



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.

Distinctions between HIDTA and OCDEF

OCDEF and HIDTA differ significantly in their missions and scope. OCDEF accepts and prosecutes significant drug trafficking organizations. To do this, OCDEF 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. OCDEF has nine (9) administrative task forces made up of federal representatives who evaluate and recommend investigations for sponsorship. The nine (9) OCDEF administrative task forces do not generate cases. Federal, state and local law enforcement agencies present cases to OCDEF 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 OCDEF approach.

HIDTA complements OCDEF. HIDTA Directors frequently sit on OCDEF committees and the vast majority of OCDEF 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 OCDEF 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 OCDEF, 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 OCDEF and federal agencies had agreed upon for definition as a drug trafficking organization. **The administration's proposal to move HIDTA to OCDEF 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. OCDETF 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 OCDETF 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.