

## **ONDCP and the HIDTA Talking Points**

The High Intensity Drug Trafficking Area (HIDTA), administered by the Office of National Drug Control Policy (ONDCP), is an innovative and unique program that focuses on outcomes and performance. The HIDTA Program has proven to be cost-effective, highly productive and demonstrates a significant return on investment. Criminal justice executives, as well as members of Congress, have often referred to HIDTA as a “model federal program” that is a force multiplier fostering strong partnerships between federal, state, local and tribal agencies. A review of the HIDTA Program accomplishments for 2016 is attached for your review.

Noteworthy highlights include:

- Disrupting or dismantling 2,668 drug trafficking or money laundering organizations
- Removing 117 tons of cocaine, 28 tons of methamphetamine, 5.2 tons of heroin and 1 ton of prescription narcotics from our communities
- Mission-focused training for 77,913 criminal justice professionals
- Apprehension of 50,923 fugitives involved with drug trafficking, violent crime and gangs as well as other major crimes
- Removing 21,223 firearms associated with criminal organizations
- Seizing \$547 million in illegally-gained cash from drug trafficking and money laundering organizations that, after forfeiture proceedings, will be equitably shared with tribal, local, state, and federal government agencies
- The illegally-gained cash and other assets along with the wholesale value of the drugs seized equates to a return on investment of \$75.34 for every \$1.00 of HIDTA funding in 2016, excluding funding for prevention and treatment

### **ONDCP and HIDTA Relationship Critical to Success**

- The sobering reality is that this nation has a significant drug abuse problem. It has been acknowledged that law enforcement and public health, through criminal justice, treatment and prevention programs must come together to address this severe problem. This only can be realized through a central coordinating high-level office under the President, which is the Office of National Drug Control Policy. ONDCP has the important responsibility to establish priorities and objectives for the nation’s drug policy. The goals include reducing illicit drug use, trafficking, drug-related crime and violence, and drug-related health consequences. ONDCP serves as a neutral entity responsible for developing a strategy and coordinating efforts on all levels of government involving law enforcement, treatment and prevention to address the nation’s devastating drug abuse consequences. The relatively modest cost of ONDCP compared to the tremendous cost associated with drug abuse in terms of overdose deaths, traffic fatalities, job performance and lost productivity, healthcare, education, child endangerment, etc. is significant.
- The ONDCP and HIDTA relationship provides the federal government with timely access to regionalized information and perspective on drug threats and trends throughout the country. That relationship is critical to one of ONDCP’s important functions of developing a national drug strategy. HIDTA provides ONDCP direct access to most of

the major criminal justice system leaders across the country who are participants in the HIDTA Program.

- The flexibility and neutrality of HIDTA under ONDCP's oversight, provides the federal government with the ability to address emerging drug threats across the country through long-standing federal, state and local partnerships. One of the most critical factors affecting success of the HIDTA Program is based on its placement in ONDCP, which offers the program a neutral, non-agency-biased environment. This factor led, Congress and law enforcement leadership throughout this country, in 2005 and 2006, to strongly oppose removing the HIDTA Program from ONDCP. Their reasons at that time are still valid today and include:
  - ONDCP is best suited to administer and guide HIDTA funding and resources. Unlike other federal agencies, ONDCP: 1) does not maintain an enforcement arm; 2) does not have any representatives on the HIDTA Executive Boards; and 3) does not compete for any funding or resources. Key stakeholders agree that HIDTA's balanced neutrality would be threatened should the program be moved from ONDCP.
  - In 2005 and 2006, a reason given for moving HIDTA is that ONDCP is a policy office and should not manage an operational program. While ONDCP provides oversight and guidance implementing a national strategy, it does not manage the program. Management is accomplished by regional executive boards comprised of federal, state and local criminal justice administrators.
  - It is the federal, state, local and tribal partnership, and not ONDCP, that is responsible for preparing the regional threat assessment, identifying strategies to address the threat, funding those strategies, assessing the performance and making necessary adjustments. That is done on a regional basis and not from a "one size fits all" perspective.
  - In 2005 and 2006, a significant number of state and local leaders indicated they would likely withdraw their resources should HIDTA be removed from ONDCP to another government department. They cited that HIDTA would lose its neutrality and they would lose an "equal voice" in helping to direct the HIDTA Program.
  - Transferring the program to another federal agency would create an imbalance in power and potentially shift priorities from a regional basis to a more centralized basis.
  - Federal agencies measure of success is based on results produced by that particular federal agency. HIDTA's success is predicated on the results of a multi-agency, federal state, local and tribal partnership, not just one agency.
- ONDCP coordinates the nation's effort to reduce illegal drugs and drug abuse. Its success is predicated on the results produced by partnerships it creates and facilitates. HIDTA serves as the catalyst for federal, state, local and tribal partnerships. Its structure and function is an intentional "perfect fit" for ONDCP.
  - Congress, in its wisdom, originally created ONDCP and the HIDTA Program together and has repeated that through reauthorizations.
- HIDTA is the eyes and ears for ONDCP and facilitates much-needed and timely flow of information to and from ONDCP and its criminal justice partners.

## **HIDTA is Not Duplicative or Redundant of Other Federal Efforts**

The HIDTA Program is definitely not “redundant” or “duplicative” of any other drug policy effort. There are some who mistakenly compare the Department of Justice (DOJ) Organized Crime Drug Enforcement Task Force (OCDETF) Program to the ONDCP HIDTA Program. These two programs are not duplicative or redundant but rather complement each other.

- In 2016 OCDETF received \$512 million which paid for approximately 2,900 federal positions in six different DOJ agencies to augment their existing budgets. As an example, DEA and FBI received 1,783 funded positions and the U.S. Attorney offices received 1,027 positions through OCDETF. The majority of HIDTA’s 2016 budget (\$250 million) supported 600 tribal, local, state and federal commingled task forces with a mission to disrupt or dismantle international, multi-state and local drug trafficking and money laundering organizations. One hundred percent of OCDETF’s budget goes to fund federal agencies whereas the majority of HIDTA’s funding supports state and local agency drug enforcement efforts in partnership with federal agencies.
- OCDETF provides some overtime and travel funding to state and local agencies (\$29 million) out of DOJ’s asset forfeiture account to help facilitate larger, long-term investigations after receiving OCDETF designation. In 2016, a significant number of OCDETF-designated investigations (1,519) originated from, and were led by, HIDTA task forces.
- In 2016, OCDETF-designated investigations were responsible for disrupting or dismantling 226 CPOT (Consolidated Priority Organization Targets) which are the most prolific international drug trafficking and money laundering organizations. HIDTA task forces were responsible for dismantling or disrupting 129 CPOTs, many of which were OCDETF-designated investigations.
- OCDETF is involved with twelve strike forces throughout the country primarily consisting of federal agents and managed by one of the federal DOJ agencies. HIDTA supports 600 tribal, local, state and federal task forces staffed with federal as well as 15,377 tribal, local and state personnel from 2,135 agencies in 49 states, all with the same mission, and are managed jointly by local, state and federal criminal justice executives.
- OCDETF’s primary function is the funding of federal positions and supporting OCDETF-designated investigations. HIDTA’s primary mission is to disrupt and dismantle drug trafficking and money laundering organizations but also to help make law enforcement more efficient and effective. This includes investigative support centers which provide strategic and tactical support for investigations and agencies, training, case deconfliction and coordinating activities with prevention and treatment. HIDTA also has national initiatives including the Domestic Highway Enforcement Program, National Emerging Threats Initiative, National Marijuana Initiative and the multi-HIDTA Heroin Response Strategy Initiative.

This brief comparison of the two programs is not meant to imply one is more important than the other but rather to point out they are not duplicative or redundant and complement each other in addressing the drug problem in this country.

### **The Expansion of HIDTA is Based on Its Success**

- As a criticism, it has been noted that the HIDTA Program has expanded from 5 HIDTAs in 1988 (Los Angeles, Miami, Houston, New York and the Southwest Border) in 8 states to 28 HIDTAs in 49 states including Puerto Rico, the U.S. Virgin Islands and the District of Columbia. The HIDTA program expanded because federal, state, local and tribal criminal justice leaders throughout the country, various administrations and Congress witnessed the success of the program and viewed it as a model for efficient and effective government partnerships. These partnerships are designed to eliminate duplication and competition as well as act as a force multiplier to address the drug problem regionally but with a national focus. Why limit a cost-effective and efficient program that facilitates coordination and cooperation in addressing a problem that has no regional boundaries?

### **HIDTA Does Not Supplant State and Local Responsibility**

- As a criticism of the HIDTA Program, some claim that HIDTA supplants state and local responsibility. Just the opposite is true. State and local drug law enforcement responsibilities are limited to their state, county or city jurisdiction. The federal government has national responsibility for drug law enforcement. The HIDTA Program brings together federal, state and local resources, acting as a force multiplier and leveraging those resources to disrupt and dismantle local, multi-state and international drug trafficking organizations. The HIDTA Program utilizes state and local resources to address the drug problem from a national perspective. Participating state and local agencies' contributions to the HIDTA Program triples the HIDTA budget of \$250 million.

### **ONDCP and HIDTA Are Unauthorized**

- ONDCP and HIDTA have remained unauthorized since 2010; however, Congress has continued to appropriate funds during the seven years. Clearly Congress does not intend for ONDCP or the HIDTA Program to be eliminated. The U.S. Government Accountability Office (U.S. GAO) notes that there is no statutory requirement that appropriations be preceded by special authorization. Applying the non-authorization rationale would have to also be applied to many other key federal entities.