

# NATIONAL HIDTA DIRECTORS ASSOCIATION

Statement by Thomas H. Carr

House Committee of Government Reform and Oversight  
Criminal Justice, Drug Control Policy and Human Resources Subcommittee

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 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, to include 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 and, among my many duties as a HIDTA director, 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. 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 42 states, Washington, D.C., and Puerto Rico. 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 OCDETF 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 should be the primary focus of federal anti-drug funding. All 28 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 OCDETF program unable to address numerous critical functions routinely handled by the 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 move from OCDETF’s standpoint.

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 OCDETF.

*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	In 2004, HIDTA 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

Justice’s Consolidate Priority Organization Target (CPOT) list, have failed.	730 total active investigations recognized by the Department of Justice – hardly a failure.
3. In 2004, DEA and OCDETF successfully dismantled 36 organizations linked to CPOT listed organizations and significantly disrupted the activities of 159 others.	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.
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.	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.
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.	Although repeated assurances have been made that the HIDTA program would retain its positive aspects after its transfer to OCDETF, no specifics have been offered about how the program would be run. 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.

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, the HIDTA Performance Measurement Process (PMP) Committee received many compliments from OCDETF staff who said that they'd "never seen anything like it."

The PMP was developed and implemented as a result of the PART FY04 report that rated the HIDTA Program as "results not demonstrated." I might add that 50.4 percent of the programs and agencies accessed using PART in 2004 received this rating. Even more perplexing, and in no doubt contributing to the conclusion reached using PART, ONDCP did not provide the Office of Management and Budget (OMB) with the outcome measures (annual reports) 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. 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 the process reports are prepared to define the threats, prepare a budget and strategy for addressing the threats, and report on the outcomes. The nationwide DTO database was developed to enable HIDTAs 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 both 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. 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 the coerced 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	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 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

#### IV. *HIDTA Program Accomplishments*

In the 2004 HIDTA Annual Report, 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, 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, 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. Many methamphetamine labs are rural in nature. Many HIDTA-funded task forces addressing 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.
- 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 as 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, this is an indication 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 for which DEA and OCDETF are claiming credit. 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](http://HIDTA.net/riss.net)/LEO information system architecture electronically links each HIDTA. Our HIDTA intelligence centers have earned a well-deserved 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](http://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, 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 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 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 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 OCDEFT. Ultimately, OCDEFT 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 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 command and control 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, having the greatest impact on the region. Unfortunately, ONDCP is of the mindset that the 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 or indirectly 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 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, and has proven 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, operational and tactical plans developed from facts; and target the same goals and objectives is the only feasible and reasonable way succeed.

The last issue I want to address deals with the placement of the HIDTA Program. Some very wise and thoughtful member 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 agree with ONDCP's recommendation to move the HIDTA Program to the Department of Justice, consider 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?

Final testimony