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DRUG ENFORCEMENT:

Improving Management Of Assistance To
High Intensity Drug Trafficking Areas

Statement for the Record
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General Government Division

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



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**DRUG ENFORCEMENT: IMPROVING MANAGEMENT OF ASSISTANCE TO HIGH
INTENSITY DRUG TRAFFICKING AREAS
SUMMARY OF STATEMENT BY
LOWELL DODGE
DIRECTOR, ADMINISTRATION OF JUSTICE ISSUES
U.S. GENERAL ACCOUNTING OFFICE**

For fiscal years 1990 and 1991, Congress provided the Office of National Drug Control Policy (ONDCP) with \$107 million to assist localities with severe drug trafficking problems. The Committee was concerned over (1) the extent to which decisions on how best to spend these funds were based on collaboration among federal, state, and local law enforcement agencies in the five areas designated by ONDCP to receive the assistance; (2) how the fiscal 1990 funds were actually spent; and (3) the analytical base ONDCP established to assess the effectiveness of that spending as required by the 1988 Anti-Drug Abuse Act.

GAO's review showed the following:

- Although ONDCP designed the assistance program to be a collaborative effort, officials of key local law enforcement agencies in three of the five areas, e.g., managers of major metropolitan police forces, said they were not included in initial planning efforts on how best to spend the fiscal 1990 funds.
- ONDCP provided the fiscal 1990 funds to federal agencies, such as the Drug Enforcement Administration and Customs Service. These agencies used the funds primarily to (1) purchase investigative and office equipment and (2) move additional federal agents to the five localities.
- Although GAO agrees with ONDCP that it is premature to draw conclusions regarding the effectiveness of the fiscal 1990 assistance, ONDCP has not established the foundation needed to make such determinations in the future.
- During the current assistance program planning cycle (fiscal 1991), state and local law enforcement agency participation has increased and seemed generally satisfactory to the participants with whom GAO spoke in four of the five areas. This can be attributed in part to their increased involvement in local management (representation on steering committees) and in part to Congress earmarking \$32 million for distribution to state and local agencies.

Given these conditions and the recognized need to continue with assistance to these areas, GAO is making recommendations to (1) establish a basis for accountability and assessment of the effectiveness of federal assistance; and (2) promote increased collaboration among federal, state, and local law enforcement agencies.

Mr. Chairman and Members of the Select Committee

This statement for the record presents the results of our review of the Office of National Drug Control Policy's (ONDCP) administration of federal assistance to localities with severe drug trafficking problems. For fiscal years 1990 and 1991, Congress provided ONDCP with \$107 million to assist localities that ONDCP designated as High Intensity Drug Trafficking Areas (HIDTAs).¹ You were concerned about (1) the extent to which decisions on how best to spend these HIDTA funds were based on collaboration among federal, state, and local law enforcement agencies; (2) how the \$25 million in fiscal 1990 HIDTA funds were actually spent; and (3) the analytical base ONDCP established for assessing the effectiveness of that spending as required by the 1988 Anti-Drug Abuse Act. You were also interested in ONDCP plans affecting the continuation of HIDTA funding and the implications those plans may have on the HIDTA effort.

To accomplish these objectives, we did audit work at the Washington, D.C., headquarters of ONDCP, the Departments of Treasury and Justice, and operations centers in each of the five designated HIDTAs. In these locations we met with federal agency officials who had a significant role in HIDTA affairs to

¹During 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.

discuss program development and coordination with state and local law enforcement agencies. In the five HIDTAs, we also discussed these matters with key state and local drug enforcement officials. Our work was done from October 1990 to April 1991 and in accordance with generally accepted government auditing standards.

DESIRED COLLABORATION NOT FULLY ATTAINED

To decide how best to distribute the HIDTA funds among the designated localities (i.e., to whom ONDCP should give the funds and for what purposes), ONDCP guidelines called on federal, state, and local law enforcement agencies in each of the localities to collaborate on the development of spending plans. Under the guidelines, Treasury and Justice officials were to serve as the local coordinators but final plan approval authority was retained by ONDCP. According to ONDCP, federal, state, and local teamwork is the cornerstone of drug law enforcement and HIDTA assistance would enhance their coordinated efforts.

Despite calling for the active involvement of state and local law enforcement agencies in assessing the needs of each HIDTA locality and developing plans on how best to spend HIDTA funds, ONDCP's guidelines were not sufficient to ensure that state and local agencies were fully integrated into the local HIDTA

planning processes. Other than being invited to initial information meetings, key law enforcement officials, e.g., the managers of metropolitan police departments, in two of the five HIDTA localities (Miami and New York) said they were not brought into the initial planning or decisionmaking process for determining how the fiscal 1990 funding should be spent. In a third HIDTA locality (Los Angeles), although the largest police department worked with the Drug Enforcement Administration to develop a major portion of the HIDTA plan, officials of other police departments in the Los Angeles area said their departments were not brought into the HIDTA process until the complete plan was developed.

For fiscal 1991, however, with the exception of the New York Metropolitan HIDTA, state and local law enforcement officials said they were invited to play a more active, and generally satisfactory, role in the development of HIDTA plans. This view is attributable in part to their increased participation in the management of the HIDTA-funded effort, such as through representation on local HIDTA steering committees and participation in task force operations. In the New York metropolitan area, however, state and locals were not so represented. There was no formal steering committee, and local police departments, for the most part, were not invited to HIDTA planning meetings.

The increase in state and local agency participation is also partly attributable to Congress specifically earmarking \$32 million of the \$82 million in fiscal 1991 HIDTA assistance for transfer to those agencies. Accordingly, local HIDTA coordinators needed local law enforcement input to develop plans for spending the fiscal 1991 funds. In New York, where there was no formal steering committee, however, not all key local law enforcement agencies were provided an opportunity to submit a plan. Emphasis was placed on soliciting plans primarily from district or prosecuting attorney offices from each county in the HIDTA.

HOW THE FISCAL 1990 HIDTA FUNDS WERE SPENT

In accordance with the ONDCP-approved fiscal 1990 HIDTA spending plans, the HIDTA funds were distributed to federal law enforcement agencies only. In general, the plans called for those agencies to (1) establish various task forces to undertake money laundering, public corruption, and drug trafficking investigations; (2) transfer federal agents to the five localities; and (3) purchase equipment to support the task forces and enhance interdiction capabilities. (See app. I for details.)

Because of the program's late start in the fiscal year-- appropriations in November 1989 and ONDCP guidelines in February 1990--and the time taken to develop plans satisfactory to the

local HIDTA coordinators and other approving officials, the federal agencies receiving the funds had only about 2 months-- August and September--to obligate the \$25 million appropriated.

This lateness in the receipt of funds limited spending primarily to (1) purchasing equipment--both office and investigative--to be used or controlled by the federal law enforcement agencies, (2) moving additional federal agents to the HIDTA localities, and (3) leasing office space for federal task force operations in those localities. Equipment purchases ranged from basic law enforcement tools, such as disposable handcuffs, to sophisticated equipment, such as portable X-ray machines, surveillance vans, and laser printers. (See app. II, III, and IV for additional information.)

Only about \$1.5 million was spent on drug control operations, primarily along the Southwest border during August and September. Some local federal interdiction officials, however, do not view these months as the best time to launch such efforts. They noted that, historically, there is less drug trafficking during this time period because of the seasonal nature of the cultivation and transportation of illicit drugs from Mexico.

ONDCP NEEDS TO ESTABLISH A FRAMEWORK
FOR ASSESSING HIDTA EFFECTIVENESS

Before an agency arranges to obtain services, whether through contracts, grants, or transfer payments, it is a generally recognized management responsibility for the agency dispensing the money and the agency receiving those funds to agree on what is to be accomplished in terms of the results expected, when those results are to be accomplished, and how such accomplishments can be verified. In short, the agencies should agree on measurable goals, performance milestones, and output measures appropriate for evaluating performance against the goals and milestones.

Such an up-front agreement establishes accountability; a means for assessing progress toward, and effectiveness in, reaching objectives; and a basis for decisions on initial and/or continued funding. This concept is applicable to drug control efforts. In establishing ONDCP, Congress directed that for the overall national drug control strategy, ONDCP was to establish long-range goals with short-term, measurable objectives and to annually evaluate (and report on) the effectiveness of drug control efforts. Similarly, Congress mandated ONDCP to report on the effectiveness of the HIDTA assistance.

ONDCP, however, had not established a foundation for assessing HIDTA performance. Although ONDCP approved fiscal 1990 federal agency spending plans, those plans did not contain agreements on (1) what was to be accomplished in terms of achieving measurable results, i.e., measurable goals; (2) target dates for achieving those results, i.e., milestones; and (3) output measures or other data appropriate for evaluating performance against the goals and milestones.

Effective December 21, 1990, ONDCP revised its procedures for overseeing HIDTA implementation during fiscal 1991. This procedural change, while requiring disclosure of more information on the agencies' plans, does not require up-front agreement on what is to be accomplished in terms of measurable results, when it is to be accomplished, and what is the most appropriate data for evaluating progress and success in achieving these ends.

PROPOSED CHANGES FOR PROVIDING HIDTA ASSISTANCE

In an April 1991 report, ONDCP concluded that it was too soon to make judgments on the effectiveness of the HIDTA funds. In general, the funds were not available to the federal agencies until August 1990, which left little time for converting those funds into results. Nonetheless, ONDCP also concluded that the HIDTA effort was well established and therefore recommended that

Congress consider whether future HIDTA appropriations should be made directly to the federal agencies involved and not to ONDCP.

The report expressed ONDCP's preference for continuation of the HIDTA effort through appropriations made directly to the federal agencies involved so that program accountability would be transferred to those agencies. ONDCP would then be responsible for monitoring the HIDTA effort as part of its drug control oversight responsibility. To ensure that the HIDTA localities continued to receive priority attention, ONDCP said it would annually assess HIDTA activities and report the results to Congress.

ONDCP officials also said that although Congress specifically earmarked \$32 million of fiscal 1991 HIDTA funds for direct assistance to state and local agencies, ONDCP did not currently plan to ask Congress to continue the practice. The officials believed adequate funds could be provided to state and local agencies through other existing federal assistance programs. The primary federal program for providing assistance to state and local law enforcement agencies is the Anti-Drug Abuse Program administered by Justice's Bureau of Justice Assistance. Under that program, however, no funds have been earmarked for HIDTA assistance, and fewer funds have been requested for transfer to the states in fiscal 1992 than in fiscal 1991. Additionally, the Office of Management and Budget (OMB) has suggested that Congress

may want to consider consolidating those Bureau funds with a number of other assistance programs into one large block grant to each state government. According to OMB, states would then have more flexibility to manage those funds.

CONCLUSIONS AND RECOMMENDATIONS

Although various means for assisting areas with severe drug trafficking problems have been presented to Congress, the contemplated changes do not eliminate the need for ONDCP to act on the two problem areas discussed in this statement. ONDCP needs to better promote collaborative planning, given the recognition that the cornerstone of drug law enforcement is federal, state, and local teamwork. Also, regardless of how federal funds are made available for HIDTAs, ONDCP needs a basis for establishing accountability and assessing effectiveness of the assistance as part of its commitment to monitor the HIDTA effort and ensure the areas receive the priority attention warranted.

To promote federal, state, and local collaboration, cooperation, and coordination in developing HIDTA spending plans as envisioned in the ONDCP guidelines, we recommend that the Director modify those guidelines to require the establishment of local HIDTA steering committees with state and local law enforcement agency representation.

As a basis for establishing accountability and assessing program performance, we also recommend that the Director of ONDCP 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.

AGENCY VIEWS

The views of responsible agency officials were sought during the course of our work and incorporated where appropriate. In general, ONDCP officials agreed with our findings and recommendations. But they noted--and we agree--that setting up a new program such as HIDTA, and establishing that program without a preexisting starting base, is a significant challenge from both a policy and administration perspective. The HIDTA program is further complicated by the need to coordinate the efforts and interests of 2 federal departments and 12 federal agencies in 5 localities with the efforts and interests of over 45 affected state and local agencies.

HIDTA-PLANNED INITIATIVES FUNDED IN FISCAL 1990
(Dollars in Millions)

	<u>Amounts</u>
Southwest Border HIDTA	
Establish anticorruption task forces	1.0
Expand communications system/buy radios	2.6
Purchase investigative equipment and sensors	1.5
Enhancements at and between ports of entry	2.2
Special operations	1.5
Other	<u>.4</u>
Subtotal	9.2
Law enforcement agent moves	<u>1.4</u>
Total	<u>10.6</u>
Metro Houston HIDTA	
Establish major drug squads	
Develop major trafficking "targeting" program	
Purchase equipment to support efforts	
Subtotal	2.4
Law enforcement agent moves	<u>.9</u>
Total	<u>3.3</u>
Metro New York HIDTA	
Purchase tactical and intelligence equipment	
Develop regional training program	
Subtotal	2.9
Law enforcement agent moves	<u>1.2</u>
Total	<u>4.0^a</u>
Metro Miami HIDTA	
Establish money laundering task forces	
Expand interdiction efforts	
Subtotal	2.5
Law enforcement agent moves	<u>1.4</u>
Total	<u>3.9</u>
Metro Los Angeles HIDTA	
Establish multi-agency task force	
Establish an intelligence program	
Subtotal	2.0
Law enforcement agent moves	<u>1.2</u>
Total	<u>3.2</u>

^aTotal does not add due to rounding.

Source: ONDCP Planning Documents.

HIDTA OBLIGATIONS FISCAL 1990
(Dollars in Millions)

Investigative equipment		12.4 ^a
Technical	5.5	
Radios	4.0	
Audio/video/photo	1.5	
Vehicles	1.1	
Weapons	.3	
Recorders	.1	
Personnel moves		6.0
Office equipment and expenses		4.7
Investigation/interdiction operations		1.5
Other		<u>.3</u>
Total		<u>24.9</u>

^aDetail does not add to 12.4 because of rounding.

Source: ONDCP and HIDTA participating agencies.

FISCAL 1990 HIDTA OBLIGATIONS BY LOCALITY
(Dollars in Thousands)

<u>Obligations</u>	<u>Houston</u>	<u>Los Angeles</u>	<u>Miami</u>	<u>New York</u>	<u>Southwest border</u>
Investigative equipment	\$1,490	\$1,290	\$ 650	\$2,470	\$ 6,450
Personnel moves	640	1,280	1,350	1,120	1,660
Office equipment and expenses	750	830	1,680	490	950
Investigation and interdiction operations	0	0	0	0	1,490
Other	<u>0</u>	<u>0</u>	<u>60</u>	<u>0</u>	<u>250</u>
Total	<u>\$2,880</u>	<u>\$3,400</u>	<u>\$3,740</u>	<u>\$4,070^a</u>	<u>\$10,800</u>

^aTotal does not add due to rounding.

Source: Office of National Drug Control Policy and Departments of Justice and Treasury.

FISCAL 1990 FEDERAL AGENCY OBLIGATIONS BY LOCALITY
(Dollars in Thousands)

<u>Agency</u>	<u>High Intensity Drug Trafficking Area</u>				
	<u>Houston</u>	<u>Los Angeles</u>	<u>Miami</u>	<u>New York</u>	<u>Southwest border</u>
ATF	\$ 200	\$ 320	\$ 210	\$ 100	\$ 220
Border Patrol	0	0	0	0	3,180
Customs	100	100	1,050	1,000	4,640
DEA	1,850	2,280	960	970	2,470
FBI	580	580	440	1,130	170
FINCEN	50	30	50	30	80
IRS	100	100	800	250	0
Marshals Service	0	0	0	270	0
Secret Service	0	0	0	320	0
USAO	<u>0</u>	<u>0</u>	<u>230</u>	<u>0</u>	<u>70</u>
Total	<u>\$2,880</u>	<u>\$3,400^a</u>	<u>\$3,740</u>	<u>\$4,070</u>	<u>\$10,800^a</u>

^aTotals do not add due to rounding.

Source: Office of National Drug Control Policy and Departments of Justice and Treasury.

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