

SUPPORT FOR CONTINUED HIDTA PROGRAM FUNDING WITHIN ONDCP

The forty-three state narcotic officers' associations and more than 62,000 law enforcement officers represented by the NNOAC join with many other major law enforcement associations to strongly urge the Congress to fund the High Intensity Drug Trafficking Area (HIDTA) program at the FY 2006 level and retain the program within the Office of State and Local Affairs at the Office of National Drug Control Policy (ONDCP).

The Administration's FY 2007 budget proposal reduces the High Intensity Drug Trafficking Area (HIDTA) Program funding from \$226 million in FY2006 to \$ 208 million for FY2007. Even more disturbing is budget language proposing that this successful program be moved from the neutrality provided by the Office of National Drug Control Policy (ONDCP) to the Department of Justice.

Moving the High Intensity Drug Trafficking Area (HIDTA) Program from ONDCP to the Department of Justice and reducing the funding is unacceptable. As in last year's budget proposal, which was strongly rejected by the Congress, this flawed strategy of reducing funding and moving the HIDTA Program jeopardizes the hard-fought successes and efficiencies that the HIDTA Program has consistently achieved. These recommendations are unacceptable to our members and the other members of the law enforcement community. Despite not receiving a funding increase since 1998 and while having to accommodate for inflation and cost of living increases for the past eight years, the HIDTA Program has achieved remarkable results. In 2004, the program seized \$11 0.5 billion worth of illegal drugs, and realized a return on investment of \$63 for every federal dollar put into the program.

Moving the HIDTA Program to the Department of Justice will do nothing to enhance law enforcement and will hinder the continuation of partnerships and innovation that the HIDTA Program has fostered. ONDCP Director John Walters has proposed the transfer of the HIDTA Program without consulting the more than 500 federal, state and local law enforcement leaders across the United States that serve on the 28 individual HIDTA executive boards. Director Walters made this recommendation without speaking with the HIDTA Directors, who collectively possess over 1,000 years of federal, state and local law enforcement experience. He also failed to discuss this proposed program transfer with America's major law enforcement associations including: International Association of Chiefs of Police (IACP), National Sheriffs' Association (NSA), Major City Chief's Association, Major County Sheriff's Association, National Alliance of State Drug Enforcement Agencies (NASDEA), National District Attorney's Association (NDAA) or the NNOAC, even though

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these associations are on record opposing the transfer of HIDTA from ONDCP. Even more disturbing, Director Walters first proposed moving the HIDTA in the FY 2006 budget without consulting the Congress, who authorized and has supported the HIDTA program since its inception in 1988 and he continues to make the recommendation in the FY 2007 budget despite the fact that moving HIDTA from ONDCP was strongly rejected by both the House and the Senate last year.

The HIDTA Program should remain at ONDCP for at least important five reasons:

1. The HIDTA Program is built on the premise that federal, state and local agencies should have an equal voice in managing their individual HIDTAs to address regional drug threats—and ONDCP provides a neutral environment for this program to flourish.
2. ONDCP is better equipped to act as an unbiased broker of HIDTA funding than DOJ, since ONDCP has no enforcement arm, does not have representation on regional HIDTA executive committees, and does not compete for HIDTA funding in any way, unlike DOJ agencies.
3. Moving the program from ONDCP to DOJ would create an imbalance of power in each HIDTA. Various DOJ agencies are directly involved in each HIDTA's executive board, and these agencies annually compete for scarce resources and funds with non-DOJ federal agencies, as well as state and local law enforcement agencies.
4. Transferring the HIDTA Program to DOJ isolates its majority stakeholders—state and local government agencies. In FY 2004, state and local law enforcement agencies invested approximately \$630 million of their own resources to support the \$227 million federal investment in HIDTA. Most of these stakeholders are opposed to moving HIDTA from ONDCP to DOJ, as they believe their input will be marginalized in a non-neutral environment. Adding insult to injury, ONDCP failed to consult or even inform these organizations about the proposal.
5. The HIDTA Program serves as a catalyst for promoting coordination and cooperation among all levels of criminal justice agencies, as well as among law enforcement, treatment, and prevention organizations. This function would likely disappear if the program moves to DOJ.

The HIDTA Program has a broad base of support within the law enforcement community:

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 law

enforcement executives join with their federal counterparts on an equal basis to determine the priorities and initiatives for their individual HIDTAs. There is no other cooperative endeavor of this magnitude in law enforcement today. The HIDTA Program has succeeded in projecting 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.

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 HIDTAs 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 Justice 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, HIDTAs 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. Other United States Department led initiatives have 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. 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.

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 nation 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.

HIDTA Accomplishments: A model of demonstrated success

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 HIDTA developed innovations include:

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.

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

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entered into this system do not relate to CPOTs, but, nevertheless, coordination remains critical to officer safety.

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.

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.

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.

Operation COBIJA – a multi-agency, multi-state interdiction project hailed as the best such effort to have ever existed.

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.

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.

As a member of Congress, please support this very successful program by voting to retain the HIDTA Program at ONDCP and continue funding at the FY 2006 level.