



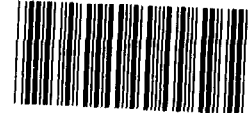
Testimony

Before the Select Committee on Narcotics Abuse and Control
House of Representatives

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DRUG ENFORCEMENT

Assistance to State and Local
Law Enforcement Agencies in
High Intensity Drug
Trafficking Areas



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Statement of Lowell Dodge
Director Administration of Justice Issues
General Government Division



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DRUG ENFORCEMENT: ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT
AGENCIES IN HIGH INTENSITY DRUG TRAFFICKING AREAS
SUMMARY OF STATEMENT OF LOWELL DODGE
DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES
U.S. GENERAL ACCOUNTING OFFICE

For fiscal years 1991 and 1992, Congress provided the Office of National Drug Control Policy (ONDCP) with \$68.9 million to assist state and local law enforcement agencies in five High Intensity Drug Trafficking Areas (HIDTAs). An additional \$124 million in HIDTA funds went to federal agencies for increased activity in these areas.

The House Select Committee on Narcotics Abuse and Control was concerned about (1) whether ONDCP had taken sufficient action on previous GAO recommendations aimed at improving mechanisms for collaboration, cooperation, and coordination among federal, state, and local agencies, and assessing program performance; (2) whether disbursements of fiscal year 1992 HIDTA funding were more timely than 1991 funding; (3) whether state and local agencies are being required to match federal HIDTA funds; and (4) what ONDCP's current position is on direct HIDTA assistance to state and local agencies. GAO's review showed the following:

- According to most state and local steering committee representatives, collaboration, cooperation, and coordination have been achieved. In the New York HIDTA, however, the level of cooperation in program planning and in reaching key funding decisions could be improved.
- ONDCP is developing a capability, as GAO recommended, to assess program performance. However, ONDCP has not yet reached the point where it can make judgments on the progress the HIDTAs are making toward eliminating or dealing with the problems that precipitated the funding of antidrug programs.
- According to most state and local steering committee representatives, problems resulting from delays in disbursements of federal HIDTA funds have been resolved.
- ONDCP officials see nothing to prohibit a requirement self-imposed by the New York HIDTA that state and local agencies must match federal HIDTA funds as a condition of program participation, but believe that there should be agreement on the requirement among the participating agencies. However, we found no such agreement.
- ONDCP requested, but OMB eliminated, continued funding for the state and local part of the HIDTA program for fiscal year 1993. Congress will therefore need to provide this funding, as it has in the past, if it believes it should be continued.

ONDCP has implemented GAO's 1991 recommendations for establishing steering committees with state and local members in all HIDTAs.

Mr. Chairman and Members of the Select Committee:

Thank you for your invitation to discuss the High Intensity Drug Trafficking Area (HIDTA) program. My statement will cover (1) actions the Office of National Drug Control Policy (ONDCP) has taken to implement previous GAO recommendations concerning the need to promote collaborative federal, state, and local planning in the five HIDTAs and the need to establish a system for assessing program performance;¹ (2) whether federal funds are reaching state and local agencies faster this year than last year; (3) whether state and local agencies are being required to match federal HIDTA funds as a condition for participation; and (4) ONDCP's position on direct HIDTA assistance to state and local law enforcement agencies. You also said you were interested in any examples we could provide on the results of HIDTA-funded activities.

In brief, ONDCP has made some progress in implementing our 1991 recommendations. All HIDTAs now have local steering committees, and, for the most part, state and local representatives are satisfied with the roles they have played in planning and making operational decisions about the fiscal year 1992 program as well as the timing of the funds. In the New York HIDTA, however, the desired degree of collaboration has still not been achieved. With regard to assessing HIDTA effectiveness, ONDCP has taken some steps to put a framework in place to measure HIDTA effectiveness but is still not in a position to make judgments about the progress the HIDTAs are making.

To accomplish our objectives, we interviewed officials at ONDCP headquarters in Washington, D.C., and Justice Department officials in Washington, D.C., and New York. We also contacted the HIDTA area coordinators as well as state and local HIDTA steering committee members for each of the five HIDTAs.² Our work was done in March and April 1992 in accordance with generally accepted government auditing standards.

¹See U.S. General Accounting Office, Statement for the Record, Drug Enforcement: Improving Management of Assistance to High Intensity Drug Trafficking Areas (GAO/T-GGD-91-53, July 25, 1991).

²We contacted all 27 state and local representatives serving on the five HIDTA steering committees at the time of our review; however, one representative insisted on responding to our questions in writing. This representative's answers were not received in time to include them in our testimony.

BACKGROUND

For fiscal years 1990 through 1992, Congress provided ONDCP with a total of \$193 million to assist drug enforcement efforts in specific geographic areas that the agency had designated as HIDTAs.³ Included in these funds for fiscal years 1991 and 1992 was a total of \$68.9 million specifically intended to support state and local law enforcement initiatives, including intelligence and information-sharing systems, direct support to state and local law enforcement agencies, task forces, and drug suppression programs. The remaining \$124 million went for the activities of federal agencies in HIDTAs.

Reflecting the administration's position, ONDCP did not request funding for state and local activities under the HIDTA program for fiscal years 1991 and 1992. Congress added a total of \$68.9 million for these activities in these 2 years. An ONDCP official told us that in preparing the 1993 budget, the agency recognized that some worthwhile things were being done under the state and local portion of the program. A decision was made to include \$36 million for continued state and local funding in ONDCP's proposed budget for fiscal year 1993. According to the same ONDCP official, OMB cut these funds from ONDCP's earlier request. Therefore, if the state and local component of HIDTA funding is to continue, Congress will again have to add the funds to ONDCP's appropriation.

ONDCP'S PROGRESS IN IMPLEMENTING GAO RECOMMENDATIONS

In our July 1991 statement for the record, we recommended that to promote federal, state, and local collaboration, cooperation, and coordination, the director of ONDCP modify guidelines to require the establishment of local HIDTA steering committees with state and local representation. We also recommended that as a basis for establishing accountability and assessing program performance, the director reach agreement with the agencies receiving HIDTA funds on (1) the performance milestones and measurable goals the HIDTA-funded initiatives would be expected to meet, (2) the output measures that would be appropriate for evaluating progress and success in achieving those goals and milestones, and (3) the way this information is to be reported.

³During January 1990, on the basis of Drug Enforcement Administration and Federal Bureau of Investigation data, ONDCP designated four metropolitan areas (Houston, TX; Los Angeles, CA; Miami, FL; and New York, NY) and the Southwest U.S. border area as having severe drug trafficking problems warranting HIDTA assistance.

Collaboration, Cooperation, and Coordination

Under ONDCP guidance, area coordinators have been designated in each of the HIDTAs to conduct all necessary coordination and consultation with federal, state, and local law enforcement officials. An assistant United States attorney in each of the four metropolitan HIDTA areas serves as the area coordinator. The Southwest Border area coordinator is also an assistant United States attorney, but has been detailed to the Treasury Department where he serves jointly as director of Operation Alliance and HIDTA area coordinator.

We noted in our earlier statement that although ONDCP designed the HIDTA program to be a collaborative effort, state and local law enforcement officials from two of the five HIDTA localities said they were not brought into the initial planning or decisionmaking process for determining how the fiscal year 1990 funding should be spent. Since then, improvement in this condition has been reported. According to the area coordinators, all five HIDTAs have now established local HIDTA steering committees with state and local law enforcement agency representatives, as we recommended. We believe that such an arrangement should foster state and local participation in HIDTA planning and policymaking decisions.

Full collaboration has yet to be achieved, however, in the New York HIDTA. Despite the establishment of a steering committee for this HIDTA, the New York City Police Department (NYPD), a key participant, has indicated it was not adequately represented in the planning process and key funding decisions for the fiscal year 1992 program. Although the area coordinator for the New York HIDTA maintains that the department has always been involved in the planning process, he believes some confusion within the department may have resulted after the retirement of NYPD's former steering committee representative and subsequent attendance at various HIDTA meetings by several different NYPD officials.

According to the area coordinator, the New York HIDTA is guided by both an advisory and a steering committee. He said that the advisory committee is a policy group, and the steering committee guides the program initiatives. Both groups work informally. Neither group has a schedule of regular meetings. Minutes are not kept. We believe that the informality has contributed to different interpretations about how the HIDTA operates from a policy and planning perspective.

The area coordinator described the process of resolving policy issues as consensus building rather than formal balloting. He also told us that only recently--as a result of concerns raised by NYPD--has he seen that there may be a need for some formality in the operation of these committees. The area coordinator and

representatives from both ONDCP and NYPD have been meeting over the last 2 months to resolve differences and clarify roles.

The New York HIDTA, however, is an exception. State and local representatives currently on steering committees in the four other HIDTAs said they were satisfied with the roles they played in planning and making operational decisions for the fiscal 1992 program. Even in New York, representatives other than NYPD were satisfied with their participation. Thus our earlier recommendation on state and local collaboration--with the exception of New York--has now been implemented.

Assessing HIDTA Effectiveness

In our earlier statement, we said that when an agency such as ONDCP obtains services through contracts, grants, or transfer payments, accepted management practice requires that the dispensing agency and the recipient agency agree up front on ways for evaluating performance against the goals and milestones. We found these essential elements lacking in the fiscal year 1990 and 1991 programs.

In responding to our recommendation, ONDCP said that 1992 funding proposals were required to include a narrative of the granter's plan, including results and benefits expected. Ongoing projects were required to include a description of the progress or milestones accomplished to date. We reviewed these proposals and found that although they do provide some information about the results of ongoing programs, most still lack a discussion of specific goals and expected results, which could serve as an appropriate basis for evaluating performance.

For instance, one HIDTA funded a local task force in fiscal years 1991 and 1992 that was to provide a coordinated approach to targeting mid- and upper-level individuals in organizations involved in violent crime associated with drug trafficking and money laundering operations. The proposal for the task force did not set specific goals and expected results. Although the 1992 funding proposal listed results in terms of arrests and seizures, it did not indicate whether they represented progress toward eliminating the problem that precipitated the establishment of the task force--the need to dismantle organizations involved in drug related violent crime. Further, we would expect the 1992 proposal to include specific goals and expected results as a basis for assessing future progress. However, we did not find them.

ONDCP said that the 1992 funding proposal also requires HIDTAs to report semiannually as to benefits and program accomplishments. The agency has also carried out on-site reviews to evaluate program effectiveness. Although these steps are in the right direction, we believe performance should be judged on the basis

of what has been set out to be accomplished when the program was initially funded.

ONDCP's 1993 planning guidance indicates that they consider statistics such as seizures and arrests as the first stage in a process of measuring effectiveness, which ends with a documented increase in the price of drugs and a decrease in the purity of drugs. We agree to the extent that accumulating statistics that do not provide insights as to how the program is doing in relation to the overall goal will not help in making judgments on how resources should be targeted. However, ONDCP pointed out that the primary goal of the 1993 program is to identify major drug trafficking organizations in the HIDTA areas and to continue implementing strategic plans to disrupt and dismantle them. Therefore, we believe progress toward these ends should be reported.

TIMELINESS OF FEDERAL HIDTA FUNDS

During our previous review of the HIDTA program, several state and local law enforcement officials expressed frustration about the length of time it took to receive federal HIDTA funds. Of the 26 state and local steering committee representatives we contacted, 24 were from state and local agencies that were awarded HIDTA funds for fiscal year 1992. We asked them whether the timing of the receipt of the funds continues to be a problem. Most, 20 of 24, indicated that the concern over timing had been resolved. The four who were still concerned had not received their 1992 funds when we contacted them in early April.

An official from the Justice Department told us that although funding for most state and local grantees has been released, funding for three grantees in our review has been delayed because the grantees have been asked to provide more details on their spending plans. According to the area coordinator for the southwest border, funds for the fourth grantee, a county sheriff's department, have been released to the state. He said the state has apparently not yet distributed the funds to the sheriff's department.

MATCHING REQUIREMENT FOR THE RECEIPT OF FEDERAL FUNDS

Thirty-six million dollars in HIDTA funding was made available to state and local law enforcement agencies in fiscal year 1992. HIDTA area coordinators working with state and local officials developed a list of state and local programs to be funded. These proposals represented requests for continued funding of programs initiated in 1991 as well as proposals that were being initiated in fiscal year 1992.

In the New York HIDTA, the area coordinator, on his own initiative, is requiring state and local agencies to accept a

matching funds arrangement as a condition for receiving federal funds under the HIDTA program. According to the area coordinator, local funds could be provided in a number of ways besides a straight 50-50 cash match. For example, HIDTA funds might be used for start-up costs and related expenses with the local agency providing ongoing funding.

The New York area coordinator also told us there were several reasons for adopting a matching requirement. These include (1) to reduce the dependency by state and locals on a single source of funds in the event federal HIDTA funds for state and local programs are cut in the future; (2) to assure the state and local agencies have a financial interest in the program; (3) to provide more leverage of federal HIDTA funds by combining them with state and local resources, and (4) to introduce a self-selection mechanism whereby only those truly interested in the program apply.

One local grantee, NYPD, is opposed to the matching requirement. NYPD officials said they are opposed to the requirement because of the department's budget constraints and the fact that their request for HIDTA funding was, in effect, reduced by over two thirds without what they considered to be prior consultation about the new matching requirement. Two of the other four steering committee members told us they remember matching being discussed, but believed that it was an ONDCP program requirement and not open to negotiation. The remaining two steering committee members recalled the subject of matching being discussed at HIDTA planning meetings, but could not recall how the idea originated.

We also discussed New York's matching policy with HIDTA area coordinators in the other four areas as well as with state and local representatives to the HIDTA steering committees. They all told us that their HIDTAs do not require matching funds. One area coordinator did say that while no match is required, what an agency offers of its own resources is one of several factors used in making funding decisions.

ONDCP officials told us they could see nothing to prohibit a requirement self-imposed by the New York HIDTA that state and local agencies must match federal HIDTA funds as a condition of program participation, but believe that there should be agreement on the requirement among the participating agencies. In New York, however, we found no such agreement.

HIDTA RESULTS

We asked ONDCP to provide us data they have accumulated on the results of the HIDTA program so far. Agency officials told us they had not accumulated this type of data in a systematic way; nonetheless, they provided us with an example from each of the

HIDTAs which they characterized as the type of results being achieved. We did not verify these results, nor can we testify as to how representative they are of what is being achieved. The examples are contained in the appendix.

CONCLUSIONS

In our opinion, state and local satisfaction with the HIDTA program has continued to increase over the 3 years it has been in existence. However, as we noted earlier, ONDCP designed the HIDTA program to be a collaborative effort with federal, state, and local participation. We believe that for collaboration to be satisfactory to all parties, each must understand the groundrules covering how the local HIDTA will operate and how decisions are made. These groundrules need not be formal, and may vary from HIDTA to HIDTA, but should have the support of all parties. This was not the case with regard to the matching requirement in New York.

With regard to establishing a framework for assessing HIDTA effectiveness, ONDCP has taken some steps, but at this time cannot make judgments on the progress HIDTAs and individual initiatives are making toward eliminating or dealing with the problems that precipitated the funding of antidrug programs.

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Mr. Chairman, that concludes my prepared statement. We would be pleased to respond to questions.

SELECTED RESULTS FROM THE FIVE HIDTAS

Houston - Houston's 36-officer Hotspot Narcotics Enforcement Team, organized to disrupt street sales of narcotics and make target areas unprofitable for dealing, has increased arrests and prosecutions of drug dealers. It has made over 2,000 arrests since August 1991 and increased civil proceedings as well.

Los Angeles - Officers assigned to the Los Angeles Inland Regional Narcotics Enforcement System recently seized 130 pounds of cocaine and arrested five people at a truck stop in Ontario, California. The Southern California Drug Task Force was in turn advised of the enforcement action through the Narcotics Information Network. As a result, the task force targeted a suspect stash house and arranged surveillance through the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force, and an additional 2,400 kilos of cocaine were seized.

Miami - In September 1991, agents from the Miami Money Laundering Initiative confronted a suspected money launderer and immediately seized \$295,000. Agents found records involving 180 accounts at 31 banks. Working through the weekend, the unit got warrants on the bank accounts and filed criminal complaints against six persons. Three were arrested and \$732,500 was seized.

New York - In September 1991, New York's state and local HIDTA Task Force began an investigation into drug-related homicides and violent assaults allegedly committed by Dominican nationals. Employing varied investigative techniques--including extensive undercover operations--task force officers arrested the five leaders and 26 others. They also seized 28 kilos of cocaine, over \$50,000 in cash, and many firearms and vehicles. Charges included two murders and two violent assaults.

Southwest Border - A successful surveillance in Tucson, AZ, culminated in numerous arrests and seizures as far away as Brooklyn, NY; Houston, TX; and Los Angeles, CA. The initial intelligence for this operation came from the southwest border's Operation Bite, a HIDTA initiative. Interagency cooperation represented a coast-to-coast effort. Numerous state and local organizations, and federal agencies, such as Customs, DEA, and INS, were involved in the operation. Other participants included members of the Orange County Narcotics Suppression Program, the Inland Narcotics Enforcement System, L.A. Impact, and other members of Operation Alliance. By the operation's end, a total of 782 kilos of cocaine had been intercepted, 6 persons had been arrested, and at least 12 vehicles including 7 tractor trailers were seized.

Source: ONDCP.

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