleagues and I the opportunity to address the specific issues attendant to your question as to whether Federal, state and local cooperation is jeopardized by the allocations proposed for the HIDTA, Byrne Grant and other law enforcement programs in the FY 2006 Drug Control Budget. My responses to your inquiry are enclosed with this correspondence.

Your attention and concern for this matter is greatly appreciated, as are your efforts to obtain the facts about the High Intensity Drug Trafficking Area program. The proposal to reduce the program budget by \$127 million and to transfer the HIDTA program from ONDCP to the Department of Justice OCDETF program is extremely troubling, particularly as the proposal does not appear to be based on those same facts.

Please feel free to contact me at your convenience should you have any questions or concerns regarding the information provided in the enclosed document. Again, thank you for your interest and advocacy concerning this issue.

Sincerely,

A handwritten signature in cursive script that reads "Dave Rodriguez".
Dave Rodriguez, Director

cc: National HIDTA Directors Association
Northwest HIDTA Executive Board Chair

**COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES**

**"FY 2006 Drug Control Budget and the Byrne Grant, HIDTA,
and other law enforcement programs: Are we jeopardizing
federal, state and local cooperation?"**

MARCH 10, 2005

**QUESTIONS FOR THE WRITTEN RECORD FOR MR. DAVE RODRIGUEZ,
DIRECTOR, NORTHWEST HIDTA**

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives — in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.

- a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

Approximately \$23,642,427 annually.

- b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

Approximately \$16,252,988 annually.

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?

Washington State law enforcement administrators and task force commanders are greatly concerned that HIDTA funds may be eliminated or significantly reduced. Agencies predict federal funding cuts will close half of the state's drug task forces this year and say deeper cuts proposed for 2006 could jeopardize public safety.

Loss of the baseline \$4 million Northwest HIDTA budget would immediately cause all 11 Northwest HIDTA law enforcement initiatives to be disbanded or drastically reduced in staff. With already significantly stretched budgets, other local, state and federal unreimbursed resources would not be sufficient to sustain these task forces. The momentum gathered over years of training, as well as the experience and infrastructure established since the inception of the Northwest HIDTA program would be lost. To then have to rebuild these task forces and regain these efficiencies in the future would result

in considerably greater start-up costs while the majority of the current enforcement results would be lost.

In addition, Byrne Grant funding for 19 Regional Drug Task Forces in Washington State has already been cut from \$15 million to \$5.9 million this year, while the President's budget proposal completely eliminates the grant in 2006. Paul Perz, a managing director of the Washington State Department of Community, Trade and Economic Development, reports that if the money is eliminated and not replaced, it's likely all the state's counter-drug task forces would be forced to shut down. In addition, these grants fund legal aid for domestic violence victims, youth crime prevention and the state's only victim advocacy organization. "Funding victims services should be a priority," says Jenny Wieland, executive director of Everett-based Families and Friends of Violent Crime Victims.

"The message it sends is that we're not a priority, that our primary mission to investigate domestic violence, auto thefts, burglaries and all those things are not a priority," says Everett Police Chief Jim Scharf. "Washington State already ranks lowest in the nation in sworn law enforcement officers per population, and in sworn law enforcement officers per Part I crime".

Loss of funding within the Northwest HIDTA budget for the Prevention/Treatment Initiative would result in additional reductions and the elimination of no less than 23 programs and services involving Northwest HIDTA partner agencies, as well as consequences throughout the larger community. Further, the Northwest HIDTA supports the operation of Drug Court programs in 11 counties. At least three of these programs would likely be terminated without the availability of HIDTA funding, while at least four others would experience significant reductions in capacity. Loss of Northwest HIDTA funding would also terminate the development and implementation of a standardized statewide management information system for the community of Drug Court programs.

Northwest HIDTA initiatives provide funds for two county prosecutors. In 2004 there were 232 successful prosecutions. With elimination of HIDTA funding, these prosecutors will no longer be able to provide this support to Federal cases at the Northern Border and to the Meth impact cases in Spokane.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the *federal government* does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their

resources to HIDTA over the long term?

Yes, without stable funding the Northwest HIDTA Initiatives and their accomplishments would not have been possible. If HIDTA budgets fluctuated each year, the involvement of Federal, state, and local law enforcement agencies would vary proportionally.

The assignment of officers and the execution of leases for office space and vehicles are only a few of the commitments that are determined primarily by the HIDTA budget. For the past eight years, Northwest HIDTA initiatives have functioned with the expectation of continued funding based upon record and performance. Although each participating agency accepts the fact that the budget may fluctuate slightly based upon regional needs and performance, the consistency of funding has allowed all participating agencies to plan and allocate their resources to the advantage of the HIDTA Program. They have been able to balance their participation with HIDTA against other pressing needs. As a result, the initiatives have been stable over time and consequently have yielded excellent performance outcomes. One of the reasons that the Northwest HIDTA has been so successful in dealing with drug enforcement issues has been the commitment of Federal, state and local law enforcement that is, by necessity, tied to the expectation that program funding will continue at a consistent level.

The Northwest HIDTA currently funds or partially funds facilities costs for three drug task forces. Two are local initiatives and one is federal. The Northwest HIDTA also funds the vehicle leases for three drug task forces that are co-located Federal, state, and local initiatives. These task forces require as much lead-time as possible to either renew their leases or seek other arrangements. None of these drug task forces are in a position to make up for the funding shortfall if HIDTA funds are withdrawn. The task forces would either be greatly reduced or disbanded. Either choice would greatly diminish the coordinated effort against the drug trafficking threat in this area.

The year-to-year fluctuation of funding would have a damaging effect upon the Northwest HIDTA and all other HDTAs. Each HIDTA is made possible because of the contributions made by state and local law enforcement agencies. Without the assurance of consistent funding the participating state and local agencies could not realistically continue their involvement.

3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug *traffickers* adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how

could that discretion best be used without unduly disrupting each HIDTA's operations?

By allocating predictable baseline budget amounts to each HIDTA on an annual basis, ONDCP avoids unnecessary disruptions to HIDTA operations while also positioning these funds in the most responsive and adaptable location. HIDTA regions have idiosyncratic and sometimes unanticipated drug threats that are well understood and substantiated by their local partner agencies at the operational as well as executive levels. Decisions within each HIDTA to revise strategies, enhance or redirect efforts or to reallocate resources are data-driven, based on information that is not typically available or considered by ONDCP.

In addition to the baseline budget appropriated annually to ONDCP for the National HIDTA Program, a supplemental appropriation is routinely added in an amount equivalent to 10% of the baseline budget. These funds (or more, should Congress so choose) are subject to ONDCP discretion. If a threat was to develop that affected a region or a number of HDTAs or substantial portion of the country, ONDCP could direct supplemental funding appropriately – rather than in the manner undertaken in recent years. ONDCP's discretionary spending plan is rarely if ever informed or shaped in consultation with the HIDTA community and the depth of expertise it represents.

There is no need to alter the National HIDTA Program budget system – other than to build increases into baseline budgets to accommodate inflation – the utility of the system is dependent on its administration, not structure. If used thoughtfully and creatively, ONDCP already has the authority to manage the HIDTA program in an effective way.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDEF) at the U.S. Department of Justice.

a. Do you support this proposal? If not, why not?

I do not support the transfer of the HIDTA program from ONDCP to OCDEF. The HIDTA Program is well managed by the ONDCP Bureau of State and Local Affairs. The direction that is provided through the Policy Guidance manual is extremely thorough in its reporting requirements, in accountability and in providing flexibility to ensure maximum effectiveness. ONDCP is kept apprised of the most current drug threats and the conduct of unique investigations through the HIDTA program office. The partnerships that the HIDTA has formed with state and local entities have enabled it to leverage the interest of ONDCP not only in law enforcement matters but also in demand reduction areas. This enables ONDCP to have a broad view of the drug problem from not only the national perspective but also from a local and regional viewpoint. ONDCP benefits greatly from having the

HIDTA program under its purview by means of the credibility and visibility gained from the perspective of state, local and Federal agencies.

One of the strengths of the HIDTA is that all agencies view it as a neutral party that can be trusted to be an honest broker in resolving conflicts. It is not affiliated with any Federal bureaucracy, such as DOJ, that might be viewed as a threat because of departmental self-interest. All participating agencies know that they can freely approach HIDTA management and that they will be treated fairly; they know the mission of the HIDTA is to improve the overall effort against drug trafficking organizations in a supportive and unassuming manner. The benefits that the HIDTA program brings to ONDCP, as well as the recognition of neutrality and prudence, would be lost if the program is transferred to OCDETF.

- b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

During a recent meeting of HIDTA task force supervisors, which are normally conducted on a bi-monthly basis, the state and local task force commanders were overwhelming in their preference for the HIDTA program rather than OCDETF. The HIDTA is a known entity that provides them with continuous service and support and a venue to discuss their cases and lessons learned. The task force commanders:

- are appreciative of the work of the Watch Center in providing deconfliction and subject inquiries against the variety of databases accessible through HIDTA;
- constantly praise the case support they receive from the HIDTA analysts in assisting them with their most complex and significant investigations;
- know that the HIDTA analysts will work evenings and weekends, and will suggest innovative solutions to help them successfully conclude their cases;
- can count on utilizing the vast inventory of investigative technical equipment to support their requests for everything from pole cameras and Dialed Number Recorders to sophisticated surveillance equipment;
- appreciate the support they receive from our Information Technology/Services professionals as well as the training that is provided at no cost.

One of the Task Force Commanders recently opined that even though his task force receives a small amount of HIDTA funds, the leveraging component of the HIDTA program is more important than the dollars.

The OCDETF program has neither the structure, the expertise nor the culture to provide these types of services.

- c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

The primary difference entails an OCDETF program that is principally a federal FTE program with limited discretionary funds for supporting state and local investigations that are adopted as OCDETF and prosecuted at the federal level. It is case-specific; targeting multi state, regional, national or international organizations with priority given to those that are affiliated with CPOT and RPOT targets. The HIDTA program supports OCDETF by encouraging state and local HIDTA task forces to develop OCDETF cases.

In contrast, the HIDTA program is flexible enough to support the development of local impact cases, for instance targeting gangs and methamphetamine traffickers that are devastating our neighborhoods and rural communities.

Further, the OCDETF program does not have task forces assigned to it. It is *administrative* in nature. The core of the HIDTA program is comprised of the Intelligence Centers and the affiliated task forces made up of collocated Federal, state and local agencies. The synergy created by this arrangement far exceeds the capabilities of any one agency. The HIDTA program is unique and greatly valued; the OCDETF program does not have these attributes nor is it structured at the state or local level to manage such endeavors.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

- a. Does your HIDTA currently comply with this directive? If not, why not?

The Northwest HIDTA is fully compliant with the guidelines that divide full voting authority on the Executive Board equally between Federal agency representatives, and state and local agency representatives.

- b. How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?

The equal partnership that characterizes the Federal and state/local

participation within the Northwest HIDTA Executive Board has been perhaps the defining aspect of the successful counter-drug efforts within this HIDTA region. Flexible and agile, this coordinating body is a unique forum that brings law enforcement executives together from all levels of government on an equal and regular basis, to address common threats and issues. The HIDTA Executive Board represents all that is good about the HIDTA program—it is the ultimate non-competitive, agency-neutral broker. This Board provides a common ground for planning, discussion and agreement, and acts without the restrictions of individual agency policy, culture, attitudes, or bias. With ultimate synergy, the executive board sets the tone of cooperation, and sets local strategies. This tone significantly reduces, if not eliminates agency conflicts at the local task force level, and identifies opportunities for all agencies to cooperate.

The National Alliance of State Drug Enforcement Agencies has noted, “No other program of the federal government that integrates state, local, and federal assistance and financial awards, allows this level of local oversight and direction.” This statement is particularly true within the Northwest HIDTA, where no individual agency is in charge, and therefore “HIDTA” doesn’t have to win each dispute. Compromises are worked out. This would not automatically be the case if the balance was eliminated from the board, and majority oversight control was given to a specific entity.

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

Yes. One of the 11 Northwest HIDTA law enforcement initiatives has already decided not to back-fill any Task Force officers, and others are anticipated to follow suit. Members of the Northwest HIDTA's largest task force have started looking for open positions in their respective departments prior to the completion of their tours rather than waiting to be randomly assigned when the task force reduces personnel. Federally-run task forces that are augmented with local and state officers are concerned they will not find the funding in their budgets to replace HIDTA and Byrne Grant funds in order to retain these officers. Because of the uncertainty of future staffing levels, Northwest HIDTA task force initiatives are concerned that no action will be taken on intelligence gained about future DTO targets.

Should actions be taken to restore full funding for both the HIDTA program and the Byrne Grant, those task forces that have ceased to backfill vacant positions will take months to identify officers for

assignment and to regain the lost experience and productivity. Most of the new officers assigned to 3-5 year tours of duty with drug task forces also require initial basic drug investigation training and approximately one year of experience to be able to work independently and efficiently.

Due to uncertainty about future HIDTA funding levels, task force officers and support personnel are also concerned about the long-term outlook and are beginning to look at *investigations* from a short-term perspective. They are considering arrests after initial drug purchases rather than developing cases that will effectively disrupt or dismantle DTOs. Normally, it takes 1-5 years to fully dismantle a DTO and seize related assets and illicit proceeds. If this shift in focus perpetuates, enforcement efforts will have less impact on upper-tier drug traffickers, and therefore less overall impact on the drug trade.

Task forces that participate in OCEETF investigations often need to apply their own resources to the investigation before they are reimbursed. There are complaints from these task forces that OCEETF funds are not received in a timely manner and would not be feasible in replacing HIDTA and Byrne Grant funds for investigations. Additionally, local and state-administered drug task forces do not foresee an augmentation from state, city or county budgets. Funding uncertainties will affect decisions on how to adjust to future drug enforcement in their areas of responsibility. Local and state-run task forces may consider relegating enforcement to patrol officers, which will deter only the most visible open air market drug activity – street-level dealers rather than high-level drug traffickers.

There is a negative impact as well on Intelligence Support Center (ISC) employees worried about their futures. Morale is affected and the same energy and focus that would normally be expected from some of the more stalwart employees diminishes as budget uncertainty continues. It has always been explained that HIDTA funding is allocated year to year, but the historical base funding approval has allowed many good employees to seek employment in the ISC. The Northwest HIDTA is trying to maintain morale and keep the employees focused on their duties. Efforts to do this have included keeping all the employees informed of recent developments, making the decision to continue hiring for vacancies within the ISC, offering flexible work schedules and continuing in-service training.

Normally, it takes two years of on-the-job skill development and formalized training in operating law enforcement databases; learning analytical software programs; and developing professional contacts and associations in order to raise the performance level of the average analyst to a journeyman level. Due to the uncertainties regarding future HIDTA funding, some ISC employees are looking for other more secure employment. In a short period of time the ISC has already lost

the Electronics Technician who runs the Equipment Loan Program, a lead analyst, a network administrator and a receptionist. At the same time, advertisements for potential replacements are resulting in less skilled and fewer applicants applying. Some job applicants have lost interest in employment at the Northwest HIDTA as a result of future funding concerns, and have sought more stable employment as a result.

COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

**“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA,
and other law enforcement programs: Are we jeopardizing
federal, state and local cooperation?”**

MARCH 10, 2005

QUESTIONS FOR THE WRITTEN RECORD FOR MR. MIKE HAWKINS,
DIRECTOR, NEVADA HIDTA

DIRECTOR MIKE HAWKINS' RESPONSES ARE IN ITALICS

Dear Chairman Souder,

On behalf of the Executive Board of the Nevada High Intensity Drug Trafficking Area (NV HIDTA), I would like to thank you and the members of the Subcommittee for allowing input on a decision that will ultimately impact so many citizens. The well documented accomplishments of the HIDTA Program in disrupting and dismantling drug trafficking organizations, and in seizing record amounts of illegal drugs, have played a significant role in the recent counter drug successes being touted by the Administration.

1. **Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.**
 - a. **What is the approximate dollar value of all un-reimbursed state and local contributions to HIDTA initiatives in your HIDTA?**
 - a. *ONDCP awards the Nevada HIDTA a baseline budget of \$1.4 million annually, which is used exclusively in Clark County. Clark County has a resident population of 1.7 million and another 35,000,000 people who visit Las Vegas annually. Two state and three local law enforcement agencies participate and contribute directly to the HIDTA program as either the lead agency or by providing for the assignment of personnel in the various task forces. The lead agency of each task force that participates in the Nevada HIDTA is required to provide office space to*

house the task force, and the agencies that assign officers must provide a vehicle for that officer and must pay all costs associated with that officer's salary and benefits.

Figures from the state and local agencies show they provide approximately **\$9.6 million annually** in un-reimbursed contributions.

b. What is the approximate dollar value of all un-reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

b. *Six federal agencies participate in the Nevada HIDTA and, as with the state and local agencies, they must provide office space if they are the lead agency. Figures from the participating federal agencies show they provide approximately **\$4.2 million annually** in un-reimbursed contributions.*

c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those un-reimbursed contributions, or would they be likely to put those resources elsewhere?

c. *I believe the law enforcement executives of state and local agencies must first use their limited resources to respond to the immediate concerns of their constituencies. Those concerns are most often the local drug dealers dealing in the neighborhoods, and City Chiefs and County Sheriff's must deploy at the neighborhood level first. While most Chiefs and Sheriffs recognize the need for a unified counter drug strategy, they also know their participation in task forces with a regional or national mission is a luxury, and these executives must rely on federal funding assistance to participate. Without that funding assistance, they will be forced to focus their resources at the neighborhood level.*

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

2. *Yes. If a HIDTA's budget was to significantly fluctuate each year, the state and local agencies would then need to significantly alter their commitment to the HIDTA each year, eventually eroding the trust necessary to operate a HIDTA Program. As you point out, the state and local agencies must go through the same long-term planning that the federal government does. Significant fluctuations, especially when not based on merit or made without discussion, only frustrate those governing bodies and eventually lead to animosity and distrust. Participation in a HIDTA necessitates a huge commitment from the state and local partners. In Nevada, that commitment is almost nine times what ONDCP provides. In any partnership there is an expectation that all partners are equally committed. When that commitment ends, it is only a matter of time until the partnership dissolves. Significant annual budget changes would display a lack of commitment on the part of the federal funding body and eventual mistrust by the state and local agencies.*
3. **The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?**
3. *The Director of ONDCP does not seem to realize that the very success of the HIDTA Program has been its ability to quickly respond to changing drug threats. This is exactly what is being done on a continuing basis in each HIDTA and is accomplished by leveraging and maximizing the resources from the partnerships forged between the federal, state and local participating agencies.*

The current national methamphetamine problem is a prime example. Just a few years ago, Nevada was experiencing a significant problem with clandestine labs (362 labs in 1999), while states in the Midwest and South were asking "what labs"? Today, clandestine labs are given only cursory interest by Nevada HIDTA task forces because we significantly impacted them (50 labs in 2004). We have changed our focus to methamphetamine being produced by "super labs" in Mexico and smuggled into our country. Meanwhile, Midwestern and Southern states are now experiencing huge clandestine lab problems. Area decision making is what allows a rapid response to changing drug threats and is where the discretion should lie. The belief "one size fits all" and that Washington selects the size is faulty. Changing drug threats are first recognized at the local, state and regional levels. In Nevada, the Executive Board is briefed at least quarterly on current drug trends and how the various Initiatives are responding to these

changes. Nothing proposed by the Director of ONDCP comes close to establishing a quicker, more effective response to our changing drug threats. .

Funding

Nevada and North Florida, the two newest HIDTAs, were both designated in 2001. At that time, we were told by the (then) National HIDTA Director that because of program mandates and infrastructure needs, the program recognized a minimum funding level of \$2.5 million was needed to adequately operate a HIDTA. He further indicated all HIDTAs were funded at that \$2.5 million dollar minimum level after their first year. Today, Nevada and North Florida are still the only HIDTAs budgeted at less than \$2.5 million. (The ONDCP On-Site Review Team conducted an in-depth review of the Nevada HIDTA in January, 2004 and acknowledged the Nevada HIDTA is under funded. Unfortunately, for Nevada, the ONDCP Director has stated he feels there are too many HIDTAs and has refused to increase base line funding for the Nevada or North Florida HIDTAs. Instead, the Director chose to disperse the discretionary funds awarded him by Congress to fund CPOT investigations, a process already allowed and provided for under OCDETF, which is designed specifically to fund those type investigations!

I believe the Director of ONDCP should follow his own staff's recommendation and recognize a minimum funding level is needed to establish the infrastructure needed to operate a HIDTA.

I also think the Director of ONDCP should be allowed some discretionary funding to explore new law enforcement concepts in counter drug investigations, but he should not do so at the risk of compromising successful HIDTAs. Had he chose to look; the HIDTA program has been extremely successful.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.

a. Do you support this proposal? If not, why not?

a. No! The missions and concepts of OCDETF and HIDTA are significantly different. Placing control of HIDTA under OCDETF will eventually lead to a change in the role HIDTA provides in counter drug efforts. Sheriff Bill Young, head of the Las Vegas Metropolitan Police Department, said, "This is the kiss of death to HIDTA."

b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

b. I have had numerous conversations with police officers and administrative support staff from local agencies, and there is no doubt they would prefer to work within the HIDTA program as it currently exists. Recently, local agencies have complained that the bureaucracies associated with the OCDETF program are so cumbersome that they are becoming unworkable.

HIDTA provides funding to keep task forces operational. This allows them an opportunity to develop investigations. Without HIDTA support in developing cases, the state and local agencies would eventually have to decide whether to expend their resources on regional investigations or on local priorities. As previously noted, it would only be a matter of time until local priorities win out, and federal agencies would be left alone to combat regional and multi-state drug traffickers. That was the way we so ineffectively fought the drug war in the 70's and 80's, yet is exactly what the Director of ONDCP seems to be advocating when he says let the Federal agencies do federal things, and let the State and local agencies do state and local things.

c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

*c. The OCDETF program funds salaries for federal agents and prosecutors to focus on investigations regarding what DOJ currently calls Consolidated Priority Offender Targets (CPOTs). This is a federal mission that also allows for some overtime for state and local officers participating in a federally sponsored task force when the task force is investigating a CPOT case. Approval authority for funding a case rests solely with DOJ, and only if the task force can display its target is linked to a CPOT. The funding is awarded on a case specific basis. **In other words, the OCDETF program funds cases.** There are no "OCDETF Task Forces," just task forces that seek OCDETF funding.*

There is no "OCDETF" infrastructure to support investigations. There aren't any mechanisms to ensure the investigation is not already being worked at a different level by another law enforcement agency. OCDETF does not provide for officer safety through de-confliction services. OCDETF does not provide analytical support to investigations. These functions are not part of the OCDETF mission, but are mandated in the HIDTA Program.

The HIDTA program funds task forces (Initiatives) regardless of which agency sponsors the task force. Every Initiative must have full time, collocated federal and state or local participation. HIDTA funds can be used at any stage of an investigation involving drug trafficking organizations. History has shown that many investigations into local drug organizations develop into multi-state investigations linked to CPOTs. On the other hand, it is extremely rare (if ever) for an investigation to start at a CPOT level. Most investigations start with a local or regional interest and grow from there. HIDTA supports and helps fund these investigations from the start.

OCDETF is not structured to allow state and local input on decisions relating to mission or focus. One of the most important aspects making HIDTA such a successful and popular program is the Executive Board format. Mandating state and local agency participation in the management of each HIDTA and providing balanced power makes the program a partnership. HIDTA mandates that strategies are developed based on the perspective of both Federal and local concerns.

5. **Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.**
 - a. **Does your HIDTA currently comply with this directive? If not, why not?**
 - a. *Yes, until recently when we asked and received an exemption. The Nevada HIDTA Executive Board has a policy that requires an agency to have a full time participant in a task force before it can have a seat on the Executive Board (prosecution agencies exempted). The Internal Revenue Service assigned an agent full time in a task force in 2004 (until then IRS participated in our HIDTA on a part time basis) and the IRS joined our Executive Board, causing a temporary imbalance.*
 - b. **How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?**
 - b. *The 50/50 balance is crucial in ensuring the HIDTA mission remains balanced. Disrupting that balance would eventually create a negative*

impact, regardless of which "side" the balance favored. The strength of HIDTA is in the partnerships it forms. Giving control to either the federal agencies or the state/local agencies would eventually lead to adopting a mission that fits the needs of whichever side is in control. As previously noted, partnerships are not about control.

Federal agency executives must respond to the concerns identified by their Washington based managers. State and local executives must respond to the concerns of their voters, or their local governing bodies. These concerns are not always the same. Having a balanced Executive Board, with a realistic mission statement, ensures the needs of both are satisfied.

6. **Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?**

6. *Absolutely. Nevada is one of the newest HIDTAs and, as such, several agencies have been cautious in their commitment of resources. As the Nevada HIDTA displayed astonishing success in a relatively short period of time, and began "to prove itself," agency heads became more supportive of the program. Just as important, the "officers in the trenches" began to believe in the deconfliction services, and the old "us against them" (agency against agency) mentality started to go away. Now, they are starting to wonder "what's gonna happen next"? There is a feeling that we came a long way just to have the rug pulled out from under us.*



PHILADELPHIA /
CAMDEN
HIGH
INTENSITY
DRUG
TRAFFICKING
AREA

April 6, 2005

Honorable Mark E. Souder
Chairman
Subcommittee on Criminal Justice, Drug Policy and Human Resources
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

RE: Subcommittee Hearing, "FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?"

Dear Representative Souder:

Forwarded herewith are replies to "Questions for the Written Record" you sent to me in correspondence dated March 17, 2005. I greatly appreciate your allowing me the opportunity to address some of the issues posed by the FY 2006 Proposed Budget of the United States, as they pertain to the HIDTA program.

In addition, I want to thank you for your interest in the continued viability of the HIDTA program. It is most reassuring to know that members of Congress, such as yourself, are as concerned as my colleagues and I are about the future of this program. I am certain that your committee's work will result in a thorough understanding of the value of the HIDTA program to our nation's drug law enforcement efforts and, ultimately, our communities.

Please contact me should any further information be required. Thank you.

Sincerely,

Jeremiah A. Daley
Executive Director
Philadelphia/Camden HIDTA

Suite 260
200 Chestnut St.
Philadelphia, PA 19106
215-560-1666
Fax: 215-560-1668

attachment

Reply by Mr. Jeremiah Daley, Director, Philadelphia/Camden HIDTA, April 6, 2005
 To Questions for the Written Record for House Sub-committee on Criminal Justice, Drug Policy and Human Resources
 Re: "FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and other Law Enforcement Programs"

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by federal funds, but not all.

a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

We would offer a conservative estimate of the state & local law enforcement resources that have been committed to the Philadelphia/Camden HIDTA to be in the area of \$13,860,000 total resources on an annual basis.

Full-time Personnel Committed from State & Local Agencies:	175
Estimated Salaries & Benefits (@ \$72,000 per TFO):	\$12,600,000
Estimated Office Facilities, Equipment, and other costs (10%):	<u>\$ 1,260,000</u>

Total non-reimbursed costs to State & Local agencies:	\$13,860,000
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Without question, the most valuable contribution by state & local law enforcement agencies is the commitment of personnel (mostly sworn law enforcement officers) to the PCHIDTA's Task Force Initiatives and Investigative Support Center. Base salaries and fringe benefits alone make for a huge investment by state & local agencies.

In addition, we estimate that another 10% in recurring costs are not reimbursed to contributing agencies for facilities, support services, telecommunications, equipment, vehicles & fuel that are not recaptured from HIDTA funds.

b. What is the approximate dollar value of all reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

We also conservatively estimate that federal law enforcement agencies contribute approximately \$4,500,000 in resources annually to the Philadelphia/Camden HIDTA program.

Full-time Personnel Commitment from Federal Agencies:	50
Estimated Salaries & Benefits (@ \$90,000 per agent):	\$ 4,500,000
Estimated Office Facilities, Equipment, and other costs (10%):	<u>\$ 450,000</u>

Total non-reimbursed costs to Federal agencies:	\$ 4,950,000
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Federal agencies house five (5) of the PCHIDTA's initiatives without cost reimbursement from the program. Each agent/inspector comes to the HIDTA

with his/her agency vehicle and fuel allotment. Additional tangible resources contributed include telecommunications, computer information systems, intelligence and clerical support.

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those unreimbursed contributions, or would they be likely to put those resources elsewhere?**

State & local law enforcement agencies would undoubtedly be required to reassess their present levels of commitment to the PCHIDTA program if its funding were substantially cut or withdrawn. To a large degree, HIDTA funds assist state & local agencies by providing investigative overtime, undercover vehicles, investigative funds for the purchase of evidence & information and wireless communications services, all essential in conducting drug trafficking cases. Individual federal law enforcement agencies do not have sufficient funds budgeted to assume all of these obligations. Several of our state & local agencies face cuts this year in their own budgets, and will be looking to trim discretionary spending wherever possible. Were it not for HIDTA program funds, PCHIDTA foresees state & local agencies pulling back some, if not all, of their task force officers, and the material resources they bring to the table. Initiatives that are led by our state & local agencies would likely be orphaned.

- 2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult of state and local agencies to commit their resources to HIDTA over the long term?**

Yes. As indicated above, state & local law enforcement agencies in the Philadelphia-Camden HIDTA contribute extensive human and material resources as part of their ongoing commitment to the drug-fighting partnerships facilitated by HIDTA. While some degree of flux occurs in each budget cycle, and changes are made as a result of initiative review and local Executive Board decisions on how budgeted dollars are applied to identified drug-trafficking threats, PCHIDTA as a whole has benefited from stable funding over the past four years. Participant agencies have a degree of confidence in the HIDTA program being a relatively stable, enabling them to commit personnel to initiatives over the long-term. This is important for investigative continuity and effectiveness, as it takes a task force officer considerable time to develop needed investigative skills, professional relationships, and sources of information that enable them to identify, target & bring down drug trafficking organizations.

With the extreme fiscal pressure both Philadelphia and Camden are presently experiencing, combined with public outcry concerning gun violence in both communities, local law enforcement participants, in particular, are forced to make difficult decisions about how their resources are utilized. Additionally, all of law enforcement is struggling to fulfill counter-terrorism missions posed since 9/11/2001. Were these conditions exacerbated by annual funding fluctuations in the Federal budget to the HIDTA program, municipal, county and state leadership would call into question their ability to commit personnel and other assets to the PCHIDTA program's initiatives. Police chiefs and prosecutors must be fairly confident that personnel dedicated to task forces in HIDTA will be sufficiently well resourced to be productive & effective over time when justifying these allocations of personnel to city councils and county commissioners. Not knowing from year to year what to expect in HIDTA funding would make it that much harder to justify.

- 3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking each HIDTA's budget every year means that the HIDTA cannot adapt when drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting HIDTA's operations?**

The entire HIDTA concept is predicated on the notion that the best way to combat drug trafficking is through shared decision-making at the points closest to the problems, with joint participation by federal, state & local law enforcement. Recognizing the regional distinctions in drug trafficking patterns and threats that are peculiar to a specific type of area (urban centers, border states, rural woodlands, etc.), Congress saw the need for federal, state & local law enforcement to closely coordinate their drug-fighting efforts. Similarly, it was apparent that a "one-size-fits-all" and "top-down" approach would not work with the diversity of the 28 HIDTA areas. This is the very reason why HIDTAs are governed by decentralized Executive Boards, consisting of federal, state and local law enforcement leaders who serve the jurisdictions covered by a HIDTA.

Executive Boards are balanced, with equal numbers of federal and state/local representation. This places the authority and accountability for the use of federal HIDTA funds directly in the hands of those who are most familiar with an area's drug trafficking problems and are in the best position to do something about it from a law enforcement standpoint. In addition to the wide range of perspectives these exemplary law enforcement leaders bring to the table, the Executive Boards also ensure that emerging drug trafficking threats can be quickly identified and an appropriate strategy implemented to combat them in a particular HIDTA.

The decentralization of the majority of budgetary discretion to our Executive Board is the best assurance of prompt, effective responses to changes in drug trafficking patterns and practices in the Philadelphia/Camden HIDTA region. In the Philadelphia/Camden HIDTA, board members regularly meet to address the issues of how HIDTA dollars are

best applied to our communities' drug trafficking threats. Ultimately, it is their own officers, investigators, troopers, inspectors, and agents who will be tasked with addressing these threats, and it is their responsibility to ensure positive results ensue from their efforts.

The Office of National Drug Control Policy presently has noteworthy discretion in the allocation of resources to HIDTAs and their operations. ONDCP retains oversight authority over all HIDTAs, reviewing annual budget submissions from each HIDTA board, establishing program guidance for all HIDTAs to follow, and has the ability to audit HIDTAs to ensure adherence to national program standards. Additionally, ONDCP annually distributes supplemental funding to priorities the Director of ONDCP has identified. In FY 2004, for instance, ONDCP distributed approximately \$16 million in supplemental funds, roughly 7% of the total HIDTA budget nationally. This funding gives the Director substantial leverage annually to place emphasis on drug trafficking threats he/she deems being most urgent. In FY 2004, HIDTAs were selected to receive supplemental funding for four priorities established by the Director: conduct domestic highway interdiction, disrupt drug markets through accelerated arrests, conduct stepped-up efforts to eradicate domestic marijuana production and to continue the investigation of Consolidated Priority Organization Targets (CPOTS) in the National Priority Targeting program. (Philadelphia/Camden HIDTA received a total of \$300,000 for highway interdiction and disrupting heroin trafficking markets from these supplemental funds.)

Given the ability of Executive Boards to readily diagnose the drug problems in their own areas and swiftly respond to them, a larger proportion of fiscal discretion should remain within their authority. ONDCP should retain some ability to address national priorities as determined by the Director, as is presently the case with supplemental funding. Should more discretion be afforded to a central authority in Washington, problems specific to a particular HIDTA likely will be subordinated to centrally-perceived priorities. The present balance has worked well, and should be maintained.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.

a. Do you support this proposal? If not, why not?

No. The HIDTA program and the OCDETF program are distinct in their respective purposes and approaches.

The HIDTA program was established to combat drug trafficking in areas designated as having particularly acute and regionally distinct drug threats, by bringing together federal, state & local law enforcement agencies in coordinated, strategic initiatives to target those threats. Production, importation, transshipment, and distribution of controlled substances, and the movement of illegal proceeds derived from drug trafficking, as well as the criminal elements behind them, are disrupted and dismantled by HIDTAs through their various initiatives, standing task-forces comprised by law enforcement from all levels of government, that are required to be co-located and co-mingled. HIDTAs also

operate regional intelligence centers, where drug intelligence is gathered, analyzed and disseminated to law enforcement participants and regionally. HIDTAs provide their initiatives with operationally critical resources, such as facilities, vehicles, communications interception equipment, computer networks and other infrastructure necessary to conduct intensive task force operations. HIDTAs also provide training opportunities to law enforcement officers to hone their skills to conduct complex drug trafficking and money laundering investigations.

OCDETF is a funding vehicle for specific high-level drug trafficking and money laundering cases. Through a priority-targeting program, national/international and multi-state regional drug traffickers are identified for primary investigative action. Cases having ties to these priority targets are approved for funding assistance, generally for fixed amounts and limited time frames. Each investigation requires the formation of a new task force for the specific case, without the benefit of infrastructure. Each investigation must be submitted through a time-consuming proposal process with multiple layers of review. This process sometimes delays funding and stalls investigative progress.

The national and international focus of the OCDETF program would be at odds with the regionally specific focus of the HIDTAs. The consensus of Philadelphia and Camden law enforcement leaders is that the HIDTA program's flexibility and responsiveness to drug threats in this area, along with the sustained support offered by HIDTA in intelligence and infrastructure, would be jeopardized if it were merged into OCDETF.

- b. **Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with the HIDTA as it currently exists?**

No. State & local agency leaders and supervisors have all expressed a preference for the HIDTA structure of governance, its year-to-year continuity, and its ability to respond to local drug trafficking threats. Agencies expressed concerns with respect to the timeliness of funding availability through OCDETF, and what limitations would be imposed on their application. State & local agencies are also doubtful that OCDETF would be responsive to the quality-of-life needs of their jurisdictions, given its present emphasis on national & international drug traffickers.

- c. **What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?**

HIDTA is an area-defined approach to drug trafficking, which relies on long-term partnerships among federal, state & local law enforcement agencies in a region. It provides a "level playing field" among those agencies, a particular concern of state & local agencies. No other program has been able to achieve the degree of cooperative effort among these distinct levels of law enforcement.

OCDETF is a case-specific approach to drug trafficking, which depends on fluid partnerships to be formed over and over again. It is federally dominated in its administration, and does not forge long-term partnerships among law enforcement agencies.

Notwithstanding these concerns, Philadelphia/Camden HIDTA law enforcement participants do believe that HIDTA and OCDETF are not mutually exclusive in their missions. PCHIDTA initiatives have benefited from OCDETF designation of particularly intense, high-level cases involving international or multi-state drug trafficking or money laundering. OCDETF resources received from these designations relieve the burden a lengthy case would otherwise impose on HIDTA initiative's budgets. The prosecutorial coordination and assistance fostered by OCDETF is also beneficial in these cases where investigations lead to multiple federal districts and cross state lines. Lastly, in areas lacking HIDTA designation, OCDETF fills a critical need when investigations call for joint-agency action.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided on whether OCDETF would maintain this practice if given control of the HIDTA program.

a. Does your HIDTA currently comply with this directive? If not, why not?

At this writing, Philadelphia/Camden HIDTA is slightly imbalanced to the favor of federal law enforcement, with nine (9) federal agency representatives and seven (7) state/local agency representatives. Our designated area, being constrained to the two cities, limits the pool from which state & local representation can be drawn. In prior years, two (2) board seats were rotated among county prosecutors in counties surrounding Philadelphia and Camden, but drew no resources from the program nor contributed any assets. Thus, they were not viewed as genuine "stakeholders" and this rotation was discontinued at the end of 2004. The primary state & local law enforcement agencies are represented on our board, and the Chairman is soliciting prospective local & state agency representatives to serve on the board.

b. How important is this 50/50 balance on the executive board to the overall success of the HIDTA? If that balance were to be eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?

HIDTAs work well when there is a shared perception that those who are contributing assets have a meaningful say in their utilization, and that those receiving resources assume accountability for their appropriate use. No one agency (or department) should ever dominate the decision-making body. State & local agencies contribute generously to the Philadelphia/Camden HIDTA program, both in terms of personnel and intelligence. They also benefit greatly from the resources PCHIDTA provides, and thus, have a responsibility to ensure

they are used wisely. Sharing the leadership role equitably is also essential to engendering trust among participants, building a mutually held vision for the HIDTA, and overcoming conflicts that arise occasionally during investigations.

Were majority control of our HIDTA board be given to federal agencies, particularly if most were under one department, the perception might arise that the dominant federal department's agenda was being served while state & local agency interests were being overlooked. This would erode the confidence of the state & local agencies in the PCHIDTA partnership, and conceivably result in fewer resources being committed.

For much the same reasons, balanced board composition benefits federal agencies, as well. In our area, several federal agencies rely heavily on state & local agency participation in task forces other than HIDTA initiatives. Counter-terrorism is a prime example. Maintaining good relationships with state and local agency heads at HIDTA engenders support for cooperative efforts across the board.

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

Without a doubt, the current uncertainty about the HIDTA program's future is a detriment to the Philadelphia/Camden HIDTA. The present situation inhibits strategic planning, precludes us from entering into any long-range leases, inhibits agencies from contributing assets, and lowers employee morale. Not a day goes by that someone (be it an employee, an initiative supervisor, or a board member) asks, "What do you hear about the budget?" For HIDTA employees, this is particularly stressful to endure, not knowing if they will have a job a year from now. While the participating agencies of the PCHIDTA have honored their commitments to our initiatives, I do believe that these proposals have created a climate that could inhibit further long-term commitment on their part. A "wait-and-see" posture is understandable. Eventually, initiatives and operations will suffer, should this uncertainty protract.



North Florida High Intensity Drug Trafficking Area

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Director

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April 6, 2005

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Honorable Mark E. Souder
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
US House of Representatives
Washington, D.C. 20515-6143

Dear Chairman Souder:

Thank you for giving me the opportunity to respond to your questions regarding the HIDTA program for the record. My comments are attached.

I would like to commend you and the Committee members for seeking the facts regarding the HIDTA program as it relates to the Administration's proposal to reduce funding by \$128M and transfer the program from ONDCP to OCDEF.

If I may be of further service, please do not hesitate to contact me.

Sincerely,

Ed Williams
NFHIDTA Director

Enclosure



NORTH FLORIDA HIGH INTENSITY DRUG TRAFFICKING AREA

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- 1) "Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all."**

The North Florida HIDTA (NFHIDTA) program was designated in CY 2001 and currently funds six full-time, multi-agency, collocated operational drug task forces (five investigative and one interdiction); one investigative support/intelligence center and two support initiatives, which are mandated by ONDCP guidelines. With a base budget of \$1.4M, the NFHIDTA program receives a total of \$9,159,933 in kind from participating agencies, or \$6.54 for every NFHIDTA dollar spent that is not reimbursed.

- a) "What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?"**

NFHIDTA state and local participation consists of 71 full-time members of state and local agencies, which amounts to 73% of the overall participation in NFHIDTA. The approximate dollar amount contributed by these state and local agencies in the form of personnel, equipment, office space and other related resources that is leveraged by this federally funded program but not reimbursed by NFHIDTA is \$5,921,156 annually.

- b) "What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?"**

The federal agencies that participate in the NFHIDTA program contribute 26 full-time personnel, which represents 27% of the law enforcement personnel currently committed to the NFHIDTA program. The approximate dollar amount contributed by these federal agencies in the form of personnel, equipment, office space and other related resources that is leveraged by this federal program but not reimbursed by NFHIDTA is \$3,238,777 annually.

- c) "Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?"**

Administrators of NFHIDTA participating agencies believe that if the current budget proposal passes the NFHIDTA and its funding will be eliminated. Upon receiving input from participating agencies, it was determined as high as 90% will not continue committing resources to the collocated task forces established by the NFHIDTA. It is anticipated that most state and local participating agencies will reassign their resources back to their parent agencies, thus returning drug enforcement in the eight county region back to the way it existed before NFHIDTA was designated.

- 2) "State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?"**

Absolutely! I am constantly being asked by state and local law enforcement administrators how long the NFHIDTA program will last and do I think we will have funding next year. Most have stated "Let's not get too dependent on the NFHIDTA funding in case it goes away." If each HIDTA's budget fluctuates significantly every year, state and local law enforcement administrators will have a difficult time justifying and committing resources, signing contracts and leases, putting in computer lines and supporting networking systems. With budgets being reduced and more demands for services being placed on state and local law enforcement agencies, administrators are finding it more difficult to justify the placement of valuable resources to a program which cannot offer long term budget planning. This will make it almost impossible for any HIDTA Executive Board or participating agency to address their identified drug threats and implement long term strategies for their HIDTAs.

NFHIDTA is a good example of how a fluctuating budget makes it difficult for state and local administrators to commit resources. NFHIDTA was designated in CY2001 and was awarded a \$1.4M budget. In CY2002, NFHIDTA received a \$2M budget. In CY2003 the NFHIDTA funding was reduced back to \$1.4M by Director Walters. In CY2004 the NFHIDTA budget was \$1.6M. Pending funding award letters for 2005, funding is back to \$1.4M. These fluctuations were not based on performance but were the direct result of discretionary action. This type of fluctuating budget presents major hurdles for the Executive Board and participating agencies when developing strategic plans, committing resources and establishing/evaluating an initiative's performance. This is inconsistent with the funding process for the majority of programs and agencies across the country.

- 3) "The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug**

traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?"

Two of the HIDTA program's most positive aspects are the flexibility and adaptability in addressing threats identified by Executive Boards. Through its participating agencies, each HIDTA is able to assemble data and expertise on its specific drug threats. Each region's Executive Board provides a forum for frank and open discussion of regional drug threats and ensures that federal, state and local government input is integrated into the HIDTA's regional drug control strategy.

I find it difficult to understand how the ONDCP staff would be in a better position than the region's Executive Board and participating agencies to determine what the focus should be for each HIDTA. ONDCP maintains an interagency committee to advise the Director of the HIDTA program, and the agencies represented on this committee already have a strong voice in determining each HIDTA's strategies and budgets. This input is also embedded through the participation of most of the same agencies via their field office representatives who serve on each HIDTA Executive Board and task force.

The Administration's contention that it does not have sufficient discretion to effectively manage and direct the HIDTA program is puzzling. The Director of ONDCP has sufficient authority under the existing authorizing legislation to effectively manage the program. While the authorizing of legislation does require consultation, it is clear that the Director of ONDCP has final authority in designation decisions. He approves the HIDTA program's policy guidance and, with the help of the National HIDTA Program Office (NHPO) staff, reviews and authorizes each HIDTA's budget. If the Director wishes to revise the HIDTA program's mission, impose additional requirements for HIDTA designation, alter the budget process to increase national priorities or encourage HIDTA regions to adopt particular strategies, he appears to have ample authority to do so, subject only to the approval of the Administration and Congress.

I strongly recommend that a baseline funding for all HDTAs be established at the minimum level of \$2.5M as recommended by the NHPO. The North Florida and Las Vegas HDTAs continue to be funded at a baseline \$1.4M, at least 44% less than the other 26 HDTAs. However, both are still held accountable to comply with all ONDCP HIDTA requirements for performance, interconnectivity, administrative reporting, budget tracking, etc. In spite of this, ONDCP recently completed an on-site audit of the NFHIDTA and reported that NFHIDTA was one of the best, if not the best managed HDTAs in the country. So, in NFHIDTA's case, not receiving the minimum level of funding is not based on a failure to meet all ONDCP requirements or lack of performance standards.

I do not believe that there is any need to alter the HIDTA program's existing budget process with the one exception noted above. The Director of ONDCP already wields the authority he needs to effectively guide the program through his designation,

management and budget authorities. I also find it difficult to support providing more discretionary authority, particularly if this current proposal is an example of how this discretion will be applied in the future.

4) "The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice."

a) "Do you support this proposal? If not, why not?"

I absolutely do not support this transfer based on the following:

- ✓ **Based on the Lack of Input:** ONDCP Director John Walters slapped the face of state and local law enforcement administrators and many members of Congress by not seeking their input before recommending this proposal. This omission demonstrated the lack of concern regarding the importance of the partnership required by federal, state and local law enforcement agencies to address the nation's drug supply problem. This proposal will, in fact, reduce and ultimately eliminate the state and local partnership and input, placing the entire drug strategy decision making process for the nation's supply reduction efforts under DoJ.
- ✓ **Lack of an Implementation Plan:** When members of DoJ and ONDCP testified before your Committee, they did not identify a plan addressing the transition of the HIDTA program from ONDCP to OCDETF. Furthermore, they also failed to provide details on how this transfer is expected to enhance the HIDTA or OCDETF programs or promote the national strategy. They testified before this Committee that this was pre-decisional and just expect the members of Congress and leaders of federal, state and local law enforcement agencies to blindly follow ONDCP and the DoJ. This is clear in the testimony of Katherine O'Neil's which states: "At this time, we have not established any sort of firm methodology. What I would say is that we, obviously, would be looking for HIDs that are supporting the overall goals of the national strategy, **the goals of the department (DoJ) drug strategy....**"

Ms. O'Neil's statement demonstrates the lack of understanding for the HIDTA program, which appears to permeate throughout DoJ. It should be pointed out that, contrary to her testimony, all 28 HIDs currently support the National Drug Strategy, which is mandated by ONDCP's policy and budget guidelines. In fact, their mission statements, regional drug strategies and budget proposals are tied directly to the Strategy and are approved annually by ONDCP. Another requirement is that HIDs prepare annual reports that provide the results in achieving their intended goals and new goals for the following year. This includes the number of OCDETF, CPOT and RPOT cases

each HIDTA adopted, which is tied directly to the DoJ drug strategy. **According to Ms. O'Neil's testimony, it is implied that the HIDTA program will be molded to support only the DoJ drug strategy to pursue the mindset of the DoJ that every case must be international, OCDETF, CPOT or RPOT or you are not performing.**

The Houston Chronicle recently reported that ONDCP Director Walters' chief of staff as stated that Houston (HIDTA) could end up getting more than \$3M even if these cuts are approved. Based on the chief of staff's statement, it is difficult to believe that this Administration does not have a plan concerning the fate of the HIDTA program. The same article cites Director Walters as stating "Congress diluted the effectiveness by creating 28 HIDTA regions in the country, some of which are not high-trafficking areas...." This statement suggests that the Administration may have a hidden agenda to elevate the funding level of some HIDAAs and eliminate others without a clearly defined methodology.

I firmly believe that ONDCP and DoJ have a plan and the reason the plan is not being revealed to their state and local partners or to members of Congress is to reduce the political fall-out of the proposal. Their justification for this proposal is based on misleading information and it is not sound drug policy for our country and I applaud your Committee action of not accepting or supporting this proposal.

- ✓ **Misleading Information re the HIDTA Programs Lack of Demonstrated Performance:** ONDCP Director Walters cited that the HIDTA program has not demonstrated their performance based on a review by OMB using the PART evaluation system as one of the primary reasons to justify his proposal. It is interesting that he failed to note that 50.4% of all federal programs and agencies assessed using PART in 2004 received this rating and that the OCDETF program was never assessed under this system. What is even more perplexing and no doubt contributed to the conclusion reached using PART is the fact that Director Walters did not provide OMB with outcome measures (annual reports from the 28 HIDAAs) documenting the performance of each HIDTA. Instead, ONDCP only provided OMB with budget summaries and anecdotal information referring to the HIDTA program. Lastly, the Dallas Morning News reported "A February report from the White House's Office of Management and Budget grading federal departments and agencies on five administrative performance criteria concluded that the second worst performing agency was the OMB." In response to the HIDTA program rating, HIDTA Directors, in partnership with a member of OMB, developed and implemented a model performance plan to better illustrate the HIDTA program's efficiency and effectiveness.
- ✓ **Misleading Information that the HIDTA Program has Lost Focus:** ONDCP Director Walters indicated the HIDTA program has lost its focus and case targets were considered too low. This was also supported by testimony made by senior members of DoJ and the OCDETF program. However,

Baltimore/Washington HIDTA Director Tom Carr testified to the fact that in CY 2004, the HIDTA program targeted 895 international, 1,011 multi-state and 1,734 local DTOs. Of these cases, 831 were also OCDETF cases and 232 were linked to CPOT organizations. This represents nearly one-third of the 730 active CPOT investigations recognized by DoJ.

The performance of the HIDTA program is clearly articulated by Director Carr's testimony. The Administration's reasons for stating that the HIDTA program has lost its focus is not based on performance but is directly tied to the mindset that the only way to counter drug traffickers is by attacking the highest level of DTOs identified by DoJ. The HIDTA regional approach works is more effective because it attacks **ALL** levels of DTOs while still supporting the OCDETF and DoJ drug strategy.

- ✓ **Misleading Information that the HIDTA Program is Not Cost Effective:** Director Walters is cited as stating that "the HIDTA program comes at a great cost" and other Administration officials describe the HIDTA program as "bloated". The HIDTA program is funded at \$228M and the OCDETF at \$585M, or 156% above the funding level for the HIDTA program. The HIDTA program leverages over 12,000 full-time federal, state and local personnel to reduce the nation's drug supply at all levels. The OCDETF program funds over 4,000 federal positions to adopt and prosecute cases. If you divide the total cost of each program by the number of full-time resources provided to each program, the HIDTA program costs American taxpayers \$18,916 per person. The OCDETF program costs the American taxpayers \$146,250 per person.

In addition, the HIDTA program leverages full-time federal, state and local personnel and those agencies provide resources that are not reimbursed. As noted above, for every dollar spent by the NFHIDTA, participating agencies provide in kind contributions of \$6.54.

In addition, under the new HIDTA Performance Management Plan developed in 2004, all HIDTAs now have a standard method for providing Return on Investment (RoI) data based on their funding level. As an example, in CY2004, NFHIDTA removed \$18 worth of drugs and drug related assets for every dollar of federal funds invested. Based on this, the HIDTA program is cost effective.

- ✓ **Lack of Law Enforcement Support:** The proposed transfer of the HIDTA program from ONDCP to the OCDETF program is not supported by the law enforcement community across this country. There have been many recent news articles suggesting that law enforcement agencies and associations across the country are strongly opposed to the Administration's recommended budget cuts and transfer of the HIDTA program.
- ✓ **Lack of Neutrality under OCDETF:** Congress appropriately created and placed the HIDTA program under ONDCP. This was done to ensure an equal balance of agencies and an equal voice for all participating agencies. If the

HIDTA program is moved to the DoJ, this balance and partnership will be eliminated. The DoJ is perceived by many agencies to be biased in favor of its own agencies and the goals. As examples:

- In CY2002, a group of US Attorneys, along with the head of the OCDETF program, met with ONDCP Director Walters and strongly urged that the US Attorneys become the permanent chairs of all of HIDTA Executive Boards. This proposal emanated from an OCDETF conference prior to that meeting. Director Walters disagreed and dismissed the proposal based on the potential loss of state and local partnership in the HIDTAs.
- In CY2003, an attempt was made to move the OCDETF program internally within DoJ. This demonstrates the internal turf issues that occur within DoJ.
- In CY2004, two DoJ agencies inferred that the future performance and funding of the HIDTA program was going to be directly related to pursuing the DoJ missions of working OCDETF, CPOT and RPO level targets that are identified and tightly controlled by DoJ. DoJ agencies control the list of CPOT or RPOT targets and in many cases the list is not provided to the HIDTAs. Again, this demonstrates DOJ's unwillingness to have partnerships with state and local agencies as well as to only work international level cases they have identified.

The HIDTA program has flourished largely because of grass roots support by state and local criminal justice agencies. This undaunted support comes chiefly because the program is managed by a neutral agency with no competing interests in program resources. ONDCP provides the unbiased neutrality, real and/or perceived, necessary for law enforcement agencies to willingly participate in the program.

✓ **OCDETF and HIDTA are Different Programs with Different Missions:**

The two programs compliment each other as they currently exist and provide a two pronged strategy that is required to meet the objectives of the National Drug Control Strategy.

One of the most important elements that make the HIDTAs so successful is the balanced partnership established with the Executive Boards, which are made up of an equal number of federal and state/local representatives. There are no guarantees that this will continue and that this partnership will not be eliminated under this proposal. You do not need an Executive Board if you are only pushing the DoJ drug strategy. This partnership does not fit under the concept of how the DoJ OCDETF program is currently managed.

The HIDTA program has worked extremely well and effectively under ONDCP's Bureau of State and Local Affairs. Senior members from ONDCP and DoJ have not provided any data to support their assertion that the program will work more effectively under the OCDETF program.

b) "Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?"

Absolutely not! Since this proposal was recommended, most of our partners in the NFHIDTA program including chiefs, sheriffs, state attorneys, drug unit commanders and drug officers do not want to be part of DoJ or the OCDETF program. Many of them believe that if the proposal is passed, the HIDTA program will be significantly altered and unrecognizable from its current state. Many of them believe that if this proposal is passed, the HIDTA program will be significantly altered and unrecognizable from its current state. Most of the participants agreed that they will cooperate only on a limited basis if the HIDTA program is transferred to the OCDETF program.

c) "What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?"

✓ Task Forces:

OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. They do not perform any enforcement activities.

HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution and sale of narcotics, interdiction, prosecution, violence, gangs and intelligence. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies).

✓ Intelligence and Support Activities:

OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All of the OCDETF's intelligence resides within the member's respective agency and they do not provide investigative support beyond prosecution and money.

HIDTA has intelligence units that:

- o Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
- o Provide post-seizure analysis
- o Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
- o Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
- o Produce annual threat assessments and special strategic reports
- o Have subcommittees and task force commanders from local, state and federal agencies to direct their activities
- o Provide analytical support through all phases of an investigation

- o Conduct proactive intelligence activities to develop cases and informants

✓ Funding:

The \$585M **OCDETF** budget primarily funds approximately 4,000 federal personnel outside their parent agency's budget. These agents and personnel are assigned to their various divisional offices carrying out their respective agency's mission relating to drug enforcement and under the direction of the special agent in charge of that office. These personnel pursue investigations that are most often supported by state and local agencies or HIDTA task forces, and are designated by the OCDETF program for prosecution. A small percentage of the OCDETF budget (approximately \$7M) directly helps fund OCDETF designated investigations with overtime and travel money for state and local law enforcement.

The \$228M in **HIDTA** funding in 28 strategic regions goes to support:

- o 355 operational task forces (65% established by HIDTA)
- o 53 intelligence centers (all but one established by HIDTA)
- o 4428 federal personnel
- o 8459 state and local personnel of which 1996 are directly funded by the HIDTA program

The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility which would be unavailable within the DOJ.

✓ Structure:

OCDETF is a program for federal agencies and managed by a federal agency, the Department of Justice. The majority of its funding is designated for full time federal employees distributed among participating federal agencies (see above). No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). It has no operational task forces, pointer indices or intelligence capability. Non-federal agencies are not represented in their administrative task forces.

In contrast, **HIDTAs** are governed by Executive Boards that contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative efforts. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force, and ultimately each HIDTA, must report their success through OMB compatible performance measures.

✓ Operations:

OCDETF designated investigations are submitted to OCDETF by federal, state and local agencies and/or task forces. The designation is generally for funding

assistance and the assignment of prosecutors on a case by case basis. The OCDETF-funded federal positions are assigned to work within their respective federal offices throughout the United States.

Unlike OCDETF, **HIDTA** task forces actually develop and open cases, provide and share intelligence and informants that leads to OCDETF investigations and support for other OCDETF cases across the country. HIDTA proactively identifies targets, investigates and attempts to disrupt or dismantle international, multi-state and local DTOs.

✓ Flexibility:

OCDETF cases are generally major DTOs brought to them by federal agencies or HIDTAs. OCDETF doesn't target threats or maintain the flexibility to address problems such as prescription drugs, club drugs, clandestine labs, steroids, etc.

HIDTA retains the flexibility to target major DTOs and also addresses regional threats that are identified, including rapidly ascending threats such as methamphetamine production and clandestine labs.

5) "Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program."

a) "Does your HIDTA currently comply with this directive? If not, why not?"

NFHIDTA has complied with all ONDCP requirements since being designated in 2001, including this directive. The NFHIDTA Executive Board is comprised of eight federal and eight state and local members, with each member of the NFHIDTA Executive Board having full voting authority.

Federal

Naval Criminal Investigative Service
Federal Bureau of Investigation
Drug Enforcement Administration
Internal Revenue Service
US Attorney's Office
US Marshals Service
US Coast Guard
Immigration and Customs Enforcement

State/Local

Florida Department of Law Enforcement
Florida National Guard
Florida Highway Patrol
Statewide Prosecutor's Office
Marion County Sheriff's Office
Baker County Sheriff's Office
St. Augustine Police Department
Jacksonville Sheriff's Office

b) "How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance was eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?"

One of the keys elements to the success of the HIDTA program is that there is a balance of federal, state and local law enforcement leaders on their Executive Boards, giving each an equal voice and ownership of the program. If this balance was eliminated, the HIDTA program would become "just another federal program" and many state and local participants would not have equal ownership, thus reducing or eliminating their commitment. The state and local resources committed to the HIDTA program far outweigh the federal resources committed as identified in question #1. The state and local partnerships established by the HIDTA program not only address the regional drug problem, but also, as documented in this document, has had a major impact on the national drug control strategy and the DoJ's strategy.

6) "Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?"

Yes, it has had a significant negative impact on the HIDTA program. Agencies are reluctant to sign contracts/MOUs and make any commitments beyond this calendar year. HIDTA-funded employees, who are worried about their jobs, are seeking employment elsewhere. This has been very disruptive. Task force officers and support personnel are concerned about whether the task force will be in existence and are reluctant to commit resources to complex, long term drug trafficking organization investigations. The proposal has affected morale for those who have worked so hard to make the HIDTA program a success, and has diverted attention and resources from the job at hand. It has strained relationships and communications between our state/local and federal agencies and will require some mending for the future.

In conclusion: I understand that the Administration and Congress must make some very difficult decisions to address the CY2006 fiscal restraints of the federal budget and ensure fiscal responsibility for all federal agencies and programs. However the Administration's drug control budget proposal contains some sweeping changes that have a major impact on this country's drug control policies.

The Administration's drastic proposal to cut the HIDTA program budget from \$228M to \$100M and transfer the program and its funding to the OCDEF program will effectively terminate the current program. This proposed budget, in my opinion, was developed on misleading information and without any input from most federal, state and local administrators and other partners across the country. Senior members of ONDCP and

DoJ did not seek input from the thousands of law enforcement partners or hundreds of Congressional members before presenting this proposal because they know it is not based on sound drug control policy for our citizens or our country. The Administration has turned its back on the very state and local law enforcement partners that are participating in the HIDTA program and are the key to the success of obtaining the President's goals of the National Drug Control Strategy.

This critical decision is now in the hands of Congress.

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MICHAEL F. SHEAHAN
SHERIFF



MARJORIE H. O'DEA
CHIEF OF POLICE

COOK COUNTY SHERIFF'S POLICE DEPARTMENT

1401 SOUTH MAYBROOK DRIVE
MAYWOOD, ILLINOIS 60153
TELEPHONE: (708) 865-4700

March 8, 2004

Representative Mark E. Souder
Chairman
Subcommittee on Criminal Justice
Drug Policy and Human Resources
Congress of the United States
House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Representative Souder:

The purpose of this letter is to underscore the importance of continued funding of the High Intensity Drug Trafficking (HIDTA) initiative for Federal, State and local law enforcement. A reduction in government funding of this initiative will have a very serious negative impact on law enforcement's ability to investigate drug trafficking and its related crimes in Cook County.

The High Intensity Drug Trafficking (HIDTA) initiative is an extremely successful program in Chicago and surrounding Cook County. Its continued viability is critical to the successful case development and prosecution of Gang Crime and Narcotic offenders in this highly populated area of the country. Cook County is the second largest county in the country and is comprised of the City of Chicago, one hundred and eighteen municipalities and a significant amount of unincorporated area.

The current mission of the Chicago Police Department is to make every effort to vigorously drive gang activity and narcotic trafficking beyond the city limits of Chicago. This strategy has been successful but has had a negative impact on suburban municipalities within Cook County. Suburban municipalities are experiencing increased narcotic activity as well as an increase in narcotic related street crimes and homicides.

The HIDTA initiative has been successful in targeting drug traffickers in the suburbs of Cook County and has been an extremely reliable and beneficial source of intelligence to law enforcement. For example, recent intelligence has revealed that 60% of the Chicago Police Department's "Main 21" drug traffickers live in suburban Cook County. The

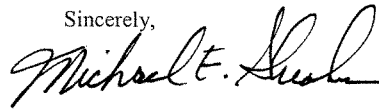
Chicago Police Department, DEA, FBI, ATF, Cook County Sheriff's Office, U.S. Attorney's Office and the Cook County State's Attorneys Office continue to work cooperatively together to share intelligence and investigate the criminal enterprises directed by these high ranking gang members who operate in Chicago and in the suburbs.

Law enforcement's ability to obtain intelligence has been enormously enhanced through the world-wide intelligence network that HIDTA created and maintains. The HIDTA De-confliction Program is invaluable in its ability to identify targets of on-going investigations conducted by disparate law enforcement agencies. The De-confliction Program has become critical to officer safety during undercover operations.

The Cook County Sheriff Office has a 75 member Gang Crimes/Narcotic Unit which receives essential monetary support from HIDTA. The unit's mission is to work cooperatively with federal, state and local law enforcement agencies and focus on assisting suburban Cook County municipalities targeting organized gangs and drug dealers who have begun to take a foot hold within the County. Most suburban police departments are inadequately equipped to conduct their own covert investigations which frequently require undercover operations and several weeks or months to complete.

In conclusion, our ability to pro-actively investigate narcotic trafficking and related crimes is directly linked to maintaining or increasing HIDTA funding. Any reduction in this most critical resource would have a devastating negative effect on our ability to investigate narcotic related crimes and will have an impact on quality of life issues for every citizen in Cook County.

Sincerely,

A handwritten signature in black ink that reads "Michael F. Sheahan". The signature is written in a cursive, flowing style.

Michael F. Sheahan
Sheriff of Cook County

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ILLINOIS STATE POLICE
Office of the Director

Rod R. Blagojevich
Governor

March 7, 2005

Larry G. Trent
Director

Honorable Mark Souder
Chairman
Subcommittee on Criminal Justice, Drug Policy,
and Human Resources
2231 Rayburn
Washington, D.C. 20515

Dear Chairman Souder:

I would like to take this opportunity to stress the importance of continued funding support to the Chicago HIDTA and operational support to the Illinois State Police narcotics enforcement efforts in the Chicago area. The ISP has been fortunate to receive continuous funding for the upper-level narcotics enforcement and interdiction efforts of the Narcotics and Currency Interdiction (NARCINT) initiative since 1999. This multi jurisdictional ISP unit has proven to be an extremely important element in furthering the efforts of the Office of National Drug Control Policy (ONDCP), both through operational enforcement efforts and, more importantly, from the cooperative relationships that have been developed between the Chicago HIDTA/NARCINT and law enforcement agencies nationwide.

The cooperative effort and supportive venue made possible through the Chicago HIDTA program have successfully bridged the gap between federal, state, and local agencies allowing for the first time a successful, unified approach to battling the war against drugs. The NARCINT effort alone has propelled the problem of illicit narcotics trafficking and drug-related money laundering in the Chicago area to the forefront of enforcement efforts nationally. The Chicago HIDTA, with the support of NARCINT, became the first non border state effort to be included in the Operation COBIJA Concept that has successfully monitored and devised enforcement strategies against narcotics smuggling through Mexico.

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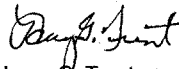
Honorable Mark Souder
March 7, 2005

Page 2

Through the efforts of the Chicago HIDTA initiative, agencies around the country have a support mechanism for the continuation of cases beyond the traditional one-dimensional concept. Additionally, the intelligence support provided through the Chicago HIDTA Investigative Support Center makes the Chicago HIDTA program truly a multi faceted resource. To lose the financial support and logistical tools made possible through the HIDTA concept would be catastrophic to the people of Illinois, because despite the lack of viable funding, the violent and destructive narcotics enterprises that exist around the world will continue to focus distribution efforts toward the hub that exists in the Chicago area. Unfortunately, without the High Intensity Drug Trafficking Area concept in Illinois, the ISP drug enforcement efforts will be significantly curtailed, as will the efforts of other local agencies who have joined forces under the HIDTA umbrella.

As you move forward in your Subcommittee efforts to make critical funding decisions, I respectfully request unbridled support from Washington in order to keep the HIDTA operation in Illinois at its current funding level so that it remains one of vitality and viability. Please do not hesitate to contact me or my staff should there be anything else that can be done by the ISP to impress upon the leadership of Congress what is at stake if the Chicago HIDTA does not remain fiscally strong, functional, and grounded by an Executive Director and Executive Committee that represents all levels of enforcement interests.

Sincerely,



Larry G. Trent
Director



OFFICE OF THE
SUPERINTENDENT OF POLICE
CHICAGO

PHILIP J. CLINE
SUPERINTENDENT

March 8, 2005

The Honorable Mark E. Souder
Chairman
Subcommittee on Criminal Justice, Drug Policy and Human Resources
House Government Reform Committee
2231 Rayburn HOB
Washington, D.C. 20515-1403

Dear Chairman Souder,

I would like to take this opportunity to object to the budget cuts and organizational reform proposed for the High Intensity Drug Trafficking Area Program (HIDTA). In recent years Chicago HIDTA has proved to be an invaluable ally for the Chicago Police Department. Through our partnership with HIDTA, we have seen significant results in the reduction of narcotics sales in our communities. It is my understanding that HIDTA stands to lose 56% of their funding, and will be restructured in a way that limits local collaboration. We are concerned that the significant funding cuts and the loss of local participation in HIDTA will severely jeopardize the federal, state and local cooperation that is so important in fighting narcotics and their related crime in our community.

Chicago HIDTA helps to coordinate drug enforcement efforts for the City of Chicago. The Chicago Police Department (CPD) has worked with HIDTA since 1995 when an initiative was formed to target the Gangster Disciples street gang. Since then, working with HIDTA has allowed the disruption of major narcotics trafficking rings and the distribution networks that are responsible for the deadly nexus of gangs, guns and drugs that trouble Chicago. Recent reductions in drug-related crime have been due, in part, to the successful collaborative model developed by HIDTA. This model brings local, state and federal law enforcement together to focus on a common mission—the disruption of drug trafficking. We have not only benefitted from this collaboration, we have learned that it is a smarter way of doing police business in urban crime areas and has helped to make our City a safer place.

Our partnership with HIDTA has enabled the investigation, apprehension and prosecution of individuals responsible for distributing a broad array of dangerous drugs and causing drug-related violence. Moreover, it has helped us build drug conspiracy cases against drug trafficking organizations, and has supported complex investigations that have resulted in indictments both at the local and federal levels.

Much of what we have accomplished with the assistance of HIDTA has been possible because of drug intelligence developed by the HIDTA Investigative Support Center. We rely on the analysis and real time information from HIDTA intelligence operations. Through their role as a clearinghouse for sharing strategic information, HIDTA has provided CPD with the ability to

identify, track and target trafficking groups. If funding levels were reduced, our Department would sustain a critical loss to our ability to continue successful drug operations, such as Street Corner Conspiracies. These operations clear open air street corner drug markets, reclaim them from the drug dealers, and restore community safety. They have resulted in more than 35 investigations and 500 arrests, as well as participation in several federal drug conspiracies resulting in more than 100 arrests. As a result of our successful partnership with HIDTA, our streets are safer and families can more fully enjoy life in their communities.

Keeping the streets safe is further enhanced by other HIDTA initiatives in the metropolitan area such as the Cook County Jail initiative. This initiative brings together Cook County Sheriff's P.D. personnel and CPD personnel to gather intelligence from jail inmates as to gang and drug trafficking activity, and disrupt the management of these activities by incarcerated gang leaders. HIDTA has designed an informational gang database to collate this information.

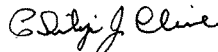
HIDTA ensures that law enforcement drug operations have consistent direction, follow policy guidelines, engage in strategic planning, and communicate across organizations and jurisdictions. These factors give law enforcement an advantage over criminals that would be difficult to achieve if working independently. HIDTA initiatives have been instrumental in assisting the CPD with, among other initiatives, disrupting distribution networks that supply street gangs, targeting "package interdiction," providing access to the information center and intelligence networks, targeting heroin markets, and providing case and trial support as well as post case seizure analysis.

All of these activities speak to the comprehensive strategy that is required for intervening in drug crime. They also show how varied skills are required that may be beyond those of traditional law enforcement, how multiple knowledge bases need to be developed, and how human, technological and financial resources need to be applied strategically.

HIDTA clearly represents a model for leveraging all resources in order to provide comprehensive approaches for stopping drug crime. The joint leadership of the HIDTA Executive Board has been instrumental in ensuring that law enforcement engages in strategic planning and coordination of efforts to disrupt drug markets, immobilize the proliferation of criminal networks, and reduce drug-related crime. Without the ability to maintain the operational collaboration made possible by HIDTA resources, local law enforcement faces a risk of returning to the days when cooperation was unpredictable, delivered on a case-by-case basis, and often ineffective in disrupting drug trafficking.

The Chicago Police Department opposes plans for the reduced funding and the reorganization of HIDTA. If the funding levels are dropped and if local participation in HIDTA is reduced it will be difficult, if not impossible, to maintain our declining crime rates and to prevent escalated drug-related violence. The Chicago Police Department believes it is imperative to continue HIDTA in its present form of joint federal, state and local participation and at its current or increased funding level if we are to maintain our advantage over narcotic traffickers and beat drug dealers at their own game.

Sincerely,



Philip J. Cline

March 28, 2005

The Honorable Mark Souder
Chairman, Subcommittee on Criminal Justice,
Drug Policy and Human Resources
B-373 Rayburn Office Building
Washington, DC 20515

Re: **Rocky Mountain HIDTA Response**

Dear Chairman Souder:

Thank you for giving the HIDTA Directors the opportunity to respond to your questions and to make this part of the written record. I want to commend you and the committee members for seeking the facts about the High Intensity Drug Trafficking Area program related to the proposal to reduce funding by \$127 million and to move the program from ONDCP to the Department of Justice. In response to your questions:

- 1) **“Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.”**
 - a) **“What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?”** Rocky Mountain HIDTA involves thirty-seven different initiatives in a four state region. The program includes two intelligence centers, a training unit, thirty multi-agency collocated drug task forces and four interdiction initiatives with the highway patrols. The program involves hundreds of state and local personnel that make significant unreimbursable state and local contributions to our initiatives. The dollar amount will be approximate because of the differences in salaries, fringe benefits, price per square foot for facilities, etc. I have attempted to provide a conservative response and a “best estimate”. I have taken into account that some of our initiatives receive funding from other federal programs. The total dollar value of all unreimbursed state and local contributions to Rocky Mountain HIDTA is approximately \$39,480,000 annually.
 - b) **“What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?”** Approximately \$12,397,000 annually.
 - c) **“Do you believe that, if your HIDTA’s federal program fund were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to**

put those resources elsewhere?" There is little doubt should the HIDTA funds be significantly reduced or eliminated that the state and local agencies would not continue these unreimbursed contributions and likely put their resources elsewhere. In the case of Rocky Mountain HIDTA, at least six of our most significant task forces would be disbanded and seventeen task forces believe that their operational productivity would be reduced anywhere from 50 to 75%. Sheriff Stan Hilkey, Mesa County, Colorado in reference to the Rocky Mountain HIDTA Program, is quoted "...any plan to erode that infrastructure would be devastating to the efforts being made to reduce drug trafficking in our nation." Chief Luis Velez, Colorado Springs Police Department, Colorado, in reference to the Rocky Mountain HIDTA Program is quoted "...A program that brings together all three levels of government (federal, state and local) into a working environment would be destroyed. The benefits of investigative coordination, regionalized training, networking at the drug unit commanders' level and at the CEO's level would cease to exist..." Sheriff Lou Vallario, Garfield County, Colorado is quoted "...I believe most task forces would be eliminated in our Rocky Mountain HIDTA Region..." The Montana Association of Chiefs of Police in a letter states "...It should not be placed within a department that gives the perception that it is under the control and direction of a federal law enforcement entity. To do so would certainly influence state and local participation and ownership of the program..." Chief Nielsen, West Valley Police Department, Utah states "...If the HIDTA Program was eliminated, so too would our drug task forces be eliminated, and we would set drug law enforcement in the metro area backwards." Sheriff Aaron Kennard, Salt Lake County, Utah states "...To eliminate or significantly reduce the program and move it to Justice would set us back ten to fifteen years." Chief Robert Fecht, Cheyenne Police Department, Wyoming states "...To cease funding these efforts will lead to almost immediate capitulation to drug traffickers in the region and major amounts of narcotics will flow freely."

I have been told by numerous law enforcement administrators and drug unit commanders that should HIDTA funds be eliminated or significantly reduced that they could not continue to make the contributions they are making to drug enforcement and would have to realign their resources.

- 2) **"State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?"**

Absolutely! There are a number of issues from a state and local agency perspective when it comes to participating in a program such as HIDTA. I cannot count how many times I have been asked by state and local law enforcement administrators how long the HIDTA Program will last and do you think we will have funding next year? This is important as they make their decisions on long term budgeting, committing resources, signing contracts, signing leases, putting in computer lines and networking systems. Due to the stability of the HIDTA Program, the state and local law enforcement administrators have gained some confidence,

that short of productivity issues, the HIDTA funds will be available, and they can continue to do long-term planning. It is almost impossible to address any threat and implement effective strategies, if it can't be done in the long term but rather on a year-to-year basis.

- 3) **“The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA’s budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA’s operations?”** It is interesting to note that one of the many positive aspects of the HIDTA Program is its ability and flexibility to adapt to meet the regional drug threat. Each HIDTA region has a slightly different drug threat which cannot be effectively addressed from a centralized distant location. This should be done at a regional level. For the federal government to indicate that they don't have the discretion to respond to the changing drug threat is to not understand the HIDTA Program. The federal government, along with state and local government, is using its regional discretion to redirect HIDTA resources to respond to the regional drug threat which affects this nation.

There should be a baseline for each HIDTA so they can implement long-term planning and strategies. However, I also believe that ONDCP's Bureau of State and Local Affairs, which manages the HIDTA Program, should be allocated a certain amount of supplemental funds over the baseline to allow some discretion to plus-up programs or develop new programs to meet emerging national threats. This would give them the opportunity to test a new program or strategy and if successful, then seek additional funding. The key to the discretionary funding mechanism being effective is working with the expertise that is available through the various HDTAs. In the past, ONDCP's discretionary funding plan has had little or no interaction with HIDTA directors or the executive boards. The HIDTA directors can be in a key advisory role since they are involved with federal, state and local law enforcement throughout the nation interacting with the top law enforcement leaders in this country as well as the officers implementing the strategy.

- 4) **“The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.”**
- a) **“Do you support this proposal? If not, why not?”** I do not support this proposal for a number of reasons as follows:
- OCDETF and HIDTA are different programs with different missions.
 - Since the executive boards are made up of an equal number of federal and state/local representatives, placing HIDTA under Justice could either potentially or it could be perceived that Justice members could be forced to vote as a block. Department of Justice personnel such as the U.S. Attorney, DEA, FBI, ATF and U.S. Marshals

Service are on many if not all the boards. Currently, there is no ONDCP representative on any of the boards and thus nobody from the management agency to exert pressure.

- The HIDTA Program has worked extremely well and effectively under ONDCP's Bureau of State and Local Affairs. Why change and potentially impact the program's effectiveness.
- If HIDTA were to be moved to Justice, it would be difficult for Department of Justice to remain objective or certainly prevent the appearance and perception of neutrality and unbiased management of the program since Department of Justice (DEA, FBI, ATF and U.S. Marshals Service) vie for HIDTA Program resources. The true equal federal, state and local partnership would be destroyed.
- Age-old agency cultures and impending turf battles are surmounted daily in favor of more suitable cooperation and coordination among participating agencies. These significant and unprecedented outcomes would not occur if HIDTA were under the stewardship of a Justice agency.
- Management of the program requires review of HIDTA threat assessments, strategies and budgets. Information gleaned from these processes gives the Bureau of State and Local Affairs a unique, accurate perspective of drug issues. Congressional wisdom in having ONDCP manage the HIDTA program has paid huge dividends for law enforcement and the American People.
- The HIDTA program provides ONDCP's Bureau of State and Local Affairs with a unique link to state and local criminal justice agencies, an often-overlooked commodity and partner in our fight against illicit drugs and drug-related crime. Many interagency meetings intended to enhance cooperation and coordination are attended by ONDCP solely because it manages the HIDTA Program.
- The HIDTA Program has flourished largely because of grass roots support by state and local criminal justice agencies. This undaunted support comes chiefly because the program is managed by a neutral agency with no competing interests in the program resources. ONDCP provides the unbiased neutrality, real and perceived, necessary for law enforcement agencies to willingly participate in the program.
- ONDCP's Bureau of State and Local Affairs policy making and leadership roles are significantly enhanced by using the HIDTA Program as a primary vehicle to implement its national policies (i.e., connectivity between HIDTAs, National Clandestine Laboratory Seizure System, National Methamphetamine Initiative and other programs that directly impact national drug policy).
- The HIDTA Program's national scope provides an immediate pulse on regional drug trends and issues while enhancing the capability to implement policy nationwide.

- HIDTA improves ONDCP's Bureau of State and Local Affairs' ability to promote cooperation and coordination among all levels of criminal justice agencies as well as among law enforcement, prevention and treatment.
- The HIDTA Program provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approval and goals yet tied to the national mission. OCDETF is a federally run program not a partnership and focuses strictly on national issues.

A local task force commander said it best when referring to the HIDTA Program. "You guys are not hung up in making sure you get the recognition or must be the leaders but rather, you root for everybody. If the feds, state and locals all get along and are successful, then you guys are happy. That's really unique in any kind of multi-agency operation. That's one of the cool things about HIDTA". The Chiefs of Police Association of Montana states: "The HIDTA Program has enjoyed wide acceptance by the heads of state and local law enforcement agencies for two important reasons. Under HIDTA, state and local heads of agencies join with their federal counterparts on an equal basis which is to determine the direction of their individual HIDTAs. There is no cooperative endeavor of this magnitude in law enforcement today. Secondly, the HIDTA Program has been able to project a degree of separation from other federal agencies by its placement within ONDCP. Although ONDCP has shown a reluctance to administer the program, it should be placed within a department that gives the perception that it is under the control and direction of a federal law enforcement entity. To do otherwise would certainly influence state and local participation and ownership of the program..."

- b) **"Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?"**
 Absolutely not! Since this proposal has been recommended, I have spoken to or interacted with most of our partners in the HIDTA Program including chiefs, sheriffs, district attorneys, drug unit commanders, and drug officers. Every single one I have talked to does not want to be part of Justice or the OCDETF Program. I have not heard of anyone, including our regional federal partners that thought being under OCDETF would be a positive move for the HIDTA Program. Many federal leaders on a regional basis have expressed concern on the adverse affect this proposal would have on their operations. However, most are reluctant to address this publicly because many work for Justice.

Some comments from Rocky Mountain HIDTA non-Justice federal partners:

Special Agent in Charge, Jeff Copp, Immigrations and Customs Enforcement

- "The Rocky Mountain HIDTA has inspired a sense of selfless cooperation between federal, state and local law enforcement agencies. Prior to HIDTA's establishment, this type of cooperation was non-existent. The design of the Rocky Mountain HIDTA places federal and local agencies on a level playing field, which allows state and local law enforcement agencies greater breadth in addressing the multi-

jurisdictional problems affecting their communities.”

Inspector in Charge, Kathleen Robertson, U.S. Postal Service

- “RMHIDTA has provided the leadership needed to bring local, state and federal law enforcement together in a partnership to combat the drug problem. The Rocky Mountain Highway Patrol Network, newly established multi-agency task forces, emphasis on intelligence sharing, professional training and high degree of accountability are only a few examples of the positive affects of HIDTA in the Rocky Mountain Region. Elimination or significant reduction of HIDTA would set the region back at least ten years.”

Gary Hillberry, Former Special Agent in Charge, U.S. Customs Service

- “I have been involved in federal law enforcement for over 35 years... I served as a regional OCDETF Coordinator for three years. During my law enforcement career, I have seen the creation of OCDETF, FINCEN, HIDTA, HIFCA, EPIC, NDIC, SOD and now DEA’s proposed Fusion Center. Virtually my entire law enforcement career has been involved in conducting, supervising or managing drug smuggling and drug money laundering investigations of drug organizations...Of the various programs summarized above, the national HIDTA Program has been the most effective in targeting drug organizations and bringing federal, state, and local drug enforcement resources together in a concerted effort against the drug problem in this country.

If the national HIDTA Program should be scaled back as currently proposed, this will have a dramatic affect on law enforcement’s efforts against major drug trafficking organizations. Before HIDTA there existed a certain distrust of federal agencies by state and local departments because of the way these departments were treated by certain federal agencies. When HIDTA was created these animosities and old time distrust dissolved and disappeared under HIDTA Task Forces and programs where all participating agencies were treated as equals. If HIDTA should be de-funded as proposed, the cooperation and attitudes that existed per HIDTA will surely return...”

c) **“What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?”**

- Task Forces: OCDETF’s nine regional “task forces” are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. They do not perform any enforcement activities. HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution, sales, interdiction, prosecution, violence, gangs and intelligence. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies.)
- Intelligence and Support Activities: OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member’s respective agency. OCDETF’s support activity is that of funding. It does not provide investigative support beyond prosecution and money.

HIDTA has intelligence units that:

- Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
 - Provide post-seizure analysis
 - Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
 - Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
 - Produce annual threat assessments and special strategic reports
 - Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
 - Provide analytical support through all phases of an investigation
 - Conduct pro-active intelligence activities to produce informants and develop cases
- **Funding:** The \$550 million OCDETF budget primarily funds approximately 4,000 federal personnel outside their agency's budget. These agents and personnel are assigned to their various divisional offices carrying out their respective agency's mission relating to drug enforcement and under the direction of the special agent in charge of that office. A small percentage of the OCDETF budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement. The \$227 million of HIDTA funding in twenty-eight strategic regions goes to support:
 - 355 operational task forces (65% established by HIDTA)
 - 53 intelligence centers (all but one established by HIDTA)
 - 4,428 federal personnel
 - 8,459 state and local personnel of which 1,996 are directly funded by the HIDTA Program

The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility which would be unavailable within the Department of Justice.

- **Structure:** OCDETF is a program for federal agencies and managed by a federal agency. The majority of its budget funds full time federal employees distributed among participating federal agencies. No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). It has no operational task forces, pointer indices or intelligence capability. Non-federal agencies are not represented in their administrative task forces. HIDTAs are governed by executive boards that contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force

commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.

- Operations: OCDETF designated investigations are submitted to OCDETF by federal, state and local agencies and/or task forces. The designation is generally for funding assistance and the assignment of prosecutors on a case by case basis. The OCDETF-funded federal positions are assigned to work within their respective federal offices throughout the United States. Unlike OCDETF, HIDTA task forces actually develop and open cases, provide and share intelligence and informants that leads to OCDETF investigations and support for other OCDETF cases across the country. HIDTA proactively identifies, targets, investigates and attempts to disrupt or dismantle international, multi-state and local drug trafficking organizations.
 - Flexibility: OCDETF cases are generally major DTOs only brought to them by federal agencies or HIDTAs. OCDETF doesn't target threats or maintain the flexibility to address problems such as prescription drugs, club drugs, clandestine labs, steroids, etc. HIDTA retains the flexibility to both target major DTOs but also address regional threats that are identified such as methamphetamine and clandestine labs. Meth labs have been a major threat for many HIDTAs.
- 5) **“Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.”**
- a) **“Does your HIDTA currently comply with this directive? If not, why not?”** Rocky Mountain HIDTA does comply with this directive and each member of the Executive Board has full voting authority. However, at Rocky Mountain HIDTA, by choice of the Executive Board including the federal members, the representation between federal, state and local is not exactly equal. Because there are four states and to assure equal representation, there are ten federal members and thirteen state/local members. Rocky Mountain HIDTA has sought and obtained an exemption from the equal federal, state/local representation on the Board as well as the size of the board from the recommended sixteen to Rocky Mountain HIDTA's twenty-three. This arrangement has served the community well with no problems.
- b) **“How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?”** One of the primary keys to the success of the HIDTA Program is that there are relatively balanced executive boards between federal, state and local law enforcement leaders giving each an equal voice and ownership of the program. If this

balance were eliminated and federal agencies would take control, it would become just another federal program, and many state and local participants would eventually leave. State and local law enforcement would probably not embrace the program, would not have ownership and thus, would not have the commitment. The state and local resources to the HIDTA Program far outweigh what the federal government has committed. The HIDTA Program partners with state and local law enforcement to address the drug problem regionally and joins the federal government in addressing the national drug strategy.

- 6) **“Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA’s administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?”** Yes, it has had a significant negative impact on the HIDTA Program. Agencies are reluctant to sign contracts, make any commitments past this calendar year and employees worried about their jobs are seeking employment elsewhere. This has been very disruptive. Task force officers and support personnel are concerned whether the task force will be in existence and are reluctant to commit to long term drug trafficking organization investigations. The proposal has affected morale for those who have worked so hard to make the HIDTA Program a success. The men and women on the street doing the work feel as if they have been given a severe blow. The proposal has created some sense of separation between those members of the board in Justice who, for the most part, understandably refrain from getting involved in this issue. This has put a strain on relationships and communications between our state/local and federal agencies and will need some mending for the future. The future is now in the hands of Congress and most feel Congress will do the right thing.

Sincerely,

Thomas J. Gorman
Director, Rocky Mountain HIDTA

TG:lls



California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

Officers

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Bill Kolender
Sheriff, San Diego County

1st Vice President
Gary Penrod
Sheriff, San Bernardino County

2nd Vice President
Laurie Smith
Sheriff, Santa Clara County

Secretary
Ed Bonner
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Steve Szalay
Executive Director

Nick Warner
Legislative Director

Martin J. Mayer
General Counsel

*005FederalandHDTAMemoALL003105

April 7, 2005

The Honorable Mark F. Sauder, Chairman
Subcommittee on Criminal Justice Drug Policy and Human Resources
2157 Rayburn House Office
Washington, DC 20515

Dear Chairman Sauder:

On behalf of the California State Sheriffs' Association, I write today to express our deep concern with the President's FY 2006 National Drug Control budget proposal. This proposal includes a \$128 million reduction in the High Intensity Drug Trafficking Area (HIDTA) program funding from \$228 million in FY 2005 to \$100 million in FY 2006. Only select, big city HIDTA programs will receive funds following this severe funding reduction.

As I am sure you are aware, California is essentially "ground zero" for drug trafficking, particularly methamphetamine. The Interstate 5 corridor is well known for its convenience in transporting drugs up and down the state and all of our regional HIDTA's play a significant role in successfully addressing and deterring manufacture and trafficking of methamphetamine and other illegal drugs. Cutting the program and directing funds to only big city HIDTA programs virtually guarantees that criminals will redirect their operations to lesser-populated areas such as California's Central Valley. We urge your efforts to support full funding for the HIDTA program.

Another area of concern for California-Sheriffs is the proposed elimination of all Byrne discretionary grants that help support other drug task forces in the state. This funding is used to offset the high costs of this critical public safety function.

These proposals will severely weaken the federal, state and local partnerships that have developed over the years in combating California's drug problems and the successes achieved. The HIDTA program is successful because it forms equal partnerships between federal, state and local law enforcement leaders. The collective task force presence has been an effective force against drug trafficking organizations, methamphetamine laboratory operators, and drug cartels. Now these successful programs face extensive reduction and/or elimination.

California's Sheriffs respectfully request your support of full and continued funding for these important programs. Thank you in advance for your attention to our concerns.

Sincerely,

William B. Kolender, President
Sheriff, San Diego County

WBK/cmc

cc: All California Sheriffs
Steve Szalay, CSSA Executive Director
Nick Warner, CSSA Legislative Director

NEIL ABERCROMBIE
1ST DISTRICT, HAWAII
WHP-AT-LARGE



COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
RESOURCES

Congress of the United States
House of Representatives
Washington, D.C. 20515

May 5, 2005

The Honorable Joe Knollenberg
Chairman
Subcommittee on Transportation, Treasury, and HUD, The Judiciary, District of Columbia
Committee on Appropriations
2358 Rayburn HOB
Washington, D.C. 20515-0005

Dear Chairman Knollenberg:

I am writing to express my deep concerns over the steep budget cuts and proposed changes to the High Intensity Drug Trafficking Area (HIDTA) program. I am opposed to these changes and respectfully request that funding for the HIDTA program remain at least at current levels.

Hawaii's remote location in the middle of the Pacific Basin makes it an ideal transshipment point for illicit drugs to and from Asia and North America or to Pacific Basin locations where drug trafficking organizations can reap profits two to four times higher than average. As an island state, we do not face land based border threats. This allows law enforcement to focus on entry points from the air and sea, but the sheer volume of incoming traffic is massive and overwhelming. Each year, there are more than one million takeoffs and landings in Hawaii's airports and over 28 million packages delivered into the state. In addition, 80 percent of the goods consumed within the state need to be imported in cargo shipments, many of which go uninspected.

The Hawaii HIDTA has been central in the effort to stop the flow of drugs into and out of the State of Hawaii. The efforts have culminated in several outstanding investigations. One in particular, Operation Shave Ice, won the Hawaii HIDTA national recognition with an award for Outstanding Investigative Effort. Operation Shave Ice resulted in the indictment and arrest of 60 individuals, the execution of over 50 search warrants, the seizure of \$510,000 in currency and \$75,000 in assets, the seizure of 15 firearms and has resulted in a number of significant spin-off investigations.

These efforts are especially significant due to state laws and court decisions which prohibit "walk and talks" and risks the safety of witnesses in order to obtain judicial approval for electronic surveillance. Efforts to amend the relevant Hawaii state laws did not complete the legislative cycle this year, and so Hawaii HIDTA investigations remain crucial in our effort to combat drug trafficking. Already, many lower level drug distributors go unprosecuted because they do not meet federal thresholds and the evidence against them is inadmissible in state courts. If funding cuts force the Hawaii HIDTA to scale

ORIGINATED FROM:

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Homepage: <http://www.house.gov/abercrombie/> E-mail: neil.abercrombie@mail.house.gov

I am also concerned that moving HIDTA to the Department of Justice will compromise the incentive for state and local law enforcement to partner with federal agencies. As it currently stands, the state and local law enforcement in Hawaii strongly believe they are given equal footing in the HIDTA program and join their federal colleagues to make decisions together. This equal partnership has persuaded many state and local agencies to contribute an unprecedented level of resources and manpower. Moving HIDTA from the Office of National Drug Control Policy (ONDCP) to the Department of Justice (DOJ) will upset the balance of power and end this successful relationship. This upset in power would also extend to other participating federal agencies that are not a part of DOJ. This includes the U.S. Coast Guard, Customs and Border Protection, Immigration and Customs Enforcement, the Internal Revenue Service and the U.S. Postal Service.

In addition, it is my understanding that the Organized Crime Drug Enforcement Task Force (OCDETF), the proposed home for HIDTA, has a primary mission of bringing existing state cases to federal court. This is a disparate mission from HIDTA, which uses cooperative effort and intelligence sharing to uncover and breakdown previously unknown or suspected drug operations. ONDCP, a neutral office within the Executive Office of the President which focuses exclusively on drug control, is the better location for the HIDTA program.

According to the U.S. Department of Health and Human Services and the U.S. Drug Enforcement Administration, Hawaii has the highest rate of crystal methamphetamine use per capita. Crystal methamphetamine has also overtaken alcohol as the primary substance used by adults admitted to treatment centers in Hawaii. We need the Hawaii HIDTA to continue its current role if not expand its reach into the Pacific. I urge you to restore HIDTA's funding and keep it within ONDCP.

I have included for your review a joint letter from the Chiefs of Police in Hawaii, a letter from the Executive Board of the Hawaii HIDTA and an article that ran in our local newspaper. I understand that appropriations are tight this fiscal year but I hope you will consider the costs that will arise in the future should HIDTA's operations be compromised in Hawaii and across the nation.

Thank you for your time and attention to this matter.


Neil Abernethy
Member of Congress

cc: The Honorable Mark Souder, Chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources
The Honorable Elijah E. Cummings, Ranking Member of the Subcommittee on Criminal Justice, Drug Policy and Human Resources



The Honorable Daniel Inouye
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510-1102

The Honorable Neil Abercrombie
United States House of Representatives
1502 Longworth House Office Building
Washington, D.C. 2055-1101

The Honorable Daniel Akaka
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510-1103

The Honorable Ed Case
United States House of Representatives
128 Cannon House Office Building
Washington, D.C. 20515-1102

Gentlemen:

We are very concerned that the Office of National Drug Control Policy (ONDCP) is proposing that the federal budget for the High Intensity Drug Trafficking Area (HIDTA) program be slashed by 57% and be transferred to the Department of Justice.

Your help is urgently needed to ensure that this program continues making a positive difference in Hawaii. We understand Congress may adopt budget resolutions very soon, setting the ceiling on discretionary spending that will establish funding and appropriations levels. Please consider this letter before making decisions that could adversely affect public safety in Hawaii.

The FY2006 proposal would have severe negative consequences for drug enforcement on the Island counties of: Oahu, Maui, Kauai, and the Big Island (Hawaii). HIDTA is the only format in Hawaii that facilitates full-time interagency cooperation among federal, state and local jurisdictions at a sustained high level. The HIDTA is managed and led by a multi-agency Executive Board comprised of equal participation from State, Local, and Federal leaders. All members of this Board are equal with one another and promote interagency cooperation at all levels. If the FY2006 budget proposal goes forward unchanged Hawaii's drug enforcement effort will suffer a setback, including:

- **Lack of funding would dissolve the HIDTA Executive Board**
- **Loss of Interagency Cooperation and Communication**
- **Loss of Collocation and Commingling of Resources**
- **Loss of Manpower for HIDTA Funded Task Forces**
- **Significantly reduced disruption of the Drug Trafficking Market.**
- **Less Upper Level Drug Trafficking Cases**
- **Loss of Travel Funding**
- **Loss of State and Local Resources**
- **Loss of Federal Resources**
- **Loss of the Intelligence Support Center (ISC)**
- **Diminished Case Activation and Event Deconfliction Component**
- **Loss of Training Opportunities**

Hawaii HIDTA
Page 2 of 2


The FY2006 budget proposal will have a negative impact if moved to the Department of Justice. The HIDTA program is currently funded under the Bureau of State and Local Affairs within ONDCP. It is a State and Local law enforcement program with incentives to partner with Federal agencies having a counter-drug mission. This is an important distinction in that it places State and Local law enforcement on an equal footing with their Federal counterparts through the operation of the Executive Board. As discussed above, there is equal representation on the Executive Board. The Chair and Vice -Chair alternates annually between a State/Local department Head and a Federal agency Head. The State/Local members provide 76% of the personnel that make up the full time task forces and initiatives. By contrast the Department of Justice, OCDEF program is 98% funding for Federal investigative and prosecutorial positions, with no full time task forces.


- **Loss of Equal State and Local Representation**
- **Loss of Non-DOJ Federal Agency Representation**
- **Negative Impact on the OCDEF Program**


The HIDTA program provides about \$2.5 million in Federal funds to Hawaii each year. Although the funds are relatively small, the impact of this funding is far greater. With the acceptance of HIDTA funds, participating agencies direct their own resources along with personnel to the HIDTA task forces. Oftentimes Federal, State and Local agencies provide space, vehicles, equipment, and additional part-time personnel to further the success of the initiatives they are involved in. State/Local departments provide 229 full and part-time officers and support equipment valued at \$10 million. No other program exists to focus the resources of so many agencies toward one common goal.

The scourge of crystal methamphetamine exacerbates the need for these precious resources. Hawaii has the nation's highest rate of crystal methamphetamine use per capita, according to the U.S. Department of Health and Human Services and the U.S. Drug Enforcement Administration, respectively. The HIDTA program is essential to combating this scourge.

We are asking for your support in assuring that this program is fully funded and remains under the direction of the Office of National Drug Control Policy.


 Thomas Phillips
 Chief of Police
 Maui County Police Department


 Boisse Correa
 Chief of Police
 Honolulu Police Department


 Lawrence Mahuna
 Chief of Police
 Hawai'i County Police Department


 King C. Lim
 Chief of Police
 Kawai'i Police Department



EXECUTIVE BOARD

Thomas Phillips
Chair

Charles Goodwin
Vice-Chair

PHONE: (808)356-4400
FAX: (808)356-4499

March 24, 2005

The Honorable Daniel Inouye
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510-1102

The Honorable Neil Abercrombie
United States House of Representatives
1502 Longworth House Office Building
Washington, D.C. 20555-1101

The Honorable Daniel Akaka
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510-1103

The Honorable Ed Case
United States House of Representatives
128 Cannon House Office Building
Washington, D.C. 20515-1102

Gentlemen:

Your help is urgently needed to ensure that core criminal and juvenile justice programs continue making a positive difference in Hawaii. We understand Congress may adopt budget resolutions very soon, setting the ceiling on discretionary spending that will set funding levels available for the appropriations process. Please consider the following information before making decisions that could adversely affect public safety in Hawaii.

The President's budget proposes reducing justice assistance by more than \$1.3 billion in comparison to FY05, or 44 percent. This cut would come on top of more than \$1 billion in justice funding reductions in Fiscal Years 2003 through 2005.

Previous year's funding cuts have already resulted in loss of service. Even a small funding reduction in FY06, coming on top of an approximate 22 percent cut in FY05, will further reduce Hawaii's drug/crime control efforts. The large FY06 reduction proposed by the President would eliminate many of Hawaii's justice programs, and the vital services they provide to hundreds of thousands of Hawaii's citizens.

Many federal programs work together to provide island residents access to crime fighting and drug prevention and treatment resources. We particularly want to bring to your attention five national

BERNARDI • ALCOHOL TOBACCO AND FIRE ARMS • CIVIL AND COUNTY PROSECUTOR • ATTORNEY GENERAL • DEPT. OF CORRECTIONS ADMINISTRATION
FEDERAL BUREAU OF INVESTIGATION • HAWAII COUNTY POLICE DEPARTMENT • HAWAII NATIONAL GUARD • HAWAII STATE ATTORNEY GENERAL'S OFFICE
HONOLULU POLICE DEPARTMENT • ISLAND CRIME AND JUSTICE PROGRAM • JUDICIAL REVIEW SERVICE • KAUAI COUNTY POLICE DEPARTMENT
MAUI COUNTY POLICE DEPARTMENT • NATIONAL ALCOHOL ABUSE CENTER • UNITED STATES MARSHALS SERVICE • UNITED STATES PATRIOT INVESTIGATIVE SERVICE
WESTERN STATES INSTITUTE ON DRUGS • NATIONAL CRIMINAL JUSTICE POLICE SERVICE • UNITED STATES CUSTOMS AND BORDER PROTECTION

HAWAII HIGH INTENSITY DRUG TRAFFICKING AREA

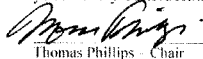
Hawaii HIDTA
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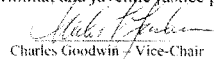
- o A HIDTA funded support initiative coordinates State and Local law enforcement OSHA certifications, training, and equipment certifications for first responders to methamphetamine clandestine laboratories, reducing liability issues for Hawaii's cities and counties.
- o In CY2004 there were 12,031 database entries (up from 9,393 entries in CY2003) and 2,234 critical event deconflictions (up from 1,333 in CY2003) through the Hawaii HIDTA Investigative Support Center and the WISN/RISSNet system. This insured officer safety and facilitated sharing of intelligence and cooperation among our state, local and federal partners.


The scourge of crystal methamphetamine exacerbates the need for these precious resources. Hawaii has the nation's highest rate of crystal methamphetamine use per capita, according to the U.S. Department of Health and Human Services and the U.S. Drug Enforcement Administration, respectively. The National Synthetic Drugs Action Plan announced by the White House last October says methamphetamine and other manufactured drugs pose a "significant threat to the nation." We can't agree more, and so believe strongly that federal resources are required to address this and other drug/crime issues that demand local state and federal cooperation.


It is our understanding that recommendations from OMB, based on program performance measures, weighed heavily into the President's budget proposal. Unfortunately for the President and everyone who benefits from this funding, we have been told they failed to submit performance measures for some of these crucial programs. We do not believe it is fair to hold Hawaii accountable for the inaction of others. We can document the positive impact of these programs in Hawaii, and will happily provide that information to you upon request.

We understand that difficult decisions must be made on the best expenditure of public funds at the federal level. We simply ask that Congress ensure that justice and law enforcement programs receive a fair share of the total amount available for budget purposes in FY 2006, to help us address priority needs in Hawaii. We respectfully request your assistance on this important matter. Thank you for your timely consideration and for your support of criminal and juvenile justice programs in Hawaii.



Thomas Phillips - Chair
Chief of Police
Maui County Police Department



Charles Goodwin - Vice-Chair
Special Agent in Charge
Federal Bureau of Investigation



Peter Carlisle
Prosecuting Attorney
City and County Prosecuting Attorney's Office

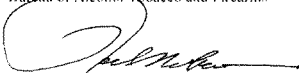

Boisse Correa
Chief of Police
Honolulu Police Department


Hawaii HIDTA
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Mark J. Bennett
Attorney General
Hawaii State Attorney General's Office

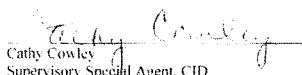

Tracy Elder
Resident Agent in Charge
Bureau of Alcohol Tobacco and Firearms


Arthur J. Logan
Lt. Colonel, Counterdrug Unit
Hawaii National Guard


Lawrence Mahuna
Chief of Police
Hawaii County Police Department


King C. Lam
Chief of Police
Kauai County Police Department


Ken Tano
Regional Coordinator
Western States Information Network


Cathy Cowley
Supervisory Special Agent, CID
Internal Revenue Service



Posted on: Wednesday, April 13, 2005

Anti-ice task force may be in jeopardy

By Peter Boylan
Advertiser Staff Writer

A law enforcement coalition that's taken a lead role in combating the "ice" epidemic in Hawai'i could be shut down if President Bush's proposed federal budget is approved by Congress, according to state and federal law enforcement officials.

Established in 1999, the Hawai'i High Intensity Drug Trafficking Area operates the most widespread narcotic intelligence network in the Pacific and targets the largest drug-trafficking organizations operating in Hawai'i.

"We have a pretty big (drug) problem here and we've been fairly successful dealing with it and it's largely thanks to HIDTA," said Charles Goodwin, special agent in charge of the FBI in Hawai'i. "The FBI today, with our reduction in drug resources, really relies on our coordination with HIDTA."

The partnership of federal, state and county agencies, which has an annual budget of about \$2.5 million, coordinates the drug enforcement activity of the four county police departments, the FBI, the federal Drug Enforcement Administration, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, and nine other state, local and federal law enforcement agencies.

It utilizes more than 20 task forces that are staffed by 302 full- and part-time detectives, police officers and federal agents.

Last year, police and federal agents working under HIDTA seized 240 pounds of crystal methamphetamine, arrested 870 individuals and apprehended 446 fugitives. They seized 229 firearms and \$5.4 million in assets, including cash. In addition, HIDTA provided more than 35,224 hours of drug enforcement training for police and federal agents.

Bush's budget would eliminate a \$634 million grant program for state and local police departments and cut anti-drug spending in HIDTAs across the nation from \$226 million to \$100 million.

There are 28 HIDTAs in the United States and 33 intelligence centers, including one in Hawai'i, that are plugged into a nationwide network.

The reduction in funding across the board would mean a severe shortfall for a majority of the individual HIDTAs and threaten the survival of many, said Larry Burnett, HIDTA's director in Hawai'i.

"Because we are one of the newest and smallest, our very existence would be jeopardized," said Burnett. "I don't think we would survive the cuts."

Burnett did not have a specific dollar amount that would be cut from the local HIDTA budget under the proposal.

John Horton, associate deputy director for state and local affairs in the Office of National Drug Policy, said the administration takes the methamphetamine epidemic seriously, budget cuts notwithstanding.

"We've had to make some tough choices," Horton said. "If we had unlimited money, it would be different."

He said the administration's strategy focuses on working with law enforcement agencies in Asia to disrupt the illegal export of pseudoephedrine, one of the main ingredients in meth.

"We think that's where the meth market is particularly vulnerable," Horton said. "The most important thing we can do is to make sure the labs don't get set up in the first place."

In addition to the HIDTA cuts, Bush also proposes to reduce spending on a Justice Department methamphetamine initiative from \$52.6 million to \$20 million, a 60 percent cut.

Overall, Bush plans to spend \$12.4 billion on the drug war in fiscal 2006, a 2.2 percent increase over current funding. But most of the additional money is targeted toward intercepting drug shipments before they cross the border and international programs, such as crop eradication.

Bush's budget would:

- Eliminate grants to states under the Safe and Drug-Free Schools and Communities program, funded at \$441 million this year.
- Eliminate grants to states under the National Alliance for Model State Drug Laws, an organization that has been instrumental in helping states draft legislative responses to the methamphetamine crisis.
- Eliminate Justice Assistance grants used to bolster multijurisdictional anti-drug task forces.

In Hawai'i, police and federal agents say that since Sept. 11, 2001, drug enforcement resources have been spread thin with the added responsibility of counter-terrorism and homeland security.

HIDTA has worked to maximize limited state and federal resources by coordinating efforts and adding federal funding, law enforcement officials say.

"HIDTA has been the most successful way to coordinate drug strategy. Over the last decade our most effective tool for combating drugs has been task forces," said Maui police Chief Thomas Phillips. "It's an organization that puts everybody at the table together. It is federal, state, and local (law enforcement) pooling intelligence resources and making decisions together."

HIDTA is managed and led by a multi-agency executive board comprising eight state and local law enforcement leaders, eight federal law enforcement leaders, and leaders from two additional agencies who serve in advisory, non-voting roles.

"We're all on equal footing," said Hawai'i county police Chief Lawrence Mahuna. "This funding issue is an issue that probably would have a negative impact on Hawai'i's drug enforcement efforts. We would lose a lot of coordination and communication."

The board meets at least once a month to determine the most serious regional drug threat, coordinate a strategy to counter that threat and evaluate task force performance. The majority of officers and agents

assigned to HIDTA work in the organization's sprawling set of offices in downtown Honolulu.

Said Burnett: "It really is the glue that binds and if you take that glue away, everything collapses. If this budget passes, all this dries up and goes away."

A position paper by the National Association of HIDTA directors questions the wisdom of the cuts and the reassigning of the groups to the Justice Department. The Bush administration proposal would also transfer the HIDTA program from the Office of National Drug Control Policy to the Department of Justice.

"The HIDTA executive boards and directors are opposed to this recommendation because it would virtually render the program ineffective and destroy the equal partnership (between state, local and federal law enforcement) by giving management and control to the federal government," the paper said.

The position paper also states that by transferring control of HIDTA to DOJ, it would remove the level playing field that makes HIDTA operations so successful.

"The primary reason for the success of the program is that it is within ONDCP's Bureau of State and Local Affairs, a neutral entity with no enforcement arm to compete or take control," the paper reads. "No personnel from ONDCP are members of the Executive Board. Thus, HIDTA provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach and goals yet tied to the national mission."

Gannett News Service reporters Larry Bivins and Pamela Brogan contributed reporting from Washington D.C. Reach Peter Boylan at 535-8110 or pboylan@honoluluadvertiser.com.

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ROBERT L. EHRLICH JR.
GOVERNOR

MICHAEL S. STEELE
LT. GOVERNOR

STATE OF MARYLAND
MARYLAND STATE POLICE
1201 REGISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-3899
410-488-3101
TOLL FREE: 1-800-525-5555
TDD: 410-488-0877



THOMAS E. "TIM" HUTCHINS
SECRETARY

March 8, 2005

The Honorable Robert L. Ehrlich, Jr.
Governor of Maryland
State House
Annapolis, MD 21401

Dear Governor Ehrlich:

The Maryland Department of State Police partnered with the High Intensity Drug Trafficking Area (HIDTA) upon its inception eleven years ago, to fight the war on drugs in concert with local and federal law enforcement agencies. The Washington/Baltimore HIDTA has been instrumental in coordinating and funding complex drug investigations that have directly impacted the safety of Maryland's citizens. As part of President Bush's 2006 Budget proposal, it was recently announced that the national funding for HIDTA's twenty-eight regions would be reduced from \$277 million to \$100 million. The Administration's proposed budget for Fiscal Year 2006 will effectively bring an end to the National HIDTA Program. This significant budget reduction will have an immediate and devastating impact on Maryland's drug enforcement and drug treatment efforts currently funded and supported by HIDTA.

The Maryland Department of State Police, in addition to many local police agencies in Maryland, have devoted considerable resources to partner with federal law enforcement agencies, through the coordination and funding from HIDTA, to make Maryland a safer place. Just last week, a Maryland Department of State Police supervised HIDTA Task Force, seized a total of 32 kilograms (70 pounds) of cocaine in Maryland and North Carolina. In 2004, the Baltimore/Washington HIDTA initiatives collectively dismantled or disrupted 175 Drug Trafficking Organizations (5 or more people), made approximately 1,500 drug-related arrests, and seized over \$28 million in assets.

The Washington/Baltimore HIDTA is the only program in the region that brings together the court system, corrections and probation personnel, public health agencies, and treatment providers for the purpose of reducing recidivism rates among at-risk offenders. Each year, the Washington/Baltimore HIDTA funds provide treatment for over 1,000 hardcore drug addicts. The loss of funding for this exceptional treatment program would weaken local agency coalitions and undermine one of the most effective approaches available for reducing criminal recidivism tied to illegal drugs.

The National HIDTA program needs Maryland's support. I respectfully request that your office contact appropriate personnel within the Bush Administration to offer support for HIDTA. The proposed reduction of HIDTA's budget by fifty-six percent (56%) would thwart law enforcement efforts in the region and have an adverse and immediate impact on the public safety in Maryland. HIDTA's uninterrupted coordination and funding of law enforcement and drug treatment efforts, at current budgetary levels, will continue to make our Washington/Baltimore region a safer place to live.

Thank you for your consideration and support in this matter. I am very proud of the men and women of the Maryland Department of State Police and look forward to our continued partnership with HIDTA, as we work together to fight the war on drugs.

Sincerely

Thomas E. Hutchins
Secretary

"Maryland's Finest"

OFFICE OF THE STATE'S ATTORNEY
FOR
BALTIMORE CITY

208 THE CLARENCE M. MITCHELL, JR. COURTHOUSE
BALTIMORE, MARYLAND 21202

PATRICIA C. JESSAMY
STATE'S ATTORNEY

March 29, 2005

PHONE:

410-396-4986

The Honorable Elijah E. Cummings
United States House of Representatives
2235 Rayburn House Office Building
Washington, D.C. 20515-2007

Dear Congressman Cummings:

I am writing to ask that you strongly oppose the Administration's proposal to reduce funding for the High Intensity Drug Trafficking Area (HIDTA) Program by almost 60 percent, and to transfer the HIDTA program from the Office of National Drug Control Policy (ONDCP) to the U.S. Department of Justice, Organized Crime and Drug Enforcement Task Force (OCDETF). This plan would jeopardize the coordination and cooperation the HIDTA Program has brought to the field of drug law enforcement and drug treatment. In fact, many experts believe that by taking this course, drug control efforts will be set back decades.

The Nation's drug law enforcement community was stunned when ONDCP proposed these funding cuts without consulting the hundreds of federal, state, and local law enforcement leaders who comprise HIDTA executive boards across the country. The strength of the HIDTA Program is the collaboration developed among federal, state, and local agencies. Reducing the funding for the HIDTA Program and moving it an exclusively federal enforcement department is bound to dampen these beneficial alliances that have shown so much success since the HIDTA Program began.

The Administration's unilateral decision was neither well-informed nor well-intentioned. An example of the lack of forethought and prudence that went into this decision is illustrated by the Administration's failure to present any specifics or data to demonstrate why their proposals constitute good public policy, or how they will have a demonstrable impact on the success of our drug law enforcement operations.

These proposals will impose significant financial hardships on states and localities. The majority of the asset seizure and forfeiture funds generated by the HIDTA program are distributed among the federal, state, and local task forces' member agencies; therefore, a decrease in overall program funding would have a cascading effect on the funds available to state and local law enforcement well beyond what the Administration has indicated. Many of our local law enforcement agencies would have to scale back their drug law enforcement activities dramatically—and our citizens deserve more.

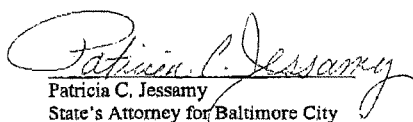
For years, OCDETF has served as a funding mechanism to support cases developed by the HIDTAs' drug law enforcement activities. Its current infrastructure is inadequate for developing intelligence and supporting international, interstate, regional, and local investigations as the HIDTA program docs. Moving the HIDTA Program to OCDETF is inappropriate, and this proposal clearly shows the Administration's lack of understanding of the HIDTA concept and operation.

The HIDTA Program has shown tremendous results. In 2004, with 90 percent of the HIDTAs reporting to date, HIDTA-funded law enforcement activities identified over 5,000 drug trafficking organizations and disrupted or dismantled 791 international, 978 multi-state, and 1,329 local drug trafficking organizations. In fact, HIDTA has a proven record of success against priority high-level targets and has contributed a great deal to OCDETF statistics. If we lost the collaboration, collocation, and partnership facilitated by a neutral HIDTA program, I am certain that we would be unable to attain these successes again. A Wyoming district attorney summarized my feelings in his statement, "[s]imply put, HIDTA is a federal-state-local cooperative program that actually works. When you find a program which produces real results and real cooperation among federal, state, and local officials, it is important that it be continued."

I am very concerned that the Washington/Baltimore HIDTA region will lose \$12,550,500 overall and that the State of Maryland will suffer an annual loss of over \$6,500,000 under the Administration's proposal. Our office currently has four attorneys funded with HIDTA funds, two through the Baltimore Police Department and two directly from HIDTA for a total of \$340,000.00. These funds assist in local law enforcement efforts in so many ways.

Please let me know if I can add anything further to this debate or if you have any questions about this letter. Thank you for your continued support.

Sincerely,


Patricia C. Jessamy
State's Attorney for Baltimore City

APR-13-2005 13:22 FROM:WASH BALT HIDTA TO: [REDACTED] P. 010/045

April 1, 2005

The Honorable Clifford B. Stearns
United States
House of Representatives
2370 Rayburn House Office Building
Washington, DC 20515-0906

Dear Congressman Stearns:

The High Intensity Drug Trafficking Areas (HIDTA) Program has become an integral piece of our nation's drug control strategy. HIDTAs are focused on local and regional drug threats and enable municipal, county, state and federal law enforcement to cooperate and share information in drug investigations.

The Administration's FY 2006 budget request proposes to cut HIDTA by 56% and shift management responsibility to the Department of Justice. Both of these proposals would deal a dangerous and unnecessary blow to our ability to fight drug traffickers and dealers.

If Congress embraces the Administration's requests to cut and move HIDTA, it would be consenting to the removal of an entire line of defense against drug trafficking. When we lose more than 19,000 Americans every year due to drug overdoses and related violence, it would be a disaster to make drug dealers' jobs easier.

Since September 11, 2001 Congress has heard about and understood the importance of information sharing related to potential terrorist activity and the necessity of having direct lines of communication among different agencies that may be investigating the same targets.

This model of information sharing and co-location has been the norm in drug enforcement since the establishment of HIDTA task forces and the results have been outstanding. Each HIDTA is a member of the Regional Information Sharing Systems (RISS) program, which serves as a "backbone" for information and criminal intelligence sharing nationwide. And all agencies that participate in HIDTAs are required to share information with other participating agencies.

Balanced federal and local HIDTA Executive Boards ensure a level playing field for all agencies involved in HIDTA investigations. Management of the overall HIDTA program by the Office of National Drug Control Policy has ensured that local control has remained one of the most attributes of the

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APR-13-2005 13:22 FROM: WASH BALD HIDTA TO: [REDACTED] P. 011/045

The Honorable Clifford B. Stearns
April 1, 2005
Page 2

program. If the Department of Justice were to take over management of the program, then local control of the executive boards would be jeopardized. There would be less incentive for local agencies to participate in HIDTAs and less participation means weaker cases.

I strongly encourage Congress to fully fund the HIDTA program at \$228 million in FY 2006 and to ensure that the program remains housed at the Office of National Drug Control Policy under the Office of State and Local Programs.

Sincerely,

Ed Dean, Sheriff

D/r

cc: Mr. Ed Williams
Northeast Florida HIDTA
Sheriff Joey Dobson



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

P.O. Box 326, Lewisberry, PA 17339

(717) 938-2300 • FAX (717) 932-2262 • www.fleoa.org

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 Coast Guard Investigative Service
 Customs Service
 Dept. of Homeland Security - OIG
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 Federal Emergency Management Agency
 Federal Protective Service
 Immigration & Naturalization Service
 OIG
 Secret Service
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 National Park Service
 U.S. Park Police
 JUSTICE
 Bureau of Alcohol, Tobacco, Firearms & Explosives
 Drug Enforcement Administration
 Federal Bureau of Investigation
 Marshals Service
 OIG
 U.S. Attorney's Office - CI
 LABOR - OIG & LABOR PRACTICE CENTER
 NATIONAL AERONAUTICS & SPACE ADMINISTRATION - OIG
 NUCLEAR REGULATORY COMMISSION - OIG
 POSTAL SERVICE - OIG & INSPECTION SERVICE
 RAILROAD RETIREMENT BOARD - OIG
 SECURITIES & EXCHANGE COMMISSION - OIG
 SMALL BUSINESS ADMINISTRATION - OIG
 SOCIAL SECURITY ADMINISTRATION - OIG
 STATE DEPARTMENT
 Bureau of Diplomatic Security & OIG
 TRANSPORTATION - OIG
 TREASURY
 FINCEN & OIG
 Internal Revenue Service - CI
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 ROGER N. JAMES
 MARIE CHOPRA

April 1, 2005

The Honorable Frank Wolf
 Chairman, House Subcommittee on
 Science-State-Justice-Commerce
 Washington, DC

Dear Chairman Wolf:

The Federal Law Enforcement Officers Association (FLEOA) is the largest non-partisan, professional association representing over 23,000 federal agents from the Federal law enforcement agencies listed on our left masthead. I am writing to express our concern over proposed budget cuts to the HIDTA Program in FY 2006.

In this era of tight budget resources, it is imperative that our law enforcement agencies at every level of government have the ability to maximize their efforts and share resources in order to combat gang crime and drug violence.

The current funding for the HIDTA (High Intensity Drug Trafficking Area) Program of \$227 million will be cut to \$100 million (52% cut) in FY 2006 under the Administration's proposed budget. This funding is necessary to continue to fund 355 law enforcement task forces throughout the nation involving over 12,000 personnel from Federal, State and local law enforcement agencies. The HIDTA Program has been highly successful from a law enforcement standpoint, because of all the multi-agency HIDTA task forces utilized throughout the country to dismantle and disrupt hundreds of narcotics trafficking organizations.

FLEOA is concerned about these proposed budget cuts that would have a devastating effect on our nation's law enforcement agencies. We ask that you fully fund the HIDTA Program in FY 2006. If I can be of any assistance, please do not hesitate to contact me at (717) 938-2300.

Sincerely,

Art Gordon
 National President

APR-13-2005 13:23 FROM: WASH BALD HIDTA
APR/05/2005/TUE 10:16 AM RMHIDTA
03/31/2005 11:58

TO: [REDACTED] P. 014/045
FAX No. 303 671 2191 P. 002/022
FCSD, NWDTF PAGE 82



James R. Dupont
Sheriff-Coroner
Flathead County
406-758-5585
FAX 406-758-5862

03/24/05

To: Senator Conrad Burns
From: Northwest Drug Task Force Executive Board
Re: Byrne/HIDTA funding

Dear Senator Burns:

On behalf of the Northwest Drug Task Force and the Kalispell HIDTA we are writing to express deep concern over the proposed fiscal year 2006 budget and its cuts as it relates to drug law enforcement which is critical to our efforts in Flathead, Lincoln, Lake and Mineral Counties.

We recently learned that the budget proposal includes the elimination of the Justice Assisted Grants formerly known as the Edward Byrne Memorial Grant and the reduction of \$100 million from the HIDTA Program and movement of the program to Justice creating a loss of state and local partnership with the federal government.

In recent years through Byrne Funding and the Rocky Mountain HIDTA program, the state of Montana drug enforcement has been brought together to share information, share cases, problem solving and resolution, increased training, statewide strategies against clandestine labs and other drug problems. The loss of the Byrne formula grant money under JAG would virtually eliminate drug enforcement in Flathead, Lincoln, Lake and Mineral County. The loss of the HIDTA program and the tremendous job it has done in coordinating, cooperation, partnership training, etc. would set Montana drug law enforcement back ten to fifteen years.

We recognize that good fiscal planning which must result in some federal reductions is necessary for our country. We just feel that to put drug law enforcement back to an era where drugs were at its highest level is not good fiscal policy. The elimination of HIDTA and Byrne Funds would virtually wipe out drug enforcement in the state of Montana and return the streets to the dealers and users. The cost of a potential drug increase that will most likely result from these proposals will be significantly higher than the money the government is trying to save. It will be higher not only in terms of dollars but in quality of life for the citizens of the state of Montana.

Professionals in Law Enforcement

800 South Main Street - Kalispell, Montana 59901

APR-13-2005 13:23 FROM: WASH BALD HIDTA
APR/05/2005/TUE 10:17 AM RMBIDTA
03/31/2005 11:58

TO: [REDACTED]
EAX No. 333 671 2191
FCSD NMDTF

P.015-045
P. 003/022
PAGE 03



James R. Dupont
Sheriff-Coroner
Flathead County
406-768-6685
FAX 406-768-6882

We would be glad to provide you with more information or you can call the Rocky Mountain HIDTA Director Tom Gorman at 303-671-2180, ext. 223. I have attached an impact report done by the Rocky Mountain HIDTA Executive Board for the position paper completed by the National HIDTA Directors Association which I can make available to you if you would like this information also.

Thank you in advance for your support of drug law enforcement in our task force area and in the state of Montana.

Jim Dupont
Sheriff Jim Dupont

Frank Garner
Chief Frank Garner

Ed Corrigan
County Attorney,
Ed Corrigan

Kevitt Bums
Kevitt Bums
Supervisor, NWDTF

"Professionals in Law Enforcement"
800 South Main Street - Kalispell, Montana 59901

APR-13-2005 13:23 FROM: WASH BALI HIDTA
 APR/05/2005/TUE 10:17 AM RNMHIDTA

TO: [REDACTED]

P. 016/045

FAX No. 303 671 2191

P. 004/022

MAR-31-2005 THU 11:18 AM WVC POLICE DEPT ADMIN

FAX NO. [REDACTED]

P. 02

Police Department
 West Valley City, Utah



Office of the Chief
 Thayne "Buzz" Nielsen

March 31, 2005

Senator Bob Bennett
 Wallace F. Bennett Federal Building
 125 South State Street
 Salt Lake City, UT 84138-1188

RE: High Intensity Drug Trafficking Area (HIDTA) Funding

Dear Senator Bennett:

I understand that ONDCP (Office of National Drug Control Policy) has recommended reducing the HIDTA (High Intensity Drug Trafficking Area) funds by 60% and moving them under the umbrella of OCDEF (Organized Crime Drug Enforcement Task Force). This misguided decision is very dangerous. OCDEF is not the answer. This will be fatal for the HIDTA law enforcement efforts. An independent review from HIDTA, especially Rocky Mountain HIDTA, shows the successful efforts of the program.

In the past two years, HIDTA funds have enabled the West Valley City Police Department to investigate two major drug traffic organizations involving three states and the country of Mexico. Over a hundred of arrests, millions of dollars of property and money have been seized. This had a significant impact for this Rocky Mountain and Utah region. Common sense would dictate that this program needs to continue.

The significance of HIDTA success is its equal partnership with local state and federal agencies. This equal partnership has shown a significant improvement over past historical practices in law enforcement.

The predictable results of HIDTA, under the direction of OCDEF are:

1. Only select cases will be investigated. The major cases that have been discussed would not have qualified under the OCDEF guidelines. Therefore, the consequences would have been disastrous for the community.

APR-13-2005 13:24 FROM: WASH BALT HIDTA TO: P. 017/045
 APR/05/2005/TUE 10:17 AM RMHIDTA FAX No. 303 671 2191 P. 005/022
 MAR-31-2005 THU 11:18 AM WVC POLICE DEPT ADMIN FAX NO. [REDACTED] P. 03

2. Islamic radical terrorists are using drug organizations for smuggling, laundering money and are able to establishing criminal links to support their destructive philosophy.
3. Terrorist cells are committed and dedicated to destroying the American way of life. This is common and verified information. The development of cells are increasing in a more rural environment as they have developed strategic plans to prey on America's weak points. There are documented cases to support those facts.

Regional control with the current HIDTA program has the highest rate of success. If Mr. Walters is successful in placing HIDTA under OCDETF, the results are predictable. They are as follows:

1. 80% of the current cases supported by the HIDTA would not qualify for the OCDETF investigations (criminals win and flourish).
2. The partnership with Federal, State and local will be dissolved which will set us back in the fight on drug crime and terrorism.
3. Criminal intelligence which is critical will be limited, fractioned, and non effective.
4. Terrorists, drug traffic organizations and criminal activities will flourish which equates to the destruction of our democratic way of life. We need to support law enforcement, not the criminals.

We are in a struggle against terrorism and protecting our way of life is a must. The future is joint partnerships and one of the most successful programs is currently how HIDTA is working.

Very truly yours,

THAYLE "BUZZ" NIELSEN
 Chief of Police
 Executive Board Member, RMHIDTA

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APR-13-2005 13:24 FROM: WASH BALT HIDTA
AFK/03/2005/TUE 10:17 AM RMHIDTA

TO: [REDACTED]
FAX No. 333 671 2191

P. 018/045
P. 006/022
Page 1 of 1

Lori Strain

From: John Stevens [stevens@co.cascade.mt.us]
Sent: Tuesday, March 29, 2005 4:45 PM
To: max@baucus.senate.gov; jcd_paters@burns.senate.gov
Cc: Lori Strain
Subject: Support of RMHIDTA

To: Senators and Representatives

Re: Rocky Mountain HIDTA

I am the task force commander of the Central Montana Drug Task Force (HIDTA) located in Great Falls. I just wanted to drop you a note to voice my concerns over the proposed cut to the HIDTA program. If the HIDTA were cut it would be devastating to our community as far as the fight against illegal narcotics is concerned. We have worked so hard to break down the wall between state/local law enforcement and our federal counterparts. The biggest reason for this success is HIDTA. This partnership just would not have happened without the HIDTA program.

With the support of HIDTA, we are finally able to target larger organizations of drug traffickers and not just low level street dealers. HIDTA is making the difference in Montana!

I ask for your full support of HIDTA. If we cut HIDTA, we are cutting Montana's fight against illegal drugs.

John Stevens
Task Force Commander
Central Montana Drug Task Force
3800 Ulm North Frontage Road
Great Falls, Montana 59404
(406) 791-2722

3/30/2005

APR-13-2005 13:24 FROM: WASH BALT HIDTA
APR/05/2005/TUE 10:17 AM RMHIDTA

TO: [REDACTED]
FAX No. 333 671 2191

P. 019-045
P. 007/022

Sheriff's Office Administration ★ 2001 South State #5-2700 ★ Salt Lake City, UT 84190 ★ 801-468-3900

Congressman Rob Bishop
United States Congress
124 Cannon House Office Building
Washington, D. C. 20510

March 28, 2005

Dear Congressman Bishop:

As past Chairman of Rocky Mountain HIDTA, I am writing to express deep concern over the proposed fiscal year 2006 budget and its cuts as it relates to drug law enforcement which is critical to our efforts in Salt Lake County.

I recently learned that the budget proposal includes the elimination of the Justice Assistance Grants formerly known as the Edward Byrne Memorial Grant and the reduction of \$100 million from the HIDTA Program and movement of the program to Justice creating a loss of state and local partnership with the federal government.

In recent years through Byrne Funding and the Rocky Mountain HIDTA Program, the State of Utah drug enforcement has been brought together to share information, cases, problem solving and resolution, increased training, statewide strategies against clandestine labs and other drug problems. The loss of the Byrne formula grant money under JAG would virtually eliminate drug enforcement in Salt Lake County. The loss of the HIDTA Program and the tremendous job it has done in coordinating, cooperation, partnerships, training, etc. would set Utah drug law enforcement back ten to fifteen years.

I recognize that good fiscal planning which must result in some federal reductions is necessary for our country. I just feel that to put drug law enforcement back to an era where drugs were at its highest level is not good fiscal policy. The elimination of HIDTA

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APR-13-2005 13:24 FROM: WASH BALT HIDTA
APR/05/2005/TUE 10:17 AM RMHIDTA

TO: [REDACTED]
FAX No. 303 671 2191

P. 020/045
P. 008/022

*Congressman Rob Bishop
March 28, 2005
Page 2*

and Byrne Funds would virtually wipe out drug enforcement in the state of Utah and return the streets to the dealers and users. The cost of a potential drug increase that will most likely result from these proposals will be significantly higher than the money the government is trying to save. It will be higher not only in terms of dollars but in quality of life for the citizens of the state of Utah.

I will be glad to provide you with more information or you can call the Rocky Mountain HIDTA Director Tom Gorman at 303-671-2180, ext. 223. I have attached an impact report done by the Rocky Mountain HIDTA Executive Board for your information. There is also a national position paper completed by the National HIDTA Directors Association which I can make available to you if you would like this information also.

Thank you in advance for your support of drug law enforcement in our county and in the State of Utah.

Sincerely,

Sheriff Aaron D. Kennard

ADK/lt

Attachment

569

APR-13-2005 13:24 FROM: WASH BALT HIDTA
APR/05/2005/TUE 10:18 AM RMHIDTA

TO: [REDACTED]
FAX No. 333 671 2191

P. 021/045
P. 009/022



Colorado Drug Investigators Association
c/o Rocky Mountain High Intensity Drug Trafficking Area
Building C Suite 444
10200 East Girard Ave.
Denver, Colorado 80231
303-571-2180, Ex. 221 or 230

March 28, 2005

Dear Senator Allard,

I would like to take this opportunity to tell you how instrumental the Rocky Mountain HIDTA has been in the formation and continuation of our Association. We are now in our third year and have a membership of over 300 members. I would venture a guess that this includes over 80% of the active drug investigators in Colorado.

Over the years other attempts to form a long lasting drug investigator's association have failed as there was no permanent bond to hold the association together. I can tell you with the most sincere conviction that the Colorado Drug Investigators Association (CDIA) would have never been formed, let alone thrived, without the Rocky Mountain HIDTA's direction and concern.

The Rocky Mountain HIDTA has created a common theme, motivation and mandate for all our federal, state and local law enforcement members. The Rocky Mountain HIDTA through its regular Drug Unit Commander's meetings and its extensive training programs has contributed to our overall professionalism and education as well as generating an enormous amount of cooperation towards our common interest, Colorado's drug law enforcement.

Once again we thank you for your support and direction in pursuit of the very serious and persistent threat that drug trafficking presents to the citizens of Colorado.

Sincerely,

Ronald L. Hollingshead
President

APR-13-2005 13:25 FROM: WASH BALT HIDTA TO: [REDACTED] P. 022/045
 APR/05/2005/TUE 10:18 AM RMHIDTA FAX No. 333 671 2191 P. 010/022

Craig Police Department

800 West First Street, Suite 300 • Craig, Colorado 81625
 Administration - (970) 824-2360 • Police Service - (970) 824-8111 • Fax (970) 824-5706

March 30, 2005

Congressman John T. Salazar
 Grand Junction, CO Office
 225 North 5th Street, 702
 Grand Junction, CO 81501

Honorable Congressman Salazar:

I am writing to express my continued concern over the President's proposed FY2006 budget and its potential negative impact on several law enforcement programs that are critical to this department's ability to affectively conduct drug investigations.

My agency participates in the 14th Judicial District multi-agency drug task force (GRAMNET). This task force represents the combined efforts of law enforcement agencies in three counties and the DEA.

The President's FY 2006 budget proposal includes many deep cuts to state and local programs. While I am concerned with all the cuts, two in particular will have a debilitating effect. They are:

- ❖ Justice Assistance Grants (JAG) (formerly Byrne) is ELIMINATED, which is a reduction from \$600 million in FY 2005, and
- ❖ High Intensity Drug Trafficking Area (HIDTA) - Reduced to \$100 million, which was funded in FY 2005 at \$250 million, and transferred to DOJ with a loss of local control.

These two programs in particular fund over 50% of our task force operations. It is important to remember that these cuts are proposed in the President's FY 2006 budget but will require action by the Congress to implement.

Without the grant funding we will, in all likelihood, be forced to dismantle our drug task force during a time in which we are being overrun with Methamphetamine use. Further, four agencies have personnel assigned to the task force that are partially grant funded positions. If the matching funds disappear it is uncertain as to whether or not our local entities will have the funds to keep those positions. The possible result, not only will the task force go away, but we may loose up to four officers that are dedicated to working drug cases.

I recognize that homeland security is a critical issue. However, on a daily basis our communities face the impacts caused by illegal drugs. This is a far bigger reality to our citizens than the potential for a terrorist attack. As most recognize, methamphetamine is being trafficked through rural areas into the cities, and rural law enforcement agencies have very limited resources to deal with it. If the President's budget is adopted we will loose critical funding that we cannot replace.

Jimmy DeLong
 Captain

Walter K. Hammit
 Chief of Police

John W. Thompson
 Lieutenant

571

APR-13-2005 13:25 FROM: WASH BALT HIDTA TO: [REDACTED] P. 023/045
APR/05/2005/TUE 10:18 AM RMHIDTA FAX No. [REDACTED] P. 011/022

Congressman Salzar
March 30, 2005
Page 2

On behalf of the residents of Craig I ask that you support any effort to have this critical funding reinstated in the budget. I believe the Senate has taken some measures to accomplish this but it will require the support of the House as well. This should be a bi-partisan effort. Eliminating these programs will have an enormous impact on local law enforcement that will cause a proliferation of the sale and use of illegal drugs that affects everyone, regardless of their political beliefs.

Thank you, for your favorable consideration of this issue. Should you have any questions please feel free to contact me.

Respectfully Submitted,

Walter K. Vanatta
Chief of Police

Jimmy DeLong
Captain

Walter K. Vanatta
Chief of Police

John W. Ferguson
Lieutenant

APR-13-2005 13:26 FROM: WASH BALZ HIDTA
 APR/05/2005/TUE 10:19 AM RNHIDTA

TO: [REDACTED]
 FAX No: [REDACTED]

P. 028/045
 P. 016/022

MESA COUNTY SHERIFF'S OFFICE

215 Rice St. + P.O. Box 20,000-5016 + Grand Junction, CO 81502-5016
 Office (970) 244-3900 Fax (970) 244-3803 Jail (970) 244-3525 Fax (970) 244-3833 Civil (970) 244-3523 Fax (970) 244-3511



March 31, 2005

Dear Senator Wayne Allard:

On behalf of the DEA Western Colorado Drug Task Force, I am writing to express deep concern over the proposed fiscal year 2006 budget and its cuts as it relates to drug law enforcement, which is critical to our efforts in Mesa County.

We recently learned that the budget proposal includes the elimination of over \$100 million from the HIDTA Program and movement of the program to Justice, creating a loss of state and local partnership with the federal government.

Through the Rocky Mountain HIDTA Program and the state of Colorado, drug enforcement has been brought together to share information, cases, problem solving and resolution, increased training, state-wide strategies against clandestine labs and other drug problems. The loss of the HIDTA Program and the tremendous job it has done in coordinating, cooperation, partnerships and training would set Colorado drug law enforcement back ten to fifteen years.

We recognize that good fiscal planning which results in some federal reductions is necessary for our country. However, to put drug law enforcement back to an era where drugs were at its highest level is not good fiscal policy. The elimination of HIDTA would virtually wipe out drug enforcement in the state of Colorado and return the streets to the dealers and users. The cost of a potential drug increase that will most likely result from these proposals will be significantly higher than the money the government is trying to save. It will be higher not only in terms of dollars but in quality of life for the citizens of the state of Colorado.

I will be glad to provide you with information or you may call the Rocky Mountain HIDTA Director, Thomas Gorman, at 303-671-2180, ext. 223. I have attached an impact report done by the Rocky Mountain HIDTA Executive Board for your information. There is also a national position paper completed by the National HIDTA Directors Association which I can make available to you if you would like this information also.

Thank you in advance for your support of drug law enforcement in our country and in the state of Colorado.

Mesa County Sheriff
 Stan Hilkey

APR-13-2005 13:26 FROM: WASH BALI HIDTA
APR 05/2005/TUE 10:19 AM RMHIDTA

FAX No: [REDACTED] P. 017/022

cdps

**COLORADO
DEPARTMENT
OF PUBLIC SAFETY**

Chief Mark V. Troset
Colorado State Patrol
700 Kuyling St.
Suite 1000
Denver, CO 80216-5866
(303) 239-4600
TDD (303) 239-4505
FAX (303) 239-4481

March 24, 2005

The Honorable Wayne Allard
United States Senate
521 Dirksen Senate Office Building
Washington, D.C. 20510-0605

Dear Senator Allard,

I would like to submit to you my support of the Rocky Mountain High Intensity Drug Trafficking Agency (RMHIDTA). Proposed budget reductions to this useful enterprise threaten its very existence, and I respectfully ask you for your continued support of this instrument that facilitates joint operations, information/intelligence sharing and cooperation on a level heretofore unknown in Colorado to impact illegal narcotic/drug enterprises in the Rocky Mountain Region.

The Rocky Mountain Highway Patrol Network involves the states of Colorado, Utah, Wyoming and Montana. This network, which was initiated by and through RMHIDTA, affords the listed states' highway patrols the ability to leverage their resources in our criminal interdiction efforts and homeland security information sharing.

The Colorado State Patrol is very pleased to be a part of RMHIDTA and looks forward to our continued success in impacting illegal drug trafficking in our state and nation.

Thank you for your time and consideration.

Sincerely,

Lieutenant Colonel M. Anthony Padilla
Acting Chief, Colorado State Patrol

Xc: Tom Gorman, RMHIDTA

Bill Owens
GOVERNOR
Joe Nathan
EXECUTIVE DIRECTOR
Colorado State
Patrol
Colorado Bureau
of Investigation
Director of
Criminal Justice
Office of Research,
Security, and Fire Safety



APR-13-2005 13:26 FROM: WASH BALD HIDTA TO: [REDACTED] P. 030/045
 APR/05/2005/TUE 10:19 AM RMHIDTA FAX No. [REDACTED] P. 018/022



JOE PELLE
 Sheriff

Boulder County Sheriff's Office

COPY

Representative Mark Udall
 8601 Turnpike Drive
 Westminster, CO 80031

Ref: HIDTA Program

March 17, 2005

Dear Representative Udall:

On behalf of the Boulder County Sheriff's Office, I am writing to express deep concern over the proposed fiscal year 2006 budget and its cuts as it relates to drug law enforcement, which is critical to our efforts in Boulder County.

We recently learned that the budget proposal includes the elimination of the Justice Assistance Grants formerly known as the Edward Byrne Memorial Grant and the reduction of \$100 million from the HIDTA Program and movement of the program to Justice creating a loss of state and local partnership with the federal government.

In recent years through Byrne Funding and the Rocky Mountain HIDTA Program, the state of Colorado drug enforcement has been brought together to share information, share cases, problem solving and resolution, increased training, statewide strategies against clandestine labs and other drug problems. The loss of the Byrne formula grant money under JAG would virtually eliminate drug enforcement in Boulder County. The loss of the HIDTA Program and the tremendous job it has done in coordinating, cooperation, partnerships, training, etc. would set Colorado drug law enforcement back ten to fifteen years.

We recognize that good fiscal planning, which must result in some federal reductions, is necessary for our country. We just feel that to put drug law enforcement back to an era where drugs were at its highest level is not good fiscal policy. The elimination of HIDTA and Byrne Funds would virtually wipe out drug enforcement in the state of Colorado and return the streets to the dealers and users. The cost of a potential drug increase that will most likely result from these proposals will be significantly higher than the money the government is trying to save. It will be higher not only in terms of dollars but also in quality of life for the citizens of the state of Colorado.

Administration • Detachments/Parole/Support Services
 1777 6th Street
 Boulder, Colorado 80302
 303-441-4605 • 303-441-3650 • 303-441-3600

Jail
 3700 Airport Road
 Boulder, Colorado 80301
 303-441-4688

Communications • Emergency Management
 1805 33rd Street
 Boulder, Colorado 80301
 303-441-4444 • 303-441-3390

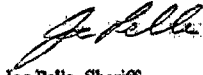
575

APR-13-2005 13:27 FROM: WASH BAL HIDTA TO: [REDACTED] P. 031/045
APR/05/2005/TUE 10:20 AM RMHIDTA FAX No. [REDACTED] P. 019/022

I will be glad to provide you with more information or you can call the Rocky Mountain HIDTA Director Tom Gorman at 303-671-2180, ext. 223. I have attached an impact report done by the Rocky Mountain HIDTA Executive Board for your information. There is also a national position paper completed by the National HIDTA Directors Association, which I can make available to you if you would like this information also.

Thank you in advance for your support of drug law enforcement in our county and in the state of Colorado.

Sincerely,



Joe Pelle, Sheriff
Boulder County

576

APR-13-2005 13:27 FROM: WASH BALT HIDTA
APR/05/2005/TUE 10:20 AM RMHIDTA

TO: [REDACTED] P. 033/045
FAX No. [REDACTED] P. 021/022

Handwritten mark

March 28, 2005

The Honorable Tom Tancredo
1130 Longworth House Office Building
Washington, DC 20515

Dear Representative Tancredo:

Re: **HIDTA Program and Elimination of Byrne Discretionary Grants**

I was dismayed and shocked when a few weeks ago the federal budget proposal included:

- Reduction of the funding for the HIDTA Program by over 50%
- Moving the HIDTA Program from ONDCP to U.S. Department of Justice/OCDETF
- Elimination of Byrne discretionary grants

How this can be construed as good public policy or good drug law enforcement policy escapes me. In fact, just the opposite is true. If these reductions and movement of HIDTA are completed, it will set drug law enforcement back to the 1970's when the drug problem reached its highest level.

I recognize that good fiscal planning, which must result in some federal reductions is necessary for our country. I just feel that to put drug law enforcement back to an era where drugs were at its highest level is not good fiscal policy. The elimination of HIDTA and Byrne Funds would virtually wipe out drug enforcement in the state of Colorado and return the streets to the dealers and users. The cost of a potential drug increase that will most likely result from these proposals will be significantly higher than the money the government is trying to save. It will be higher not only in terms of dollars but also in the quality of life for the citizens of the sixth district of Colorado.

Religion has been taken from our schools!! Now we have a proposal to drastically reduce HIDTA, which will cripple the one drug program that has proven to be successful. Where does this leave our children?

I have always appreciated your dutifulness to voice the concerns of your constituents. Again, I appeal to you to voice my objection to the proposed budget cuts.

Sincerely,

Sandra Evans

577

APR-13-2005 13:27 FROM: WASH BALZ HIDTA TO: [REDACTED] P. 035/045
APR/05/2005/TUE 10:15 AM RMHIDTA FAX No. [REDACTED] P. 004

April 4, 2005

Honorable Orrin Hatch
United State Senate
324 25th Street Room 1060
Ogden, UT 84401

Dear Senator Hatch:

My name is Terry M. Keefe and I am the Chief of Police for the City of Layton. Currently I am serving as Chairman of the Davis Metro Narcotics Strike Force Executive Board. The Strike Force is a narcotics enforcement group tasked solely with the investigation of illegal drug activity in our county. The Executive Board is comprised of the Chiefs of Police from each community in Davis County and the County Sheriff. As such, I am writing this letter on behalf of the Executive Board asking for your support in preventing the elimination of the Justice Assistance Grants formerly known as the Edward Byrne Memorial Grant Program. We are also seriously concerned with the proposed reduction of \$100 million and movement from ONDCP to the Department of Justice of the HIDTA, High Intensity Drug Trafficking Area, Program.

In recent years, law enforcement agencies throughout the state of Utah have been brought together to share information, work cases in a joint effort, had expanded training opportunities and developed a statewide strategy to deal with clandestine methamphetamine labs and other drug problems. The success of these efforts would have been greatly reduced if not for the funding provided by the Byrne Program and the leadership and funding provided by the Rocky Mountain HIDTA. The loss of the Byrne formula grant program under the JAG program would eliminate our multi-jurisdictional narcotic task force and severely impact narcotics enforcement efforts throughout the state of Utah. Elimination of the Byrne Program coupled with the loss of the HIDTA Program and the tremendous job it has done in coordinating enforcement efforts, developing partnerships and providing much needed training would set Utah drug law enforcement back twenty years.

APR-13-2005 13:27 FROM: WASH BALD HIDTA TO: [REDACTED] P. 036/045
 APR 13 2005 TUE 10:15 AM RMHIDTA FAX No. [REDACTED] P. 005

We recognize that good fiscal planning, which must result in some federal reductions is necessary for our country. However, to put drug law enforcement back to an era where drug availability was at some of their highest level is bad fiscal policy. The elimination of the Byrne Program and HIDTA would virtually wipe out drug enforcement in the state of Utah and return the streets to the dealers and users. The anticipated explosion in associated costs from lax or non-existent coordinated narcotics enforcement that will most likely result from these cuts will be significantly higher than the money the president is trying to save. It will be higher not only in terms of dollars but also in the quality of life for the citizens of the state of Utah.

I am more than willing to provide you with information regarding the impact these cuts in federal funding would have on our anti-narcotics efforts in Davis County. Please feel free to contact me at 801-336-3407 with any questions that you may have. Mr. Tom Gorman, Director of the Rocky Mountain-HIDTA is also willing to provide any additional information or answer any questions that you may have regarding the impact the loss of the HIDTA program would have on the state of Utah. He can be reached at 303-671-2180, ext. 223. I have attached a position paper created by the National HIDTA Directors Association that provides valuable information regarding the success of the HIDTA program for your review.

In closing, we the Chief Law Enforcement Executives from Davis County are in unanimous agreement regarding the need for continuation of both the Byrne Program and the HIDTA program as they are currently structured and funded.

Senator Hatch, we appreciate that you have always been a strong supporter of law enforcement not only in the state of Utah but also throughout this great country of ours. We thank you for your continued support.

Sincerely,

Terry M. Keefe
 Chief of Police
 Chair, DMNSF



JOHN W. HICKENLOOPER
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

March 9, 2005

Representative Diana DeGette
United States House of Representatives
1527 Longworth House Office Building
Washington, DC 20515-0601

Dear Representative DeGette:

I am writing this correspondence to voice my concern with a certain segment of the national Budget Request, proposed by the President of the United States, for the fiscal year of 2006. As initially proposed, this budget request would completely eliminate the Byrne Justice Assistance Grant (J.A.G.) and substantially reduce and realign the High Intensity Drug Trafficking Area Program (H.I.D.T.A.).

The current and comprehensive national drug strategy encourages a cooperative and concerted effort to control drug trafficking and abuse at the regional, state, and local levels. This strategy, as applied to the Rocky Mountain region is the direct result of the application of the Byrne Justice Assistance Grant (J.A.G.) and the formation of the High Intensity Drug Trafficking Area Program (H.I.D.T.A.). In concert, these two entities have provided the dual benefits of structured multi-jurisdictional drug enforcement cooperation, as well as timely, and vital Federal level financial support. In the Rocky Mountain Region, the Denver Police Department has acted as the lead agency in this effort.

As a result, the state of Colorado has enjoyed the vital social benefit of this enhanced drug enforcement emphasis. From 1999 to 2003, Colorado, like much of the rest of the nation, has experienced an actual leveling-off, then decline, of drug abuse in particular, and of crime in general. Today the scourge of drug abuse is discernibly reduced; and measured rates of crime are descending to levels not seen in the last 30 years.

These most welcome trends, I strongly feel, are due in great part to the enhanced financial support and the special emphasis on multi-jurisdictional cooperative enforcement effort, aimed squarely at this great nation's severe drug problem. These changes would not have been possible, and would not have been made, without the timely application of the J.A.G. Grant and the formation of the H.I.D.T.A. Program. Continuation of such support is, I feel, essential to the very health of America's social fabric.

In conclusion, I am asking that you carefully consider this special need during your congressional effort to craft a workable national budget. Being the top executive of a major city police department, I well know the restrictive constraints under which you, and your congressional colleagues, must labor toward this end. I implore you, however, to give most careful consideration to the continued existence and current application of the J.A.G. Grant and the H.I.D.T.A. Program. Your close attention is deeply appreciated.

Sincerely,

Gerald R. Whitman
Chief of Police



CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

JOHN W. HICKENLOOPER
Mayor

March 9, 2005

Representative Mark Udall
United States House of Representatives
240 Cannon House Office Building
Washington, DC 20515-0802

Dear Representative Udall:

I am writing this correspondence to voice my concern with a certain segment of the national Budget Request, proposed by the President of the United States, for the fiscal year of 2006. As initially proposed, this budget request would completely eliminate the Byrne Justice Assistance Grant (J.A.G.) and substantially reduce and realign the High Intensity Drug Trafficking Area Program (H.I.D.T.A.).

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In conclusion, I am asking that you carefully consider this special need during your congressional effort to craft a workable national budget. Being the top executive of a major city police department, I well know the restrictive constraints under which you, and your congressional colleagues, must labor toward this end. I implore you, however, to give most careful consideration to the continued existence and current application of the J.A.G. Grant and the H.I.D.T.A. Program. Your close attention is deeply appreciated.

Sincerely,

Gerald R. Whitman
Chief of Police

APR-15-2005 13:37 FROM: WASH BALD HIDTA

TO: [REDACTED]

P. 006/007

Apr-15-2005 08:14am From: LA HIDTA

T-541 P. 006/007 P-871



COPY

April 7, 2005

Congressman Jerry Lewis
2112 Rayburn House Office Building
Washington, D.C. 20515

Re: REDUCTION OF FUNDING FOR HIDTA PROGRAM

Dear Congressman Lewis:

On behalf of the Inland Regional Narcotics Enforcement Team (IRNET) Executive Board, I write this letter with deep concern regarding President Bush's 2006 budget proposal affecting the High Intensity Drug Trafficking Area (HIDTA) Program. The proposal would reduce HIDTA funding from \$227 million in FY 2005 to \$100 million in FY 2006. Additionally, the President proposes to move the program to the Department of Justice (DOJ) under the Organized Crime Drug Enforcement Task Force (OCDETF) from the Office of the National Drug Control Policy (ONDCP), a move not favorable to state and local law enforcement. ONDCP is a neutral body, which provides HIDTA autonomy under a board comprised of all participating agencies. ONDCP is governed by the DOJ exclusively under federal control.

In 1988, Congress determined that in order to better combat the national drug threat, a coordinated effort by federal, state and local law enforcement was essential thus giving way to the HIDTA program. Now that communication is at the highest level ever between agencies, this is being threatened by an unnecessary and unwarranted restructuring. We must realize that these turnkey highly efficient task forces, and intelligence units comprised mainly of state and local agencies, may no longer exist. This is a lot of manpower that will not be available to combat drug trafficking and money laundering, both of which involve Homeland Security.

IRNET was founded in 1989 and soon thereafter became a collocated multi-agency task force. IRNET operates predominately in the Inland Empire, an area known as a "Hub" for major narcotic trafficking. IRNET works closely with other task forces within the LA HIDTA, as well as passing information to other HIDTA's and federal agents throughout the country.

The HIDTA program has clearly proven successful through its historical statistical information and cooperative efforts. This program has enabled all levels of law enforcement to participate in Drug Enforcement Task Force (OCDETF) from the Office of the National Drug Control Policy (ONDCP), a move not favorable to state and local law enforcement. ONDCP is a neutral body, which provides HIDTA autonomy under a board comprised of all participating agencies. ONDCP is governed by the DOJ exclusively under federal control.

Inland Regional Narcotics Enforcement Team • P.O. Box 1352, San Bernardino, CA 92402
909-383-8500 • Fax: 909-383-2584

APR-15-2005 13:38 FROM:WASH BALT HIDTA
Apr-15-2005 08:14am From:LA HIDTA

TO: [REDACTED] P.007/007
T-561 P.007/007 F-071

a focused team effort, utilizing all of its participating agencies resources for one cause, this being public safety through a reduction of drug availability and its use. This effort is consistent with the National Drug Strategy.

If HIDTA were to lose over 50% of its funding, we fear the program would cease to exist. State and local law enforcement incur the largest portion of expenses in facilitating the task force concept. HIDTA funding provides the ability to collocate and focus the mission through intelligence resources and case management (overtime) funds. This program allows for quick response to changing threats, targets and methods of operation.

The second aspect of this proposal is to move the HIDTA program under the Department of Justice to be managed by OCDETF. These two programs are diametrically opposed. OCDETF is primarily a funding mechanism for federal agencies and only provides funding to local law enforcement on a case specific basis. There are no provisions for funding within the OCDETF to assist with the infrastructure costs to maintain the multi-agency collocated concept. Simply put, there may not be any local law enforcement officers able to participate in, and/or generate, OCDETF cases due to the lack of funding for infrastructure.

I am requesting your support and assistance to ensure this very valuable program is not under funded and/or restructured under OCDETF.

Please feel free to call on us for a presentation providing a more detailed view of the HIDTA program and the IRNET operation.

Thank you for your attention to this matter.
Sincerely,



James Busermann
Chief of Police/Riverside Police Department
Chairman of the Board, Inland Regional Narcotics Enforcement Team

APR-26-2005 11:32 FROM: WASH BALI HIDTA TO: [REDACTED] P.002/003
APR.26.2005 11:57AM FR:USVI HIDTA



THE UNITED STATES VIRGIN ISLANDS

OFFICE OF THE GOVERNOR
GOVERNMENT HOUSE
Charlotte Amalie, V.I. 00902
340-774-0001

April 8, 2005

The Honorable Donna M. Christensen
Virgin Islands Delegate to Congress
Congress of the United States
Sunny Isle Shopping Center
P.O. Box 5980, US, Virgin Islands 00823

Dear Congresswoman Christensen:



The High Intensity Drug Trafficking Areas (HIDTA) program has become an integral part of our nation's drug control strategy. HIDTA is focused on local and regional drug threats, and the program enables municipal, county, state, and federal law enforcement to cooperate and share information in drug investigations.

The Federal Executive FY 2006 Budget Request proposes to cut HIDTA by sixty percent (60%) and shifts management responsibility to the Department of Justice. Both of these proposals would deal a fatal blow to our ability to fight drug traffickers in the Territory.

If Congress embraces the administration's requests to cut HIDTA's budget and moves the program, it would be tantamount to the removal of a critical layer of defense against drugs and its horrible effects on our community. When we lose more than 19,000 Americans every year due to drug overdoses and related violence, it would be a disaster to make drug traffickers' jobs easier.

Since September 11, 2001, Congress has heard about and understood the importance of information sharing related to potential terrorist activity and the necessity of having direct lines of communication among different agencies that may be investigating the same targets.

This model of information sharing and co-location has been the norm in drug enforcement since the establishment of HIDTA task forces around the country, and the results have been outstanding. Each HIDTA is a member of the Regional Information Sharing Systems (RISS) program, which serves as a "backbone" for information and

2005 11:32 FROM: WASH BALT HIDTA
R.26.2005 11:57AM PR/USVI HIDTA

TO: [REDACTED] NO.593 P.2

Page 2

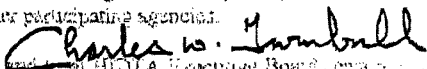
criminal intelligence sharing nationwide. All agencies that participate in HIDTA are required to share information with other participating agencies.

Furthermore, balanced federal and local HIDTA Executive Boards ensure a level playing field for all stakeholder agencies involved in HIDTA investigation Management of the overall HIDTA program by the Office of National Drug Control Policy has ensured that local participation and control have remained the most vital attributes of the program. If the U.S. Department of Justice were to take over management of the program, local control of the executive boards would be jeopardized. There would be less incentive for local agencies to participate in HIDTA's, and local participation would signify a weaker program.

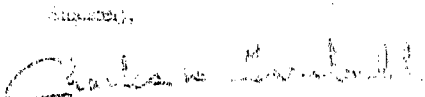
NO.593
I strongly encourage Congress to maintain HIDTA's funding level at \$228 million dollars in FY 2006, and to ensure that the program remains within the Office of National Drug Control Policy under the auspices of the Office of State and Local Programs. I look forward to your support and lobbying influence.

Best,

Sincerely,


Charles W. Turnbull
Governor

- Luis G. Foruno, Resident Commissioner for Puerto Rico
- Pedro M. Encarnacion, Senator, Chairman of the PSJHS&J
- Elton Lewis, Police Commissioner/Chairman, HIDTA-EB
- Jose M. Alvarez, Director, HIDTA PR/USVI
- Catherine L. Mills, Deputy Director, HIDTA PR/USVI
- The Honorable Mark E. Souder, U.S. House of Representatives, Chairman, Subcommittee on Criminal Justice, Drug Policy & Human Resources


Charles W. Turnbull
Governor



L.E.A.D.S.

SALT LAKE COUNTY
LAW ENFORCEMENT ADMINISTRATORS & DIRECTORS

Drug Enforcement Administration
United States Secret Service
Alcohol Tobacco & Firearms
South Salt Lake Police Department
Salt Lake County Sheriff
Midvale Police Department
United States Marshall's Office
Salt Lake City Police Department
Salt Lake City Airport Police
South Jordan Police Department
West Jordan Department of Public Safety
Federal Bureau of Investigation
Attorney General's Office
Murray City Police Department
University of Utah Police Department
Sandy Police Department
Tooele Police Department
West Valley Police Department
District Attorney's Office - Salt Lake County
Veterans Administration Police Department
United States Customs
Utah State Department of Corrections
Utah Department of Public Safety
Utah Department of Natural Resources
Utah Department of Wildlife Resources
Alta Marshal's Office
Adult Probation & Parole
Salt Lake Community College
Granite School District Police Department
U S Transportation Security Admin.
Rocky Mountain HIDTA
Utah Transit Authority

April 12, 2005

Dear Congressman Bishop:

I am writing on behalf of the Salt Lake County area Law Enforcement Administrators (LEADS). As you are well aware, the State of Utah has a significant drug problem. However, we feel through our coordinated and cooperative efforts, major gains have been made in combating this problem, thanks to the HUDTA Program and Byrne Discretionary funding (Justice Assistance Grants). Our collaborative efforts have resulted in a significant reduction in clandestine labs in the State of Utah, substantial increase in interdicting drug shipments and an increased emphasis on dismantling and disrupting drug trafficking organizations.

We are shocked and extremely disappointed when we learned that the fiscal 2006 federal budget proposal included reducing HUDTA funding by over 50% and moving it from a neutral environment in ONDCP's Bureau of State and Local Affairs to the U.S. Department of Justice. Then to also hear the budget proposal recommended an elimination of what was the Edward Byrne Discretionary grants was equally disturbing. We believe these proposals are ill conceived, particularly considering the magnitude of the drug problem in this country and its relationship to funding terrorism, spousal and child abuse as well as other violent crimes and property crimes. Just the loss of productive lives is a tragedy in itself.

Should these proposals be accepted by Congress, most of us will be crippled as it relates to drug law enforcement. It will

Page 2
April 12, 2005

set us back to the 1970's when the drug problem reached its highest levels. How this can be construed as quality public policy or good drug law enforcement escapes us. In fact, just the opposite is true. This is a short-sighted proposal, and to use an old cliché, "Penny wise and pound foolish."

This proposal attacks the federal, state and local relationships that have developed over the years in combating the drug problem. These changes do not reflect the collective expertise available in law enforcement. HIDTA is successful because of the equal partnership in addressing the drug threat regionally, consistent with the national goals. The key to the HIDTA Program is its neutrality, the fact there is no one on our Executive Board from ONDCP to exert pressure or to compete for the limited funds. That would not be the case if the program moved to Justice.

The Byrne funding helps support most of Utah's drug task forces and compliments the HIDTA Program as well as provides cases to the Drug Enforcement Administration. The majority of drug experts will testify that most major international, multi-state or local drug trafficking organizations begin at a state or local level. To effectively eliminate state and local law enforcement from the equation impacts the drug problem not only locally and regionally, but nationally as well.

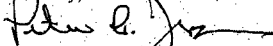
We will provide you with three documents that should be helpful in assessing these drastic changes to drug law enforcement. We want to continue the success we achieved as it relates to the drug threat.

Increased funding to the federal drug entities and reducing funding to the state and local partners who are partially responsible for the federal success does not make sense.

We ask you, as our Representative, to do everything possible to assure these budget proposals are defeated.

If you'd like more information, please contact any one of us or Rocky Mountain HIDTA Director Thomas Gorman at 303-671-2180 ext 223.

Sincerely,



Chief Peter A. Fordaco, Murray City Police Dept.
Chairman, LEADS

attachments: National HIDTA Director's Association Position Paper
Regional Impact of Rocky Mountain HIDTA Report
HIDTA Impact on Methamphetamine/Clandestine Lab Problem

cc: LEADS members

03/03/2005 08:37

GRAMNET

HAYDEN

GRAND, ROUTT & MOFFAT NARCOTIC ENFORCEMENT TEAM
 GRAMNET, STEAMBOAT SPRINGS, CO



February 21, 2005

Congressman John T. Salazar
 Washington, DC Office
 1531 Longworth House Office Building
 Washington, DC 20515-0603

Honorable Congressman Salazar:

We are writing to express our deep concern over the President's proposed FY2006 budget and its cuts to several law enforcement related programs that are critical to our departments.

For your background information, in 1996 the law enforcement agencies in the 14th Judicial District formed a multi-agency drug task force (GRAMNET). This task force represents the combined efforts of the Craig, Hayden and Steamboat Springs Police Departments, as well as the Moffat, and Routt County Sheriff's Offices, and two agents from the DEA. The executive board consists of the heads of each of those local agencies.

We recently learned that the President's FY 2006 budget proposal includes many deep cuts to state and local programs including:

Justice Assistance Grants (JAG) (formerly Byrne) is ELIMINATED, which is a reduction from \$600 million in FY 2005.

Previous funding for state and local in FY 2004 included:

- \$500 million - Byrne Formula Grants
- \$125 million - Byrne Discretionary Grants
- \$225 million - Local Law Enforcement Block Grants

Total OJP funding \$950 million ELIMINATED over two years

Community Oriented Policing Program (COPS) - ELIMINATED Except for \$20 million in the Meth Hot Spots Program

High Intensity Drug Trafficking Area (HIDTA) - Reduced to \$100 million, which was funded in FY 2005 at \$250 million, and transferred to DOJ with a loss of local control.

As you can see, these cuts will be devastating to state and local law enforcement. It is important to remember that these cuts are proposed in the Presidents FY 2006 budget but will require action by the Congress to implement.

GRAMNET is funded through a combination of JAG and HIDA grants, as well as our local match. Without the grant funding we will, in all likelihood, be forced to dismantle our drug task force during a time in which we are being overrun with Methamphetamine use. Further, four of the agencies have personnel assigned to the task force that are partially grant funded positions. If the matching funds disappear it is uncertain as to whether or not our local entities will have the funds to keep those positions. The possible result, not only will the task force go away, but we may loose up to four officers that are dedicated to working drug cases.

GRAND, ROUTT & MOFFAT NARCOTIC ENFORCEMENT TEAM
GRAMNET, STEAMBOAT SPRINGS, CO



We all recognize that homeland security is a critical issue. However, on a daily basis our communities face the impacts caused by illegal drugs. In areas of the country such as ours this is a far bigger reality than the potential for a terrorist attack. Senator Salazar has recognized this through his support of the Combat Meth Act. As most of us recognize, methamphetamine is being trafficked through rural areas into the cities, and rural law enforcement agencies have very limited resources to deal with it. If the President's budget is adopted we will lose critical funding that we cannot replace.

On behalf of all our communities we ask that you support any effort to have this critical funding reinstated in the budget. Eliminating these programs will have an enormous impact on local law enforcement that will cause a proliferation of the sale and use of illegal drugs.

Thank you, for your favorable consideration of this issue. Should you have any questions please feel free to contact my self or any of the following:

Walter K. Vanatta Chief of Police Craig P.D.)-826-2360	Jody Lenahan Chief of Police Hayden P.D. 970-276-3741	Buddy Grinstead Sheriff Moffat County 970-824-4495	John Warner Sheriff Routt County 970-870-5501
--	--	---	--

Respectfully,

J.D. Hays, Board Chairman
 Chief of Police
 Steamboat Springs P.D.
 970-879-4344



JOHN W. HICKENLOOPER
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

March 9, 2005

Senator Wayne Allard
United States Senate
521 Dirksen Senate Office Building
Washington, DC 20510-0605

Dear Senator Allard:

I am writing this correspondence to voice my concern with a certain segment of the national Budget Request, proposed by the President of the United States, for the fiscal year of 2006. As initially proposed, this budget request would completely eliminate the Byrne Justice Assistance Grant (J.A.G.) and substantially reduce and realign the High Intensity Drug Trafficking Area Program (H.I.D.T.A.).

The current and comprehensive national drug strategy encourages a cooperative and concerted effort to control drug trafficking and abuse at the regional, state, and local levels. This strategy, as applied to the Rocky Mountain region is the direct result of the application of the Byrne Justice Assistance Grant (J.A.G.) and the formation of the High Intensity Drug Trafficking Area Program (H.I.D.T.A.). In concert, these two entities have provided the dual benefits of structured multi-jurisdictional drug enforcement cooperation, as well as timely, and vital Federal level financial support. In the Rocky Mountain Region, the Denver Police Department has acted as the lead agency in this effort.

As a result, the state of Colorado has enjoyed the vital social benefit of this enhanced drug enforcement emphasis. From 1999 to 2003, Colorado, like much of the rest of the nation, has experienced an actual leveling-off, then decline, of drug abuse in particular, and of crime in general. Today the scourge of drug abuse is discernibly reduced; and measured rates of crime are descending to levels not seen in the last 30 years.

These most welcome trends, I strongly feel, are due in great part to the enhanced financial support and the special emphasis on multi-jurisdictional cooperative enforcement effort, aimed squarely at this great nation's severe drug problem. These changes would not have been possible, and would not have been made, without the timely application of the J.A.G. Grant and the formation of the H.I.D.T.A. Program. Continuation of such support is, I feel, essential to the very health of America's social fabric.

In conclusion, I am asking that you carefully consider this special need during your congressional effort to craft a workable national budget. Being the top executive of a major city police department, I well know the restrictive constraints under which you, and your congressional colleagues, must labor toward this end. I implore you, however, to give most careful consideration to the continued existence and current application of the J.A.G. Grant and the H.I.D.T.A. Program. Your close attention is deeply appreciated.

Sincerely,

Gerald R. Whitman
Chief of Police


MONTANA
ASSOCIATION OF
CHIEFS OF POLICE
P.O. BOX 275 • GREAT FALLS, MT 59403-0275 • (406) 454-9091

March 4, 2005

Tom Gorman
 10200 E. Giard Ave.
 Building C, Ste 444
 Denver, CO 80231

Dear Tom,

I am writing to request your support and the support of our congressional delegations in appropriately funding regional task forces through the High Intensity Drug Trafficking Area Program. President Bush's recent budget proposal to Congress includes reducing the HIDTA Program funding from \$227 million in FY 2005 to \$100 million for FY2006. Additionally, the administration's budget moves the program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice under the Organized Crime Drug Enforcement Task Force Program (OCDETF). The purpose of this letter is to present the impact such changes will have on the overall effectiveness of the program and its federal, state and local law enforcement participants.

Moving the HIDTA Program to OCDETF will do nothing to enhance law enforcement and will hinder the continuation of partnerships and innovation that the HIDTA Program has fostered.

The HIDTA program has enjoyed wide acceptance by the heads of state and local law enforcement agencies for two important reasons. Under HIDTA, state and local heads of agencies join with their federal counterparts on an equal basis to determine the direction of their individual HIDTAs. There is no other cooperative endeavor of this magnitude in law enforcement today. Secondly, the HIDTA program has been able to project a degree of separation from other federal agencies by its placement within ONDCP. Although ONDCP has shown a reluctance to administer the program, it should not be placed within a department that gives the perception that it is under the control and direction of a federal law enforcement entity. To do otherwise would certainly influence state and local participation and ownership of the program.

Mr. Frank Garner, President
 Chief of Police
 Kalispell Police Department
 Drawer 1997
 Kalispell, Montana 59903
 (406) 758-7780

Mr. Troy McGea, Vice President
 Chief of Police
 Helena Police Department
 221 Brackenhedge
 Helena, Montana 59601
 (406) 447-8479

Mr. Kevin Olson, Secretary/Treasurer
 Chief of Police
 Havre Police Department
 520 Fourth Street
 Havre, Montana 59501
 (406) 265-4381

Mr. Tim Shanks, Legislative Chairman
 Captain
 Great Falls Police Department
 P.O. Box 5021
 Great Falls, Montana 59403
 (406) 771-1180

Mr. Mark Tymrak, Past President
 Director of Public Safety
 Bozeman Police Department
 615 South 16th Avenue
 Bozeman, MT 59715
 (406) 582-2010

Mr. Lyndon Erickson, Eastern Regional Director
 Chief of Police
 Glasgow Police Department
 501 Court Square
 Glasgow, MT 59230
 (406) 228-4333

Mr. Rick Musson, Central Regional Director
 Chief of Police
 Laurel Police Department
 215 West 1st
 Laurel, MT 59044
 (406) 628-8737

Mr. Rusty Wickman, Southwestern Regional Director
 Captain
 Missoula Police Department
 425 Ryan
 Missoula, MT 59802
 (406) 523-4892

Mr. William Dial, Northwestern Regional Director
 Chief of Police
 Whitefish Police Department
 P.O. Box 159
 Whitefish, MT 59937
 (406) 863-2420

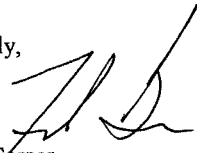
Contrary to administration claims, HIDTAs around the country can demonstrate many successes and innovations that have had a positive impact on the national drug threat. As state and local law enforcement administrators, we stand together in support of the HIDTA program and against any effort to reduce its budget or move it to a department that adversely affects its neutrality.

A cornerstone of the HIDTA program is the promotion of innovative methods and ideas. The evolution of the HIDTA intelligence subsystem exemplifies this approach. Historically, the sharing of intelligence among law enforcement agencies has been abysmal despite decades of attempts by federal agencies to create intelligence sharing centers. The program requirements of establishing intelligence centers within each HIDTA and mandating federal, state and local participation has resulted in the sharing of intelligence on an unprecedented scale. The HIDTA.net/riss.net/LEO information system architecture electronically links each HIDTA. Each HIDTA has direct access to multiple agency and commercial databases, and provides a full range of analytical services. HIDTA intelligence support centers (ISCs) now stand as object lessons in interagency cooperation, collaboration and coordination. HIDTA ISCs played an integral role in the investigation of the terrorist attacks on 9/11, and because of their relationships, were able to obtain critical information in a very timely manner. Although the Administration proposes to preserve intelligence sharing, it offers no explanation of how it would encourage or mandate participation in intelligence centers.

The proposed funding cuts to the HIDTA program as set forth in the administration's budget submission to Congress will eviscerate a highly successful program and eliminate the existing level of coordination of effort among federal, state and local drug law enforcement agencies. A budget cut of such magnitude (56%) would cause the elimination of some HIDTAs and make the funding of others so minimal as to render them ineffective. Furthermore, successful nationwide programs developed and administered by individual HIDTAs such as event and target deconfliction of enforcement operations, intelligence collection and sharing, and training programs will, at least, be significantly reduced or in some cases discontinued.

Thank you for your consideration on this matter and please know we support full funding on HIDTA.

Sincerely,



Frank Garner
President

MAR.09'2005 18:21

DENVER DA ADMIN

#1740 P.001/001



MITCHELL R. MORRISSEY
District Attorney

SECOND JUDICIAL DISTRICT

State of Colorado
OFFICE OF THE DISTRICT ATTORNEY
DENVER

201 West Colfax Avenue
8th Floor
Denver, CO 80202
720-913-9000
Fax 720-913-9035

March 9, 2005

Thomas J. Gorman, Director
Rocky Mountain HIDTA
10200 East Girard Avenue,
Building C, Suite 444
Denver, CO 80231

Sent via facsimile
(303) 671-2191

RE: RMHIDTA / Front Range Task Force

Dear Mr. Gorman:

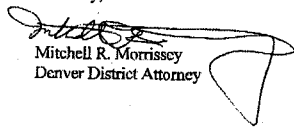
This letter is being written to express my concern regarding the 2005 projected federal budget. It is my understanding that in fiscal year 2005, the federal budget for HIDTA will be cut by 50%, no further Byrne Grants will be used to fund this program, and HIDTA will become part of OCFDTF under the auspices of the U.S. Department of Justice.

As you are aware, my Office has been an active participant and supporter of the Rocky Mountain HIDTA since its inception in 1996. We have devoted and continue to devote one full time prosecutor to the Front Range Task Force. The Front Range Task Force has been instrumental in the prosecution of a number of major narcotics cases in the Rocky Mountain region, and continues to be a valuable resource both locally and federally in the fight against the proliferation of narcotics trafficking in the Denver Metropolitan area.

It is only through such organizations as HIDTA and the Front Range Task Force that federal, state, and local relationships and communication lines remain open, and that major narcotics trafficking organizations are effectively dismantled, and prosecuted. I am hopeful that the Rocky Mountain HIDTA program will remain funded and active in the years to come. My Office is committed to remaining involved in the Rocky Mountain HIDTA, and I support you in your efforts to keep this valuable program.

If I can be of any assistance, in this regard, please do not hesitate to contact me. I look forward to working with you in the future.

Sincerely,


Mitchell R. Morrissey
Denver District Attorney



State of Utah

JON M. HUNTSMAN, JR.
*Governor*GARY R. HERBERT
Lieutenant Governor

Department of Public Safety

ROBERT L. FLOWERS
Commissioner

March 9, 2005

Director Tom Gorman
Rocky Mountain HIDTA
10200 E Girard Ave B
Denver CO 80231

Dear Director Gorman:

When Utah DPS first became a member of the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) Utah had a large methamphetamine-manufacturing problem. At the time, there was little inter-agency cooperation as it related to drug enforcement. RMHIDTA assisted in the development of inter-agency programs to solve the problem and funded Utah agencies with training and needed equipment. Eventually legislation on methamphetamine precursor chemicals was passed. Because of this effort, the manufacturing of methamphetamine in the state of Utah is now a small fraction of what it used to be.

After successfully stopping the large scale manufacturing of methamphetamine, we shifted our efforts toward highway drug interdiction. In the year 2000, our department made seven substantial drug seizures on the highways. In 2001 we received funding from RMHIDTA to train our officers, to network with other agencies all over the nation and to aggressively enforce drug trafficking laws. In 2001, we made 33 substantial seizures. In 2002, it became 80 seizures. In 2003, 114 seizures and in 2004 we made 127 seizures. In each of these cases, there was federal, state, county and city cooperation. Several large drug organizations have been dismantled as a result of these cases.

If we lose HIDTA funding for our department, we will have to let employees go in both our state crime lab and in the drug intelligence center. The eleven-dog canine program will be left without funding. Field troopers would still occasionally seize loads of drugs but there would not be a process in place to fully insure the intelligence from each of these cases would be properly handled and forwarded to the appropriate agencies. The UHP Highway Drug Interdiction Program would be crippled and much of it would simply go away due to lack of funding. This is particularly disturbing when considering the fact that highway drug interdiction officers are currently being trained in counter-terrorism and in terrorist detection.

Sincerely,

Commissioner Robert Flowers
Utah Department of Public Safety

Lou Vallario
Sheriff of Garfield County



107 8th St.
Glenwood Springs, CO 81601
Telephone 970-945-0453
Fax: 970-945-6430

March 4, 2005

RMHIDTA Executive Board
Re: Comments regarding RMHIDTA and the potential for lost funding

To Whom It May Concern:

As the current TRIDENT Board Chairman, I am grateful that our Task Force has been associated with, and funded by RMHIDTA since its inception. We consider ourselves "charter" members of the RMHIDTA. RMHIDTA has provided our Task Force and our community with much more than funding. They have provided training to make our narcotics officers better at what they do and as a result, have directly helped in keeping our community safe. They have created a network in which we can share information as well as work cases together. RMHIDTA has brought a group of individuals and task forces together, all with a common goal, that greater results can be achieved. Those results are being achieved everyday.

If our RMHIDTA funding was lost, it would devastate our ability to continue to actively enforce narcotics violations. We would not be able to maintain a Task Force and I believe most Task Forces would be eliminated in our RMHIDTA region. Instead, we would revert to the old methods of reactive drug work. With the plague of Methamphetamine now within our communities, losing funding could be fatal.

We all realize the seriousness of terrorists in our country, but I would suggest that the real terrorists that we face, particularly in the rural communities, are illegal drugs. The tragic loss of life as a result of a terrorist act is unforgivable. But to divert the funding needed to enforce illegal drug activity which kills our citizens every day is unacceptable. The funding of anti-terrorist methods must be balanced with the funding of drug enforcement without tipping the scales to only one ideology.

Thank you for allowing the opportunity to share our concerns with you.

Respectfully,

Lou Vallario
Garfield County Sheriff
TRIDENT Board Chairman

Lori Strain

From: Michael Blonigen [mbloni@state.wy.us]
Date: Monday, March 07, 2005 8:24 AM
To: Lori Strain
Subject: Rocky Mountain HIDTA

To whom it may concern:

My name is Mike Blonigen and I am the District Attorney for the Seventh Judicial District. I also served as a HIDTA prosecutor from its inception in Wyoming until I assumed this position in December, 2003. I have been involved in criminal prosecution since 1983. It is from this background that I would like to speak in favor of continuing the Rocky Mountain HIDTA program in its current form and funding.

The impact of methamphetamine on a community cannot be overstated. It is associated with increased levels of criminal behavior on all fronts. In response to the problem, state and federal officials in Wyoming have attempted to attack methamphetamine together. Part of that response has been the HIDTA program. Simply put, HIDTA is a federal-state cooperative program that actually works. HIDTA promotes interagency cooperation. It also allows drug organizations to be pursued without concerns of jurisdictional problems. Information and task sharing leads to less duplication of effort and better prosecution in state and federal courts.

HIDTA has resulted in major drug distribution rings being broken on several occasions. Not so long ago, a major case might involve several ounces of methamphetamine. Now, through HIDTA, state and federal authorities have been involved with numerous defendant's over the past five years involved in relevant conduct exceeding fifty pounds of methamphetamine. Drug Quality has dropped and there have been important disruptions in the flow of illegal drugs.

My office currently houses one attorney and one paralegal/legal secretary. Those positions are fully funded by HIDTA. A loss of those positions would significantly reduce our ability to respond to the methamphetamine crisis. It is unlikely that I would be able to replace those positions. In addition, the loss of HIDTA funding would lead to less information sharing. Despite an excellent relationship with the United States Attorney's office, the loss of HIDTA would lead to less day to day contact with the federal system. It would be inevitable that the level of information sharing would decrease. From experience I know that we then would often be duplicating effort simply because we don't know the details of what the federal government is doing. We would also lose the bonus of having experienced agents training our less experienced local officers. This mentoring has led to improvements in local law enforcement.

I have been involved with public prosecution for twenty-two years. When you find a program which produces real results and real cooperation between state and federal officials, it is important that it be continued. If you have any questions, you can contact me at this e-mail address or at (307)235-9223.

Sincerely,
Michael A. Blonigen

MEMORANDUM

TO: Rocky Mountain HIDTA
Executive Director Tom Gorman

FROM: Cheyenne Police Department
Robert D. Fecht, Chief of Police

SUBJECT: *RMHIDTA Program*
Elimination Impacts

DATE: March 04, 2005

Interstate 80 runs East/West through the entire southern portion of Wyoming, and in Cheyenne Wyoming, this Interstate intersects with Interstate 25 North/South. Interstate 80 leads to California to the West, and to Nebraska, Iowa and Illinois to the East. Interstate 25 directly connects to Denver Colorado to the South and eventually connects to Canada to the North. For as long as there have been narcotics couriers, these two Interstates have been used as a major transportation corridor for those narcotics.

It is an unfortunate fact that Wyoming has very limited law enforcement resources, and the Wyoming Highway Patrol has been an under funded agency for many years. Although this is a problem that should be addressed by the Wyoming State Legislature, it has not been. Drug enforcement, either through the Wyoming Highway Patrol or the Wyoming Division of Criminal Investigation, has not been a priority item in Wyoming.

This is despite the fact that statistics clearly show Interstate 80 is a major drug courier route, and Wyoming's open spaces are an easy target for those wishing to manufacture/store narcotics.

Several years ago, Federal Byrne Grant funding allowed the Wyoming Division of Criminal Investigation to target narcotics trafficking. And when Colorado, Utah and Wyoming were declared a High Intensity Drug Trafficking Area, funding became available for the Wyoming Highway Patrol to begin addressing concerns caused by traffickers on the Interstates.

Because of funding provided by these two sources, the two agencies listed have been very successful in combating narcotics. Fr anyone to believe that their efforts have been unsuccessful or not needed would be a gross misunderstanding of the facts. These funds *must be maintained*, and the two agencies allowed to continue their efforts to combat narcotics activity. To cease funding these efforts will lead to the almost immediate capitulation to the drug traffickers of the region, and major amounts of narcotics will flow freely through the state, and into the state. Wyoming would quickly earn the

reputation of being the easy passage way across the United States, and manufacturers would set up shop all around the state and defy local jurisdictions to handle the problem.

I cannot emphasize enough the need to combat narcotics activity by every means possible. Without any doubt, the overwhelming vast majority of crimes are committed because of illegal drugs and the desire for them. As a law enforcement officer, I cannot imagine anyone thinking that it is acceptable to turn away from this duty and responsibility. Without the funding currently being provided, law enforcement in Wyoming will continue to do what their charters mandate, but their ability to successfully deter criminal activity in this arena will be so curtailed as to be almost completely and totally ineffective.

I ask that you and your fellow HIDTA Executive Directors do all that you can to preserve America's future by ensuring that the war against drugs is not surrendered to because of a lack of funding.

Thank you for your assistance and consideration in this matter.

Sincerely,

Robert Fecht
Chief of Police
Cheyenne Police Department
2020 Capitol Ave.
Cheyenne, WY 82001

March 23, 2005

The Honorable Representative Diana DeGette
1527 Longworth House Office Building
Washington, DC 20515

Dear Representative DeGette:

Re: **HIDTA Program and Elimination of Byrne Discretionary Grants**

I was dismayed and shocked when a few weeks ago the federal budget proposal included:

- Reduction of the funding for the HIDTA Program by over 50%
- Moving the HIDTA Program from ONDCP to U.S. Department of Justice/OCDETF
- Elimination of Byrne discretionary grants

How this can be construed as good public policy or good drug law enforcement policy escapes me. In fact, just the opposite is true. If these reductions and movement of HIDTA are completed, it will set drug law enforcement back to the 1970's when the drug problem reached its highest level.

I recognize that good fiscal planning, which must result in some federal reductions is necessary for our country. I just feel that to put drug law enforcement back to an era where drugs were at its highest level is not good fiscal policy. The elimination of HIDTA and Byrne Funds would virtually wipe out drug enforcement in the state of Colorado and return the streets to the dealers and users. The cost of a potential drug increase that will most likely result from these proposals will be significantly higher than the money the government is trying to save. It will be higher not only in terms of dollars but also in the quality of life for the citizens of the state of Colorado - especially in our district.

I have always appreciated your dutifulness to voice the concerns of your constituents. Again, I appeal to you to voice my objection to the proposed budget cuts.

Sincerely,

Vivian Taylor

cdps

COLORADO
DEPARTMENT
OF PUBLIC SAFETY

Chief Mark V. Trostel
Colorado State Patrol
700 Kipling St.
Suite 1000
Denver, CO 80215-8985
(303) 239-4500
TDD (303) 239-4505
FAX (303) 239-4481

March 9, 2005

Mr. Tom Gorman
Rocky Mountain HIDTA
10200 E. Girard Avenue
Building C, Suite 444
Denver, Colorado 80231

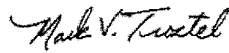
Dear Tom,

The Rocky Mountain High Intensity Drug Trafficking Agency (RMHIDTA) has been the instrument to facilitate joint operations, information/intelligence sharing and cooperation on a level heretofore unknown in Colorado to impact illegal narcotic/drug enterprises in the Rocky Mountain Region.

The Rocky Mountain Highway Patrol Network involves the states of Colorado, Utah, Wyoming and Montana. This network, which was initiated by and through RMHIDTA, affords the states highway patrols the ability to leverage their resources in our criminal interdiction efforts and homeland security information sharing.

The Colorado State Patrol is very pleased to be a part of RMHIDTA and looks forward to our continued success in impacting illegal drug trafficking in out state and nation.

Sincerely,



Colonel Mark V. Trostel
Chief, Colorado State Patrol

Bill Owens
GOVERNOR
Joe Morales
EXECUTIVE DIRECTOR
Colorado State
Patrol
Colorado Bureau
of Investigation
Division of
Criminal Justice
Office of Preparedness,
Security, and Fire Safety



Lori Strain

From: Terry Wilson [terryw@ci.glenwood-springs.co.us]
Sent: Friday, March 25, 2005 4:02 PM
To: Suzanne_singleterry@allard.senate.gov
Cc: sam_mitchell@salazar.senate.gov; michael.carey@mail.house.gov;
bruce.miller@mail.house.gov; Lori Strain
Subject: Byrne and HIDTA Funding

To Representatives and Senators of Colorado,

I am a Chief of Police in Glenwood Springs and have served in that capacity for approximately 10 years. I began my law enforcement career with this Department 21 years ago and hope to finish where I started. My family roots go back in this valley to my great-grandfather in Aspen during the silver boom. I have raised my son here, and hope to make this a place he will wish to raise his children.

One of the gravest threats to the quality of life that we in the Roaring Fork Valley have long enjoyed is the ever-increasing danger posed by drugs. Although we have always, thankfully, lagged a little behind national trends, we are now fully engaged in dealing with the effects of methamphetamine in our area. Periphery crimes such as theft are rising, with strong indication that the thefts fund the purchase of this latest drug craze.

Users and sellers of this drug have recently been arrested in our valley with surveillance equipment installed to warn the occupants of houses of our arrival. It is only a matter of time before a confrontation of a violent nature will result.

In my opinion, there could scarcely be a worse time for the reduction of funding that supplies the only ability we have to make a stand against illegal drug manufacturing and sales. Without the support our regional drug task force, TRIDENT, has received from both Byrne and HIDTA funding over the years, our efforts to investigate and prosecute drug offenses would be haphazard and inefficient at best.

I worked personally with Representative Scott McInnis and Senator Ben Nighthorse Campbell to support and secure HIDTA funding for our region. This was not, and is not, a "money grab" for the sake of getting Federal dollars, but rather an opportunity to deal with an area of law enforcement that local and small Departments are unable to deal with individually.

Through our affiliation with Byrne funding and the HIDTA organization we have made hundreds of important arrests. We have also forged strong, lasting cooperative relationships between our neighboring communities, other task force groups, and Federal agencies. The IRS, DEA, US Marshals, INS and others have all been benefitted by the existence of a strong, although small, task force in our area.

After so much work and commitment has been directed at getting our relationships and capabilities to the point where we can be a viable deterrent to dangerous illegal drug activity, I shudder to think what a huge step backwards the significant reduction or elimination of these funding sources represents.

I ask you each for your support in protecting these funds so that we may continue to protect our neighborhoods. It may be an issue of national funding, but for me it is a matter of personal duty and responsibility.

I welcome any questions or comments any of you may have, and invite you to contact Director Tom

601

Go to the Rocky Mountain HIDTA offices for any information.

Thank you for your consideration and your service to our wonderful State.

Terry L. Wilson
Chief of Police
Glenwood Springs, Colorado



Rocky Mountain HIDTA

10200 E. Girard Ave.
Building C, Suite 444
Denver, CO 80231
(303) 671-2180
FAX: (303) 671-2191

March 17, 2005

The Honorable Wayne Allard
525 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Allard:

On behalf of the Rocky Mountain HIDTA Executive Board made up of federal, state and local law enforcement leaders from Colorado, Montana, Utah and Wyoming, I am writing to provide you information concerning the federal budget. The fiscal year 2006 budget is proposing to reduce the HIDTA Program from \$227 million to \$100 million and transferring their program from ONDCP to the Department of Justice.

We firmly believe that a reduction of over 56% and a movement of the program out of ONDCP will have an extremely detrimental effect on not only national drug law enforcement but, in particular, the states of Colorado, Montana, Utah and Wyoming. A 56% reduction will either eliminate the HIDTA Program for our four states or the funding will be so minimal as to make it virtually ineffective. I have enclosed a report on estimations of the impact should this budget proposal pass through Congress. Part of the report also includes comments from some of your chief law enforcement people and drug unit commanders concerning their thoughts about the HIDTA Program and its impact in our area.

I hope you have time to read this document as you and your colleagues prepare to make important decisions related to the federal budget. If you need further information or would like a copy of the position paper from the National HIDTA Directors Association on this issue, please contact our director, Tom Gorman at 303-671-2180, ext. 223.

Sincerely,

Mesa County Sheriff Stan Hilkey
Chairman, RMHIDTA Executive Board

cc: Colorado State Subcommittee



Rocky Mountain HIDTA

10200 E. Girard Ave.
Building C, Suite 444
Denver, CO 80231
(303) 671-2180
FAX: (303) 671-2191

March 18, 2005

The Honorable Representative Bob Beauprez
504 Cannon House Office Building
Washington, DC 20515

Dear Representative Beauprez:

On behalf of the Rocky Mountain HIDTA Executive Board made up of federal, state and local law enforcement leaders from Colorado, Montana, Utah and Wyoming, I am writing to provide you information concerning the federal budget. The fiscal year 2006 budget is proposing to reduce the HIDTA Program from \$227 million to \$100 million and transferring their program from ONDCP to the Department of Justice.

We firmly believe that a reduction of over 56% and a movement of the program out of ONDCP will have an extremely detrimental effect on not only national drug law enforcement but, in particular, the states of Colorado, Montana, Utah and Wyoming. A 56% reduction will either eliminate the HIDTA Program for our four states or the funding will be so minimal as to make it virtually ineffective. I have enclosed a report on estimations of the impact should this budget proposal pass through Congress. Part of the report also includes comments from some of your chief law enforcement people and drug unit commanders concerning their thoughts about the HIDTA Program and its impact in our area.

I hope you have time to read this document as you and your colleagues prepare to make important decisions related to the federal budget. If you need further information or would like a copy of the position paper from the National HIDTA Directors Association on this issue, please contact our director, Tom Gorman at 303-671-2180, ext. 223.

Sincerely,

Mesa County Sheriff Stan Hilkey
Chairman, RMHIDTA Executive Board

604

Lou Vallario
Sheriff of Garfield County



107 8th St.
Glenwood Springs, CO 81601
Telephone 970-945-0453
Fax: 970-945-6430

March 28, 2005

To Whom It May Concern:

As the current Two Rivers Drug Enforcement Team (TRIDENT) Board Chairman, I am grateful that our Task Force has been associated with, and funded by HIDTA since its inception. We consider ourselves "charter" members of the Rocky Mountain HIDTA.

HIDTA has provided our Task Force and our community with much more than funding. They have provided training to make our narcotics officers better at what they do and as a result, have directly helped in keeping our community safe. They have created a network in which we can share information as well as work cases together. HIDTA has brought a group of individuals and task forces together, all with a common goal, so that greater results can be achieved. Those results are being achieved everyday.

If our HIDTA funding was lost, it would devastate our ability to continue to actively enforce narcotics violations. We would not be able to maintain a Task Force and I believe most Task Forces would be eliminated in our HIDTA region. Instead, we would revert to the old methods of reactive drug work. With the plague of Methamphetamine now within our communities, losing funding could be fatal to our community.

We all realize the seriousness of terrorists in our country, but I would suggest that the real terrorists that we face, particularly in the rural communities, are illegal drugs. The tragic loss of life as a result of a terrorist act is unforgivable. But to divert the funding needed to enforce illegal drug activity which kills our citizens every day is unacceptable. The funding of anti-terrorist methods must be balanced with the funding of drug enforcement without tipping the scales to only one ideology. Therefore, I urge you to consider this information and our community when addressing the President's 2006 budget cuts with respect to HIDTA and Byrnes funding programs.

Thank you for allowing me the opportunity to share my concerns with you.

Respectfully,

Lou Vallario
Garfield County Sheriff
TRIDENT Board Chairman

605

APR-13-2005 13:38 FROM: WASH BALT HIDTA

TO: [REDACTED]

P. 001 / 001

Dear ONDCP,

The Bureau of Alcohol, Tobacco, Firearms and Explosives fully supports the mission of the Central Florida HIDTA and is adamantly opposed to its abolition. This HIDTA plays a vital role in assisting the Middle Judicial District in its efforts to reduce violent crime and protect the public against violent narcotics traffickers. Additionally, its intelligence and deconfliction functions have resulted in a safer and more efficient working environment for all participating law enforcement agencies. In the opinion of ATF, elimination of this HIDTA would be a disservice to both citizens and law enforcement officers who live and work throughout Central Florida. Please feel free to call me if I can provide additional information.

Sincerely,

John F. Ryan
Assistant Special Agent in Charge
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Tampa Field Division
Office: 813-202-7300

cdps

COLORADO
DEPARTMENT
OF PUBLIC SAFETY

Chief Mark V. Trostel
Colorado State Patrol
700 Kipling St.
Suite 1000
Denver, CO 80202-5585
(303) 239-4500
TDD (303) 239-4505
FAX (303) 239-4481

March 9, 2005

Mr. Tom Gorman
Rocky Mountain HIDTA
10200 E. Girard Avenue
Building C, Suite 444
Denver, Colorado 80231

Dear Tom,

The Rocky Mountain High Intensity Drug Trafficking Agency (RMHIDTA) has been the instrument to facilitate joint operations, information/intelligence sharing and cooperation on a level heretofore unknown in Colorado to impact illegal narcotic/drug enterprises in the Rocky Mountain Region.

The Rocky Mountain Highway Patrol Network involves the states of Colorado, Utah, Wyoming and Montana. This network, which was initiated by and through RMHIDTA, affords the states highway patrols the ability to leverage their resources in our criminal interdiction efforts and homeland security information sharing.

The Colorado State Patrol is very pleased to be a part of RMHIDTA and looks forward to our continued success in impacting illegal drug trafficking in our state and nation.

Sincerely,

Colonel Mark V. Trostel
Chief, Colorado State Patrol

Bill Owens
GOVERNOR
Jon Martine
EXECUTIVE DIRECTOR
Colorado State
Patrol
Colorado Bureau
of Investigation
Division of
Criminal Justice
Office of Preparedness,
Security, and Fire Safety



APR-13-2005 13:44 FROM: WASH BALI HIDTA
TO: [REDACTED] FROM: LA HIDTA

P.016/040

T-808 P.002/000 F-834

MAYOR
Miguel A. Pulido
MAYOR PRO TEM
Lisa Pitt
COUNCIL MEMBERS
Claudia C. Alvarez
Carlos Bustamante
Alberta D. Chrysler
Mike Garcia
Jose Salorio



CITY OF SANTA ANA
POLICE DEPARTMENT
60 CIVIC CENTER PLAZA • P.O. BOX 1561
SANTA ANA, CALIFORNIA 92702

CITY MANAGER
David N. Rasm
CITY ATTORNEY
Joseph W. Fletcher
CLERK OF THE COUNCIL
Patricia E. Healy

March 7, 2005

The Honorable C. Christopher Cox
US House of Representatives
Rayburn Building #2402
Washington, DC 20515

Dear Congressman Cox:

On behalf of the Orange County Regional Narcotics Suppression Program (RNSP) Executive Board, I would like to express our concern regarding President Bush's recent budget proposal to reduce the High Intensity Drug Trafficking Area Program (HIDTA) funding from the FY 2005 level funding of \$227 million to \$100 million for FY 2006. In addition to the 56% reduction in funding for the HIDTA Program, the President proposes to move the Program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice under the Organized Crime Drug Enforcement Task Force Program (OCDETF).

RNSP is a multi agency task force that was formed in 1986 and has worked with HIDTA funded Programs from across the nation. The reduction in HIDTA funding will have a significant negative impact on both Orange County residents and other regions throughout the country. The number of investigations will have to be reduced and our ability to fully investigate and dismantle an organization will be severely impacted. In our opinion, the loss of \$127 million dollars to state and local law enforcement around the country is not in the best interest of the constituents we serve.

Our second concern is the proposed movement of the HIDTA Program from ONDCP to the OCDETF Program under the Department of Justice. These Programs differ significantly in their missions and scope of operations. The OCDETF Program is mainly used to fund the salaries of federal investigators (DEA and FBI) and prosecutors and has some funding going operationally to state and local overtime costs. OCDETF has nine administrative task forces made up solely of federal representatives.

In 1988, Congress wisely recognized the importance of coordinating federal, state, and local law enforcement agencies to effectively and efficiently address the national drug threat. In that effort, the HIDTA Program was created to partner federal, state, and local law enforcement efforts to combat the drug threat. An Executive Board oversees each HIDTA and is made up of federal, state and local representatives. The HIDTA Program does not report to and is not governed by any agency. The ONDCP is viewed as a neutral partner when it comes to the HIDTA Program and its policies and procedures. Moving the HIDTA Program under the direction of the OCDETF Program and the Department of Justice causes the concept and perception of neutrality will no longer exist. The President's proposal to move HIDTA to OCDETF could result in fewer targeting and prosecution of domestic traffickers.

APR-13-2005 13:44 FROM: WASH BALT HIDTA
Mar-28-2005 10:16am From: LA HIDTA

TO: [REDACTED] P. 017/040
T-506 P. 003/005 F-834

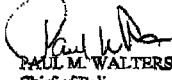
Congressman Cox

March 7, 2005
Page 2

We would be honored to meet with you or members of your staff to provide a more detailed and comprehensive briefing on the HIDTA Program or the RNSP Program.

Thank you for your attention in this matter.

Sincerely,



PAUL M. WALTERS
Chief of Police
Chairman, Regional Narcotics Suppression Program

We would be honored to meet with you or members of your staff to provide a more detailed and comprehensive briefing on the HIDTA Program or the RNSP Program.

Thank you for your attention in this matter.

Sincerely,

PAUL M. WALTERS
Chief of Police
Chairman, Regional Narcotics Suppression Program

APR-13-2005 13:44 FROM: WASH BALT HIDTA
Mar-28-2005 10:16am From: LA HIDTA

TO: [REDACTED] P. 018/040
T-008 P. 004/005 F-034



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LENDY D. BACA, SHERIFF

March 24, 2005

The Honorable Don Young
United States House of Representatives
2111 Rayburn HOB
Washington, D.C. 20515-0201

Dear Representative Young:

I am writing to you to voice my concern regarding President George W. Bush's proposed Fiscal Year 2006 budget and its provision that will eliminate the Justice Assistance Grant Program (JAG), formerly known as Byrne Grants. Currently, these grants are distributed to Los Angeles County through the State of California's Office of Emergency Services. The local Anti-Drug Abuse Steering Committee, chaired by my Department, recommends allocation of funds to deserving programs at the local level. In Fiscal Year 2004, Los Angeles County received \$6.8 million from the Justice Assistance - Byrne Grant.

The Fiscal Year 2005 JAG Program award for Los Angeles County has been reduced by the federal government approximately \$1.9 million, a 28 percent reduction. This will result in devastating reductions in some of the most innovative and effective anti-drug abuse programs in Los Angeles County.

In addition, funding for the High Intensity Drug Trafficking Area Program (HIDTA) is also slated for major reduction and movement from the Office of National Drug Control Policy to the Department of Justice. The reduction and transfer of this highly successful public safety partnership program is contrary to the President's pledge to support local efforts to reduce crime. By consolidating decision making in Washington, D.C., the local control that enabled the HIDTA Program to remain focused and nimble in their response to changing conditions will be lost in the federal bureaucracy. The loss of these funds and the relocation of program oversight to the Department of Justice is a major step backwards in the fight against crime.

A Tradition of Service

APR-13-2005 13:45 FROM: WASH BALD HIDTA
Mar-26-2005 10:16am From: LA HIDTA

TO: [REDACTED]

T-508 P 008/005 F-834

The Honorable Don Young

- 2 -

March 24, 2005

President Bush's proposed Fiscal Year 2006 budget eliminates JAG Program funds altogether and will result in the elimination of the already drastically curtailed programs. The narrative accompanying the announcement of these and related law enforcement and public safety grants indicates the reductions are warranted because crime rates are down. While crime rates may be down in many areas, perhaps overall, the scourge of drug-related crime continues to plague major metropolitan areas including and especially Los Angeles County. The programs currently funded through the Byrne Grant and JAG Programs have been proven successful; now is not the time for our federal partners to turn their backs on local and state governments in the continuing fight against drugs and drug-related crimes.

The efforts funded through the Byrne Grant and JAG Programs involve ongoing, multi-agency partnerships which include sheriff's deputies, police officers, probation officers, district and city attorneys, and state and federal agencies. These partnerships have resulted in award winning, cutting edge, and proven successful programs that should be supported rather than curtailed.

I urge you to make every effort to oppose these portions of the President's budget proposal and restore the JAG and HIDTA Programs funding to prior years' levels. Please let me know if I, or a member of my staff, can be of assistance to you in this regard. I can be reached at (323) 526-5000.

Sincerely,

Leroy D. Baca
LEROY D. BACA
SHERIFF

The Byrne Grant and JAG Programs have been proven successful; now is not the time for our federal partners to turn their backs on local and state governments in the continuing fight against drugs and drug-related crimes. The programs currently funded through the Byrne Grant and JAG Programs involve ongoing, multi-agency partnerships which include sheriff's deputies, police officers, probation officers, district and city attorneys, and state and federal agencies. These partnerships have resulted in award winning, cutting edge, and proven successful programs that should be supported rather than curtailed. I urge you to make every effort to oppose these portions of the President's budget proposal and restore the JAG and HIDTA Programs funding to prior years' levels. Please let me know if I, or a member of my staff, can be of assistance to you in this regard. I can be reached at (323) 526-5000.

March 29, 2005

Senator George Voinovich
524 Hart Senate Office Building
Washington, DC 20510-3504

Dear Senator Voinovich:

I am writing to request your support to continue funding the High Intensity Drug Trafficking Area Program (HIDTA) at the budget levels previously approved. President Bush's recent budget proposal to Congress includes reducing the HIDTA Program funding from \$227 million in FY 2005 to \$100 million for FY 2006. Additionally, the administration's proposal moves the program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice under the Organized Crime Drug Enforcement Task Force Program (OCDETF). The purpose of this letter is to present the impact such changes will have on the overall effectiveness of the program and its federal, state and local law enforcement participants.

The following list details the law enforcement agencies throughout Ohio that have received resources, or will be source recipients, from the Ohio HIDTA Program:

State and Local Law Enforcement Agencies

Akron Police Department	Huber Heights Police Department
Allan County Sheriff's Office	Lake County Narcotics Agency
Barberton Police Department	Lancaster
Bay Village Police Department	Lucas County Sheriff's Office
Beachwood Police Department	Mahoning County Sheriff's Office
Brook Park Police Department	Montgomery County Sheriff's Office
Cincinnati Police Department	Ohio Bureau of Criminal Identification and Investigation
City of Cuyahoga Falls Police Department	Ohio State Highway Patrol
City of Euclid	Orange Village Police Department
City of Twinsburg Police Department	Regional Transit Authority Police Department
Cleveland Metropolitan Housing Authority PD	Shaker Heights Police Department
Cleveland Police Department	Stark County Sheriff's Office
Columbus Police Department	Summit County Sheriff's Office
Cuyahoga County Sheriff's Office	Sylvania Police Department
Cuyahoga Heights Police Department	Toledo Police Department
Dayton Police Department	Trotwood Police Department
Euclid Police Department	Warren County Sheriff's Office
Fairfield County Sheriff's Office	Wickliffe Police Department
Franklin County Sheriff's Office	Wood County Sheriff's Office
Geauga County Sheriff's Office	Woodmere Police Department
Greene County Sheriff's Office	

The resources received by these departments range from communication devices, additional overtime funding, leased vehicles to equipment. An across the board budget cut of such magnitude (56%) would prevent the Ohio HIDTA from providing resources to these agencies in joint counter-drug trafficking efforts. Other funding sources or replacements are highly unlikely.

Additionally, if the budget cuts were random, the decreased funding may cause the elimination of some HIDTAs or make the funding of others so minimal as to render them ineffective. Furthermore, successful nationwide programs developed and administered by individual HIDTAs such as event and target deconfliction of enforcement operations, intelligence collection and sharing, and training programs will be at the least, significantly reduced or in some cases discontinued.

Under OCDETF control, the HIDTA Program will likely fail to enhance law enforcement efforts, and will possibly hinder the continuation of federal, state and local partnerships as well as the innovation that the program has fostered. The current program has enjoyed wide acceptance by the heads of state and local law enforcement agencies for two important reasons. First, state and local heads of agencies join with their federal counterparts on an equal basis in the HIDTA Program to determine the direction of the individual HIDTAs. Second, the HIDTA program has been able to project a degree of separation from other federal agencies by its placement within ONDCP. A transfer of the HIDTA Program to OCDETF, which is under the control and direction of a federal law enforcement entity, would negatively influence state and local participation, cooperation and ownership of the program.

The Ohio HIDTA has demonstrated many successes and innovations that have had a positive impact on the local drug threat. As a local law enforcement administrator, I am in support of the HIDTA program and against any effort to reduce its budget or move it to a department that adversely affects its neutrality. As you are aware, America's drug problem is destroying our country through the illegal use of drugs. Those who abuse drugs turn to criminal activity in order to supply their habits, allowing local law enforcement to deal only with low-level dealers. Multi-jurisdictional task forces, however, have been able to identify, locate and convict main players in illegal drug activity. Further, any efforts towards the reduction of funding to combat illegal drugs will increase general criminal activity, including terrorism. We have learned since 9/11 that one resource terrorists use to finance their activities is illegal drug sales. A reduction in law enforcement funding will not only cripple the war on drugs, but will also place our homeland security efforts at risk.

Finally, the proposed FY 2006 budget does not only limit its assault on local law enforcement to the cuts in the HIDTA program, but also in conjunction with this, proposes the complete elimination of Justice Assistance Grants (JAG grants/formerly Byrne grants), and the elimination of Community Oriented Policing Program grants (COPS). As you are aware JAG and COPS grants provide essential support to local law enforcement, particularly to our anti-drug programs. When combined with the cuts to the HIDTA program, the elimination of JAG and COPS grants will devastate the ability of law enforcement in Ohio to effectively combat drug trafficking and related crimes.

Thank you for your consideration regarding this crucial matter and hopefully we can count on your timely support during Subcommittee and Congressional legislation hearings leading to the finalization of FY 2006 budget process.

Respectfully,

Walter A. Ugrinic
Chief of Police
City of Shaker Heights
Ohio HIDTA Executive Board

DRAFT



STATE OF IOWA

OFFICE OF DRUG CONTROL POLICY
MARVIN L. VAN HAAFTEN, DIRECTOR

THOMAS J. VILSACK
GOVERNOR
SALLY J. PEDERSON
LT. GOVERNOR

March 16, 2005

John Walters
Office of National Drug Control Policy
Washington, D.C. 20503

DRAFT

Dear Director Walters:

I fully agree with comments you were recently quoted as making, saying that limited federal resources for drug control efforts should be devoted to the most effective programs. However, I am mystified by the Administration's budget proposal to slash funding for just such efforts.

Every year state agencies are required to submit performance data to Washington, D.C. relating to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (now Byrne IAG), and we do so in various forms, including our State Annual Report. In summary, Byrne-funded programs in Iowa are having a significant impact on making our citizens safer.

Positive Byrne Program results are contained in Iowa reports to the U.S. Department of Justice, and are public information readily available in our office, and on our web site. However, I'm told that Byrne Program performance data was not forwarded to the Office of Management and Budget. Likewise, it's my understanding that performance data submitted for the Juvenile Accountability Block Grant and the HIDTA program also were not passed on.

We keep hearing that poor program performance is one of the key reasons for the President's proposal to dramatically reduce drug and crime control funding in the FY 2006 budget. What I don't understand is how performance-based decisions can be made when data from the field are NOT provided to decision makers. I am very disappointed that vital programs are being judged, not on what they do, but rather on an apparent lack of communication in Washington.

I fully agree with comments you were recently quoted as making, saying that limited federal resources should be devoted to the most effective programs. However, I am mystified by the Administration's budget proposal to slash funding for just such efforts. National priorities are cited as a second reason for the President's budget proposal. When the White House announced the National Synthetic Drugs Action Plan last October, you and then Attorney General Ashcroft stated that drugs like methamphetamine pose a "significant threat to the nation." We can't fight more, given the enormous magnitude of the meth problem on the citizens of Iowa and many other states. Sufficient federal funds are required to successfully address a threat of this nature. Retreating to this commitment will only exacerbate the problem.

Byrne Program needs are... IAG... HIDTA...
321 East 12th Street • Des Moines, Iowa 50319 • 515-242-6301 • FAX 515-242-6390

APR-13-2005 13:46 FROM: WASH BALT HIDTA

TO: [REDACTED]

P. 025/040

A third issue outlined in the administration's proposal involves the appropriate use of taxpayer resources. As stated in the National Drug Control Strategy, illicit drugs are a national problem requiring a national response, including coordination with state and local initiatives. Federal funds help constitute the lifeblood of many multi-jurisdictional drug task forces, regional meth lab enforcement teams, offender treatment programs and community prevention initiatives in hundreds of communities throughout our State.

Under the President's budget request, Iowa would lose approximately \$14 million per year in federal drug and crime fighting funds (Byrne-JAG, COPS-Meth, Juvenile Accountability Block Grant, Enforcing Underage Drinking Laws, and HIDTA) resulting in the elimination of vital services to hundreds of thousands of citizens.

Controlling illegal drugs is a priority in Iowa. I would hope this view is shared, and acted upon, on a national level in Washington D.C.

As Congress consults your office on budget matters in the weeks ahead, I respectfully request that you fully share the real results of federal drug/crime control programs in Iowa and other states, and the impact on citizen safety that would be felt by the elimination or reduction of those programs. Thank you for your consideration.

Sincerely,
[Signature]
Marvin L. Van Haften
Director

Cc: U.S. Attorney General Gonzalez
Under the President's budget request, Iowa would lose approximately \$14 million per year in federal drug and crime fighting funds (Byrne-JAG, COPS-Meth, Juvenile Accountability Block Grant, Enforcing Underage Drinking Laws, and HIDTA) resulting in the elimination of vital services to hundreds of thousands of citizens.
Senator Grassley
Senator Harkin
Representative Pomeroy
Representative King
Representative Latham
Representative Leach
Representative Muskie

As Congress consults your office on budget matters in the weeks ahead, I respectfully request that you fully share the real results of federal drug/crime control programs in Iowa and other states, and the impact on citizen safety that would be felt by the elimination or reduction of those programs. Thank you for your consideration.

Sincerely,
[Signature]
Marvin L. Van Haften
Director

cc: U.S. Attorney General Gonzalez
Senator Grassley
Senator Harkin

APR-13-2005 13:46 FROM: WASH BALI HIDTA
MAR. 9. 2005. 11:53AM PR/USVI HIDTA

TO: [REDACTED] P. 027/040

NO. 353 P. 2



ELTON LEWIS
Police Commissioner

Government of
The Virgin Islands of the United States

VIRGIN ISLANDS POLICE DEPARTMENT
OFFICE OF THE POLICE COMMISSIONER



March 7, 2005

The Honorable Charles W. Turnbull
Governor
Office of the Governor
21-22 Kongens Gade
Charlotte Amalie, St. Thomas V. I. 00802

Police Operations And
ARMS (Police Services
and Motor VEH. Enforcement
St. Croix, U.S.V.I. 00940
(340) 778-2111

Criminal Justice Complex
Charlotte Amalie
St. Thomas, U.S.V.I. 00800
(340) 774-2110

Leanne Jergen Detention
Cruz Bay
St. John, U.S.V.I. 00870
(340) 852-0989

Police Training Center,
770 St. John's
St. Croix, U.S.V.I. 00950
(340) 778-2864

Dear Governor Turnbull:

I hereby draw your attention to President George W. Bush's proposed Fiscal Year 2006 Budget, which includes significant cuts in funding for law enforcement programs (See attached overview). The Virgin Islands Police Department (VIPD) and the territory's law enforcement community at large are in extreme danger of losing vital and critical funding to the High Intensity Drug Trafficking Area (HIDTA) Task Force.



Since the designation of the U.S. Virgin Islands as a High Intensity Drug Trafficking Area in 1994, the role of HIDTA has been to investigate sophisticated multi-billion dollar drug trafficking organizations and their associated criminal enterprises within Puerto Rico and the United States Virgin Islands. Prior to HIDTA, a meaningful drug enforcement effort was almost non-existent. Drug trafficking was blatant and traffickers had no fear of traditional law enforcement methods, because the territory lacked sufficient funding and the long reach of the federal government to have an impact.

The proposed Fiscal Year 2006 Budget reduces federal support for the High Intensity Drug Trafficking Area (HIDTA) Program's funding from \$227 million to \$100 million. Such a considerable budget cut spells the possible elimination of the High Intensity Drug Trafficking Area Program's effectiveness in the Virgin Islands, and jeopardizes the security of the territory. Unlike other federally funded programs, the PR/VI HIDTA Taskforce is governed by its own Executive Board comprised of 10 federal members and 10 local members. This task force represents a powerful association of Federal and local law enforcement agencies with mission priorities specifically tailored to the needs of our territory and the Commonwealth of Puerto Rico.

During recent years, we have seen a continuing reduction in protection of our territorial borders. The loss of military presence in Puerto Rico, the elimination of the Navy's submarine tracking stations, and a significant reduction in the Coast Guard's presence leave the territory in a vulnerable position. The interdiction activities of our local HIDTA are critical components to ensuring the security and well-being of the Virgin Islands.

Facsimile (340) 715-8617 St. Thomas • (340) 779-2472 St. Croix • (340) 778-8236 St. John
Drug Trafficking Area (HIDTA) Program's funding from \$227 million to \$100 million. Such a considerable budget cut spells the possible elimination of the High Intensity Drug Trafficking Area Program's effectiveness in the Virgin Islands, and jeopardizes the security of the territory. Unlike other federally funded programs, the PR/VI HIDTA Taskforce is governed by its own Executive Board comprised of 10 federal members and 10 local members. This task force represents a powerful association of Federal and local law enforcement agencies with mission priorities specifically tailored to the needs of our territory and the Commonwealth of Puerto Rico.

Letter - High Intensity Drug Trafficking Area- FY 2006 Budget
March 7, 2005
Page 2

It is very important to understand that HIDTA taskforces in a large metropolitan area like New York City or Miami, while effective, will not experience the kind of impact as a taskforce set up in an insular community like the U. S. Virgin Islands. I am, therefore, asking that you use your considerable influence and recommendation to those at the federal level that they make every effort to protect HIDTA's appropriations.

Respectfully Submitted,



ELTON LEWIS
Police Commissioner/
HIDTA Executive Board Member

Letter - High Intensity Drug Trafficking Area- FY 2006 Budget
March 7, 2005

Enclosures:

- cc: **Vargrave A. Richards, Lieutenant Governor**
- Donna Christian-Christensen, Delegate to Congress**
- Pedro M. Encarnacion, Senator, Chairman of the PSJHS&J**
- Juel T. Molloy, Chief of Staff to the Governor**
- José M. Alvarez, Director, FR/VI HIDTA**
- Catherine L. Mills, Deputy Director, FR/VI HIDTA**

Respectfully Submitted,



ELTON LEWIS
Police Commissioner/
HIDTA Executive Board Member

Enclosures:

- Vargrave A. Richards, Lieutenant Governor
- Donna Christian-Christensen, Delegate to Congress
- Pedro M. Encarnacion, Senator, Chairman of the PSJHS&J
- Juel T. Molloy, Chief of Staff to the Governor
- José M. Alvarez, Director, FR/VI HIDTA
- Catherine L. Mills, Deputy Director, FR/VI HIDTA

APR-13-2005 13:47 FROM: WASH BALT HIDTA
MAR 9 2005 11:53AM PR/USVI HIDTA

TO: [REDACTED] P. 029/040

NO. 359 P. 4

The High-Intensity Drug Trafficking Area Program: An Overview

- The Anti-Drug Abuse Act of 1988 and the ONDCP Reauthorization Act of 1998 authorized the HIDTA Program.
- The HIDTA Program provides additional federal resources to help eliminate or reduce drug trafficking and its harmful consequences.
- Each HIDTA is governed by its own Executive Board comprised of approximately 16 members—PR/USVI has an exception to policy and has 20 members; ten federal members and ten state or local members.
- These Boards facilitate interagency drug control efforts to eliminate or reduce drug threats and administer the additional federal resources. The Executive Boards ensure threat specific strategies and initiatives are developed, employed, supported and evaluated.
- HIDTA designations have increased the number of HITAs from the original five to 28. The PR/USVI HIDTA was in the second such set of designations, as noted below:

- 1990: Houston, Los Angeles, New York/New Jersey, South Florida and Southwest Border (California, Arizona, New Mexico and Texas)
- 1994: Washington/Baltimore (Maryland, Virginia and District of Columbia) and Puerto Rico/U.S. Virgin Islands

HIDTA: FY2006 Budget Proposal

The High Intensity Drug Trafficking Area Program: An Overview
 The Director of the Office of National Drug Control Policy (ONDCP) recommends reducing the High Intensity Drug Trafficking Area (HIDTA) program's funding from \$227 million to \$100 million and transferring the program from the ONDCP to the Dept. of Justice (DOJ) under the Organized Crime Drug Enforcement Task Force (OCDEF) program.

HIDTA: FY2006 Budget Proposal - USVI

The budgetary impact on the USVI includes:

- The USVI HIDTA FY2006 budget for the USVI is \$1,115,665. Of this, \$779,645 or 69% is allocated to local agencies or are local expenditures.
- The funding is divided among three initiatives: St. Croix Major Organizational Initiative at \$583,182, the St. Thomas Major Organizational Initiative at \$304,417 and Blue Lightning at \$228,066, which is shared between St. Thomas and St. Croix.

USVI Budget: Federal and Local Allocation	
Portion	FY2006 Budget
Federal	38%
Local	62%

The Director of the Office of National Drug Control Policy (ONDCP) recommends reducing the High Intensity Drug Trafficking Area (HIDTA) program's funding from \$227 million to \$100 million and transferring the program from the ONDCP to the Dept. of Justice (DOJ) under the Organized Crime Drug Enforcement Task Force (OCDEF) program.

HIDTA: FY2006 Budget Proposal - USVI
 Page 1 of 2

USVI HIDTA includes:

the USVI HIDTA includes:

The FY 06 Federal Drug Control Budget

Another program designed to help states and communities address the challenge of substance abuse is the Drug-Free Communities program. Although ONDCP receives the funding for Drug-Free Communities (DFC), the program is administered by CSAP. The Administration proposes level funding for this program in FY 2005.

Drug Treatment

Increases are proposed for criminal justice-based drug treatment and for a program designed to give consumers the most choice in treatment. In the criminal justice area, the Residential Substance Abuse Treatment Program, which funds treatment in conditional and detention facilities, increases by \$10.5 million to \$44.1 million. A second criminal justice program, Drug Courts, increases by \$20.1 million to \$70.1 million. In the area of consumer choice, the Access to Recovery (ATR) voucher program increases by \$9 million to \$70 million.

The DHS Substance Abuse Block Grant is the cornerstone of the nation's substance abuse treatment system. The President's Budget recommends level funding in FY 2005 at \$1.778 billion. Overall, funding for the Center for Substance Abuse Treatment (CSAT) increases due to an increase in ATR grants, but funding for CSAT's other programs are reduced by \$26 million, with "Best Practices" discretionary grants being particularly affected.

Domestic Law Enforcement

Possibly the most significant change proposed in the FY 2006 drug control budget is in the High Intensity Drug Trafficking Area (HIDTA) program. HIDTA is designed to enhance federal, state, and local law enforcement coordination and collaboration to develop and solve drug-related crime, particularly as it pertains to drug trafficking and distribution. The FY 2006 request reduces funding for HIDTA by \$128.5 million to \$100 million and proposes to transfer it to the Justice Department's Organized

Crime Drug Enforcement Task Force (OCDETF). Changes are in store for OCDETF as well. OCDETF funding is proposed to be allocated among a number of federal agencies.

The budget recommends \$169.4 million for National Guard drug-related programs in FY 2005, a 18 percent reduction from FY 2003. The National Guard has the primary responsibility with the Department of Defense to support state and local law enforcement.

A large reduction is planned in FY 2006 for the Justice Department Methamphetamine Initiative. This initiative provides funding for policing initiatives to combat methamphetamine production and trafficking and to enforce policing initiatives in "drug hot spots." The FY 2006 request of \$20 million is \$32.6 million less than the FY 2005 level.

A small increase is in store for the Specialized Drug Program funded by the Office of Justice Programs. This program provides comprehensive strategies to combat drug and crime-related justice communities. The FY 2006 request proposes a \$1.4 million increase to \$25.8 million.

Overseas Programs

The FY 2006 request increases funding for State Department programs targeting South America. Funding for the Andean Counternarcotics Initiative—a long-standing effort targeting illicit drug cultivation and trafficking in South America—increases by \$10 million to \$735 million. Other funding for overseas narcotics control and law enforcement increases by \$187 million to \$341 million in FY 2005. These programs are designed to reduce the availability of illicit drugs in the United States.

Funding to stop drugs at the nation's borders also increases. The request for FY 2006 adds \$205.4 million for Customs, the Coast Guard, and other border protection agencies.

Other Changes

One program proposed for elimination is

the National Alliance for Model State Drug Laws. The Alliance supports state and local governments by working with states to address alcohol and other drug problems through laws, policies, and programs. It is active in areas related to prescription drug monitoring, methamphetamine, and drug endangered children.

Another program, the National Community Anti-Drug Coalition Institute, is funded out of the DFC Program. The Coalition Institute provides training, technical assistance, evaluation, research, and resources to help community coalitions reduce substance abuse. While the DFC program is recommended for level funding, the Coalition Institute is slated for a funding reduction of \$1.3 million to \$750,000.

A Shift in Responsibilities

Reductions in substance abuse and its damaging consequences are not solely the responsibility of the federal government. Achievement of national strategy goals requires that the federal government work in partnership with state, local, and foreign governments, private entities, and individuals. The FY 2006 request signals a shift in the relationship between the federal government and its other partners. In its FY 2006 budget, the federal government assumes greater responsibility for those programs exclusively under its purview—international and border control programs—and reduces funding to state and local governments for support and coordination of prevention and law enforcement. The elimination of state grants for school-based prevention, the changes to HIDTA, and other reductions in discretionary programs redefine the federal government's role and will likely require state and local governments to assume greater fiscal responsibility for solutions to drug use and trafficking problems.

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City of Farmington Hills

DEPARTMENT OF POLICE
WILLIAM J. DWYER, CHIEF

March 11, 2005

Honorable Joseph Knollenberg
United States Congressman
30833 Northwestern Highway Suite 100
Farmington Hills, Michigan 48334

Dear Congressman Knollenberg:

I am writing in anticipation of our meeting on March 12, 2005 to discuss the status of the High Intensity Drug Trafficking Area (HIDTA) program. As I have discussed with your staff, the 2006 federal budget proposes to reduce funding for the HIDTA program by nearly 60%, and to shift control of the program from the Office of National Drug Control Policy to the Department of Justice's Organized Crime Drug Enforcement Task Force (OCDETF). If adopted, this budget proposal will eviscerate the HIDTA program on a national level, and will almost certainly result in the complete elimination of the Michigan HIDTA. Elimination of the Michigan HIDTA, in turn, will have a devastating impact on the ability of law enforcement to investigate and prosecute drug traffickers and other violent criminals throughout the state, and particularly in our area.

Since its inception in 1997, the Michigan HIDTA has played an essential and previously unfulfilled role in the coordination, planning, and funding of federal, state and local anti-drug trafficking efforts. The Michigan HIDTA has been an overwhelming success: The Michigan HIDTA has greatly enhanced our ability to identify and attack drug trafficking organizations; never before has law enforcement in our region had such a unified and focused approach to our anti-drug efforts. Moreover, the benefits the Michigan HIDTA provides to our area are not limited to drug enforcement. Through its Intelligence Center and emphasis on collaborative enforcement, the Michigan HIDTA has greatly enhanced information sharing and effectiveness in all areas of law enforcement, including violent crime and, most importantly, anti-terrorism. In fact, with the continued absence of a federally funded regional anti-terrorism intelligence center, the HIDTA Intelligence Support Center serves as a primary repository for anti-terrorism intelligence and analysis for state and local agencies.

Beyond the crushing impact of the reduction in the HIDTA budget, the proposed removal of the HIDTA program from the ONDCP will further reduce the effectiveness and impact of the program. The HIDTA program was specifically designed not to be another federal agency, but rather to be a unique and flexible program that provides shared authority among federal, state and local agencies to address the specific problems in the region in a

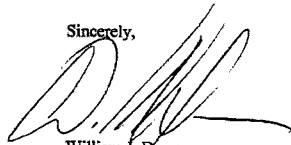
neutral forum. If the proposed transfer of HIDTA to DOJ occurs, the program will inevitably lose the unique balance it achieves between local and federal agencies.

Finally, the proposed 2006 budget does not limit its assault on local law enforcement to the cuts in the HIDTA program. The 2006 Budget also includes the complete elimination of Justice Assistance Grants (JAG grants/formerly Byrne grants), and the elimination of grants Community Oriented Policing Program grants (COPS). As you are aware JAG and COPS grants provide essential support to local law enforcement, particularly to our anti-drug programs. When combined with the cuts to the HIDTA program the elimination of JAG and COPS grants will devastate the ability of law enforcement in Michigan to effectively combat drug trafficking and related crimes.

While local law enforcement is sympathetic to the need to restrict federal spending and limit the growing federal deficit, the wholesale abandonment of local law enforcement in the proposed 2006 Budget make clear that the President's advisors lack an informed understanding of the nature of domestic drug enforcement and its inextricable link to anti-terrorism and other law enforcement efforts on a local level. Most particularly, the President has been ill-advised on the benefits of the HIDTA program, and the enormous negative impact the proposed reduction in the HIDTA program will have in Michigan and other areas.

Consequently, on behalf of Michigan law enforcement I request the assistance and support of you, the Michigan Congressional delegation and your colleagues in Congress, in our efforts to prevent the disastrous consequences that Michigan law enforcement will suffer if Congress approves the proposed 2006 budget.

Sincerely,



William J. Dwyer
Chief Farmington Hills Police
Chairman, Michigan HIDTA Executive Board



THOMAS J. VILSACK
GOVERNOR
SALLY J. PEDERSON
LT. GOVERNOR

STATE OF IOWA

OFFICE OF DRUG CONTROL POLICY
MARVIN L. VAN HAAFTEN, DIRECTOR

March 4, 2005

The Honorable Tom Harkin
United States Senate
731 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Leonard Boswell
United States House of Representatives
1427 Longworth House Office Bldg.
Washington, D.C. 20515

The Honorable Jim Leach
United States House of Representatives
2186 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Tom Latham
United States House of Representatives
4427 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jim Nussle
United States House of Representatives
303 Cannon House Office Building
Washington, D.C. 20515

The Honorable Steve King
United States House of Representatives
1432 Longworth House Office Building
Washington, D.C. 20515

Gentlemen:

Your help is urgently needed to ensure that core criminal and juvenile justice programs continue making a positive difference in Iowa. We understand Congress may adopt budget resolutions very soon, setting the ceiling on discretionary spending that will drive funding levels available through the appropriations process. Please consider the following information before making decisions that could adversely affect public safety in Iowa.

The President's budget proposes reducing justice assistance by more than \$1.3 billion in comparison to FY05, or 44 percent. This cut would come on top of more than \$1 billion in justice funding reductions in Fiscal Years 2003 through 2005.

What does this mean to Iowa? Under the administration's proposal, Iowa stands to lose nearly \$11 million in annual justice program funding to fight drugs—like methamphetamine (meth)—and other crime. This funding is the lifeblood of many drug task forces, meth lab enforcement teams, offender treatment programs and community prevention initiatives in hundreds of communities throughout our State. Here are just a few examples of how these resources have impacted the safety and well being of Iowans:

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March 4, 2005

- Multi-jurisdictional drug enforcement task forces in safely confiscated 268 pounds of methamphetamine/amphetamine last year and responded to 1,242 potentially hazardous meth lab incidents.
- Special meth lab enforcement teams in two 18-county areas of East Central and South Central Iowa assisted in seizing more than 63 percent of Iowa's nearly 1,500 meth labs in 2004.
- Of the 198 juvenile offenders participating in the Cerro Gordo ALERT Program, 77 percent successfully reduced or eliminated drug use.
- Among high-risk inmates at the Iowa Correctional Institution for Women in Mitchellville, only nine percent of Therapeutic Community treatment graduates re-offended.
- The Waterloo Residential Facility's Dual Diagnosis Offender Program received the American Corrections Association 2004 "Exemplary Offender Program Award."
- Buena Vista/Crawford/Sac Counties' School Liaison Project documented a 48 percent reduction in disciplinary actions, a 19 percent reduction in truancy, and a 25 percent improvement in grades for youth served.
- Black Hawk County's Safe Schools Suspension Program led to over 800 fewer behavior referrals in the school during a one-year period.
- Des Moines/Henry/Louisa Counties' Juvenile Diversion Project participants have had no additional trancies or referrals to juvenile court since starting a program recognized nationally by the Boy Scouts of America and locally by the Iowa Association of Counties.

Previous year's funding cuts have already resulted in loss of service. Even a small funding reduction in FY06, coming on top of an approximate 22 percent cut in FY05, will further reduce Iowa's drug/crime control efforts. The large FY 06 reduction proposed by the President would eliminate many of Iowa's justice programs, and the vital services they provide to hundreds of thousands of Iowans.

Many federal programs work together to provide Iowans access to crime fighting and drug prevention and treatment resources. We particularly want to bring to your attention five programs that are vital to Iowa's efforts, and for which Iowa funding would be eliminated under the President's budget request. First is the JAG/Pyne/LLERG program, which was funded at \$725 million in FY04, \$634 million in FY05, and is proposed for elimination in FY06. Second is the COPS Methamphetamine Enforcement and Cleanups program, which was funded at \$54.1 million in FY04, \$52.6 million in FY05, and is in the President's request at only \$20 million for FY06. Third is the Juvenile Accountability Block Grants program, which was funded at \$190 million in FY03, \$60 million in FY04, \$55 million in FY05, and is proposed for elimination in FY06. Fourth is the Enforcing Underage Drinking Laws program, which was funded at \$25 million in FY04 and FY 05, and would be eliminated in the administration's FY06 proposal. Finally, the State Criminal Alien Assistance Program was funded at \$300 million in FY04, \$305 million in FY05, and is zeroed out in the FY06 request.

In FY05, Iowa is receiving approximately \$10.9 million from the five justice programs mentioned above. This figure does not include \$1.9 million from the High Intensity Drug Trafficking Area (HIDTA) program or \$3.4 million from the Safe and Drug Free Schools and Communities program. Under the President's budget request, Iowa would also see these program funds eliminated, further compounding the resource pinch when it comes to drug and crime control efforts.

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March 4, 2005

The scourge of meth exacerbates the need for these precious resources. Iowa has the nation's fourth highest rate of meth use and second highest number of volatile clandestine meth labs, according to the U.S. Department of Health and Human Services and the U.S. Drug Enforcement Administration, respectively. Also, the Iowa Department of Human Services reports the number of times Iowa children tested positive for any illegal drug last year rose to an all-time high of more than 1,700, and in two-thirds of those cases the child was under the age of six.

The National Synthetic Drugs Action Plan announced by the White House last October says meth and other manufactured drugs pose a "significant threat to the nation." We can't agree more, and so believe strongly that federal resources are required to address this and other drug/crime issues that demand local-state-federal cooperation.

It is our understanding that recommendations from OMB, based on program performance measures, weighed heavily into the President's budget proposal. Unfortunately for the President and everyone who benefits from justice funding, officials in the U.S. Department of Justice have told us they failed to submit performance measures for some of these crucial programs. We do not believe it is fair to hold Iowa accountable for the inaction of others. We can document the positive impact of these resources in Iowa, and will happily provide that information to you upon request.

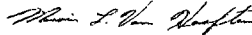
We understand that difficult decisions must be made on the best expenditure of public funds at the federal level. We simply ask that Congress ensure that justice programs receive a fair share of the total amount available for budget purposes in FFY 2006, to help us address priority needs in Iowa.

We respectfully request your assistance on this important matter. Thank you for your timely consideration, and for your support of criminal and juvenile justice programs in Iowa.

Sincerely,



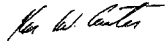
Tom Miller, Attorney General of Iowa



Marvin L. Van Haften, Director
Governor's Office of Drug Control Policy



Kevin W. Techau, Commissioner
Iowa Department of Public Safety



Ken Carter, Director
Iowa Division of Narcotics Enforcement
Iowa Department of Public Safety



Gary D. Maynard, Director
Iowa Department of Corrections



Mary M. Hansen, Director
Iowa Department of Public Health



Richard G. Moore, Administrator
Iowa Division of Criminal and
Juvenile Justice Planning

APR-13-2005 13:50 FROM: WASH BALT HIDTA

TO: [REDACTED]

P. 0387040
Everett

Everett
All American City
2002

March 3, 2005

Congressman Mark Souder
3rd District of Indiana
U.S. House of Representatives
2231 Rayburn House Office Building
Washington, D.C. 20515

Re: JAG Reductions

Dear Congressman Souder:

As current President of the Washington State Sheriffs and Chiefs Association, I would like to thank you for your comments and approach you took with John Walters in regards to President Bush's budget cuts in the area of drug enforcement. As is the case with other law enforcement administrators in this country I am frustrated and dismayed by the approach that President Bush is taking in reducing funding for local government in drug enforcement. The President's approach tells me that he is willing to accept an increase in criminality throughout the United States. The vast majority of what we do in response to reports of crime is a direct result of the sale and consumption of illegal drugs. The crime category really does not matter. All crimes are impacted by drug consumption.

Our HIDTA (High Intensity Drug Trafficking Area) Program in Washington State is not perfect. We have some task forces that need to do a better job, but there are examples of outstanding task forces, one of which is here in Snohomish County. It is an example of cooperation of local agencies that understand the benefit of working together. I will provide an insert of the organizational make up for your analysis. Quite simply, without the present level of funding most task forces are at risk and will probably disband.

Local revenues are tight and simply cannot provide for the necessary funding to continue operation. The President seems to think that attacking the drug issue internationally will solve the problem. I do not know who is advising him but that premise is full of holes and just does not hold up to realistic scrutiny.

At best, the efforts by our federal brethren really leave a lot to be desired. What most of us would like to see is a strategic plan developed over a five year period of time to include what part all facets of law enforcement play in our efforts to reduce sales and consumption. There seems to be a knee jerk response to the drug problem, which serves only to frustrate and politicize our efforts. It would seem that if the ONDCP or whomever would work out a strategy so that we all knew what part we played and how it would be funded long term, then we might make some headway on this societal problem.

CITY OF EVERETT • 3002 Wetmore Ave. • Everett, WA 98201 • (425) 257-8400 • Fax (425) 257-6500

APR-13-2005 13:50 FROM: WASH BALD HIDTA

TO: [REDACTED]

P. 039/040

Congressman Souder
March 3, 2005 Page
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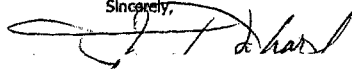
Congressman, most if not all law enforcement administrators realize that there needs to be an approach which includes education, treatment, law enforcement and successful programs such as drug courts. So why don't we sit down and strategize this once and for all. Otherwise, the frustration just continues.

Finally, since the destruction of the twin towers, most local law enforcement has stepped up and provided officers for intelligence gathering for our efforts in terrorism. We have not received any financial assistance. We understand the importance and are willing to help. We do love our country and we will continue to assist the federal government regardless of tight funding. However Homeland Security begins at home, not in some distant foreign country. There needs to be a joint effort and we can do both.

Now though to be told that our drug enforcement efforts are not valued and therefore not worthy of federal assistance is a "slap in the face"! I will put my enforcement officers and their efforts up against any DEA employee and not shy away from the results.

Finally, I again thank you for your comments. You are correct and we do appreciate your knowledge and candor.

Sincerely,



JAMES I. SCHARF, Chief of Police
President WASPC
(Washington Association of Sheriffs and Police Chiefs)

APR-13-2005 13:50 FROM: WASH BAL T HIDTA

TO:



CENTRAL FLORIDA HIDTA
Tampa Colombian/South American Drug Trafficking Organizations Initiative

February 23, 2005

Mr. Terry Fernandez
Director
Central Florida HIDTA
1345 28th Street
Sanford, Florida 32773

Dear Mr. Fernandez:

I am in receipt of Memorandum 05-014 from Deputy Director Clark. It is a great surprise and an utter disappointment to learn the Office of National Drug Control Policy would even consider, much less insinuate that the most important drug enforcement program in West Central Florida could be abolished.

At the inception of the HIDTA program, the City of Tampa committed numerous resources and has staffed a local led initiative that targets Colombian/South American Drug Trafficking Organizations. As such, we identified C/SADTO's as our *number one* threat and prioritized our operations accordingly.

Since 1998, the Tampa C/SADTO Initiative has enjoyed unprecedented success in reducing drug availability in Tampa, dismantling over twenty (20) local, national, and international heroin and cocaine trafficking organizations. The means by which these cases were a success is based primarily upon agencies working together and pooling resources in conjunction with HIDTA.

In over twenty years of drug law enforcement, HIDTA is the only program I have seen, heard of, or been affiliated with, that has facilitated cooperation and communication between agencies for an extended period of time. HIDTA is not just a funding source for cases; it is the foundation on which our battle plan is formulated to fight the war against drugs.

I assure you that any modification to the HIDTA program would be detrimental to the City of Tampa and would be met with resistance. Should additional information be needed, please call me.

KENNETH MORMAN, Sergeant
Tampa Police Department
Task Force Supervisor



Northern California
High Intensity Drug Trafficking Area

Ronald E. Brooks
Director

Chairman Mark Souder
via Nick Coleman
United States House of Representatives
Committee on Government Reform
Subcommittee on Criminal Justice, Drug Policy, Human Resources
Rayburn House Office Building
Washington D.C. 20515

Dear Chairman Souder:

I want to thank you for your leadership in reviewing the FY 2006 counterdrug budget and for studying whether the National HIDTA Program should be moved from ONDCP to OCDETF. I have prepared answers to your questions which I hope will aid you in making the difficult decisions that face you each day as you work to guide America's drug policy. Mostly, I want to thank you for holding hearings on this issue and for taking the time to ask and listen to the HIDTA Directors and other law enforcement executives as you study this issue.

Please feel free to contact me should you require additional information.

Sincerely,

Ronald E. Brooks
Director

450 Golden Gate Avenue, 14th Floor, Suite 5458, San Francisco, California 94102
Mailing Address: P.O. Box 36102, San Francisco, California 94102-3400
Telephone (415) 436-8027 • Fax (415) 436-7484

**Response to Questions from the Honorable Mark Souder, Chairman
House Subcommittee on Criminal Justice, Drug Policy, Human Resources**

**From
Ronald E. Brooks, Director
Northern California HIDTA**

1) Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by federal funds, but not all.

a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

The approximate value of all unreimbursed state and local contributions to initiatives in the Northern California HIDTA (NC HIDTA) is \$35,317,540.50. This does not include equipment, investigative funds, travel, vehicles and facilities that are contributed by state and local agencies in support of the HIDTA mission. Adding those costs would bring the local unreimbursed contribution to more than \$40 million.

State and Local Contributions to the HIDTA Mission

	Local FTE	Contribution	State FTE	Contribution	Total Contribution
Personnel	115	\$25,078,787.75	66	\$10,238,752.76	\$ 35,317,540.50
				Total	\$ 35,317,540.50
					\$ 13.33
					Return of Investment of \$2,650,000
Assumptions:					
1	There are no local "Supervisors" assigned as Task Force Agents				
2	10% of the BNE personnel assigned to Task Force Operations are Supervisors				
3	Although this is a conservative estimate, the BNE rate (\$72,304) established as overhead is applicable to all agents and captures all costs and is included as a factor in the hourly rate.				
4	Local agents are assumed to receive an adjusted 5.0% POST incentive pay. (All agents are assumed to receive intermediate certificate premium pay (3.5%) and a fewer number the advanced premium pay (7%))				
Not Included in this estimate:					
A	Building Leases				

B	Contributions from local agencies to fund task force operations
C	Forensic Laboratory Costs
D	Booking fees and other correctional costs
E	Increased costs of prosecutions undertaken by district attorney for non-federal cases referred by HIDTA funded task forces

b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

The dollar value of unreimbursed federal law enforcement contributions to HIDTA initiatives is \$17,615,692. This is a very conservative figure and does not account for facilities, equipment, investigative funds and travel that is contributed by participating federal agencies in support of the HIDTA mission.

	GS 14 Supervisors	Contribution	GS 12 Agents	Contribution	Total Contribution
Personnel	8	\$1,930,516	65	\$15,685,446	\$17,615,962
				Total	\$17,615,962

Assumptions:

1	All Agents Salaries are factored as GS 12, Step 10 with San Francisco locality premium
2	All Supervisors salaries are factored as GS 14, Step 10 with San Francisco locality premium
3	Although this is believed to be a conservative estimate, the BNE rate (\$72,304) established as overhead is applicable to all agents and captures all costs and is included as a factor in the hourly rate.
4	Benefits are factored as 35% of base pay
Not Included in this estimate:	
A	Not included as overhead are training, travel, facilities and other costs associated with being a member of the federal service

The contribution of participating local agencies to the NC HIDTA program is extremely significant especially in light of the current government budget crisis in California. State and local law enforcement agencies participating in federal, state and local collocated HIDTA task forces (initiatives) have each made a significant commitment to working in support of the National Drug Control Strategy and the Regional HIDTA strategy by allocating scarce funds and personnel that they really cannot afford to commit, for the good of the mission.

Although HIDTA funds do not pay for personnel or come close to reimbursing for facility or other costs, HIDTA funds are the glue that holds these task forces (initiatives) together. HIDTA is a force-multiplier that leverages a relatively small commitment of federal funds into a robust regional drug enforcement program. The importance of the partnership between federal, state and local law enforcement executives, including the

benefit of intelligence led initiatives that the HIDTA model brings to their regions cannot be overemphasized.

2. *Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those unreimbursed contributions, or would they be likely to put those resources elsewhere?*

Based on discussions with local law enforcement executives, if the NC HIDTA Program is eliminated, it is believed that local law enforcement resources would be reassigned from counterdrug activities to general law enforcement and the state (California DOJ-BNE) contribution to drug enforcement would be dramatically reduced. This reduction in resources would create a drastic decrease in available resources to address drug manufacturing and sales. These cuts would certainly reduce the number of major cases developed by local law enforcement and referred to DEA. Many of those locally developed and referred cases that are worked jointly with DEA, FBI, ICE and IRS become significant national and international investigations that focus on CPOT and RPOT targets.

With the inception of the HIDTA program and the Edward Byrne Justice Assistance Grants, California radically changed its organizational approach to counterdrug activities. Prior to the inception of the HIDTA, only the largest cities in the region funded stand alone counterdrug units. State DOJ resources were obligated to provide coverage for the vast number of jurisdictions that were not serviced by the relatively few metropolitan police agencies. These programs operated in separate stovepipes without the benefit of information sharing or operational cooperation.

Prior to HIDTA, there was no method or procedure for tactical or case deconfliction. If HIDTA is eliminated, deconfliction, intelligence support and the HIDTA technical equipment lending service will cease to exist. With leadership and guidance provided by the HIDTA, state and federal agencies agreed to provide leadership to local task forces (HIDTA initiatives) composed of collocated local, state and federal officers. The formation of these task forces enabled individual county and city law enforcement agencies to contribute an officer(s) to organized counterdrug activities working with a common set of policies and a regional strategy to address the drug threat as identified in the HIDTA mandated annual threat assessment process.

The HIDTA program, with its unique blend of balanced local and federal governance, enables local officials to operate as partners in the program and to feel confident that their concerns and issues will be addressed. This partnership brought many federal, state and local law enforcement leaders to the table not only to discuss HIDTA issues but other regional problems and cooperative enforcement strategies. The balanced partnership made HIDTA an honest broker and a popular program for state and local agencies to commit their scarce resources to.

With the diminishment or elimination of HIDTA funding, the task force concept will be destroyed. Local agencies will again "have to go at it alone" with a loss of the ability to assign their officers to task forces supervised by experienced, and professional narcotic enforcement managers. Officers will be returned to general police duties. Suburban and

rural communities will be unprotected from the scourge of drug trafficking. This return to fewer, single agency narcotic units would be particularly dangerous because in the period since the implementation of HIDTA and Byrne, the drug threat has dramatically increased. Mexican Drug Trafficking Organizations now plague the United States, especially along the Southwest Border. There has also been an explosion of methamphetamine labs, club drugs such as MDMA, more domestically grown high potency marijuana and the emerging trend of rogue Internet pharmacies selling everything from OxyContin to Vicodin.

- 2) *State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?*

Any fluctuation in the regional HIDTA budget would adversely affect the ability of local agencies to commit to the HIDTA program and to the resulting cooperative regional counterdrug strategy. The NC HIDTA region is home to over 100 separate police jurisdictions. The majority of these agencies are small jurisdictions with few resources beyond a uniformed patrol presence. A police chief or sheriff, petitioning his/her governing body (city council or board of supervisors) to fund a new officer position for assignment to a task force, must be able to provide assurance that the HIDTA program will continue to be funded. The governance body must receive assurances that when it funds a position, the task force where the newly created position will be assigned to will continue to operate. Without this assurance, city councils will be reluctant to fund a position because they do not want to lay an officer off in the event of a reduction or elimination of HIDTA funding.

The California DOJ as well as larger municipal and county jurisdictions in the region have modified their entire counterdrug strategy to embrace the HIDTA as well as the National Drug Control Strategy. They have made these long term fund reallocation commitments with the assumption that the HIDTA program will continue to provide the leadership, intelligence support and funding which will encourage and enable the smaller jurisdictions to assign officers to the regional counterdrug task forces. These agencies will be unwilling to continue their dedication to the regional effort if the HIDTA funding level becomes unpredictable.

All jurisdictions, and especially the state and larger county or municipal agencies that provide facilities to house HIDTA sponsored collocated and commingled Federal, state and local initiatives would be reluctant to execute leases that extend over more than one year, install data lines or remodel facilities without assurances that the HIDTA program will continue to provide a known level of financial support. Without the assurance of consistent funding, the participating state and local agencies could not realistically continue their involvement.

The NC HIDTA Program relies on a local law enforcement agency as our fiduciary to manage the HIDTA grant funds and to serve as our purchasing agent. It would be unreasonable to ask that agency, which routinely advances funds for the payment of HIDTA expenses and which signs facility and vehicle leases for our program, to operate without a relatively constant and dependable budget. If it were not for the commitment of our fiduciary, the San Mateo County Sheriff's Office, the Northern California HIDTA would not exist.

- 3) *The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking each HIDTA's budget every year means that the HIDTA cannot adapt when drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting HIDTA's operations?*

The HIDTA program provides the ability for the federal government to provide leadership in the redirection of resources to address any emerging threat on two levels.

The HIDTA program creates the structure for the establishment of multi-jurisdictional task forces composed of state, local and federal officers. There is a federal presence in each of the task forces. Most often, the federal presence is either the task force commander or a senior special agent who performs a leadership role. From within the task force the federal officers, who report through their agency's chain-of-command, provide day-to-day direction in the selection of enforcement targets within the guidance provided by the Executive Board based on the threat assessment.

The HIDTA Executive Board is composed of an equal number of federal and local (e.g. state, county and city) officials. The federal representatives, because of their expertise in counterdrug operations, provide guidance to the other Board members who represent for the most part general law enforcement agencies. These federal officials are the most knowledgeable counterdrug authorities in the United States and by virtue of their positions are most aware of the changing national and international drug threat.

The HIDTA Director, with information provided by the Investigative Support Center (ISC), continually advises the HIDTA Executive Board of any changes in the regional drug threat. Because of their ability to reallocate funds and HIDTA task force resources, the Executive Board is able to quickly respond to any local, regional or national threat.

Although there is a national drug threat, drug trends and specific threats tend to be regional. The response to the threat is prosecuted on the regional level. The HIDTA Executive Board is most logically positioned to identify emerging threats and fashion a response. The HIDTA task forces, with national connectivity and information sharing capabilities, are ideally organized to implement a successful strategy to address emerging threats.

One of the lessons learned from the national tragedy of 9/11, is the importance of having an established infrastructure to address new threats. To address the threat posed by drugs, regional task forces must be established and maintained. The only way that this

structure can be maintained is through congressional assurance that a baseline of funding will be provided to each HIDTA to maintain the necessary regional task forces.

Since September 11, 2001, the focus of federal assistance to state and local public safety agencies has shifted to protecting the homeland from terrorist activities and equipping first responders. This is appropriately the top priority right now. However, the shift has now come at the expense of traditional law enforcement missions, such as drug enforcement, which not only impact communities on a daily basis, but are directly tied to the Global War on Terror. In shifting resources to homeland security, we must not lose our focus on drug enforcement and prevention. In fact, protecting our homeland MUST mean protecting citizens from drug traffickers and violent drug gangs.

ONDCP's Bureau of State and Local Affairs should be provided with the flexibility to provide supplemental funding to HIDTA for the purpose of development of new programs or to meet the need to address an emerging national threat.

Supplemental funding decisions in the past have been unilateral decisions by ONDCP with little or no consultation with the National HIDTA Directors or HIDTA Executive Boards. The HIDTA Directors, because of their inherent knowledge of the subject, and their involvement with the senior law enforcement officials nationwide, should play a pivotal role in efficient allocation of additional resources.

On a program level, the Director of ONDCP has the obligation and authority to establish national HIDTA Program policy; the Director's Office, with assistance from the National HIDTA Program staff, reviews and authorizes each HIDTA region's annual budget. If the Director wishes to revise the HIDTA Program's mission, impose additional requirements for HIDTA designation, alter the budget process to take national priorities into account, or encourage HIDTA regions to adopt particular strategies, the Director has ample authority to do so, subject only to the approval of the Administration and Congress. This statutory authority provides the Director with the authority necessary to oversee and manage the HIDTA program.

4) *"The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice."*

a) *Do you support this proposal? If not, why not?*

I do not support this change for the following reasons:

- The HIDTA and OCDETF programs are both important and necessary components of the National Drug Control Strategy. OCDETF's strategy is reactive and case specific, funding cases only after they have been extensively investigated. The HIDTA program, on the other hand, encourages the creation of the infrastructure of federal, state and local collocated, intelligence lead task forces to address specific threats. Many OCDETF cases are the products of investigations initiated by HIDTA task forces. The elimination of the HIDTA program will significantly impact the ability of OCDETF to achieve its mission inasmuch as the number of task forces developing actionable intelligence and initiating investigations will be significantly reduced. There will be far fewer local and state officers available to staff OCDETF cases. The elimination of the HIDTA program almost assuredly will reduce the number of

OCDETF investigations, while also destroying the connectivity between agencies that has proven so successful. Based on a review of the OCDETF investigations initiated in the NC HIDTA region, the vast majority were initiated by NC HIDTA sponsored or supported task forces. The question must be asked, where will the OCDETF cases come from if HIDTA is reduced or eliminated?

- While under the direction of ONDCP's Bureau of State and Local Affairs, the HIDTA program has successfully coordinated the resources of thousands of law enforcement agencies nationwide. OCDETF is not organized to replicate this coordination.
- Under the auspices of ONDCP, HIDTA can remain an honest broker not subject to the indictment that one agency is favored over another.
- The HIDTA program enables the federal government through ONDCP's Bureau of State and Local Affairs to take leadership in promoting cooperation and coordination among all levels of criminal justice agencies.
- OCDETF is a federal program to coordinate the activities of federal criminal justice agencies while the HIDTA program is an equal partnership of federal, state and local agencies brought together to address the regional and national drug threat.

b) "Do you believe the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?"

No. Local and State law enforcement leadership is not a party to any of the decisions made by and for the OCDETF program. The only decision for a chief or sheriff is to decide on a case-by-case basis if he/she thinks that it would be beneficial to assign an officer(s) to an OCDETF case for its duration. Under the HIDTA program, local law enforcement is a full and equal partner with their federal counterparts.

I have not spoken to a single federal, state or local law enforcement leader in the NC HIDTA's region who supports moving the HIDTA program to the Department of Justice, OCDETF program.

c) What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

- **OCDETF "task forces" are not task forces as defined by the HIDTA program.** The nine national OCDETF "task forces" are actually working groups composed of representatives of the federal law enforcement agencies. By comparison, HIDTA task forces are operational units of collocated enforcement personnel composed of state, federal and local officers. The focus of OCDETF "task forces" are case specific; once a case is adjudicated, the investigations unit is dismantled with agents and officers returning to their agency. Agents working in a HIDTA task force continue to operate, building new cases based on the information developed while preserving unit cohesiveness and institutional knowledge. Also, the vast majority of the funds budgeted for the OCDETF Program are used to pay federal FTE's who spend the majority of their time working on parent agency assignments rather than on true task force cases. Personnel assigned to NC HIDTA initiatives work full time on HIDTA led

investigations even though they are not paid with HIDTA funds. Clearly, the money allocated to HIDTA by Congress does much more to support drug enforcement in America's cities and towns.

- Federal agencies that compose the OCDETF task forces, staff OCDETF investigations with counterdrug positions funded by Congress. Because OCDETF is case specific, the assignment of local officers/agents to an OCDETF project is by its nature short-term. Local agencies cannot justify to their boards and councils the creation of new positions to assign to OCDETF, unlike their federal counterparts; these positions are temporary in nature. Conversely, the HIDTA program provides stability enabling agencies which are too small to create an in-house narcotics unit, to create a counterdrug position and assign it to the HIDTA task force.
 - The HIDTA program is a force multiplier. For a relative small investment of federal funds, local and state law enforcement agencies are willing to commit their own resources to assist in the prosecution of the national counterdrug strategy.
- **Intelligence and Support Activities:** The OCDETF program does not have an intelligence or case support component. OCDETF investigations are not "intelligence driven," nor do they provide support to any cases or investigations that have not been "OCDETF" designated. The sole purpose of OCDETF is to provide support through funding, primarily to federal agencies, and prosecution.

HIDTA intelligence centers:

- HIDTA provides case support to a majority of narcotics units within the region, enhancing officer safety and efficiency by ensuring that subjects and operational events are deconflicted.
- HIDTA task forces are connected through the HIDTA Investigative Support Centers (ISC) to the national law enforcement cyber pipelines to ensure connectivity between and among agencies.
- HIDTA ISCs, under the direction of the Director with guidance from an Executive Board Committee, creates a regional threat assessment. Local officials, and federal law enforcement leadership, have confidence that these locally produced reports truly reflect the drug threat confronting the region. This level of confidence enables local leadership to rely on the threat assessment when making staffing and funding decisions.
- By ONDCP regulations, all HIDTA ISCs are co-managed by a federal and local agency; the ISC staffing is a combination of local, state and federal analysts supervised by a professional federal intelligence group supervisor. This scheme ensures that all (e.g. state, local and federal) intelligence systems are available, and that information developed on one level of government is shared among all. The benefit of this arrangement is to ensure that as information is developed affecting other areas of the country, this information is passed on in an organized manner to the appropriate agencies. HIDTA ISCs are all connected by the RISS secure

but unclassified (SBU) system allowing the secure sharing of intelligence, leads and case tasking.

- The ISCs enable intelligence led investigations. As the central data collection point for the entire region, the ISC is first to discover new emerging threats and has the means, within the HIDTA system, to report the emerging threat to the Executive Board for an appropriate response. OCDETF does not have the capacity to perform this vital function.
- **Funding:** The congressional OCDETF allocation of \$550 million, primarily funds 4,000 federal personnel outside their agencies budget. If Congress accepts the President's proposal, and assuming that OCDETF applies the same strategy to \$100 million transferred from the HIDTA program, the OCDETF effort will be enhanced by the employment of 727 additional federal employees.
 - The HIDTA program has implemented a strategy which utilizes 227 million dollars of federal monies to encourage all levels of government to work together to execute the national counterdrug strategy. The HIDTA program nationwide has marshaled the resources of hundreds of state, federal and local agencies that has resulted in the creation of:
 - 335 operational task forces (65% did not exist prior to the inception of HIDTA and there is reason to believe they will be disbanded absent the guidance provided by the HIDTA Executive Boards and the relatively small amount of federal funding)
 - The establishment of 53 ISCs, supporting federal, state and local cases. All of these centers were established by the HIDTA program and probably will be terminated under the OCDETF program.
 - A program that provides direct support to 4,428 federal employees and 8,459 state and local officers of which 1,996 are directly funded by the HIDTA program.
- **Structure:** The OCDETF program is a federal program coordinating the activities of federal law enforcement agencies. There are no provisions for input by executive level state or local officials. Typically, the highest ranking local officer involved in an OCDETF investigation is a lieutenant, and generally an officer or sergeant. The incorporation of state and local leadership on the HIDTA Executive Board creates an opportunity for "buy-in" as full participants in creation of strategies to address the regions drug threat. The Executive Board directs the Threat Assessment study; acceptance of the Threat Assessments by Executive Board demonstrates that these leaders accept their responsibility to marshal available resources to deal with the threat. OCDETF investigations, by comparisons, do not address a regional threat, but merely the threat posed by one single drug trafficking organization.
 - Local and state officers assigned to OCDETF investigations are typically not full-time collocated with their federal counterparts. These officers

generally are assigned to other duties and then work with their federal counterparts on an as needed basis.

- HIDTA task forces are full-time collocated units. Unlike the OCDETF investigations, these HIDTA task force members work full time addressing the regions threat. When not working on OCDETF cases, these agents are developing information and the new cases from which OCDETF cases are drawn.

Since September 11th, there has been ongoing criticism that Federal law enforcement, intelligence and defense agencies did not adequately share information. However, that is not an accurate statement when you describe narcotic enforcement agencies and investigators working in the HIDTA model. Thanks to HIDTA funded multi-jurisdictional drug task forces, federal, state and local drug investigators are collocated and working cooperatively in cities, towns and rural communities throughout the country. More importantly, these officers from a variety of agencies and backgrounds have established trusted relationships and use the services of RISS and the HIDTA Intelligence Centers (ISCs) for deconflicting tactical operations and sharing case information in accordance with the National Criminal Intelligence Sharing Plan.

That sharing would not occur without the cooperation that comes when agencies have the resources and ability to be housed together with a unified command structure working to address a common regional strategy that is funded federally but administered by balanced Executive Boards that equitably represent the interests of all participating agencies. Information sharing and investigative cooperation is enhanced even more when grant guidelines and Executive Boards mandate cooperation. This level of cooperation and sense of neutrality would be destroyed if the HIDTA program were moved from ONDCP which is not a law enforcement entity and who is not in competition with other agencies, to OCDETF, a Department of Justice entity.

Moving HIDTA to the Department of Justice OCDETF program would only serve to destroy the partnership between federal, state and local law enforcement as we know it today.

- 5) *During the hearing, we discussed the current ONDCP operating guideline for the HIDTA program that requires each HIDTA divide full voting authority on its Executive Board between federal agencies on one hand, and state and local agency representatives on the other. Can you confirm that your HIDTA currently complies with this directive?*

As required by ONDCP's HIDTA Program Policy, the NC HIDTA Executive Board maintains an even balance of federal and state and local law enforcement and criminal justice agencies on its Executive Board (see table below).

Northern California HIDTA Executive Board

Law Enforcement and Criminal Justice Agencies

Federal (8 seats)	State and Local (8 seats)
DEA	Redwood City Police Department
FBI	California Department of Justice BNE
ICE	San Jose Police Department
ATF	Marin County Sheriff
United States Postal Inspection Service	San Mateo County Sheriff
United States Marshal	San Francisco Police Department
United States Attorney/Northern District of California	Alameda County District Attorney
IRS	Contra Costa County Sheriff

- a) ***How important is this 50/50 balance on the Executive Board to the overall success of your HIDTA? If the balance was eliminated and federal agencies were given major control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?***

The success of the HIDTA program can be attributed directly to the shared governance allocated equally between state/local officials and their federal counterparts. In view of the relatively small amount of HIDTA funding that is available to each local law enforcement agency, if the policy of shared and balanced governance is eliminated, and the federal agencies take charge, there will be little incentive for local executives to be involved in the HIDTA Program. The program will just become another program directed from Washington, with the local agencies feeling that their concerns are not important, and surely not as important as the priorities established by the federal bureaucrats in-far-away Washington.

The NC HIDTA region is subdivided into over 100 police jurisdictions. Very few of the agencies that have assigned investigators to HIDTA sponsored task forces have OCDETF targets residing in their jurisdiction. These departments have historically refused to assign officers to regional task forces that did not have some form of shared governance, and it is very doubtful they will be willing to participate in a federally controlled program. If the smaller departments retreat from the counterdrug effort, only the large metropolitan departments will be left to participate in OCDETF investigations.

- 6) ***Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?***

Yes, the decision has already begun to destroy longstanding relationships between federal and local law enforcement agencies by fostering an *us versus them* environment. Some departments are unwilling to sign new leases for facilities, vehicles and other equipment. Other departments are inquiring if they should try to break current lease agreements.

The local budget cycle is beginning and those departments that are contemplating assigning personnel to HIDTA task forces are unsure on how to proceed. Law enforcement agencies that have created positions specifically for assignment to HIDTA

task forces are contemplating recalling officers to fill other positions within the department to avoid laying people off if the HIDTA program is terminated.

The uncertainty has a negative impact on people occupying HIDTA funded positions. Most are seeking employment elsewhere. This is particularly disruptive in the ISC where the HIDTA program has expended a tremendous effort to recruit and train intelligence analysts. Morale has suffered.

Most HIDTA investigations are long-term in nature and it seems pointless to start new investigations that will not be completed before the planned termination of the program. Task Force agents are reluctant to initiate new investigations, and many are developing their cases so that if the HIDTA program is terminated they will be able to take the cases back to their department and work on them independently. This has created friction, and is counterproductive, as officers frequently assert departmental "ownership" of important cases. Local officers are now reluctant to volunteer for assignment to HIDTA task forces because they realize the assignment might terminate in a few months.

The Administration's proposal is severely straining the relationships between state/local agencies and the federal agencies. It has taken years to establish sufficient confidence in this federal program to convince state and local agencies to devote the significant resources that they have committed to the HIDTA program. The HIDTA program has demonstrated to state and local executives that it is possible to have a federal program that values shared governance.

The most commonly heard complaint regarding federal programs is that the decisions are made in Washington without local input. Many feel this is exactly what has happened to the HIDTA program. Agencies acting in good faith have allocated major resources to a program that has proven to be successful, only to find by reading the morning paper that the program is in jeopardy. These experienced law enforcement executives who have been loyal to the NC HIDTA program since its inception are wondering why ONDCP or some other government entity did not seek their advice or the advice of professional organizations such as the International Association of Chiefs of Police (IACP), Major City Chief, National Sheriffs Association (NSA) National District Attorney's Association (NDAA), the National Alliance of State Drug Enforcement Agencies (NASDEA) or the HIDTA Directors that have dedicated themselves to the success of the program.

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COMMITTEE ON GOVERNMENT **REFORM**
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA,
and other law enforcement programs: Are we jeopardizing
federal, state and local cooperation?”

MARCH 10, 2005

QUESTIONS FOR THE WRITTEN RECORD FOR MR. ERICK V. SLAMKA, DIRECTOR, MILWAUKEE
HIDTA

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.
 - a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?
 - Fifty percent of the officer salaries from the participating agencies equals approximately \$927,000.00
 - One hundred percent of the Wisconsin National Guard’s Drug Control Program Analysts (total of five) salary equals approximately \$250,000.00
 - United States Marshal’s Fugitives Task Force’s one local officer equals approximately \$60,000.00 in total salary.
 - b. What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?
 - Ten federal officers for an approximate contribution of \$900,000.00
 - Ten vehicles for an approximate contribution of \$50,000.00
 - c. Do you believe that, if your HIDTA’s federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?
 - Our concern is that the state and local agencies would reallocate their resources elsewhere.
 - It should be noted that the positions allocated to the HIDTA were created by authority of the respective city councils and county boards predicated on the assumption that 50% of the salaries of these officers/agents would be reimbursable by HIDTA.
2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA’s federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?

Absolutely.

The assignment of officers, the execution of leases for office space and vehicles are only a few of the commitments that are determined primarily by the HIDTA budget. For the past seven years, Milwaukee HIDTA initiatives have functioned with the expectation of continued funding based upon performance. Although, each participating agency accepts the fact that the budget may fluctuate slightly based upon regional needs and their performance, the consistency of funding has allowed all the participating agencies to plan and allocate their resources to the advantage of the HIDTA Program. They have been able to balance their participation with HIDTA with other pressing needs. As a result, the initiatives have been stable over time and consequently have yielded excellent performance outcomes.

Without the stable funding, the Milwaukee HIDTA successes would not have been possible. If budgets fluctuated wildly from year to year, the involvement of federal, state and local law enforcement agencies would vary in direct proportion. One of the reasons that the Milwaukee HIDTA has been so successful in dealing with drug issues has been the commitment of federal, state and local law enforcement. The long-term commitment is, by necessity, tied to the expectation that program funding will continue at a consistent level.

All of the HIDTA initiatives are co-located in a single leased location with a ten year lease. In addition to the office space, the budgets for the Milwaukee HIDTA initiatives include funds for leasing vehicles. Although these leases are for a term of three years, the procurement process starts six months prior to signing the contract. Without confirmed funding, the Milwaukee HIDTA initiatives cannot engage in these agreements. Co-location of the initiatives is a HIDTA Program requirement and is vital for creating and maintaining a cooperative and coordinated drug enforcement environment.

The year to year fluctuation of funding would have devastating effect upon the Milwaukee HIDTA and all other HIDTAs. HIDTAs are made possible because of the contributions made by the state and local law enforcement agencies. Without the assurance of consistent funding the participating state and local agencies could not realistically continue their involvement.

3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt.

Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget?

One of the benefits of the HIDTA program is its ability to be flexible and adapt to meet the drug threats of each particular HIDTA region. For the federal government to suggest that HIDTAs shouldn't have the discretion to respond to the current drug threats means they simply don't understand the HIDTA program. It is the federal government along with state and local government using its collective discretion to reallocate resources in response to changing threats that makes this program so unique and effective. If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.
 - a. Do you support this proposal? If not, why not?

No. Local and State input makes HIDTAs unique and very successful operations. 80% of the officers on our investigative initiatives are from local and state organizations. The HIDTA and OCDETF are different programs with different missions. Since the executive boards are made up of an equal number of federal and state/local representatives, placing HIDTA under Justice could either potentially or it could be perceived that Justice members could be forced to vote as a block. Department of Justice personnel such as the U.S. Attorney, DEA, FBI, ATF and U.S. Marshals Service are on many if not all the boards. Currently, there is no ONDCP representative on any 7 of the boards and thus nobody from the management agency to exert pressure.

The HIDTA Program has worked extremely well and effectively under ONDCP's Bureau of State and Local Affairs. Why change and potentially impact the program's effectiveness.

Age-old agency cultures and impending turf battles are surmounted daily in favor of more suitable cooperation and coordination among participating agencies. These significant and unprecedented outcomes would not occur if HIDTA were under the stewardship of a Justice agency.

Management of the program requires review of HIDTA threat assessments, strategies and budgets. Information gleaned from these processes gives the Bureau of State and Local Affairs a unique, accurate perspective of drug issues. Congressional wisdom in having ONDCP manage the HIDTA program has paid huge dividends for law enforcement and the American People.

The HIDTA Program has flourished largely because of grass roots support by state and local criminal justice agencies. This undaunted support comes chiefly because the program is managed by a neutral agency with no competing interests in the program resources. ONDCP provides the unbiased neutrality, real and perceived, necessary for law enforcement agencies to willingly participate in the program.

ONDCP's Bureau of State and Local Affairs policy making and leadership roles are significantly enhanced by using the HIDTA Program as a primary vehicle to implement its national policies (i.e., connectivity between HIDTAs, National Clandestine Laboratory Seizure System, National Methamphetamine Initiative and other programs that directly impact national drug policy).

The HIDTA Program's national scope provides an immediate pulse on regional drug trends and issues while enhancing the capability to implement policy nationwide.

The HIDTA Program provides for an equal partnership between federal, state and local law enforcement leaders tailored for regional approval and goals yet tied to the national mission. OCDETF is a federally run programs not a partnership and focuses strictly on national issues.

- b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program that with HIDTA as it currently exists?
We believe local and state agencies prefer the current arrangement because of the sense of local control over operations. Local and state officers do not see significant support from the OCDETF program as it tends to be focused solely on the prosecuting attorneys. We have polled members of our investigating task forces and they are unequivocally unanimous to remain under the umbrella of ONDCP.

Deputy Chief Brian O'Keefe, Milwaukee Police Department, who is also the Vice Chairman of the Milwaukee HIDTA Executive Board said,

"HIDTA is the one program in Southeastern Wisconsin that all law enforcement agencies have coalesced around. It is a model of cooperation among Wisconsin law enforcement agencies. HIDTA has been instrumental in dismantling and disrupting drug trafficking organizations in Wisconsin and has been a major factor in reducing violent crime in Southeastern Wisconsin. HIDTAs presence has resulted in streamlining complex investigations and reducing the duplicative investigative efforts of other law enforcement agencies."

- c. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?
OCDETF program

- **Task Forces:** OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. They do not perform and enforcement activities. HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution,

sales, interdiction, prosecution, violence, gangs and intelligence. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies).

- Intelligence and Support Activities: OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is that of funding. It does not provide investigative support beyond prosecution and money.

HIDTA has intelligence units that:

- Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
 - Provide post-seizure analysis
 - Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
 - Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
 - Produce annual threat assessments and special strategic reports
 - Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
 - Provide analytical support through all phases of an investigation
 - Conduct pro-active intelligence activities and produce informants and develop cases
- Funding: The OCDETF budget primary funds federal personnel outside their agency budget. A small percentage of that budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement. The majority of HIDTA funding goes to support operational activities of local and state officers with a small portion going to federal agencies. The Milwaukee HIDTA has five operational task forces, one intelligence center, and a prosecution initiative to address the drug threat in southeast Wisconsin.
The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility which would be unavailable within the Department of Justice.
 - Structure: OCDETF is a program for federal agencies and managed by a federal agency. The majority of its budget funds full time federal employees distributed among participating federal agencies. It has no operational task forces, pointer indices or intelligence capability. Non-federal agencies are not represented in their administrative task forces. HIDTAs are governed by executive boards that contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces... They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.
 - Operations: OCDETF funding and assignment of prosecutors is on a case by case basis. HIDTA task forces actually develop and open cases, provide and share intelligence and informants that leads to OCDETF investigations and support for other OCDETF cases across the country.
 - Flexibility: OCDETF cases are generally major DTOs only brought to them by federal agencies or HIDTAs. HIDTA retains the flexibility to both target major DTOs but also address regional threats that are identified such as methamphetamine and clandestine labs.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency

representatives on the other. The Administration has apparently not yet decided whether OCDEF would maintain this practice if given control of the HIDTA program.

- a. Does your HIDTA currently comply with this directive? If not, why not?
Yes. The Milwaukee HIDTA by choice of the Executive Board including the federal members has representation that has more members at the state and local level. Milwaukee HIDTA sought and obtained an exemption from the equal federal, state and local representation on the board through ONDCP. This arrangement has served Southeast Wisconsin very well.
- b. How important is this 50/50 balance on the executive board to the overall success of our HIDTA? If that balance was eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?
One of the primary keys to the success of the HIDTA Program is that there are relatively balanced executive boards between federal, state and local law enforcement leaders giving each an equal voice and ownership of the program. If this balance was eliminated and federal agencies would take control, it would become just another federal program, and many state and local participants would leave. The state and local resources to the HIDTA Program far outweigh what the federal government has committed.

6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

Yes, it has had a significant negative impact on the HIDTA Program. Agencies are reluctant to sign contracts, make and commitments past this calendar year and employees worried about their jobs are seeking employment elsewhere. Our senior intelligence analyst recently resigned and accepted a position that was more stable and funded for the future. This had an extremely disruptive impact on our intelligence center. The proposal has affected morale for those who have worked so hard to make the HIDTA Program a success. The proposal has created some sense of separation between those members of the board in Justice who, for the most part, understandably refrain from getting involved in this issue. This has put a strain on relationships and communications between our stat/local and federal agencies and will need some mending for the future.

Sincerely,

Erick V. Slamka
Director, Milwaukee HIDTA

**U. S. Department of Justice***United States Attorney
Northern District of Illinois**Patrick J. Fitzgerald
United States Attorney**Federal Building
219 South Dearborn Street, Fifth Floor
Chicago, Illinois 60604
(312) 333-5300*FOR IMMEDIATE RELEASE
TUESDAY MARCH 22, 2005PRESS CONTACTS:
AUSA Daniel Rubinstein (312)469-6151
AUSA/PIO Randall Samborn (312)353-5318**FOUR AUTO DEALERS ARRESTED ON FEDERAL RICO CHARGES FOR
ALLEGEDLY LAUNDERING MILLIONS IN PROFITS FROM CHICAGO DRUG
DEALERS AND GANG MEMBERS THROUGH LUXURY AUTO SALES****More than 100 autos expected to be seized from three west side dealerships**

CHICAGO – Two owners and two managers of three west side auto dealerships were arrested today on federal racketeering conspiracy charges for allegedly selling luxury cars to street gang drug dealers and laundering millions of dollars of narcotics proceeds in fraudulent sales and bank transactions. Federal agents and Chicago police this morning began seizing more than 100 cars, searched the defendants' offices and the homes of three local defendants in Winnetka, Northbrook and Chicago after arresting three of the defendants in Chicago and one in Los Angeles last night and early today. The charges allege an extensive network spanning a decade that enabled drug dealers from many of the city's largest street gangs to purchase luxury autos with cash from narcotics sales – sometimes using \$20, \$50 and \$100 bills – while enriching the defendants. Since 2001, the defendants allegedly laundered more than \$9 million through business accounts they controlled at two Chicago banks.

One of the two principal defendants, **Hossein Obnei**, was also charged with aiding and abetting a cocaine and heroin-trafficking ring operated by some of his customers, and the

investigation resulted in the seizure of approximately 73 kilograms of cocaine and three kilograms of heroin in Texas and Chicago.

The investigation included two undercover police purchases of autos from the defendants' dealerships, identified collectively as the Standard Auto Enterprise. One undercover officer posing as a drug dealer and another as his girlfriend, paid cash in full for two autos – an Oldsmobile Alero and a Ford Mustang. In both instances, the defendants allegedly placed a lien on the cars and paid no sales tax to the State of Illinois, and, immediately after the sales, made multiple structured bank deposits of the cash proceeds to avoid reporting requirements. The defendants allegedly profited by maintaining fraudulent liens that allowed them to recover the vehicles they sold if the vehicles were seized by law enforcement, or by re-selling autos they recovered from customers who were later imprisoned.

A 127-page FBI affidavit attached to a criminal complaint that was unsealed today following the arrests details an elaborate fraud scheme by tracing the proceeds of street-level, retail drug sales and international wholesale narcotics trafficking to the purchase of all makes and models of luxury autos to various businesses and bank accounts controlled by the defendants. The defendants charged in the complaint are:

Amir Hosseini, 48, of 718 Hibbard Rd., Winnetka, allegedly the principal leader, organizer and manager of the conspiracy, who owned and operated Standard Leasing Sales (Standard), currently known as Amer Leasing Sales, a dealership located at 3356 West North Ave. He also owns a one-third interest in SHO Auto Credit (SHO), 5801 South Western Ave.;

Hossein Obaei, 52, of 4302 Oak Knoll Ct., Northbrook, allegedly second-in-command to Hosseini, who owned and operated American Car Exchange (American), 1133 North Ashland Ave., and was also a one-third owner of SHO Auto Credit;

Ruhollah Bambouyani, also known as "Roy," 54, of the Los Angeles area and formerly of 908 Tamer Lane, Glenview, Hosseini's business partner at Standard; and

Ramona Rodriguez, 38, of 3916 West Greenleaf, Chicago, who at various times was the finance manager and/or office manager of both Standard and American.

All four defendants were charged with racketeering conspiracy and Obaei, alone, was also charged with aiding and abetting a drug distribution conspiracy. Hosseini, Obaei and Rodriguez are expected to appear at 3:30 p.m. before U.S. Magistrate Judge Arlander Keys in U.S. District Court in Chicago. Bambouyani, who was arrested in Los Angeles, is expected to appear in Federal Court there later today. All four defendants are naturalized U.S. citizens – Hosseini, Obaei and Bambouyani from Iran, and Rodriguez from Mexico.

The charges were announced by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois; Robert D. Grant, Special Agent-in-Charge of the Chicago Office of the Federal Bureau of Investigation; Richard W. Sanders, Special Agent-in-Charge of the Chicago Office of the Drug Enforcement Administration; Byram Tichenor, Special Agent-in-Charge of the Internal Revenue Service Criminal Investigation Division in Chicago; Elissa A. Brown, Special Agent-in-Charge of Immigration and Customs Enforcement in Chicago for the U.S. Department of Homeland Security; Chicago Police Superintendent Philip J. Cline; and Thomas Donahue, Executive Director of the Chicago High Intensity Drug-Trafficking Area (HIDTA). The investigation is continuing, they said.

"Today we have shut down a major outlet for the enormous cash proceeds generated by Chicago drug dealers and street gangs," Mr. Fitzgerald said. "We are going after the car dealerships, the people who own them, the people who run them, and the cars too. For a decade, Standard Auto

has marketed itself to gang bangers and drug dealers as the dealership for those who make illegal money and want to get away with it. Today, Standard Auto has been totaled.”

The racketeering conspiracy charge alleges that since 1995 all four defendants, together with the three dealerships – Standard, American and SHO, along with related affiliates and subsidiaries – comprised the Standard Auto Enterprise, and conspired to engage in a pattern of criminal activity that included multiple acts of money laundering, mail fraud, bank fraud and illegal structuring of financial transactions.

According to the complaint, the defendants sold automobiles to persons they knew were area drug dealers and/or gang members in exchange for cash, knowing that the transactions were designed to conceal and disguise the nature, location, source, ownership and control of the proceeds of their customers’ drug-trafficking activities. Drug dealers allegedly used cash to purchase hundreds of luxury cars from the Standard Auto Enterprise, including Mercedes Benz, Jaguar, BMW, Lexus, and Cadillac models. At times, the complaint alleges, drug dealers and gang leaders would purchase multiple luxury vehicles for family members and associates, and even outfit their drug organizations with fleets of vehicles. For example, the complaint alleges that one international drug trafficker and members of his “crew” purchased approximately 20 vehicles from Obaci’s dealership during 2004 alone – all paid for in full with cash – including five Nissan Armadas, three Honda Pilots, two Infiniti SUVs, and two Mercedes Benz vehicles. The complaint also alleges that Hosseini counseled drug dealers on how to avoid attracting the scrutiny of law enforcement, suggesting that they buy low-priced vehicles and repeatedly “trade up” until they acquired the luxury models they sought, and explaining that they could obtain “clean” money by purchasing a car with cash and then selling the car to a legitimate dealership.

Since 2001, Hosseini and Bambouyani allegedly laundered approximately \$9.3 million in cash from the proceeds of narcotics trafficking by making multiple separate daily cash deposits – each under \$10,000 – into the business accounts of the three dealerships. More than \$6.7 million in cash was allegedly laundered through accounts controlled by Hosseini and Bambouyani at Parkway Bank and Trust, and more than \$2.2 million was laundered through accounts they controlled at Harris Bank and Trust. Hosseini and Obaei, assisted by Bambouyani and Rodriguez, likewise structured proceeds of narcotics trafficking from American and SHO into at least two bank accounts held at Bank One and Broadway Bank and Trust. These allegedly illegal structured cash transactions for drug dealers and gang members who purchased cars from the Standard Auto Enterprise avoided currency transaction reporting requirements for cash transactions of \$10,000 or more.

There are no allegations of any criminal wrongdoing against the banks, the law enforcement officials noted.

As part of the conspiracy, the defendants and other co-conspirators allegedly engaged in a fraud scheme by placing liens on automobiles they sold to drug dealers and/or gang members and which were paid for in full at the time of purchase, falsely indicating that the dealership held security interests in these cars. The scheme enabled the defendants to deceive the Chicago Police Department and federal law enforcement agencies into returning numerous automobiles that were lawfully seized after being involved in suspected criminal activity. The defendants caused the Illinois Secretary of State's Office to mail to all three dealerships Illinois vehicle titles reflecting that the businesses held liens on particular vehicles sold, when, in fact, no such liens existed, the complaint alleges.

As a service to their drug dealer and/or gang member clients, the defendants would then return the seized vehicles to the clients in exchange for additional cash payments or simply resell the vehicle and keep the proceeds from the subsequent sale of the car. The RICO conspiracy count also alleges a bank fraud scheme in which Obaei and Rodriguez and other co-conspirators allegedly cheated Banco Popular and First Midwest Bank by applying for and receiving loans for vehicles that Obaei represented to the banks that he owned, but, in fact, he did not.

The affidavit relies, in part, on information provided by nine cooperating witnesses, including two former dealership managers and four individuals identified as ranking members or former members, respectively, of the Latin Kings, the Unknown Vice Lords, the Black Disciples and the Conservative Vice Lords street gangs. One former employee, identified as CW-2, told investigators that during the time he was employed at Standard from 1997 to 2001, between 500 and 800 vehicles were sold in deals in which the sales contract inaccurately reflected the down payment as being less than \$10,000 when, in fact, the dealership received more than \$10,000 cash from the customer. The paperwork typically listed the down payment as \$9,000 or less, and, as a result, no currency transaction report was filed relating to the customer involved in the transaction. In each instance, the paperwork would reflect a balance owed on the vehicle, even if there was none.

Another former employee, identified as CW-9, worked on and off for Obaei for the last seven to eight years. He estimated that 60 percent of the vehicles sold by American were sold to drug dealers, and almost all of the luxury cars on the American lot were purchased by drug dealers. Other low-end vehicles, usually costing less than \$10,000, were sold to legitimate customers.

According to the affidavit, CW-9 knew – and told Obaei – that Co-Conspirator E was a narcotics dealer and that approximately 40 kilograms of cocaine were seized by DEA agents north

of Laredo, Tex., in July 2004 from a 2003 burgundy Toyota 4-Runner that American sold to Co-Conspirator E on June 11, 2004. In November 2004, DEA agents seized approximately three kilograms of heroin just north of Laredo from a 2004 Infinity which contained registration papers showing it was purchased (by Co-Conspirator G, a member of Co-Conspirator E's crew) at American in September 2004. Like the Toyota 4-Runner, American held liens on both vehicles.

Other cocaine seizures allegedly resulted from a transaction that began on Nov. 16, 2004, when CW-8 placed an order with CW-9 (who was not then cooperating) to have two kilograms of cocaine delivered to SHO for sale to a third party. After the deal fell through, agents followed the alleged drug courier to a residence located at 4211 North Drake, Chicago, where agents recovered approximately 11 kilograms of cocaine, more than \$60,000, a drug ledger, multiple digital scales, a money counter, materials used to package cocaine and three vehicles. After further investigation, agents also recovered an additional 21 kilograms of cocaine that were found welded into the door frame of a 2004 charcoal gray Nissan Armada. That vehicle also contained the American sales paperwork and a letter signed by Obaei and notarized by Rodriguez, dated Sept. 13, 2004, indicating that American was the lien holder and that the vehicle's owner would be traveling in and out of Mexico between Sept. 15 and Nov. 15, 2004. According to the paperwork, the vehicle had 19,309 miles on Sept. 13, 2004, and the odometer reading when it was seized on Nov. 16, 2004, was more than 34,000 miles.

The government is being represented by Assistant U.S. Attorneys Daniel Rubinstein, Lisa Noller and Joel Hammerman.

If convicted of racketeering conspiracy, each defendant faces a maximum penalty of 20 years in prison and a \$250,000 fine. Obaei, alone, if convicted of aiding and abetting a drug distribution

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conspiracy, faces a mandatory minimum sentence of 10 years in prison and a maximum sentence of life and a \$4 million fine. The Court, however, would determine the appropriate sentence to be imposed.

The public is reminded that a complaint contains only charges and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

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April 5, 2005

Representative Mark E. Souder
Chairman
Subcommittee on Criminal Justice
Drug Policy and Human Resources
U.S. House of Representatives
Committee on Government Reform
2157 Rayburn House Office Building
Washington, D.C. 20515-6143

RE: HIDTA Information Request of March 17th

Dear Representative Souder:

Thank you for your continued interest and support of this nation's drug law enforcement efforts and particularly your encouraging efforts in support of the High Intensity Drug Trafficking Area (HIDTA) program. On behalf of all the law enforcement agencies in the Central Valley of California who combat drug crimes on a daily basis, we are pleased to have this opportunity to respond to your request for information concerning this region.

The nine California counties that comprise the Central Valley California HIDTA region include: Fresno, Kern, Kings, Madera, Merced, Sacramento, San Joaquin, Stanislaus and Tulare. This region is nearly 400 miles in length and is one of the most-productive food producing regions in the country. It is also one of the most problematic in terms of methamphetamine and marijuana production and the distribution of heroin, cocaine and other illicit drugs to the drug markets of this nation.

The Central Valley California HIDTA program is governed by a sixteen member Executive Board comprised of agency executives from nine State, County and City law enforcement agencies plus seven Federal law enforcement agencies. The current Chairman is the United States Attorney for the Eastern District of California. All Executive Board members recognize the immense value in mutual support, cooperation and collaboration on drug enforcement issues. In this HIDTA's five year history of promoting partnerships between Federal and State and local drug enforcement agencies, many successes have occurred. It is everyone's desire that this successful program continue to meet the challenges of the future.

I have enclosed two documents for your review and inclusion into the record of your Committee. They are:

- ◆ A response to your questions asked of each HIDTA with specific data about the Central Valley California HIDTA program and its constituent agencies.
- ◆ An Impact Statement that delineates the probable impact upon the Central Valley California HIDTA if the proposed budget changes are ratified.

Representative Mark E. Souder, Chairman
Subcommittee on Criminal Justice
Drug Policy and Human Resources
U.S. House of Representatives
April 5, 2005
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Again, I must thank you and your colleagues for all the work done on behalf of the entire HIDTA program. On behalf of the drug law enforcement agencies in the Central Valley of California, we are grateful for your continued support and we look forward to future collaboration.

Please feel free to contact me if you need additional information. I can be reached at anytime at 559-351-0952.

Sincerely,

William Ruzzamenti
Executive Director

Enclosures (2)



Impact of the President's FY2006 Budget Reductions on the Central Valley California High Intensity Drug Trafficking Area (HIDTA) Program

The HIDTA Program falls under the oversight of the Office of National Drug Control Policy (ONDCP) which is a component of the White House Drug Policy Office. ONDCP Director John Walters has proposed an unprecedented budget cut for the National HIDTA program in the President's FY2006 budget. The budget document was recently released and if passed, the HIDTA program would have its funding reduced by nearly 60%. This is the first drastic reversal of a successful program created in 1989 by President George H.W. Bush. If the budget passes, we can expect the Central Valley California HIDTA to be abolished.

Because this region is largely rural with mid- sized cities, we can expect all remaining HIDTA funding to be reallocated to the larger metropolitan areas. The end of the Central Valley California HIDTA program will be felt in every Central Valley community.

Residents in the nine county CVC HIDTA region can expect that essential anti-crime programs will be abolished. The Central Valley HIDTA counties include Kings, Kern, Madera, Merced, Fresno, Tulare, Stanislaus, San Joaquin and Sacramento. Here's the immediate impact if HIDTA funding is lost:

- More mid and high level drug dealers will be at large in the communities.
- Increased drugs in circulation throughout the Central Valley.
- More methamphetamine laboratories and toxic dumpsites throughout the area.
- Elimination of HIDTA multi-agency drug task forces in Bakersfield, Fresno, Modesto and Sacramento.
- Elimination of the HIDTA Intelligence Center in Fresno and task force intelligence support centers in Bakersfield, Modesto and Sacramento.
- Elimination of gang enforcement funding in the Fresno region.
- Loss of funding for highway drug enforcement programs in the region.
- Youth drug education programs will be lost.
- Loss of 10 HIDTA funded positions in the region.
- Methamphetamine laboratory enforcement teams will not receive HIDTA funding and the cost burden will shift to the counties and cities.
- Loss of \$3,000,000 annual funding which goes into the community for HIDTA provided equipment, goods and services from regional vendors.
- Loss of enforcement partnerships between federal, state and local agencies that have developed over the past 5 years.
- The elimination of HIDTA no-cost training programs that improve the efficiency and effectiveness of law enforcement officers.
- The Precursor Vendor Program, a critical business-liaison program will end.
- Diminished information sharing about criminal offenders between law enforcement agencies.



Central Valley California HIDTA

Central Valley Communities are Safer Because of the HIDTA Program

As a measurement of the value of the Central Valley California HIDTA program, we need only to look at what the HIDTA has accomplished since its inception. The five-year performance record of the men and women who comprise the Central Valley HIDTA task forces speaks to the success of the HIDTA effort. An examination of data for the period of 2000-2004 shows that the CVC HIDTA:

Dismantled criminal organizations operating in the 9 counties.

- 259 drug trafficking organizations disrupted or dismantled with over 1,000 criminals facing prosecution associated with these organizations.
- 4,343 drug offenders arrested overall.

Protected the region from dangerous methamphetamine laboratories and toxic dumpsites.

- 622 methamphetamine laboratories dismantled.

Removed narcotics and dangerous drugs from circulation in the nine counties.

- 25,000 pounds of methamphetamine removed from CVC HIDTA communities.
- 372 pounds of heroin seized from drug traffickers.
- 1,287 pounds of cocaine removed from the region.
- 510,099 pounds of bulk marijuana removed from the nine counties.

Illegal proceeds derived from drug trafficking were seized by law enforcement.

- \$9,168,281 worth of cash and assets were seized from drug dealers.

Worked with public and private land managers to make the forests and parks safe.

- 855,874 marijuana plants pulled from public and private lands.
- A 3 state intelligence fusion program studying criminal enterprises operating on public lands will be eliminated.

Provided essential skills training to law enforcement officers.

- Nearly 2,000 law enforcement officers trained at no cost to their agencies.
- Training programs included hazardous materials, investigations, intelligence and other topics.

Lowered the annual costs to participating state and local agencies.

- HIDTA funds up to \$14,500 per officer in annual overtime costs for state, city and county officers.
- Cities and counties will need to divert limited general funds to replace drug enforcement funding that HIDTA previously offered.

Provided a forum for law enforcement executive managers to coordinate regional efforts.

- State, local and Federal program managers comprised the CVC HIDTA's Executive Board.



Central Valley California HIDTA

- Executive Board members control the CVC HIDTA program and voted equally on HIDTA program issues.
- Executive Board members commissioned a regional drug threat assessment each year and devised a annual strategy on how to reduce the region's drug and crime problems.

Improved Homeland Security by providing assistance with investigations on Narcoterrorist organizations operating in the region.

- Foreign support organizations have trafficked in essential methamphetamine precursor chemicals.

Investigation Efficiencies Improved Through Automated Coordination System

- Regional criminal investigations were coordinated through a centralized computer system operated by two HIDTA funded Criminal Intelligence Specialists.
- 23,741 investigative events were coordinated through the system.
- 197,359 inquiries about criminal offenders were made by Central Valley law enforcement agencies of the HIDTA's centralized information system.

The Central Valley California HIDTA has become a regional asset supported by law enforcement and community leaders. It's value is clear. If the San Joaquin and Sacramento Valley communities lose this federal program what must be done to replace it? The realities are that each city and county already pays the majority of the costs for drug enforcement. HIDTA funding augments their budgets but amounts to only a small percentage of the overall costs. The law enforcement agencies that are responsible for drug enforcement will either assume the costs to replace the HIDTA funding or end their drug enforcement programs.

The President's FY2006 budget delivers another blow to Central Valley drug enforcement programs. It calls for the elimination of all Byrne discretionary funds and Justice Assistance Grants that also help support the drug task forces in the region. Sheriffs and Police Chiefs have relied upon this funding stream to offset the high costs of this important public safety function. While there are HIDTA and Byrne program cuts in the FY2006 budget, there are increases in funding for foreign drug control. For example, aid to Afghanistan, Colombia plus other South and Central American countries will increase in FY2006. Foreign "source" countries appear to be winning FY2006 Federal funds over the communities here at home. The combined effect of these budget cuts has left Central Valley law enforcement leaders wondering, "How can our communities be abandoned by ONDCP? We need Federal support in order to maintain a strong law enforcement presence. HIDTA funded programs are needed to combat the influences causing crime and addiction in this Central Valley of California?"

March 31, 2005

Chairman Mark Souder
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
B-373 Rayburn Office Building
Washington, DC 20515

Dear Chairman Souder:

Thank you for giving me and the other HIDTA Directors the opportunity to respond to your questions and make this part of the written record. I also want to commend you and the committee members for seeking the facts about the High Intensity Drug Trafficking Area program related to the proposal to reduce funding by \$127 million and to move the program from ONDCP to the Department of Justice. In response to your questions:

- 1) **“Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.”**
 - a) **“What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?”** The C.V. HIDTA consist of eleven initiatives in a nine county region spread over 400 miles. The program includes an intelligence center, eight multi-agency collocated drug task forces, a three county highway interdiction unit, and demand reduction team. The initiatives are supported by over a hundred state and local law enforcement personnel that make significant unreimbursed contributions to our program. The dollar value of these services will be our best estimate of salaries, fringe benefits, facility costs, etc. we have also taken into account that some of our initiatives receive funding from other federal programs. The total dollar value of all unreimbursed state and local contributions to the C.V. HIDTA is approximately \$9,702,000.00.
 - b) **“What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?”** Approximately \$2,970,000.00 annually.
 - c) **“Do you believe that, if your HIDTA’s federal program fund were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?”** Having recently spoken to several state and local law enforcement officials in the Central Valley, it is very clear that should funding be severely cut back or eliminated the state and local participation in the C.V. HIDTA would be greatly reduced if not eliminated all together. The majority of our most effective task forces would be disabled and the overall effectiveness of the C.V. HIDTA would be

reduced to 50% to 75%. Stanislaus County Sheriff Les Weidman in reference to the C.V. HIDTA program is quoted, "The C.V. HIDTA provides the mechanism to bring all the parties (local, state and federal) together to go after our collective problems in combating drug trafficking in this country. If the HIDTA program withers and dies our collective efforts will be surely diminished." Sacramento County Sheriff Lou Blanas has stated that in his 30 plus years of law enforcement experience (many in drug enforcement) he has "never seen a program operate so effectively in identifying and targeting the most significant drug violators...then using all resources available to stifle the drug organization wrecking havoc on our communities. To cut back or eliminate the HIDTA makes no sense and is contrary to good law enforcement policy." Fresno Police Chief Jerry Dyer... "If the HIDTA program in Fresno was eliminated it would set area law enforcement back 10 years and short circuit all the progress we've made at driving the major methamphetamine organizations out of business." Fresno County Sheriff Richard Pierce states, "that to put the HIDTA program under the Department of Justice is flat out a bad idea...the reason the program works so well is a feeling of collective ownership by all parties... the OCDEF program does not have that same perception and 'buy off..'"

We have been informed by numerous law enforcement officials and task force commanders that if HIDTA funds are eliminated or significantly reduced that it would be impossible to continue with the level of contributions they are making to drug enforcement efforts and the departments would need to realign their resources into other areas.

- 2) **"State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?"** Yes. Budgeting/planning for state and local agencies is predicated on where the funding is coming from and how much stability is in any program. Committing resources long term budgeting, contracting, leasing, computer lines, etc. are commitments by the state and local agencies. With the stability of the HIDTA program the state and local law enforcement administrators have gained confidence that short of productivity issues that the HIDTA funds will be available to assist and they can do long term planning. It is almost impossible to address any significant drug law enforcement challenge on a year to year basis. A more comprehensive long term approach is required.
- 3) **"The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each**

HIDTA's operations?" One of the positive aspects of the HITDA program is its ability and flexibility to adapt to meet the regional drug threat. Each HIDTA has a slightly different drug threat they are addressing which cannot be properly addressed from a centralized district position. The issues can be more effectively managed at the regional level. For the federal government to indicate that they don't have the discretion to respond to the changing drug threat is to not understand the HIDTA program. The key is that it is the federal government along with state and local government using its regional discretion to redirect HIDTA resources to respond to the regional drug threat which affects this nation. There should be a baseline for each HIDTA so they can do long-term planning and develop strategies over the years. However, ONDCP's Bureau of State and Local Affairs, which manages the HIDTA Program, should be given some discretion each year to adjust the budgets based on an assessment of each HIDTA and the need to meet emerging national threats. This would put ONDCP and the HIDTA at the forefront in testing new programs and strategies and if successful seeking additional funding. The key for discretionary funding to be effective is to work with the various HIDTAs and mine the expertise available in every HIDTA in this country. In the past when ONDCP has received additional or supplemental funding there has been no interaction with the HIDTA directors or the Executive Boards. Thus some of the programs such as CPOT have been poorly managed from ONDCP. The HIDTA directors are in a perfect advisory position since they each are involved with federal, state and local law enforcement throughout the nation and interact with the top law enforcement leaders in this country as well as the officers implementing the drug strategy. What this has all meant for the Central Valley, CA HIDTA is simply this, our nine county region in the heart of California is primarily a rural farming region and through no fault of anyone became the "meth capitol" of the U.S. In 1999 the area was designated, our region was responsible for manufacturing around 50% of all the "methamphetamine" being consumed in the U.S. The term "super lab" was coined to describe the large scale commercial manufacturing clandestine laboratories operating in the Central Valley of California. In the year 2000, the first year of the HIDTA operation, 156 labs were seized of those 87 were "super labs". Last year, 2004, only 95 labs were seized of which 6 were "super labs". Still too much activity, but the decrease in labs in this region is a testament to the value and responsiveness of the HIDTA program. During this same time frame the various federal agencies operating in this region have tried to increase staffing to address the problems with little to no success. Currently, the Eastern District of California, which includes 34 of California's 54 counties and nearly ¼ of its actual area, has the lowest number of federal agents per capita and for its geographic size than any other place in the U.S.

- 4) **"The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDEF) at the U.S. Department of Justice."**
- a) **"Do you support this proposal? If not, why not?"** We do not support this proposal for the following reasons:
- OCDEF and HIDTA are different programs with different missions.

- Executive boards are made up of an equal number of state/local representatives, placing HIDTA under Justice would impact the representative nature of the board and give the Justice Department the perceived control of all board activity.
- The HIDTA Program has worked extremely well and effectively under ONDCP's Bureau of State and Local Affairs. Why make an unnecessary change that could negatively impact the programs effectiveness.
- If HIDTA were to be moved to Justice, it would be difficult for Department of Justice to remain objective or certainly prevent the appearance and perception of neutrality and unbiased management of the program since Department of Justice (DEA, FBI, ATF and U.S. Marshals Service) vie for HIDTA Program resources. The true equal federal, state and local partnership would be destroyed.
- Numerous age-old agency cultures and turf battles are surmounted daily in favor of more suitable cooperation and coordination among participating agencies. These significant and unprecedented outcomes would not occur if HIDTA were under the stewardship of a Justice agency.
- Management of the program requires review of HIDTA threat assessments, strategies and budgets. Information gleaned from these processes gives the Bureau of State and Local Affairs a unique and accurate perspective of drug issues. Congressional wisdom in having ONDCP manage the HIDTA program has paid huge dividends for law enforcement and the American People.
- The HIDTA program provides ONDCP's Bureau of State and Local Affairs with a unique link to state and local criminal justice agencies, an often-overlooked commodity and partner in our fight against illicit drugs and drug-related crime. Many interagency meetings intended to enhance cooperation and coordination are attended by ONDCP solely because it manages the HIDTA Program.
- The HIDTA Program has flourished largely because of grass roots support by state and local criminal justice agencies. This undaunted support comes chiefly because the program is managed by a neutral agency with no competing interests in the program resources. ONDCP provides the unbiased neutrality, real and perceived, necessary for law enforcement agencies to willingly participate in the program.
- ONDCP's Bureau of State and Local Affairs policy making and leadership roles are significantly enhanced by using the HIDTA Program as a primary vehicle to implement its national policies (i.e., connectivity between HIDTAs, National Clandestine Laboratory Seizure System, National Methamphetamine Initiative and other programs that directly impact national drug policy.
- The HIDTA Program's national scope provides an immediate pulse on regional drug trends and issues while enhancing the capability to implement policy nationwide.

- HIDTA improves ONDCP's Bureau of State and Local Affairs' ability to promote cooperation and coordination among all levels of criminal justice agencies as well as law enforcement, prevention and treatment.
- The HIDTA Program provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approval and goals yet tied to the national mission. OCDETF is a federally run program not a partnership and focuses strictly on national issues.

A task force commander in Sacramento, in referring to the HIDTA program said, "the best thing about HIDTA is that no one cares who gets the credit for the case. We are all there to put the bad guys in jail. No agencies, no hang-ups, just one big team with the same goal." The Past President of the CA State Sheriff's Association has stated, "The reason state and local law enforcement has embraced the HIDTA program is that we are full partners with our federal counterparts in determining the direction of the initiatives. No other federally sponsored drug enforcement task force has that latitude and commitment. Keeping the program separated from a specific federal agency assures it autonomy and ultimate success."

- b) **"Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?"** Of course not! Since this proposal has gone forward, I have personally spoken to most of the agency heads in the C.V. HIDTA, including sheriffs, chiefs, district attorneys and drug unit commanders. To an individual none wants to be a part of the OCDETF program. I have also spoken to most of the federal partners in the C.V. HIDTA who also expressed concerns that putting HIDTA under OCDETF would have a negative impact on the program.

Some comments from Central Valley, CA HIDTA partners:

- "The Central Valley HIDTA has provided state and local law enforcement with the vehicle to bring all regional law enforcement to the table and focus on the major problem of methamphetamine laboratories in the Central Valley of California. None of us had the manpower or resources to address this massive enforcement problem on our own. In just a few years we've gotten a handle on these labs and we're getting things turned around."
 - "The Central Valley HIDTA provided us with the mechanism to bring all area law enforcement together in a partnership to combat our areas major drug problem. The emphasis on intelligence, cooperation and inter-agency task forces has had a very positive effect on our efforts in this part of the country."
- c) **"What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?"**

- Task Forces: OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. They do not perform any enforcement activities. HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution, sales, interdiction, prosecution, violence, gangs and intelligence. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies.)
- Intelligence and Support Activities: OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is that of funding. It does not provide investigative support beyond prosecution and money. HIDTA has intelligence units that:
 - Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
 - Provide post-seizure analysis
 - Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
 - Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
 - Produce annual threat assessments and special strategic reports
 - Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
 - Provide analytical support through all phases of an investigation
 - Conduct pro-active intelligence activities to produce informants and develop cases
- Funding: The \$550 million OCDETF budget primarily funds approximately 4,000 federal personnel outside their agency's budget. These agents and personnel are assigned to their various divisional offices carrying out their respective agency's mission relating to drug enforcement and under the direction of the special agent in charge of that office. A small percentage of the OCDETF budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement. The \$227 million of HIDTA funding in twenty-eight strategic regions goes to support:
 - 355 operational task forces (65% established by HIDTA)
 - 53 intelligence centers (all but one established by HIDTA)
 - 4,428 federal personnel
 - 8,459 state and local personnel of which 1,996 are directly funded by the HIDTA Program

The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility which would be unavailable

within the Department of Justice.

- **Structure:** OCDETF is a program for federal agencies and managed by a federal agency, Department of Justice. The majority of its funding is designated for full time federal employees distributed among participating federal agencies (see above). No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). It has no operational task forces, pointer indices or intelligence capability. Non-federal agencies are not represented in their administrative task forces. HIDTAs are governed by executive boards that contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.
 - **Operations:** OCDETF designated investigations are submitted to OCDETF by federal, state and local agencies and/or task forces. The designation is generally for funding assistance and the assignment of prosecutors on a case by case basis. The OCDETF-funded federal positions are assigned to work within their respective federal offices throughout the United States. Unlike OCDETF, HIDTA task forces actually develop and open cases, provide and share intelligence and informants that leads to OCDETF investigations and support for other OCDETF cases across the country. HIDTA proactively identifies, targets, investigates and attempts to disrupt or dismantle international, multi-state and local drug trafficking organizations.
 - **Flexibility:** OCDETF cases are generally major DTOs only brought to them by federal agencies. OCDETF doesn't target threats or maintain the flexibility to address problems such as prescription drugs, club drugs, clandestine labs, steroids, etc. HIDTA retains the flexibility to both target major DTOS but also address regional threats that are identified such as methamphetamine and clandestine labs. Meth labs have been a major threat of many HIDTAs.
- 5) **“Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.”**
- a) **“Does your HIDTA currently comply with this directive? If not, why not?”** The Central Valley, CA HIDTA does comply with this directive and each member of the Executive Board has full voting authority. However, the C.V. HIDTA, by choice of its Executive Board, is made up of nine state and local representatives and seven federal representatives. This was done in order that the board more accurately represented the

commitments of the participating agencies, i.e. the C.V. HIDTA has approximately 120 full time participants. Approximately 100 of these are from approximately twenty (20) state or local agencies while approximately 20 are from four (4) federal agencies. The C.V. HIDTA requested an exemption to the ONDCP recommended guidelines and has received an exemption every year since 2001. This configuration has served the agencies and community well.

- b) **“How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how?”** One of the primary keys to the success of the HIDTA Program is that there are relatively balanced executive boards between federal, state and local law enforcement leaders giving each an equal voice and ownership of the program. If this balance were eliminated and federal agencies would take control, it would become just another federal program and many state and local participants would eventually leave. State and local law enforcement would probably not embrace the program, would not have ownership and thus would not have the commitment. The state and local resources to the HIDTA Program far outweigh what the federal government has committed. The HIDTA Program partners with state and local law enforcement to address the drug problem regionally but join the federal government’s national drug strategy also nationally.
- 6) **“Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA’s administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?”** Yes, it has had a significant negative impact on the HIDTA Program. Agencies are reluctant to sign contracts, make any commitments past this calendar year and employees worried about their jobs are seeking employment elsewhere. This has been very disruptive. Task force officers and support personnel are concerned whether the task force will be in existence and are reluctant to commit to long term drug trafficking organization investigations. The proposal has affected morale for those who have worked so hard to make the HIDTA Program a success. The men and women on the street doing the work feel as if they have been given a severe blow. The proposal has created some sense of separation between those members of the board in Justice who, for the most part, understandably refrain from getting involved in this issue. This has put a strain on relationships and communications between our state/local and federal agencies and will need some mending for the future. The future is now in the hands of Congress and most feel Congress will do the right thing.

WR:jw

HIDTA Directors**Appalachia**

Frank Rapier

Arizona

Raymond L. Vinski

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Richard Gorman

Central Florida

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Larry D. Burnett

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Jose M. Alvarez

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Thomas J. Gorman

South Florida

Tim Wagner

South Texas

Vernon P. Parker

Southwest Border

Terence M. Azhili

West Texas

Travis Kuykendall

Washington/Baltimore

Thomas H. Carr



National HIDTA Directors Association

HIDTA'S EFFORT AGAINST METHAMPHETAMINE**INTRODUCTION:**

The results of the performance measurements for 2004 have left no doubts concerning HIDTA's effectiveness in targeting, disrupting and dismantling major international, multi-state and local drug trafficking organizations. However, many leaders and citizens are equally concerned about the rising methamphetamine problem in various areas of this country. They want to know how the government is addressing the problem and if HIDTA is involved. This paper will attempt to answer those questions in a clear and concise manner using a question and answer format.

QUESTIONS AND RESPONSES:

- **Question:** Does HIDTA address the methamphetamine distribution and manufacturing problem in this nation?
Response: Yes. HIDTA is the only national entity that has targeted the distribution and manufacture of methamphetamine in a comprehensive, coordinated and multi-faceted approach. HIDTA's efforts vary from dismantling small mobile labs to dismantling major international drug trafficking organizations primarily involved in the distribution of methamphetamine.

However, not all HIDTAs address the methamphetamine problem. It is not a major problem in all regions of the country. The uniqueness of the HIDTA Program is its ability to adapt to the regional drug threat. Half of the HIDTAs have identified a significant methamphetamine drug threat and have developed a strategy to combat the problem.

- **Question:** Does HIDTA target drug trafficking organizations that distribute methamphetamine?
Response: Yes. Many of the drug trafficking organizations (DTOs) are polydrug. They might traffic in cocaine, methamphetamine, marijuana, and heroin. However, there are drug trafficking organizations that primarily distribute methamphetamine. In 2004, the HIDTA Program dismantled or disrupted 744 drug trafficking organizations that were primarily engaged in distributing methamphetamine. In 2004, the HIDTAs were responsible for removing over 4 tons of methamphetamine and 'ice' with a wholesale value of approximately 80 million dollars from the streets of America. In 2004, the Appalachia HIDTA targeted 26 drug trafficking organizations dealing primarily in methamphetamine and was able to dismantle or disrupt 24. The North Texas HIDTA Northern Drug Squad initiated an investigation into a drug trafficking organization distributing methamphetamine which was approved as an OCDETF case and designated Operation White Mercury. This case involved not only the



distribution of methamphetamine but the manufacturing of meth, including one “super lab” that the suspect admitted made over 100 pounds during a nine-month period. The case also involved the investigation and seizure of precursors and chemicals and resulted in the DTO being dismantled. The Gulf States HIDTA targeted and dismantled an Alabama drug trafficking organization distributing ‘ice.’ This investigation received the OCDETF Case of the Year Award for the middle district of Alabama.

- **Question:** Besides the distribution of methamphetamine, is HIDTA involved in targeting the manufacturing of methamphetamine?

Response: Many of the HIDTAs have teams that specifically address the manufacturing of methamphetamine. In the HIDTAs that don’t have specific teams, many of their task forces are specially trained to handle dismantling clandestine lab operations. In the Midwest HIDTA, Nebraska has a clandestine lab response team and Kansas has a retail meth watch program as well as the Kansas Bureau of Investigation Enforcement Initiative, which handles clandestine labs. Midwest HIDTA also supports the Iowa Division of Narcotics Enforcement Clandestine Laboratory Emergency Response Team. The Central Valley California HIDTA has two teams established to specifically address methamphetamine and clandestine labs. Northern California HIDTA also has a “clan lab-specific” team and Houston HIDTA has the Methamphetamine Initiative Group. The Nevada HIDTA has the Southern Nevada Joint Methamphetamine Task Force. Ohio HIDTA has the Akron/Summit County Methamphetamine Team. Arizona HIDTA has the Maricopa County Clandestine Methamphetamine Task Force which rescued 57 children from “meth labs.”

In 2004, HIDTA-supported task forces seized and dismantled 5,065 clandestine lab operations. These labs were capable of producing \$51,742,002 worth of methamphetamine in just one “cook.” That is 51% of all labs seized throughout the nation in 2004 as reported by the National Clandestine Laboratory Seizure System (CLSS). These same HIDTAs were involved in locating and clearing 2,663 clandestine lab hazardous waste dumpsites (66% of all dumpsites nationwide), and seizing 1,703 partial clandestine labs (46% of the nation’s total).

- **Question:** Does the HIDTA Program address the precursors and chemicals used in the manufacture of methamphetamine?

Response: This is probably the cornerstone of the HIDTA domestic clandestine lab strategy. In 2004, the HIDTAs targeted 7,869 transactions of precursors and essential chemicals. In many states, the HIDTA Program has been instrumental in securing legislation tightening the control of precursors and essential chemicals. HIDTAs have been heavily involved in educating retailers about ephedrine and pseudoephedrine as it relates to the



manufacturing of methamphetamine. HIDTA task forces identify and investigate suppliers of precursors and chemicals. The Midwest HIDTA's Kansas Retail Meth Watch is designed to prevent and limit the sales of pseudoephedrine to manufacturers. Central Valley California HIDTA has a precursor vendor program that investigates suspicious precursor and essential chemical transactions. In 2004, 915 of those transactions were investigated. The Houston Methamphetamine Initiative Group has as one of its primary missions to target and arrest individuals and rogue chemical suppliers who are providing chemicals and laboratory equipment for the illicit manufacture of methamphetamine. The Northwest HIDTA funds and operates a methamphetamine hotline to allow citizens to assist law enforcement efforts regarding methamphetamine distribution, manufacturing and the sources for precursors and essential chemicals. These strategies have been effective in reducing the number of labs because of difficulties in securing the essential ingredients.

However, HIDTA's primary weapon against the precursors and essential chemicals is funded out of the Southwest HIDTA California Border Alliance Group in San Diego. This HIDTA Program is the National Methamphetamine Chemicals Initiative (NMCI). This is a national anti-methamphetamine manufacturing strategy, intelligence-sharing and training initiative. The program funds three coordinators: one for California, one for Nevada, Arizona, and New Mexico and the other for Montana, Wyoming, Utah, and Colorado. NMCI has three primary missions:

1. Work with its members to improve support of chemical investigations.
2. Coordinate actual investigations.
3. Promote information-sharing and law enforcement training.

The National Methamphetamine Chemicals Initiative has been instrumental in bringing law enforcement together through its regional meetings and national conferences to share information and plan strategies against the distribution and manufacturing of methamphetamine. NMCI played a key role in the pseudoephedrine controls implemented by Canada. They also played a key role in developing and instituting the National Clan Lab Seizure System located in El Paso, Texas. It was at one of the NMCI conferences held in Canada, along with Operation North Star, that gave rise to one of the larger cases involving a major Canadian supplier of pseudoephedrine to the United States.

- **Question:** Training for these types of investigations, especially clandestine labs, is critical. Does HIDTA get involved in that aspect of the strategy?
Response: As indicated above, the National Methamphetamine Chemicals Initiative is involved in training, especially in the area of precursor/chemical investigations. Individual HIDTAs are responsible for much of the "clan lab" training in many of the regions. This training includes clandestine lab



safety certification, recertification “clan lab” investigation, first responder and site safety officer courses. Without the training provided by HIDTA, many officers would have been unable to secure and dismantle clandestine labs safely and, in fact, would be in violation of OSHA regulations. Without training provided by HIDTA, many of the first responders would have no idea about the toxic and dangerous environment they have encountered. The Michigan HIDTA alone provided five clandestine lab safety certification courses and two site safety officer schools for their region. Rocky Mountain HIDTA developed its own “clan lab” safety certification school and offers four courses a year. Additionally in 2004, Rocky Mountain HIDTA, with the Colorado Regional Community Policing Institute (CRCPI), trained over 1,500 first responders and 3,000 citizens on the dangers of methamphetamine.

- **Question: Is HIDTA involved in the drug endangered children (D.E.C.) movement?**

Response: The drug endangered children movement involving children found in methamphetamine labs was initiated in Butte County, California and has spread. The movement was sporadic and not well coordinated. In 2002, Rocky Mountain HIDTA initiated a statewide drug endangered children program which led to the Colorado Coalition for Drug Endangered Children. That program, along with California, Utah, Washington, Arizona, New Mexico and Oklahoma, formed under the umbrella of HIDTA’s National Methamphetamine Chemicals Initiative to coordinate and educate others about drug endangered children. These seven states along with HIDTA’s NMCI formed a national board and sponsored the first national drug endangered children conference held in Denver in 2004. Approximately 400 people attended, including thirty-eight states of the nation and two Canadian provinces. This resulted in the formation of the National Alliance for Drug Endangered Children.

CONCLUSION:

President Thomas Gorman of the National HIDTA Director’s Association states, “What should be considered in making an informed decision about the proposed reduction of funds (57%) to the HIDTA Program and/or its move to DOJ is what this will mean to our country’s anti-methamphetamine strategy and effort. Based upon the information provided above, transfer or reduction of the HIDTA Program will severely restrict and limit America’s endeavor to combat the spread of methamphetamine production. That is not to imply other agencies are not fulfilling their role, but there is no entity that has played a more significant role in a coordinated federal, state and local strategy targeting all aspects of the methamphetamine problem in this country than HIDTA.”

Captain Baker of the Summit County Drug Unit in Ohio states, “With the overwhelming support of the Ohio HIDTA since its inception in 2001, I feel that the



National HIDTA Directors Association

Akron/Summit County HIDTA initiative has become one of the most successful and productive initiatives in the nation. I believe that if we lose our HIDTA support, we are doomed. With our level of drug traffickers and our high number of methamphetamine labs, we cannot afford to go back where we were in the '90's."

Major Richard Townsend, Utah Department of Public Safety states, "The Rocky Mountain HIDTA Program is the main reason why the state of Utah is no longer one of the top-producing methamphetamine sites per capita in the entire country..."

Sheriff Aaron Kennard of Salt Lake County, Utah adds, "In the late 90's, clandestine lab manufacturing methamphetamine was a major drug threat in the state of Utah... HIDTA has helped implement the strategy to provide training, information sharing, expertise, investigative and safety equipment and other resources. The results speak for themselves."

Commander Lori Moriarty, North Metro Task Force, Colorado, states, "HIDTA served as a problem-solving facilitator to drug unit commanders in Colorado addressing the clandestine lab problem. During the latter six months of 2002, a comprehensive strategy was developed to address precursor chemical controls, drug endangered children, response protocols, hazardous site clean-up and training reporting to EPIC and enhanced legislation."

Is there any question as to whether the HIDTA Program has effectively addressed this country's methamphetamine problem?

TG:mb



April 7, 2005

Chairman Mark Souder
 Subcommittee on Criminal Justice,
 Drug and Human Resources
 B-373 Rayburn Office Building
 Washington, DC 20515

Dear Chairman Souder:

In response to your questions you submitted, the Lake County HIDTA is providing you our submission and to make this part of your written records. The Lake County HIDTA thanks you for this opportunity to provide you with what we feel are more than justification to continue with HIDTAs, which has proven to be a successful program.

1. **Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by federal funds, but not all.**
 - a. **What is the approximate dollar value of all un-reimbursed state and local contributions to HIDTA initiatives in your HIDTA?**
 - Lake County HIDTA receives contributions from state and local agencies of more than 1.6 million dollars, which underscores the value of this HIDTA to its identified area of operation. Included in the contribution of resources are: rent free occupancy of facilities, no utility payments for facilities, 15 un-reimbursed task force officers, insurance for 38 HIDTA vehicles, banking, bookkeeping, and payroll services with no direct or indirect charges to HIDTA. HIDTA funding, unlike other federal grants requires no matching dollars from state and local participants. If it did require the common one quarter match, local agencies would have exceeded that requirement by \$900,000 with a conservative estimate of state and local contributions to Lake County HIDTA of \$1,656,118 per year.

b. What is the approximate dollar value of all reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

- The approximate value of un-reimbursed federal contributions is over 2 million dollars. Federal agencies tasked with combating the far-reaching narcotic problem caused by Lake County individuals and organizations, recognized the potential of the Lake County HIDTA. The recognition of this potential results in annual contributions in personnel, overtime, and vehicles that exceed \$2,158,000 annually from Federal agencies.

c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those un-reimbursed contributions, or would they be likely to put those resources elsewhere?

- Yes, if program funds were reduced or eliminated, the locally invested resources would be proportionately reduced and/or eliminated. The current method of HIDTA funding is perhaps the definitive example of successful dollar leveraging. Without the coordination and operational dollars provided by HIDTA resources, there would be no vehicle in which to invest. Fiscal prudence, now essential in Lake County's depressed economy, would dictate the investment of local resources in entities that provide measurable returns. Lake County HIDTA, with its measurable outcomes has provided the incentive needed for local resource investment. Without those results, continued participation could not be justified.

2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult of state and local agencies to commit their resources to HIDTA over the long term?

- Definitely, Lake County HIDTA would be particularly affected by the instability of federal funding. The downward spiraling of the local economy based on heavy industry dictates the need for reliability of incoming federal resources. The currently committed local resources were provided under the belief that HIDTA funding, although not

unending, was a commitment based on a problem, that although greatly impacted by HIDTA, remains. Local agencies simply cannot afford the commitment of resources and dollar leveraging that the HIDTA and federal funds provide. Fluctuation of funding, which would not be consistent with the severity of the constant threat in Lake County, would make long-term local economic planning impossible.

3. **The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking each HIDTA's budget every year means that the HIDTA cannot adapt when drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting HIDTA's operations?**

- Contrarily, by definition and legislation ONDCP wields a huge amount of authority, which translates to discretion. The discretionary authority of ONDCP is very much in evidence before the fact, as budgets are assimilated, prepared and finalized, according to the program guidance prepared by ONDCP. Additionally, 04 supplemental funding was made available for the financing of specific law enforcement activities, the need for which was identified by ONDCP. The current autonomy of each HIDTA, to address the most severe problems in their identified area, is the foremost strength of the program. ONDCP has the potential for input throughout the planning and preparatory stages of budgeting; more discretion than that would negatively impact the core strength of the program.

HIDTAs, inadequately characterized as an “umbrella”, under which partnerships would be formed, much more closely demonstrate the attributes of an “amalgamator”. HIDTAs have turned the **allies** of federal, state, and local agencies into **alloys**—making a by far stronger enforcement instrument. A fundamental strength of HIDTAs is continuously acquiring input and feed back from the plethora of federal, state, and local agencies united in their co-identified mission. Their knowledge of, and ability to address the emerging and extenuating tentacles of the narcotics problem in their own area of responsibility, cannot be even remotely approached from a distant hill.

4. **During the hearing, we discussed the current ONDCP operating guideline for the HIDTA program that requires each HIDTA divide full voting authority on its executive board between federal agencies on one hand, and state and local agency representatives on the other. Can you confirm that your HIDTA currently complies with this directive?**

a) “Do you support this proposal? If not, why not?”

- I do not support transferring HIDTA program management to OCEDEF.

First comes to mind the intrinsic and deeply rooted differences between a federal funding mechanism (OCEDEF), and a program that predominantly addresses the improvement of the ability to counter drug trafficking through joint efforts of regional federal, state, and local law enforcement agencies (HIDTA).

Although “improvement of ability”, is certainly addressed in part, with adequate funding, HIDTA, under ONDCP management, has addressed and succeeded in many more aspects leading to effective counter drug trafficking.

Because OCEDEF is comprised of and works with, primarily federal agencies, the titanic work done by so many, from so many different agencies, for so long, appear to have been done in vain. The solidarity approach to the problem, as it now exists in HIDTAs, would disappear as the autonomy of each agency when competing for funding, reappears. The current leadership and administration of the HIDTA program has gone to great lengths to assure the primary ingredient of equality at the table between federal, state, and local agencies. The success of the program can be attributed to that essential solidarity ingredient. ONDCP has succeeded where other entities on the national level have failed miserably, resulting in an increased threat to the security of the homeland.

Arguably, OCEDEF could expand its organizational parameters from its current role as yeah or naysayer, when responding to requests for funding; they could embrace state and locals, with regard for the insight they offer into the cause and effect of problems in the regions they serve. The question then becomes, “What benefit would there be from such alteration when the mechanism already exists to address the varied drug trafficking problems in many areas. Would it be a move for the sake of a move, or for the sake of something else?”

b) “Do you believe that the state and local agencies you work with would prefer to work with the OCEDEF program than with HIDTA as it currently exists?”

- No, with the advent of HIDTA, for the first time, state and local agencies felt they were given the same deference as the federal law enforcement agencies. HIDTA was able not only to bring all to the same table, but bring information from all to the same intelligence sharing instrument (ISC). There was meaningful gain on both ends of

the law enforcement spectrum from a partnership based on cooperation, not on coercion. Pulling the HIDTA rug out from under the state and locals, when it has been a trustworthy investment for them, will create extensive damage to the strong new HIDTA-based consortium of enforcement. The state and locals would be once again frustrated with the inability to obtain resources that are accessible and versatile. Not only will they not welcome OCDETF, they do not want the proposed change.

5. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?

a) "Does your HIDTA currently comply with this directive? If not, why not?"

- Yes, unlike other HIDTAs, Lake County HIDTA consists on a one county region. Although Lake County HIDTA was granted an exception, by ONDCP, to the Executive Board composition requirement, it maintained a fully divided voting authority. Instead of the 16 member Executive Board, Lake County HIDTA was permitted to operate with two less seats, one federal and one state or local as they endeavor to meet the numeric requirement. The current representation of Lake County HIDTA is presented below:

FEDERAL SEATS STATE AND LOCAL SEATS

DEA – ASAC Dennis Wicherm, Chairman	Gary P.D. - Chief Garnett Watson, Vice Chairman
FBI – SAC Keith Lourdeau	LAKE CO. SHERIFF – Rogelio “Roy” Dominguez
USAO – Joseph Van Bokkelen	Hammond P.D. – Brian Miller, Chief
US Marshal Service – David Murtaugh	East Chicago P.D. –Angelo Machuca, Chief
ATF – Christopher Sadowski, SAC	Hobart P.D. – Brian Snedecor, Chief
USSS – David Fisher, SAC	Lake County Prosecutor – Bernard Carter
IRS – Scott Rebein, Criminal Investigations	Indiana State Police – Robert Rich, Captain

b) **“How important is this 50/50 balance on the executive board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HDTAs? If so, how?”**

- That balance has been incredibly important to the overall success of Lake County HIDTA. There is instance after instance where either the federal members or the state and locals have been critical in helping to grasp the bigger picture of any problem, be it operational or administrative in nature.

On the operational side, many resources have become available to both federally led and locally led investigations. Equipment, intelligence, man power, and knowledge of federal and state law have been shared leading to immense gains in productivity.

On the administrative side, both have offered best practice know-how to overcome problems and situations that were deterrents to mutual success.

HIDTA has broken down the walls of individual and institutional self-importance that impede success. Lake County HIDTA is not the FBI, DEA, ATF, the Sheriff, the Chief, the Captain but rather we are Mark, Dave, Dan, Lessie, Rogelio, Angelo, Jennifer, demonstrating professional camaraderie—working with the same mission. If the balance was eliminated HIDTA would stand to lose one half of its partnership...one half of a partnership leaves one standing alone.

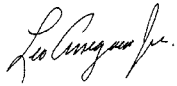
6) **“Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA’s administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?”**

- Yes, since the day the Administration’s proposal was announced I have seen the negative impact on the Lake County HIDTA. Along with other cuts included in the proposal, the feeling of frustration and futility are apparent everywhere.

The negative impact is by much more far-reaching than the inability to add or retain administrative staff. The proposal, cutting HIDTA and other viable law enforcement tools, exacerbates the threat in Lake County.

The uncertainty surrounding the continuation of HIDTA gives cause to question the Administration's commitment to the quality of life in urban areas. The quality of life in Lake County has been significantly improved because of HIDTA and other, in peril, programs. Quality of life in Lake County is not "a chicken in every pot" but rather a neighborhood without a shot. Literally the per-capita murder rate, in the city that carried the infamous title of Murder Capital of World, Gary, Indiana, has been lowered consecutively since the HIDTA designation of Lake County.

Strict adherence to program guidelines and the resultant success seen from the program, seem to be of no consequence as long as HIDTA remains on the block. That fact alone constitutes an enormous negative impact on Lake County HIDTA.



Leo Arreguin, Jr.
Director
Lake County HIDTA

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SOUTHWEST BORDER HIDTA
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PHONE 915-838-8545/FAX: 915-838-8568

April 5, 2005
#200-4-4-05

The Honorable Mark Souder
Chairman, Subcommittee on Criminal Justice,
Drug Policy and Human Resources
B-373 Rayburn Office Building
Washington, DC 20515

Dear Chairman Souder:

Thank you for giving me the opportunity to provide a written response for the Subcommittee's Hearing, "FY 2006 Drug Control Budget and the Byrne Grant, HIDTA and other law enforcement programs; Are we jeopardizing federal, state and local cooperation?"

Attached are my responses to your questions. If you or your staff should have any questions or desire additional information, please do not hesitate to contact me or my staff and we will gladly assist you.

Sincerely,

/signed/

Terence M. Azbill
Executive Director,
Southwest Border HIDTA

Attachment: 1

**COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND
HUMAN RESOURCES**

“FY 2006 Drug Control Budget and the Byrne Grant, HIDTA, and other law enforcement programs: Are we jeopardizing federal, state and local cooperation?”

MARCH 10, 2005

**Response to questions for the written record for Mr. Terence Azbill, Director,
Southwest Border HIDTA**

Questions:

1. Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by federal funds, but not all.
 - a. What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?

	State and Local Contributions		
	Reimbursed	Unreimbursed	Total Contribution
CBAG	\$7,926,596.00	\$6,407,004.00	\$14,333,600.00
Arizona	\$9,616,780.00	\$26,225,220.00	\$35,842,000.00
New Mexico	\$5,774,660.00	\$10,372,191.00	\$16,146,851.00
West Texas	\$5,861,238.00	\$451,136.00	\$6,312,374.00
South Texas	\$6,005,828.00	\$18,106,347.00	\$24,112,175.00
Southwest Border	\$840,072.00	\$0.00	\$840,072.00
Totals	\$36,025,174.00	\$61,561,898.00	\$97,587,072.00

Note: (1) Reimbursed column figures provided by the 2004 Budget Digest

Note: (2) Unreimbursed column derived from subtracting Reimbursed Contribution column from the Total Contribution column

Note: (3) Total Contribution column is derived from the Regions.

Note: (4) The amounts reported by the Southwest Border included fifty percent of the Training Initiative (\$20,000) and of the Special Projects Initiative (\$417,288)

- b. What is the approximate dollar value of all reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?

	Federal Contributions		
	Reimbursed	Unreimbursed	Total Contribution
CBAG	\$2,981,105.00	\$51,393,895.00	\$54,375,000.00
Arizona	\$1,526,079.00	\$27,983,921.00	\$29,510,000.00
New Mexico	\$1,783,464.00	\$1,568,236.00	\$3,351,700.00
West Texas	\$1,619,283.00	\$42,363,067.00	\$43,982,350.00
South Texas	\$2,423,600.00	\$23,120,400.00	\$25,544,000.00
Southwest Border	\$598,744.00	\$104,219.00	\$702,963.00
Totals	\$10,932,275.00	\$146,533,738.00	\$157,466,013.00

Note: (1) Reimbursed column figures provided by the Regions

Note: (2) Unreimbursed column derived from subtracting Reimbursed Contribution column from the Total Contribution column

Note: (3) Total Contribution column is derived from 2004 Budget Digest

Note: (4) The amounts reported by the Southwest Border included fifty percent of the Training Initiative (\$20,000) and of the Special Projects Initiative (\$417,288)

Note: (5) The amounts reported by the Southwest Border included Unreimbursed expenses by NDIC for senior analyst position assigned to the SWB HIDTA.

SWB HIDTA Resources leveraged by HIDTA Funds, Return on Investment					
	HIDTA Funding Resources	State & Local Agency Resources	Federal Agency Resources	Total Agency Resources Leveraged	Leveraged Return on Investment (ROI)
2004	\$46,957,449	\$136,788,400	\$171,200,869	\$307,989,269	656%
2005					
2006					

Note: (1) Leveraged Resources includes all agency resources (salaries, overtime, facilities, services, equipment, etc.) committed to the HIDTA initiatives but not funded by HIDTA.

Note: (2) Leveraged ROI demonstrates the agency resources committed to the HIDTA mission per every dollar spent by HIDTA.

- c. Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those unreimbursed contributions, or would they be likely to put those resources elsewhere?

I do not believe that state and local agencies which are participating in the HIDTA Program would, or could, continue to participate at their current level. The vast majority of state and local law enforcement agencies within the Southwest Border HIDTA believe that it is a joint responsibility (federal, state and local agencies) to halt the flow of illegal substances entering the US across the Southwest Border. They are happy to provide this cooperation and assistance, but not at the sole expense of their respective constituents. Without the continued federal funding in the HIDTA Program, most if not all state and local law enforcement agencies would have to drastically reduce their level of assistance and participation. An example of this occurred when state and local prosecutors along the southwest border determined that they no longer could afford to prosecute Federal narcotics cases without substantial reimbursement of costs. Subsequently, Congress appropriated separate monies to address these prosecutorial issues along the southwest border.

- 2. State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult of state and local agencies to commit their resources to HIDTA over the long term?**

Absolutely!

State and local governments find it extremely difficult to support any program whose budget fluctuates a great deal on an annual basis. In the past, the relative stability of the HIDTA Program, allowed state and local law enforcement administrators the ability to do long-term planning. Participating agencies accept the fact that the budgets may fluctuate slightly and are prepared to deal with those changes. However, a budget that fluctuates greatly from year to year will severely limit the ability of any state or local government to justify its continued support and participation in the HIDTA Program.

Without the continued cooperation, support and participation of the state and local agencies within the HIDTA Program, the ability of the United States to achieve the current level of success in limiting the amount of illegal substances crossing into the US within the Southwest Border HIDTA area will be critically impacted. All programs, whether Federal, state or local, are funded based upon achievements. When funding drastically fluctuates on an annual basis, achievements also fluctuate and subsequently, the ability of law enforcement to justify participation or expansion to their constituents, is adversely affected.

- 3. The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking each HIDTA's budget every year means that the HIDTA cannot adapt when drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting HIDTA's operations?**

I believe that ONDCP must have some ability and discretion to direct utilization of funds based upon National Program requirements. However, I don't believe that ONDCP should have the authority to reduce the baseline funding level of any HIDTA without Congressional review and concurrence. Additionally, ONDCP needs the ability to take supplemental funding provided by Congress, and allocate it to a specific HIDTA or specific need. These supplemental funds should not become part of any HIDTA's baseline funding but should remain available yearly for ONDCP.

- 4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice.**

- a. Do you support this proposal? If not, why not.**

No, I do not support this proposal. In the past, there was demonstrable evidence that USDOJ had difficulty with cooperation among agencies under their direct control, and also with other law enforcement agencies. A severe lack of trust of the Federal agencies by the State and Local agencies was based on years of bad experiences. HIDTA has made significant inroads at eroding this lack of trust. Transferring the HIDTA program to USDOJ will negate the progress the HIDTA has been making in developing trust and mutual cooperation among all participating agencies.

- b. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?**

I am positive that none of the state and local agencies currently participating in the HIDTA Program are in favor of the HIDTA Program moving under OCDETF. For the state and local participants, one of the best features of the HIDTA is the fact that they have an equal voice with regard to addressing the local threat. Another important factor for the state and local participants is that the program is currently under the auspices of ONDCP who remains an honest broker and insures the Program's non affiliation with any specific law enforcement entity or division.

c. What are the primary difference, in your opinion, between the OCDETF program and the current HIDTA program?

OCDETF involves case specific funding, while HIDTA funded initiatives address programmatic threats in specific geographical areas. It has been demonstrated that the HIDTA program has contributed significantly to the development of OCDETF cases. However, there is no clear evidence to support the reverse. As separate entities, the two programs work well and mutually complement each other.

Another factor which separates the two programs is that under OCDETF, only Federal agencies can propose an investigation be adopted by the program and all investigations are lead by the recommending agency. Sole discretion on the adoption of the investigation of the case by OCDETF resides with the USDOJ. State and local agencies would be relegated to mere support personnel and loose their equal voice with regard to addressing the local threat.

Finally, the difference in funding focus (case versus initiative) creates a logistical nightmare for state and local agencies with regard to long term personnel and budgetary planning.

5 Current ONDCP operating guidelines for the HIDTA program require each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

a. Does your HIDTA, and each partnership that comprises it, currently comply with this directive? If Not, why not?

The Southwest Border Executive board does comply with this directive. The Southwest Border HIDTA Standard Operating Procedure Section 3.02 (a) states the following:

Section 3.02 *THE SWB HIDTA EXECUTIVE BOARD*

(a) MEMBERSHIP. - The SWB HIDTA Executive Board shall consist of ten voting members: the Chairman and Vice Chairman (or designee) from each of the five Regional HIDTAs, with equal representation between federal agencies and non-federal agencies. The SWB HIDTA Executive Director and the SWB Regional HIDTA Directors are non-voting members of the SWB HIDTA Executive Board.

Four of the five Regions comprising the Southwest Border HIDTA are in compliance with this directive. However, the West Texas Region has requested and has been granted a waiver from this directive by ONDCP.

- b. How important is this 50/50 balance on the executive boards to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs?. If so, how?**

This is absolutely critical to the HIDTA Program. If the balance were eliminated and the Federal agencies were given majority control, the state and local agencies would no longer feel that they were equal partners and would eventually cease to fully participate in the Program.

- 6. Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resources, or other commitments from state, local, or federal agencies participating in your HIDTA?**

I have no doubt that the recent proposal by the Administration has created severe morale problems throughout the Southwest Border HIDTA. Instead of focusing on the Program issues, I and my staff have been preoccupied with providing members of Congress and other influential people with clear evidence of the validity of the HIDTA program. Considerable efforts have been directed at attempting to maintain the HIDTA funding to at least its present level.

Currently, some members of my staff and the Regional staffs are beginning to look at other employment alternatives. Most of these staff members were selected based on their years of knowledge and expertise in the various aspects of narcotics law enforcement on the Southwest border. The negative impact caused by the potential lose of these employees to the nation's drug enforcement effort will be profound. It is actions such as these that can have the effect of reversing years of progress in one quick motion.

From a personal perspective, I was selected as the Southwest Border HIDTA Director one year ago. By accepting this position, I had to relocate from Arizona to Texas. Had I been aware of the Administration's proposal, not only would I not have accepted the position, I would never applied for it.

7. We have several questions regarding the special status of the Southwest Border HIDTA and its five partnerships.

a. In your opinion what is the proper role of the overall Southwest Border HIDTA? What kind of operational, budgetary, or other authority should the executive board, director, and other staff of the overall Southwest Border HIDTA have over the five partnerships? Conversely, what kind of authority, whether shared or otherwise, should the partnerships have?

The role of Southwest Border HIDTA should be to provide guidance, direction and leadership to the five Regions which comprise it. It should also ensure Regional efforts are coordinated and complementary where ever and when ever possible.

I firmly believe that initiative funding decisions should be made by the Regional Executive Committees, and that the day to day management of the Regions should be accomplished at the Regional level. However, I do feel that administrative oversight should be at the Southwest Border HIDTA. Because the Southwest Border HIDTA is focused on the entire 2000 mile Border, and not a specific Region, it has a larger and more objective view of the overall threat and maintains the ability to provide recommendations to both the Executive Board and ONDCP for the appropriate responses.

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Atlanta HIDTA

MEMORANDUM

TO: Representative Mark Souder
Third District Chairman

FROM: Ron Caffrey
Atlanta HIDTA Director

DATE: April 11, 2005

In response to your inquiry relating to proposed cuts to "HIDTA" 2006 Budget appropriation I am forwarding a short impact statement and responses to your questions. Thank you for your attention to this critical law enforcement issue.

RJC:smj

Proposed Budget Reductions and Transfer of
Atlanta HIDTA Program to the Justice Department

Proposal: The Director of the Office of National Drug Control Policy (ONDCP) recommends reducing the High Intensity Drug Trafficking Area (HIDTA) Program's funding from \$227 million to \$100 million and transferring the program from the ONDCP to the Department of Justice (DOJ) under the Organized Crime Drug Enforcement task Force (OCEDTF) program.

Impact Statement

A 56% decrease in Atlanta HIDTA's budget will seriously diminish the effectiveness of Atlanta HIDTA's Three Core Initiatives: (1) Metro Atlanta HIDTA Task Force. (2) DeKalb Task Force and (3) HIDTA's Drug Intelligence Fusion Center. Currently these initiatives operate with a collective budget of \$2,113.595 (1.6 million + 317K + 621K). Virtually all Atlanta HIDTA support initiatives- 6 would be eliminated. The Administrative Management Initiative would be placed in a crisis situation and HIDTA Task Force, Intelligence and Administrative Staff would have to be downsized and re-located to another facility, since a cut such as proposed would shut down the HIDTA Investigative Support Center. Under such a budget, housing costs for the HIDTA Task Force and Intelligence Center would vanish.

Title#3-Technical Support:

Since its development in 1998 the Atlanta HIDTA's Wire Tap Center has provided hundreds of Title#3 installations for federal, state and local LEAS in Atlanta Metro. A similar level of other technical support and equipment has been furnished to scores of participating and non-participating law enforcement agencies in the region surrounding Atlanta. This sensitive and costly support to local drug law enforcement will be eliminated if the HIDTA support center is closed. The Atlanta HIDTA's training initiative which operates with a budget of a little over 100k annually provides thousands of training hours to metro area Police Officers and federal agents. This function along with a crime lab forensic support initiative will be lost in a significantly down sized HIDTA program.

Effects on Atlanta HIDTA's Core Mission:

Atlanta Metro HIDTA Task Force

The Atlanta Metro HIDTA Task Force has identified over 70 Drug Trafficking Organizations in 2004. Fifty-six of these local, regional and national intelligence organizations were either dismantled or disrupted in investigations, many of which are ongoing cases. These criminal trafficking organizations were selected because

they were operating in the highest violent crime police zones in Metro Atlanta. Significant reductions in overall crime and violent crime have occurred in these areas over the past four years.

A 56% cut in budget to HIDTA Task Force operations will cripple Atlanta HIDTA's informant program and wiretap capabilities. A predictable result will be a significant diminution in investigative efforts focused on those targeted criminal organizations, which represent the most egregious drug and violent crime threats to Atlanta Metro. The sustained efforts of the Atlanta Metro HIDTA Task Force and the DeKalb Task Force for the past 8 years, has appreciably reduced drug related crime in key metro areas. These gains will be lost in a "gutted" 06 HIDTA budget. This type of budget will render a significant blow to anti-crime efforts of state, local and Federal drug law enforcement in this region.

Interagency Cooperation

The high level of cooperation among HIDTA Agency Chiefs (16) developed in this program over the past ten years has occurred, because individual agencies operate as equals with a consequent sense of collective ownership for policy and a shared drug enforcement mission. Contributions of sworn personnel to the program are reflective of this institutional cooperation which will suffer an immeasurable decline, if sufficient funding is withdrawn from the Atlanta HIDTA grant. Similarly, Atlanta's Executive Board would be incapable of operating independently of the codified interests and policies of a single agency under the OCDETF program.

1. **Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by federal funds, but not all.**
 - a. **What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?** The approximate dollar value of unreimbursed expenses for 22 state and local sworn officers assigned to Atlanta HIDTA Task Forces is \$1.7 million dollars. (Include salaries and benefits)
 - b. **What is the approximate dollar value of all reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?** The approximate dollar value of unreimbursed expenses for 19 federal agents assigned to Atlanta HIDTA's Task Force is \$2 million dollars (includes salaries, benefits and overtime)
 - c. **Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all those unreimbursed contributions, or would they be likely to put those resources elsewhere?** If HIDTA's program in Atlanta were reduced or eliminated state and local agencies would withdraw their investigative resources into other criminal specialties. This would occur because there would be no administrative, residential or technical resources to support HIDTA's strategically focused drug enforcement mission.
2. **State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult of state and local agencies to commit their resources to HIDTA over the long term?**

Assuredly.

The assignment of sworn officers, the execution of leases for office space and vehicles are only a few of the commitments that are determined primarily by the HIDTA budget. For the past ten years, Atlanta HIDTA initiatives have functioned with the expectation of continued funding based upon focused efforts and performance. Although, each

participating law enforcement agency accepts the fact that the budget may fluctuate slightly based upon regional threats and their performance, the consistency of funding has allowed all the participating agencies to plan and allocate resources to the advantage of the HIDTA Program. They have been able to balance their participation with HIDTA with other pressing needs. As a result, the initiatives have stabilized and are producing outstanding performance outcomes.

Without stable funding, the Atlanta HIDTA achievements would not have been possible. If budgets fluctuated wildly from year to year, the involvement of federal, state and local law enforcement agencies would vary in direct proportion. One of the reasons that the Atlanta HIDTA has been successful in dealing with drug issues has been the commitment of federal, state and local law enforcement. This long-term commitment is, by necessity, linked to the expectation that program funding will continue at a consistent level.

All of the HIDTA initiatives are co-located. In Atlanta HIDTA, there are three co-location sites, one with an annual lease of \$456,060.00. The leasing corporation managing the site requires that new leases be signed six months in advance. In addition to the office space, the budgets for the Atlanta HIDTA initiatives include funds for leasing vehicles. These leases are for a term of two years; the procurement process starts six months prior to signing the contract. Without confirmed funding, the Atlanta HIDTA initiatives cannot engage in these agreements. Co-location of the initiatives is a HIDTA Program requirement and is vital for creating and maintaining a cooperative and coordinated drug enforcement environment.

The year-to-year fluctuation of funding the reduction would have a devastating effect upon the Atlanta HIDTA and all other HDTAs. HDTAs are made possible because of the contributions made by the state and local law enforcement agencies. Without the assurance of consistent funding participating state and local agencies could not practically continue their involvement.

3. **The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking each HIDTA's budget every year means that the HIDTA cannot adapt when drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting HIDTA's operations?**

Two of the HIDTA Program's most positive aspects are the flexibility and adaptability it offers to participating agencies in designing and implementing regional drug control strategies. Through its participating agencies, each HIDTA region is able to assemble myriad data and expertise on its specific drug threats. Each region's executive board provides a forum for frank and open discussion of regional drug threats and ensures that federal, state and local government input is integrated into the HIDTA's regional drug control strategy.

It is difficult to see how ONDCP staff would be in a better position than that region's executive board and participating agencies to determine what the focus should be for each HIDTA region. HIDTA directors are not aware of any federal data sources on drug trafficking or drug-related crime that are accessible exclusively to ONDCP staff and would provide them with this level of insight. ONDCP maintains an interagency committee to advise the Director on the HIDTA Program and the agencies represented on this committee already have a strong voice in determining HIDTA regions' strategies and budgets through the participation of their field offices in HIDTA executive boards and task forces. Finally, ONDCP has not generated any significant evaluative research on the various approaches used by the HIDTA regions to address drug trafficking. The National HIDTA Program staff concentrates its efforts on budget and program policy compliance issues and has not been tasked with conducting in-depth evaluations of drug enforcement strategies.

The Administration's contention that it does not have sufficient discretion to effectively manage and direct the HIDTA Program is puzzling. The Director of ONCP has sufficient authority under the existing authorizing legislation to effectively manage the program. He alone can designate HIDTA regions; while the authorizing legislation does require some consultation, it is clear the Director of ONDCP has final authority in designation decisions. He approves the HIDTA Program's policy guidance and, with the help of the National HIDTA Program staff, reviews and authorizes each HIDTA region's budget on a yearly basis. If the Director wishes to revise the HIDTA Program's mission, impose additional requirements for HIDTA designation, alter the budget process to take national priorities into account, or encourage HIDTA regions to adopt particular strategies, he appears to have ample authority to do so, subject only to the approval of the Administration and Congress.

The National HIDTA Directors do not feel that there is any need to alter the HIDTA Program's existing budget system. The Director of ONDCP already wields the authority he needs to effectively guide the program through his designation, management and budget authorities.

Local regional individual strategies in the HIDTA program are developed and modeled each year from ONDCP annual Drug Control Policy documents and from individual regional drug threats authenticated by NDIC, ONDCP staff members and HIDTA participating inter-agency officers.

Budget process and requirements for the HIDTA grant program enjoys a unprecedented level of oversight before funding is approved. Budget proposals represent the collective decisions of the major federal, state and local chief operating within HIDTA's geographical zones of responsibility.

These enforcement decisions are subject to amendment throughout the year. Any claim citing inflexibility in this strategic program is false. Accusation easily verified in the policy and process of each HIDTA.

4. **During the hearing, we discussed the current ONDCP operating guideline for the HIDTA program that requires each HIDTA divide full voting authority on its executive board between federal agencies on one hand, and state and local agency representatives on the other. Can you confirm that your HIDTA currently complies with this directive?**

As required by ONDCP’s HIDTA Program Policy, the Atlanta HIDTA Executive Board maintains an even balance of Federal and state and local law enforcement and criminal justice agencies on its Executive Board (see table below).

The Atlanta HIDTA is unique among the nation’s HIDTA regions in sponsoring technical/ criminal justice initiatives aimed at providing effective system. To ensure fair representation of agencies providing treatment services, the Executive Board sought and received from ONDCP an exemption to a HIDTA Program policy limiting Executive Boards to sixteen members. All of the treatment/criminal justice initiative representatives are drawn from state and local agencies, as the federal government does not play an active role in delivering treatment services at the local level.

Atlanta HIDTA Executive Board

Law Enforcement and Criminal Justice Agencies

Federal (8 seats)	State and Local (8 seats)
ATF	Atlanta Police Department
DEA	DeKalb County Police Department
FBI	Fulton County District Attorney Office
ICE	Fulton County Police Department
United States Attorney/NDGA	Georgia Attorney General’s Office
United States Internal Revenue	Georgia Bureau of Investigation
United States Immigration and Naturalization	Georgia National Guard
United States Marshall Service	Georgia State Patrol

5. **Do you believe that the uncertainty surrounding the HIDTA program created by the Administration’s proposals has itself had a negative impact on your HIDTA’s programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA’s administrative offices, or make it difficult to obtain personnel, resource, or other commitments from state, local, or federal agencies participating in your HIDTA?**

Yes.

The uncertainty surrounding the HIDTA Program has put many actions on hold for the Atlanta HIDTA. There are leases that have to be signed, positions to be filled and new

initiatives on hold. The participating law enforcement agencies are wondering how to best manage their staff allocations. In some cases, new officers were to be added to initiatives to expand their workforce. The federal, state and local agencies involved in designating personnel for these positions are waiting to see what the final decisions will be for the HIDTA Program before they make a final commitment.

The men and women involved in the Atlanta HIDTA initiatives are questioning how the Administration could even consider reducing HIDTA funding when their efforts over the last ten years have resulted in the seizure of millions dollars in drug assets and thousands of pounds of illicit drugs. They are worried that the gains they have made in fighting the drug problem will soon be lost. This sense of uncertainty has had a direct effect on the morale of all personnel working for the HIDTA Program.

By design each HIDTA executive board consists of one state or local representative for every federal agency represented. The Administration's budget proposal creates an unsolvable problem for an Executive Board which has been in operation for ten years. Over time, it has become a very decisive, responsive, and cohesive governing body. This proposed funding cut will end a critical cooperative institution.

In many ways, it will take time to repair the damage caused already through the Administration's budget proposal. None of us involved in the HIDTA Program understand the rationale for such a drastic and devastating step. The Administration has yet to produce evidence that the HIDTAs have not performed well or that it would be better managed under OCDEF. What the Administration has done is to propose altering an effective drug control program that has demonstrated positive performance measurements and made a significant impact on drug trafficking organizations across the nation.

"The Atlanta HIDTA has been instrumental in coordinating and funding complex drug investigations that have directly impacted the safety of citizens. This significant budget reduction will have an immediate and devastating impact on Atlanta drug enforcement. Atlanta Police Department, in addition to many local police agencies in Georgia, have devoted considerable resources to partner with federal law enforcement agencies" in this HIDTA project. Reductions, as proposed will "kill" this program in Atlanta- one of, ONDCP 25 Cities earmarked for drug suppression efforts.

April 7, 2005

Honorable Mark E. Souder
House of Representatives
Congress of the United States
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Congressman Souder:

Thank you for the opportunity to provide information to you and the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform regarding the current budget proposals for the HIDTA program. In my view, the proposal to cut the program and move it to OCDETF would severely hurt, if not cripple, the highly successful HIDTA program.

By way of background, I have worked in criminal justice for almost twenty years at the federal, state and locals levels. I currently serve as the Director of the New York/New Jersey HIDTA and as the Director of Criminal Justice for the State of New York on behalf of Governor Pataki. As the Director of Criminal Justice, I am responsible for overseeing all state criminal justice agencies, including New York State Police, New York State Department of Correctional Services, New York State Parole, and New York State Division of Criminal Justice Services, among others. Prior to my current positions, I served first as an Assistant District Attorney in the Manhattan District Attorney's Office and then as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York, where I was also the regional coordinator of the New York/New Jersey Organized Crime Drug Task Force (OCDETF) and High Intensity Financial Crime Area (HIFCA) programs.

The answers to the specific questions posed in your letter of March 10, 2005 are attached in a separate document and respectfully submitted for the record.

In addition, I would like to take this opportunity to underscore the invaluable contribution that the NY/NJ HIDTA has made to the safety and security of the 15 million people who live in New York City; Nassau, Suffolk and Westchester counties in New York; and Bergen, Passaic, Union, Hudson and Essex counties in Northern New Jersey.

The goal of the NY/NJ HIDTA is to measurably reduce crime, particularly drug-related crime, by increasing the effectiveness of information sharing, enforcement, training and prevention among law enforcement agencies in the New York metropolitan area and beyond. Serving as an umbrella for several national model law enforcement partnerships (staffed by over 1,100 full-time federal, state and local law enforcement agents and officers), the NY/NJ HIDTA has been a remarkable success:

HIDTA Regional Intelligence Center (RIC). The RIC, led by NYPD and located in New York City, has over 700 representatives from over 50 federal, state and local law enforcement agencies in the New York metropolitan area. The mission of the RIC is to provide a seamless analysis and sharing of criminal intelligence to law enforcement agencies in the New York metropolitan area and beyond -- 24 hours a day, seven days a week.

Among other things, the HIDTA RIC coordinates several critical information sharing programs, including SAFETYNET, the statewide case deconfliction system (over 34,000 suspects registered in 2004, approximately 15% of which resulted in hits); PIMS, the nation's largest photo-imaging mug shot system (over three million arrest photographs); and HIDENTANET, an information sharing network that links several thousand HIDTA participants through email.

The information sharing network of the RIC is linked to satellite intelligence centers in the New York metropolitan area, as well as to the Upstate Regional Intelligence Center (UNYRIC) in the Albany, and to other HIDTA intelligence

centers nationwide. The RIC is the largest criminal intelligence center in the country and is widely recognized as a national model.

HIDTA/OCDETF Strike Force. The Strike Force, which is the most fully developed OCDETF task force in the country, is led by DEA, together with FBI and NYPD, and consists of over 200 full-time agents and officers, including the lead agencies as well as ICE, IRS and New York State Police. The mission of the Strike Force is to dismantle the most significant drug trafficking organizations worldwide (CPOTs), as identified by the United States Department of Justice. Since beginning formal operations almost one year ago, the Strike Force has initiated over 25 CPOT investigations, demonstrating the Strike Force's unmatched ability to pursue our Government's highest priority targets.

HIDTA Regional Fugitive Task Force. The Fugitive Task Force is led by the United States Marshals Service and has over 130 full-time agents and officers from over 75 agencies. The mission of the task force is to apprehend the most violent fugitives throughout New York State, New Jersey and beyond. In the past year, the task force arrested over 4,000 violent fugitives. The task force was the model for a federal initiative to create similar fugitive task forces throughout the country.

HIDTA El Dorado Money Laundering Task Force. The El Dorado Money Laundering Task Force is the premier money laundering task force in the country. El Dorado is led by ICE and consists of over 200 full-time agents and officers, including DEA, FBI, United States Secret Service, NYPD and New York State Police. The mission of El Dorado is to dismantle the most significant money laundering organizations and disrupt the systems they use to launder their crime proceeds. In 2004, El Dorado dismantled or disrupted 47 money laundering organizations, seizing over 24 million dollars in assets.

Based upon my experience in criminal justice, I firmly believe that the HIDTA program – both in New York and elsewhere in the United States -- is one of the most effective law enforcement programs in the country. Each of the model law enforcement partnerships which I have described in this letter is the direct result of the HIDTA program, and of the unique spirit of inter-agency cooperation that HIDTA promotes among law enforcement. The proposal to cut HIDTA and move it to OCDETF would substantially undermine both the crime-reducing HIDTA initiatives that I have just described and, as importantly, our ability to fight profoundly sophisticated criminal organizations by developing new, innovative HIDTA efforts.

Thank you again for giving me this opportunity to share our success story. I respectfully encourage you and your fellow committee members to restore HIDTA to full funding, and indeed to expand the HIDTA program, as proposed jointly by Governor Pataki and Senator Schumer. (I am enclosing letters by Governor Pataki and the NY/NJ HIDTA Executive Board co-chairs in support of the expansion of the NY/NJ HIDTA for your information.)

Please let me know if there is any further information I can provide. I would also welcome the opportunity to give you a tour of the HIDTA Center in New York City at your convenience.

Sincerely,

Chauncey Parker
Director

Attachment

To: Honorable Mark E. Souder
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human
Resources of the Committee on Government Reform

From: Chauncey Parker
Director, New York/New Jersey HIDTA

Date: April 7, 2005

RE: Response for the written record from Chauncey Parker, Director, New
York/New Jersey HIDTA as requested by the Committee on Government
Reform; Subcommittee on Criminal Justice, Drug Policy and Human
Resources, submitted April 7, 2005.

1. **Although each High Intensity Drug Trafficking Area (HIDTA) receives a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives - in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.**

- A. **What is the approximate dollar value of all unreimbursed state and local contributions to HIDTA initiatives in your HIDTA?**

The approximate annual dollar value of all unreimbursed contributions of state and local resources in personnel, facilities and equipment exceeds 67 million dollars and includes over 700 sworn officers, 20 support staff and six satellite locations.

- B. **What is the approximate dollar value of all unreimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?**

The approximate annual dollar value of all unreimbursed contributions of federal law enforcement agencies to the NY/NJ HIDTA exceeds 69 million dollars in the services of over 400 sworn federal officers, 39 support personnel, facilities and equipment.

This investment by local, state and federal agencies resulted in \$118 million in drugs and over \$54 million in assets seized in 2004. In addition, our HIDTA task forces were responsible for 4,764 arrests and 86 drug trafficking and/or money laundering organizations were disrupted and dismantled.

- C. **Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those unreimbursed contributions, or would they be likely to put those resources elsewhere?**

If HIDTA funds were reduced or eliminated, the state and local agencies would most likely eliminate or greatly reduce the resources that they contribute. HIDTA serves as the administrative and organizational foundation for several HIDTA task forces, including the HIDTA Regional Intelligence Center, HIDTA/OCDETF Strike Force, El Dorado Money Laundering Task Force, and the HIDTA Regional Fugitive Task Force, among others. Hundreds of state and local officers participate full time in these task forces. Each task force was created as a result of the HIDTA program, particularly the HIDTA funding and program guidelines. The survival of each task force would be seriously jeopardized without continued HIDTA funding.

2. **State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?**

Although state and local agencies commit hundreds of officers to HIDTA's task forces, these task forces depend on HIDTA funding to support their on-going costs of operation, particularly rent and our information sharing network (HIDTANET) which links all HIDTA participants. If HIDTA funding were to fluctuate significantly, then the continued operation of these task forces would be in jeopardy.

3. **The Administration has argued that the HIDTA program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?**

ONDCP should always have discretion to reallocate funds in a geographic area based on a timely and accurate analysis of both the significance of the drug threat as well as an assessment of the effectiveness of the area's drug enforcement efforts. However, any reallocation of HIDTA resources should be carefully coordinated to ensure minimal disruption of drug enforcement efforts.

4. The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the US Department of Justice.

A. Do you support this proposal? If not, why not?

No. I believe the HIDTA should remain a separate program, continuing to work cooperatively with OCDETF and other important law enforcement programs.

B. Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?

I believe that state and local agencies prefer the HIDTA model because they share equally in the leadership of the program.

C. What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?

The OCDETF program provides important resources – salaries for hundreds of federal agents and local overtime – for OCDETF-designated investigations of CPOT targets.

The goal of the HIDTA Program, on the other hand, is to build and sustain law enforcement partnerships and infrastructure, where agents and officers across agency lines can work together to accomplish our common goal of reducing crime, particularly drug related crime. These partnerships – such as the intelligence centers and task forces – are the framework and springboard for significant information sharing on a case-by-case basis as well as for investigations of major drug trafficking organizations, particularly CPOTs.

5. Current ONDCP operating guidelines for the HIDTA program require that each HIDTA divide full voting authority on its Executive Board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program.

A. Does your HIDTA currently comply with this directive? If not, why not?

The NY/NJ HIDTA Executive Board currently consists of 10 federal and 8 state/local agency representatives. The current composition has been the same since the HIDTA was formed over ten years ago and was consistent with the Program Policy that existed at that time. The structure works well for our HIDTA by including the key criminal justice leaders at the same table. In addition, our HIDTA Executive Board is led by co-chairs – one representing a federal agency and the other representing a state or local agency. Our HIDTA Executive Board is also considering adding two state or local agency representatives to the Board.

- B. **How important is this 50/50 balance on the Executive Board to the overall success of your HIDTA? If that balance were eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HDTAs? If so, how?**

In the NY/NJ HIDTA, the federal, state and local agencies have a longstanding and consistent record of excellent cooperation across agency lines.

6. **Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative offices, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?**

The uncertainty of the future of the HIDTA program has made long term planning challenging.



SOUTH FLORIDA HIDTA
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April 6, 2005

The Honorable Mark Souder
 Chairman, Subcommittee on Criminal Justice,
 Drug Policy and Human Resources
 B-373 Rayburn Office Building
 Washington, DC 20515

Dear Chairman Souder,

Thank you for giving me the opportunity to respond to your questions and to add important information to the written record. I want to commend you and the committee members for seeking the facts about the High Intensity Drug Trafficking Area program related to the proposal to reduce funding by \$127 million and to move the program from ONDCP to the Department of Justice. In response to your questions:

1. "Although each High Intensity Drug Trafficking Area (HIDTA) received a certain amount of money from the federal government to help fund its activities, state and local agencies participating in the HIDTA have also agreed to dedicate their own resources to HIDTA task forces and initiatives – in the form of personnel, equipment, office space, etc. Some of those contributions are reimbursed by the federal funds, but not all.
 - a) "What is the approximate dollar value of all un-reimbursed state and local contributions to HIDTA initiatives in your HIDTA?" *South Florida HIDTA includes an intelligence center, a training unit, and investigative support units, and twenty multi-agency collocated drug task forces located throughout a four county area. The program involves hundreds of state and local personnel that make significant un-reimbursed contributions to our initiatives. The dollar amount will be approximate because of the differences in salaries, fringe benefits, price per square foot for facilities, etc. I have attempted to provide a conservative response and a "best estimate." The total dollar value of all un-reimbursed state and local contributions to the South Florida HIDTA is approximately \$32,000,000. per year.*
 - b) "What is the approximate dollar value of all un-reimbursed contributions of federal law enforcement agencies to HIDTA initiatives in your HIDTA?" *Approximately \$45,000,000. per year.*
 - c) "Do you believe that, if your HIDTA's federal program funds were reduced or eliminated, that the state and local agencies participating in the HIDTA would continue to make all of those un-reimbursed contributions, or would they be likely to put those resources elsewhere?"
In response to a recent inquiry the vast majority of state and local agencies responded that they would be forced to reassign their personnel elsewhere within their own respective agencies.

2. "State and local agencies that currently participate in the HIDTA program have to decide for themselves how many officers and how much equipment, office space or other resources to dedicate to HIDTA task forces or initiatives. They have to go through the same long-term budget planning that the federal government does to reach these decisions. If each individual HIDTA's federal budget were to fluctuate significantly each year, do you believe that that would make it more difficult for state and local agencies to commit their resources to HIDTA over the long term?"

Yes. State and local agencies will not make the long term commitments of personnel so crucial to HIDTA task forces with uncertain resources. With many of these agencies facing cut backs and budget shortfalls, officers assigned to HIDTA task forces would be redeployed absent a long term commitment of support on our part.

3. "The Administration has argued that the HIDTA Program now gives too little discretion to the federal government to redirect HIDTA resources to respond to the changing drug threat. They have stated that locking in each HIDTA's budget every year means that the program cannot adapt when the drug traffickers adapt. Should the Office of National Drug Control Policy (ONDCP) have at least some discretion to reallocate the HIDTA budget? If so, what do you believe is the right amount of discretion, and how could that discretion best be used without unduly disrupting each HIDTA's operations?"

Given the nature of the HIDTA program I believe this should be kept to a minimum. Changes in the drug threat must be addressed at the regional level as they occur. Although it is desirable for the federal government to respond to changes in the national drug threat to some degree, ONDCP thus far has approached this issue in the wrong manner. The CPOT program is a prime example. Rather than requesting input from the HIDTA Executive Boards or Directors, ONDCP has established a set of rules for spending this funding that are unworkable and thus have resulted in grants that have unrealistic strings attached. The HIDTA program is constrained to attack CPOT targets which are invariably international in scope without spending the funds for foreign investigative travel or to move informants internationally. We are also precluded from relocating essential witnesses if foreign travel is involved. As a result, much of the CPOT funding remains unspent, while non CPOT enforcement needs go unmet. Non-DOJ Investigators have complained that they are unable to get high level traffickers placed on the DOJ controlled CPOT list thereby denying them eligibility when ONDCP's CPOT grants are awarded. These perceptions, whether real or unfounded, discourage HIDTA participants and hinder success. Moreover, the HIDTA program is about ongoing task forces, not individual cases. These task forces are breeding grounds for high level OCDETF, CPOT and other cases. There should be a baseline for each HIDTA so they can implement sound long-term planning and strategies. The key to the discretionary funding mechanism being effective is working with the expertise that is available through the various HIDTAs.

4. "The Administration has proposed transferring the HIDTA program from the management of ONDCP to the Organized Crime Drug Enforcement Task Force (OCDETF) at the U.S. Department of Justice."

a) "Do you support this proposal? If not, why not?"

Definitely not!

- *The Justice Department is perceived as a competitor by many, and some believe it makes biased decisions in favor of its own agencies. Non Justice federal agencies have an investment in drug law enforcement that equals or exceeds that of Justice Agencies. The leadership of at least three such agencies in South Florida is opposed to the Administration's proposal because they believe their agencies will not be treated fairly in such a scenario. One stated flatly that his agents would no longer be assigned to HIDTA task forces and others have said they will greatly downsize their commitments. If the program was transferred to a different*

department also having law enforcement agencies such as Homeland Security, the DOJ agencies would have the same fears.

- *State and Local agencies are strongly against the proposal and feel that the HIDTA program has been highly successful largely because it offers a neutral playing field and addresses their concerns as well as those of their federal counterparts.*
 - *Age-old agency cultures and continuing turf battles are surmounted daily in favor of more cooperation and coordination among participating agencies. These significant and unprecedented outcomes would not occur if HIDTA were under the stewardship of a Justice agency.*
 - *OCDETF and HIDTA are different programs with different missions.*
 - *The HIDTA Program has worked extremely well and effectively under ONDCP's Bureau of State and Local Affairs. The need to transfer the program to DOJ has not been demonstrated. The facts suggest that the program would not work under DOJ.*
- b) *"Do you believe that the state and local agencies you work with would prefer to work with the OCDETF program than with HIDTA as it currently exists?" I have discussed this issue with the South Florida HIDTA Executive Board, and requested input from every agency participating in the South Florida HIDTA in writing. No agency, state or federal, has expressed a belief that the program would work better under OCDETF. Many have written to express strong beliefs that such a move would be like turning back the clock fifteen years and undo tremendous progress achieved by the HIDTA program in fostering cooperation and coordination of law enforcement in South Florida. They do not believe that the OCDETF program is structured in a way that could facilitate cooperation to the degree that HIDTA does. All attribute this to the "level playing field provided under the ONDCP umbrella," and the equal representation afforded by the balanced HIDTA Executive Board.*
- c) *"What are the primary differences, in your opinion, between the OCDETF program and the current HIDTA program?"*
- *Task Forces: OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. Their emphasis is on individual investigations. HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to investigations of drug violations involving: smuggling, money laundering, distribution, sales, violence and gangs. Some provide support to the others such as prosecution, intelligence translations or technical equipment operation or installations. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies.)*
 - *Intelligence and Support Activities: OCDETF has no intelligence capabilities of its own nor does it provide intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is*

that of funding. It does not provide investigative support beyond prosecution and money. HIDTA has intelligence units that:

- *Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity*
- *Provide post-seizure analysis*
- *Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety*
- *Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies*
- *Produce annual threat assessments and special strategic reports*
- *Have sub-committees and task force commanders from local, state and federal agencies to direct their activities*
- *Provide analytical support through all phases of an investigation*

Funding: The \$550 million OCDETF budget primarily funds approximately 4,000 federal personnel outside their agency's budget. These agents and personnel are assigned to their various divisional offices carrying out their respective agency's mission relating to drug enforcement and under the direction of the special agent in charge of that office. A small percentage of the OCDETF budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement. The \$227 million of HIDTA funding in twenty-eight strategic regions goes to support:

- *355 operational task forces (65% established by HIDTA)*
- *53 intelligence centers (all but one established by HIDTA)*
- *4,428 federal personnel*
- *8,459 state and local personnel of which 1,996 are directly funded by the HIDTA Program*

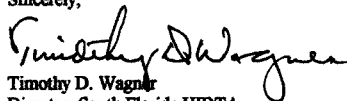
The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility which would be unavailable within the Department of Justice.

5. "Current ONDCP operation guidelines for the HIDTA program require that each HIDTA divide full voting authority on its executive board between federal agency representatives on one hand, and state and local agency representatives on the other. The Administration has apparently not yet decided whether OCDETF would maintain this practice if given control of the HIDTA program."

- a) "Does your HIDTA currently comply with this directive? *Yes, South Florida HIDTA has always maintained an equal balance and viewed it as crucial. When the former Immigration & Naturalization Service's investigative component was combined with U S Customs Service's Special Agents to form ICE, the Executive Committee reduced the number of state/local votes to eight in order to maintain this equality. South Florida HIDTA is presently governed by an Executive Board consisting of seven federal law enforcement agency leaders and the U S Attorney (8 federal votes), and nine members who are leaders of state, county, or city law enforcement agencies.*
- b) "How important is this 50/50 balance on the executive board to the overall success of your HIDTA? *If that balance was eliminated and federal agencies were given majority control of each HIDTA, would that have a negative impact on the HIDTAs? If so, how? The greatest strength of the HIDTA program is that all of its members have equal input in the running of task forces. Because of this, the state and local agencies and non-Justice federal agencies are eager to commit large numbers of personnel and resources to our intelligence center and task forces on a long term basis.*

6) "Do you believe that the uncertainty surrounding the HIDTA program created by the Administration's proposals has itself had a negative impact on your HIDTA's programs? For example, could that uncertainty make it more difficult to hire or retain new personnel for your HIDTA's administrative officers, or make it more difficult to obtain personnel, resource, or other commitments from state, local or federal agencies participating in your HIDTA?" *Yes, it has had a significant negative impact on the HIDTA Program. Agencies are reluctant to sign contracts, make any commitments past this calendar year and I am concerned that employees worried about their jobs are seeking employment elsewhere. In a situation like this, the best qualified will be the first to find employment elsewhere. Because most have families that depend on their income, I cannot blame them. The Executive Board has postponed reallocating existing funding to address emerging threats because it may be needed to help with a major transition necessary if HIDTA leased task force facilities are no longer available and we must lay-off analysts, translators, and other support personnel. The Executive Board has already begun considering how to go about shutting down HIDTA task forces. Prior to the administration's proposal, we were in the process of planning an enhancement to our intelligence center which was to coordinate domestic security concerns and other non-drug intelligence with existing drug intelligence. This was to be wholly funded by participating agencies. We have had to warn the agencies involved in its execution that the plan should be viewed as tentative and not move forward until this issue is settled. This has been very disruptive. The proposal has affected morale for those who have worked so hard to make the HIDTA Program a success. The men and women on the street doing the work feel as the rug is being pulled out from under them. The future is now in the hands of Congress and we are hopeful that Congress will see the wisdom in continuing a relatively small investment that yields tremendous dividends.*

Sincerely,



Timothy D. Wagner
Director, South Florida HIDTA

HIDTA Directors
Appalachia
 Frank Rapier
Arizona
 Raymond L. Vinski
Atlanta
 Ronald J. Caffrey
CBAG
 Richard Gorman
Central Florida
 William T. Fernandez
Central Valley
 William Ruzzamenti
Chicago
 Thomas K. Donahue
Gulf Coast
 Tony Soto
Hawaii
 Larry D. Burnett
Houston
 Stan Furce
Lake County
 Leo Arreguin
Los Angeles
 Roger Bass
Michigan
 Abraham L. Azzam
Midwest
 David Barton
Milwaukee
 Erick V. Slamka
Nevada
 Mike Hawkins
New England
 George C. Festa
New Mexico
 Errol J. Chavez
NHAC
 William I. Martin
North Florida
 Edward B. Williams
North Texas
 Mona Neill
Northern California
 Ronald Brooks
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 John Sommer
Oregon
 Chuck Karl
Philadelphia/Camden
 Jeremiah Daley
PR/USVI
 Jose M. Alvarez
Rocky Mountain
 Thomas J. Gorman
South Florida
 Tim Wagner
South Texas
 Vernon P. Parker
Southwest Border
 Terence M. Azbill
West Texas
 Travis Kuykendall
Washington/Baltimore
 Thomas H. Carr



The HIDTA Program Should Remain at ONDCP

INTRODUCTION

Director John Walters of the Office of National Drug Control Policy (ONDCP) proposed reducing the High Intensity Drug Trafficking Area (HIDTA) program budget by 56% and transferring the program from ONDCP's Office of State and Local Affairs (OSLA) to the U.S. Department of Justice (DOJ). Director Walters made this recommendation without consulting the over 500 federal, state and local law enforcement leaders across the nation that comprise the 28 HIDTA executive boards. It was made without consulting the HIDTA Directors, who collectively possess over 1,000 years of federal, state and local law enforcement experience, the majority being in drug law enforcement. This recommendation was also made without consulting Congress, who authorized and has supported the HIDTA program since its inception in 1990. In fact to date, no one, outside of a few at ONDCP, has come forward and acknowledged they were consulted and agreed with this proposal. It appears this recommendation was made with very little input and no preliminary planning (see transcript of the March 10, 2005 hearing before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources on the National HIDTA Directors Association {NHDA} website). Director Walters' justifications for this drastic proposal are based on inaccurate and incomplete information. (See NHDA position paper on the website)

This paper presents the reasons the proposal to move the HIDTA program from ONDCP to DOJ has been met with such strong opposition throughout the nation. One of the primary factors contributing to HIDTA's universal acceptance and success in combating the drug problem is the fact that it resides in the White House Office of National Drug Control Policy, Office of State and Local Affairs.

- Congress, in its wisdom, authorized and funded HIDTA in ONDCP because as a true federal, state and local partnership, it fit perfectly into the overall mission for which ONDCP was authorized.
- ONDCP provides a neutral environment for a program that is built on a premise that all federal, state and local agencies have an equal voice in managing their individual HIDTAs to address regional drug threats within the overall national mission.
- ONDCP's Office of State and Local Affairs, with input from the HIDTA Directors, issues general program guidance but does not ascribe to the philosophy, "One size fits all". They allow for both fiscal and policy flexibility throughout the country based on regional resources and needs. The Office of State and Local Affairs does not consider itself as the program's lead agency, does not compete for HIDTA funds and does not

have an enforcement component that might attempt to exercise control or compete for investigations.

- HIDTA is a unique but extremely successful program that has progressed and been effective under ONDCP's Office of State and Local Affairs. There is no sound rationale to move the program and potentially eliminate the very factors that have contributed to the program's success. This is simply not good public policy.
- Ninety bi-partisan members of the U.S. House of Representatives, in a letter, very succinctly made their position known on this proposal: "...the proposed transfer to OCDETF is contrary to existing law and sound drug enforcement policy. It will potentially be more disruptive to the HIDTA program than simple budget cuts..."

The body of this paper is separated into two sections:

1. The HIDTA program should remain at ONDCP
2. National leaders speak out against transferring HIDTA from ONDCP

THE HIDTA PROGRAM SHOULD REMAIN AT ONDCP

In 1990, Congress authorized the establishment of the High Intensity Drug Trafficking Area program in the Office of National Drug Control Policy's Office of State and Local Affairs. Since that time, the program has grown, progressed and become highly effective in combating the drug problem not only locally and regionally, but also nationally. The program has demonstrated its effectiveness in targeting, dismantling and/or disrupting international, multi-state and local drug trafficking organizations. There is no question of HIDTA's impact in its multi-faceted approach to combating the methamphetamine problem across the nation. There is no doubt that HIDTA's uniqueness and flexibility have facilitated addressing other serious drug problems across the country including the interdiction of drug shipments and dismantling of violent drug dealing gangs. The 28 HIDTAs have the support of Congress as well as federal, state and local law enforcement administrators and officers across the country.

Policy makers have questioned why Director Walters has recommended the transfer of the successful and effective HIDTA program, especially when there is no supporting plan, data or research indicating the benefit of such a transfer. Moreover, those closest to the HIDTA program believe the proposed move from ONDCP to DOJ would adversely impact the program's effectiveness and result in a significant reduction in support from the program's vital state and local partners. Reasons for this strong nationwide sentiment include:

1. The HIDTA program has been extremely efficient and effective under ONDCP's Office of State and Local Affairs. Why change and potentially negatively impact the program's effectiveness? There is a claim that the move would make the program more effective. When asked at Congressional hearings on March 10, 2005, neither ONDCP nor the U.S. Department of Justice representatives could name even one HIDTA that was not effective. Neither representative offered a plan for implementing HIDTA under DOJ, let alone any strategy that could possibly increase the program's effectiveness.

2. The vast majority of state and local law enforcement representatives involved in the HIDTA program are opposed to moving from ONDCP to the Department of Justice. These local and state stakeholders invest \$630 million of their own resources annually to support the \$227 million provided annually by ONDCP; however, they were not consulted concerning the future of the program. A significant number of state and local leaders have indicated that if the transfer occurs, they would likely withdraw their resources since they firmly believe the neutrality and equal voice offered through ONDCP will be lost. Prior to the HIDTA program, many areas had a past history that strongly indicates the move would result in the elimination of the truly equal federal, state and local partnership provided by ONDCP.
3. The Department of Justice is comprised of a number of agencies (DEA, FBI, ATF and USMS) directly involved in HIDTA that compete for scarce resources and funds. Accordingly, it would be difficult for DOJ to remain objective or even present the appearance of neutrality and objective management of the program if they were to become HIDTA's parent agency. This is made even more difficult since a significant portion of the federal representatives on HIDTA executive boards are DOJ representatives. The equality of decision making authority among federal, state and local agencies as it currently exists would be eliminated.
4. Currently, the 28 HIDTA executive boards are comprised of an equal number of federal and state/local law enforcement executives with an equal voice and vote. This ensures no one agency can dominate. All issues are equally considered in developing the regional threat, strategy, funding and program assessments. Transferring the program would likely create an imbalance of power and potentially shift the priorities from a combination of federal, state and local needs to those of DOJ. Since ONDCP does not have representation on the executive boards nor compete for resources or funding, this is currently not an issue. There is no one from ONDCP to exert pressure or influence executive board decisions.

This problem occurred recently with the recommendation by Director Walters. When some HIDTA executive boards addressed motions to oppose the budget reductions and move, most Justice representatives on the board abstained from voting. Although these actions may be understandable, they have created some friction within boards that previously did not exist. This could be indicative of the lack of independence of DOJ managers should Justice desire to re-focus the program in a different direction. This would negate the independent equal vote/equal voice of each member of the executive board.

5. A number of Justice personnel have told HIDTA Directors they are opposed to moving the program out of ONDCP. They related that because they work for the President and Justice, they felt they could not make a public statement opposing the budget cuts or move to DOJ. However, a senior manager from one of the U.S. Department of Justice agencies in Florida wrote, "Oversight at the DOJ signals a return to those days of unilateral administration and funding. A neutral entity attached to the executive branch such as ONDCP, not directly affiliated to any agency that it services, is far desirable in terms of unbiased oversight and allocation of resources... I personally believe the current proposal to reduce HIDTA funding and move oversight from ONDCP to DOJ, to be a potential error of huge proportions and detrimental to the overall drug reduction efforts."

6. Non-DOJ federal agencies have also expressed concerns with the HIDTA program moving to DOJ. They have articulated their apprehension that they will no longer have an equal voice and become subservient to Justice agencies. They expect the majority of support and direction will go to Justice agencies, particularly DEA. They do not believe Justice can function as a neutral broker like ONDCP. They recognize that ONDCP maintains no enforcement arm, does not have a representative on the executive boards and does not compete for HIDTA funds or resources.
7. The U.S. Department of Justice performs a significant number of much needed services for our country. Drug enforcement is just one of a multitude of its responsibilities and functions. DOJ is a very large centrally controlled bureaucracy comprised of a number of agencies with very specific federal responsibilities and missions. The success of DOJ is predicated on the results produced by each of its agencies in fulfilling their mission as directed by the Attorney General. In contrast, ONDCP performs a much needed mission for this country, coordinating the nation's efforts to eliminate the proliferation of illegal drugs and drug abuse. Unlike DOJ, they do not manage operational units but rather coordinates collaborative efforts among federal, state and local drug enforcement, treatment and prevention efforts. They are a small bureaucracy with specific responsibilities. ONDCP's success is predicated on the results produced by the partnerships they create and facilitate. It is ONDCP's lack of an operational component, its focus on partnerships, neutrality and independence that have allowed the HIDTA program to be successful. Conversely, it is DOJ's structure, control, federal mission and policies that have led to its success as a department that manages a much broader array of worthwhile, but divergent responsibilities, and a sizeable number of operational entities, some of which having little to do with drug enforcement. The HIDTA program is a perfect fit for ONDCP but not for DOJ.
8. In late August, 2001, prior to Director Walters' Senate confirmation hearing, staff from ONDCP's Office of State and Local Affairs wrote a response as to why the HIDTA program should remain in ONDCP. In addition to many of the issues already addressed, they added:
 - Management of the program requires review of HIDTA threat assessments, strategies and budgets. Information gleaned from these processes gives the Office of State and Local Affairs a unique, accurate perspective of drug issues. Congressional wisdom in having ONDCP manage the HIDTA program has paid huge dividends for law enforcement and the American people.
 - The HIDTA program has flourished largely because of grass roots support by state and local criminal justice agencies. This undaunted support comes chiefly because the program is managed by a neutral agency with no competing interests in the program resources. ONDCP provides the unbiased neutrality, real and perceived, necessary for law enforcement agencies to willingly participate in the program.

- The HIDTA program’s national scope provides an immediate pulse on regional drug trends and issues while enhancing the capability to implement policy nationwide.
 - The HIDTA program provides ONDCP’s Office of State and Local Affairs with a unique link to state and local criminal justice agencies, an often-overlooked commodity and partner in our fight against illicit drugs and drug-related crime. Many interagency meetings intended to enhance cooperation and coordination are attended by ONDCP solely because it manages the HIDTA program.
 - ONDCP’s Office of State and Local Affairs policy making and leadership roles are significantly enhanced by using the HIDTA program as a primary vehicle to implement its national policies (i.e., connectivity between HDTAs, National Clandestine Laboratory Seizure System, National Methamphetamine Initiative and other programs that directly impact national drug policy).
 - HIDTA improves ONDCP’s Office of State and Local Affairs’ ability to promote cooperation and coordination among all levels of criminal justice agencies as well as among law enforcement, prevention and treatment.
9. In 1990, Congress authorized and funded HIDTA in ONDCP’s Office of State and Local Affairs for specific reasons, many of which have been addressed in this paper. The importance of this placement was emphasized during the October 2001 Senate confirmation hearing for John Walters as Director. The Senate Judiciary Committee specifically asked him if he had any intention of moving the HIDTA program out of ONDCP. Director Walters’ answer was no. When Director Walters recently changed his position and recommended moving HIDTA to DOJ, Senators Grassley, Biden, Hatch and DeWine sent him the following letter:

“Dear Director Walters:

It is with great alarm that we read in the President’s budget that you intend to move the High Intensity Drug Trafficking Area (HIDTA) program out of the Office of National Drug Control Policy (ONDCP) and into the Department of Justice.

As you will recall, the issue of whether to move the HIDTA program out of ONDCP was the subject of much discussion at your confirmation hearing in October 2001. At that time, you assured members of the Senate Judiciary Committee “I have no intention at this point in time, nor do I know of one in the administration, to move these programs out of ONDCP.” In response to Senator Biden warning you at that time that there would be “holy war” if you were to transfer the program, you said that you did not have any philosophical difference with the Committee on the issue of moving the HIDTA program.

Given this exchange at your confirmation hearing we would like an explanation in writing by March 1, 2005 as to why you chose to move the HIDTA program out of your office after assuring the Committee that you would not do so and why you did not consult with the Committee about this matter. As you know, under law you have the authority to

certify the drug budgets of the various national drug control agencies and you could have prevented moving HIDTA out of your office.

Thank you for your attention to this important matter.”

NATIONAL LEADERS SPEAK OUT AGAINST TRANSFERRING HIDTA

U.S. HOUSE OF REPRESENTATIVE’S LETTER

Ninety House Members from both political parties co-signed a letter to House Appropriations Committee leaders stating: “The proposed transfer to {DOJ’s} OCDETF is contrary to existing law, and to sound drug enforcement policy. It will potentially be even more disruptive to the HIDTA program than the simple budget cuts. ... Even apart from the legal question, the move of HIDTA into OCDETF is highly problematic. The Subcommittee on Criminal Justice, Drug Policy and Human Resources recently held a hearing on this issue, receiving testimony from a number of state and local officials who actively work with the HIDTA program. Not one of them supported moving the program into OCDETF. They each pointed out that OCDETF is a very different program primarily designed to bring existing state and local cases into federal court while providing funding through the U.S. Attorneys.”

In reference to the HIDTA program, the letter continues, “This equal voice of state and local agencies has generated an unprecedented level of cooperation on the part of all participants. It is very unlikely that state and local agencies will be willing to make significant contributions of personnel and resources to HIDTA task forces if they believe they will not have an equal say in their deployment.

Notably, the Administration’s representative who testified at the subcommittee’s March 10th hearing declined to inform the subcommittee how HIDTA would be managed under OCDETF. The Director of OCDETF, Catherine O’Neil, simply stated that her program would ‘study’ the HIDTA program if granted control by Congress and make changes at a later date.

This approach gets things exactly backwards by demanding authority to change the program before deciding what changes to make or even whether changes are necessary...”

CONGRESSMAN MARK SOUDER

In the March 10th subcommittee hearing, Congressman Souder stated that Director Walters’ proposals were “premature and too sweeping.” He also took issue with DOJ and ONDCP representatives’ insistence that the decision to fund the HIDTA program with only \$100 million was “pre-decisional.” In his statement Souder said, “...And it doesn’t take very many Republicans to do a wake-up call here that an arrogant approach that says ‘Everything is pre-decisional, we’re not even going to talk to all these people out in the country, we’re not going to present any evidence to Congress... You have not given any compelling evidence that says why it should be moved over or what the punishment is. Why do you think that the Attorney General’s Office can do it better than ONDCP...”

CONGRESSMAN ELIJAH CUMMINGS

At the same hearing, Congressman Cummings stated, "...I believe that HIDTA would be better off the way it is. I don't want it to get it lost in the Department of Justice. We have too many people who are depending on HIDTA to do the things that HIDTA does... HIDTA is widely credited with having broken down barriers among participating local, state and federal agencies... The fundamental character and unique system of accountability of the HIDTA program will be lost if it is merged with the Organized Crime and Drug Enforcement Task Force, whose mission is complementary but distinct."

CONGRESSWOMAN DIANE WATSON

At the same hearing, Congresswoman Watson also vehemently opposed Director Walters' proposal for the HIDTA program. Her testimony reads, "I don't know what your data is but I can tell you from what my people say in the region, this is a program they can't do without."

CONGRESSMAN STENY HOYER

"...I am a strong supporter of the HIDTA program, and worked to have the Washington/Baltimore corridor designated a HIDTA in 1993," said Congressman Steny Hoyer. "I sincerely regret that the President proposed to cut more than \$120 million from the HIDTA program and move the program from the Office of National Drug Control Policy to the Department of Justice. These changes will in fact eliminate an effective program that efficiently coordinates our law enforcement efforts to address serious problems with drug consumption and drug related crime in our region and throughout the country. I will fight to restore this funding and keep HIDTA at ONDCP in the appropriations process this year."

SENATE LETTER

Fifty-six Senators from both political parties have co-signed a letter to the Senate Appropriations Committee leadership stating: "...Additionally, we also ask for your support for maintaining funding of the HIDTA program at ONDCP rather than OCDEF, as proposed in the President's FY2006 budget request. As you know, the Senate also expressed its intention in the FY 2006 Budget Resolution that HIDTA remain within ONDCP because that is where Congress last authorized the program to reside. To date, no explanation has been provided for the proposal to move HIDTA to the Department of Justice. Therefore, until the appropriate authorizing committees in the House and Senate investigate this proposal further, we believe that it is inappropriate to move the successful HIDTA program from ONDCP to the Department of Justice..."

SENATE AMENDMENT

Senators Baucus, Grassley, Leahy, Bingaman, Murray, Talent, Smith and DeWine have co-sponsored a Sense of the Senate amendment to the Senate Budget Resolution requesting full funding for the HIDTA program and retaining the program in ONDCP. Section b of the Sense of the Senate reads: "It is the sense of the Senate that - (1) the spending level of budget function 750 (Administration of Justice) is assumed to include \$227,000,000 for the High Intensity Drug

Trafficking Area; and (2) unless new legislation is enacted, it is assumed that the HIDTA program will remain in the Office of National Drug Control Policy, where Congress last authorized it to reside.”

Senator Baucus, in presenting the Sense of the Senate stated, “...The President’s budget also proposes to shift the program from ONDCP to the Organized Crime Drug Enforcement Task Force within the Department of Justice. Both of these proposals could derail the highly successful HIDTA program...”

Montana law enforcement tell me that moving the HIDTA program to OCDETF will do nothing to improve law enforcement capabilities and will undermine the unique partnerships and innovation that the HIDTA program has helped to create nationwide and that has been so successful in curbing the spread of meth in Montana. HIDTA’s are about coordination and collaboration. OCDETF is more centrally managed with an assumed Federal lead and with a focus on investigations and prosecution - an important mission but not the same as the HIDTA mission. Additionally, according to the National Narcotics Officers Association the vast majority of OCDETF cases originate with HIDTA-funded operational task forces. The current organization works; why change it?...

In presenting the Sense of the Senate amendment, Senator Grassley stated, “...In particular, the proposal to transfer to the Department of Justice and reduce the funding for the High Intensity Drug Trafficking Areas program - also known as the HIDTA program - would have a major impact on drug enforcement issues...”

Congress provided the Office of National Drug Control Policy with the responsibility for the management - and effectiveness - of the High Intensity Drug Trafficking Area program. For a relatively modest investment, Federal, State and local law enforcement have tremendously benefited from the increased information sharing and improved coordination that HDTAs create. The task forces created through the HIDTA program can serve as models for initiatives against terrorism, money laundering and other modern threats to civil society...”

MAJOR COUNTY SHERIFF’S ASSOCIATION

The Major County Sheriff’s Association passed a resolution that concludes: “Now, therefore, be it resolved, the Major County Sheriff’s Association does hereby call upon the United States House and Senate to restore full funding in the Department of Justice appropriations for law enforcement Byrne Grants and SCAAP, and to restore full funding in the Office of National Drug Control Policy appropriations for HIDTA.”

NATIONAL ALLIANCE OF STATE DRUG ENFORCEMENT AGENCIES

On March 9, 2005, The National Alliance of State Drug Enforcement Agencies, representing all 50 states in the Nation, presented its position on this issue: “...Moving the HIDTA program to OCDETF will do nothing to enhance law enforcement and will hinder the continuation of partnerships and innovation that the HIDTA program has fostered. The HIDTA program has enjoyed wide acceptance by heads of state and local law enforcement agencies for two important reasons. Under HIDTA, state and local agency heads join with our federal counterparts on an

equal basis to determine the direction of the individual HIDTAs. There is no other cooperative endeavor of this magnitude in law enforcement today. Secondly, the HIDTA program has been able to project a degree of separation from other federal agencies by placement within ONDCP. Although ONDCP has shown reluctance to immerse the program, it should not be placed within a department that gives the perception that it will be under the control and direction of a federal law enforcement entity. To do otherwise would certainly influence state and local participation and ownership of the program..."

NATIONAL NARCOTICS OFFICERS ASSOCIATION COALITION

The National Narcotics Officers Association Coalition (NNOAC), which represents 43 state narcotics officers associations, with a combined membership of more than 60,000 police officers across the country, is strongly opposed to Director Walters' proposed budget cuts and move of the HIDTA program to DOJ. NNOAC is one of the stakeholder groups with whom Director Walters failed to consult for their expertise and experience. The NNOAC "urges the restoration of the HIDTA and Byrne Grant programs at the fiscal year 2005 level and the retention of the HIDTA program at ONDCP where the agency serves as a fair and honest broker on behalf of law enforcement."

CALIFORNIA SHERIFF'S ASSOCIATION

A letter from the California Sheriff's Association dated March 31, 2005 states, "...These proposals will severely weaken the federal, state and local partnerships that have developed over the years in combating California's drug problem and the successes achieved. The HIDTA program is successful because it forms equal partnerships between federal, state and local law enforcement leaders..."

UTAH LAW ENFORCEMENT ADMINISTRATORS AND DIRECTORS

The Salt Lake County, Utah Law Enforcement Administrators and Directors (L.E.A.D.S.) which is comprised of 32 criminal justice agencies writes, "...We were shocked and extremely disappointed when we learned that the fiscal 2006 federal budget proposal included reducing HIDTA funding by over 50% and moving it from a neutral environment in ONDCP's Office of State and Local Affairs to the U.S. Department of Justice... These changes do not reflect the collective expertise available in law enforcement. HIDTA is successful because of the equal partnership in addressing the drug threat regionally, consistent with the national goals. The key to the HIDTA program is its neutrality, the fact that there is no one on our Executive Board from ONDCP to exert pressure or to compete for the limited funds. That would not be the case if the program moved to Justice..."

PHOENIX CHIEF OF POLICE JACK HARRIS

Phoenix Chief of Police Harris stated at the hearing on March 10th before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, "...Moving the program from ONDCP to OCDETF – I have to say that I am in total opposition to that. OCDETF is the administrative, non-operational body that provides funding and prosecution, not drug enforcement investigations.

HIDTA was formed, as you have heard, as a grass-roots program designated to promote interagency cooperation between federal, local and state agencies. That is occurring every day in

Phoenix... that cooperation and communication between agencies is what brought down those heads of crime organizations dealing with drugs...over 90% of the OCDETF cases are conducted by local agencies. So you are going to ask us to continue to be part of that organization and to target individuals that we have no input on..."

BALTIMORE POLICE COMMISSIONER LEONARD HAMM

Baltimore, Maryland Acting Police Commissioner Hamm testified at the same hearing that: "...All partners in HIDTA work under a formula of measured success and management for results. Ending the successful HIDTA formula that law enforcement has worked on for years will jeopardize major cases, networking, leads and partnership which have proven to work... And, Mr. Chairman, there are those who question the value of HIDTA. They simply haven't taken the time to look at these measurable, life-saving results. I urge all of you to maintain an open mind and speak directly with the HIDTA Directors and law enforcement professionals who dedicate their lives to just the kind of cases which federal, state and local should be focusing on..."

HOUSTON CHIEF OF POLICE HAROLD HURTT

Houston Chief of Police Hurtt in a *Houston Chronicle* editorial writes, "Without consulting state and local law enforcement leaders, the Office of National Drug Control Policy has recommended ... moving it to the Department of Justice's Organized Crime Drug Enforcement Task Force (OCDETF) program. This is unilateral, short-sighted and a dangerous policy recommendation... As a chief executive of an agency responsible for designing and implementing the most effective counter drug strategy for the citizens of Houston and as president of the Major Cities Chiefs organization I will fight this..."

"Moving what is left of the HIDTA program to OCDETF with no guarantee of an equal voice of all participants would destroy the partnership and cooperation that makes the HIDTA program so successful. Most disturbingly, by eviscerating the HIDTA program and moving the remaining funds to OCDETF, we risk returning to the days when cooperation among law enforcement was episodic rather than systematic, delivered on a case-by-case basis, and found to be generally ineffective in disrupting drug trafficking on our streets and in our neighborhoods..."

FLORIDA DEPARTMENT OF LAW ENFORCEMENT COMMISSIONER GUY TUNNELL

Florida Department of Law Enforcement Commissioner Tunnell, in a letter to Congressman Weldon writes, "...Moving the HIDTA program to OCDETF will hinder the continuation of the existing federal, state and local law enforcement partnerships that were created with the inception of the program. Under the umbrella of the HIDTA program, state and local executive agency heads join with their federal counterparts on an equal basis to determine the strategy of their specific HIDTA. There is no other cooperative endeavor of this magnitude in law enforcement anywhere in this country... In closing, I want to emphasize that my experience has shown that the best strategy to fight the national drug problem often begins at the state and local levels by identifying national and international drug trafficking organizations that distribute illicit drugs in our country. This strategy protects the safety of the citizens we all serve..."

FARMINGTON HILLS CHIEF OF POLICE WILLIAM DWYER

Farmington Hills, Michigan Chief of Police Dwyer writes: "...the proposed removal of the HIDTA program from the ONDCP will further reduce the effectiveness and impact of the program. The HIDTA program was specifically designed not to be another federal agency, but rather to be a unique and flexible program that provides shared authority among federal, state and local agencies to address the specific problems in the region in a neutral form. If the proposed transfer of HIDTA to DOJ occurs, the program will inevitably lose the unique balance it achieved between local and federal agencies..."

NNOAC PRESIDENT RON BROOKS

Ron Brooks, President of the National Narcotics Officers Association Coalition is quoted in the *San Mateo Daily Journal*: "Moving HIDTA to the Department of Justice Organized Crime Drug Enforcement Task Force (OCDETF) program will only serve to destroy the partnership between federal, state and local law enforcement as we know it today."

ONDCP DIRECTOR WALTERS

ONDCP Director John Walters, in introducing the 2004 HIDTA Annual Report for the National HIDTA Conference in December 2004, wrote: "...This past year, the HIDTA program continued to bring federal, state and local law enforcement together to make a measurable difference in disrupting the market for illegal drugs.

Investigations of high level traffickers and seizures that disrupt drug trafficking organizations remain the hallmark of the program. A pre-condition of the HIDTA program being effective is the ability to get federal, state and local law enforcement to work together in a coordinated fashion. This, in turn enhances the security of our country from threats both foreign and domestic, and serves as a model for other agencies."

Walters ends his letter by stating, "As we gather to honor the achievements of individuals, groups and HDTAs, I thank you for your fine work and wish you the best in the year ahead as we work together to disrupt the market for illegal drugs in our great nation. Less than two months later, he proposed reducing the funding for HIDTA by 56% and moving the program from ONDCP to U.S. Department of Justice.

CONCLUSION

There are two legitimate questions that are repeatedly asked as it relates to Director Walters' recent recommendation related to the HIDTA program.

The first question is: Why would Director Walters recommend reducing the HIDTA funding so drastically and transferring it out of ONDCP when it is such an effective and strongly supported program?

The HIDTA Directors have heard and read different reasons for Director Walters' proposals. These reasons include HIDTA's score on the U.S. Office of Management and Budget's Program Assessment Rating Tool (PART), a lack of program focus, and that the HIDTA program would be, for some reason, more effective under DOJ. None of these assertions are supported by data, research or accurate information. The HIDTA Directors are as perplexed as everyone else over

the underlying reason for this ill-conceived proposal. They have heard rumors but have chosen not to repeat what cannot be supported as factual.

However, the Directors are aware that U.S. governmental agencies have been under pressure to reduce funding. In FY2005, ONDCP's funding was \$507 million. The two largest portions, or 68% of that budget, are the anti-drug media campaign (\$120 million) and HIDTA (\$227 million). Even though the media campaign received a lower PART score than HIDTA, Director Walters is very supportive of the campaign. He chose to reduce HIDTA by \$127 million and transfer the remaining \$100 million for HIDTA to Justice. That reflects a 46% reduction in ONDCP's budget. Is this good fiscal management or poor public policy?

The second question is: Since Director Walters apparently does not support the HIDTA program, why would law enforcement leaders choose to remain at ONDCP?

Most of the answers to this question are found throughout this report. Specifically, the HIDTA program is managed on a day-to-day basis by the Office of State and Local Affairs within ONDCP. Officials in the Office of State and Local Affairs understand and support the program. They manage HIDTA well; thus, the program under their stewardship has been successful and effective. They believe in the federal, state and local partnership as well as working closely with directors to enhance the program. Director Walters, during his term in office, has had limited interaction with the HIDTA program and little impact other than allocation of discretionary funding.

The unanimous opinion of the HIDTA Directors and the majority of the state and local leadership representing the executive boards is that the independence, neutrality and flexibility offered under ONDCP far outweighs the potential negative influence of Director Walters's lack of support of the program and the significant potential to federalize HIDTA at DOJ.

The HIDTA Directors, (formerly federal, state and local law enforcement managers) in accord with hundreds of law enforcement executives across the country, are convinced that should either the 56% budget reduction or transfer to DOJ occur, it would effectively kill the program. The HIDTA Directors strongly believe that the program is the most effective national drug enforcement effort they have experienced in their careers. This proposal is an affront to the 12,000 heroic men and women in the program who are combating drug abuse and violence across the nation. The HIDTA Directors have pledged to support their efforts and to keep the leaders and policy makers informed about this remarkable program. They confidently invite decision makers to ask their law enforcement leaders and officers across the country their opinion about the tremendous impact of HIDTA.

For more information on the National HIDTA Directors Association and its position on Director Walters' FY2006 HIDTA-related proposals, visit www.hidtdirectors.org or call (703) 400-0708.

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Position Paper

PROPOSAL:

The Director of the Office of National Drug Control Policy (ONDCP) recommends reducing the High Intensity Drug Trafficking Area (HIDTA) Program's funding from \$227 million to \$100 million and transferring the program from the ONDCP to the Department of Justice (DOJ) under the Organized Crime Drug Enforcement Task Force (OCDETF) program.

ISSUES:

- The HIDTA program is a demonstrably effective program and cannot accomplish its mission and objectives with a 56% budget reduction.
- HIDTA cannot remain effective under the auspices of the Department of Justice and should remain at ONDCP's Bureau of State and Local Affairs.
- Representations made supporting the proposal are misleading, incorrect and may seriously hamper accurate legislative decision making related to this proposal.

The ONDCP Director's recommendation was made without consulting the hundreds of federal, state and local law enforcement leaders making up the executive boards of the various HIDTAs. The HIDTA executive boards and directors are opposed to this recommendation because it would virtually render the program ineffective and destroy the equal partnership by giving management and control to the federal government. To infer that these cuts and movement would enhance the program is not logical. There are no specifics or data to demonstrate why this proposal is good public policy or good for drug law enforcement. One can only speculate as to why and how this recommendation came about. The HIDTA Program has shown tremendous positive results and continues to become more successful. The following is success by any measure:

- The development of innovative programs
- Centralized and coordinated intelligence centers
- Nationwide connectivity
- Training 21,893 students in 2004³
- In 2004, the disruption or dismantling of 509 international, 711 multi-state and 1,110 local drug trafficking organizations¹

These are but a few of the areas HIDTA has shown positive results and leadership in drug law enforcement.

HIDTA was designed to be a grass roots program. Its objective is to empower and facilitate local, state and federal law enforcement officials to work as a team. The success of this coordination is due to the required federal, state and local agency executive boards, initiative structure and the relationships made at the regional level. HIDTA was conceptualized as a grass roots program because of the fact that strict federal direction from Washington, D.C. often discourages and minimizes local and state participation. Centralized federal bureaucracy and agency guidelines are seldom flexible enough to be responsive to regional needs.

Proponents of this budget proposal must recognize that the drug problem is not solely national. It is a collection of interconnected, regional drug problems. HIDTA was specifically created to improve law enforcement's ability to react to these various regions. HIDTA's positive influence in those regions and capability to work inter-regionally is part of its success.

Since its inception in 1990, HIDTA programs have:

- Seized record numbers of drugs and assets gained through drug trafficking activities
- Arrested and convicted tens of thousands of criminals
- Disrupted and dismantled thousands of drug trafficking organizations (DTOs)
- Established intelligence centers in 33 regions that are used by hundreds of agencies in and away from those regions
- Provided a level playing field and partnership for local, state and federal leaders
- Established an annual Threat Assessment procedure
- Developed strategies on a regional basis that interrupt the national flow of drugs
- Established commingled, collocated multi-agency task forces whose performance are measured and reported annually to ONDCP
- Provided in-depth annual reporting of accomplishments
- Received numerous OCDETF and ONDCP awards for investigative achievement
- Provided investigators with innovative technology, analytical support and training to support their cases
- Created a national corps of well trained local, state and federal investigators who desire to work in a cooperative environment
- Developed data and deconfliction systems to ensure officer safety, share information, track violators, analyze intelligence and provide nationwide connectivity
- Provided for unprecedented levels of interagency cooperation and collaboration

HIDTA has been and continues to be one of the most successful partnerships between federal, state and local government as well as a successful national drug enforcement program. The program is strategically placed in 28 regions throughout the nation to facilitate and coordinate the activities of drug law enforcement. The overall goal of this partnership is to reduce drug availability regionally and nationally as well as make drug law enforcement more effective and efficient. **The primary reason for the success of**

the program is that it is within ONDCP's Bureau of State and Local Affairs, a neutral entity with no enforcement arm to compete or take control. No personnel from ONDCP are members of the Executive Board. Thus, HIDTA provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach and goals yet tied to the national mission. The federal, state and local drug enforcement missions, although different, are intimately and directly inter-related and must be melded together in the form of collaborative, information sharing, networks and task forces. That is what HIDTA is. An effective national counter-drug strategy will not work if the federal agencies, state agencies and local agencies go their separate ways and don't leverage effort and share information. This proposal sets back fifteen years of effort to meld federal, state and local agencies into effective drug enforcement partnerships.

OCDETF AND HIDTA ARE DIFFERENT PROGRAMS WITH DIFFERENT MISSIONS AND SHOULD BE KEPT SEPARATE:

Task Forces:

OCDETF's nine regional "task forces" are non-operational, administrative bodies that are labeled task forces solely due to their varied federal participants. They do not perform any enforcement activities. All cases seeking OCDETF sanction emanate from within the member agencies, state and local agencies and/or HIDTAs. None stem from an investigator assigned to an OCDETF regional task force. Their use of the term task force is non-traditional in drug law enforcement.

HIDTA funded task forces are commingled, collocated, multi-agency, operational units made up of federal, state and local officers with various missions that include, but are not limited to, money laundering, distribution, sales, interdiction, prosecution, violence, gangs and intelligence. The 355 HIDTA-funded task forces across the country involve over 12,000 personnel (2/3 of which are from state and local agencies) from:³

283 federal agency offices
327 state agencies
916 local agencies

Investigations initiated by HIDTA task forces (825 with OCDETF designation¹) represent a significant portion of OCDETF's reported achievements.

Investigative Intelligence and Support Activities:

OCDETF has no intelligence capabilities of its own nor does it provide any intelligence to law enforcement. All intelligence resides within the member's respective agency. OCDETF's support activity is that of funding. It does not provide investigative support beyond prosecution and money.

HIDTA has intelligence units that:

- Have multiple local, state and federal as well as commercial databases with pointer indices to avoid duplicative investigative effort and enhance productivity
- Provide post-seizure analysis
- Offer deconfliction of cases, subjects and operational events ensuring officer and citizen safety
- Are connected to national law enforcement cyber pipelines to ensure connectivity among HIDTAs and other law enforcement agencies
- Produce annual threat assessments and special strategic reports
- Have sub-committees and task force commanders from local, state and federal agencies to direct their activities
- Provide analytical support through all phases of an investigation
- Conduct pro-active intelligence activities to produce informants and develop cases

Funding:

The \$550 million OCDETF budget primarily funds approximately 4,000 federal personnel outside their agency's budget. In 2004, that included personnel apportioned as follows:²

<u>Agency</u>	<u>Personnel</u>
DEA	1,270
FBI	937
U.S. Attorneys	881
IRS	471
ICE	384
ATF	54
U.S. Marshals	13

These agents and personnel are assigned to their various divisional offices carrying out their respective agency's mission relating to drug enforcement and under the direction of the special agent in charge of that office. A small percentage of the OCDETF budget directly helps fund OCDETF-designated investigations with overtime and travel money for state and local law enforcement.

The \$227 million of HIDTA funding in twenty-eight strategic regions goes to support:³

- 355 operational task forces (65% established by HIDTA)
- 53 intelligence centers (all but one established by HIDTA)
- 4,428 federal personnel
- 8,459 state and local personnel of which 1,996 are directly funded by the HIDTA Program

By law, at least 51 percent of HIDTA funds must go to state and local agencies. The fact that funding can be distributed among local, state and federal agencies at the Executive Board's direction allows for fiscal flexibility which would be unavailable within the Department of Justice. Fiscal flexibility does not mean non-compliance with OMB regulations. To the contrary, HIDTA funds disbursed to local and state agencies have more levels of scrutiny and audit than any other program. In fact, it is easier to track HIDTA funds to local and state agencies than funds to federal participants. The flexibility mentioned refers to the ability to make a choice when contracting or making purchases by selecting the most appropriate agency and minimizing obstacles.

Structure:

OCDETF is a program for federal agencies and managed by a federal agency, Department of Justice. The majority of its funding is designated for full time federal employees distributed among participating federal agencies (see above). No funding is provided for sustained analytical/intelligence support, equipment or case development (prior to OCDETF designation). It has no operational task forces, pointer indices or intelligence capability. Non-federal agencies are not represented in their administrative task forces.

HIDTAs are governed by executive boards that contain an equal number of state/local law enforcement agency heads and federal agency administrators. These partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. They decide the level of funding for each task force and assess results annually. Task force commanders are selected from agencies participating in HIDTA and lead commingled, collocated officers and analytical personnel in their investigative effort. The task forces are continually monitored for efficiency and effectiveness by the Executive Board. Each task force and ultimately each HIDTA must report their success through OMB compatible performance measures.

Operations:

OCDETF designated investigations are submitted to OCDETF by federal, state and local agencies and/or task forces. The designation is generally for funding assistance and the assignment of prosecutors on a case by case basis. The OCDETF-funded federal positions are assigned to work within their respective federal offices throughout the United States.

OCDETF is primarily a federal funding mechanism for federal positions and also provides some support to drug law enforcement with funding for major cases. No cases start at or within an OCDETF task force. OCDETF cases generally evolve from local and regional targets and develop into OCDETF investigations.

Unlike OCDETF, **HIDTA** task forces actually develop and open cases, provide and share intelligence and informants that leads to OCDETF investigations and support for other OCDETF cases across the country. HIDTA proactively identifies, targets, investigates

and attempts to disrupt or dismantle international, multi-state and local drug trafficking organizations.

HIDTA staff is currently compiling case statistics from 2004. As of March 3, 2005, with only 70% of HIDTA's reporting, HIDTA funded task forces:

- Investigated 3,117 drug trafficking organizations. Of those, 60% or 1,881 were international or multi-state in scope
- 813 of the drug trafficking organizations were dismantled and 1,517 were disrupted
- 825 OCDETF cases were referred from HIDTA funded task forces and 230 were linked to CPOT targets

CLARIFYING ISSUES RELATED TO THE PROPOSAL:

DEA AND OCDETF SUCCESS RELATED TO CPOT

In 2004, DEA and OCDETF successfully dismantled 36 organizations linked to the consolidated priority organization targeting (CPOT) list and significantly disrupted the activities of 159 others.⁴

RESPONSE

CY2004 preliminary data from the HIDTAs concludes that the majority of the cases cited as OCDETF/CPOT were actually from HIDTA funded task forces with DEA, state and local officers working as a team.³ OCDETF does not investigate and are not involved in operations. Their function is to provide supplemental fiscal and prosecution assistance. Yet the proposal is to cut the HIDTA Program and enhance OCDETF.

HIDTA HAS FAILED WITH CPOT TARGETS

Efforts to focus HIDTAs on targeting high level organizations (DTOs) such as CPOT have failed.⁴

RESPONSE

In 2004, HIDTA targeted¹:

- 875 international DTOs
- 1,006 multi-state DTOs
- 1,236 local DTOs
- Of these targeted cases, 230 were linked to CPOT

- This represents 32% of the 730 active investigations linked to 42 targets cited by USDOJ⁴

It is an inaccurate statement that the HIDTAs failed to target high level DTOs. The real issue was how ONDCP used the supplemental funds to finance investigations linked to the CPOT list. The Director failed to consult with HIDTA leadership, ONDCP guidelines were vague, CPOT lists were difficult to obtain, funding was rarely needed to pursue CPOT cases, and when it was needed for cases, it took over six months to receive the allocation.

It is important to note that the Director was responsible to give final approval for any CPOT or related funding. The Director never requested HIDTA practitioners to assess the viability of the program to fund CPOT cases. HIDTA did not and has not failed to target high level DTOs. The conclusions that HIDTAs did not target high level organizations were made without receiving or including the 2004 performance data.

HIDTA NO LONGER FOCUSED

In 1990, HIDTA originally set up in five regions considered most critical high intensity drug trafficking areas at \$25 million and has expanded to 28 regions and \$227 million in 2004. Today, the program is no longer well focused.⁴

RESPONSE

HIDTA evolved over the last fourteen years precisely because it is a highly successful program. It expanded as drug experts, and Congress recognized the need for a more regional approach to the national drug problem. It grew because it works. The HIDTA Program is more focused today than it has ever been. The newly developed performance measures implemented in CY2004 demonstrate this focus. This is clearly reflected by the caliber of its investigations, the advancement of model intelligence centers, national connectivity, proactive training, law enforcement partnerships, innovative new programs, and a high degree of accountability. The HIDTA Program is one of the most focused programs in law enforcement. It has a clear mission, aligned goals and specific performance measures.

HIDTA NOT LINKED TO SIGNIFICANT REDUCTION

State and local drug enforcement efforts have not been able to show a link with significant reductions in drug trafficking.

RESPONSE

HIDTAs are focused on the most significant drug trafficking organizations and have achieved a very impressive track record. Drug law enforcement experts agree that the majority of high level cases originate with state and local law enforcement efforts. The

best mechanism for these agencies to partner with federal agencies is through existing HIDTA funded task forces. HIDTA supports the efforts of local and state agencies. It enables them to pursue cases to the highest level possible.

It is short sighted and revisionist to imply federal drug enforcement can better impact the national drug problem without a close coordinated cooperative partnership with state and local law enforcement. This is why the HIDTA program was created. Universally, drug enforcement experts agree the key to success is for state and local law enforcement to develop cases, informants, and interdictions on the interstates.

With HIDTA's growth across the country, teen drug use has been lowered and a reduction in crime has occurred. These results were achieved based on a compilation of efforts, and HIDTA was an integral part.

HIDTA TRANSFER WILL RETAIN POSITIVE ASPECTS

ONDCP will ensure the HIDTA Program retains its positive aspects such as an emphasis on intelligence sharing and interagency cooperation after its transfer.⁶

RESPONSE

It is simply not logical to assume a program reduced by 56% of its operational budget will retain much of what the program has accomplished. The proposal will effectively eliminate most of the HIDTA Intelligence Centers and many of the multi-agency drug task forces. If the intelligence sharing and intelligence center is a positive aspect of HIDTA, why is the federal government allocating funds to federal agencies for intelligence sharing and drug intelligence fusion centers? How can interagency cooperation be maintained when preliminary surveys indicate that a good portion of the federal, state and local commingled, collocated task forces will be disbanded with the proposed reduction? How is an equal partnership between federal, state and local law enforcement leaders maintained when the program is run and directed by a federal agency out of Washington, DC? Who can truly believe that much of what the HIDTA program represents would be retained with these cuts and transfer.

HIDTA TARGETS ARE TOO LOW LEVEL

The HIDTA Program is presently pursuing targets at too low a level in the drug market to be effective.

RESPONSE

The 2004 performance measurements demonstrate that this statement is inaccurate. HIDTAs target at a very high level to include international and multi-state DTOs many with CPOT linkage and OCDETF designation. In addition to these high level cases,

HIDTA also targets local drug trafficking organizations. Many of these local investigations evolve into elevated or high level multi-state or international cases. It is uncommon to initiate a DTO investigation at the highest level. HIDTA protocols, support and performance measurements encourage and enable task forces to investigate their cases to the highest level possible.

HIDTA FAVORS CERTAIN AREAS

The process used to fund HIDTAs favors certain areas without systematically assessing the country's overall drug enforcement priority and needs.

RESPONSE

This is contrary to the process for approving funding and allocation of areas to be designated HIDTA. HIDTAs are required to submit a threat assessment, provide a strategy to address the threat and fund initiatives that are part of the strategy. Annually, each HIDTA is judged by performance measures. All of these documents are submitted to ONDCP for their use on an annual basis. There are unique challenges and threats for each HIDTA office. These threats and operational costs often fluctuate based on the region where the office is housed. The ONDCP Director seems to suggest a one size fits all approach will be more efficient. Again, HIDTA was developed regionally to address the threats in a specific area. Not all regional threats are the same. The Director has access to a tremendous resource in terms of leadership and experience within the HIDTA Program. He could have communicated these concerns at any time but failed to do so. The Director should evaluate the process for approving funding and for the allocation of areas designated as HIDTAs, not the program itself.

ADVANTAGES OF HIDTA UNDER OCDETF

The advantages to placing the HIDTA Program under OCDETF control are that it would assure the resources are more nationally aligned with programs with a proven record of success against high level targets. This move would also improve HIDTA's access to DOJ's new intelligence fusion centers reinforcing its intelligence related efforts. This proposed change would enhance the effectiveness and would more than justify the change.

RESPONSE

As shown earlier, these programs with proven records of success are primarily based on HIDTA task forces. As described earlier in this paper, there is not a natural alignment between OCDETF and HIDTA. In fact, they are different programs with different missions. HIDTA has a proven record of success against priority high level targets and has contributed to a great deal of OCDETF statistics. HIDTA has federal, state and local personnel all working in central intelligence centers (ISCs) in 53 locations throughout the

United States. A close relationship between the fusion centers and HIDTA ISCs could be a very powerful tool. However, stating this change will enhance effectiveness is totally unsupported and inaccurate.

OMB CITES HIDTA

The Office of Management and Budgets Program Assessment Rating Tool (PART) cited the HIDTA Program for not being able to demonstrate results.⁶

RESPONSE

PART does not cite the HIDTA Program as being ineffective but rather for “Results not demonstrated”. Twenty-nine percent of the federal programs reviewed received the same rating. OCDETF apparently has not been assessed. The HIDTA Directors did not totally disagree with OMB’s assessment of FY 2003. The performance measures developed and supplied by ONDCP for the most part did not reflect the effectiveness of HIDTA. When this report came out, ONDCP’s Bureau of State and Local Affairs, HIDTA Directors Committee and staff, including a former OMB program manager developed new performance measures. They were used for the first time in 2004.

These performance measures cite sixteen core measurements of effectiveness. Unfortunately, the ONDCP Director chose not to review the data or use this data in making his recommendations. The program is confident that these new performance measurements more than demonstrate HIDTAs efficiency and effectiveness.

Apparently, the ONDCP Director disregarded the following information related to the March 2004 Drug Control Funding Report that is important to this issue. The overall PART rating for the HIDTA Program was “Results Not Demonstrated.” The program’s FY 2003 performance measures are primarily outputs supplemented with milestones. New outcome-oriented measures have been developed for future years as part of the performance management system designed in FY 2003. A committee of HIDTA directors is currently refining the system to enable a better linkage of performance to budgets, taking into account the shortage of HIDTA-specific data. This system should enable the program to document its effectiveness.⁷

The new performance measures (16) used in 2004 includes such data as:

- Efforts against drug trafficking organizations by type and scope including cost
- Efforts against money laundering organizations by type and scope
- Drugs removed by wholesale value and return on investment
- Illegally gained assets removed and return on investment
- Cost of investigative activity
- Efforts against methamphetamine clandestine laboratories, precursor/chemical sources and laboratory dump sites
- Training efficiency

- Event and case deconfliction
- Analytical support
- Investigation referral to other HIDTAs or agencies

SUMMARY:

- HIDTA has been able to demonstrate its effectiveness targeting, dismantling and disrupting international, multi-state and local drug trafficking organizations many of which have OCDETF designation and linked to CPOT. However, HIDTA has also maintained its flexibility to successfully address other drug problems such as the clandestine manufacture of methamphetamine.
- The primary reason for the success of the program is that it is within ONDCP's Bureau of State and Local Affairs, a neutral entity with no enforcement arm to compete or take control. No personnel from ONDCP are members of the Executive Board. Thus, HIDTA provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach and goals yet tied to the national mission.
- The HIDTA Program cannot remain effective with a 56% reduction in funds regardless of where it is housed.
- The human, operational, intelligence and technical infrastructure that HIDTA has built in the last fifteen years, changing the face of drug law enforcement across the nation, will be lost if this proposal becomes reality.
- HIDTA's successes and contributions can and should be factored into the cause for the reduction of teen drug use and drug related crime as much as any other singular endeavor, such as a media campaign.
- OCDETF and HIDTA are beneficial programs but whose missions are dissimilar.
- OCDETF/DOJ has a unilateral, federal approach to drug law enforcement. HIDTA addresses the totality of drug law enforcement.
- OCDETF precludes the incorporation of state and local police executives in drug law enforcement management that affects their areas.
- The HIDTA Program's most beneficial contributions cannot endure under DOJ management and guidelines.

NOTES:

¹2004 HIDTA Annual Report Performance Measures Tables (as of 3/3/05 with 70% of HIDTAs reporting)

²DOJ FY 2005 Budget and Performance Summary (OCDETF)

³HIDTA Director's Survey, February 22, 2005 with 79% of HIDTA's reporting

⁴Department of Justice 2006 Budget "At a Glance"

⁵Statement of ONDCP Director Walters before the House Committee on Government Reform Subcommittee on Criminal Justice, Drug Police and Human Resources, February 10, 2005

⁶National Drug Control Strategy, February 2005

⁷Drug Control Funding: Agency Summary, FY 2003 – FY 2005

⁸GAO January 2005 Report, "High Intensity Drug Trafficking Area's effort to link investigations to international drug traffickers"



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FACT SHEET
National HIDTA Directors Association Response to
ONDCP Director Walters' Proposed FY06 HIDTA Budget

Proposed Actions

John Walters, director of the Office of National Drug Control Policy (ONDCP), has proposed reducing the High Intensity Drug Trafficking Area (HIDTA) program budget from \$227M to \$100M, representing a 56 percent reduction from its current funding level. He also proposes to transfer the HIDTA program from the ONDCP to the U.S. Department of Justice (DOJ) Organized Crime Drug Enforcement Task Force (OCDEF) program.

Director Walters has recommended this budget without contacting the hundreds of state and local drug law enforcement leaders who comprise the 28 HIDTA executive boards, or those Congressional leaders who have supported the HIDTA program since its inception in 1990.

Assertion vs. Fact

1. The Office of Management and Budget (OMB) concluded that the HIDTA program's program assessment rating tool (PART) score suggests that the program has not demonstrated results.

NHDA response: When OMB implemented PART, ONDCP only provided HIDTA budget summaries and anecdotal information. Therefore, OMB did not have the data it needed to determine whether or not the program has demonstrated results. However, the HIDTA program has produced unquestionably demonstrable results, including:

- Identifying over 5,000 drug trafficking organizations in 2004 alone, and disrupting or dismantling 791 international, 981 multi-state, and 1,329 local drug trafficking organizations. Of these, 368 cases received OCDETF funding as well. The HIDTA program has a proven record of success against priority, high-level targets, and cases generated by HIDTA-funded initiatives have contributed a great deal to OCDETF statistics.
- Operating 53 intelligence centers, which feature event and target deconfliction—both of which will be impossible to fund with the proposed HIDTA budget reductions. Event deconfliction, which is vital for ensuring officer safety, allows undercover officers to schedule a time and location for drug law enforcement activities, including drug buys and search warrants. Target deconfliction reduces the cost of multiple agencies investigating the same person, which had traditionally occurred because of systemic difficulties or the resistance to share information.
- Developing the National Clandestine Laboratory Database in partnership with the El Paso Intelligence Center—the first federal law enforcement database to allow direct state/local access.
- Seizing record numbers of drugs—drugs that will never reach the streets of our cities, towns, and neighborhoods. For example, in 2004, Chicago HIDTA task forces seized over a ton of cocaine, 40 kilograms of heroin, and eight tons of marijuana. There are 28 HIDTA across the country—imagine their impact on reducing drug availability.

Director Walters himself, in the 2004 HIDTA Annual Report, stated, “the HIDTA program continue(s) to bring federal, state, and local law enforcement together to make a measurable difference in disrupting the market for illegal drugs. He went on to point out, “... this, in turn, enhances the security of our country from threats both foreign and domestic, and serves as a model for other agencies.” Given these strong, affirmative remarks, the NHDA finds Director Walters’ current proposals puzzling.

2. The Department of Justice claims that moving the HIDTA program to DOJ’s Organized Crime Drug Enforcement Task Force (OCDETF) program will enable the Department to more effectively define its drug control strategy, establish clear priorities for its key programs, and allocate its drug enforcement resources appropriately.

NHDA response: Both Director Walters and Catherine O’Neil, head of OCDETF, apparently want to federalize the drug problem, when it is not totally a federal problem—it is a state and local problem as well. Centralizing

the administration of HIDTA funding will weaken its ability to affect change in each distinct HIDTA region. Each HIDTA executive board, which gives an equal number of votes to federal, state, and local law enforcement agencies, develops its own strategy with and complementary to the National Drug Control Strategy. The boards implement their strategies by funding structured and formal initiatives, each with a mission that best uses particular expertise and addresses a specific threat. This type of information is most effectively identified at the regional—not national—level. A targeted strategy implemented locally produces greater immediate impact while, at the same time, provides avenues for further investigation into multi-state and international trafficking groups.

Director Walters has also proposed significant changes for the OCDETF program in FY06, allocating its funding among a number of federal agencies. Moving the HIDTA program from ONDCP to OCDETF during this transitional period presents even greater uncertainty for the effectiveness of the HIDTA's federal, state, and local drug law enforcement activities. It's the wrong move at the wrong time.

3. The level of funding proposed for the HIDTA program, combined with its placement at DOJ, will enable the program to maintain a strong focus on supporting state and local agencies.

NHDA response: Ensuring a strong focus on supporting state and local law enforcement requires keeping the HIDTA program at ONDCP, the agency that has “disrupting drug markets” as one of its three goals. The HIDTA program's first goal is to “disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations.” Given the original placement of the HIDTA program at ONDCP, it is understandable that ONDCP's strategy goal and the HIDTA program's goal are complementary. In contrast, DOJ is responsible for a variety of other law enforcement-related issues and goals, and currently has no plan for how or where the HIDTA funding will be administered. It is unlikely that the HIDTA program will have a stronger focus at DOJ than it had at ONCDP.

Moving the HIDTA program to OCDETF is inappropriate because OCDETF is accurately described as an administrative, prosecution support system, rather than a bridge that brings together federal, state, and local resources to address regional drug threats. The move would eliminate local input into drug target selection, hinder information sharing, and remove the incentives for local agencies to participate in critical drug enforcement programs. In addition, OCDETF task forces, which are comprised mostly of federal agency representatives, do not provide investigative support beyond prosecution and money. Accordingly, OCDETF administrators will be ill-equipped to address

numerous critical functions, such as intelligence analysis, that are routinely handled by HIDTAs.

Moreover, the proposed funding cuts will have a profound effect on drug law enforcement at the local level. They will damage the cooperation and relationships among federal, state, and local agencies that the HIDTA program has facilitated over the past 15 years. HIDTA is not just about funding—it's about cooperation, collaboration, and measurable results.

4. In order for the HIDTA program to be the best it can be at important functions such as intelligence sharing and fostering multi-agency and multi-jurisdictional coordination, it is important for the program to be at the Department of Justice itself.

NHDA response: Housed at ONDCP, the HIDTA program enjoys a degree of visibility, efficacy, fairness, and neutrality. This neutrality fosters an innovative program that is immune to turf battles, and maximizes the HIDTA program's ability to leverage and coordinate federal, state, and local drug enforcement efforts. No other program in the federal government that integrates federal, state, and local assistance and financial awards allows this level of local oversight and direction. It is highly unlikely that this environment would survive at DOJ, since it does not currently exist there.

Additionally, if the ability to maintain the operational collaboration made possible by the current HIDTA organizational structure is lost, local law enforcement risks returning to the days when cooperation among agencies was episodic rather than systematic, delivered on a case-by-case basis, and found to be generally ineffective in disrupting drug trafficking organizations. We cannot afford to take that risk—we must continue moving forward.

NHDA Concerns

1. Director Walters' proposals will impose significant financial hardships on states and localities. In a Peter Hart survey of police chiefs conducted for *Drug Strategies* and the *Police Foundation*, respondents reported that they have far too few resources to deal with drug abuse and its damaging consequences. Further, police chiefs report that they believe that the resource gap for addressing drugs exceeds the resource gap facing the other crime problems they confront.

According to Carnevale Associates' March 2005 *Drug Law Enforcement Policy Brief*, the Administration's proposed FY06 budget "will reduce federal support for state and local drug law enforcement, domestic intelligence sharing among law enforcement, and intergovernmental and inter-

jurisdictional drug law enforcement cooperation. If approved by Congress, these changes will have a significant impact on the ability of state and local governments to respond to drug trafficking threats in a coordinated and effective manner. Drug law enforcement cuts, combined with the current fiscal environment, will leave state and local governments with difficult choices if they try to maintain existing efforts to combat drug trafficking and drug-related crime." Dr. John Carnevale, who has served three administrations and four "drug czars" with the Executive Branch of the U.S. government, leads Carnevale Associates. Carnevale himself, at ONDCP, has directed the formulation of the National Drug Control Strategy and the federal drug control budget, and served in both the Office of Management and Budget and the Department of the Treasury in the Office of State and Local Affairs. His firm offers guidance to governments, organizations, and communities as they confront the public policy and program challenges of the 21st century.

2. Neither ONDCP nor DOJ has a plan for how or where the federal government will administer the remaining \$100M in HIDTA funding. In her March 2005 testimony, Catherine O'Neil, head of OCDETF, testified that "... at this point in time, the plan has not been finalized with regard to how the funding level will be spent, how it will be allocated, and what decisions will be made." Further, O'Neil stated that "... what we want to do is to get our arms around the HIDTA program, to make sure that we understand exactly where the funding is, how it is being spent, what is working well, what might not be working so well..." When asked which HDTAs were not working well and might not receive funding in FY06, she stated that DOJ "would be looking for HDTAs that are supporting the overall goals of the national drug control strategy, the goals of the department drug strategy, and HIDTA programs that are working effectively," though she could not name one HIDTA that fit these criteria.

Additionally, the March 2005 testimony of John Horton from ONDCP's Bureau of State and Local Affairs reads, "There are clearly some decisions that will have to be made, and ONDCP and DOJ are going to have to come up with a more specific plan."

The NHDA, whose members collectively represent over 1,000 years of law enforcement experience, is deeply concerned with Director Walters' dangerous and incomplete policy recommendation. He is asking Congress, to quote Congressman Mark Souder (R-Ind.), to "vote blind." Our citizens and our communities deserve better than unsupported and unfounded assumptions. The HIDTA directors know what works well and what does not because we have been measuring it for years. We are hesitant to have our budgets eviscerated and our program transferred to an agency that has yet to

understand what it is we do even as they purport that they are the best agency for the job.

More concerning is that DOJ fails to understand that the partnership among federal, state, and local drug law enforcement leaders in our decision making executive boards is what makes the HIDTA program strong and effective. In her testimony, O'Neil states that DOJ would first "want to look at the way the HIDTA program is structured and determine how well those executive boards are working and whether they should be maintained."

3. The National Narcotics Officers' Associations' Coalition, which represents 43 state narcotics officers' associations and has a combined membership of more than 60,000 police officers around the country, is strongly opposed to Director Walters' proposed budget cut for the HIDTA program, and the proposed move of the HIDTA program to DOJ. This is the type of stakeholder group that Director Walters should have consulted for its expertise and experience. The NNOAC "urges the restoration of the HIDTA and Byrne Grant programs at the FY05 levels, and the retention of the HIDTA program at ONDCP where the agency serves as a fair and honest broker on behalf of law enforcement."

The NNOAC believes that if the HIDTA and Byrne Grant program budgets are not restored at least to their current funding levels, suburban and rural drug law enforcement will no longer have the financial resources they need to address drugs and drug-related gang activities in their communities. Its leadership asserts that without the HIDTA and Byrne programs at their current funding levels, the country will "see a resurgence of drug usage and drug-related violence." This greatly concerns the NHDA.

4. Before Director Walters can recommend transfer of the HIDTA program to DOJ, Congress must issue authorization legislation or appropriate funding to at least research the effect of the transfer before it is implemented, since Congress designated ONDCP as the administering agency of the HIDTA program. However, he did not pursue this avenue before issuing its transfer recommendation. In the March 2005 hearing, Congressman Souder stated that this type of legislation would be needed to "define the goals of the program and the means of its implementation." To reiterate his resistance to this approach, Souder said, "You're missing the whole appropriations process. You're missing the whole authorizing process. You're missing multiple branches of government." He continued, "And you have to have some kind of compelling case. And the disturbing thing today is you haven't made any compelling case." We agree with the Congressman, and assert that there is no compelling case to cut the HIDTA Program's budget so dramatically, and no reason to move the program to DOJ.

Congressional Support for the HIDTA Program

There is strong Congressional support for the HIDTA program from Members who represent HIDTA regions, and also from Members who do not. A few of many examples follow:

- March 17, 2005: Senator Max Baucus (D-Mont.), on behalf of himself and senators Mike DeWine (R-Ohio), Charles Grassley (R-Iowa), Patrick Leahy (D-Vt.), Jeff Bingaman (D-N.M.), Patty Murray (D-Wash.), Gordon Smith (R-Ore.), and Jim Talent (R-Mo.), proposed Amendment number 253, a *Sense of the Senate Supporting Funding for HIDTAs*, which provides for a spending level of \$227M for the HIDTA program and assumes that unless new legislation is enacted, the HIDTA Program will remain with the Office of National Drug Control policy, "where Congress last authorized it to reside."
- The document recognized that "the proposed budget of \$100M ... is inadequate to effectively maintain all of the operations currently being supported, and ... would undermine the viability of this program and the efforts of law enforcement around the country to combat illegal drugs, particularly methamphetamine." Senator Kent Conrad (R-N.D.) also signaled "strong support" for the amendment.
- In the March 2005 hearing on Director Walters' proposed cuts to various state and local drug law enforcement funding mechanisms, including the HIDTA program, Congressman Souder stated that Walters' proposals were "premature and too sweeping." He also took issue with the insistence of DOJ and ONCDP representatives at the hearing that the decision to fund the HIDTA program with only \$100M was "pre-decisional." In his statement, Souder said, "... it doesn't take very many Republicans to do a wake-up call here that an arrogant approach that says 'Everything is pre-decisional, we're not even going to talk to all of these people out in the country, we're not going to present any evidence to Congress.' You have not given any compelling evidence that says why it (HIDTA) should be moved over (to Justice)."
- At the same hearing, Congressman Elijah Cummings (D-Md.) stated, "I believe that HIDTA would be better off the way it is. I don't want it to get lost in the Justice Department. We have too many people who are depending on HIDTA to do the things that HIDTA does. The fundamental character and unique system of accountability will be lost if it is merged with OCDEF, whose mission is complementary but distinct."

- At the March 2005 hearing, Congresswoman Diane Watson (D-Calif.) also vehemently opposed Director Walters' proposals for the HIDTA program. Her testimony reads, "I don't know what your data are, but I can tell you from what my people say in the region, this is a program that they can't do without."

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**NATIONAL HIDTA DIRECTORS ASSOCIATION RESPONDS TO
ONDCP DIRECTOR WALTERS' FY06 HIDTA BUDGET PROPOSALS**

Proposed Actions

Office of National Drug Control Policy (ONDCP) Director John Walters has proposed reducing the High Intensity Drug Trafficking Area (HIDTA) program budget from \$227M to \$100M, representing a 56 percent reduction from its current funding level. He also proposes to transfer the HIDTA program from the ONDCP to the U.S. Department of Justice (DOJ) Organized Crime Drug Enforcement Task Force (OCDETF) program.

Director Walters has recommended this budget without contacting the hundreds of state and local drug law enforcement leaders who comprise the 28 HIDTA executive boards, or those Congressional leaders who have supported the HIDTA program since its inception in 1990. Following is an assertion made by ONDCP to justify Director Walters' proposals, and the National HIDTA Directors Association's response.

**Assertion #1: The U.S. Office of Management and Budget's
Program Assessment Rating Tool (PART) Score Suggests that the
HIDTA Program Has Not Demonstrated Results**

NHDA response: When OMB implemented PART, ONDCP only provided HIDTA budget summaries and anecdotal information. Therefore, OMB did not have the data it needed to determine whether or not the program has demonstrated results. However, the HIDTA program has produced unquestionably demonstrable results, including:

- Identifying over 5,000 drug trafficking organizations in 2004 alone, and disrupting or dismantling 791 international, 981 multi-state, and 1,329 local drug trafficking organizations. Of these, 368 cases received OCDETF funding as well. The HIDTA program has a proven record of success against priority, high-level targets, and cases generated by

- HIDTA-funded initiatives have contributed a great deal to OCDETF statistics.
- Operating 53 intelligence centers, which feature event and target deconfliction—both of which will be impossible to fund with the proposed HIDTA budget reductions. Event deconfliction, which is vital for ensuring officer safety, allows undercover officers to schedule a time and location for drug law enforcement activities, including drug buys and search warrants. Target deconfliction reduces the cost of multiple agencies investigating the same person, which had traditionally occurred because of systemic difficulties or the resistance to share information.
- Developing the National Clandestine Laboratory Database in partnership with the El Paso Intelligence Center—the first federal law enforcement database to allow direct state/local access.
- Seizing record numbers of drugs—drugs that will never reach the streets of our cities, towns, and neighborhoods. For example, in 2004, Chicago HIDTA task forces seized over a ton of cocaine, 40 kilograms of heroin, and eight tons of marijuana. There are 28 HIDTA across the country—imagine their impact on reducing drug availability.

Director Walters himself, in the 2004 HIDTA Annual Report, stated, “the HIDTA program continue(s) to bring federal, state, and local law enforcement together to make a measurable difference in disrupting the market for illegal drugs. He went on to point out, “... this, in turn, enhances the security of our country from threats both foreign and domestic, and serves as a model for other agencies.”

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**NATIONAL HIDTA DIRECTORS ASSOCIATION RESPONDS TO
 ASSERTIONS OF JUSTICE DEPARTMENT EXECUTIVE**

Proposed Actions

John Walters, director of the Office of National Drug Control Policy (ONDCP), has proposed reducing the High Intensity Drug Trafficking Area (HIDTA) program budget from \$227M to \$100M, representing a 56 percent reduction from its current funding level. He also proposes to transfer the HIDTA program from the ONDCP to the U.S. Department of Justice (DOJ) Organized Crime Drug Enforcement Task Force (OCDETF) program.

Director Walters has recommended this budget without contacting the hundreds of state and local drug law enforcement leaders who comprise the 28 HIDTA executive boards, or those Congressional leaders who have supported the HIDTA program since its inception in 1990. Following is an assertion made by ONDCP to justify Director Walters' proposals, and the National HIDTA Directors Association's response.

Assertion #2: Catherine O'Neil, head of OCDETF, claims that moving the HIDTA program to DOJ's Organized Crime Drug Enforcement Task Force (OCDETF) program will enable the Department of Justice to more effectively define its drug control strategy, establish clear priorities for its key programs, and allocate its drug enforcement resources appropriately.

NHDA response: Catherine O'Neil and Director Walters apparently want to federalize the drug problem, when it is not totally a federal problem—it is a state and local problem as well. Centralizing the administration of HIDTA funding will weaken its ability to affect change in each distinct HIDTA region. Each HIDTA executive board, which gives an equal number of votes to federal, state, and local law enforcement agencies, develops its own strategy with and complementary to the National Drug Control Strategy. The boards implement their strategies by funding structured and formal initiatives, each with a mission that best uses particular expertise and addresses a specific threat. This type of information is most effectively identified at the regional—not national—level.

A targeted strategy implemented locally produces greater immediate impact while, at the same time, provides avenues for further investigation into multi-state and international trafficking groups.

Director Walters has also proposed significant changes for the OCDETF program in FY06, allocating its funding among a number of federal agencies. Moving the HIDTA program from ONDCP to OCDETF during this transitional period presents even greater uncertainty for the effectiveness of the HIDTA's federal, state, and local drug law enforcement activities. It's the wrong move at the wrong time.

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NATIONAL HIDTA DIRECTORS ASSOCIATION RESPONDS TO ONDCP DIRECTOR WALTERS' FY06 HIDTA BUDGET PROPOSAL

Proposed Actions

John Walters, director of the Office of National Drug Control Policy (ONDCP), has proposed reducing the High Intensity Drug Trafficking Area (HIDTA) program budget from \$227M to \$100M, representing a 56 percent reduction from its current funding level. He also proposes to transfer the HIDTA program from the ONDCP to the U.S. Department of Justice (DOJ) Organized Crime Drug Enforcement Task Force (OCDETF) program.

Director Walters has recommended this budget without contacting the hundreds of state and local drug law enforcement leaders who comprise the 28 HIDTA executive boards, or those Congressional leaders who have supported the HIDTA program since its inception in 1990. Following is an assertion made by ONDCP to justify Director Walters' proposals, and the National HIDTA Directors Association's response.

Assertion #3: The level of funding proposed for the HIDTA program, combined with its placement at DOJ, will enable the program to maintain a strong focus on supporting state and local agencies.

NHDA response: Ensuring a strong focus on supporting state and local law enforcement requires keeping the HIDTA program at ONDCP, the agency that has "disrupting drug markets" as one of its three goals. The HIDTA program's first goal is to "disrupt the market for illegal drugs by dismantling or disrupting drug trafficking organizations." Given the original placement of the HIDTA program at ONDCP, it is understandable that ONDCP's strategy goal and the HIDTA program's goal are complementary. In contrast, DOJ is responsible for a variety of other law enforcement-related issues and goals, and currently has no plan for how or where the HIDTA funding will be administered. It is unlikely that the HIDTA program will have a stronger focus at DOJ than it had at ONDCP.

Moving the HIDTA program to OCDETF is inappropriate because OCDETF is accurately described as an administrative, prosecution support system, rather than a bridge that brings together federal, state, and local resources to address regional drug threats. The move would eliminate local input into drug target selection, hinder information sharing, and remove the incentives for local agencies to participate in critical drug enforcement programs. In addition, OCDETF task forces, which are comprised mostly of federal agency representatives, do not provide investigative support beyond prosecution and money. Accordingly, OCDETF administrators will be ill-equipped to address numerous critical functions, such as intelligence analysis, that are routinely handled by HIDTAs.

Moreover, the proposed funding cuts will have a profound effect on drug law enforcement at the local level. They will damage the cooperation and relationships among federal, state, and local agencies that the HIDTA program has facilitated over the past 15 years. HIDTA is not just about funding—it's about cooperation, collaboration, and measurable results.

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NATIONAL HIDTA DIRECTORS ASSOCIATION RESPONDS TO PROPOSED MOVE FROM ONDCP TO OCDETF

Proposed Actions

John Walters, director of the Office of National Drug Control Policy (ONDCP), has proposed reducing the High Intensity Drug Trafficking Area (HIDTA) program budget from \$227M to \$100M, representing a 56 percent reduction from its current funding level. He also proposes to transfer the HIDTA program from the ONDCP to the U.S. Department of Justice (DOJ) Organized Crime Drug Enforcement Task Force (OCDETF) program.

Director Walters has recommended this budget without contacting the hundreds of state and local drug law enforcement leaders who comprise the 28 HIDTA executive boards, or those Congressional leaders who have supported the HIDTA program since its inception in 1990. Following is an assertion made by ONDCP to justify Director Walters' proposals, and the National HIDTA Directors Association's response.

Assertion #4: In order for the HIDTA program to be the best it can be at important functions such as intelligence sharing and fostering multi-agency and multi-jurisdictional coordination, it is important for the program to be at the Department of Justice itself.

NHDA response: Housed at ONDCP, the HIDTA program enjoys a degree of visibility, efficacy, fairness, and neutrality. This neutrality fosters an innovative program that is immune to turf battles, and maximizes the HIDTA program's ability to leverage and coordinate federal, state, and local drug enforcement efforts. No other program in the federal government that integrates federal, state, and local assistance and financial awards allows this level of local oversight and direction. It is highly unlikely that this environment would survive at DOJ, since it does not currently exist there.

Additionally, if the ability to maintain the operational collaboration made possible by the current HIDTA organizational structure is lost, local law enforcement risks returning to the days when cooperation among agencies was episodic rather than systematic, delivered on a case-by-case basis, and found to be generally ineffective in disrupting drug trafficking organizations. We cannot afford to take that risk—we must continue moving forward.

###



NNOAC *Insight*

The Official Position of the National Narcotic Officers' Associations Coalition

ABOUT THE NNOAC

Since the beginning of the most recent drug epidemic in the 1960's, law enforcement officers in many states have formed statewide narcotic officer associations. Most of these associations are involved in providing drug enforcement training for law enforcement officers and drug resistance education to the public. Additionally, most associations worked closely with their own state legislatures and criminal justice policy organizations to develop strong drug laws and policies. These associations have been responsible for enhancing the professionalism of narcotic enforcement.

Although many of the narcotic officers' associations were very successful in representing the needs of law enforcement officers within their own state, they realized that they were not especially effective in working with the Congress or Federal criminal justice policy agencies. It became apparent to the leadership of these state associations that they needed to come together as a combined group in order to effectively represent narcotic officers at our national capital.

During 1994, the funding for the Edward Byrne Memorial Program was removed from the Administration's budget request. This funding was crucial for the continuation of many local and state drug enforcement programs. This was the catalyst for the foundation of the National Narcotic Officers' Associations Coalition (NNOAC). The NNOAC was created in July of 1994 in Chicago, Illinois, when the leadership of many of the nation's state narcotic officers' associations came together as part of an effort to re-establish the Edward R. Byrne Memorial Fund. As a direct result of the NNOAC's efforts and the efforts of many other concerned groups, funding was restored to this vital program.

The NNOAC is currently comprised of 43 individual state narcotic associations, the six RISS projects, the National HIDTA Director's Association, and the National Drug Enforcement Officer's Association (NDEOA) representing more than 60,000 law enforcement officers from across the nation. The NNOAC serves as an umbrella organization, coordinating the efforts of these associations to address national issues in Washington D.C. Each member association appoints one delegate to represent them at the NNOAC Board meetings. With, "one association, one vote", every association receives equal representation regardless of the size of their association. The NNOAC is managed by an Executive Board, which consists

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of a President, Vice President, Secretary, Treasurer and Executive Director. Those positions are elected from within the ranks of the appointed delegates. The President appoints committees such as membership, drug policy and web-site, as well as five regional directors to represent each region of the country.

The NNOAC represents its member associations by monitoring all relevant Federal legislation and policy. The Coalition focuses on domestic and international drug-related crime issues by developing and maintaining relationships with the Office of National Drug Control Policy, the Drug Enforcement Administration, the Regional Information Sharing System (RISS) and the National Guard Counter Drug Program as well as other relevant agencies and programs.

The NNOAC allows state and local narcotic officers' associations to work through their congressional delegations allowing for the unified voice in the nation's capital. The Coalition actively researches, monitors, and supports legislature initiatives designed to increase the effectiveness of narcotic enforcement and law enforcement in general.

Below is a list of NNOAC's goals and objectives:

- To ensure that the Edward R. Byrne Memorial Fund is fully funded in order to maintain the multi-jurisdictional drug task forces, which are the backbone of narcotics law enforcement.
- To maintain, increase, and intensify drug asset revenue sharing – the most important tool that narcotic law enforcement has today.
- To assist in the preparation of the National Drug Strategy.
- To place more emphasis on the domestic side of the drug strategy by increasing state and local level involvement on the direction taken in the fight against drugs
- To increase unification, networking, and act as a liaison for the exchange of information.
- To have an impact on legislation affecting narcotic officers and narcotic enforcement in the United States.
- To act as a conduit for the exchange of information, intelligence, and training guidelines affecting narcotic enforcement.
- To identify and refer members to quality training for narcotic law enforcement officers to ensure their safety and effectiveness.
- To act as a resource for states that want to establish a narcotics officers' association.

Over the past ten years, the NNOAC has been very successful in representing narcotic officers from its member associations. Our successes have included restoration of the full funding for the Edward Byrne Program in 1994, and providing support, which resulted in the passage of legislation regarding the ban of assault weapons, the Administration's Crime Bill. The NNOAC has participated in policy meetings and conferences with other law enforcement organizations and have been active participants in the preparation of ONDCP's National Drug Control

Strategy, the Department of Justice's National Methamphetamine Strategy, and DEA's National Heroin Strategy.

The NNOAC has also been responsible for increasing the awareness of the Administration and Congress regarding state and local drug enforcement issues. NNOAC delegates have testified before the U.S. House of Representatives and the U.S. Senate on a variety of drug issues, including the Byrne hearings, asset forfeiture, minimum mandatory sentencing, medical marijuana, funding for the National Guard, and the Certification of Mexico. NNOAC delegates have also participated as briefing team members for congressional study trips. In addition, a member of NNOAC was part of the President's Law Enforcement Steering Committee, which consists of National law enforcement groups. This committee is responsible for advising the President on key law enforcement issues. NNOAC serves on the ONDCP committee to develop the National Drug Control Strategy, on the Advisory Committee for the Counter-Drug Intelligence Executive Secretariat for the implementation of the Central Counter-Drug plan. NNOAC also serves on the Law Enforcement Intelligence Forum (LEIF), which advises the U.S. Department of Justice, Bureau of Justice Assistance on Regulations regarding the collection and distribution of criminal intelligence information and serves on the committee for National Model Drug Laws.

As the NNOAC continues to grow, so will its participation in the legislative and policy areas. To learn more about the NNOAC and our positions regarding Federal drug policy and legislation, please visit our web site at www.natlnarc.org.



NNOAC *Insight*

The Official Position of the National Narcotic Officers' Associations' Coalition

SUPPORT FOR CONTINUED HIDTA PROGRAM FUNDING WITHIN ONDCP

President Bush's recent budget proposal to Congress includes reducing the High Intensity Drug Trafficking Area Program funding from \$228 million in FY2005 to \$100 million for FY2006. Additionally, the administration's budget moves the program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice under the Organized Crime Drug Enforcement Task Force Program (OCDETF). The purpose of this document is to present the impact such changes will have on the overall effectiveness of the program and its federal, state and local law enforcement participants.

Moving the HIDTA Program to OCDETF will do nothing to enhance law enforcement and will hinder the continuation of partnerships and innovation that the HIDTA Program has fostered.

The HIDTA program has enjoyed wide acceptance by the heads of state and local law enforcement agencies for two important reasons. Under HIDTA, state and local heads of agencies join with their federal counterparts on an equal basis to determine the direction of their individual HIDTAs. There is no other cooperative endeavor of this magnitude in law enforcement today. Secondly, the HIDTA program has been able to project a degree of separation from other federal agencies by its placement within ONDCP. Although ONDCP has shown a reluctance to administer the program, it should not be placed within a department that gives the perception that it is under the control and direction of a federal law enforcement entity. To do otherwise would certainly influence state and local participation and ownership of the program.

Contrary to administration claims, HIDTAs around the country can demonstrate many successes and innovations that have had a positive impact on the national drug threat. As state and local law enforcement administrators, we stand together in support of the HIDTA program and against any effort to reduce its budget or move it to a department that adversely affects its neutrality.

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Distinctions between HIDTA and OCDETF

OCDETF and HIDTA differ significantly in their missions and scope. OCDETF accepts and prosecutes significant drug trafficking organizations. To do this, OCDETF uses the bulk of its funding for the salaries of federal investigators and prosecutors, with some funding allocated for operations and state/local overtime costs. OCDETF has nine (9) administrative task forces made up of federal representatives who evaluate and recommend investigations for sponsorship. The nine (9) OCDETF administrative task forces do not generate cases. Federal, state and local law enforcement agencies present cases to OCDETF for designation. The Consolidated Priority Organization Targeting (CPOT) list, a list of international command and control drug traffickers and money launderers, is a major element of the OCDETF approach.

HIDTA complements OCDETF. HIDTA Directors frequently sit on OCDETF committees and the vast majority of OCDETF cases originate within HIDTA-funded operational task forces, despite the administration's claims that efforts to focus HDTAs on high-level targets have not been successful. Preliminary CY2004 statistics, as of 2/15/05 (60% of HDTAs), show HIDTA task forces investigated 425 cases with OCDETF designation, of which 134 qualified as CPOT targets. Well over half (57%) of the HIDTA cases were international or multi-state in scope, and the other 43% were local drug trafficking organizations.

In 1988, Congress wisely recognized the importance of coordinating federal, state and local law enforcement agencies to effectively address the nation's drug threat. Congress established the HIDTA program to provide coordination of drug enforcement efforts in critical regions of the country. This coordinated effort was critical due to competing strategies within the federal, state, and local law enforcement community. Although ONDCP has periodically changed the program's mission statement, the overriding emphasis on coordination and collaboration remain its cornerstone. The second element of the HIDTA mission is the elimination of drug trafficking organizations, especially those that have widespread impact. Thus, the HIDTA mission complements that of OCDETF, but is not limited to CPOT targets. Preliminary CY2004 statistics, as of 2/15/05 (60% of HDTAs reporting) show HIDTA task forces disrupted 711 and dismantled 373 drug trafficking organizations throughout the United States. These organizations met criteria that OCDETF and federal agencies had agreed upon for definition as a drug trafficking organization. **The administration's proposal to move HIDTA to OCDETF could result in fewer prosecutions of domestic traffickers.**

Building on the concept that the country faces not a national drug abuse epidemic, but a series of local drug threats, HDTAs address regional drug problems based upon a unique threat assessment process. Many agencies have adopted this process as a conceptual and factual model. Each HIDTA develops its own strategy consistent with the National Drug Control Strategy. Executive Boards implement their strategies by funding structured and formal initiatives (task forces), each with a mission that best uses its particular expertise. Each initiative proposal includes measurable outputs. HIDTA-funded task forces are commingled and co-located with **full-time** federal, state and local

law enforcement investigators/officers. OCDEF has largely been unable to foster this level of federal-state-local cooperation. Any participating agency, including state or locals, may lead a HIDTA task force, also a unique concept.

HIDTA Executive Boards, comprised of an equal number of federal and state/local law enforcement executives, meet regularly to govern each HIDTA. Conversely, an Assistant United States Attorney manages each OCDEF and generally deals with agencies on an investigator/supervisory level. The HIDTA management structure creates a level playing field among federal, state and local partners who understand all aspects of law enforcement and put the interests of the HIDTA above their own. This partnership concept does not exist in any other program, nor would it be likely to continue under the Department of Justice. Executive Boards hire directors who are highly experienced law enforcement professionals. Directors act as neutral brokers for participating agencies and are charged with carrying out the collective policy decisions of their Executive Boards. This neutrality fosters an innovative program, immune to paradigm paralysis. When a HIDTA initiative has served its purpose or become ineffective, Executive Boards can and do discontinue funding. **No other program of the federal government that integrates state, local, and federal assistance and financial awards, allows this level of local oversight and direction.**

Oversight of HIDTA Initiatives is provided by participating agencies and by a structured self-review managed by the Executive Board. The National HIDTA programs periodically send review teams to each HIDTA, and ONDCP has contracted an auditing firm to visit HIDTA fiduciaries. In addition, the General Accounting Office has reviewed the program on several occasions.

HIDTA's most important contribution to the country is the partnerships it has nurtured among participating agencies. These partnerships, developed over years, have become an institutionalized part of the program. This has led to leveraging of resources among its participants, which would have not occurred under any other program. This leveraging may include administrative and procurement resources that result in program efficiencies not seen elsewhere, and likely impossible under DOJ. Border interdiction is another example of leveraging resources. Although border interdiction is a federal responsibility, state and local officer strategically participate in this function under HIDTA-funded initiatives. Huge amounts of drugs have been seized and hundreds of violators incarcerated by these state/local officers. Many significant investigations have begun with interdiction cases.

HIDTA Accomplishments

Another cornerstone of the HIDTA program is the promotion of innovative methods and ideas. The evolution of the HIDTA intelligence subsystem exemplifies this approach. Historically, the sharing of intelligence among law enforcement agencies has been abysmal despite decades of attempts by federal agencies to create intelligence sharing centers. The program requirements of establishing intelligence centers within each HIDTA and mandating federal, state and local participation has resulted in the sharing

of intelligence on an unprecedented scale. The HIDTA.net/ riss.net/LEO information system architecture electronically links each HIDTA. Each HIDTA has direct access to multiple agency and commercial databases, and provides a full range of analytical services. HIDTA intelligence support centers (ISCs) now stand as object lessons in interagency cooperation, collaboration and coordination. HIDTA ISCs played an integral role in the investigation of the terrorist attacks on "9/11", and because of their relationships, were able to obtain critical information in a very timely manner. Although the Administration proposes to preserve intelligence sharing, it offers no explanation of how it would encourage or mandate participation in intelligence centers.

Other innovations include:

1. National Clan Lab Database – Built in partnership with the El Paso Intelligence Center, this was the first federal law enforcement database to allow direct state/local access. Many methamphetamine labs are rural in nature. Many HIDTA-funded task forces who address clan lab investigations would likely be disbanded if no HIDTA funds were available. The sources for this database would dry up, and fewer resources would be applied to the methamphetamine problem.
2. Event deconfliction - HIDTA pioneered systems that allow agencies to engage in operations without fear that they would conflict other agencies. Event deconfliction is a requirement within the program, and is available to non-HIDTA agencies as well. Most events that are entered into this system do not relate to CPOTs, but, nevertheless, coordination remains critical to officer safety.
3. Target deconfliction – Agencies have wasted countless resources investigating the same targets because of systemic difficulties or reticence to share information. HIDTAs have developed systems that allow agencies to share targeting information, and are actively working with DEA and other agencies to develop a National Virtual Pointer System that agencies will use. HIDTA credibility as a neutral entity has fostered this progress and the intelligence subsystems are making it work. OCDETF will be unable to mandate its use.
4. Electronic intercept capabilities – HIDTAs have developed centralized systems that have revolutionized technical investigative capabilities around the country. Without the HIDTA wide-area-networks that make the systems work, agencies will return to inefficient mechanisms.
5. RISS/HIDTA partnership – HIDTAs are members of the Regional Information Sharing Systems and have used the RISS to establish HIDTA.net, a secure system which connects all HIDTAs electronically.
6. Operation COBIJA – a multi-agency, multi-state interdiction project hailed as the best such effort to have ever existed.
7. Training – HIDTAs have leveraged existing training programs, by working with them to bring training to the officer, rather than requiring officers to travel. HIDTAs have collectively coordinated training for tens of thousands of state/local/ federal officers at very low cost.

These are but a few examples of the innovations that HIDTAs have fostered. Each HIDTA has its own examples of how law enforcement has changed for the better

because of the presence of this program. The administration's proposal uses CPOT cases as a primary measurement criterion, which is not necessarily the best measure.

Conclusion:

By taking a regional coordinated approach to implementation of the National Drug Control Strategy, the enforcement problems of target displacement, coordination, and cross-jurisdictional investigations are diminished. The HIDTA Program allows law enforcement to enhance enforcement activities, provide focus to regional problems, and facilitate cooperation between criminal justice agencies. Each HIDTA has developed a cohesive, comprehensive program combining regional, and locally focused initiatives to implement the national mission.

The proposed funding cuts to the HIDTA program as set forth in the administration's budget submission to Congress will eviscerate a highly successful program and eliminate the existing level of coordination of effort among federal, state and local drug law enforcement agencies. A budget cut of such magnitude (56%) would cause the elimination of some HDTAs and make the funding of others so minimal as to render them ineffective. Furthermore, successful nationwide programs developed and administered by individual HDTAs such as event and target deconfliction of enforcement operations, intelligence collection and sharing, and training programs will, at least, be significantly reduced or in some cases discontinued.



NNOAC *Insight*

The Official Position of the National Narcotic Officers' Associations Coalition

**PRESERVE THE BYRNE JUSTICE ASSISTANCE GRANT PROGRAM
(JAG)
AND THE HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM
(HIDTA)**

The President's Budget Request for FY 2006 proposes the elimination of the Byrne Justice Assistance Grant (JAG) program and a major reduction and realignment of the High Intensity Drug Trafficking Areas (HIDTA) program. These proposals would dramatically weaken America's drug enforcement capabilities and would result in increased drug addiction and associated crime over time.

The NNOAC encourages members of the House and Senate to reject the budget proposals for Byrne and HIDTA and ensure that each program is level-funded in FY 2006.

- A comprehensive national drug control strategy includes robust state and local drug enforcement and institutionalized intergovernmental cooperation. Byrne and HIDTA provide these capabilities. Without them, our national drug control strategy is in jeopardy.
 - As we have seen in the past, decreases in commitment to the fight against drugs today will result in increases in drug-related crime and drug addiction tomorrow: resources used to fight illegal drugs diminished in the early 1990's and drug use subsequently increased throughout the mid-1990's.
-
- If the proposals contained in the President's Budget Request for FY 2006 related to the Byrne JAG and HIDTA programs are embraced by Congress, then the remarkable recent progress we have made in lowering drug use and crime will be in jeopardy.
 - Byrne has fostered a system of multi-jurisdictional task forces across the nation which has greatly enhanced the effectiveness of law enforcement in fighting the illegal drug problem. If Byrne is eliminated, task force participation – and therefore law enforcement effectiveness – will be drastically reduced.

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- If HIDTA is placed under the control of OCDETF or the Department of Justice, the most important benefit of the program will be threatened: enhanced coordination of effort among local, state, and federal agencies.
- Drug abuse costs America over 19,000 lives and \$160 billion annually. While resources are shifting to the War on Terror, the sheer magnitude and impact of the drug problem means that we must not fight terrorism at the expense of drug enforcement. Drug trafficking is a daily chemical attack on American soil.



NNOAC Insight

The Official Position of the National Narcotic Officers' Associations Coalition

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM: FUTURE OF STATE AND LOCAL DRUG ENFORCEMENT AT STAKE

The FY 2006 President's Budget Request proposes to terminate the Edward Byrne Memorial Justice Assistance Grant Program. Because the elimination of this program would reduce multi-jurisdictional cooperation in narcotics investigations and would severely interrupt state and local drug enforcement, the NNOAC strongly opposes this proposal. The NNOAC encourages Congress to fully fund the Byrne JAG program in FY 2006 and to restore part of the focus specifically to drug enforcement activities.

In the White House's summary of proposed cuts for FY 2006, the administration justifies its elimination of Byrne by arguing that the program has not adequately demonstrated results, and because the nation's crime rate is at a 30-year low. The NNOAC believes that Byrne has not only contributed to this crime reduction, but that the reported decreases in drug use nationwide are also a result of Byrne-enabled enforcement efforts.

The administration also cites increases in assistance to state and local law enforcement through new Homeland Security grant programs as a reason to decrease assistance through other accounts. It is true that overall assistance has increased since September 11, 2001, but assistance for narcotics enforcement efforts has decreased substantially. Funding received through Homeland Security grants is used by local agencies for purposes entirely different from drug enforcement.

But not only have illegal drugs been demonstrated to fund terrorist organizations, we believe that illegal drug manufacturers, traffickers, and dealers perpetrate "chemical attacks" on the streets of America every day by creating and feeding addictions to dangerous narcotics. CDC estimates that every year almost 20,000 Americans die due to drug abuse and its related consequences. ONDCP estimates that the cost of illegal drugs to our society is over \$150 billion per year. To a degree we have learned to live with these high costs – in life and in treasure. But as narcotic officers, we cannot accept this as the norm.

The Byrne program is a partnership among Federal, State, and local governments to create safe communities and improve criminal justice systems.

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Since the Byrne program was founded, it has successfully funded drug education and enforcement programs through discretionary funds awarded to public and private agencies and formula funds disbursed to states. The majority of the funds in each state are passed on to local and regional units of government for the creation and maintenance of multi-jurisdictional task forces.

Task forces such as those funded by Byrne have been extremely effective in apprehending drug suspects and taking supply off the streets. The key is local control of the task forces and information sharing among and across local, state, and federal jurisdictions. If Byrne were eliminated, many task forces would also be eliminated. State and local law enforcement would be stripped of one of its most effective tools in fighting illegal drugs.

Even though we have made a real dent in community crime and drug abuse rates over the past several years, we must not sit back and relax. The problem is not solved. Now that we have some ideas about what works, we should redouble our efforts to make sure Byrne and other justice assistance programs are fully funded. And while we understand the need to dedicate resources to local law enforcement in a homeland security context, it would be a grave mistake to do so at the expense of drug enforcement. We must not relent on the drug traffickers who slowly destroy our communities from within as we turn our attention to the protection of our nation from international terrorists.

Congress must choose in 2005: should the federal government turn its back on state and local narcotic officers who are partly responsible for the improvements in crime and drug use rates? Or should it recognize what has worked, embrace the Byrne program, and ensure that we don't turn a blind eye to the problem of illegal drugs in American communities. We think the choice is clear.



NNOAC *Insight*

The Official Position of the National Narcotic Officers' Associations Coalition

THE EFFECTIVENESS OF DRUG ENFORCEMENT

By

Ronald E. Brooks

President

National Narcotic Officers' Associations Coalition

Congress must make a tough choice in 2005: should the federal government pull back in the fight against illegal drugs by eliminating or reducing funding for law enforcement assistance programs, or should it recognize the positive impact of strong drug enforcement and embrace the programs that have generated reductions in drug abuse rates and crime?

If we accept that a robust national drug control strategy is dependent upon strong state and local drug enforcement efforts – officers on the street who are arresting drug pushers and reducing local supply – then we must not cut the resources available for these efforts. Federal assistance to state and local narcotics enforcement efforts is the incentive that has caused dramatic improvements in cross-jurisdictional cooperation and overall effectiveness. If the proposals contained in the President's Budget Request for FY 2006 are embraced by Congress, all of the progress we have made in recent years will be in jeopardy.

To justify the expenditure of scarce public funds for drug enforcement, we must first answer the question, "does a strategy of drug enforcement help to reduce the availability of drugs and does it improve the quality of life in America."

Our nation's drug problems are extremely complex and it took decades for our country to reach the current state of affairs. It would be naïve to think that the problem of drug sales and use could be solved quickly or easily. But by using a comprehensive approach that embraces enforcement, education and treatment to fight drug use, we can continue to dramatically reduce the use of illegal drugs and associated violent crime.

Every day, state and local drug enforcement personnel witness how crime and drugs devastate communities and families, rob people of their worldly possessions, and

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shatter hopes and dreams. The most painful effect of drug abuse and trafficking that we see is the threat to America's young people.

Since September 11, 2001, the federal government has shifted massive resources to address our highest priority – protecting our homeland and America's interests abroad. It is natural for all of us to want to play a role in protecting our nation – and law enforcement officers are usually the first to step up. But in paying attention to homeland security, we must also remain focused on drug enforcement and prevention. In fact, drug enforcement has even greater importance today than it did before the September 11th attacks.

The damage created by the abuse of illegal drugs has not been erased by the events of September 11th. Probably more than most Americans, the members of the NNOAC understand the danger that illegal drugs pose to the fabric of our society. We lost almost 3,000 Americans on September 11th. But every year we lose more than 19,000 Americans to drug abuse and its effects. It must be understood that drug trafficking is terrorism.

We must fight efforts to reduce our nation's commitment to fighting drug abuse. This includes fighting those groups that are working to legalize or decriminalize drugs through strategies of harm reduction, medical marijuana, and industrial hemp. It also includes proposals to eliminate or reduce federal assistance for state and local drug enforcement. The impact of diluted drug policies and a reduced federal commitment to fighting drug trafficking would be devastating to society.

We have learned during congressional testimony by former Drug Enforcement Administration (DEA) Administrator Asa Hutchinson and Congressman Mark Souder, in the House Subcommittee on Criminal Justice, Drug Policy, that the sale of heroin and hashish have provided significant financial support to the Taliban and Osama Bin Laden's Al Qaeda network. We also know that the sale of pseudoephedrine by Middle Eastern crime groups has helped to finance the Hamas and Hezbollah. In a recent speech, President George W. Bush said, "terrorists get their money from global trafficking in narcotics... If you quit drugs, you join the fight against terrorism." Clearly, the efforts of police officers across the country that risk their lives each day in the fight to eradicate drugs are performing an important service by reducing the profits used to support terrorism.

As the United States shifts its resources to fight the war on terrorism, the pro-drug lobby is taking advantage of the situation by calling on our nation's leaders to surrender in the fight against drug abuse. These individuals and organizations that propose drug legalization attempt to discredit our nation's drug enforcement policies by saying that we have lost the war on drugs and that our country's limited resources would be better spent fighting terrorism. We simply state the facts: from 1979 to 1992, by using a comprehensive strategy of prevention, treatment, and enforcement, drug use in America was reduced by half. A fifty-percent reduction in any public health threat should be considered a tremendous success. But because our successes in fighting

drug use – and the benefits realized by these successes – are not adequately communicated, they have gone virtually unnoticed by the press and the public.

Beginning in 1992 we took our eye off the ball. Throughout the mid-1990s, fewer resources were dedicated to a comprehensive fight against drug abuse, and predictably, drug use began to increase. From 1999 through 2003, however, resources began to flow back into the fight against drugs. We saw a leveling-off and subsequent decline in drug use and crime rates. Today drug use is down significantly and crime rates are the lowest in 30 years. This is evidence of what we can achieve when our leaders direct resources and attention to the issue.

We must not rest on our laurels. The successes of the past few years do not mean that we can ease up on our commitment to the drug issue. We have already seen what can happen: witness the trends beginning in 1992 when resources were shifted away from the problem.

During the release of the National Drug Control Strategy in 2002 President Bush said, "Drug abuse threatens everything that is best about our country. It breaks the bond between parent and child. It turns productive citizens into addicts. It transforms schools into places of violence and chaos. It makes playgrounds into crime scenes. It supports gangs. Over time, drugs rob men, women, and children of their dignity and their character."

The Center for Disease Control and Prevention (CDC) estimates that in 1999, fifty-two persons died each day as a direct result of drug induced causes. That is more than 19,000 of our fellow Americans, a steady increase from the 9,000 people that died from illicit drug use in 1990. And, the ONDCP currently estimates the annual economic costs to society from illegal drug use at \$160 billion. In 2000, Americans spent more than \$64 billion on illegal drugs. That is eight times the total federal expenditures for research on HIV/AIDS, cancer, and heart disease. Clearly, the sale of drugs on the streets of America is a chemical attack on our citizens. Yet, even these stark figures cannot capture the human tragedy of drug abuse. The loss of children to drugs, the fear generated by violent crime, the despair and corrosion of economic opportunity cannot be fully captured in dollar amounts or other statistics.

It is time we realize that the loss of 19,000 lives and a cost of \$160 billion makes drug trafficking an act of terrorism of tremendous magnitude. And yet many Americans continue to accept drug use as something that cannot be stopped. Our leaders in Congress and in law enforcement must continually educate the American people about the realities and dangers posed by illegal drugs. Although there are many links between drug trafficking and international terrorism, we only have to look at the death and destruction in our own country to realize the terror that is caused by the sale and abuse of drugs.

Both polling and anecdotal information show that the American people want drug use eliminated and they are looking to law enforcement along with our partners in

prevention and treatment to stop it. But many in the media and other forums have downplayed the threat posed by drug criminals. A common debate now portrays individuals who sell drugs for a living as victims rather than the hardened criminals that they really are. But that argument overlooks the real victims: the mother who loses a child because of a drug overdose, the family that can't go out at night because of violent neighborhood gangs, the children who are poisoned in their own houses by their parents manufacturing methamphetamine, and the senior citizens who are prisoners in their own homes because they live in fear of drug violence.

Drugs are at the root of much of the crime and blight in our communities today. Many crimes are directly related to manufacturing, growing, selling, possessing and using dangerous drugs. There are also many visible drug-related crimes including homicides, assaults, and property crimes committed by persons under the influence of drugs or trying to pay for their addiction. And there will always be drug lifestyle crimes and social problems, which are less obvious but no less attributable to the scourge of drug abuse. These problems include as domestic abuse, child neglect, prostitution, driving under the influence, homelessness, mental illness, lost productivity at work, and a shirking of one's responsibility to family and community, all of which contribute to a weakened society.

The statistical evidence is overwhelming: Increases in drug arrests are followed by drops in violent crime. Drops in drug arrests are followed by increases in violent crime. This is no surprise to the residents of drug-infested neighborhoods or to those of us who deal with these matters professionally. Make no mistake: violence is the primary tool of drug dealers. Drug criminals use force and intimidation to control turf, ensure the swift payment of drug debts, and deter those who might cooperate with law enforcement. A 1997 Bureau of Justice Statistics study of state prison inmates found that criminals who were under the influence of drugs while committing their crime accounted for 27% of all murders and 40% of robberies, a dramatic example of the link between drug use and violent crime.

It is clear that vigorous law enforcement strategies can greatly reduce the number of victims of drug related violence. New York City's experience with drug related crime control clearly proves that point. In 1994, the New York Police Department implemented a program that targeted those individuals and drug gangs that were believed to be responsible for much of the city's violent crime. It targeted all levels, from street dealers to the drug kingpins that were responsible for supplying the bulk of the drugs that made their way to the streets of New York. The results were nothing short of phenomenal. From 1994 to 1998, narcotics arrests doubled from 64,000 to 130,000. At the same time, serious and violent crimes dropped from 432,000 to 213,000. In fact, New York City's per capita homicide rate was reduced to that of Boise, Idaho. The cumulative effect of this multi-year trend means that 750,000 people were spared from being the victims of violent crime and as many as 6,500 of our fellow human beings are alive today who would have been the victims of a homicide if had not been for the aggressive enforcement of laws including drug violations.

Conversely, the city of Baltimore, under the leadership of Mayor Kurt Schmoke, an advocate of harm reduction and reduced drug enforcement, suffered the consequences of a "soft" drug policy. Compared to the time period when New York's violent crime was plummeting, Baltimore's jumped to six times that of New York City and its drug overdose rate is now five times that of New York. To compare results, in 1998, if New York had Baltimore's homicide rate, the city would have been faced with 3,000 deaths rather than the 627 that it experienced.

One of the most accurate barometers of the relationship between crime and drugs is the Arrestee Drug Abuse Monitoring (ADAM) Program operated by the Bureau of Justice Statistics (United States Department of Justice, Office of Justice Programs). It measures whether those who committed crimes tested positive for the use of drugs. The program includes the Borough of Manhattan and what it published in its 1997 report is shocking. Almost 80 percent of the male adults who were arrested for committing a violent crime tested positive for drug use. And this isn't just a New York phenomenon. In smaller cities like Birmingham, Alabama and Omaha, Nebraska, the figures are as high as 60 percent.

A 1980's study of high school students in California and New Jersey indicated that 76% of the high school students studied that did not use drugs made that choice in part due to the fear of arrest and the social stigma associated with drug use. That is what drug enforcement accomplishes. It increases price, reduces availability, puts those that participate in a drug lifestyle in jeopardy of incarceration, and increases the negative social stigma associated with drug use. The potential for incarceration following a drug conviction is frequently the catalyst that pushes a drug user into treatment.

We know that we will never arrest our way out of America's complex drug use problems, but the evidence is clear that a strategy that embraces strong drug enforcement along with treatment and education is crucial if we expect to build on recent successes in fighting illegal drugs.

When we look at the crime problem in America today we need to put it in a broader context. While the most visible manifestations of our crime problem are the crack dealer on the street corner, or the armed gang member terrorizing neighborhoods, or the carjacker lurking in a parking lot, we need to look beyond these people to one of the ultimate sources of our crime problems: organized international narcotics mafias.

For the first time in our history, major criminals who live outside our borders are orchestrating criminal activities in the United States. All of the cocaine and heroin, and much of the methamphetamine and marijuana trafficked and consumed in the United States comes from abroad. The crack dealer and the gang member are simply surrogates for major international drug traffickers operating out of Colombia and Mexico. These major traffickers use violence and intimidation in their own countries and in ours. In the past decade the FARC and other criminal groups involved in drug trafficking have killed more than 3,000 Colombian Police Officers.

That is not to say, however, that street level drug dealers or local gang members are not responsible for their activities. On the contrary, these hometown criminals are the individuals who choose a life of crime, and work on a daily basis to denigrate our communities and terrorize our citizens. While it is difficult, although not impossible, to arrest and prosecute the world's most significant drug traffickers, we have had major successes in reducing the levels of violent crimes in our communities, and reducing the numbers of juvenile offenders in recent years. Much of this has been accomplished with the help of federal resources and federal agency partners, but the bulk of the work is done by state and local narcotic officers.

Law enforcement has been stretched thin, but we have made a real difference and have done so for a few key reasons. Civil societies are the product of an unspoken consensus that for whatever else we may desire, we *all* want to have safe neighborhoods, a chance to raise our families without violence, and protection of our property. Law enforcement is the last line of defense against the dark tide of drugs and crime that threatens our civil order. Societies that do not protect civil order don't last long. And drug traffickers are the engines of this century's social disorder. They terrorize our country state-by-state and community-by-community. They are so powerful that they terrorize entire nations like Colombia, Bolivia, Peru and Mexico by dominating and intimidating local law enforcement. They terrorize the international community beyond those borders by funding the forces of larger terrorism through such well-known forces of evil as the al Qaeda, FARC, Shining Path, Hamas, and Hezbollah. And they do so without regard for race, religion, gender, or political affiliation.

But where does a civilized society turn to get the protection it needs from crime and violence? To the everyday men and women who answer the call to become a police officer. State and local narcotic officers walk willingly into the uncertainty and chaos on the streets of America to address the problems of drugs and violence at their source.

As members of Congress consider proposals to eliminate or reduce assistance to state and local drug enforcement efforts, they should keep in mind two things:

- Decreases in commitment to the fight against drugs now will result in increases in the drug-related crime and drug use in the future
- A comprehensive national drug control strategy includes robust state and local enforcement and constant intergovernmental cooperation. Without these pieces, our national strategy is in jeopardy.



NNOAC *Insight*

The Official Position of the National Narcotic Officers' Associations' Coalition

CENTER FOR TASK FORCE TRAINING (CenTF) PROGRAM

The National Narcotic Officers' Associations' Coalition (NNOAC) strongly supports the continued funding and use of the Center for Task Force Training (CenTF) Program. The Program, created in 1991 by the Bureau of Justice Assistance (BJA), U.S. Department of Justice, provides specialized training to law enforcement personnel serving on drug task forces funded by Edward Byrne Memorial State and Local Law Enforcement Assistance Program (recently referred to as the Justice Assistance Grants [JAG] Program) formula grant funds or by state or local funds. CenTF training is unique because it is directed toward law enforcement commanders and focuses on the management of multijurisdictional narcotics task force operations. The CenTF Program is administered by the Institute for Intergovernmental Research.

The CenTF Program currently provides training in two areas: narcotics task force command and management and methamphetamine investigation management. Although more than 14,000 students have been trained since the inception of the CenTF Program, continued requests for workshops, as well as increasing drug problems—especially methamphetamine problems—throughout the United States, underscore the continued need for the training.

Current Program funding of \$1,000,000 supports the delivery of 34 narcotics task force command and management and methamphetamine investigation management workshops; however, it does not allow for all training requests to be met, nor does it provide for any increased requests for training. Many officers needing this training will not receive it. A total of \$1,500,000 is needed in Fiscal Year 2006 to provide for the delivery of up to 50 law enforcement training workshops in the CenTF Program in a one-year grant period.

As law enforcement professionals, NNOAC members understand the need to have specialized narcotics investigation training available for state and local law enforcement officers. Since 1991, the CenTF Program has provided sophisticated, up-to-date training that focuses on narcotics task force management and methamphetamine investigation management. The NNOAC recognizes that CenTF training has benefited narcotic officers in every state. By providing timely training, the CenTF Program has greatly enhanced law enforcement's ability to more effectively dismantle criminal organizations. Officers who have participated in CenTF training continue to overwhelmingly rate this program's services as excellent.

The CenTF Program is requesting the restoration of \$1,500,000 in funding for Fiscal Year 2006 to continue to provide and enhance its capability to deliver specialized narcotics training. These monies will be used to train state and local law enforcement officers enforcing our nation's drug laws. The National Narcotic Officers' Associations' Coalition requests that the Congress provide the requested funding to support this essential program.

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NNOAC *Insight*

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REGIONAL INFORMATION SHARING SYSTEMS PROGRAM

The National Narcotic Officers' Associations' Coalition (NNOAC) strongly supports the funding and use of the Regional Information Sharing Systems (RISS) Program. In 1974, Congress initiated an effort to aid state and local law enforcement agencies by establishing the RISS Program. RISS is comprised of six regional intelligence centers serving law enforcement and criminal justice agencies in all 50 states, the District of Columbia, U.S. territories, Canada, Australia, and England. The RISS Program is designed to enhance the ability of local, state, federal, and tribal law enforcement member agencies to identify, target, arrest, and prosecute criminal conspirators and support investigation and prosecution efforts against terrorism, narcotics trafficking, organized crime, criminal gangs, and violent crime that span multijurisdictional boundaries. The six RISS centers are the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN), the Mid-States Organized Crime Information Center (MOCIC), the New England State Police Information Network (NESPIN), the Regional Organized Crime Information Center (ROCIC), the Rocky Mountain Information Network (RMIN), and the Western States Information Network (WSIN).

As law enforcement professionals, we understand the need to be able to access a single-source agency that is able to act as a clearinghouse for the coordination and timely sharing of criminal intelligence information. Since the inception of the RISS Program, the six RISS centers have done an outstanding job of providing that service. The RISS centers have greatly enhanced officer safety by identifying known violent offenders and serving as a deconfliction system to help prevent undercover operations from overlapping. The NNOAC believes that through this system of deconfliction, the RISS Program has prevented officer injuries and deaths that might otherwise have occurred. The RISS centers are essential to providing a safer work environment for our nation's law enforcement officers. By providing timely and accurate intelligence information, the RISS centers have greatly enhanced law enforcement's ability to more effectively dismantle criminal organizations. The results of these successes can be measured in the number of violent career criminals that are removed from our communities and the reduction of illicit drugs that are available to our young people.

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The major premise underlying the establishment of the RISS centers is that law enforcement and criminal justice agencies in various regions of the country need to instantaneously communicate and coordinate the sharing of criminal intelligence information. The RISS centers are designed to assist that cooperative relationship in a structured, efficient, and responsible manner. Presently, services are provided to over 750,000 sworn criminal justice officers in more than 7,000 law enforcement and criminal justice agencies throughout the United States.

In keeping with the mandate of Congress and the needs of the law enforcement community, the RISS centers have developed state-of-the-art Web-based technology operated by RISS that provides a secure, private intranet easily accessible via the Internet to facilitate rapid communication and information exchange among member agencies and RISS center staff. More and more officers take advantage of electronic access to the secure RISS nationwide criminal intelligence network (RISSNET) to check RISS criminal intelligence databases and obtain information on RISS services. The following are the six components of RISSNET:

1. The RISS Secure Intranet

- Utilizes Internet technology to provide a secure private intranet that connects the six RISS centers and their participating law enforcement member agencies, as well as other agency systems operating as nodes on the intranet.
- Ensures inexpensive connection to RISSNET by all RISS member agencies.
- Provides secure electronic mail (e-mail) transmissions for enrolled RISS member law enforcement agency personnel to exchange sensitive information and for contact with RISS center staff.
- Provides secure Web browser access by enrolled RISS member agencies to all authorized databases and services located on the RISS secure intranet.
- The RISS center Web sites, the RISS Criminal Intelligence Databases (RISSIntel), the RISS National Gang Database (RISSGang), the RISS Investigative Leads Bulletin Board (RISSLeads), the RISS Training Web site (RISSTraining), the RISS search engine (RISSSearch), and connections to nodes are located on the secure intranet for easy, secure access.
- The RISS Automated Trusted Information Exchange (ATIX) resources are located on RISSNET to expand communications and information sharing among law enforcement and other public safety and first responder agencies involved in securing our nation from terrorism. These resources, including the secure ATIX Web pages, secure ATIX bulletin board, secure e-mail, and ATIXLive, facilitate the exchange of ideas, documents, news articles, and sensitive but unclassified information.

2. RISS Center Web Sites

- Each RISS center maintains a Web site to provide users with:
 - Easy access to the RISS center criminal intelligence databases.

- Information on other RISS services and resources.
 - Users are directed via RISSNET to their respective regional center Web site.
3. RISS Criminal Intelligence Databases (RISSIntel)
- All six RISS regional criminal intelligence databases are electronically connected. An electronic inquiry to one, several, or all six center databases can be made at one time.
 - RISS member agencies can access their respective center databases for subject inquiry and entry by using their Web browser via RISSNET, or by using secure e-mail to request assistance from their RISS center staff.
 - Access by law enforcement users to RISSIntel via RISSNET averaged 76,811 times per month during 2004.
 - As of September 30, 2004, the number of criminal subjects maintained in the RISS criminal intelligence databases (RISSIntel) for all six centers combined was 794,220. The combined databases at all six RISS centers also maintained data on 1,246,565 locations, vehicles, weapons, and telephone numbers, for a grand total of 2,077,621 data records.
 - RISSLinks, an online data visualization and analysis capability, allows users to view information found in the criminal intelligence databases as a link analysis chart.
4. RISS National Gang Database (RISSGang)
- A specialized database used to collect information on gangs and gang members.
 - Images, such as photographs of gang members, gang tattoos, and gang graffiti, can be stored for inquiry and dissemination.
 - Access by law enforcement users to RISSGang via RISSNET averaged 5,372 times per month from January to September 2004.
 - As of September 30, 2004, the RISSGang database contained 53,236 gang members and 8,590 criminal gangs.
5. RISS Investigative Leads Bulletin Board (RISSLeads)
- RISSLeads is a collaborative computer server, often called a Bulletin Board System (BBS) or a newsgroup server.
 - Allows law enforcement agencies to post information on the secure RISSLeads regarding a particular case or other law enforcement issue.
 - Access by law enforcement users to RISSLeads via RISSNET averaged 362,410 times per month during 2004.
 - As of December 31, 2004, 111 conferences were available on RISSLeads for member access.
6. RISS Automated Trusted Information Exchange (RISS ATIX™)
- RISS ATIX provides a secure means to disseminate timely information regarding national security on terrorist threats to executives and officials of public and private agencies in need of homeland security information.
 - RISS ATIX resources include the secure Web pages, secure ATIX bulletin board, ATIXLive, and secure e-mail.

Since RISSNET was implemented, over 20,358 member agency officers have been enrolled, with more connecting every day. Web traffic via RISSNET averaged 4.7 million times per month during 2004 to search database records, post investigative leads information, and obtain information on services provided by RISS. Member agency officers also continue to use RISS telephone and WATS/patch communications for one-on-one contact with RISS staff for requesting criminal intelligence information, use of RISS resources, and referral contact for information exchange with other member agencies.

Traditionally a law enforcement information sharing network, RISS is expanding services to address the changing needs of public safety by leveraging its established technological resource, the RISS secure intranet. This nationwide communications system enables a broader information sharing community.

Through RISS ATIX, the Automated Trusted Information Exchange, RISS is bringing together the law enforcement community and other governmental and nongovernmental entities responsible for planning and implementing prevention, response, mitigation, and recovery efforts regarding terrorism and disasters. RISS ATIX is the secure means to disseminate national security, disaster, and terrorist threat information to law enforcement, other first responders, and key community officials. Current RISS ATIX participants include, among others, public service, public safety, emergency management, utility, and transportation personnel.

Many state and federal agency systems have electronically connected as nodes to use the RISSNET communications and information exchange capabilities. The RISS and the FBI Law Enforcement Online (LEO) systems, which interconnected September 1, 2002, as a virtual single system, shall provide the initial sensitive but unclassified secure communications backbone for implementation of a nationwide criminal intelligence sharing capability as recommended in the *National Criminal Intelligence Sharing Plan*. A seamless secure connection allows RISS and LEO users access to both systems, as authorized, with a single logon. Secure e-mail is also available to users of both systems.

Among the state systems connecting as nodes on RISSNET are the states participating in the Multistate Anti-Terrorism Information Exchange™ (MATRIX). State law enforcement resources will be available to MATRIX participants and RISS member agencies to enhance the ability of law enforcement to identify and analyze terrorist and other criminal activity.

The RISS network was created for full interoperability of existing systems. The network architecture was designed to ensure that diverse technology systems, with little modification, could utilize the network. This nationwide network and its information databases can be used by state and local law enforcement agencies as their own system, thus eliminating duplicative databases.

As submitted through Congressional Testimony before the Subcommittee on Commerce, Justice, State, and the Judiciary of the Committee on Appropriations, the RISS Program is requesting \$45 million in funding for fiscal year 2006 to continue providing and enhancing the capability to share multijurisdictional

information on terrorism activity, narcotics, violent criminal activity, and gang information. RISS will also increase the number of agencies enrolled for electronic connection and direct access to RISSNET, and electronically link local, state, federal, and tribal criminal intelligence systems to RISSNET.

Since 1792, over 16,500 law enforcement officers have died in the service of our nation. At the current rate, one police officer is killed every 53 hours in the United States. Additionally, more than 58,000 officers are violently assaulted each year. Nowhere is violence more prevalent than in the enforcement of our nation's drug laws. The National Narcotic Officers' Associations' Coalition would request that Congress provide the requested \$45 million funding to support this essential program. Failure to provide adequate funding and support for this crucial program could cost lives, not only among our country's peace officers, but among the thousands of young people that die each year as a result of drug abuse.



NNOAC *Insight*

The Official Position of the National Narcotic Officers' Associations' Coalition

FUNDING FOR NATIONAL GUARD COUNTERDRUG PROGRAM AND THE GUARD CD SCHOOLS

The National Narcotic Officers' Associations Coalition (NNOAC) is comprised of 40 state narcotic officers associations representing more than 55,000 police officers nationwide. The NNOAC greatly appreciates the counter-drug (CD) assistance provided to law enforcement by the National Guard (NG). We strongly support long range congressional funding for the National Guard Bureau's Counter-Drug Program.

Cities across the United States are being ravaged by drugs that are smuggled into our country by air, land and sea. Some of our states have become "source countries" for illicitly manufactured methamphetamine and domestically grown high-grade marijuana. The Southwest Border is particularly vulnerable to the vast quantities of heroin, cocaine, marijuana and precursor drugs being smuggled into the U.S. across our very porous 2,000-mile border with Mexico. Also many of this nation's major drug manufacturing, or distribution groups are being operated from command and control centers in Mexico. The task of stemming the flow of drugs into our country exceeds the resources of our Federal, State, and local law enforcement agencies. If we are going to be successful in protecting our citizens from the threat of illicit drugs, the National Guard must continue to receive adequate funding to maintain their counter-drug partnership with civilian law enforcement.

Our mission, as narcotic officers, is to stop the flow of illicit drugs into our communities. We are mandated to improve the quality of life in our towns, and cities. Yet we live in a time where those of us in law enforcement face yearly budget cuts. We are frequently asked to do more with less. One of the ways that we have been able to continue our success in the daily fight against drugs is through the partnership that we have formed with the National Guard's Counterdrug Program. Narcotic officers across the nation have greatly benefited from the CD support provided by the Guard. On any given day, the NG has over 3,000 soldiers and airmen on full-time CD duty. These dedicated individuals possess unique skill that are used to support Federal, State and local law enforcement and community-based demand reduction organizations in every state and territory in the nation. The NG drug prevention and demand reduction

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programs, in partnership with organizations such as the Community Anti-Drug Coalitions of America (CADCA) and the CNOA Narcotic Educational Foundation of America, reach almost 10 million young people in this country to help motivate them to reject the use of illegal drugs. We in law enforcement have embraced the fundamentals and principals of community based policing. For this same reason, we must support the NG. They are truly a community-based resource and solution. These "citizen solders" are on the front lines of their own communities in this war on drugs.

For the last five years, the NG "Governors' CD State Plans" budget has been on a roller coaster. Every year the Congress has added money to the budget to attempt to stem the downward trend. In FY 99 the funding was adequate to support over 3,000 NG troops in the CD effort. The NNOAC recommends continued support to return the NG Governors CD State Plans funding to a level of effort similar to FY 99, requiring \$225M (a \$65M plus up over the President's Budget) in FY 2004. The NNOAC requests that this level be maintained, with annual adjustments for inflation and pay raises, to support the ceiling that Congress has authorized for CD support through the fiscal years 2004-2008.

The NNOAC expresses our appreciation for the critical assistance provided by the members of Congress in adding \$52 million to the FY 2003 NG Governors' State CD Plans. The original FY 2003 budget was grossly inadequate and would have severely reduced the ability of the NG to provide consistent, effective support to the National Drug Control Strategy. The supplemental funding has enhanced the NG ability to accomplish its Congressionally directed mission to support drug law enforcement agencies and community-based drug demand reduction organizations.

The NNOAC also supports the Western Region Counterdrug Training Team at San Louis Obispo, Ca. They offer training to law enforcement officers in the Northwest and Southwest regions and cover a variety of counterdrug program topics, to include money laundering, investigative techniques, and utilization of new technology. In addition, the WRCT is responsible for executing CD training required by NG CD personnel. Courses are conducted via Mobile Training teams, on a limited in-house basis, and distributive learning tools. Students attend from State, and local law enforcement agencies and the NG. We recommend they receive DoD CD funding of \$3.0 Million in FY 2004.

NNOAC is also strongly supported by the Regional Counterdrug Training Academy (RCTA), which is located at Meridian Naval Air Station, Meridian, MS. The mission is to provide tactical level CD instruction for street level police officers, and military CD personnel. The primary customers of RCTA are law enforcement officers from the states of MS, AL, GA, TN and LA. RCTA provides no cost training, lodging and food with the classes taught by LEA personnel. RCTA projects a student population of 4,400 with a budget of \$4.2 Million for FY 2003. Presently the student waiting list is approximately 3,800 officers, with a waiting time for course attendance of 6 months to one year. Increasing RCTA's budget in FY 2004 to \$6M would lower the waiting period and increase effectiveness.

Multi-Jurisdictional Counterdrug Task Force Training (MCTFT) is located at the St. Petersburg College in St. Petersburg, FL. The mission is to provide Task-Force training for police officers and agencies throughout the U.S. The school presents courses, taught by LEA personnel, using instructors at both onsite and at remote locations as well as satellite broadcasting. Courses of instruction target both LEA and CBO personnel. MCTFT projects a student population of 26,000 classroom and 70,000 broadcast, operating with a budget of \$6.4M for FY2003. NNOAC recommends increasing their budget to \$8M which would allow them to increase classroom student training by 4,500 officers.

NNOAC is also strongly supported by the Northeast Counterdrug Training Center (NCTC), which is located at Ft. Indiantown Gap, Annville, PA. The mission is to provide tactical level training for law enforcement and demand reduction training for coalition professionals to the eighteen Northeast States, and the District of Columbia. The school provides no cost lodging, food and training to LEA and CBO personnel, taught by subject matter experts. NCTC projects a student population of over 5,000, and operates with a Congressional line item budget of \$6.8 Million for FY 2003. NCTC has an extensive backlog of over 6,000 personnel, and is requesting funding of \$6M.

Congress, in the FY 03 Appropriations, directed a new National Guard Counterdrug school that is located in Camp Dodge, Iowa. This new training complex will utilize existing facilities and will provide counterdrug instruction for law enforcement agencies and community based organizations by certified civilian instructors, recognized for their expertise. This location is badly needed to support the thousands of law enforcement officers in the mid west, and northwest in their efforts to gain valuable training, that will result in increased drug seizures, and help ensure officers are safely able to perform their duties. With the \$3M that MCTC was allocated for FY 03 they will be able to train over a thousand officers. The National Narcotics Officers Association strongly supports funding at \$3M for FY 04.