

THE HIGH INTENSITY DRUG TRAFFICKING  
PROGRAM

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HEARING  
BEFORE THE  
SELECT COMMITTEE ON  
NARCOTICS ABUSE AND CONTROL  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

MAY 6, 1992

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(102d Congress)

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# THE HIGH INTENSITY DRUG TRAFFICKING PROGRAM

WEDNESDAY, MAY 6, 1992,

HOUSE OF REPRESENTATIVES,  
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,  
*Washington, DC.*

The committee met, pursuant to call, at 10 a.m., in room 2203, Rayburn House Office Building, Hon. Charles B. Rangel, chairman of the committee, presiding.

Members present: Charles B. Rangel, chairman, Lawrence Coughlin, Ed Towns, Nita M. Lowey, Donald M. Payne, Craig A. Washington, Benjamin A. Gilman, Michael G. Oxley, Tom Lewis, James M. Inhofe, and Howard Coble.

Staff present: Edward H. Jurith, staff director; Peter J. Coniglio, minority staff director; James Alexander, press secretary; Jennifer Ann Brophy, professional staff; Marianne Koepf, staff assistant; and Melanie T. Young, minority professional staff.

## OPENING STATEMENT OF HON. CHARLES B. RANGEL, CHAIRMAN

Mr. RANGEL. The Select Committee on Narcotics Abuse and Control will be having oversight hearings on the question of the High Intensity Drug Trafficking Program. We expect to hear from Lowell Dodge, the director of the government division at the General Accounting Office. After that we will hear from the Honorable Governor Robert Martinez, the Director of the Office of National Drug Control Policy.

Then we will see how it is working and what recommendations and suggestions can come from the local and State law enforcement officials that are actually out there dealing with the problem. Of course, my own commissioner of police, Commissioner Lee Brown; Commander Michael Scott of Texas; and Commander Robert Ripley of Los Angeles.

Some of the major problems, of course, that we have here are that the Congress has continuously appropriated money to support local and State initiatives, and for one reason or the other, this money is not asked for or directed to the front line troops by the Administration.

We also are anxious to find out the depth of cooperation, working on steering committees, and some of the districts having coordinators, and to see why in the State of New York the New York Police Department is not even on the steering committee.

In any event, it is the feeling of the Congress and certainly this committee that our local and State law officials are the front line

troops, and that the Federal Government, with the limited number of people that are actually involved in drug law enforcement, less than 3,000 with the DEA, that we truly are depending on local and State initiatives.

Our concern is to make certain that they have the resources to be strong enough to be partners in this effort. So it is one thing to say that we are here to help, but it is another thing to make certain that that help is fashioned the way locals and States would want it to be.

This will be a learning experience for us. I do hope when the Governor comes he would feel comfortable in sharing with us the progress that is being made in the wider so-called war against drugs, but I will wait for his arrival.

And I will yield to my friend and colleague, Larry Coughlin.

Mr. COUGHLIN. Thank you very much, Mr. Chairman.

I would ask that my statement be included in full in the record.

Mr. RANGEL. Without objection, I would like my written statement included, as well.

[The statements of Mr. Rangel and Mr. Coughlin follow:]

OPENING STATEMENT OF

THE HONORABLE CHARLES B. RANGEL

CHAIRMAN

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ON THE HEARING ON

"THE HIGH INTENSITY DRUG  
TRAFFICKING AREA PROGRAM"

2203 RAYBURN HOB

10:00 A.M.

WEDNESDAY, MAY 6, 1992

GOOD MORNING.

TODAY THE SELECT COMMITTEE WILL HEAR FROM STATE AND LOCAL LAW ENFORCEMENT OFFICIALS, THE GENERAL ACCOUNTING OFFICE, AND THE HONORABLE GOVERNOR ROBERT MARTINEZ, DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY. THESE DISTINGUISHED WITNESSES HAVE BEEN INVITED TO TESTIFY ON ONE OF OUR NEWEST STRATEGIES IN THE WAR ON DRUGS; THE HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM, WHICH IS UP FOR REAUTHORIZATION IN 1993. THE EVENTS IN LOS ANGELES LAST WEEK UNDERSCORE THE NEED FOR EFFECTIVE LAW ENFORCEMENT PROGRAMS THAT REMOVE DRUG TRAFFICKERS FROM THE STREETS OF OUR COMMUNITIES AND THUS PROVIDE FOR A SOLID FOUNDATION THROUGH THE INFUSION OF MUCH NEEDED SOCIAL, ECONOMIC, AND EDUCATIONAL PROGRAMS.

STATE AND LOCAL LAW ENFORCEMENT AGENCIES ARE UNDER SIEGE. THE NUMBER OF DRUG-RELATED ARRESTS HAVE ESCALATED IN THE PAST DECADE; TO REACH A CRISIS LEVEL FAR BEYOND WHAT POLICY MAKERS, LAW ENFORCEMENT OFFICIALS, OR EVEN THE GENERAL PUBLIC HAD EVER ANTICIPATED. WITH STATE AND LOCAL LAW ENFORCEMENT OFFICERS MAKING THE BULK OF THESE ARRESTS IT IS IMPERATIVE THAT THEY RECEIVE THE ASSISTANCE THEY NEED TO LAUNCH AN EFFECTIVE WAR ON THE DRUG TRAFFICKERS.

SECTION 1005 OF THE ANTI-DRUG ABUSE ACT OF 1988, (P.L. 100-690) PERMITS THE CLASSIFICATION OF "ANY SPECIFIED AREA OF THE UNITED STATES AS A HIGH INTENSITY DRUG TRAFFICKING AREA." IN JANUARY 1990 ONDCP DESIGNATED THE SOUTHWEST BORDER, NEW YORK, LOS ANGELES, MIAMI, AND HOUSTON AS HIDTA'S. AS STATED IN THE STRATEGY, "THE PURPOSE OF THE HIGH INTENSITY DRUG TRAFFICKING AREA DESIGNATION IS TO IDENTIFY AREAS EXPERIENCING THE MOST SERIOUS DRUG TRAFFICKING PROBLEMS... AND TO DETERMINE THE MOST PRESSING NEED FOR FEDERAL INTERVENTION."

SINCE THE CONGRESS CREATED THIS PROGRAM IN 1988, NEARLY \$200 MILLION IN FEDERAL ASSISTANCE HAS BEEN APPROPRIATED FOR THE PROGRAM. THE LEGISLATIVE INTENT OF THE PROGRAM WAS TO DIRECT RESOURCES TO BETTER EQUIP THESE AREAS TO RESPOND AGGRESSIVELY TO THIS PROBLEM.

CLEARLY, THE INITIAL GOAL OF THE CONGRESS AND OF THE ADMINISTRATION WAS THE SAME. SINCE THAT TIME, EVENTS HAVE OCCURRED WHICH HAVE LEAD ME TO BELIEVE THE INTENTION OF THE CONGRESS AND THE ADMINISTRATION NOW DIFFER.

AS GOVERNOR MARTINEZ CAN TELL YOU, I HAVE PROBABLY WRITTEN HIS OFFICE ON THIS ONE ISSUE MORE THAN ANY OTHER. I AM GREATLY CONCERNED THAT THE OFFICE OF NATIONAL DRUG CONTROL POLICY SINCE THE CREATION OF THE PROGRAM, FOR WHAT EVER REASON, IS UNWILLING OR UNABLE TO RECOMMEND FUNDING FOR STATE AND LOCAL PARTICIPATION IN THE PROGRAM. WE IN THE CONGRESS HAVE APPROPRIATED ADDITIONAL MONEY FOR STATE AND LOCAL LAW ENFORCEMENT PARTICIPATION YEAR AFTER YEAR. THE ADMINISTRATION HAS CONTINUALLY EXCLUDED THE STATE AND LOCALS FROM RECEIVING FUNDING IN THE PROGRAM IN THEIR BUDGET PROPOSALS AND HAS RECOMMENDED THAT THE STATE AND LOCALS USE FUNDS THEY RECEIVE FROM THE FEDERAL BLOCK GRANTS FOR PARTICIPATION IN THE PROGRAM. IN DOING THIS, THE ADMINISTRATION IS IGNORING THE VITAL ROLE THAT THE STATE AND LOCALS PLAY IN DRUG ENFORCEMENT AND IN THE HIDTA PROGRAM; A PROGRAM CREATED TO ASSIST THE VERY AGENCIES THAT IT IS IGNORING.

THE HIDTA PROGRAM SEEMS TO BE WORKING BETTER IN SOME OF THE FIVE DESIGNATED AREAS THAN IN OTHERS.

FOR EXAMPLE, IN MY HOME STATE OF NEW YORK IT APPEARS THAT THE LEVEL OF COOPERATION AND COORDINATION BETWEEN THE FEDERAL AND STATE AND LOCAL LAW ENFORCEMENT OFFICIALS IN THE PROGRAM NEEDS IMPROVEMENT. IT IS MY



UNDERSTANDING THAT THE NEW YORK HIDTA IS UNIQUE. UNIQUE IN THE FACT THAT LOCAL PARTICIPANTS ARE REQUIRED TO MATCH DOLLAR FOR DOLLAR ANY FEDERAL ASSISTANCE THEY RECEIVE IN THE PROGRAM. THIS REQUIREMENT WAS HANDED DOWN TO THE PARTICIPANTS IN THE PROGRAM THROUGH THE NEW YORK STEERING COMMITTEE, WHICH IS HEADED BY THE U.S. ATTORNEY'S OFFICE. IT IS MY UNDERSTANDING, THE NEW YORK POLICE DEPARTMENT HAS NOT BEEN REPRESENTED ON THE STEERING COMMITTEE.

IT IS THE SELECT COMMITTEE'S OBJECTIVE TODAY TO LOOK AT A PROGRAM THAT WE IN THE CONGRESS CREATED TO INCREASE ENFORCEMENT EFFORTS IN AREAS OF THE NATION HARDEST HIT BY DRUG TRAFFICKING . IT IS MY HOPE THAT WE WILL HAVE MUCH TO DISCUSS ABOUT THE BENEFITS OF THE HIDTA PROGRAM AND IT'S SUCCESSES TO DATE. IT IS ALSO MY HOPE THAT WE WILL HAVE LITTLE TO SAY ABOUT THE PROBLEMS. BUT, IF THERE ARE PROBLEMS OR AREAS OF CONCERN, NOW IS THE TIME TO ADDRESS THEM HEAD ON AND DISCUSS SOLUTIONS BEFORE THE PROGRAM IS REAUTHORIZED.

IN CLOSING, PLEASE TELL US THE GOOD AND THE BAD. WE CAN ONLY IMPROVE THE PROGRAM BY KNOWING BOTH SIDES.

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**STATEMENT OF REP. LAWRENCE COUGHLIN  
ON THE REVIEW OF  
THE HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM  
HOUSE SELECT COMMITTEE ON NARCOTICS ABUSE & CONTROL  
MAY 6, 1992**

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THANK YOU MR. CHAIRMAN.

I APPRECIATE THE OPPORTUNITY WE HAVE TODAY TO REVIEW THE OPERATION OF THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) PROGRAM, ADMINISTERED BY THE OFFICE OF NATIONAL DRUG CONTROL POLICY.

THE HIDTA PROGRAM IS AUTHORIZED BY SECTION 1005 OF THE 1988 ANTI-DRUG ABUSE ACT, WHICH PERMITS THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY (ONDCP) TO DESIGNATE CERTAIN LOCATIONS IN THE COUNTRY AS HIGH INTENSITY DRUG TRAFFICKING AREAS.

IN JANUARY, 1990, THE DIRECTOR OF ONDCP IDENTIFIED NEW YORK, MIAMI, HOUSTON, LOS ANGELES, AND THE SOUTHWEST BORDER AS THE ENTRY POINTS OF MUCH OF THE NATION'S DRUG SUPPLY. THEIR SUBSEQUENT DESIGNATION AS HIGH INTENSITY DRUG TRAFFICKING AREAS WAS BASED UPON CRITERIA SET FORTH IN THE 1988 STATUTE, PLUS EXTENSIVE CONSULTATIONS AND REVIEW OF RELEVANT DATA - INCLUDING:

- (a) THE FEDERAL BUREAU OF INVESTIGATION'S CLASSIFICATION OF U.S. CITIES AS FIRST, SECOND, AND THIRD - LEVEL DRUG DISTRIBUTION CENTERS;
- (b) THE DRUG ENFORCEMENT ADMINISTRATION'S GEOGRAPHIC PROFILES; AND
- (c) INTELLIGENCE INFORMATION FROM OTHER DRUG CONTROL PROGRAMS.

THROUGH A PARTNERSHIP AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT INITIATIVES, THE GOAL OF THE HIDTA PROGRAM IS TO TAKE CONCERTED ACTION IN THE DESIGNATED AREAS TO IDENTIFY AND DISMANTLE DRUG TRAFFICKING ORGANIZATIONS. THE HIDTA PROGRAM IS NOT INTENDED TO OPERATE PERMANENTLY IN A GIVEN LOCATION. IT IS NOT INTENDED TO SUBSTITUTE FOR THE COMPREHENSIVE APPROACH OF THE NATIONAL DRUG CONTROL STRATEGY, BECAUSE A MAJOR EMPHASIS OF THE STRATEGY IS REDUCING THE DEMAND FOR DRUGS THROUGH EDUCATION, PREVENTION, AND TREATMENT COMPONENTS.

INSTEAD, HIDTA IS INTENDED TO HAVE A SPECIFIC LAW ENFORCEMENT FOCUS AND OBJECTIVE.

ONDCP COORDINATES THE IMPLEMENTATION OF PROGRAMS IN THE FIVE HIDTA AREAS. ONDCP IS NOT, HOWEVER, AN OPERATIONAL AGENCY. THEREFORE, IT IS RELUCTANT TO BECOME INVOLVED IN THE DAY-TO-DAY OPERATION OF ANY OF THE FIVE HIDTA AREAS.

RATHER, THE METROPOLITAN HIDTA COMMITTEE, CHAIRED BY THE DEPARTMENT OF JUSTICE, COORDINATES THE DAY-TO-DAY PROGRAMS IN NEW YORK, MIAMI, HOUSTON, AND LOS ANGELES; WHILE THE SOUTHWESTERN BORDER HIDTA COMMITTEE, CHAIRED BY THE TREASURY DEPARTMENT, COORDINATES THE DAY-TO-DAY ACTIVITIES OF THAT PROGRAM.

BOTH COMMITTEES PREPARE LONG-RANGE PLANS, CONSULT WITH STATE AND LOCAL OFFICIALS, DEVELOP PROPOSALS TO REFINE SPECIFIC AREA DESIGNATIONS, ASSESS THE NEEDS OF EACH AREA, AND MAKE RECOMMENDATIONS CONCERNING RESOURCE ALLOCATION.

LAST YEAR, \$86 MILLION WAS APPROPRIATED - \$50 MILLION FOR THE FEDERAL PARTICIPANTS AND \$36 MILLION IN NON-MATCHING FUNDS FOR THE STATE AND LOCAL PARTICIPANTS.

OF THE \$50 MILLION FOR THE FEDERAL PARTICIPANTS, \$28 MILLION IS FOR DISTRIBUTION AMONG THE FOUR METROPOLITAN HIDTAs AND \$22 MILLION IS FOR DISTRIBUTION TO THE SOUTHWEST BORDER HIDTA.

IN ACCORDANCE WITH CONGRESSIONAL GUIDANCE, THE \$36 MILLION FOR THE STATE AND LOCAL PARTICIPANTS IS TO BE DISTRIBUTED IN THE FOLLOWING MANNER: \$20 MILLION FOR THE FOUR METROPOLITAN HIDTAs AND \$16 MILLION FOR THE SOUTHWEST BORDER HIDTA - TO BE DIVIDED EQUALLY AMONG THE FOUR SOUTHWEST BORDER STATES. THE FUNDS ARE TO BE DISTRIBUTED AFTER PROPOSALS ARE SUBMITTED TO ONDCP BY EACH HIDTA COORDINATOR.

ADDITIONALLY, DURING THE CURRENT FISCAL YEAR, THE HIDTAs ARE TO TARGET SPECIFIC DRUG TRAFFICKING ORGANIZATIONS, INCLUDING THOSE TRAFFICKING IN HEROIN. THE HIDTAs ARE TO COMPILE A LIST OF THE MOST IMPORTANT DRUG TRAFFICKING ORGANIZATIONS IN THEIR RESPECTIVE AREAS AND DEVELOP AND SUBMIT TO ONDCP A STRATEGIC PLAN FOR DISMANTLING EACH ORGANIZATION.

FOR THE COMING FISCAL YEAR, THE ADMINISTRATION HAS BUDGETED ANOTHER \$50 MILLION FOR THE FEDERAL PARTICIPANTS. THESE FUNDS ARE INTENDED TO BE USED TO COMPLETE THE IDENTIFICATION OF MAJOR TRAFFICKING ORGANIZATIONS IN THE HIDTA AREAS, AND TO CONTINUE TO IMPLEMENT STRATEGIC PLANS TO DISRUPT AND DISMANTLE THEM.

I LOOK FORWARD TO LEARNING ABOUT THE STATUS OF THESE AND OTHER ACTIVITIES ON THE PART OF THE FIVE HIDTAs FROM TODAY'S WITNESSES.

THANK YOU MR. CHAIRMAN.

**OPENING STATEMENT OF HON. LAWRENCE COUGHLIN**

Mr. COUGHLIN. I appreciate the opportunity that we have today to review the operation of the High Intensity Drug Trafficking Area Program. This was a program authorized by the 1988 Anti-Drug Abuse Act, which permits the Director of the Office of National Drug Control Policy to designate certain locations as high intensity drug trafficking areas.

In January of 1990, the Director of ONDCP identified New York, Miami, Houston, Los Angeles, and the southwest border as the entry points for much of the Nation's drug supply, and their subsequent designations as high intensity drug trafficking areas was based upon criteria set forth in the 1988 statute.

Through a partnership among Federal, State and local law enforcement, the goal of the program is to take concerted action in designated areas to identify and dismantle drug trafficking organizations. The program is not intended to operate permanently in a given location.

It is not intended as a substitute for the comprehensive approach of the national drug control strategy. A major emphasis of the strategy is reducing demand for drugs through education, prevention and treatment and this is really a supply operation. So it is not intended to substitute for other parts of the drug operation.

For the coming fiscal year, the administration has budgeted another \$50 million for the Federal participants. These funds are intended to be used to complete the identification of major trafficking organizations in the high intensity drug trafficking areas, and to continue to implement strategic plans to disrupt and dismantle them.

The Congress has provided that a substantial part of the funds in each year go directly to State and local organizations. We look forward to hearing from you as the people out there on the firing line in the drug war. We want to see these funds used most effectively and have a great interest in having you.

Thank you for what you have done in hearing your views in this regard.

Thank you, Mr. Chairman.

Mr. RANGEL. OK. Now, the Director of the Government Division of the U.S. General Accounting Office, Lowell Dodge.

Your statement will be entered into the record, and you can share with us, as a result of your oversight, what your findings were, and we thank you once again for the great job that you do for the Congress.

**STATEMENT OF LOWELL DODGE, DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES, GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE; ACCOMPANIED BY WELDON McPHAIL, ASSISTANT DIRECTOR, AND DAVID DORPFELD, NEW YORK REGIONAL OFFICE**

Mr. DODGE. Thank you, Mr. Chairman and members of the Select Committee.

With me to my right is Weldon McPhail, Assistant Director, who covers the drug war, and to my left, David Dorpfeld from our New York Regional Office, who headed up this particular study.

And thank you for your invitation to discuss the High Intensity Drug Trafficking Area Program, referred to as HIDTA. My remarks will focus on HIDTA funds going to State and local law enforcement agencies in the five HIDTA areas.

I would like to cover several points: first, actions that the Office of National Drug Control Policy, ONDCP, has taken to implement previous GAO recommendations concerning, first, the need to promote collaborative Federal, State and local planning in the five areas; and, second, the need to establish a system for assessing program performance.

The second issue we would like to address is whether Federal funds are reaching State and local agencies in a timely fashion.

The third issue, whether State and local agencies are being required to match Federal HIDTA funds as a condition for participation.

And, fourth, whether ONDCP's current position on direct HIDTA assistance to State and local law enforcement agencies has changed from what it has been in the past.

Now, let me touch briefly on each of these issues. First, on the issue of collaboration, all five HIDTA's now have local steering committees, and for the most part, State and local representatives report that they are satisfied with the roles they played in planning and in making operational decisions on the fiscal 1992 programs.

In the New York HIDTA, however, the desired level of collaboration has yet to be achieved, and I will return to that situation momentarily.

On the issue of assessing HIDTA's effectiveness, ONDCP has taken some steps to put a framework in place to measure HIDTA effectiveness, but it is still not in a position to reach judgments about the progress HIDTA's are making, and what is lacking in too many cases is a clear articulation up front when programs are proposed of what results are expected, without which no yardstick for program assessment really exists.

On the issue of timeliness of HIDTA disbursements of funds to State and local agencies, the overwhelming majority of State and local steering committee representatives we polled on this point reported that problems that they had had in the past resulting from delays of Federal funds have, by and large, now been resolved.

On the issue of matching fund requirements, the New York HIDTA has introduced a rule that State and local agencies must match Federal funds as a condition of program participation. None of the other HIDTA programs have imposed this requirement. ONDCP officials we talked to about this see nothing to prohibit this practice of local matching, but believe that there should be, at a minimum, some agreement on such a requirement among local participating agencies, but in New York we found no such agreement.

Finally, on the question of ONDCP's position on direct HIDTA funding to State and local law enforcement agencies, ONDCP did request continued funding at a level of \$36 million for the State and local portion of the HIDTA program for fiscal year 1993. This is the first time that ONDCP made such a request.

However, OMB then, in its wisdom, saw fit to eliminate this portion of the 1993 HIDTA funding. Congress will, therefore, need to provide this funding as it has in past years if it believes that direct funding of State and local programs under HIDTA should continue.

Now, let me turn, Mr. Chairman, to what we found in New York, since the New York HIDTA appears to be an exception in two instances to what we generally found.

Full collaboration has yet to be achieved in the New York metropolitan area HIDTA. Despite the establishment of a steering committee for this HIDTA, the New York City Police Department, a key participant, has indicated that it was not adequately represented in the planning process and in key funding decisions for the fiscal year 1992 program.

While the area coordinator—this is the HIDTA person for the New York HIDTA—maintains that the department has always been involved in the planning process, he explains it by saying that he believes that some confusion within the department may have resulted after the retirement of NYPD's former steering committee representatives and subsequent attendance at various HIDTA meetings by several different police officials after that point.

According to the area coordinator, the New York HIDTA is guided by both an advisory and a steering committee. He said the advisory committee is a policy group, and the steering committee guides the program initiatives.

Both groups we found worked very informally, and neither has a schedule for regular meetings. Minutes of meetings are not kept. We believe that this extreme level of informality with which these two committees have been designed to operate has contributed to differences in interpretation about how the HIDTA operates from a policy and planning perspective.

The area coordinator described the process of resolving policy issues as a consensus building rather than a formal balloting process. He also told us that only recently, as a result of concerns raised by the police department, has he seen that there might be some 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 these differences and clarify the roles.

But I do want to emphasize, Mr. Chairman, that New York is an exception; that generally we found State and local representatives on steering committees in the four other HIDTA's were very satisfied with the roles that they played in planning and making operational decisions.

Now, on the second issue, we found that the New York HIDTA has an area coordinator who, on his own initiative, is requiring State and local agencies to accept matching fund arrangements as a condition for receiving Federal funds under the HIDTA program.

We talked to the New York area coordinator about this, and he did give us a number of reasons for adopting such a matching requirement. However, one local grantee, again, the New York City Police Department, finds itself in opposition to the matching requirement.

Officials there said they are opposed to the requirement because of the department's budget constraints and the fact that their re-

quest for HIDTA funding was, in effect, reduced by two-thirds without what they consider to be prior consultation about the matching requirement.

Two of the other four steering committee members told us they remember matching being discussed, but they believed it was an ONDCP program requirement, not open to negotiation, and not a self-initiated idea by the New York HIDTA officials, which is what it is.

We also discussed New York's matching policy with HIDTA area coordinators in the four other areas in other parts of the country, as well as with State and local representatives on these other HIDTA steering committees, and they all told us that their HIDTA's do not require matching funds.

One coordinator did say, however, that while no matching is required, what an agency offers of its own resources is one of several factors used in making funding decisions.

We talked to ONDCP about this, and they 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 funds as a condition to participating in the program, but they added a caveat here: so long as agreement on the requirement is reached among participating agencies.

In New York, however, we found no such agreement.

Now, moving on, we asked ONDCP to provide us data they had accumulated on the results of the HIDTA program nationwide thus far. They told us they had not been systematically accumulating this information, but nonetheless provided us with an example from each of the five HIDTA's, which they characterized as the type of results being achieved.

We have not verified these results, nor can we testify as to how representative they are of what is being achieved, but we have attached the five examples in a one-page appendix at the end of our statement.

In conclusion, I would say, Mr. Chairman, that it is our opinion that State and local satisfaction with the HIDTA program has continued to increase overall over the past 3 years of existence of the program.

However, we think that ONDCP still needs to emphasize that State and local HIDTA steering committees must include State and local representatives when they are discussing and establishing steering committee ground rules.

These ground rules need not be formal, and they may vary from HIDTA to HIDTA, but they should have the support of all members of the steering committee to promote full cooperation, and this is still not the case in one HIDTA, that being New York.

Finally, with respect to establishing a framework for assessing HIDTA effectiveness, ONDCP has taken some steps, but at this time cannot make judgments on the progress HIDTA's and individual initiatives are making toward eliminating the problems that HIDTA's were established to address.

Mr. Chairman, that concludes my summary, and we would be pleased to respond to questions.

[The statement of Mr. Dodge follows:]



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United States General Accounting Office

GAO

Testimony

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

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For Release on Delivery  
Expected at  
10:00 a.m. EDT  
May 6, 1992

**DRUG ENFORCEMENT**

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

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



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GAO/T-GGD-92-37

GAO Form 160 (12/91)  
OPR/OIMC/PCC

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 curtailed.
- 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;<sup>1</sup> (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

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<sup>1</sup>See 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).

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.<sup>2</sup> Our work was done in March and April 1992 in accordance with generally accepted government auditing standards.

#### 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.<sup>3</sup> Included in these funds for fiscal years 1991 and 1992 was a total of \$68.9 million specifically intended to support

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<sup>2</sup>We 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.

<sup>3</sup>During 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.

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.

#### 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. Neither group is governed by formal bylaws, guidelines, or official minutes. We believe that

the informality in which the two New York committees were designed to operate--no formal bylaws, guidelines, or official minutes--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. ONDCP officials told us that they do not have a policy requiring federal HIDTA funds be matched by state and local funds--but neither is such a policy prohibited. In order to have such a policy, they believe agreement should be reached among participating agencies.

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.

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.

(186753)



Mr. RANGEL. Do you want to start?

Mrs. LOWEY. Thank you, Mr. Chairman.

Unfortunately, I have to attend another meeting, but I wanted to congratulate you and thank you for holding this important hearing. Unfortunately, if you represent an area that has been classified a high intensity drug area, as Westchester County, then at least if you have the classification it is terribly important to get the funds.

And I just want to emphasize again the importance in getting the funds directly to local governments. I believe you mentioned that every year we have to focus on that and beg the administration to give additional funds for local government, and that is such an important part of the program.

I particularly want to welcome the police commissioner from New York City, whom I had the pleasure of riding on the plane with this morning, and thank you for your outstanding work, and I look forward to working with you on this issue.

Thank you very much, and thank you, Mr. Chairman.

Mr. RANGEL. Thank you, Congresswoman.

[The statement of Mrs. Lowey follows:]

OPENING STATEMENT  
CONGRESSWOMAN NITA M. LOWEY

SELECT COMMITTEE ON NARCOTICS  
OVERSIGHT HEARING ON HIGH INTENSITY DRUG TRAFFICKING AREAS  
MAY 6, 1992

I WOULD LIKE TO THANK THE DISTINGUISHED CHAIRMAN FOR HOLDING THIS VERY IMPORTANT AND TIMELY HEARING ON THE HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM. I WOULD ALSO LIKE TO THANK THE DISTINGUISHED WITNESSES WE HAVE HERE TODAY FOR THEIR VITAL WORK IN HELPING US FIND THE MOST EFFECTIVE WAYS OF RIDDING OUR STREETS, COMMUNITIES, AND SCHOOLS OF ILLEGAL DRUGS.

FIRST AND FOREMOST, I WOULD LIKE TO REAFFIRM MY SUPPORT FOR THE HIDTA PROGRAM. I AM GLAD TO KNOW OF THE ADMINISTRATION'S STRONG COMMITMENT TO THIS PROGRAM WHICH IS AN EFFECTIVE TOOL IN THE WAR AGAINST DRUGS.

LAST YEAR, A PROPOSAL TO ELIMINATE THIS IMPORTANT PROGRAM WAS APPROVED IN THE SENATE VERSION OF THE CRIME BILL, AND I AM THANKFUL THAT SO MANY OF MY COLLEAGUES JOINED ME IN ENSURING THAT HIDTA WAS PRESERVED IN THE CONFERENCE VERSION OF THAT LEGISLATION.

THE HIDTA PROGRAM HELPS PARTS OF THIS COUNTRY, SUCH AS MY DISTRICT, WHICH ARE BESIEGED BY DRUG TRAFFICKERS. IN WESTCHESTER COUNTY, HIDTA IS PROVIDING OUR LAW ENFORCEMENT OFFICIALS WITH BADLY NEEDED REINFORCEMENTS, AND PROVIDING THE RESOURCES TO SET UP A SPECIAL TASK FORCE TO SWEEP PUBLIC HOUSING UNITS CLEAN OF

DRUG TRAFFICKERS.

NOW, AS I SAID, I AM GLAD THAT THE ADMINISTRATION IS WORKING WITH CONGRESS ON THIS ISSUE. HOWEVER, I WANT TO ENSURE THAT THE HIDTA PROGRAM IS BEING IMPLEMENTED IN THE MOST EFFECTIVE WAY POSSIBLE. I, FOR ONE, DO NOT UNDERSTAND THE ADMINISTRATION'S RESISTANCE TO USING HIDTA TO PLACE MORE RESOURCES IN THE HANDS OF THE STATE AND LOCAL LAW AUTHORITIES WHO HAVE BEEN FIGHTING DRUGS AND CRIME WITHIN THE HDTAS FOR YEARS.

EVERY YEAR, WE MUST ADD TO THE ADMINISTRATION'S REQUEST FOR HIDTA, FUNDS TO GO DIRECTLY TOWARDS OUR OWN LOCAL LAW ENFORCEMENT AGENCIES. THESE ARE THE TRUE FRONT LINE SOLDIERS IN THE WAR AGAINST DRUGS -- THE ONES WHO KNOW WHAT IS NEEDED TO MAKE A DIFFERENCE. NOW I KNOW THAT THE OFFICE OF NATIONAL DRUG CONTROL POLICY FINALLY REQUESTED FUNDING FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES THIS YEAR ONLY TO HAVE THE OFFICE OF MANAGEMENT AND THE BUDGET DELETE THIS REQUEST FROM THEIR FISCAL YEAR 1993 BUDGET REQUEST.

I FIND IT TROUBLING THAT THE ADMINISTRATION CONTINUES TO INSIST THAT LOCAL LAW ENFORCEMENT AGENCIES CAN CONTINUE THEIR HIDTA PROGRAMS WITH FUNDS OBTAINED ELSEWHERE. THAT IN MY MIND IS MISSING THE POINT.

HIDTA WAS ESTABLISHED TO HELP THE AREAS MOST INFESTED WITH DRUGS, AND THERE IS NOTHING IN THE LAW WHICH PREVENTS HIDTA

FUNDS GOING TO THOSE WHO HAVE BEEN WORKING IN THE HIDTAS EVERY DAY. INSTEAD, HIDTA FUNDS ARE BEING USED TO MOVE MORE FEDERAL PERSONNEL INTO THE AREAS. MEANWHILE, OUR LOCAL POLICE FORCES ARE STRAPPED FOR RESOURCES. FOR HIDTA TO BE TRULY EFFECTIVE, THE LOCAL COMPONENT MUST BE A STRONG ONE, AND I WOULD HOPE THAT THE ADMINISTRATION COMES TO THIS REALIZATION.

I AM INTERESTED IN HEARING THE TESTIMONY TODAY FROM OUR DISTINGUISHED PANELISTS, AND HOPEFULLY WE WILL BE ABLE TO ASCERTAIN WHAT IS WORKING AND WHERE THE PROBLEMS WITH THE PROGRAM ARE. I AM ESPECIALLY INTERESTED IN HEARING ABOUT PROBLEMS WITH COORDINATION BETWEEN FEDERAL, STATE, AND LOCAL LAW AUTHORITIES, ESPECIALLY PROBLEMS IN THE NEW YORK HIDTA THAT WE HAVE BEEN HEARING ABOUT.

IT IS A SERIOUS CONCERN TO ME THAT THE FEDERAL GOVERNMENT FIRST DOES NOT WANT TO EVEN FUND HIDTA PROGRAMS AT THE LOCAL LEVEL, AND THEN DOES NOT ENSURE THAT THERE IS PROPER COORDINATION BETWEEN THE FEDERAL AND LOCAL AGENCIES WHICH ARE TAKING PART. EITHER WAY, IT SEEMS LIKE LOCAL LAW ENFORCEMENT AGENCIES ARE GETTING A RAW DEAL, AND I WOULD LIKE TO KNOW HOW WE CAN REMEDY THIS.

Mr. RANGEL. Thank you for your report, Mr. Dodge, but I am a little confused.

If the Office of Drug Control has not set up the standards to assess the effectiveness of the program, and you do make it clear that local and State at least for the most part welcome it, which I assume they would welcome any Federal support at all, but it is difficult for me to judge whether they welcome this type of support as being what they really want, as opposed to, do not take away the little bit that you are giving.

You did not say, but I assume the other designated areas do not have the confusion that we found in New York City. I mean you did not mention them.

Mr. DODGE. No, the confusion does seem to be concentrated in New York City with respect to the consistency of involvement in the planning process.

Mr. RANGEL. Well, we will get back to New York, but let's talk about the other ones.

Could you determine whether or not there was any criteria that had been established to evaluate the effectiveness of these programs?

Mr. DODGE. Because the yardsticks are not there, the base lines are not in place, and this is fundamentally, I think, because it is such a young program; we are not able really at this point to say how effective these efforts are.

Signs that we see that point in a positive direction are that ONDCP is working very hard to get all of the HIDTA's to focus on a particular set of priorities, and hopefully that will lead to an articulation of expected results that would then lay the basis for us to measure effectiveness.

But at this point we are not able to do that.

Mr. RANGEL. So it is possible for them to set goals and objectives and to measure against some standards.

Mr. DODGE. We think it is, and we think ONDCP needs to emphasize that much more strongly than it has, even in its 1993 planning guidance.

They have made steps in the right direction, but they do not seem to be as forceful as they might on that point.

Mr. RANGEL. You found no legal reasons why New York City had to put up matching funds? That is not a requirement in any of the other areas, right?

Mr. DODGE. We found that it is not in the legislation. It is not in the program guidance that comes from ONDCP. It is strictly a self-created aspect of the program.

Mr. RANGEL. And there is nothing in the law that prevents that?

Mr. DODGE. We also found there is nothing that prevents it. We had our lawyers take a look at it, and our lawyers basically agree with ONDCP that this is not an inappropriate restriction to put on a Federal grant process, and that, therefore, we could not find it to be illegal. We could not reach that conclusion.

So, in effect, the requirement as it stands is really the policy choice of the New York HIDTA.

Mr. RANGEL. Was any reason given at all as to why the chief of police of one of the major areas would be excluded from this steering or advisory committee? I mean, did they give any reason?

This definitely is not an oversight.

Mr. DODGE. I would have to check with the chief of the project here, but it is not my understanding that we actually found the chiefs in New York to have been excluded. There was some confusion, indeed, I think, over how consistent their participation was, but I am going to ask Mr. Dorpfeld to address that point.

Mr. DORPFELD. I think, Mr. Chairman, because of the informality of the way things operated there, there is very little paper trail in terms of minutes of regularly scheduled meetings, and so forth, to reconstruct.

The area coordinator's position has always been that NYPD was involved in the planning. Chief Volker, who had represented NYPD, retired. Chief Holmes took his place, and from the area coordinator's position, continuity problems occurred at this time.

But, it is hard to really find a paper trail to absolutely establish that New York was part of this process as the area coordinator maintains. In the end, it pretty much comes down to one person's word against another's.

Mr. RANGEL. And the whole informality of it here.

Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

Let me see if I can summarize very briefly what I think I have heard. In terms of effectiveness and commonness of funds you do not see major problems at this time.

In terms of organization, there are no major problems, except with New York, and these revolve largely or to some extent around the inclusion or noninclusion of the New York Police Department.

And, finally, that the matching fund requirement applied only to New York. Therefore, the two problems we are looking at are organization and the matching fund problem in New York. Is that correct?

Mr. DODGE. Yes, although we would like to emphasize that on the point of program assessment, we think more needs to be done to lay the ground work for assessments in the future that are better than what we have seen to date.

Mr. COUGHLIN. I understand that.

Mr. DODGE. Right.

Mr. COUGHLIN. Thank you, Mr. Chairman. I appreciate what you have done, and it provides the ground work for questioning the other witnesses that we have here today. We appreciate your testimony.

Mr. DODGE. Thank you.

Mr. RANGEL. Listen, Mr. Dodge. We know that you are overworked, but in the last 12 years I have been involved in a drug war where we have been seeing light at the end of the tunnel, and we have been turning the corner, and our committee has gone overseas, and we have talked with heads of State and law enforcement, and it just seems as though the crops increase. They have bumper crops. The borders are porous, and there are more drugs on the street now than ever before.

In many of the countries, we just have no control at all: Peru, Burma, and Afghanistan.

Then when it comes to the question of demand, I feel so helpless because the administration is now—you can help me out with this,

Larry—uses household surveys where they are calling up people asking whether they are using drugs, and people on the telephone give a very positive response.

Then they have the high school survey, and of course, in my neighborhood, if you become a high school senior you are ahead of the game, but it appears as though there is a reduction there in use.

Then we have the reports from the emergency room wards. In the emergency wards in my district, they are not asking some of them to take urine tests, but they claim there is a reduction there.

Would it be asking too much to ask the investigative agency of the U.S. Congress to evaluate where we are and what we should be doing?

Mr. DODGE. It would not be too much to ask that, Mr. Chairman. In fact, our study of the HIDTA program is one of 25 or 30 such studies that we have recently completed or are now engaged in, all pointing to an effort within a year from now to be able to come to the Congress and indicate to the Congress how well the drug war is actually faring.

This is on the occasion of the reauthorization or the sunset, whichever may be the preferred term, of ONDCP.

In other words, we want to be in a position to be able to weigh in as to whether we agree that it is true that we see the light at the end of the tunnel or that we have turned the corner, and we are taking a fairly in-depth, detailed look at all of the various pieces that you would have to look at to pull together an answer to that broad question.

Mr. RANGEL. Very good. Then if you could give me an outline of the areas which you are looking into so that our committee could take a look and discuss it and see whether or not there is something that is missing, then we will conclude that we should be getting an answer at the end of this, and I assume that would include recommendations, as well.

Mr. DODGE. We expect to include recommendations, yes, Mr. Chairman.

Mr. RANGEL. Larry.

Mr. COUGHLIN. Thank you, Mr. Chairman.

I might say that we are interested in such an evaluation of ONDCP, as well.

Mr. RANGEL. You will not be around for the results though.

Mr. COUGHLIN. I will be around, just not right in this particular seat. I will be around, and I join you in being interested in that kind of evaluation.

Mr. RANGEL. Well, thanks once again for the outstanding job that you always do for us.

Mr. DODGE. Thank you, Mr. Chairman.

Mr. RANGEL. And if someone could stay, maybe we will not have to keep you here, but if there is any followup, staff will get in touch with you. So you do not need to be here.

We are, indeed, honored to have the former Governor of Florida and the director of this war against drugs of the Office of National Drug Control Policy with us.

Thank you so much for coming, Governor. I am certain my colleague would want to welcome you. Your prepared remarks will be in the record.

Some of the things that we are concerned about, as I am certain that you know, are the degree of cooperation between your office and these high traffic areas; the delay in funding getting to them; and the General Accounting Office's feel that set goals have not been there so that we can measure the effectiveness of the program for the purpose of legislation and funding.

Also, there was a lot of concern by me as relates to not having a standard as to what the steering committees or policy committees or advisory committees are supposed to do so that we could have a standard and better understand why New York appears to be handled much differently than the other four areas.

Also, we are concerned about why our New York City Police Department is not a part of the steering policy and the coordinating committee and a full partner in this.

We are pleased to know that you believe that there should be funding for local and State, and the problem that we have there will be with OMB and not with you, but we also are concerned about your evaluation with this program as to whether this is the way to go or whether you have any other ideas that you would like to have the Congress to consider.

Since you are here, we want you to feel comfortable in going beyond the scope of this hearing in sharing any concerns you may have in the areas of what the Congress should or should not be doing, and of course, if you have any problems with the cabinet officials in terms of access, my distinguished colleague would be much better politically suited to be of assistance there than I.

Mr. Coughlin.

Mr. COUGHLIN. Thank you, Mr. Chairman.

We have a vote right now. I did not know whether you wanted the distinguished Governor to proceed or whether we should go and respond to the vote.

Mr. RANGEL. We have an important vote. We will be back in 10 minutes, and it might be helpful, you know, Commissioner Brown, if you—

Mr. BROWN. We will fix this and leave.

Mr. RANGEL [continuing]. If you would talk about some of the problems that we have in New York City as relates to the steering committee, the matching funds, and a variety of other things, and then we will be right back.

[Whereupon, a short recess was taken.]

Mr. RANGEL. If everyone will take their seats, I apologize once again, Governor, and you may proceed in the manner which you feel comfortable. Thank you once again.

**STATEMENT OF GOV. ROBERT MARTINEZ, DIRECTOR, THE OFFICE OF NATIONAL DRUG CONTROL POLICY, ACCOMPANIED BY RICHARD YAMAMOTO AND DR. BRUCE CARNES**

Governor MARTINEZ. Thank you, Mr. Chairman, members of the Committee.



Rich Yamamoto is here today. He handles our HIDTA office that we established in October of last year. Mr. Walters is at another assignment and is not able to be here. Of course, Bruce Carnes you know, since he has been here many times before.

I have submitted to you a longer statement than I am reading here today based on the hearing that you have called on this date.

In the 1990 national drug control strategy, ONDCP designated Houston, Los Angeles, Miami, New York and the Southwest border as HIDTA's. The 3-year history of the program has shown that the designations are on target.

Between 1990 and 1992, the Congress provided \$193 million to fund Federal, State and local HIDTA law enforcement initiatives, which have increased the number of Federal law enforcement personnel in the HIDTA's and enhanced Federal, State, and local criminal justice systems and law enforcement programs.

The HIDTA Program has not been without early developmental problems. Yet, progress, in some instances, unprecedented progress, has been made.

Colocated, multiagency task forces have been established in Houston, Miami, Los Angeles and key locations on the Southwest border. In New York, a large task force is in the process of forming. These did not exist before the HIDTA Program and would not now exist without it.

These task forces are capable of massive, fast-paced enforcement action. Six months ago, I saw the need to provide dedicated oversight for this increasingly complex and very important program, and I established within ONDCP the Office of the HIDTA Program.

The HIDTA Program is an important facet of the President's national drug control strategy. With your support, I believe the program has significant potential to achieve an unprecedented level of operational law enforcement cooperative effort to dismantle and destroy the most significant drug trafficking organizations smuggling drugs and laundering money into and through the HIDTA's.

Mr. Chairman, before I close, I would like to emphasize that together with the Departments of Justice and Treasury, we strive to ensure a full partnership among Federal, State and local agencies in the HIDTA Program. As a policy organization, ONDCP relies on the Departments of Justice and Treasury to implement and administer the HIDTA Program.

However, on occasion my staff will intercede when major policies of the HIDTA Program are at issue. Let me cite an example of such a problem that occurred in the New York HIDTA.

Through your correspondence, my newly created HIDTA office became aware of two local issues concerning the lack of representation of the New York Police Department on the HIDTA steering committee and the requirement for cost sharing.

After attempting to remedy the problem through normal procedures, my staff called the NYPD directly and was invited to a private meeting. My staff invited representatives from the Department of Justice and the U.S. Attorney's Office in Manhattan to participate.

During this meeting, my staff made it clear that the issue had to be resolved and that we were there to help that along, and in fact, an agreement was reached for local resolution of their differences.

Prior to our intercession, the U.S. attorney and his HIDTA coordinator believed that the ONDCP requirement for a full partnership among Federal, State, and local agencies was being fulfilled by representation from the district attorneys. The NYPD, however, did not feel its interests were represented.

Subsequent to our meeting, the issue was resolved by the HIDTA coordinator, who placed the NYPD on the New York HIDTA steering committee.

State and local agencies participate in the HIDTA in three general ways. First, they participate in multiagency Federal task forces where infrastructure and common expenses are paid by the Federal portion of the HIDTA funding.

Second, they request State and local funding to supplement their activities.

And, third, they use a combination of the first two.

In all three ways, State and local agencies share some of the expenses of the initiative in the form of manpower, operating expenses, or equipment. There are no magic formulas for the cost sharing. Each HIDTA does it differently based upon their unique requirements.

In some cases, the greater the participation in multiagency initiatives, the greater the amount of HIDTA funding. In New York, local agencies were asked to match HIDTA funding by providing the equivalent in salaries or other items. It would not be particularly productive to describe in detail what transpired in the fiscal year 1992 planning process in the New York HIDTA. Suffice it to say the local communications problems resulted in the NYPD receiving \$1.2 million to continue a highly productive gang task force instead of the \$2.1 million they received in 1991.

We understand the actual cost to NYPD may be about \$2 million to keep the task force at its current level. We could eliminate the cost-sharing requirement. However, it would change nothing because there are no funds to reimburse the NYPD for their part of the costs.

In the final analysis, if the New York HIDTA steering committee, of which the NYPD is now a member, decides to continue some form of cost sharing or decides to eliminate the requirement, we will support the decision.

Cost sharing maximizes the effect of the HIDTA funding and demonstrates a local agency's determination to respond aggressively to the problem. Under Public Law 100-690, the Anti-Drug Abuse Act of 1988, it does not prohibit cost sharing. Indeed, the language of the Act tends to indicate the HIDTA program was not meant to be a unilateral Federal initiative.

We feel a national policy on cost sharing is unnecessary. Well over 100 State and local agencies participate in the HIDTA program. Yet we know of only this one instance in which cost sharing became an issue: Actually, in our view, a subissue of a larger question of representation.

To impose a Washington policy would defeat our intent for giving local HIDTA committees the fullest latitude to structure their efforts, develop initiatives, identify and resolve local issues, and implement the program to obtain their objectives.

Together with the Department of Justice, my office will continue to give special attention to the situation in the New York HIDTA. The New York Police Department has been encouraged to call my HIDTA office should any problem persist.

Whatever the developmental problems in the past, the future looks promising. With the encouragement of my HIDTA office, a new, large HIDTA task force is being formed to address the substantial money laundering problem in New York. State and local police agencies, including the NYPD, have indicated a commitment of about 40 officers.

If antecedents are any indication, this task force should generate a considerable amount of revenue for participants of the task force from the assets seized.

Let me, again, Mr. Chairman, emphasize ONDCP's role. We are a policy organization with no operational authority. While we are fully prepared to help mediate and resolve problems among Federal, State, and local agencies, we believe we are a court of last resort. Only in this way can we ensure that the operators on the ground level have the maximum opportunity and flexibility to solve problems without imposing a Washington solution.

That, Mr. Chairman, concludes my statement. I will be delighted to answer the questions of this important committee.

Let me also point out, and I believe you had mentioned this, Mr. Chairman, in terms of the transfer of money, I believe that within 16 to 20 days after the appropriations bill became law, we made the transfer through the Departments of Treasury and Justice.

But under the system, they must then go back to OMB, OMB goes back to them; and there is a spread of time. You know, clearly, if we could allocate directly, you can expedite the transfer of the money, but we are not able to do that.

We released, based on the program submitted to our office, almost instantaneously once the appropriations bill became law. We believe that we need to get it to the local governments and State governments just as soon as possible.

[The statement of Governor Martinez follows:]

STATEMENT OF  
THE HONORABLE ROBERT MARTINEZ  
DIRECTOR  
OFFICE OF NATIONAL DRUG CONTROL POLICY

before the

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON, D. C.  
May 6, 1992

Mr. Chairman, Members of the Committee, thank you for the opportunity to appear before you today to discuss the High Intensity Drug Trafficking Area (HIDTA) Program.

The HIDTA Program, which was created by the Anti-Drug Abuse Act of 1988, is now in its third program year. In 1990, ONDCP designated the greater areas of Houston, Los Angeles, Miami, New York, and the Southwest Border as HIDTAs. The selections were based on criteria set forth in the law; consultation with Federal, State, and local officials; and a review of pertinent data. Pursuant to law, ONDCP conducted a review of the HIDTA program last year, focusing on the effectiveness of and the need for the designations with a reevaluation of the basis and data upon which the original designations were made. The review confirmed that continued designation of these five areas as HIDTAs was warranted because of the nationwide effect of the international and domestic drug trafficking organizations operating in these areas. The three-year history of the program has also shown that the selections were on target. In brief, much of the Nation's drug supply and drug money laundering enters through the designated HIDTAs.

The early stages of the HIDTA Program involved the difficult task of identifying, designating, and organizing the HIDTAs. The Department of Justice was designated to administer the Metropolitan HIDTAs and the Department of Treasury was given the responsibility for the Southwest Border HIDTAs. This arrangement takes advantage of the existing chain of command within each Department since HIDTA Coordinators do not report to ONDCP.

Between 1990 and 1992, Congress provided \$193 million to fund Federal, State, and local law enforcement initiatives and to address multi-agency needs that could not be funded by agency operating budgets. The number of Federal law enforcement personnel has been increased in the HIDTAs; Federal, State and local criminal justice systems and enforcement programs have been enhanced; and investigative and communications equipment has been purchased to enhance law enforcement efforts in these areas.

As is the case with any program which attempts to bring together many agencies with long standing traditions of independent effort, the HIDTA program is not without its early developmental problems. However, we have made unprecedented progress in bringing Federal, State, and local agencies together on a large scale, sustained basis to work cooperatively together. In the majority of areas, HIDTA organizations have developed to the degree that we have unique, permanent, collocated, multi-agency task forces. Some HIDTA Task Forces include the full-time collocation of the FBI, DEA, Customs, IRS, U.S. Marshals, BATF, INS, Border Patrol, National Guard, and State and local law enforcement agencies. In one case, the State Department of Revenue and Comptrollers Office, U.S. Probation Office, Secret Service, and prosecutors are also included under the same roof.

Collocated, multi-agency task forces have been established in Houston, Miami, Los Angeles, and key locations on the Southwest Border. In New York, a large task force is in the process of forming. These did not exist before the HIDTA Program

and would not now exist without it.

As an example of the potential of these HIDTA task forces, two weeks ago, agents from the over 200-member Miami HIDTA Task Force, in coordination with the Florida Joint Task Group, seized about 7 tons of cocaine and arrested eleven individuals including several who are considered key figures in the Cali cartel. This investigation targeted Cali cartel kingpins based in Colombia as well as their highest ranking managers operating in the United States. In addition to a cache of automatic weapons and almost a million dollars in assets and currency seized, approximately \$1.6 million were seized from 18 bank accounts in Miami, California, New Jersey, and New York.

To give you an insight into the dynamics of this HIDTA Task Force, let me relate what happened during one weekend last year: On a Friday afternoon, HIDTA Task Force agents seized about \$300,000 from a money laundering suspect. On the same day, the agents conducted a search of the arrestee's residence, where they discovered extensive bank records of money laundering transactions. Collocated agents from several agencies and collocated Assistant United States Attorneys worked around-the-clock Saturday and Sunday analyzing the records and preparing affidavits for in rem warrants on 180 bank accounts at 31 domestic banks. The affidavits were presented to a Magistrate on Sunday evening and search and arrest warrants were issued. On Monday morning when the banks opened, the seizure and arrest warrants were simultaneously executed on the subjects and the 180

bank accounts at the 31 banks.

I doubt that such a massive fast-paced enforcement action could have been accomplished without the synergistic enthusiasm and commitment of Federal, State, and local law enforcement personnel and prosecutors unified in a collocated environment and focused on a common objective. Multi-agency coordination and coordination is the essence of the HIDTA Program; its goal; and what distinguishes it from other existing ad hoc task forces.

I have established, within ONDCP, an Office of the HIDTA Program six months ago. As the HIDTA Program matured, I saw the need to provide dedicated oversight for this increasingly complex and very important program. I assigned four of my most talented law enforcement staff members to this office to ensure that the full potential for this promising program could be developed. These four have an aggregate of over 75 years of law enforcement management and investigatory experience. In addition, they have travelled extensively to the HIDTAs to review the implementation of the policy guidance.

The High Intensity Drug Trafficking Area Program is an important facet of the President's National Drug Control Strategy. The program is constantly being improved and, with your support, I believe this program has significant potential to achieve an unprecedented level of operational law enforcement cooperative effort to dismantle and destroy those most significant, major drug trafficking organizations smuggling drugs and laundering money into and through our HIDTAs. I would agree



with a U.S. Attorney who said, "The HIDTA Task Force is a glimpse of law enforcement in the Twenty-first Century."

This concludes my statement, Mr. Chairman. I will be glad to respond to any questions you may have.

Mr. RANGEL. Governor, let me thank you for the spirit of cooperation that you expressed in your testimony in resolving problems that we may have, and certainly it is not for those of us in the legislative branch to second-guess policies which you have the responsibility for.

It is difficult to understand, however, why you would give so much authority to the local and State team in making decisions as to whether the police chief is involved or whether or not they can make decisions? You are the person that they can appeal to when the question of budget and matching funds arises, and this is so when reports have it that the New York task force is so informal that there are no minutes.

Are you satisfied with the way the New York task force is being handled?

Governor MARTINEZ. I think, clearly, there has been some disagreement. We have been most supportive of our HIDTA's that have an all-inclusive committee to develop the plans and to work together.

I believe that Rich here has spent an awful lot of time with the New York group to expand its membership, to involve people, to develop a plan that suits the needs of that area.

And when I say we do not need Washington to impose it, clearly each of these areas are somewhat different. The mix of drugs may be different. The means of transport may be different. The level of gang activity in the general area may be different.

Mr. RANGEL. You really are not intruding in saying that the police chief should be involved.

Governor MARTINEZ. Oh, absolutely. That is why we did advocate it.

Mr. RANGEL. So that is done. We do not have to mumble with them any more about what they have to do there. That is a done deal.

Governor MARTINEZ. Right.

Rich is the one that has spent a lot of time and maybe—

Mr. RANGEL. I do not want you to go over anything if the problem is resolved, and the police chief is involved in being able to make some contribution as to where we are going to go as a team, then I am OK.

Are you OK, Chief? No. OK. Well, you tell me what makes you believe that that issue has been resolved then.

Mr. YAMAMOTO. Well, sir, first of all the context again. ONDCP is a policy organization which has no operational responsibility or authority, while the Department of Justice, in the case of the New York HIDTA, is responsible for implementing the policy, as well as administering the program.

We were informed that the steering committee representation for the NYPD was in the form of the district attorneys for New York.

The district attorneys for New York felt—

Mr. RANGEL. Listen. I have studied this, and I have been involved in it, and God knows I do not want to get political here. I have enough politics in Washington without deciding what my district attorney is saying.

And even if there is some confusion among them as to how we operate in New York, whether they are dealing with the county prosecutor and what not, like in most towns, we have a police chief, and we have got a pretty good police force, and they have got a pretty good record internationally.

So I do not want to get involved in evaluating the excuses they gave you. All I am saying is: Does it make sense that you are talking about a local and State task force in the city of New York that excludes the police chief?

The answer, of course, we all agree is no, and while we may be working to see how you resolve the issue, I would just hope that we can conclude that the director says the chief will be on the team. We have given you a chance to work it out. We did not want to get involved, and if it is not worked out, all I want is assurance that, you know, that is what the Director said.

Mr. YAMAMOTO. Yes, sir. The NYPD is on the steering committee.

Mr. RANGEL. Now, I keep saying "the police chief" for reasons. It is easier for me to understand that because if I have a problem, I go to the chief. I do not know all of the names that have been mentioned. It is great, but I do not know any of these people. I do not even know who the task force chief is, but I know who the Director of the program is nationally, and it is easier for us to keep track that way.

The decision to give them leeway, that is the Director's decision, but accountability for the program still falls with the Director. So I do not want to play hard ball on this. All I am saying is that if you conclude whatever has happened in the past, that the police chief is going to be a part of the steering and policy committee, then I would like to move on.

Mr. YAMAMOTO. Absolutely, sir.

Mr. RANGEL. Great, and I guess I can debate with you at some other forum as to your support on the question of how they decide that New York City has to put up matching funds and lose funds with the budget problem that we have. We legislate here in Washington saying that we have to help those troops on the front line. They are the ones that are losing their lives out of proportion to the Federal Government. They are the ones that are making the arrests and filling the jails. They are the ones that put down the riots, you know, until the President decides to federalize the National Guard, but they are there.

Then one of my Justice Department people says that he thinks as a matter of making the program more effective, notwithstanding the fact that he is not with the city council, he is not with the mayor's office, and he does not know our budget problems, that law enforcement can be best served if we withhold Federal dollars based on the ability of the city to match.

I know that is not your decision, but do you feel comfortable that these local people can make those types of decisions?

Governor MARTINEZ. I think when the concepts, Mr. Chairman, of the HIDTA program came into place, there were four things that were looked at to determine where these HIDTA's would be located and some general guideline as to how it might function.

One is that the area is a center of illegal drug production, manufacturing, importation, distribution.

Two, 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.

Three, drug-related activities in the area are having a harmful impact in other areas of the country.

And, four, a significant increase in allocation of Federal resources is necessary to respond adequately to the drug-related activities in the area.

Clearly, New York City falls in those categories. I think the idea that has been followed by the HIDTA's is to build a pool of resources, whether it is the—

Mr. RANGEL. Listen.

Governor MARTINEZ. And, therefore—

Mr. RANGEL. If you are making these decisions, OK, we can then have to deal with it legislatively. You come to the hearing. You made your case, and we move on and protect the constitutional separation of governments.

I just do not like the idea of someone being appointed that we cannot get our hands on, appointed by you with all of this authority, making dramatic decisions.

You know, we have the same thing in dealing with Peru and Bolivia, as you well know. We say that we want them to put up  $x$  number of dollars in the Congress and we are going to cut off all funds, and then who runs? The State Department saying, "Do you know what happens if you cut off the funds?" Nothing will happen.

We are disappointed in what they are not doing, but, for God's sake, follow our lead and fund them, and I just do not understand how you can take a city that has been hit with all of the problems that you can imagine, next to Los Angeles, which are problems that we never imagined, and then say as somebody has said that you are not really putting up enough resources, and therefore, we are going to deny you resources.

I do not see how this person can make that evaluation with the millions of dollars that we allocate, the largest police force probably in the world, the set-asides that we put into it, policemen and education and treatment and community work and trying to keep people out of drugs.

I mean, we set the example. I am not here to do a public relations thing, but no one has been critical and, indeed, our effort has been lauded. The only thing that we lack, the only thing that we are short of is money.

When they send me down here to say, "Could you help us get some money?" and we say, "Hey, we have got this high intensity thing, and you have been designated," and somebody somewhere is saying, "Yes, but I am not satisfied that you are putting up enough resources."

Now, he may be right, but I just do not like the idea of the way this thing is set up. It is not you who said it. There is no one here defending what he said, and, quite frankly—is this the U.S. Attorney's Office?

Governor MARTINEZ. Yes.

Mr. RANGEL. And is this the same office of the former assistant that was a candidate for mayor?

Governor MARTINEZ. I cannot answer that specifically.

Mr. RANGEL. Well, you have to answer directly, you know. We are getting involved in something that is very important. It is the former U.S. attorney for the southern district of New York, a candidate for mayor of the city of New York, and is he still alleged to be a candidate for the mayor of the city of New York? I mean, you know.

Governor MARTINEZ. That is right.

Mr. RANGEL. Right. And so, therefore, the people who are running the place are people he appointed. Nothing wrong with it. I worked under Bob Morgenthal. He ran for Governor. I was assistant U.S. attorney. I love politics. I think it is great, but let's get back to this now.

Governor MARTINEZ. Let me add two points, and then Bruce here would like to say something.

In a word, a match is required of any place. It is not cash that they are asking for. As you well know, it has been done historically with either staffing—well, we have got so many people in the operation; therefore, that is counted.

The other thing is we know New York City needs assistance. That is why we have an exception in the Weed and Seed Program. There is \$1.1 million, I believe, that is being used in New York City which is not being used in any other HIDTA to deal with some special local problems that exist there.

So we are sensitive to the need, you know, of New York City, and I believe that we have in this particular case had an exception to the money that is authorized for HIDTA as a special project in New York City, and I think that we hope that it will help in dealing with some of the local issues that Weed and Seed can—

Mr. RANGEL. I am not prepared to make any allegations that I cannot prove that these decisions were made for political reasons. All I am saying is that you are a former politician. You are a former Governor.

Governor MARTINEZ. And a mayor. So I am sensitive to—

Mr. RANGEL. And you start looking at the record, and you find out that for some reason New York is being treated differently. No one is challenging the competency of the police department. No one is challenging its record and performance.

All we are saying is that, hey, we are trying to stay out of it, and if you have any problems, call me. That is great, and I appreciate the spirit in which you offer that assistance, and I am certain the chief would.

And the chief has not discussed any of this with me in terms of the way I am framing the question. Most of the information I got came from the General Office of Accounting, from the office that investigates to help us to make a decision.

I have deep pride in my U.S. Attorney's Office as far as New York is concerned. I think the southern district is the best district that we have in the country. I am not proud of the report that they got in terms of how they are operating the HIDTA Program.

But I am even more concerned, and I can leave it at that point now, that two unusual things have occurred. One is corrected, and

that is the police chief, and I would not care if we were talking about Weewihichicka, FL. You tell me why the chief is excluded, Republican or Democrat. I want to know why. There should be a reason why he or she is excluded.

And the second thing, of course, with money being as scarce as it is, matching funds sounds great. We include it in so much of our legislation, but cities being as broke as they are, you can say matching in resources or like kind, and you are really excluding that subdivision from participation, and you know that as a Governor.

Dr. CARNES. Mr. Chairman, if I could just get to the bottom line on this from our perspective, while the law is silent on whether matching is allowable or not, and GAO also has looked at this, our position is, it is allowable if everybody agrees.

The matching requirement should not happen without representation. If people are not represented and they are being hit with it, it is not right. We believe it should be fixed, and in this case, we are fixing it. I think this problem will be completely corrected.

Mr. RANGEL. I should have called on you first.

OK. Now, Governor, do you see any connection between Los Angeles being selected as a high intensity area and the fact that we had the problems last week there? Is there any connection that you would see where the same factors that would cause this area to be designated as a high intensity drug area might be the same type of factors that we look for in an area that has potential problems for riots and eruptions, Liberty City being the type of area that you may be more familiar with?

Governor MARTINEZ. Mr. Chairman, as we have looked at information of the last several years, we clearly came to the conclusion, as I am sure you have, that you basically have this two-front war. You have the war on casual use and the war with adolescents, which have been going in the right direction, and the war against the hard-core user.

And as we have said here before your committee, we have not done as well with hard core use in city centers across the country. For that reason, through the appropriations process, we have seen targeted dollars increase from some \$339 million, I believe, in 1989, to \$1.2 billion being recommended to Congress this coming year.

As you and I have discussed on several occasions, the Capacity Expansion Program, which is basically a center city type of initiative, would target emergency grant dollars to the school districts that have an at-risk youth population and needs added assistance we have been advocating.

Of course, the money for the community partnership grants goes down to those neighborhoods to allow people to organize themselves, to go to community policing and all of the rest.

So there is no doubt that in our own recommendations to the President and then on to Congress, that we have seen that there needs to be some strategic efforts in these city centers of America dealing with the addict population, and in this particular case, I am referring here to the drug issue, and therefore, have been advocates of these dollars being skewed in such a fashion.

I think that if we can get those added appropriated dollars, that it will be of help. Clearly, this alone is not going to resolve the issue that you speak of, but it is part of the thing that is needed.

I believe we can at least begin to alleviate one group of citizens who may live there by having more treatment dollars, by having the ability to empower themselves for their own neighborhood through the partnership grants, and maybe get more kids to stay away from not only use, but the sale of drugs by virtue of these dollars.

Mr. RANGEL. Well, I hope that we can have some formal meeting where I can call in the chairman and the ranking members of the appropriating and authorizing committees. We can have an informal briefing by you as to the importance of these tools and pieces of legislation in working with the whole.

Now, when the President federalized the National Guard and alerted the military as relates to Los Angeles, his closing words were that after the violence, we then will have to deal with the root causes of problems such as this.

I have been reading that the President is meeting in the mornings with cabinet officials in trying to fashion a response to what occurred in Los Angeles to prevent it from happening in other major cities. Are you a part of these discussions?

Governor MARTINEZ. Not of those. These are operational agencies, and of course, it is a broader issue. So we have not been sitting in on those meetings.

Mr. RANGEL. But you would have to agree that your office would have a substantial contribution to make in terms of the things that you are suggesting for the drug problem, that these are the same things that we face when we are talking about the kids that are out of school, the homeless, the jobless. I mean all of these things, that is the team that you really need to deal with this, isn't it?

Governor MARTINEZ. Mr. Chairman, the initiatives we have for city centers are pending before Congress now and have been pending before Congress, but in terms of housing, Mr. Chairman, in terms of economic opportunity, Mr. Chairman, those are outside our office. Those are outside our jurisdiction. In terms of health care, it is outside our office.

Mr. RANGEL. I do not see where it is. Maybe that is the problem that I have with this whole setup. I am going to yield to you, Mike, and I did not see Ben here. So I know I am going to yield now, but I thought you were the coordinator, and I thought you were the coordinator of everything that we have got in this country to get a handle on this problem which Dick Darman says is costing us \$300 billion a year.

Governor MARTINEZ. Mr. Chairman, if you want to do that, you had better go have a massive rewrite of the law that created this office, including the authority.

Mr. RANGEL. The problems of the homeless and the kids that are dropping out of school and drug treatment, and the things. No wonder there is no meeting of you and the Cabinet. You mean the Labor Secretary, the Health and Human—

Governor MARTINEZ. Mr. Chairman, we were not selected to be the czar of the Cabinet. Our job is drugs. Now, you are trying to

say that there ought to be a one-man show in Washington, whether it's housing or health or education.

Mr. RANGEL. I would not call it a show, Governor.

Governor MARTINEZ. And I do not think that is the right way to go, Mr. Chairman, and I think we need—

Mr. RANGEL. I am not challenging you, Governor. I am just saying that I thought it was coordinated, not a show.

Governor MARTINEZ. Absolutely.

Mr. RANGEL. I really thought the showman would be, you know, Secretary Sullivan in terms of treatment, and that he would be out there talking about what we are doing in treatment. I thought the showman would be Secretary Alexander saying this is what we are doing in education. I thought the showman would be the Treasury in showing us what they are doing with the Coast Guard and other people showing us what they are doing, you know, with Customs.

I thought all of these people were the showmen and that you were the orchestra director in making certain there was no overlapping and suggesting to them how things are being worked out. I thought the Secretary of State, too, would be a showman. I mean I thought he would be a major showman in what we are doing in international narcotics control, and of course, the Justice Department with DEA and coordinating these types of programs. I thought they, too, were showmen and that your role, I thought—and I may have an apology to make to you because if you do not see your role as coordinating all of these efforts, then, heck, we do need somebody.

Governor MARTINEZ. Mr. Rangel, I think if you want to talk about coordinating drug issues, we are in the middle of it by my presence here with New York. Now, to say here publicly that our role is to coordinate the activities of all these departments, regardless of what those activities are, is a total misread of the law created by Congress.

Mr. RANGEL. I am saying that I am about to make a tremendous apology to you because I thought you were the drug coordinator, and I thought you had just said—

Governor MARTINEZ. You were not talking drugs. You were talking about homeless, and you were talking about housing, and you were talking about education.

Mr. RANGEL. Exactly.

Governor MARTINEZ. And we are talking about—look, Mr. Chairman, if you have provided us, if you had worked hard to give us that added amount of money for the emergency grants which we have been trying to get from this Congress now for a number of years, perhaps we would have made a dent in Los Angeles, but it did not happen.

If we had gotten the capacity expansion money for treatment, perhaps there would have been some who were demonstrating out there that would not have been there.

Mr. RANGEL. I think we are missing each other. What you are saying is that this is not your charge. We are not saying what the Congress did or did not do. You are saying that that is not in the scope of your responsibility; that you are no czar. You are merely a coordinator of drug policy, and the question of unemployment and



housing and education and treatment, hey, that is someone else's job, but you see your job in dealing with this.

Now, I do not have a problem with you. As a matter of fact, I did have one, but now I have to find out who are these other showmen.

Have you ever heard Secretary Sullivan talk about treatment of drugs?

Governor MARTINEZ. I have.

Mr. RANGEL. Where?

Governor MARTINEZ. I have toured with him. We have been to research centers.

Mr. RANGEL. Did you ever hear the Secretary of State, you know, put this on his list?

Governor MARTINEZ. I was with him at the summit where he spoke very strongly on behalf of the international—

Mr. RANGEL. Do you coordinate? What is it that you coordinate?

Governor MARTINEZ. All of the activities dealing with drugs, and I have been involved with it, Mr. Chairman. Whether you have heard it or not, we have been involved, and I believe—

Mr. RANGEL. Well, I'm sorry I was expanding your authority, and czar was not a terrible word for me, and if it is offensive to you, I did not use it. You did, but, yes, that is what we were thinking of when we created the post.

I yield, and I apologize for the tone because you have been very positive in your presentation as relates to this, and I had no idea over these years that you had a more restricted view of your responsibilities than I did.

Mr. Oxley.

Mr. OXLEY. Thank you, Mr. Chairman.

I will try to get back on the subject at hand, Governor. GAO in their testimony this morning asserts that ONDCP is not accumulating data on HIDTA results in a systematic way. What is your response to that?

Governor MARTINEZ. No, we are. We are doing that, and that has now been ongoing since fiscal year 1992. The instructions being sent out already for fiscal year 1993 have specific guidelines, including the assessment of the goals that are to be established by HIDTA, and we do have information.

On top of that, we have Rich or some of his staff that on a periodic basis visit each of the HIDTA's. I personally have gone to each of the HIDTA's at least once, in some cases twice, for meetings with the coordinator and members of the task force of the respective HIDTA's.

So I do believe that we are accumulating the information, and it will even get better as a result of the guidelines that have already been sent out for fiscal year 1993.

Mr. OXLEY. Isn't it a fact, Governor, that there are a lot of cities in this country that would dearly love to have a HIDTA program, and that your office has been contacted on more than one occasion specifically to see what they could do to qualify for that kind of a program?

Governor MARTINEZ. You are absolutely right, Mr. Congressman, and one of the things that comes out of HIDTA is a tremendous cooperative effort that evolves between Federal, State, and local agencies in terms of developing cases, in terms of simply not

making an arrest, but trying to take down an organization, a core, secondary or the local gang organization, that may be engaging in drug trafficking.

But, again, going back to the original intent, which was to get the areas of high impact in this Nation, I think the five areas designated are the proper ones, but it is successful, and for that reason other areas would like to have it.

Mr. OXLEY. How does the matching fund concept work, Governor? What are matching funds? Do the States and locals have to match dollar for dollar? How does that specifically work?

Governor MARTINEZ. No, that varies, and as we have said earlier, I think the regretful part here in New York is that, you know, not all parties were at the table, specifically the New York Police Department.

But that determination should be decided locally, if there is to be any, and if there is, is it money? Is it in kind or whatever it may be? But I think that there ought to be the decision made by those who will be involved in case development for that is the ultimate end. The ultimate end is what kind of case development will occur there, to be sure that the purpose of HIDTA, which is to stop the flow of drugs in America, will function properly.

Mr. OXLEY. There has been a charge made, not specifically a GAO report, but out there in the political process, that these HIDTA's are somewhat of a public relations gimmick, that they really are not very effective. What is your response to that?

Governor MARTINEZ. I think that already there is an accruing body of information or of evidence that the work of the HIDTA has not only been successful in seizing drugs, but in money laundering and in also gathering assets by the traffickers; that it has, in my view, elevated the ability of the investigative process through more enhanced equipment, and all of this, I believe, will in the long term allow these HIDTA areas to have more major cases develop.

I think it is not HIDTA's purpose to gain publicity. The cases normally are announced by participating members, whether it is Customs or DEA or local police, whomever. So the idea is of HIDTA not to be a law enforcement agency, but a coordinating body that develops the case among all levels of law enforcement of that particular area.

Mr. OXLEY. Governor, I would think, and I might suggest to the Chairman, that it might be a good idea that the committee at some point visit one of the HIDTA operations. I would even be glad to go to New York.

Mr. RANGEL. Most people would.

Mr. OXLEY. I know that, and I am sure the chairman would be quite hospitable, and I would suggest that as a possible idea for the committee to undertake. I see Mr. Towns down there would be very approving of that.

Mr. TOWNS. I would definitely approve it. No question about it. In fact, I would help to arrange it.

Mr. RANGEL. As a matter of fact, we want to do something in New Jersey, too, as relates to some of their demonstration projects. Maybe we could ask staff to get together a full day so that we could do both.

Mr. OXLEY. Very good.

Governor, in your statement you mention the recent seven-ton cocaine seizure in Miami that was well reported. The media depicted that as a DEA/Customs operation. Why wasn't HIDTA mentioned in that particular seizure?

Governor MARTINEZ. I think, again, going back to my previous answer, the work, although HIDTA through its funding program brings agencies together, there are still lead agencies that function within the HIDTA, and normally the announcement accrues to one of these agencies to make the announcement in terms of the level of participation by that agency.

But clearly, and I have been to the Miami HIDTA several times, that is one where they are colocated. Even IRS is in this particular HIDTA, if I am not mistaken, and therefore, the charges normally are filed by the high ranking Federal agencies that actually may end up making the arrest.

Mr. OXLEY. Governor, just for the record, how many GAO reports have been conducted on various aspects of your agency and the drug issue over the past 36 months?

Governor MARTINEZ. It is my understanding from my own office, and Bruce can probably elaborate more specifically, but we have had about 70, I believe.

Mr. OXLEY. Seventy?

Governor MARTINEZ. Seventy, and about thirty-six may be active. There are enough out there that we have had to put a computer program in to track the reports that are occurring.

Mr. OXLEY. And did those requests all come from the Hill?

Governor MARTINEZ. Could you expand on that?

Dr. CARNES. No, Mr. Oxley. Most of them, I think, came from the Hill. I point out that there are about 93 committees on the Hill with jurisdiction over our agency. There is almost one committee for every person who works in our agency, and those committees tend to request studies of this and that, and many of them are repetitious.

Certainly I would not want to leave you with the impression that we do not think these studies are worthwhile. I think that the subjects of the studies are, by and large, certainly ones that, were I in their place, would think would be worth doing.

My only disagreement, and one aspect that my friend Lowell Dodge said when he testified, was that there are about 25 or so studies that he was going to wrap up. Maybe he is going to wrap those up, but there are a lot more that have been going on.

Again, we have found them informative. We have had, I think, a good working relationship with GAO, but there is just a lot of stuff. It is not just the GAO issue. That is reflective of the issue. In addition, we are getting all of the committees at the same time asking for, in many cases, similar materials.

I think the point that I would make about this is that, yes, it may be difficult to coordinate the activities of executive branch agencies, but it looks to me like it is a lot more difficult to coordinate the activities of committees on the Hill.

Mr. OXLEY. Yes, that was a complaint that, Governor, your predecessor had almost every time he came up here, and I can appreciate how difficult dealing with the bureaucracy of Capitol Hill is, and essentially it is a bureaucracy.

Do you have a desk there just for the GAO?

Dr. CARNES. Well, not right now, but we have been pleased to share their company with us in the office.

Mr. OXLEY. So you are on a first-name basis with a lot of GAO folks.

Dr. CARNES. With Lowell and Weldon, oh, yes, we go way back.

Mr. RANGEL. Do you have space for their desk?

Dr. CARNES. We have had them living in there for a while, yes.

Mr. OXLEY. I yield back. Thank you, Mr. Chairman.

Mr. RANGEL. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Governor, we welcome having you back before our committee, along with our other witnesses today. Are the task forces still in place that we initially created—the Federal task forces on drugs in various communities?

Governor MARTINEZ. The OCDETF's?

Mr. GILMAN. Yes.

Governor MARTINEZ. Yes, the organized crime and drug enforcement task forces—I believe there were 13 of them across the country—are still in existence.

Mr. GILMAN. And they are also in these high intensity areas, are they not?

Governor MARTINEZ. Yes, they are.

Mr. GILMAN. Well, how does the task force fit in with the HIDTA's, and is there any overlapping? Do you see any overlapping of what was intended to be the jurisdiction of the task force?

Governor MARTINEZ. I think where the HIDTA exists, the idea in the HIDTA is to focus on strategy objectives. Where the OCDETF's are operating it would be focused on prosecuting members of high level drug trafficking enterprises, while the HIDTA's are looking at core organizations that import, distribute across the country, and therefore, I think there is a good separation.

Rich may be able to give you more of a breakdown.

Mr. GILMAN. What I am exploring with you is: Is there any overlapping? Are we doing some duplicative work with the HIDTA's and the Federal task forces?

Mr. YAMAMOTO. No, sir, they are not duplicated. The programs are complementary. OCDETF is an established, nationwide, coordinating program for specific cases and primarily funds full-time equivalencies and State and local overtime. HIDTA is an area-specific, strategy-driven program which funds multiagency infrastructure, equipment, and operations to dismantle core organizations. HIDTA's are in some of the OCDETF areas.

The OCDETF organizations or task forces tend to be ad hoc. That is, they are case specific. They are formed for specific cases, and once that case is completed, investigators go on to other investigative cases.

With the HIDTA task force, we have a permanent, full-time commitment. In the case of Miami, we are talking about 230 individuals, in some of the other HIDTA's about 100-person task force.

Mr. GILMAN. So are you telling me the OCDETF then is limited in time to only one case?

Mr. YAMAMOTO. They do have full time coordinators in each one of the core cities. However, as cases develop, coordinators decide

whether they meet the OCDETF criteria or not and if so, funding is provided to support those particular cases.

Mr. GILMAN. So OCDETF is limited then to one or two cases?

Governor MARTINEZ. No, no, they have many. I think what Rich is indicating here is that as a case is identified that requires multi-agency effort or broader jurisdiction, it is brought to OCDETF for consideration. So OCDETF may have a whole bunch of these cases going on, but with different people.

When that case is terminated, then the group that was put together to deal with the specific case no longer exists.

Mr. GILMAN. But OCDETF continues?

Governor MARTINEZ. Continues, that is correct.

Mr. GILMAN. All right. Now, how does OCDETF fit in with HIDTA?

Governor MARTINEZ. As an example, OCDETF may be dealing with a substantial case in a number of neighborhoods in a city; while HIDTA is working on core organizations where drugs are being brought into the country for redistribution throughout the United States and looking at vulnerabilities to disrupt organizations by attacking such aspects as money laundering. The agencies allocate staff that is permanent, and they work as a continuing team and not on a case-by-case basis.

Mr. GILMAN. Does OCDETF have a slot within HIDTA?

Dr. CARNES. No. It might be helpful to conceive OCDETF as an administrative convenience for case management and for paying the bills. The difference between that and HIDTA is that HIDTA begins with a particular concrete objective that goes on year after year after year, rather than having ad hoc cases brought to it for disposal.

The HIDTA Program has as its objective identifying and attacking of core drug trafficking organizations based in particular cities. The OCDETF mechanism has as its objective managing cases where you have got two or three agencies that are involved simultaneously in prosecuting different ends of the same case.

It is conceivable that at some point down the road those two things converge. As you mount your attack on a drug trafficking organization, OCDETF folks might get involved. They are actually distinct. One is more ad hoc, sir.

Mr. GILMAN. It was my impression, and please correct me if I am wrong, that HIDTA is sort of the overseer of the drug strategy in that area.

Dr. CARNES. No, that is not so.

Mr. GILMAN. Then what is HIDTA's role?

Dr. CARNES. The function of the HIDTA Program is to take on the Federal side—to identify and target drug trafficking organizations using  $x$  amount of dollars. Other kinds of drug crimes will go on, but will not be attacked by the HIDTA objective. The HIDTA objective is to dismantle the core organizations.

The OCDETF is to go for the high- and mid-layer guys, and while they complement each other as objectives, they are not necessarily the same objective, and State and local officials are also operating to prosecute particular cases, but there is a sort of hierarchy, if you will.

Mr. GILMAN. Isn't HIDTA intended to coordinate all of these agencies that are fighting drugs?

Dr. CARNES. No.

Mr. GILMAN. That is not the intention?

Governor MARTINEZ. That is not the intent.

Dr. CARNES. It is not a regional office.

Mr. GILMAN. Is there an OCDETF director in each of these areas?

Dr. CARNES. There is a head of an OCDETF office in each of these areas, yes, sir.

Mr. GILMAN. Is he brought into HIDTA for consultation?

Dr. CARNES. He may, depending on the local HIDTA requirements.

Mr. GILMAN. May be?

Dr. CARNES. Yes, sir.

Mr. GILMAN. Yes?

Governor MARTINEZ. Yes, yes.

Mr. GILMAN. He is there on a continual basis? It seems to me that you would want closer coordination between HIDTA and OCDETF. They both seem to be moving in the same direction. One, you are telling me this is a retail store and this is a wholesaler, and because there is that distinction, that you are not working that closely with each other.

But it would seem to me that there has to be a better parallel activity, a better coordination between the two. Am I wrong in that assessment?

Mr. YAMAMOTO. The person responsible for the region is the U.S. attorney, and he has through the Department of Justice responsibility for the OCDETF Program, as well as the HIDTA Program. The focal point for these metropolitan HIDTA areas, the person that coordinates all of these activities, is the U.S. attorney.

Mr. GILMAN. So we have now put a new layer on top of the OCDETF's, and that is a HIDTA layer that goes to a higher level. Is that what we have done?

Governor MARTINEZ. No, no.

Mr. GILMAN. Well, tell me what we have done.

Governor MARTINEZ. Again, it is by program that you have to make the judgment. In the case of the HIDTA, and the case of Miami is an example, they have centered their activity to a great degree on money laundering, which is time consuming, requires a lot of skill, and a lot of effort to make a determination. These are the same people that work at HIDTA through dedicated staff on a colocated basis.

Mr. GILMAN. Permit me to interrupt a minute. He cannot then pursue the money laundering because he has to stay at retail level? Is that what you are saying?

Governor MARTINEZ. No, I believe if they can make a case, they make a case. But, on the other hand, I suspect—and, again, as Rich indicated, the U.S. attorney sits on both—that if, in fact, it is going to be a long-term, complicated, multi-State activity, that it may well be that it is a HIDTA that has to take this on because of the expertise required, a long-term investigation, the fact that it is multi-State or international, and therefore, the HIDTA at that level is in the best position to pursue it.

Mr. GILMAN. I would hope that there will be some strong, close coordination between the HIDTA and the OCDETF's.

Just one more question. My time has run. I see that there were some GAO questions about the evaluation, the assessment of the program. Have you now set up, Governor, the proper assessment program for the effectiveness of the HIDTA Program?

Governor MARTINEZ. Mr. Congressman, in October of this past year we set up within ONDCP a HIDTA office, which Rich heads up, and have now put in place the means by which goals will be established by the HIDTA's and the means by which we will receive information in terms of evaluation.

Besides that, there is periodic visitation by either Rich or members of his staff, and I personally have gone as well, to meet with the HIDTA task forces in such a fashion to see exactly what it is that they are pursuing and how well they are pursuing it.

So we are satisfied that it is in place and that we will be receiving information, have received information already in terms of their activities.

Mr. GILMAN. Will you be presenting an assessment, an evaluation report to the Congress?

Governor MARTINEZ. We will be delighted to submit the information to this committee or to Congress when asked, yes, sir.

Mr. GILMAN. I would like to request Mr. Chairman, that we get a periodic assessment of how HIDTA is doing and your evaluation of its work, without objection.

Mr. RANGEL. Without objection, I will ask for that.

Mr. GILMAN. Thank you.

And thank you, panelists. I have no further questions.

Mr. RANGEL. Mr. Towns.

Mr. TOWNS. I have no questions.

Mr. RANGEL. Mr. Payne.

Mr. PAYNE. Thank you very much.

Mr. Director, in April of last year your office released a review of the HIDTA Program, and in your recommendations you stated that consideration should be given to modifying the administrative funding mechanism established for the program, and that Congress might consider phasing out the separate appropriations.

I am just curious to know, is that still your position or—

Governor MARTINEZ. No, sir, it is not.

Mr. PAYNE. It is not. So you backed off phasing out separate appropriations?

Governor MARTINEZ. Right, right.

Mr. PAYNE. OK. Fine. I just have another quick question because I hear the bell is ringing.

I notice here that you work with the FBI, DEA, Customs, IRS, U.S. marshal, and so forth. In our area, Newark, a high crime, high drug area, I visited these various agencies. I noticed they had very few or no minority agents. I do not know how DEA goes out and does undercover work. I do not think the U.S. marshal had any minority agents in Newark. The IRS moved their office out of Newark. They went into some suburban area. They did not want to stay in the center city, I guess.

How can these agencies be effective? I saw recently that the FBI did come up with an accord with some of its agents, but how can

you effectively have a war on drugs when the absence of minorities is so apparent? And you admit that there have been ineffective results as relates to inner city and hard core drug use.

If you interact with various agencies—and I know you are not, as you mentioned, in charge of them all—how can they even expect to attempt to do an effective job when there is an absence of minorities?

Governor MARTINEZ. Congressman Payne, I agree. You have got to have, you know, an agency that certainly represents the demographics of the community that they work in and of this Nation.

I know I have had a chance to speak with a couple of academy graduation programs, either DEA or FBI, and I did notice at least in the graduating classes that I recently saw a much better mix of who was graduating in terms of the demographics, blacks, Hispanics, women.

So I think in terms of what seems to be coming up to be agents, I think that the agencies are working hard to accomplish that.

I think you are probably right that what may be out there at this time will not satisfy, I think, the desire that we both want to be sure that America's population is well represented in all of these agencies.

Mr. PAYNE. Well, in your meetings with these directors, I would appreciate it if word got out.

Just finally, there has been some criticism of the Weed and Seed Program. You know, it is an excellent program, could probably do a lot with community policing like Dr. Scott and the people in New York City and the directors of the program. We have had a good program with the Noble Organization years ago when Ms. Scott headed up that organization, and community policing proved very effective.

But the Weed and Seed Program tends to have just so much emphasis on the weeding out and not very much on the seed part. Will there be a shifting of the emphasis that we could get some community programs going in so that once the weeding is done, the seeding can begin?

Governor MARTINEZ. Again, I agree with you, Congressman. The big plan is currently pending before Congress, the \$500 million one, we have demonstration projects out there, as you are well aware, which your community, I believe, has one, that I believe may be somewhat different than the early demonstration projects.

Bruce has done some of the detail work, and is aware of some of the detail work. Perhaps he can share some of those items with you.

Dr. CARNES. In the Weed and Seed Program, if finally enacted by Congress and we get the authority we need to run that program, only \$30 million of the whole \$500 million will be weeding. Four hundred seventy million will be seeding activities through the Labor Department, HHS, HUD, Education, and other related agencies.

So it is almost exclusively a seeding program. Right now, however, the only authority to run the program exists in the Department of Justice. There is already a Weed and Seed Program. So it is a DOJ kind of activity.



As soon as we get this legislation passed, and we are grateful for Mr. Rangel's support on this program, then you will see that the seeding part will kick in big time.

Mr. PAYNE. Thank you very much, Mr. Chairman.  
[The statement of Mr. Payne follows.]

OPENING STATEMENT

--Hearing--

Oversight of the High Intensity Drug Trafficking Area

--May 6, 1992--

CONGRESSMAN DONALD M. PAYNE

## 1

Mr. Chairman, as a member of the Select Committee on Narcotics Abuse and Control, I would like to commend you for your leadership in calling this hearing to examine the efficacy of the High Intensity Drug Trafficking Area program on narcotics control in the designated areas.

I would also like to extend my regards to the panel of witnesses who have agreed to provide us with their testimony on the impact of HIDTA (HIGH-ta) on domestic narcotics control.

With 37% of the household survey population taken by National Institute on Drug Abuse reporting illicit drug use in their lifetimes and the incidence of drug-related crimes on the rise, it is imperative that we take an aggressive stance in obstructing the influx of drugs within this country.

The Office of National Drug Control was established in 1988 in an effort to develop and implement strategies for the reduction of drug trafficking in the United States. The ONDCP set up the HIDTA program which mandates enhancement of multi-agency Federal, state

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and local coordination, and investigatory and interdiction resources. Guidelines were to be defined at the local level, subject to change according to local circumstances.

Because Newark, a part of my home district, has been targeted for intervention by the New York-New Jersey HIDTA region, my interest in the success of programs designed to stem the tide of drugs in this country is well known among my colleagues. Consequently, I can appreciate any efforts that actively involve local law enforcement agencies in winning back our neighborhoods.

However, I am concerned that too much of the Federal government's resources have been directed at law enforcement, and not enough attention is being focused on education, treatment and the other immediate needs in our communities.

## 3

I hope that our discussions today will shed some light on the actions that ONDCP has taken and if they were able to meet the objectives mandated by the Anti-Drug Abuse Act of 1988.

Mr. Chairman, thank you for calling hearing and I look forward to hearing the testimony of our witnesses.

Mr. RANGEL. You will not be running Weed and Seed though.  
Governor MARTINEZ. No.

Mr. RANGEL. Let me tell you, Governor, to show why you may have had a misunderstanding of my remarks, and maybe I did not frame it correctly, but I was one of the sponsors of the legislation that created your position, and we always have thought of it as a Cabinet position.

I did not argue with the President when he supported different legislation because I thought if the President supported anyone, then whether it is a Cabinet or not, and the reason why I thought you were running the show is that under the title, Public Law 100-690, that created your job as the coordinator of national drug policy, it refers to this strategy which the White House puts out, and on page 3 of the strategy, it contained the major themes of treatment, improved treatment, accountability of Federal funds, prevention, education, international cooperation, law enforcement, interdiction, expanded use of military, expanded drug intelligence, and supply and demand related research.

Now, if that ain't running the show on paper—

Governor MARTINEZ. All drugs, sir. All of it is drugs. It is not anything else but drugs.

Mr. RANGEL. Well, education.

Governor MARTINEZ. Drugs, drug education.

Mr. RANGEL. So what I am saying, and I assume the treatment is not for tuberculosis, but for drug rehabilitation. No, all I am saying is I assume that these Cabinet officials are so busy doing the rest of their mandate that this piece is yours when it deals with drugs.

So if I never see Sullivan or hear from him, and I do not, I would say, "Hey, that is in your shop." If we are talking about how do you prevent a person, I mean, it is the L.A. experience. Yes, it goes beyond putting people in jail. It is why would a kid want to go on drugs.

Well, you know the answer and I know the answer, and we have to come together with a strategy as to what do we do to prevent it. Yes, it is drugs.

Now, I hope you will not be offended if I say maybe jobs, too. I mean you should not say, "That is not my job." But then, again, you and I would know if a kid believes there is a job at the end of high school.

You should not be offended if I say that, "Hey, that is in the book." I want it to be in the book, and I want them to give you more money and more staff. I want you to have this mandate. I want you to be the czar. I want you to be the Secretary. I want you to be all of the things that is in the strategy, and I want to understand when, indeed, you believe that we did not outline specifically what your mandate should be.

I want you in every meeting that they have at the White House. I would want you to be able to call the Cabinet officials together and tell them what is working, what is not working because we thought that you would be able to tell us in each and every area—I am not saying I still think that way—what in the heck we are doing right, what in the heck we are doing wrong, and that you would be coordinating them.

Now, it is difficult to coordinate them when you are not one of them.

Governor MARTINEZ. Mr. Chairman, let me say without reservation that in the field that we are responsible for, we do that on an everyday basis, talking with every agency at all times, and I think it is for that reason that we have been able to expand programs. For that reason I believe that we convinced others on these programs we recommended to Congress.

So I think we are doing that. Now, we are not involved in terms of whether the private sector is to create  $x$  number of jobs. I personally have my opinions on it, but I like to stay in areas where I have the responsibility and the authority, and there is enough to do with drugs, and we have a small office in terms of people, and to effectuate change, you have got to be precise. You have got to be accurate, and I believe we are doing that in the field for which the Congress has established.

Mr. RANGEL. Well, Dr. Carnes would know that, while I appreciate the comment on the Weed and Seed, this is part of a big package: enterprise zone, Weed and Seed, education, recreation, CCC, alternatives to jail, getting kids involved in the work market, boot camps, the whole works.

Now, that may be too big a thing for your office to handle, but I need your support in these types of programs so that we can say that we are working together; you see these people more than I do, and you would be at these meetings as it relates to L.A. not because of Los Angeles, not because they are talking about drugs, but because it is the same factors that created the crises in Los Angeles that create the smoldering potentials throughout the United States.

The same thing you are working with for drugs are the same issues that they are talking about at those Cabinet meetings. I know because you are a Governor, because you are in touch with the other agencies that you have an outstanding contribution to make, and do not be offended if we send a note to the President asking him to please ask for your views on these things.

Governor MARTINEZ. The only thing I would ask, and you are free to send any notes you wish, but please understand that we communicate our issues to all people concerned and generally find very receptive ears to all our concerns. So—

Mr. RANGEL. Oh, I communicate. I have called the White House in the last couple of days a dozen times, and they call back. So I communicate, too, but I have not spoken with the President yet.

Thank you. I look forward to continued working with you.

We will be back in 10 minutes and get the last panel, and I apologize for the delay.

Governor MARTINEZ. Thank you.

[Whereupon, a short recess was taken.]

Mr. RANGEL. We will resume the hearing and thank the panel for its patience with us and assure you that we will not deviate from the record as we did earlier.

The first witness is Lee Brown, the police commissioner. I would like to say for the record that not only New York is, but the Nation is deeply appreciative for the leadership that you have brought and the concept of community policing.

We know that it is not all over in New York and the summer is before us, but I think that the mayor is correct in saying that without your men establishing the relationships over the years and certainly over the weeks and months, that certainly they would not have been able to be as effective and as successful if they were not known and respected as they are in the community, and as I often see you at community meetings.

So your family and your members of the force should take some degree of pride in what we have been able to do for the city, and I look forward to you working with police chiefs around the country so that we can have a safe America as we are able to get through a safe New York.

All of your statements will be in the record. Feel free to comment on anything that you have heard this morning, that the director had as it relates to your problems, and we want you to know that we are not just taking your testimony. If there are things that you think that you would want the committee and staff to follow through on, feel free either in your testimony or after we adjourn to share with us how we can be helpful.

We will start with Commissioner Brown.

**STATEMENT OF LEE BROWN, POLICE COMMISSIONER, NEW YORK CITY POLICE DEPARTMENT, ACCOMPANIED BY COMMANDER MICHAEL SCOTT, NARCOTICS SERVICE, DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS; AND COMMANDER ROBERT RIPLEY, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT**

Mr. BROWN. Thank you, Mr. Chairman.

Mr. RANGEL. I am sorry.

Do you have a statement, Larry?

Mr. COUGHLIN. No.

Mr. BROWN. Mr. Chairman and members of the committee, thank you for inviting me to testify here today.

Before I discuss the experience of the New York City Police Department with the High Intensity Drug Trafficking Area Program, I want to express the police department's appreciation to you personally for the national leadership you have consistently demonstrated in the area of the drug problems in America.

Widespread drug addiction and drug trafficking are the driving forces behind a great deal of the worst crime and violence in New York City and, indeed, around the Nation. In New York City last year, we made a total of 69,609 drug arrests.

We appreciate the fact, Mr. Chairman, that you constantly prod the Federal Government to provide more resources for treatment, as well as enforcement. We agree with you on that. We have to have adequate treatment resources if we are going to make a difference in this major problem.

HIDTA is a prime example in the enforcement area. The creation and funding of the HIDTA regional training center in New York City is one of the success stories. Operational since December 6, 1991, the training center has trained scores of law enforcement personnel to make their combined efforts under HIDTA as effective as possible.



The training center has developed uniform tactical measures critical to the safe and effective deployment of strategies in the field.

The HIDTA task force, comprised of personnel from DEA, the New York State Police and the New York City Police Department is another success story. Sharing operational and strategic knowledge undoubtedly enhances our effectiveness.

Beyond that, HIDTA has helped invigorate the esprit de corps among various law enforcement agencies in the New York metropolitan area.

You ask, however, if any improvements are needed to make HIDTA more successful, and indeed, there are. For one thing, the administration of the program in the New York metropolitan area will be vastly improved if a member of the New York City Police Department was designated to serve on the HIDTA steering committee.

Frankly, to us it is inconceivable how the steering committee can function intelligently in the New York HIDTA area without the direct representation from the single law enforcement agency representing all five boroughs, and whose narcotics arrest activity is far and away greater than all of the other agencies combined.

New York City has the largest, most concentrated population of drug abusers. We have the largest, most concentrated drug trafficking.

It is also useful to consider that the New York City Police Department is 2½ times bigger than the next largest police department in America. That makes the New York City Police Department's exclusion from the steering committee all the more baffling.

Other than the initial request for proposals, contrary to what may have been stated here today, the New York City Police Department has no formal input into the HIDTA process, a fact reflected in our relative lack of success in having police department proposals funded.

In its 3 years of existence, I am uncertain as to whether the HIDTA steering committee has met more than one or two times a year. As far as I know, the meetings are not regularly scheduled. There is no report on what transpires. The New York City Police Department has little or no chance of influencing the agenda.

I cannot help but conclude that our lack of participation is at least partly responsible for the police department's failure to secure its fair share of HIDTA funding. In 1990, HIDTA's first year, all HIDTA funds went to Federal agencies, and the New York City Police Department received none whatsoever.

In 1991, \$82 million was allocated for HIDTA. The New York City Police Department requested \$4 million and received \$2.1 million, and while HIDTA funding for the New York region increased by 50 percent in 1992, the New York City Police Department's request of over \$4 million was denied, and our new funding level was cut by almost half of what it was the year before, to \$1.2 million.

Considering the size and impact of the New York City Police Department in the New York HIDTA area, I cannot recommend strongly enough that this situation be corrected. I have heard here today that they are going to correct it. We have not received, how-

ever, any official notification in New York City as of yesterday, and so I hope it is corrected.

I must also inquire as to why the New York region and none of the other HIDTA regions in the nation imposes a matching fund requirement. The HIDTA allocations to the police department depend on our accepting the matching fund requirement. We are told, "You accept it or you get none of your funding requests approved."

From our review, there is no statutory basis for the matching fund's requirement in the law, nor does the region have it. Without the matching funds requirement, we could move swiftly and more creatively in the HIDTA effort.

I recommend removing the matching fund requirement, and finally, I must tell you that there are an abundance of drug cases in the New York region that cry out for coordinated investigations, the likes of which the HIDTA task force was designated to undertake. With additional funding, we could initiate new cases, as well as the citywide and regional programs.

But, again, at the very least, the police department needs to be directly involved in the decisionmaking process at the regional level.

Earlier this year the Director of the White House National Drug Control Policy acknowledged inadequate representation on the steering committee, as he has done here today. That acknowledgement came in February. As I said, as of yesterday we have not been officially notified of any changes.

So we are still waiting, and spring is here, Mr. Chairman. If I might make a seasonal analogy, the New York City Police Department is warming the bench, and by rights, we should be batting first.

We ask that we be given the input. Give us a fair share of the available resources, and the New York City Police Department will help produce the results that you are looking for.

Thank you, sir.

[The statement of Mr. Brown follows:]



THE POLICE COMMISSIONER  
CITY OF NEW YORK

STATEMENT OF

LEE P. BROWN  
POLICE COMMISSIONER  
NEW YORK CITY

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES  
SELECT NARCOTICS ABUSE AND CONTROL COMMITTEE

ON

HIGH INTENSITY DRUG TRAFFICKING AREAS

MAY 6, 1992  
WASHINGTON, D.C.

Thank you Mr. Chairman for inviting me to testify today. Before I discuss the experience of the New York City Police Department with the High Intensity Drug Trafficking Area (HIDTA) program, I want to express the Police Department's appreciation to you personally for consistently providing national leadership in the area of drug enforcement.

Widespread drug addiction and drug trafficking are driving the forces behind a great deal of the worst crime and violence in New York City, and around the nation. In New York City last year, we made a total of 69,609 drug arrests.

We also appreciate the fact, Mr. Chairman, that you constantly prod the Federal government to provide more resources for treatment, as well as enforcement.

HIDTA is a prime example in the enforcement area.

It was important that the Federal Government recognize that the intensity of the drug problem is more severe in some places, than others. And, HIDTA, thanks to your efforts, clearly does so.

The creation and funding of the HIDTA Regional Training Center in New York City is one of the success stories. Operational since December 6, 1991, the Training Center has trained scores of law enforcement personnel to make their combined enforcement efforts as effective as possible. The Training Center has developed uniform, tactical measures, crucial to safe and effective deployment strategies in the field. The Center also enhances the spirit of cooperation among various law enforcement agencies.

The HIDTA Task Force, comprised of personnel from DEA, the New York State Police and the New York City Police Department, is another success story. Sharing operational and strategic knowledge undoubtedly enhances our effectiveness. The sum of the efforts of all the various enforcement agencies are greater working in concert, than they are individually.

Beyond that, HIDTA has helped invigorate the esprit de corps among the various law enforcement agencies in the New York metropolitan area.

You, asked, if any improvements are needed to make HIDTA more successful. Indeed, there are. For one thing, the administration of the program in the New York metropolitan area would, in my opinion, be vastly improved if a member of the New York City Police Department was designated to serve on the HIDTA Steering Committee.

Frankly, it is inconceivable to me how the Steering Committee can function intelligently in the New York HIDTA Region without the direct representation from the single law enforcement agency, representing all five boroughs, and whose narcotics arrest activity is, far and away, greater than all of the other agencies combined.

We have the largest, most concentrated population of drug abusers. We have the largest, most concentrated drug trafficking. We are the greatest magnet for drug abusers and dealers who "commute" to New York City from outlying areas, to which they return to expand the drug market. As a great transportation center for legitimate commerce, New York City is also the hub and distribution center for drug trafficking to the entire Northeast.

It is also useful to consider that the New York City Police Department is two and a half times bigger than the next largest police department in America.

That makes the New York City Police Department's exclusion from the steering committee all the more baffling. Other than the initial request for proposals, the New York City Police Department has no formal input into the HIDTA process; a fact reflected in our relative lack of success in having Police Department proposals funded.

In its three years of existence, I am uncertain as to whether the HIDTA Steering Committee has met more than one or two times a year. As far as I know, the meetings are not regularly scheduled, there is no report on what transpires, and the New York City Police Department has little or no chance of influencing the agenda.

I cannot help but conclude our lack of participation is at least partly responsible for the Police Department's failure to secure its fair share of HIDTA funding. In 1990, all HIDTA funds went to federal agencies, and none whatsoever to the New York City Police Department. In 1991, \$82 million was allocated for HIDTA. The New York City Police Department requested \$4 million and received \$2.1 million. In 1992, HIDTA funding for the New York Region increased by 50 percent, yet the New York City Police Department's request for over \$4 million was denied, and our previous year funding of \$2.1 million was cut nearly in half to \$1.2 million.

Considering the size and the impact of the New City Police Department in the New York HIDTA Region, I cannot recommend strongly enough that this situation be corrected.

I also must inquire as to why the New York Region, and none of the other HIDTA regions in the nation, imposes a

matching funds requirement. The HIDTA allocations to the New York City Police Department depended on our acquiescence to the matching funds requirement. As disproportionate as they were, the allocations would have been nonexistent if we did not comply and pay for 50 percent or more of the costs of any HIDTA-supported initiative by the Police Department.

There is no statutory basis in the law for this matching requirement. No other region has it. Without the matching funds requirement, we could move swiftly and more creatively in the HIDTA effort. I recommend removing the matching fund requirement.

Finally, I must tell you that there is an abundance of drug cases in the New York region that cry out for coordinated investigations, the likes of which the HIDTA Task Force was designed to undertake. With addition funding, we could initiate new cases, as well as city-wide and regional programs. But, again, at the very least, the Police Departments needs to be directly involved in the decision making process at the regional level.

Earlier this year, the Director of the White House's National Drug Control Policy acknowledged the inadequate representation on the steering committee. That acknowledgment came in February. And we're still waiting. Spring is here, Mr. Chairman. And if I may make a seasonal analogy, the New York City Police Department is warming the bench, when, by rights, we should be batting first.

Give us the input...give us a fair share of the available resources, and the New York City Police Department will help produce the results you're looking for.

Mr. Chairman, in holding these hearings, you invited criticism, which is the only way Congress can fulfill its oversight obligations. I appreciate that, as I appreciate this opportunity to put my reservations on the record. However, I don't want anything I have said today to be misconstrued. We appreciate all the help we get.

One of the great rewards of being the Police Commissioner in New York City, is the opportunity to work with some of the best police professionals in the world. And they come from the ranks of the State Police, in New York and New Jersey, and from police agencies in Suffolk and Nassau counties, as well as the DEA, the FBI, BATF, and Customs. Combine these police professionals with our federal and local prosecutors, and you will not find a better law enforcement team anywhere in the world.

Thank you.

Mr. RANGEL. Thank you, Commissioner.

So that we understand each other, Dr. Carnes not only said you should be represented on the steering committee of HIDTA, but that it would be unfair even to reach the conclusion of matching funds without participation in how that decision has been reached.

Mr. BROWN. That is my understanding from the testimony given today, Mr. Chairman.

Mr. RANGEL. Exactly. Well, send us a copy of the letter that you will be sending to the U.S. attorney, and we, of course, will be writing Governor Martinez to make certain that his statement is formalized.

Commander Scott, it is good to see you again, the President of the National Drug Enforcement Alliance, a friend, and someone, of course, who has testified before with this committee, and again, feel free to share with us your views as to how we can be more effective and more supportive because I think that this committee truly believes that you are the front line fighters here, and we want to support you.

Thanks for being with us.

#### STATEMENT OF COMDR. MICHAEL SCOTT

Commander SCOTT. Thank you, Mr. Chairman, members. Thank you for the invitation to speak today about the HIDTA issues and what HIDTA has done in our drug enforcement efforts in Texas, both in Houston and along the southwest border.

I am Mike Scott. I am Commander of the Narcotics Service for the Texas Department of Public Safety.

In your invitation to testify, you asked that I comment on several specific areas about the HIDTA programs. One of those areas is the level of coordination and cooperation in developing HIDTA policies and plans. Also on the level of input that the State and local agencies were allowed to have in developing those plans, you asked, "Does HIDTA meet the needs of the State and local agencies, and is HIDTA working, and what improvements are needed?"

I have presented my written remarks, and I am pleased that they are entered into the record, and I will try to summarize those remarks today.

As you stated, Mr. Chairman, 18 months ago I appeared before this committee to discuss the drug trafficking problems along the southwest border in Brownsville, TX. At that time, I also testified about a relatively new initiative called the HIDTA Program.

In December 1990, the HIDTA Program was in its infancy. Plans were vague; funding was slow; future funding was uncertain. Generally there was some confusion about what HIDTA was all about.

Today I am pleased that in Texas, at least, with our two designated HIDTA areas, plans have been developed. Strategies have been written. The confusion has been replaced by a coordinated and a cooperative effort between the Federal, State, and local law enforcement officials in those areas.

I feel certain that it is this coordinated effort that will bring law enforcement agencies closer together and will eventually lead to the success of the HIDTA programs in Texas.

As I stated earlier, Texas has two designated HIDTA areas, Houston and the southwest border, and as a representative of the Texas Department of Public Safety, the State law enforcement agency in Texas, I have had the opportunity and the benefit to actively participate in the planning of each of those HIDTA area programs.

For the purposes of my testimony, I would like to share with you a little bit of what we are doing in the Houston HIDTA area, as well as along the southwest border.

In Houston, our HIDTA area is coordinated by the U.S. Attorney's Office. Since its inception, the HIDTA coordinator has been Mr. Charles Lewis, an assistant U.S. attorney in the Houston office.

That decision, that single decision to select a person like Mr. Lewis as our HIDTA coordinator, has done more to ensure the success of the Houston HIDTA Program than any other decision. Mr. Lewis is a seasoned Federal prosecutor, who has a great deal of experience in prosecuting many complex drug conspiracy cases.

It is my belief that with his exposure to Federal, State, and local officers, Mr. Lewis gained the respect for what could be accomplished in a cooperative effort. Mr. Lewis brought that philosophy to the table when he first called law enforcement officials together in Houston in the early days of the program.

Under Mr. Lewis' leadership, a unique blend of Federal, State, and local drug enforcement experts formed a steering committee. That steering committee spent many days and many weeks developing and planning what the Houston HIDTA was intended to accomplish.

From the very beginning, the Houston HIDTA Program was a team effort with the voices of the State, county, and local officials being heard on an equal basis with those of the participating Federal agencies.

The Houston HIDTA strategy developed by the steering committee, and it continues today, is an approach that is multifaceted. Initially the formation of multiagency, multijurisdictional, major drug squads was a primary target and primary focus of the HIDTA concept in Houston.

Our strategy also called for an enhancement to our drug intelligence capabilities, which we deemed at that time to be very inadequate, and it also called for a regulatory and enforcement approach to an illegal money laundering industry in Texas referred to as the Casas de Cambio and the Giro Houses.

With that multifaceted approach, the major drug squads were formed in Houston, and I must say in my 19 years of law enforcement, most of which has been in drug enforcement, this is the most unique and the most innovative step in drug enforcement I have ever seen. In Houston, co-housed in one office, are 6 teams, completely integrated with Federal, State, and local officers, Federal officers from as many as about 12 agencies.

I must add that not only are they co-housed, but the integration continues in the area of supervision. Each team is supervised by either a DEA agent, FBI agent, an agent from the Department of Public Safety, Harris County Sheriff's Department, or Houston Police Department.



I guess what is unusual to me is in all my years, it is one thing to see DEA supervised by FBI; likewise, FBI agents supervised by DEA, but I have never seen either of those agencies agree to be supervised by a State or local, and in the major drug squads, they have done just that, and I am pleased to say it is working.

Another area of our concern in the Houston area, as well as along the southwest border, is with our ability to gain, collate, and disseminate adequate drug intelligence. That became an issue with both strategies, the southwest border strategy and the Houston strategy.

Likewise our concern was over our ability to actually identify the appropriate targets in the Houston area deserving of HIDTA major drug squad attention. In that regard, HIDTA funds for State and locals, particularly the Department of Public Safety, were earmarked for enhancement to not only my narcotics analysts section, which serves agencies all across the country, but also in forming the Texas narcotics information system, which will be the core of our drug intelligence system in Texas, as well as along the southwest border.

Additionally, HIDTA funds were made available for a new, innovative approach that the Department of Public Safety is going to sponsor or is sponsoring, and that is the creation of a post-seizure analysis team. Everyone in law enforcement, at least in Texas, agrees that resources are absolutely inadequate to do sufficient followup on all the drug seizures and currency seizures that occur in Texas.

With the formation of the post-seizure analysis team, resources and manpower will be dedicated to going in behind these seizures and providing additional investigative support and intelligence-gathering capabilities.

We are excited, and once again, our counterparts in Federal drug law enforcement are excited about this approach. The FBI, the Drug Enforcement Administration, U.S. Customs and IRS have sat in discussion with us. They like our plan, and they have agreed to assign their personnel to our office, once again, to be supervised by State officers. That is new in our world of drug enforcement, and I think it shows a sign of us coming together and working closely together in a single effort.

Our final concern in our initial strategy was an approach that had to be taken against the illegal money laundering industry or the currency exchange industry in Texas, referred to as Casas de Cambio. Mr. Lewis, the Texas Banking Department, Internal Revenue Service representatives and myself worked together to provide resource testimony in the Texas Legislature, which led to the passage of the Texas Currency Exchange Act.

That act is a very aggressive act, primarily with regulatory responsibilities, licensing responsibilities for that industry, and the enforcement effort is borne by the Texas Banking Department.

Again, we had to call on the banking department. At the time of the passage of this legislation, we knew it would have a fiscal impact, but as we have indicated in previous testimony, any additional charges to the State and local legislatures would probably have resulted in the failure of the passage of that very important legislation.

The banking department agreed to try to accept the responsibility for the enforcement of the provisions of that act without a fiscal note. We agreed to work with them, and I am pleased that in a shift from policy, the Office of National Drug Control Policy agreed when HIDTA funds were made available that we should, in fact, help the Texas Banking Department, their enforcement end, even though they are not drug law enforcement officers. They had the responsibility that we placed on them, and with the help of ONDCP, we were able to provide some of our State and local funds for the Texas Banking Department.

Mr. Chairman, as you can see by my comments, the Houston HIDTA Program is a multiagency effort. I have conversed with representatives from the Houston Police Department and Harris County Sheriff's Department before coming here, and each asked me to convey their sentiments concerning Houston HIDTA to this committee.

We at the State, county, and local police levels value the HIDTA Program, appreciate the opportunity that we have had to provide input in its development, and also appreciate the opportunity to benefit from the HIDTA in the Houston area.

The same experience that I have just described exists for us along the southwest border. Operation Alliance, a multiagency organization that includes Federal, State, and local representatives from the four Southwest Border States, was formed in 1986 primarily to look at or to address the problem with drug interdiction efforts and better coordination of those efforts along the 2,000 mile southwest border between the United States and Mexico.

The Office of National Drug Control Policy selected Operation Alliance as the steering committee for the HIDTA efforts along the southwest border. That steering committee works very much or has worked very much like I have described the Houston steering committee.

A strategy was developed which was consistent, but was more focused than a national drug control strategy. It was focused upon problems that exist along the southwest border, but it included the primary concerns, which was that efforts must be multiagency. We must join together and direct our efforts both in investigative and in interdiction efforts, and also in the financial disruption area.

The Texas Department of Public Safety, as I previously mentioned is using fiscal year 1991 and fiscal year 1992 HIDTA funds to create and fund the Texas Narcotics Information System. That system or a similar system to that system will be formed in the States of New Mexico, Arizona, and California, and our ultimate goal is to connect the four systems in a networking capability that will provide a very strong intelligence capability along the southwest border.

We are working with the officials at the El Paso Intelligence Center to make that effort even better.

In conclusion, I would like to say that there are other important programs that are supported by both Houston and the southwest border HIDTA's. I have only chosen to describe a couple of those for you.

In doing so, however, I hope that I have adequately depicted the importance of the initiatives and adequately addressed the concerns of this committee.

Both in Houston and the southwest border, coordination of the HIDTA programs has been good. In each HIDTA, State, and local representatives have been treated as equals and have been afforded a complete opportunity to have input.

I will assure this committee that because I have been so involved in these two HIDTA programs that, while I will share in any credit they deserve, I will also share in any responsibility for any shortfalls they have, and that just shows you the commitment I have of the input that I have been allowed to have in their development.

ONDCP has matured during the HIDTA programs. During the first 2 years there was confusion. Guidelines were a little vague. Funding was slow, but today ONDCP has developed the appropriate guidelines. Even the fiscal year 1993 guidelines are in my briefcase today. They have done much to streamline the process and have been very responsive to the needs and concerns of the agencies.

I would be remiss, however, if I did not convey to this committee our need for the HIDTA programs. I realize that funding for the State and locals is not in the current budget, and those funds are important to the State and locals to not only continue existing programs, but to be innovative and try to plan new programs.

So I encourage the members of this committee and your colleagues in Congress that when the time comes to consider the budget, that you also consider State and local funding in HIDTA, as it has been extremely important, and I think that we have and will be proud to share with you the successes of those programs in future meetings like this.

That concludes my prepared remarks. I would be happy to answer any questions the committee has, and once again, I thank you for the opportunity to be here.

[The statement of Commander Scott follows:]

STATEMENT

OF

MICHAEL D. SCOTT

COMMANDER

NARCOTICS SERVICE

TEXAS DEPARTMENT OF PUBLIC SAFETY

before the

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

U.S. HOUSE OF REPRESENTATIVES

concerning the

HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM

May 6, 1992  
Washington, D.C.

Chairman Rangel and distinguished members of the Select Committee on Narcotics Abuse and Control, I appreciate the invitation to address this Committee and to share with you my thoughts concerning the overall effectiveness of the High Intensity Drug Trafficking Area program and the impact HIDTA has had on the drug law enforcement effort in Texas. My name is Michael D. Scott and I am the Commander of the Narcotics Service for the Texas Department of Public Safety. In your invitation to present testimony, you asked that I comment on several specific issues related to the HIDTA program. Some of those issues included:

- a) the level of coordination and cooperation between federal, state and local law enforcement agencies,
- b) was there sufficient state and local input into the HIDTA programs,
- c) does HIDTA meet the needs of the state and local agencies,
- d) is HIDTA working and what improvements are needed.

I will attempt to adequately cover these and other related issues in my testimony today.

Mr. Chairman, I appeared before this Select Committee in December of 1990 in Brownsville, Texas and testified about the extensive drug trafficking problems along the southwest border. I also testified about a relatively new initiative called the High

Intensity Drug Trafficking Area program. At that time, the HIDTA program was in its infancy; plans were still being developed, funding was slow, promises of future funding were tentative and generally there was some confusion about what HIDTA was all about.

Today, I am pleased to report that in Texas, with our two HIDTA designated areas, our plans have been developed, strategies have been written and the confusion has been replaced by a coordinated and cooperative effort between federal, state and local law enforcement agencies. This coordinated effort will certainly lend to the eventual success of the HIDTA program in Texas.

When the Office of National Drug Control Policy, acting on the authority of Congress, designated five areas of the country as high intensity drug trafficking areas, it came as no surprise to officials in Texas that at least two of those areas would be in our State. In order to coordinate the HIDTA effort in those areas, ONDCP charged the Department of Justice to administer the HIDTA initiatives in the metropolitan areas and the Department of Treasury to oversee the Southwest Border HIDTA initiatives. As a representative of the Department of Public Safety, the state law enforcement agency in Texas, I have had the pleasure and benefit of participating in the planning of the two HIDTA programs. Therefore, for the purposes of my testimony, I will discuss the issues relating to Houston HIDTA and the Southwest Border HIDTA separately.

Houston HIDTA Program

The Houston HIDTA program is coordinated by the United States Attorney's Office in Houston. Since the inception of the program, Assistant U.S. Attorney Charles Lewis has represented the U.S. Attorney as the Houston HIDTA coordinator. The insight of the U.S. Attorney in selecting Mr. Lewis as the HIDTA coordinator did more to insure the success of the program than any other factor. Mr. Lewis is a seasoned prosecutor with a great deal of experience in prosecuting complicated drug conspiracies that were often the results of a cooperative, multi-agency investigation. It is my belief that with this exposure to federal, state and local officers, Mr. Lewis gained a respect for what could be accomplished in a cooperative drug investigation.

Mr. Lewis brought that philosophy to the table when he called law enforcement officials together in the early days of the Houston HIDTA program. Under Mr. Lewis' leadership, a unique blend of federal, state and local drug enforcement experts formed a Steering Committee and it was through this Steering Committee that the plans and strategies for the Houston HIDTA program were developed. From the very beginning, the Houston HIDTA program has been a "team" effort with the voices of state, county and local officials being heard on an equal basis with those of the participating federal agencies.

The Houston HIDTA strategy developed by the Steering Committee was and continues to be multi-faceted. The approach centered around the creation of multi-agency, multi-jurisdictional Major Drug Squads which would target the highest levels of drug trafficking organizations impacting the Houston area. The strategy also called for an enhancement of our drug intelligence and targeting capabilities as a regulatory and enforcement approach to an illegal money laundering industry operating in Texas commonly referred to as "Casas de Cambio" and "Giro Houses".

The Major Drug Squads, mentioned above, was the primary focus of the Houston HIDTA program. In my 19 years of law enforcement, I can honestly say that I have never seen such a bold and innovative plan. The Major Drug Squads are six and soon to become seven enforcement teams, each completely integrated with federal, state and local officers. It has long been accepted that the multi-agency task force concept is the most effective approach to drug enforcement. What is unique about our Major Drug Squads however, is that the teams are all co-housed in one facility and that each team is supervised by a representative from a different agency. DEA, FBI, Customs, Houston Police Department, Harris County Sheriff's Office and the Department of Public Safety share in the supervision of the Major Drug Squads. It has been quite an experience to see the FBI agree to be supervised by a DEA or Customs Agent or the DEA agree to be supervised by the FBI. Even more gratifying is to see the federal agencies agree to be



supervised by a state, county or local officer. This is precisely what is occurring with the Major Drug Squads and I want to report to this committee that it's working. This concept has gone a long way to insure all agencies, federal, state and local are equals in the Houston HIDTA strategy.

As previously mentioned, another key element in the Houston HIDTA plan was the need to enhance our capabilities to compile, organize and disseminate drug intelligence information. This was needed for several reasons; 1) to enhance our overall investigative capabilities, 2) to avoid unnecessary and costly duplication of investigative effort and 3) to enhance our collectively ability to target our investigative resources at the most prolific drug trafficking organizations operating in the Houston area. Fiscal year 1991 HIDTA funds were made available to enhance the capabilities of the DPS Narcotics Analyst Section. These enhancements have already proven well spent in that the Narcotics Analyst Section not only supports police officers from federal, state and local agencies in Texas, but the Analyst Section is also the core of the Texas Narcotics Information System (TNIS) which will be a statewide clearinghouse for drug intelligence in Texas.

In an additional effort to enhance our targeting capabilities, the Department of Public Safety accepted the responsibility of forming the Post Seizure Analysis Team. This concept, funded totally by FY 92 HIDTA funds, is a multi-agency effort aimed at performing a

thorough analysis and correlation of drug intelligence produced by the many significant drug/currency seizures that have occurred in Texas. Once again, the DEA, FBI, Customs and IRS have agreed to assign personnel to the Post Seizure Analysis Team, thereby insuring that the effort will have law enforcement support throughout Texas.

Our final concern outlined in the Houston HIDTA strategy was to launch a coordinated attack on the illegal currency exchange industry in Texas. Mr. Lewis, the HIDTA coordinator, joined with representatives of the IRS, Texas Banking Department and Department of Public Safety to provide resource type testimony that lead to the passage of the Texas Currency Exchange Act. After many hours of work and after presenting testimony before the Texas Legislature, the Currency Exchange Act was passed without a dissenting vote. This legislation is an aggressive regulatory approach to the currency exchange industry and once implemented, should have a significant impact on an industry that has afforded drug traffickers an almost unbridled ability to launder billions of dollars in illegal drug profits each year.

In a slight departure from policy, the Houston HIDTA Steering Committee, with the approval of ONDCP, allowed the Texas Banking Department to benefit from the state and local Houston HIDTA funds in FY 92 in order to implement and properly oversee the Currency Exchange Act.

Mr. Chairman, as you can see by my comments, the Houston HIDTA program is truly a multi-agency, multi-faceted effort. Its strategy was developed only after input from all federal, state and local agencies in the Houston area. Before preparing my testimony, I conversed with representatives of the Houston Police Department and Harris County Sheriff's Office. Each asked me to convey their sentiments concerning Houston HIDTA to this committee. We at the state, county and local police levels value the HIDTA program, appreciate our opportunity to provide input and to benefit from the HIDTA program.

Southwest Border HIDTA Program

When ONDCP charged the Department of Treasury with the responsibility of administering the Southwest border HIDTA, Treasury through the Southwest Border Sub-Committee in turn delegated that responsibility to Operation Alliance. Operation Alliance is a multi-agency organization formed in 1966 for the purpose of coordinating the drug interdiction efforts of the many federal, state and local law enforcement along the 2000 mile U.S. - Mexico border. For this reason, I believe that charging Operation Alliance with the planning and oversight of the Southwest Border HIDTA was quite appropriate. The Joint Command Group of Operation Alliance, similar to the Houston HIDTA Steering Committee, is composed of representatives from federal, state and local agencies from the states of California, Arizona, New Mexico and Texas.

Affording all law enforcement agencies in this region an opportunity to provide input, Operation Alliance developed a Southwest Border Drug Strategy which was consistent with but more focused than the National Drug Control Strategy. This strategy identified the areas important to drug enforcement officials along the border. The strategy supported multi-agency cooperative investigative and interdiction efforts and called for enhancements to the drug intelligence capabilities along the southwest border. As a member of the Joint Command Group, and speaking on behalf of my state and local counterparts from California, Arizona and New Mexico, I can assure this Committee that we are treated as partners in Operation Alliance and have, since its inception, shared in the organizing, planning and oversight of the Southwest Border HIDTA.

The Joint Command Group for Operation Alliance made a determination that multi-agency investigative and interdiction efforts were necessary in order to disrupt the flow of drugs across the U.S. - Mexico border. Consistent with that determination, a large percentage of HIDTA funds were earmarked for multi-agency task force efforts along the border. Many of these task forces would concentrate on disrupting the financial aspects of the drug trafficking organizations.

Another area of special focus in the Southwest Border Drug Strategy was to enhance the drug intelligence capabilities along the border. In Texas, the Department of Public Safety is using FY 91 and FY 92

HIDTA funds to create the Texas Narcotics Information System (TNIS) which is designed to collect drug intelligence from the numerous drug task forces operating in Texas as well as from other state and local police agencies in our State. The concept of a statewide drug intelligence clearinghouse was long overdue in Texas, but until HIDTA funds became available, it was only a vision. Thanks to ONDCP, Operation Alliance and HIDTA funding made available by Congress, the Texas Narcotics Information System is becoming a reality. Likewise, systems similar to TNIS are being developed in the other southwest border states with an ultimate plan to electronically network the four systems. This linking of statewide drug intelligence systems will serve as a model for other states and for federal agencies alike. The concept is to avoid creating stand-alone intelligence systems that cannot or will not network with other systems.

#### Conclusion

There are many other very important programs supported by the Houston and Southwest Border HIDTA, but I have chosen to describe only a portion of the initiatives. I hope that in doing so however, I have adequately depicted the importance of the initiatives and adequately addressed the concerns of this Committee. In both the Houston and Southwest Border HIDTA, coordination of the HIDTA programs has been excellent. In each HIDTA, state and local representatives have been treated as equals

and have been afforded a complete and unwavering opportunity to have input. I will assure this Committee that because I have been so involved in these two HIDTA programs, I will share in the credit for any success realized by the Houston and Southwest Border HIDTA programs but I will also share the responsibility for any of its shortfalls.

The Office of National Drug Control Policy has matured with the HIDTA programs. During the first two years, there was confusion, guidelines were vague and inadequate, and funding was very slow. Today, ONDCP has developed the appropriate guidelines, done much to streamline the process and has been very responsive to the needs and concerns of the agencies (federal, state and local) involved in the HIDTA programs.

I would be remiss if I did not convey to this Select Committee the importance of HIDTA funding for state and local agencies. As I have tried to describe in this report, HIDTA funding has enabled state and local law enforcement officials the opportunity to turn visions into reality. Had it not been for the funding made available through HIDTA these plans would still be on a shelf in some office because resources at the state and local level are barely adequate to carry out existing programs, much less start new ones. I realize that the current budget submitted by the President does not include any additional funding for state and local agencies participating in HIDTA's for FY 93. I strongly urge the

members of the Select Committee on Narcotics Abuse and Control to support the continued funding of state and local initiatives in support of the HIDTA program. Continued funding of these innovative programs is critical to their continued success.

This concludes my prepared statement regarding the High Intensity Drug Trafficking Area program for Houston and the Southwest Border. I am encouraged that these hearings will enlighten the Chairman and Committee Members on the importance of the HIDTA program to Texas and the entire Southwest Border. I can only hope that the cities of Miami, New York and Los Angeles share my enthusiasm for the HIDTA programs.

I appreciate the opportunity to appear before the Select Committee on Narcotics Abuse and Control and pledge my continued cooperation with this Committee in the future.

Mr. RANGEL. Well, you can count on our continued support. That was some pretty exciting testimony you have given us, Commander, and that excites us, and I hope you do not mind if we take your testimony and send it to the Southern District of New York and ask for comments.

Commander SCOTT. I would be pleased about that. It is important that the people there making those decisions realize the need to bring people together.

I would like to say, however, that in Houston and along the southwest border there has been no requirement to match. However, in our commitment to make HIDTA work we have done in-kind match of all sorts within the Department of Public Safety and various resources, analytical and air support resources.

So although there is not a requirement to match, we have, in fact, matched many-fold for the HIDTA because we want it to work.

Mr. RANGEL. It makes sense.  
Commander Ripley.

#### STATEMENT OF COMDR. ROBERT RIPLEY

Commander RIPLEY. Yes, good afternoon, Mr. Chairman, committee members. Thank you for the opportunity to come before you.

My name is Robert C. Ripley. I am a commander with the Los Angeles County Sheriff's Department, with almost 31 years of service. The last 2½ years I have been commander in our detective division, with administrative responsibility over the operation of our narcotics bureau, metropolitan vice bureau, and our special investigations bureau.

Our experience has been closer to Texas than New York. Back in early 1990, a meeting was called by the U.S. Attorney's Office to discuss the HIDTA designation for Los Angeles. Attending were representatives of Federal law enforcement agencies, as well as representatives of local and State agencies.

My department, the Los Angeles Sheriff's Department, as well as the Los Angeles Police Department, local chiefs of police from both Los Angeles County and Orange County, and State law enforcement representatives came together to work on this program.

A number of meetings were held. A steering committee was formed. We had many problems crop up in designing the multi-agency drug enforcement task force, now known as the Southern California Drug Task Force.

At our multiagency intelligence center, known as JDIG, Joint Drug Intelligence Group, there were a lot of problems with just the language of the MOU, many with Federal agencies. They quibbled over different words and how they were used, but we ironed all of that out working together.

Southern California Drug Task Force is managed by the DEA, and the Joint Drug Intelligence Group is managed by the FBI. Many of our State and local agencies have contributed both sworn and civilian personnel to these programs.

My department has contributed more personnel than any other agency except the DEA. We have one lieutenant, two sergeants and nine deputies assigned. Of the local agencies, the next highest



number is the LAPD with nine personnel. Then we have the Orange County Sheriff's Department with five.

The total personnel for the Southern California Drug Task Force includes Federal agencies all working together; ATF, DEA, FBI, INS, IRS, U.S. Coast Guard, Customs, and the California Department of Justice. We have smaller police departments that have officers assigned. We have the Probation Department from Los Angeles and also the San Bernardino County Sheriff's Department, for a total of 99 people.

The executive board in our deliberations as a steering committee, decided that we would try and even it up, and so we have eight Federal agencies represented and eight local agencies. It includes both State and local. There is a total of 16 members on the executive board.

We meet monthly, and we discuss current cases and how they are managed and how they are handled. We also discuss the budget issues.

In March of 1991, the Los Angeles HIDTA expanded to include both San Bernardino and Riverside County. The feeling was that the drugs coming across the border had to go through those counties to reach Los Angeles, and Los Angeles is a transshipment point for drugs across the border.

We had a lot of problems forming the group. One of the major ones was a site to house the task force. The one the Federal Government selected needed a lot of work done, and so the DEA came to my department and asked for assistance in finding office space.

My department assisted by leasing an office in a building in downtown Los Angeles. We have been in that office close to 1½ years now, and it is our understanding that the new building for the task force will be ready in August this year. It has taken that long to get the office ready.

To date, our task force has made over 120 arrests of major narcotics violators, seized approximately 3,300 kilograms of cocaine, 150 kilograms of opiates, and seized approximately \$7 million in assets.

Our intelligence group has 35 assigned intelligence personnel and has compiled 20 drug organization profiles for local law enforcement agencies. They develop a profile and turn it over to the appropriate agency.

The Los Angeles County Sheriff Department's position is that the HIDTA concept is working effectively in Los Angeles, and this is, in part, due to our coordinator, Steve Madison, from the U.S. Attorney's Office.

The biggest problem that we see is the timely release of HIDTA funds to make the task force work. Some of the State and local projects have yet to be funded, and we are already into the third quarter of the 1992-93 fiscal year.

I have been assured by some of my friends in ONDCP that they are working on the release of that money, and it should be forthcoming.

And lastly, we have a serious concern about the future appropriation of HIDTA for the State and local funding since there is none mentioned in the 1993 budget. We are very concerned with that.

And in closing, Los Angeles County Sheriff, Sherman Block, feels strongly that the Los Angeles HIDTA continues to constitute the most effective way to address the problem of national and international shipments of narcotics and money laundering through Los Angeles.

I would be happy to try and answer any questions.  
[The statement of Commander Ripley follows:]

STATEMENT OF COMDR. ROBERT C. RIPLEY, COUNTY OF LOS ANGELES SHERIFF'S  
DEPARTMENT

The designation of the Los Angeles metropolitan area as a High Intensity Drug Trafficking Area was vigorously sought by various major Federal, State, and local agencies with jurisdiction in the narcotics arena in Southern California. Upon the area's designation as a metropolitan HIDTA by the Office of National Drug Control Policy in 1990, a meeting was convened, and two divergent concepts were discussed, one a Multi-Agency Intelligence Center, the other a Multi-Agency Enforcement Task Force. As the HIDTA concept progressed to reality, representatives of all Federal, State and local agencies working in the narcotic enforcement field were invited to meetings at which time an executive board was established and the determination was made to support both an Enforcement Task Force and an Intelligence Group.

Since March 1991 the Los Angeles High Intensity Drug Trafficking Area has been expanded to encompass not only Los Angeles County, but the Counties of Orange, Riverside and San Bernardino as well. The executive board presently is comprised of 16 voting members who represent all major departments and/or associations in this geographical area, and routinely 25 to 30 individuals attend each monthly meeting. There are eight Federal agency members and eight State and local members of the executive board, and each member has one vote. To date, virtually all decisions have been made by consensus. The executive board by vote sets the monthly meeting dates and locations which are presently set for the 3rd Friday of each month, alternating between the two task force sites. At each meeting, board members and those in attendance are updated as to the progress of ongoing O.C.D.E.T.F. cases, and other matters of mutual concern are discussed. An agenda is prepared before hand and mailed to board members for their review. The executive board sets policy for the Los Angeles HIDTA initiatives, and reviews and approves budget submissions.

Beginning on October 1, 1990 and continuing through the end of February, 1991 the Southern California Drug Task Force (SCDTF) finalized contracts and agreements for temporary space to allow start up in March 1991 pending demolition and remodeling of the projected permanent space in a two story Federal building located at 1340 West 6th Street in downtown Los Angeles. The move to the permanent site is currently projected to occur in August of 1992.

The Southern California Drug Task Force presently has 99 sworn enforcement personnel (agents and officers), divided into 10 fully integrated groups (an organizational chart of the SCDTF is attached hereto and incorporated herein for reference). To date the Task Force has made over 120 arrests of major narcotic violators, and seized approximately 3300 kilograms of cocaine, 150 kilograms of opiates, and approximately 7 million dollars in asset seizures.

The Joint Drug Intelligence Group has 35 assigned intelligence personnel, and has been equally successful in its mission, compiling 20 organizational profiles which have been distributed to different agencies for enforcement action. Both groups represent Federal, State, and local agencies. The two Task Forces have effectively integrated their personnel and are successful to the point of being used as a model by other areas of the country.

In addition to these two Task Forces which are funded by the Federal portion of the program funds, three additional Task Forces, and five other projects were approved for partial funding this fiscal year through the State and Local HIDTA funding. All funding decisions both Federal and local are made by the executive board after reviewing each project and listening to presentations when appropriate. This State and local funding is a critical element of the HIDTA program, because in Los Angeles and in the other metropolitan HIDTA areas, State and local law enforcement bears the principal burden of the war on drugs. For example, the United States Attorney's Office for the Central District of California files about 300 Federal narcotics cases annually. In Los Angeles County alone (one of seven counties in the Central District) there are over 30,000 drug arrests each year.

The Los Angeles County Sheriff's Department's position is that the HIDTA concept is working effectively in the Los Angeles area. As with any process there will always be detractors, and certainly we are not an exception. There has been a question as to the legality of using Federal HIDTA funds for local projects which is still unresolved. There is also the ongoing difficulty of the timely release of allocated funds. In point of fact, some of the State and Local projects have yet to be funded, and we are already into the 3rd quarter of the 1992/1993 fiscal year. Lastly there is serious concern about the future appropriation of HIDTA, State and local funding.

In closing, let me restate that it is the Los Angeles County Sheriff's Department's position that the two "Federal" HIDTA programs, the Southern California Drug Task Force and the Joint Drug Intelligence Group, continue to constitute the most effective way to address the problem of national and international shipments of narcotics, and money laundering, through the Los Angeles area, and therefore the Federal portion of the funding is furthering the HIDTA mission. Our problem is with the local portion of the funding, both its timeliness and its continuation. Many of the local projects are either innovative or programs that are severely hampered by funding difficulties. We need to work together to improve the timely release of funds, and to ensure their continuation.

Mr. RANGEL. Thank you, Commander. Your testimony has been helpful and encouraging.

Mr. Coughlin.

Mr. COUGHLIN. Thank you very much, Mr. Chairman.

While we obviously have problems in New York, I guess it is good to hear some good news in both Texas and——

Mr. RANGEL. I might ask: neither one of the U.S. attorneys are running for public office, are they?

Commander RIPLEY. No, they are not.

Mr. RANGEL. That makes a difference.

Mr. COUGHLIN. And it is good to hear that there are programs out there that are working, and that you, who are on the front lines, think are effective programs. Obviously, it is expected that there will be problems in getting the initial operation ironed out and working properly. We hope New York will be working properly soon, but we certainly are glad to hear that in Texas and Los Angeles it is an effort that you think is worthwhile, and that ONDCP has been responsive to your concerns and is trying to work them out.

ONDCP is not a supergovernment. It is not responsible for homelessness, poverty, and pestilence, but it is responsible for trying to administer a good drug program, and so we are glad to hear that, at least in your case, it is working well.

And, Commissioner Brown, we want to work with you obviously, as does ONDCP, to try to solve some of the problems you are having both in terms of the matching funds and in terms of the representation of the New York City Police Department.

Mr. BROWN. We appreciate that.

Mr. COUGHLIN. I must say I do not understand why you have not been represented and why there should be some particular requirement applied in New York that may not be applied elsewhere, and I assure you that we want to try and work that through with you.

Mr. Chairman, I have no further questions, but I just want to thank the witnesses for taking their time to come here. This is very helpful to us.

This is perhaps the most narrowly focused hearing that we have had in terms of taking a very specific program and trying to see how well it is working and what we can do to make it work better. This is very valuable to us in terms of following up on the things

that we enact. So I am glad to see that we are making some progress.

Thank you, Mr. Chairman.

Mr. RANGEL. I agree with you.

Mr. Towns.

Mr. Towns. Thank you very much, Mr. Chairman.

I was detained earlier when you began the hearing, but I would like to ask for unanimous consent to include my opening statement in the record.

Mr. COUGHLIN. Without objection.

[The statement of Mr. Towns follows:]

OPENING STATEMENT BY THE HONORABLE EDOLPHUS TOWNS  
SELECT COMMITTEE HEARING ON MAY 6, 1992

MR. CHAIRMAN, I AM PLEASED TO BE HERE THIS MORNING TO GAIN AN UNDERSTANDING OF THE WORKINGS AND PERFORMANCE OF THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) PROGRAM. THE HIDTA PROGRAM WHICH WAS CREATED BY THE ANTI-DRUG ABUSE ACT OF 1988, IS NOW IN ITS THIRD PROGRAM YEAR. SINCE CONGRESS CREATED THE HIDTA PROGRAM, OVER \$200 MILLION HAS BEEN APPROPRIATED FOR THE PROGRAM. AS WE ALL KNOW, THE LEGISLATIVE INTENT OF THE HIDTA PROGRAM WAS TO DESIGNATE CERTAIN AREAS OF THE UNITED STATES AS AREAS OF HIGH INTENSITY DRUG TRAFFICKING AND TO DIRECT FEDERAL RESOURCES TO BETTER EQUIP THESE AREAS TO RESPOND AGGRESSIVELY TO THIS PROBLEM. IN 1990, THE OFFICE OF NATIONAL DRUG CONTROL POLICY (ONDCP) DESIGNATED THE GREATER AREAS OF HOUSTON, LOS ANGELES, MIAMI, NEW YORK AND THE SOUTHWEST BORDER AS HIDTAs.

WHILE ALL HIDTAs NOW HAVE LOCAL STEERING COMMITTEES, I AM PARTICULARLY CONCERNED THAT IN NEW YORK, THE DESIRED DEGREE OF COLLABORATION HAS NOT BEEN ACHIEVED. THE NEW YORK CITY POLICE DEPARTMENT (NYPD) HAS INDICATED THAT IT WAS NOT ADEQUATELY REPRESENTED IN THE PLANNING PROCESS AND KEY FUNDING DECISIONS FOR THE FISCAL 1992 NEW YORK HIDTA PROGRAM. POLICE COMMISSIONER

BROWN HAS EXPRESSED DISMAY AND CONCERN AT THE ABSENCE OF A MEMBER OF THE NYPD ON THE NEW YORK STEERING COMMITTEE. I SHARE COMMISSIONER BROWN'S PERCEPTION THAT THIS LACK OF REPRESENTATION IS A REASON BEHIND THE POLICE DEPARTMENT'S INABILITY TO SECURE ITS FAIR SHARE OF HIDTA FUNDING. ANOTHER PROBLEM THAT IS UNIQUE TO THE NEW YORK STEERING COMMITTEE IS THAT IT HAS IMPOSED A REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO MATCH FEDERAL FUNDS WHILE NO OTHER HIDTA AREA HAS A MATCHING REQUIREMENT. I AM PARTICULARLY CONCERNED THAT THIS MATCHING REQUIREMENT MAY BE SERIOUSLY UNDERMINING THE EFFECTIVENESS OF HIDTA OPERATIONS IN NEW YORK. THIS IS PARTICULARLY TROUBLING IN LIGHT OF THE FACT THAT NEW YORK HAS THE LARGEST, MOST CONCENTRATED POPULATION OF DRUG ABUSERS AND DRUG TRAFFICKERS IN THE NATION.

WHILE THE ADMINISTRATION ROUTINELY RECITES ITS COMMITMENT TO THE WAR ON DRUGS, IT HAS CONSISTENTLY REFUSED TO REQUEST FUNDING IN THE FEDERAL BUDGET, WHICH WOULD BE DIRECTED TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE HIDTA PROGRAM. IT IS CRITICAL THEREFORE THAT CONGRESS CONTINUE TO APPROPRIATE MONIES TO CONTINUE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE HIDTA AREAS. IT IS ALSO EQUALLY CRITICAL THAT THE ADMINISTRATION MAKE SOME OPERATIONAL CHANGES TO ENSURE THE CONTINUED EFFECTIVENESS OF THE HIDTA PROGRAM.

Mr. Towns. Thank you very much.

Commissioner Brown, I would like to commend you on your tireless and superb effort in running the largest police department in the Nation. The rest of us can only attempt to envision the magnitude of the problems which your department fights against every day. So I congratulate you on the more than 69,000 arrests which you made in New York City last year.

I think that in itself is something that we can all be proud of.

Despite the administration's lack of funding targeted to State and local law enforcement agencies, Congress has repeatedly funded State and local enforcement participation in the HIDTA Program. What more can we do to assure the effective, and I underline the word "effective," participation of local law enforcement in the HIDTA Program?

Mr. Brown. Hopefully out of this hearing will come a correction of the problem in New York City. We have complained here today because we have been left out of the decisionmaking process, the planning process by not having representation on the steering committee. We are told that that will be corrected.

We are also told that absent concurrence on the matching requirement, we would not have the matching requirement. The problem is that they cut our \$2 million in half, and we have got \$1 million. To keep the same level of the program, we have to add another \$1 million plus the matching. So we end up with \$2 million just to keep the program going.

We can do a good job in what we are doing at the local level in enforcing the law, putting people in jail. The problem, however, is that is not solving the drug problem. We also need adequate treatment programs in our cities. We need adequate funds to deal with education for the purpose of prevention.

So my recommendation would be that we look at the drug problem in its totality. We will continue to arrest people. We are pretty good at that. However, unless we can deal with those people who are addicted to drugs and do something to get them away from their addiction, we can come back to you 1 year, 5 years from now and tell you how many people we have arrested, and the crime problem will still be impacted by the drug problem.

So we would hope that we would have a comprehensive program dealing with enforcement dealing with education prevention; because people are suffering on the streets of our city. We need to save those who are not involved. But equally important, is to deal with those who are addicted because the addict is a big part of the drug problem. Unless we can correct that, we will not find substantial results in our efforts.

Mr. Towns. Thank you very much.

I think you are right about a comprehensive approach, and I am happy to hear law enforcement indicate the fact that a comprehensive approach is really the way to go toward solving the problem.

The other thing I would like to direct to you, Commander Ripley, is you talked about the problems that you encountered in forming the group, and you went on to say that establishing your office was one. What are some of the other problems that you encountered in terms of putting the group together?

Commander RIPLEY. Probably one of the biggest ones was the release of the funds. When we started in 1990 discussing the task force, my department was ready to put people out July 1 and start working on it.

I think we all have to recognize that the resources that we commit are not funded as part of the funding that is received. These are what we call out-of-hide. They are out of our budget. We committed 12 people, which is almost \$1 million a year, to work on this task force.

We were ready to go July 1 of 1990, but we did not start until a long time after that, and that was a major problem.

Trying to find a location, ordering the equipment, all of those things were problems.

Mr. TOWNS. Well, you know, I must admit that I am encouraged by the fact that everybody seems to understand the importance of working together. In the past, we have had some very strange kinds of things happen among law enforcement authorities when they are all working on the same case.

I think that we have eliminated a lot of that, if we can get the kind of commitment that would encourage further coordination I think that we might be making a step in the right direction.

The testimony I have heard here today is very, very encouraging news. I am hoping that we can convince the powers that be to give the total amount of support necessary to put a dent in the drug problem.

So I would like to thank you, Mr. Chairman, for having this hearing, and I think that it is the kind of hearing that we need every now and then. I think every now and then we need to have this kind of narrow focus, and I think this hearing really provides that kind of opportunity.

Thank you.

Mr. RANGEL. Thank you, and let me thank the panel.

I do hope that you might feel free at some later point to share your views on what our commissioner said as relates to root causes of addiction and what causes these small time dealers, many of them addicts, and in fact, that unfortunately the success of the arrests and convictions are not really diminishing the problem as we find our jails being swollen.

On May 16, it is my understanding that the mayors from all over the country will be making a petition to the President in terms of asking for a response to their urban agendas, and these will be mayors, Republicans and Democrats.

It just seems to me that I cannot think of any agency that should have more input in this than law enforcement because the more effective you are in doing your job, the more problems you cause the judges and the wardens, and we certainly know that the community is behind and supporting everything that you do, and we do not want the Sun to go down in saying that this committee is not fighting to give you the tools and the resources because you are men and women who make the ultimate sacrifice in terms of this war, while we just legislate and try to do the right thing.

Thank you so much for your meaningful testimony.

Mr. BROWN. Thank you, Mr. Chairman.

Commander SCOTT. Thank you.



Commander RIPLEY. Thank you.

Mr. COUGHLIN. We stand adjourned, subject to the call of the chair.

[Whereupon, at 12:50 p.m., the committee was adjourned, subject to the call of the Chair.]

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## U.S. House of Representatives

SELECT COMMITTEE ON  
NARCOTICS ABUSE AND CONTROL  
ROOM H2-234, HOUSE OFFICE BUILDING ANNEX 2  
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May 15, 1992

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The Honorable Otto Obermaier  
U.S. Attorney  
Southern District of New York  
1 Saint Andrews Plaza  
New York, New York 10007

Dear Mr. Obermaier:

On May 6, 1992, the Select Committee on Narcotics Abuse and Control held a hearing on the High Intensity Drug Trafficking Area (HIDTA) program. The hearing provided a unique opportunity for various Federal, State, and local law enforcement agencies participating in the program to come together and share their insights on the program. During the hearing several issues arose that were of concern to the New York HIDTA. Knowing your critical role in this program and our common goal of the success of the New York HIDTA, I felt it was important to share the information with you.

The Select Committee heard from Commander Mike Scott, of the Texas Department of Public Safety, and Commander Robert Ripley, of the Los Angeles Sheriff's Department. They commented on the effectiveness of the program in Houston, the Southwest Border, and Los Angeles. According to Commander Scott, both in the Houston and the Southwest border HIDTA's the coordination and the multi-agency approach has been very successful. The State and local agencies in these two areas have been able to work with Federal agencies on an equal basis, and turn visions and ideas of programs into reality. He continued that without HIDTA funding, many good programs would never have made it past a shelf in some local office because of limited resources available. The Los Angeles HIDTA, according to Commander Ripley, seems to be working in a similar fashion.

Concerning New York, the U.S. General Accounting Office, (GAO), reported that the Office of National Drug Control Policy, (ONDCP), sees nothing to prohibit the requirement self-imposed by the New York HIDTA steering committee that state and local agencies must match federal HIDTA funds as a condition of the program participation, but believe that there should be agreement on the requirement among the participating agencies. Apparently, in the New York HIDTA there is no such agreement. It is my hope that this issue will be quickly resolved. ONDCP Director Bob Martinez testified at the hearing and assured me that the issue of the match would be

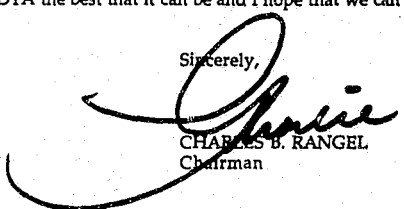
The Honorable Otto Obermaier  
U.S. Attorney  
Southern District of New York  
Page 2

revisited once the New York City Police Department was fully represented on the steering committee.

Finally, GAO has informed me that the Miami HIDTA has a unique player in their program that may work for the New York HIDTA. In Miami, in addition to the U.S. Attorney coordinating the overall HIDTA program, there is a State and local coordinator. John Wilson, the State and local coordinator, works for the Metro Dade Police Department, but oversees the State and local issues in the Miami HIDTA. This seems to be quite successful.

I have taken the liberty of enclosing the statements of Commander Scott, Commander Ripley, and the U.S. General Accounting Office. HIDTA provides an unique opportunity for our Federal, State, and local law enforcement agencies to target major drug traffickers. This is a critical task for our nation if we are going to make our streets safe again. It is my goal to make the New York HIDTA the best that it can be and I hope that we can work together on this.

Sincerely,



CHARLES B. RANGEL  
Chairman

Attachments

cc: The Honorable William Barr, Attorney General, Department of Justice  
The Honorable Robert Martinez, Director, the Office of National Drug Control Policy  
The Honorable Lee Brown, Police Commissioner, City of New York

U.S. Department of Justice

*United States Attorney  
Southern District of New York**One Saint Andrew's Plaza  
New York, New York 10007*

May 22, 1992

Honorable Charles B. Rangel  
United States House of Representatives  
Washington, D.C. 20515

Dear Charlie:

I have your letter of May 15, 1992 and have read the prepared statements of Police Commissioner Lee Brown and yourself at the hearing your Committee conducted on May 6, 1992 on the High Intensity Drug Trafficking Areas (HIDTA). I have not yet seen a transcript of the actual testimony, but the prepared statements cause me concern, compelling me to present additional information which should be part of your Committee's proceedings to provide a balanced and more complete picture.

In particular, I am firmly of the view that our state and local partners -- all of them throughout this region -- should be fully included in the regional HIDTA program, and I believe that we have striven mightily to that end. Evidently, Commissioner Brown does not fully appreciate the extraordinary efforts we have made on behalf of our state and local colleagues in this HIDTA, and his Department in particular. In addition, there are a number of factual matters which warrant correction and additional comment.

For example, both you and the Commissioner should be aware that each of the metropolitan HIDTAs was allocated \$5 million for state and local programs in both FY91 and 92. Nevertheless, at our urging and guidance, the federal agencies in this region have redistributed federal allocations to increase the state and local grants to \$7.1 million in FY91 and \$6.9 million in FY92, including \$1.1 million to New York City for the establishment of a Weed and Seed program, of which the NYPD will receive a substantial portion. As you can see from the attached charts depicting the budgetary breakdowns in various HIDTA's, we have allocated far more of the total regional budget to state and local programs than any other HIDTA. Not counting our partners in Westchester County, New Jersey and on Long Island, we were able to provide funding to agencies in New York City alone of \$5.8 million in FY91 and \$5.0 million in FY92. The NYPD Drug Gang Task Force received an additional \$431,000 in logistical support from DEA. (Incidentally, the

Honorable Charles B. Rangel

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Commissioner is incorrect in asserting that FY92 HIDTA funds increased by 50%. In fact, they increased by 12%, all of which was reflected in the allocation of federal funds, and most of which was reallocated to state and local grants.)

Regarding the so-called "matching funds" policy, it is simply not correct to say that the New York/New Jersey HIDTA is unique in this respect. While the other three metropolitan HIDTA's do not call their policy by that name, they have all employed a policy requiring the commitment of resources by local participants, namely that those state and local agencies participating in HIDTA projects are required to supply the manpower with their salaries and benefits fully paid by their own departments, while HIDTA funds are used for infrastructure and operational expenses only. If the Commissioner prefers this method of "resource sharing" to what is, in my view, our more flexible approach, I will be happy to propose it to the other state and local participants in this area.

In that respect, it is important to note that our current policy does not require local departments to "match dollar for dollar" the additional funds from HIDTA. We have maintained a completely flexible approach, and have permitted some departments in the area, who favored this approach because they could not provide a "cash match," to provide "in kind" contributions by way of manpower, logistical support or other resources they could bring to a project.

It is also important to note that as helpful as HIDTA may be, it has a limited budget, and is expected to fund regional initiatives stretching from Newark to New York City to Westchester County to Montauk. Given the practical limitations of the budget provided by HIDTA, it is simply not feasible to expect HIDTA to fund 100% of the cost of local initiatives, with no commitment and contribution by local departments. For example, if the NYPD's proposals had been fully funded solely from HIDTA funds in either FY 91 or 92, they would have more than exhausted the entire regional HIDTA budget, and no other police agency or District Attorney's office would have received a penny. This result would certainly not be appropriate for what is meant to be a coordinated regional effort. The simple fact is that if there is no resource sharing policy, and if the NYPD is to be funded at 100% into the indefinite future, the funds to do so must be withdrawn from the other state and local agencies in this region. I suspect this will not meet with unanimity.

Moreover, a "resource sharing" policy, as it may better be named, ensures that the proposals for funding have the full backing of the proposing agency, because they understand that a HIDTA program will require substantial commitment on their part.

Honorable Charles B. Rangel

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Without such an arrangement, we would surely be inundated with "wish lists" of initiatives which a host of agencies would like to have funded but otherwise would not back up with their own resources. I might add that no other agency in this HIDTA has complained about the policy, and indeed have appreciated the flexibility we have applied to it, since many of them do not wish to commit HIDTA funds for the payment of salaries, in view of the uncertain nature and amount of HIDTA funding from year to year.

With respect to their role in the HIDTA planning process, I completely agree with the Commissioner that the NYPD is an important participant in this region, and should be fully engaged in the planning and monitoring process. In fact, they have been:

- o In late 1990, when we learned that HIDTA funds had been appropriated specifically for state and local agencies, the Deputy U.S. Attorney and the Senior Counsel from my office met numerous times with then Chief Anthony Voelker of the NYPD to solicit the participation of the NYPD in the program and seek their views on appropriate programs for use of the funds. Before his retirement last year, Chief Voelker attended every meeting at which the formulation of proposals and policy regarding the HIDTA program were discussed. Two of our first and most successful initiatives, the NY Drug Gang Task Force and the Joint Regional Training Program, which have received total funding of \$3.64 million to date, were developed directly from suggestions advanced by the NYPD. We have always valued their contributions in this collaborative effort.
- o The NYPD has always attended the meetings of what we now call the Advisory Committee, consisting of federal, state and local HIDTA participants, who discuss approaches to the drug trafficking problem in the area, the methods by which HIDTA funding can enhance our joint efforts, and to establish the broad outlines of the HIDTA initiatives to be recommended for funding. Indeed, the matching funds policy was first discussed with this group on July 29, 1991, a meeting attended by four representatives of the NYPD, who raised no objection to the policy. As you know, the Police Department has been "reinvited" to join the smaller Steering Committee, as they were before Chief Voelker retired.
- o It appears that the NYPD does not fully appreciate (i) the budgetary limits on the HIDTA program; (ii) the resulting need for cooperative negotiations on funding requests; nor (iii) the regional nature of the program,

in which many competing law enforcement needs throughout the region must be weighed and reconciled. For example, in FY91, the Police Department submitted proposals for HIDTA funding totalling \$5.6 million. The total pro-rata budget for all state and local agencies in this region was only \$5 million for not only numerous law enforcement agencies from New York City, but also all of Long Island, Westchester County, and four counties in New Jersey.

- o While it is correct that the NYPD did not receive what it requested from HIDTA, the simple fact is that we received funding requests totalling nearly three times the funds available, and no agency received all that it requested. We advised the Police Department, along with all other agencies in the region -- federal, state & local -- that the regional budget would not permit full funding of all the proposals in the region, and asked them to discuss revisions to their proposal. We were told that the Police Commissioner had instructed his staff that their proposals were non-negotiable, and that no alternatives or revisions would be discussed, precluding the compromise and spirit of cooperation that are essential to any successful joint effort.
- o Every other agency cooperated fully and generously in revising their requests in order to meet the budget constraints placed on us. Despite the NYPD's refusal to negotiate, we were able to provide total funding of \$2.4 million, which included 100% funding for their NY Drug Gang Task Force, plus an additional \$181,000 in start-up costs provided by DEA. This funding was only made possible, at our urging, by the generosity of federal agencies, who reduced their own allocations by \$2.1 million to fund the NYPD and other local proposals. This was the largest single grant, by far, within the entire region, and was the only grant providing for 100% funding. Every other state and local agency provided either matching funds or manpower.
- o I also have some concern about the apparent reluctance by the NYPD to work together with their counterparts in coordinating and supporting other agencies' joint HIDTA initiatives. In addition to their policy of requesting more funds than the entire budget for all agencies in the region could support, accompanied by statements that such requests are non-negotiable, there are other instances of a less than complete understanding of the cooperative nature of the program. For example, in the summer of 1991, the U.S. Marshal invited the NYPD to participate

Honorable Charles B. Rangel

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with them in Operation Sunrise, a HIDTA-funded narcotics fugitive apprehension initiative in this region, which was combined with other similar efforts funded by the Marshals Service in Boston, Baltimore, Washington, Atlanta and Miami. Despite the Marshals' offer to pay overtime and operational expenses for this ten-week joint effort, the NYPD refused to participate. It was the only local department not participating, not only from this region, but from the other five cities as well.

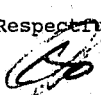
- o Similarly, we asked that the NYPD work together with the District Attorneys and the Special Narcotics Prosecutor to develop a joint proposal for dealing with the drug gang problem in New York City. They refused, and instead submitted their own requests totalling \$5.7 million in HIDTA funding, even after learning that our total regional budget for state and local funding would be in the range of \$4 to \$6 million. Again we were able to fund their continued operations, along with all other state and local initiatives in the region, only by re-allocating federal HIDTA funds.

In short, while the NYPD obviously has complaints about some aspects of my administration of the HIDTA here, there are countervailing factors to be considered before reaching any conclusion either about the soundness of the matching funds policy or our efforts to work cooperatively with our colleagues. I believe if you inquired of other state and local agencies in the region, you would find that they are quite pleased with our efforts on their behalf.

As I have previously advised the Commissioner, I am always available to discuss with him here at the local level any concerns he may have about the HIDTA program.

We appreciate your interest and support of the HIDTA program, and will be pleased to respond to any further questions you may have.

Respectfully submitted,

  
OTTO G. OBERMAIER  
United States Attorney

cc: Hon. Lee P. Brown



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## U.S. House of Representatives

SELECT COMMITTEE ON  
NARCOTICS ABUSE AND CONTROL  
ROOM H2-234, HOUSE OFFICE BUILDING ANNEX 2  
WASHINGTON, DC 20515-6425

COMMITTEE PHONE 202-226-3040

July 27, 1992

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PETER J. CONIGLIO  
MINORITY STAFF DIRECTOR

The Honorable Otto Obermaier  
U.S. Attorney  
Southern District of New York  
1 Saint Andrews Plaza  
New York, New York 10007

Dear Otto:

Let me begin my congratulating your Assistant U.S. Attorney, Roger Hayes, and your office for insuring that Commissioner Brown and the New York City Police Department are now on board with the HIDTA program. I have learned from NYPD that they are very eager to move forward with your office on HIDTA. It is my understanding that NYPD is on the Steering Committee, now, and receiving proper notification of the meetings. I am glad to see that the differences have been resolved and that the highest level of cooperation, that I know both offices desire, is being reached. Both offices have an enormous task at hand and I can not stress strongly enough the importance of total cooperation and coordination if we are going to make our streets safe again.

There are a few points that you raised in your letter, that I would like to respond to, but that is by no means an indication that I do not believe you have not made great strides to improve the relationship between your office and NYPD. Your reference the projection for FY'92 funding in the New York HIDTA and the Commissioner's statement that New York was to receive a 50% increase in funding. According to your letter there was only a 12% increase for New York. The Commissioner based his information on a letter that I shared with him from Governor Martinez. I have attached a copy for your review. As you can see from the letter, the Commissioner and myself were under the assumption that the Governor's information was accurate.

I have also enclosed a draft copy of the May 6, 1992, HIDTA hearing transcript. After reading your letter, I thought it was important to make this available to your office. This is only a draft and for your internal use. In the hearing it became very clear through the testimony of the U.S. General Accounting Office and the Office of National Drug Control Policy that the New York HIDTA is unique in requiring a dollar for dollar match

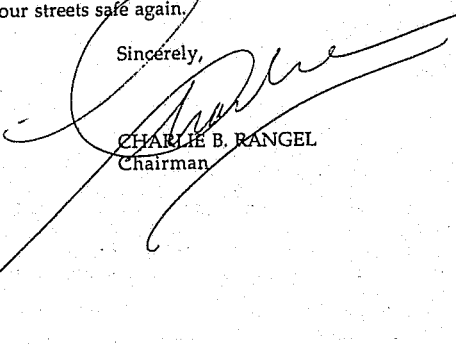
The Honorable Otto Obermaier  
U.S. Attorney  
Southern District of New York  
Page 2

for participation in the program. In addition, a formal agreement is needed if the participants are going to be required to match Federal funds (Page 9 and 41-42 of the transcript).

I certainly understand the limitations you have with the funding, and would never expect funding to be solely allocated to one participant. And I hope that whatever the solution to the funding problem is that it is agreed to by all the participants in the program.

In closing, let me again thank-you for working to ensure that all the participants in the HIDTA program are receiving the cooperation and coordination necessary to make our streets safe again.

Sincerely,



CHARLIE B. RANGEL  
Chairman

Attachments



OFFICE OF NATIONAL DRUG CONTROL POLICY  
EXECUTIVE OFFICE OF THE PRESIDENT  
Washington, D.C. 20500

DEC - 3 1991

The Honorable Charles B. Rangel  
Chairman  
Select Committee on Narcotics Abuse and Control  
United States House of Representatives  
Washington, D.C. 20515-6425

Dear Mr. Chairman:

This letter is in response to your correspondence of September 24, 1991, in which you related Commissioner Brown's and your concerns over the funding level for State and local participation in the New York High Intensity Drug Trafficking Area (HIDTA).

As you are aware, H.R. 2622 was signed by the President on October 28, 1991. This legislation appropriates \$20 million for the State and local participation in the four metropolitan HIDTAs: Houston, Los Angeles, Miami and New York.

The Department of Justice recently completed the planning process for the Metropolitan HIDTAs. The plans, which were formulated by the State and local agencies, were submitted to me on October 31, 1991. The New York HIDTA will receive about \$5.7 million of State and local funding. The funding represents an increase of 50% over \$3.8 million provided in Fiscal Year 1991. As you can see, the New York HIDTA will receive more than its proportionate share of the \$20 million appropriated.

Thank you for your continued interest in the HIDTA initiative. Please extend my regards to Commissioner Brown.

Sincerely,



BOB MARTINEZ  
Director



**NICK NAVARRO**  
SHERIFF  
BROWARD COUNTY

May 1, 1992

The Honorable Charles S. Rangel  
U. S. House of Representatives  
Chairman, Select Committee on Narcotics Abuse and Control  
House Office Building, Annex 2 - Room H2-234  
Washington, D.C. 20515-6425

Dear Chairman Rangel:

Thank you for your invitation of April 13, 1992, to address the Select Committee on Narcotics Abuse and Control in support of the South Florida H.I.D.T.A. (High Intensity Drug Trafficking Program) State and Local Grant Programs.

As you are aware, South Florida is, and continues to be, a major importation center and is experiencing an unprecedented increase in the flow of narcotics into the area. Federal authorities report an excess of 75,000 pounds of cocaine has been seized in South Florida within the past six (6) months. Further compounding this epidemic is the emergence of Colombian heroin.

The Broward County Sheriff's Office, as well as several other South Florida Law Enforcement Agencies, has been able to take full advantage of supplemental funding through the H.I.D.T.A. Program.

SUCCESS OF PROGRAM

Since its inception H.I.D.T.A. had provided a limited amount of funding to local law enforcement agencies. This has allowed for the purchase and use of updated necessary equipment and the salary supplements to truly enhance available resources in an unyielding, offensive front in the war against narcotics.

The current economic climate within the United States has limited the availability of local tax dollars to fund a strategic offensive. Unfortunately, this has placed a tremendous strain on law enforcement efforts throughout the South Florida area. On the other hand, the criminal element is not limited to nor dependent upon the availability of tax dollars.

May 1, 1992

The narcotics epidemic faced by this nation will continue to thrive in any economic climate if allowed. As law enforcement officials, it becomes incumbent upon this administration to fully support law enforcement efforts through a more coordinated and efficient manner, as clearly demonstrated by the H.I.D.T.A. Program.

Drug trafficking is a major cause of violence and crime in South Florida cities. The development of successful investigations targeting organized crime and related narcotics trafficking enterprises and their offenders requires the utilization of unique investigative techniques and resources.

Prior to the implementation of H.I.D.T.A., there existed a difference of responsibility among federal, state and local jurisdictions for organized crime and narcotic control. Undoubtedly, the prior existence of such an uncoordinated atmosphere works to the advantage of the criminal groups.

Major criminal enterprises often span jurisdictional boundaries to the extent that two or more state or local jurisdictions may be required to respond to the same offense or conspirators. Such a coordinated effort is proving its worth to immobilize targeted offenders who manage and control criminal networks and organizations.

H.I.D.T.A. has allowed for the design and implementation of a centralized, coordinated computer networking intelligence system. Once on line, information on potential targets will be readily accessible and, more importantly, "functional" for all H.I.D.T.A. projects. Line operations become more effective with enhanced analytical capability. The reality of such a large-scale interagency networking system has been provided through H.I.D.T.A.

H.I.D.T.A. has provided an accelerated mechanism for local law enforcement agencies to coordinate specific objectives and targets with federal, state, and local counterparts. Such measures have also provided a more effective weapon in the war on controlled substances. In essence, law enforcement agencies have become more organized and coordinated through the H.I.D.T.A. Program.

#### INPUT OF LOCAL LAW ENFORCEMENT/EFFECTIVENESS

The South Florida H.I.D.T.A. Program has allowed recipients of each grant to be flexible in their investigative endeavors for specific targets or objectives outlined within the respective grant project. H.I.D.T.A. recognizes the fact that as investigations mature, objectives may need to be modified or changed. H.I.D.T.A. allows for a quarterly reporting mechanism which has become standardized within the South Florida region for each project. This report not only includes statistical data records, but also provides an avenue

for the project director to identify any problems or modifications associated with the grant.

Monthly meetings for all H.I.D.T.A. project representatives convene on a regular basis. Administrative issues are clearly communicated during such meetings, as well as input and discussion from all in attendance.

Several H.I.D.T.A. projects have personnel assigned to various committees associated with H.I.D.T.A. officials or designated steering committees. Such mechanisms have proven beneficial, allowing for an enhanced coordinated atmosphere.

\*ALLOCATION OF FUNDING/IMPACT

Current project funding appears to have been properly allocated, based on need and justification of operations. The expenditure of the funds, once again, is currently being expended in the most expeditious manner. Upon receipt of an award letter through H.I.D.T.A., the individual project director and/or agency expends funds based upon budgeted categories. Capital items are purchased promptly to ensure timely deployment for operational needs. Supplemental funds, i.e., salaries, overtime, lease, etc., are budgeted accordingly throughout the fiscal year.

Funding by H.I.D.T.A. has met and continues to meet the needs of federal, state and local agencies. The funding, made available through H.I.D.T.A., is going where it is needed most - line operations that cross and link multiple jurisdictional boundaries. As indicated earlier in my opening statement, we are at a critical crossroads in the war on narcotics. However, more funding resources should be made available directly to local and state agencies.

\*Refer to attachments

The necessary capital items needed to gain ground and finally turn that corner in the narcotics war are going to the working level of local law enforcement agencies. More importantly, H.I.D.T.A. has listened to the line operations and allowed them a voice in acquiring the resources they have identified to more effectively do their job.

The arrests and the forfeiture of assets which have resulted from H.I.D.T.A. projects speak for themselves in terms of success.

H.I.D.T.A. has managed to overcome traditional political roadblocks and bureaucracy in terms of law enforcement objectives and coordination. As each law enforcement agency continues to bridge avenues of communication and coordination, the war on narcotics becomes the central focus of effort with a win/win attitude.

Chairman Charles S. Rangel

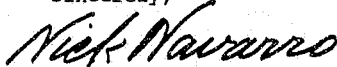
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May 1, 1992

The ultimate benefit of H.I.D.T.A. has made the streets of our community a little safer for our children and all law-abiding citizens. A continuance and potential increase of direct state and local funding will serve to enhance the quality of life that law-abiding citizens expect and deserve.

I truly and sincerely thank each of you for affording me the time and courtesy to state my opinion and support of the success and effectiveness of the South Florida H.I.D.T.A. State and Local Grant Programs.

Sincerely,



NICK NAVARRO  
Sheriff of Broward County

NN:JF:las  
Attachments



Bob Lanier, Mayor

# CITY OF HOUSTON

Houston Police Department

61 Riesner Street Houston, Texas 77002 713/247-1000

CITY COUNCIL MEMBERS: Helen Huey Ernest McGowen, Sr. Vince Ryan Judson W. Robinson, III Frank C. Mancuso Dale M. Garczynski Christin Hartung  
John G. Goodner Ben T. Reyes Gracie Guzman Soenz Eleanor Tinsley Jim Greenwood Sheila Jackson Lee Alfred J. Callaway CITY CONTROLLER: George Greenias

June 19, 1992

Sam Nuchla  
Chief of Police



Honorable Charles B. Rangel  
Chairman of Select Committee  
on Narcotic Abuse and Control  
Room 234 Annex 2  
Washington D.C. 20515

Dear Congressman Rangel:

On behalf of the City of Houston and the Houston Police Department, this is presented as testimony of the positive impact the High Intensity Drug Trafficking Area (HIDTA) program has had on the narcotic law enforcement initiatives in Houston and a request for continuation funding on a local level for the Houston HIDTA program. As the Assistant Chief of the Houston Police Department's Special Investigations Command, which includes the Narcotics Division, and as the HIDTA Steering Committee member representing the Houston Police Department, I am pleased to report that HIDTA funded initiatives have been underway long enough in Houston to begin preliminary evaluations of their impact. In order to present an overall view of Houston's Metropolitan HIDTA program, I will briefly describe the process that led to the successful implementation of the initiatives.

The Houston HIDTA program is coordinated by the United States Attorney's Office in Houston. The choice of coordinator is especially commendable. Assistant U.S. Attorney Charles Lewis brought with him a wealth of knowledge and experience in prosecuting complex drug cases that evolved from the efforts of multiple law enforcement agencies from all levels of government. In addition to this expertise, he also possesses the finesse to obtain input from all representatives of the Steering Committee in an orderly, expeditious manner, while keeping the Steering Committee on track with its overall mission. Plans and strategies for the Houston HIDTA program were developed with an emphasis on the philosophy that no agency was really going to commit to the program unless it believed that it is an equal partner in the endeavors of the program and that it has an equal say in decision





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making. This objective has been achieved and is still a guiding light for discussions and decisions, and can be evidenced by the structure and operations of the Major Drug Squads. The six Major Drug Squads are completely integrated with federal, state, and local officers, and each team is supervised by a representative from a different agency.

The HIDTA program allowed the Houston Police Department to combat its most pressing problems of drug related violence and crime by the creation of an intelligence analysis contingency and two initiatives that targeted known drug locations and known drug-related violent activity. The ability to compile, organize, and disseminate intelligence information is paramount to the successful investigation and prosecution of criminal cases. The intelligence analysis unit enhanced the capabilities of the Houston Police Department to identify and investigate drug and gang organizations. The unit is sharing intelligence support to investigators inside and outside our department at a rapidly growing pace. The enthusiasm and professionalism of the analysts themselves, has caused them to reach out to analysts in other agencies and form the Gulf Coast Chapter of International Association of Law Enforcement Intelligence Analysts, Inc. (IALEIA).

This chapter includes members from the Houston Police Department, Federal Bureau of Investigations, Drug Enforcement Administration, Immigration and Naturalization Services, Texas Department of Public Safety, and Harris County Sheriff's Department. This cooperative initiative was an unexpected, but welcomed, offspring of the intelligence networking capability that the HIDTA program provided.

Fiscal year 1991 HIDTA funds enabled the Houston Police Department to address the visible street sales of narcotics throughout the Houston area through its known drug location abatement initiative. Crack/Cocaine infested neighborhoods have been targeted in a coordinated effort to utilize forfeitures, nuisance injunctions, dangerous building abatement, and undercover narcotic buys in order to take back those streets from dope pushers and criminals who were instilling fear in the neighborhood residents. A 24-hour NO-DOPE hotline was staffed to assist apprehensive citizens, who were living in constant fear, to report drug related activity. The hotline is presently receiving 40 to 50 calls per day.

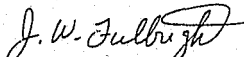
Another initiative sponsored by the HIDTA program is the known drug-related violence program. Through this program, the Houston Police Department cooperates with several other agencies dealing with violence, drugs and gangs. Specifically, a joint effort with the ATF has allowed police officers from the Houston Police Department to be co-housed with ATF agents. This initiative is proving to be very successful in targeting and apprehending repeat violent offenders who are members of major gangs throughout the Houston and Texas area. The funding for this initiative has

Rangel

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allowed investigators to categorize cases and conduct follow-up investigations where they would not have been able to before.

In conclusion, the strategy of the Houston metropolitan HIDTA program was to gain commitments from all agencies represented in this program to form a cooperative coalition of law enforcement agencies that would have local and international impact on the drug problem. I am in agreement with the comments made by Commander Michael Scott, of the Texas Department of Public Safety, in his testimony to you on May 6, 1992. Cooperation between the various agencies has certainly been obtained and the collective efforts of the Houston HIDTA program will no doubt produce synergistic results that could have never been obtained through individual agency endeavors. The City of Houston and the Houston Police Department appreciate the support it has received from the HIDTA program and look forward to continuing its excellent working relationship with the other agencies.



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