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COUNTERNARCOTICS ENFORCEMENT: COORDINATION AT THE FEDERAL, STATE, AND LOCAL LEVEL

HEARING

BEFORE THE

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

OF THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

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COUNTERNARCOTICS ENFORCEMENT: COORDINATION AT THE FEDERAL, STATE, AND LOCAL LEVEL

TUESDAY, APRIL 21, 2009

U.S. SENATE,
AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND
PRIVATE SECTOR PREPAREDNESS AND INTEGRATION,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:35 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Mark L. Pryor, Chairman of the Subcommittee, presiding.

Present: Senators Pryor, Bennet, and Ensign.

OPENING STATEMENT OF SENATOR PRYOR

Senator PRYOR. We will go ahead and get the hearing underway. Thank you all for being here today. I would like to call the hearing to order.

This hearing is significant for several reasons. It is the first hearing of the Subcommittee on State, Local, and Private Sector Preparedness and Integration for the 111th Congress. It also is the first hearing where Senator Ensign will be the Ranking Member. He is on his way here, but he encouraged us to go ahead and start. I look forward to working with him and helping him work on his agenda as well as making progress towards preparedness through the Committee and the Subcommittee.

Welcome, Senator Ensign. Thank you for being here.

Let me start with a very brief story. Last year, the Arkansas State Police made what at the time appeared to be a routine traffic stop. As part of that stop, they were given permission to search the vehicle.

The police were given permission to search the vehicle, and as they did, they found a hidden compartment with over 40 pounds of cocaine stashed in the vehicle. And through their good police work and also in sharing that information with the DEA and, again, a lot of discussions back and forth and legwork, the DEA realized that they had the exact same type of vehicle somewhere on the West Coast that had been impounded. They searched that vehicle and, sure enough, found the very same hidden compartment with over $300,000 in cash in it.

I bring that story up because it is an example of how local law enforcement—in this case, the Arkansas State Police—can work

with the national agencies—in this case, DEA—to get a lot of great police work done and make inroads in fighting these drug cartels. It is also an example of how the Federal, State, and local law enforcement agencies can work together and can get great things done.

Today's hearing is entitled "Counternarcotics Enforcement: Coordination at the Federal, State, and Local Level." We have three witnesses representing three levels of government. Each of them play an important role in our Nation's counternarcotics enforcement efforts. I want to thank you all for being here today, and I am going to introduce you in just a few moments.

The purpose of this hearing is to provide an overview of the role and mission of DHS' Office of Counternarcotics Enforcement (CNE). I hope that we will hear today about the level of coordination with other counter-drug programs within DHS and the Federal Government, as well as coordination with State and local partners. The link between the Federal Government, State, and local partners is crucial, in my opinion.

We have all seen the recent news stories and media accounts of the escalating violence along the U.S.-Mexico border. This violence is attributed to drug trafficking and smuggling, led by several of Mexico's most powerful drug cartels. There is a poster here that we have put up that shows a map of the territory that each of these cartels controls. We got this image from *The Economist* magazine, and I am pleased to say, right now at least, that our law enforcement agencies believe that most of the violence has not spilled over into the United States. It does occur on the Mexican side of the border, but it involves mostly Mexican citizens.

The Federal Government is taking measures to ensure that the violence happening on the Mexican side of the border does not carry over to the U.S. side. The efforts include, one, increasing the number of Border Patrol agents and Customs and Border Patrol officers along the border; and, two, the creation of Border Enforcement Security Task Forces, called "BEST teams," in which various Federal, State, and local partners work together in cases such as southbound vehicles' inspections and investigation of suspected stash houses; and, three, the development of an updated southwest border security strategy, which I understand is due out in late April or early May of this year.

State and local governments around the country have also taken steps on their own to try to curtail smuggling and trafficking operations in their areas. These efforts include the High Intensity Drug Trafficking Area program, which is a Federal program but is used at the local level, and the leveraging of Fusion Center resources to address drug trafficking.[1] The need for State and local partnership is highlighted by the findings of the 2009 National Drug Threat Assessment, which is produced by the Department of Justice's National Drug Intelligence Center. This report identified 230 cities—and we have a map here at the front of the room on this poster,[2] these 230 cities within the United States that have an established Mexican drug-trafficking organization. As you can see, these cities

[1] The map referred to appears in the Appendix on page 42.
[2] The map referred to appears in the Appendix on page 43.

are spread throughout the country, so we cannot say that this problem is limited to the border region with Mexico. This truly is a national problem, and these are some of the things we would like to discuss today.

With that, I would like to turn the microphone over to my colleague from the State of Nevada, whom I welcome as Ranking Member. I know you have some agenda items you would like to discuss either now or in the future, and I look forward to working with you during the 111th Congress.

OPENING STATEMENT OF SENATOR ENSIGN

Senator ENSIGN. Well, Mr. Chairman, I appreciate it. We have a great friendship, and I know that not only the two of us but our staffs will make this a very effective Subcommittee here in the U.S. Senate. I look forward to your leadership and know that you have grave concerns in a lot of the areas that will be before this Subcommittee. And I think that we can have a very effective partnership—I know we can, and I look forward to the next couple of years working together.

In today's hearing, I am looking forward to the testimony of our witnesses. You mentioned the 230 cities that are represented on that map. Three of those cities—Reno, Carson City, and Las Vegas—are in my State. Methamphetamine and specifically crystal meth produced in Mexico is imported into my State, and it has become the principal drug concern of Nevadans. Unfortunately, Nevada often serves as a transshipment point for various drugs to the central and eastern sections of the United States, and I am particularly interested in hearing from DHS' Office of Counternarcotics Enforcement on how they are working with State and local law enforcement officials to combat this drug trafficking.

And on that note, it is a pleasure that I welcome the sheriff from Las Vegas, Sheriff Doug Gillespie. He began his law enforcement career with the Las Vegas Metropolitan Police Department in 1980 as a police officer, and his promotions included sergeant, lieutenant, captain, commander, deputy chief, and under sheriff. Sheriff Gillespie assumed the position of Sheriff of Clark County leading the Las Vegas Metro Police Department, in January 2007. He has a multifaceted career which includes many programs he founded, such as Friends of Las Vegas, K–9 Foundation, SWAT's Explosive Breaching program, and the Executive Leadership Training for Metro Supervisory Employees. In 2003, he and former Sheriff Young established the Sheriff's Multicultural Advisory Committee. Sheriff Gillespie is also the Chair of the Homeland Security Committee for the Major Cities Chiefs of Police, which represents the 56 largest cities in the Nation, as well as Vice President of Major County Sheriffs, representing the top 100 counties.

I am pleased that Sheriff Gillespie has agreed to be with us today and discuss his role in the Southern Nevada Counterterrorism Center and specifically how it addresses the interrelated problems of violent crime and drug trafficking. Obviously, I am also very interested in effective funding of Fusion Centers, and making sure that we are not wasting that. Also, that the grants are being done properly and that there is not any kind of abuse or fraud or waste going on with any because the dollars that we have are so

precious. It is a very vital role for this Congress to do proper oversight, working with the agencies and making sure that those dollars are used in a very specific and very efficient manner.

So thank you for holding this hearing today, and I look forward to the testimony of our witnesses.

Senator PRYOR. Thank you, Senator Ensign.

Senator Bennet, thank you for joining us. Welcome to the Subcommittee. Would you like to make an opening statement?

OPENING STATEMENT OF SENATOR BENNET

Senator BENNET. Thank you, Mr. Chairman. I have a statement that I would like included in the record. I will say that Colorado, like Nevada, is a place that shows up on this map in many red dots. And having spent the last 2 weeks traveling my State, the meth problem is one that people in our rural areas in particular are feeling extreme concern. And everywhere I went, people said it was getting worse, not better.

So in this time of limited resources, the cooperation of law enforcement at every level of government becomes that much more important. So I would be interested to hear our witnesses on that, and thank you for being here today.

Thanks, Mr. Chairman.

[The prepared statement of Senator Bennet follows:]

PREPARED STATEMENT OF SENATOR BENNET

I am grateful that the three of you are able to appear before us today. I would like to thank Senator Pryor for convening this important hearing. As a large geographic State with natural barriers to seamless State coordination, Colorado depends on coordination between Federal, State, and local authorities to keep families safe and go after bad actors.

Colorado has been hit hard by the trafficking and sale of methamphetamine, cocaine and marijuana, an overwhelming majority of which is trafficked from Mexico. The Department of Justice National Drug Intelligence Center recently identified seven cities in Colorado as having distribution or supply networks associated with Mexican drug cartels or their affiliates. Any problem impacting seven Colorado cities is basically impacting our entire State. Given this reality, it is important that we ensure that the necessary resources are available for programs such as the High Intensity Drug Trafficking Area (HIDTA), which has assisted 17 counties in Colorado combat drug trafficking.

The problem of meth is really a public health problem as much as it is a law enforcement problem. Issues such as drug addiction, mental illness and disparities in economic opportunity drive this very serious problem, which impacts cities and rural areas alike. I believe we must conceive of the meth problem as a whole, as we design strategies for combating it.

That said, law enforcement is one of our most important tools. Rural law enforcement in particular relies on Federal resources to halt the trafficking of methamphetamine. For instance, Colorado has a problem with trafficking through secondary roads. I hope the Committee and the Obama Administration assigns sufficient gravity to this very serious problem impacting smaller cities, towns, and rural areas.

Senator PRYOR. Thank you.

I will go ahead and introduce the witnesses, and I ask the witnesses to, if possible, limit opening statements to 5 minutes. There is a little red light there that should come on as you are getting close to the time limit.

John Leech is Acting Director of the DHS' Office of Counternarcotics Enforcement. He serves as the primary policy adviser to the Secretary of the Department, and from 2003 to 2009, he served as Chief of Staff to the Director of CNE and will return to that po-

sition when a new CNE Director is appointed by the President and confirmed by the Senate.

Second, we have Frances Flener, who happens to be Arkansas State Drug Czar. She was appointed the State Drug Czar by Governor Mike Beebe in April 2007. She serves as the Chairperson of the Alcohol and Drug Abuse Coordinating Council, which oversees the spending of State and Federal dollars on alcohol and drug education, prevention, treatment, and law enforcement.

And, third, I am not sure I can add to the sheriff's introduction by Senator Ensign, but would you like to say anything else about him?

Senator ENSIGN. He is a great sheriff. [Laughter.]

Senator PRYOR. Great. Well, if we may, let's begin with you, Mr. Leech.

TESTIMONY OF JOHN LEECH,[1] ACTING DIRECTOR, OFFICE OF COUNTERNARCOTICS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. LEECH. Thank you. Chairman Pryor, Senator Ensign, and Members of the Subcommittee, thank you for this opportunity to appear before you today and provide an update on the activities of the Department of Homeland Security's Office of Counternarcotics Enforcement.

Secretary Napolitano is actively engaged in securing this Nation's borders from the violence waged by the drug cartels in Mexico and the general threat posed by the flow of illicit narcotics. The Secretary has stated that the violence is not only a threat internal to Mexico, but it is also a homeland security issue in which all Americans have a stake. Our mutual security is inextricably linked to our shared border.

To this end, the Secretary recently announced several departmental border security initiatives that call for additional personnel, increased intelligence capability, and greater coordination with State, local, and Mexican law enforcement authorities. My office is and will continue to be instrumental in furthering the Department's plans.

Among many other responsibilities, DHS' Office of Counternarcotics Enforcement (CNE) is statutorily charged with two primary functions. One is to coordinate counter-drug policy and operations between DHS and other Federal departments and between DHS and State and local agencies; and, two, to track and sever the connections between illegal drug trafficking and terrorism.

CNE along with DOJ's Office of the Deputy Attorney General were designated as the executive agents to lead the interagency development of the 2009 National Southwest Border Counternarcotics Strategy. The strategy focuses on substantially reducing the flow of illicit drugs, drug proceeds, and associated instruments of violence across the U.S.-Mexico border by fully developing specific counter-drug, counter-violence actions within 10 threat domains that include intelligence and information sharing; at the ports and between the ports of entry; air and maritime domains; investigation

[1] The prepared statement of Mr. Leech appears in the Appendix on page 23.

and prosecution; money; the southbound flow of weapons; technology; cooperation with Mexico; and tunnels.

In addition to complementing the Merida Initiative and the Southwest Border Violence Plan in terms of strengthening our security at the southwest border, the strategy is one component of a broader and more comprehensive counter-drug border security effort developed by CNE. In 2008, my office submitted to Congress the Department's Northern Border and Maritime Transit Border Counternarcotics Strategies. These three strategies will collectively integrate and synchronize the Department's overall ability to respond to changes in drug-trafficking routes.

Another overarching CNE responsibility focuses on connections between drug trafficking and terrorism. Worldwide, illicit drug trafficking generates significant revenue that buttresses the infrastructure of organized crime and terrorism. CNE is statutorily tasked to track and sever connections between illegal drug trafficking and terrorism. Our Drug Terror Nexus Division (DTX), works closely with our interagency partners—primarily within the Joint Terrorism Task Force (JTTF), construct—to collect and analyze information about the links between terrorist groups and drug trafficking and to target those connections. A critical DTX function is to ensure a steady exchange of drug-terror information between the law enforcement and intelligence communities at the Federal, State, local, and tribal levels of government.

As part of this effort, our DTX Division is working to improve relationships with High Intensity Drug Trafficking Areas (HIDTAs), JTTFs, Fusion Centers, and State, local, and tribal entities. Less than 2 months ago, we met with key personnel from the South Florida HIDTA to establish working protocols and to ensure accurate and timely information flow on drug-terror issues.

In addition, at the request of the Director of the Gulf Coast HIDTA, CNE senior staff participated in the HIDTA Investigative Support Center Managers meeting to establish robust interface with HIDTAs nationwide. We will continue to foster relationships between various Federal, State, and local partners by sharing intelligence related to drug trafficking and terrorism and other data related to this evolving threat.

I will conclude by reflecting back on my experience as the CNE Chief of Staff and most recently as the Acting Director for the past 5 years. Over this time, it has become readily apparent to me that successful counternarcotics efforts cannot be solely conducted at the Federal level. Our communities, and especially those at our borders, are directly impacted by drug trafficking. State, local, and tribal partners have tremendous responsibilities, and they possess the expertise since they are on the front lines of the fight. I am committed to partnering with these colleagues. Only through a combined Federal, State, local, and tribal effort, highlighted by robust communication and coordination, can this Nation hope to combat illicit narcotics activities.

I thank the Subcommittee and would also like to personally thank Ms. Flener and Sheriff Gillespie for all the work that they do and for this opportunity to testify today. I look forward to answering any of your questions. Thank you.

Senator PRYOR. Thank you. Ms. Flener.

TESTIMONY OF FRANCES FLENER,[1] ARKANSAS STATE DRUG DIRECTOR, STATE OF ARKANSAS

Ms. FLENER. Good morning, Senator Pryor, Ranking Member Ensign, Senator Bennet, and honored guests. It is indeed my pleasure to appear before you today. On behalf of Governor Mike Beebe and our State, I would like to thank this Subcommittee for its continued support of counternarcotic enforcement.

Senator Pryor, we are grateful for your continued support of the men and women in law enforcement. Your first speech as a Senator dealt with the importance of continued and increased funding for this group. Through your ongoing support and dedication to this issue, our State and Nation have both benefited, and I wanted to take this opportunity to thank you for that leadership.

Methamphetamine is the No. 1 drug threat in the State of Arkansas, followed closely by cocaine and marijuana. Pharmaceuticals continue to rise in epidemic proportions within the State. Our local meth lab seizures have risen slightly in 2008; however, most methamphetamine found in Arkansas is now produced outside of the State and is being transported into Arkansas by Mexico-based poly-drug-trafficking organizations.

These groups have developed distribution networks that have been responsible for a series of drug-related crimes and social problems. To compound what Senator Bennet from Colorado stated, for instance, my home town of Batesville, Arkansas, was the center of a 3-year joint drug-trafficking investigation led by the DEA entitled "Tienda Hielo," or "Ice Store." To date, it has resulted in 52 arrests, seizures of more than 100 pounds of methamphetamine ice, with a street value of over $11 million, and the dismantling of a drug-trafficking organization with ties to a violent Mexico drug cartel.

This little town of Batesville, Arkansas, is less than 10,000 in population. However, the investigation was a textbook example of multi-agency coordination. Seven Federal, five State, 10 local, and four drug task forces were actively involved. We are fortunate in Arkansas in having outstanding relationships between Federal, State, and local law enforcement.

In February 2008, Arkansas received a tremendous boost in its ability to disrupt illicit drug trafficking. With the support of you, Senator Pryor, Senator Lincoln, Representative John Boozman, Governor Mike Beebe, and the entire congressional delegation, four counties in Arkansas were added to the HIDTA program as a part of the Gulf Coast HIDTA. We now have two initiatives in Arkansas—one in the northwest corner, one in the central portion of the State.

The Byrne-JAG program funds 19 multi-jurisdictional drug task forces (DTFs). The size of our local law enforcement agencies is so small that most find it impossible to conduct proactive drug-related investigations without Federal assistance. While this funding for 2009 is expected to increase, the optimal effectiveness of the DTFs is in jeopardy due to low and reduced staff and low morale. Without the 2009 increase, some programs would disband, leaving Arkansas communities with little or no proactive organized efforts to combat drugs.

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[1] The prepared statement of Ms. Flener appears in the Appendix on page 30.

If we are to have a robust national drug control strategy, we must not cut the resources available for these efforts. Federal assistance is the incentive that has caused dramatic improvements in cross-jurisdictional cooperation. The impact of diluted drug policies and a reduced Federal commitment would be devastating to society.

Senator Pryor, we support your inclusion of the budget amendment that calls for expanding the number of counties participating in the HIDTA program. Other parts of Arkansas desperately need those HIDTA resources to address their own drug-trafficking problems. The Byrne-JAG assistance grant should be funded at full strength of $1.1 billion as originally recommended by the Senate.

Our Nation's drug problems are extremely complex and will not be solved quickly or easily. However, by using a comprehensive approach that embraces education, treatment, and enforcement, we can dramatically reduce illegal drug usage and associated violent crimes.

Thank you again for the opportunity to testify before this Subcommittee, and I will be happy to answer any questions at the appropriate time.

Senator PRYOR. Thank you very much. Sheriff Gillespie.

TESTIMONY OF DOUGLAS C. GILLESPIE,[1] SHERIFF, ON BEHALF OF MAJOR CITIES' CHIEFS ASSOCIATION, MAJOR COUNTY SHERIFFS' ASSOCIATION AND LAS VEGAS METROPOLITAN POLICE DEPARTMENT, LAS VEGAS, NEVADA

Mr. GILLESPIE. Thank you, Chairman Pryor, Ranking Member Ensign, and distinguished Members of the Subcommittee. Today I speak for both the Major City Chiefs as well as Major County Sheriffs.

Because Las Vegas is home to many of the world's largest hotels and a major center of international tourism and entertainment, my jurisdiction is continuously mentioned by our enemy as a potential target. To counter this well-established threat, we have created the Southern Nevada Counter-Terrorism Center, which embraces the "all crimes, all hazards" fusion doctrine. The Fusion Center is comprised of 13 different agencies, representing Federal, State, and local government, including the private sector in the terrorism prevention.

In our community, there are over 6,700 private security professionals and thousands more valet attendants, housekeepers, and bell captains, each poised and capable of detecting suspicious behaviors indicating criminal activity. We are working to harness this incredible force multiplier.

To supplement and enhance this ground-level suspicious activity reporting, we are participating as a pilot city in the Nationwide Suspicious Activity Reporting Initiative, referred to as "SARs."

Embracing the intelligence-led policing philosophy within the Fusion Center: Within the Fusion Center, we have a robust analytical group that focuses on traditional criminal activity and crime pat-

[1] The prepared statement of Mr. Gillespie with an attachment appears in the Appendix on page 37.

terns. These crime analysts scour raw crime data looking for patterns and trends, as well as any social causative factors.

Now, narcotics trafficking and associated violence in our Fusion Center: Las Vegas has long been considered the "crossroads" for narcotics trafficking between the suppliers in Central and South America and the consumers in the United States. As the site of a HIDTA, we are on the front lines of the war on drugs. With drug trafficking comes the associated violence. In October of last year, we found out just how ruthless drug traffickers can be. Six-year-old Cole Puffinberger was inside his home in Las Vegas when armed intruders posing as police officers snatched him away from his mother. My detectives quickly learned that young Cole was likely abducted because his grandfather owed Mexican drug cartels several millions of dollars. As detectives worked to locate the young boy, special agents from the FBI and DEA worked feverishly to learn more about the abductors and their criminal organizations, all of which took place within our Fusion Center. The intensity and tenaciousness of the investigators paid off when Cole was recovered unharmed 4 days later.

The role of DHS in combating drug-trafficking violence: Because Fusion Centers are the heart of Federal, State, and local information-sharing efforts, we urge the distinguished Members of this Subcommittee to consider this when contemplating the role of DHS in countering violence related to drug trafficking. We would like to have these information channels in place and firmly entrenched within the Fusion Centers so we can react quickly and effectively when violence related to narcotics trafficking occurs in our community.

The Department of Homeland Security has a number of agencies under its control which have a statutory responsibility for the counternarcotics mission. It is critical to the Nation's security that the efforts of these various agencies are coordinated with the DEA.

The roles of the respective Federal entities that are tasked with this mission have overlap and in some cases redundancies. Neither are in themselves a negative; they do, however, require coordination at the Federal level. The important aspect of this, I believe, is to ensure that the respective agencies are focusing their efforts on what it is they do best and are best situated to address.

To further enhance our counternarcotics and counterterrorism capabilities, we in Las Vegas are considering the options available to us to improve the coordination between the Fusion Center and the HIDTA. Among the options are exchanges of intelligence analysts, relocating the investigative and operational de-confliction function into the Fusion Center, and the possible future collocation of the Southern Nevada Counterterrorism Center and the Las Vegas HIDTA task force.

On behalf of the Major Cities Chiefs of Police as well as Major County Sheriffs Association, I thank this distinguished Subcommittee for the opportunity to share our views. Thank you.

Senator PRYOR. Thank you. Sheriff, let me start with you. You mentioned Nevada's Fusion Center, which sounds like it is very effective and is running the way one should be run. How many staff work out of the Fusion Center and from what agencies? Could you please discuss its organizational structure?

Mr. GILLESPIE. We have a total of roughly 60 people that actually, I would say, work in what you are referring to as the "fusion aspect" of that particular center. That is the analytical people that we rely on day to day to analyze a variety of information, from local crime information to national and international as well. We have representation there from all public safety within southern Nevada.

Senator PRYOR. Including the Federal side?

Mr. GILLESPIE. Correct. Yes, we have DHS as well as FBI participation.

Senator PRYOR. And you are happy with how the Fusion Center operates?

Mr. GILLESPIE. Well, I am much happier now than I was a number of years ago in regards to the information exchange. We are not where we need to be yet. We continually work through the obstacles that we find. But I think anytime you place that number of individuals in a room, in a building, cross-jurisdictional and cross-disciplinary—because we have fire in that room, we have emergency managers as well. So when you are combining all those things, you run into some of these territorial-type issues, policy procedural-type issues that you have to continually work through. But we are making progress.

Senator PRYOR. Good. And what would you guess is the percentage of the workload that relates to drugs?

Mr. GILLESPIE. At our Fusion Center, very little right now. Actually, the Fusion Center concept, there was not a lot of discussion early on about the integration of the narcotics-type information. However, I have seen at the national as well as the local level, renewed—I should not say "renewed interest," but interest in that.

One example I would give you, Senator, is I happened to be participating in a meeting where the Chief of Police of, I believe it was, Newark, New Jersey—a gentleman by the name of Garry McCarthy—talked about the Fusion Center in New Jersey and that they had recently incorporated the narcotics information as well as their HIDTA information, and they were seeing huge benefit from it; not to mention, as I stated with the Cole Puffinberger case, bringing in the DEA in particular, with that particular case, because day to day they do not have a seat in the Fusion Center, was invaluable to us from the resources that they were able to bring to the table.

I do not mean to go on too long, but in regards to that, our HIDTA in particular has just funded an analyst position that will now be in our Fusion Center. So I think we definitely see the benefits of having that information incorporated into our Fusion Centers.

Senator PRYOR. Great. Senator Lieberman yesterday had a Committee field hearing in Arizona, and there some of the witnesses talked about the obstacles in Fusion Center participation. I think the biggest obstacle they focused on was funding. They do not have the resources to fully staff and fully equip a fusion center.

What have been the obstacles that you have had with your Fusion Center? You mentioned some of the cross-jurisdictional turf battles. But what else has been an obstacle?

Mr. GILLESPIE. Funding, actually people, and other entities willing to give up a full-time position to be at the Fusion Center. I have been very fortunate up until, I would say, roughly a year ago to have a very robust economy in Las Vegas, and my police department was growing, which afforded me the opportunity to shift some resources. My counterparts throughout Clark County were not quite so lucky.

So funding continues to be an aspect for us, and I think long term one of the challenges that we will see within the Fusion Center aspect is that sustainment-type funding because the majority of your costs associated with these centers are your salary and benefit packages associated with your personnel.

Senator PRYOR. Thank you.

Ms. Flener, in Arkansas we have drug task forces, and they have been around for a long time. And we also now, as you mentioned in your testimony, have been able to utilize the High Intensity Drug Trafficking Area program. How do the drug task forces coordinate with the HIDTA effort? How does that work in the State?

Ms. FLENER. Well, it appears to be working quite well in both places where the HIDTA is physically located. That is in the extreme northwest and in the central. But, for instance, the Tienda Hielo operation that I mentioned, that brought in several of the drug task forces which were not in those sections of Arkansas that required that.

So because Arkansas is small, we work on a very personal-type relationship. We all know one another, and through that, I think we work as well as can be expected. We just need additional resources to incorporate the northeastern part of Arkansas, which is a tremendous area for methamphetamine trafficking.

I think I mentioned in my written comments that those drugs that came in from Mexico came in three hubs in the western part of the United States with a population of 4.1 million, and then they were transported into a county of less than 30,000 for redistribution back to another 4 million.

So we do have tremendous trafficking problems, and our drug task forces need the Federal assistance, dollars and resources, to attack those problems.

Senator PRYOR. I think most Senators, it is fair to say, do not mind allocating resources if we feel like there is accountability and we know that the money is being spent properly and is being managed well and being used effectively. So from your perspective as a State stakeholder, what assurances can you give the Subcommittee here that the HIDTA money and the other money that you were able to get from the Federal Government is actually being used effectively?

Ms. FLENER. Well, the Gulf Coast HIDTA, of which we are a part, has established best practices, and those have been adopted. And through the efforts with Tony Soto, we intend to put those best practices in place with all of our drug task forces as well as the HIDTA initiatives.

Senator ENSIGN. Thank you, Mr. Chairman.

Just to follow up on that, maybe all three of you could answer this. I think more specifically what we are looking for is metrics. How do we measure effectiveness? We can say that we all want

more money, we want this, we want that. But it is just like job training programs. We have, I think, 13 different job training programs in the U.S. Government, and not all of them are the same. They use different metrics, and metrics are really important whether something is effective or not.

So under the areas at least under your jurisdiction that you are testifying here today, what would you establish as far as some of the metrics for this Subcommittee to be able to look at and see whether you are using the money effectively? We will start with Mr. Leech.

Mr. LEECH. Senator, that is a challenging question to answer. I can say that in an indirect way—not specifically on the funding of the HIDTAs and the drug task forces—that the Southwest Border Counter-Drug Strategy, which I believe—I think we submitted a copy to Congress sometime ago of the 2007 version. I have the 2009 version here that we are in the process of finishing up and soon will be putting the implementation plan to it.

When we developed that implementation plan, what you will see in the strategy, the counter-drug strategy—and it will cover those nine areas that I spoke to earlier—rather, those 10 domains that I spoke to earlier. Those will have performance measurements and metrics attached to the various actions that we will be executing along the border. Many of those actions have to do with our HIDTAs. As a matter of fact, of the 93 sub-supporting actions within the strategy to achieve our objectives, 24 of those have to deal with our HIDTAs, and those various actions—which it is predecisional right now, so I am not free to discuss it in detail. But of those 24 actions, there are metrics and performance measures attached to them.

Senator ENSIGN. Before we go to the other panelists, on those metrics what is the feeling in DHS as far as the Title 21 authority specifically that DHS I guess maybe lacks when it comes to—the DEA supposedly has full Title 21, and you all do not. How do you think that is going to affect your metrics? In other words, do you need more flexibility under Title 21?

Mr. LEECH. Senator, I think for ICE to have Title 21 authority, I think it is a very good idea. Now, I know that issue is being worked at very senior levels. The Secretary is very interested in trying to work this issue. I think we are now, as you know, operating in an environment unlike any environment we have ever had in the past, and I think it is imperative that we marshal all available resources to fight this drug fight. And I think that we have to equip our soldiers, our front-line fighters, which includes our ICE agents, with every available tool out there to help them move the counter-drug effort forward.

So I think the whole issue of ICE having Title 21 authority would be a tremendous benefit for the overall drug fight.

Senator ENSIGN. I just raised that point because I think it is also. I think that it reminds me a little bit of pre-September 11, 2001 when we had all of these basically stovepipes in our intelligence community, and, Sheriff Gillespie, you mentioned the whole turf battles. There will always be turf battles, but we need to minimize them whenever possible. From what I understand, for ICE, for instance, if they have somebody they arrest, and it turns out

to be a drug problem, they do not have the proper authorities that they need, and the bureaucracy basically gets in the way and the rules get in the way of effectively protecting our country.

Mr. LEECH. Yes, sir.

Senator ENSIGN. So thank you for that.

Ms. Flener, if you could just address what I had asked, basically for specific metrics to—for instance, the Gulf Coast HIDTA that you are talking about.

Ms. FLENER. Well, to me that is one of the beauties of the HIDTA program. It enables a group of executive law enforcement officials to sit down and to adequately outline performance goals and what those goals are. And I might make mention that in Arkansas, within 6 months of having our HIDTA initiatives up and going, we had already met our yearly goals. Now, maybe they may have been set somewhat low——

Senator ENSIGN. Give me some examples of those yearly goals.

Ms. FLENER. Well, with the different types of—well, I am just drawing a blank.

Senator ENSIGN. That is not a problem. If you could all come back to us because we just want to know as a Subcommittee—if we are going to judge you on performance, we want to know what your metrics are going to be. And we want to be able to look at that and have our staffs look at it and see whether we think those are also fair metrics, whether we have any ideas for other metrics to be involved because we are the folks who have to authorize the funding.

Ms. FLENER. Absolutely.

Senator ENSIGN. And I like to authorize and appropriate funding to things that are being effective, not just because somebody likes the idea, but because they are actually being effective.

Sheriff Gillespie.

Mr. GILLESPIE. I think if you look at the Fusion concept itself and how it has grown since it began being discussed after September 11, 2001, it shows at the local and State levels a desire to have an efficiency aspect to it. When it originally started, it was just homeland security-type information that we were looking at exchanged, and we realized that we did not just want to put all of our people in that building just to do that. We wanted to approach this "all crimes, all hazards," have it a robust, 24/7/365-type operation, and the different types of information that you could exchange.

I think from a Fusion Center standpoint, what you need to do is talk to our customers. Are they getting the information that they desire to get? Are you getting the information that you need? Is the governor? Are other rural counties, agency heads from an information-sharing standpoint?

From a narcotics-type standpoint, I think you can look at the numbers per se that the HIDTAs do produce and that we as HIDTAs have to produce in an annual—I do not know if it is an annual or biannual actual evaluation where they come out and they take a look at your individual HIDTAs and how much narcotics have you seized, how many arrests, how many pen registers and a variety of other things that they look at. But, really, so much of these Fusion Centers is focused on not only pushing the information out, but are they user-friendly for the information coming in?

And I really think if we developed a process to talk to our customers and there would be a little filtration coming back to you as to our effectiveness, it would hold us more accountable to what it is that we are doing as well.

Senator ENSIGN. Good suggestion. When we look at, for instance, the Fusion Centers, you mentioned personnel coming from different agencies, and this gets back a little bit to turf and whether different agencies think things are important. Are you getting the proper level of expertise? And also within that, do you think that DEA should have a seat? In other words, should we have DEA people within the Fusion Center as well permanently?

Mr. GILLESPIE. I think from an analytical standpoint, yes, the information that they have. And, that is our challenge at the local law enforcement level from my perspective, Senator, when you are talking about personnel. Because bringing in a 15-year veteran police officer and placing them in a Fusion Center from an analytical standpoint is not necessarily the best way to spend your money. There are a lot of people out there that have become very good at analyzing this type of information. But they do not come cheaply. There is a huge demand for them out there. And what we are seeing is people that we may get or other Fusion Centers may get, we are losing them to other places, based on salary and benefits, not only in the public sector but the private sector as well.

Senator ENSIGN. But to further answer the question, I guess, do you feel comfortable with the expertise that, for instance, DHS would put in the Fusion Center or the FBI would put in the Fusion Center right now? I know that you have some control over the locals, but you do not have a lot of control of who DHS puts over there or who the FBI puts over there.

Mr. GILLESPIE. Within our Fusion Center, I am very pleased with the level of expertise that is there. There is definitely at the local level a commitment to giving us quality people within the center.

Senator ENSIGN. Very good. Mr. Leech, just a final question. The whole issue of guns going to Mexico. I think that there is no question when the President talks about and when Senator Clinton, the Secretary of State, have talked about the demand for drugs in the United States certainly drives the drug trade. I think we would all agree with that, and we should do everything that we can to diminish the demand in the United States in every possible way, and I am hoping that the President uses his bully pulpit to talk about drugs. The whole "Just Say No" campaign that Nancy Reagan embarked on was laughed at, but drug use in the United States dramatically went down during the 1980s. And I think that the President can have a tremendous role on using the bully pulpit, especially with young people, and his influence right now with young people and talking about drugs and the danger of drugs and things like that.

But the gun issue itself, the Mexican Government—it has been said 90 percent of the guns turning up in Mexico are from the United States. From what I understand, the statistic is way off. It's my impression that 90 percent of the guns that the Mexican Government turns over to us for a background check to find out where it came from, and not 90 percent of all guns that are seized are turned over. That they only do the ones that they know come from

the United States, and the vast majority—I mean, let us just use common sense. There are other countries in the world that produce guns that it is a lot cheaper to buy from than it is from the United States where you have to get most of these guns illegally in the first place.

I just visited a wonderful machine gun manufacturer in northern Nevada the other day. The controls that we have—and this is for military machine guns, obviously. The controls that we have in the United States from those weapons manufacturers are so strict that to get those weapons is very difficult versus buying them from other countries that produce these that do not really care and have the kind of responsibility the U.S. Government puts on these weapons.

So if you could get that information so we can share much more legitimate numbers, especially when we are talking, in the political realm with our neighbors down south, I would appreciate that.

Mr. LEECH. Yes, sir, I will. Sir, if I could also comment on the issue of guns in a much broader sense in what we are trying to do, in particular our office, what our office is trying to do. I had mentioned earlier about the Southwest Border Counternarcotics Strategy for 2009, which you should be receiving soon, hopefully towards the end of April or very early May. It is an interagency effort in which our office was asked to serve as executive agents with the Deputy Attorney General, Office of the Deputy Attorney General, Stuart Nash, over at his office. And if you look in a broad sense about what the U.S. Government is trying to do to secure the U.S.-Mexican border, we try to look at it in terms of three legs on a stool. South of the border, we are talking about the Merida Initiative, resources going to the Government of Mexico and how they can strengthen their law enforcement community. And then on our side of the border, we have this, the Southwest Border Counternarcotics Strategy. And then the third leg of that stool would be a plan, if you will, a strategy, the Border Violence Plan, which I believe you may have been briefed on the Border Violence Plan. Admiral Rufe is running the operations on that. And so we see the security of the border is very dependent on those three legs, and if Merida fails, I think this will fail. If this fails, Merida is going to fail. Very dependent—as I said in my oral, "inextricably linked," the security of our border.

But to get back to address your arms issue, this is a very complicated issue, but the wonderful thing about it is that we have brought the two primary interagency players to the table, which is ATF and ICE, and we have actually produced an arms chapter. And I think you will be very proud of what the United States of America has put in this document in terms of trying to get control of the arms problems and the southbound flow of arms going to Mexico.

So it has been a maturing process over the years. I think we have hit our stride, the interagency has hit its stride. I think we are making a very concerted, collective, collegial effort to get at the heart of the gun problem, and not so much concerned about numbers, 80 percent, 90 percent, or what percent is traceable, what percent is not as traceable; but to really address the gun issue with tremendous respect for the Second Amendment rights of every

American citizen. And that is what we are seeing different in this new strategy that we have not seen before, and I think you will be very proud of that.

Senator ENSIGN. Just quickly, since you did put that report together, are the guns that are coming from the United States, are they bought legally? Are they obtained legally or illegally, the majority of them?

Mr. LEECH. Sir, I am not an expert. I feel out of my league to qualify.

Senator ENSIGN. Can you get that answer for us?

Mr. LEECH. Yes, sir, I will.

Senator ENSIGN. OK.

Mr. LEECH. I mean, I can tell you in a general—only in general terms, a little bit of both. But I can get you exact numbers. I am just not qualified——

Senator ENSIGN. No. That is fine. As a matter of fact, we will have a lot more written questions for all three of you for the record, simply because of limited time, and I know I have gone way over my time. But I appreciate the indulgence of the Chairman.

Senator PRYOR. Thank you very much. Those were great questions.

Let me start with you, Mr. Leech, where you left off. You mentioned the Southwest Border Counternarcotics Strategy. Is that still scheduled to be released in the April-May time frame?

Mr. LEECH. Yes, sir. The strategy itself is with the White House now. Our office, CNE, with the Deputy Attorney General, as the executive agents, have been working since this past summer with the interagency to develop the actual strategy itself, roughly 40-something pages. That strategy is up with the White House. It will be now interagency vetted through OMB, and it will come to you. We will immediately get into the implementation planning process, which typically in the last strategy, the March 2006 strategy, expanded that basic document up to around 260 pages, the implementation portion of it. So you not only have a strategy, but you have the implementing mechanisms to execute the strategy.

Senator PRYOR. How long will it take you to work on the implementation?

Mr. LEECH. Sir, from the time we start—and I anticipate once the document is delivered to you—for planning purposes, let us say you get it May 1. I hope to have the implementation complete, the implementation phase complete, by the end of May.

Senator PRYOR. OK. So it should take you 30 days?

Mr. LEECH. To complete it, but then it goes through the coordination process, which is out of our hands at that point and is now with the White House and OMB. Yes, sir.

Senator PRYOR. OK. Well, you may have anticipated my next question, but as you are preparing the strategy and the implementation, who are you working with to do that? In other words, is it just your Department? Are you reaching out to local folks? Tell us about the perspectives in the room as you have these discussions.

Mr. LEECH. Yes, sir. Let us first talk about at the Federal level. Of course, virtually all of the DHS law enforcement or pseudo-law enforcement agencies within DHS, which would include ICE, CBP, U.S. Coast Guard, would include our Policy Office, our Intelligence

and Analysis, our State and local folks, our intergovernmental affairs—that is from the departmental side. ODAG, Office of Deputy Attorney General, Stuart Nash will reach out to his Justice subordinates and bring those folks to the table. And we will go out to the remaining of the interagency. ONDCP works with us in corralling the remaining of the interagency together. So at the Federal level, we do quite well in bringing the entire interagency together.

Now, we also recognize—and in terms of evolution, when we built the first strategy, the 2006 strategy, two people pretty much masterminded—or choreographed that strategy, myself and Mr. Cronister sitting behind me, the two of us worked overtime in trying to bring the interagency together.

It was a learning process. At that time, we reached out to State and local players, but not anywhere near to the extent that we have reached out this past effort, this most recent effort. We sent out roughly 160 invitation letters to our State and local and tribal partners asking for input on the strategy itself. Not only that, but Ted Sexton, who is part of our State and Local Law Enforcement Office within the Department of Homeland Security, I now have partnered with him in biweekly teleconference calls with all of our southwest border sheriffs, roughly 23 sheriff communities, and State and local folks, where we teleconference with them every 2 weeks.

The most recent meeting was about a week ago where we solicited more input from our State and local partners. And if you would allow me just to take about a minute, this is an example of the feedback that we are getting from our State and local partners. This is from Assistant Sheriff Jim Cooke, San Diego County. The call went out for the strategy: Please give me your input and tell us what you would like to see. What would help you do your job in a national strategy? And Sheriff Cooke came back, and he said, "The increased cooperation and collaboration among Federal, State, and local enforcement agencies to address drug trafficking and drug-related violence are encouraging and have established the foundation for the kind of integrated and comprehensive approach that is necessary."

And then he listed specifics. He said, "I would like to see enhanced intelligence capabilities associated with the southwest border among all agencies." And I can provide you his letter, which I have made copies for everyone on the Subcommittee. But he goes into further detail. He talks about Fusion Centers and information sharing and what needs to be done. That is, in fact, we addressed in the strategy.

He said, "I would like to see increased interdiction of drugs, drug proceeds, associated incidents of violence through patrols, land, air, and sea, and checkpoint operations at the ports of entry." Then he goes on to talk about what San Diego County is doing in that area.

He said, "I would like you to explore alternatives to the prosecutorial protocols based on the amount of narcotics seized, the various thresholds." It gave him an opportunity to comment on that.

He said, "I would like to see you disrupt and dismantle drug-trafficking organizations through the use of a layered approach involving Federal, State, and local law enforcement."

He said, "Please explore the possibility of expanding involvement of all DHS agencies and local law enforcement task forces, for example, providing sworn DHS personnel who can be cross-sworn."

"I want you to increase deployment of counter-drug technologies and use off-the-shelf technologies." We developed a chapter on technologies.

"Enhance U.S.-Mexico cooperation regarding joint counter-drug efforts by encouraging Mexico law enforcement and intel agencies to share or provide anti-narcotic information, camera feeds, license plate readers, to our State and local Fusion Centers."

And the last one, he said, "Authorize Federal field personnel more latitude and discretion in making resources available to assist with local anti-narcotic and anti-crime initiatives."

Mr. LEECH. So the point I am trying to make is that this did not occur in the first strategy, nothing like this. We asked for input. Most of it was either via E-mail or phone calls. This time we have gotten a little more robust in trying to integrate State and local into this strategy.

Now, we are getting ready to open up the Northern Border Counternarcotics Strategy and the Transit Zone Strategy. I talked about that in my oral testimony. What you can expect to see as we start securing the southwest border, you can expect to see increased activity in the transit zone, most likely through the northern border, and our office in 2008 submitted to you those two strategies. Right now those are sitting at the departmental level, and we are working with the White House to try to develop those at an interagency level, and we will have to build interagency—we will have to expand that to an interagency strategy, and we will have to build implementation plans around those strategies. And what we have learned by developing this Southwest Border Strategy and working with the State and local is that we will have to make every effort to meet them face to face and include them at every level of State and local government to make this an effective strategy. Otherwise, it will fail if State and local are not reflected in these strategies.

Senator PRYOR. Well, that is helpful. Let me say that last month, you were over at the House Homeland Security Committee and testified.

Mr. LEECH. Yes, sir.

Senator PRYOR. And you mentioned a recommendation for the adoption of criminal penalties for "persons who construct and use a tunnel or subterranean passage" for illegal trafficking of drugs, guns, money, or people.

Can you talk about that in more detail? Specifically I would like to know about what is going on with the tunnels and the subterranean passages and what the current penalties are for that behavior and the use of those entry methods and what you think the penalties should be to be more effective.

Mr. LEECH. Yes, sir. What we have done is—and, again, predecisional, and I will provide you actual legal reading from our Office of General Counsel because they provided input. But the use of tunnels and subterranean passages is actually a part of the strategy. So the ONDCP reauthorization of 2006, part of that reauthorization is the requirement to build the strategy, and so every

2 years ONDCP has to update the original 2006 strategy with the executive agents for that.

But in the most recent reauthorization, we were required to address tunnels and subterranean passages. And, again, everything is pre-decisional. But I will provide you, if you would allow me to, what the Executive Branch will let me forward to you very soon.

Senator PRYOR. Yes, I would appreciate that.

Mr. LEECH. Yes, sir

Senator PRYOR. That would be helpful because I think that is an important piece that we need to understand and keep an eye on.

Let me ask, Sheriff Gillespie, if I can—we have already talked about you would like more resources, you would like more Federal money, if possible, and more resources, more people, etc. Are there any changes in the Federal law that you think would be helpful to your job out in the field, especially as it relates to counternarcotics?

Mr. GILLESPIE. Not off the top of my head, Senator. I am one of those police practitioners that believe we have got a lot of laws on the books, and I do not always know that creating new ones is the best approach.

We have to be flexible with that, and I think methamphetamine is a really good example of that. The byproducts to make methamphetamine were readily available to anyone, and when we, as States, restricted the availability of those items, it significantly impacted the amount of methamphetamine that was being made in our communities. So I think it is one of those things you have to be flexible with, and off the top of my head, I could not tell you right now of a new Federal law I am hoping for.

Senator PRYOR. That is fair enough.

Ms. Flener, do you have any Federal law that you think we ought to change?

Ms. FLENER. No. I would agree with what Sheriff Gillespie has said there. We need to work better with the laws that we have on the books. We, in Arkansas, were quite successful with our precursor limits that we set. That reduced our local labs by 50 percent, and then the tracking with an actual online log, that reduced—blocking some 12,000 purchases.

We just need to do a better job and have to break down the silos that Senator Ensign mentioned earlier, and that comes through dialogue. The things like the Fusion Center I think go a long way in creating an environment where we can work together.

Senator PRYOR. Good.

Mr. GILLESPIE. If I might, Senator.

Senator PRYOR. Yes.

Mr. GILLESPIE. My memory just kicked in a little bit. One of the challenges that we are projecting to see at the enforcement level is our ability to monitor communications with encryption and a variety of other sources that have come out.

Now, I am not prepared at this point to tell you what exactly the law modifications would be, but I can tell you, as early as yesterday in a meeting that I was in with other agency heads, we are projecting in the out-years this to be a challenge for us. Unlike a number of years ago, we were readily accessible via wiretaps and things available to us, and we are seeing that diminish with the advancement of technology.

Senator PRYOR. OK. Good point.

Mr. Leech, I was pleased to hear you, in response to Senator Ensign's questions, mention that ATF and ICE are working together on the gun portion of this issue, and I do think it is important for us to understand the facts, and the facts have been a little bit murky.

Is it your impression that—and I know you are not an expert on this, but maybe if you know you can tell me; or, otherwise, you can come back to us—but is it your impression that most of the guns going into Mexico are from the United States? Or is it your impression that, as Senator Ensign alluded, that it is really only a portion of the guns and that others are coming in from other countries, and they report a pretty high percentage back to us?

Mr. LEECH. Sir, I am not an expert, and I just do not feel qualified to provide that because I have seen what would appear to be valid arguments on both sides. I have seen arguments for the straight 90 percent; then I have seen arguments for, well, that 90 percent represents only a small percentage—for example, in 2007 I believe there were roughly 15,000 weapons seized. Of those, 6,000 weapons were traceable back to the United States; the other 9,000 had serial numbers taken off, or the gun control law of 1968, the paperwork was not available on certain ones of those, or the Federal licensees would have already gone out of business. So there was a great portion of those that could not be tracked. But I do not know the answer, and I am not the expert, so I do not want to mislead you in any way or give the impression that I know the answer. But I will get back with you with a DHS position on that.

Senator PRYOR. That would be helpful. Like I said, I think what Senator Ensign and I would just ask is that we have a better understanding of the real facts.

Mr. LEECH. Yes, sir.

Senator PRYOR. That would be very helpful if you could get back to us on that.

Mr. LEECH. Yes, sir.

Senator PRYOR. The last thing I have for you, Mr. Leech, is a concern about the Mexican drug cartels reaching out to, perhaps recruiting U.S. street gang members and gangs, as well as U.S. prison gangs, in their operation. Is that a valid concern? And can you tell me about that?

Mr. LEECH. Sir, if I could get back to you on that. The DOJ, my DOJ counterparts would have, I think, better information for you. They have gang units set up over there that study that, and anything that I could add would just be my own personal opinion or speculation, and I do not think that is of any value to you. If I could get back with you, I would prefer to do that.

Senator PRYOR. That would be helpful, too, because I think the first time I saw some news media reports where my impression after reading the news story was that somehow the drug cartels were operating in the United States in a lot of these cities, and they were doing it largely through gangs. It will help us considerably if we know the real state of the facts on this matter and to have a better understanding of what is really going on there.

Mr. LEECH. I will speak with Mr. Nash and the Deputy Attorney General's office and get a DOJ position on that for you. As you

said, the cartels have reached into 230 cities. They have to recruit someone for their supply chain operations, for collection and distribution of those drugs. I would assume many do come from gangs. I just do not know exact numbers. But I will get that information and provide it to you.

Senator PRYOR. A corollary of that question would be: Are they also using other organized crime entities that exist in these areas? Are they tapping into—I will call it "distribution infrastructure," for lack of a better word? If so, how are they doing this?

Mr. LEECH. Yes, sir.

Senator PRYOR. We have some additional questions for the record that I would love for you to answer. I have some, Senator Ensign has some, and there are probably a few more around the table that do. We will leave the record open for 15 days, and we will try to get those to you as quickly as possible. Then if you could get those back to us within 15 days, that would be great.

I really want to thank you all for being here today. This is very helpful to us, not only because this has been in the news media quite a bit, but also just because it is a real national problem, as we have talked about, and it is an international problem with our neighbor to the south. So I really appreciate you all helping us get a better handle on this and understanding the Federal, State, and local coordination that needs to happen and helping us identify ways that we can be more effective in our fight against these drug cartels and these drugs coming into our country.

So, with that, we will leave the record open. I know that a few people will submit either their opening statements, like Senator Bennet, or questions, and we will leave the record open.

Thank you very much. We are adjourned.

[Whereupon, at 11:46 a.m., the Subcommittee was adjourned.]

APPENDIX

Statement of
John Leech
Acting Director
Office of Counternarcotics Enforcement
U.S. Department of Homeland Security

Before

Senate Homeland Security and Governmental Affairs Committee, Subcommittee on State, Local, and Private Sector Preparedness and Integration

on

"Counternarcotics Enforcement: Coordination at the Federal, State, and Local Level"

April 21, 2009

Chairman Pryor, Senator Ensign, and Members of the Subcommittee:

Thank you for the opportunity to come before this Subcommittee and update you on the activities of the Office of Counternarcotics Enforcement. It is an honor to testify and to address your questions on the Department of Homeland Security's efforts to combat violence and cross-border drug smuggling.

The Department of Homeland Security is actively engaged in securing this nation's borders from the violence waged by drug cartels. As stated by the Secretary of Homeland Security, the violence in Mexico is not only an international threat, but it is a homeland security issue in which all Americans have a stake.

Secretary Napolitano recently announced Southwest Border initiatives designed to crack down on Mexican drug cartels through enhanced border security. The plans call for the redeployment of personnel, increased intelligence capability, and better coordination with, Federal, state, local, and Mexican law enforcement authorities. The Office of Counternarcotics Enforcement will play an important role in furthering the Department's plan.

DHS' Office of Counternarcotics Enforcement (CNE) is statutorily charged with two primary functions. CNE's first primary function is to support the Department's drug interdiction efforts. To accomplish this, CNE "coordinate[s] policy and operations within the Department of Homeland Security, between the Department and other Federal departments and agencies, and between the Department, State, and local agencies with respect to stopping the entry of illegal drugs into the United States." CNE also is charged with ensuring the Department has the adequate resources to meet its counternarcotics mission. CNE's second primary function is to "track and sever the connections between illegal drug trafficking and terrorism." CNE undertakes this mission in coordination with the US law enforcement community. Our partnership with the Departments of Justice and Treasury, as well as interagency coordination between DHS, DOJ and Treasury, has provided a strong basis for cohesive strategic and tactical efforts to combat SW border crime.

CNE's responsibilities are unique within the Department. Its establishment as an independent office, reporting directly to the Secretary of Homeland Security, recognizes CNE's important roles and responsibilities within the Department as well as the U.S. Government's overall drug control efforts.

To ensure the success of the Department's counternarcotics mission, CNE regularly works with DHS components and offices with drug-related responsibilities, including the U.S. Coast Guard (USCG), United States Customs and Border Protection (CBP), United States Immigration and Customs Enforcement (ICE), the Office of Intelligence and Analysis (I &A), the Office of International Affairs (OIA), and the Science and Technology Directorate (S&T). CNE also works closely with the Office of Policy to ensure close coordination of counternarcotics efforts within the Department's broader

mission. As part of our consultative outreach, CNE is working with the DHS Office of State and Local Law Enforcement and the Office of Intergovernmental Programs to ensure coordination, integration, and support for our State, local, and tribal partners.

SECURING THE SOUTHWEST BORDER

The Southwest Border provides the clearest and most poignant example of the threat narcotics trafficking poses to homeland security and national security. Mexico is currently the transit point for approximately 90 percent of all cocaine consumed in the United States and is the primary source of foreign marijuana and methamphetamine, and a major source of heroin to the United States. The continuing violence in Mexico associated with drug trafficking, and the GOM's crack-down on major Mexican drug trafficking organizations, is bringing ever-increasing attention to the threats of narcotics smuggling and drug-related violence in the Southwest Border region. The National Drug Intelligence Center's (NDIC) 2009 *National Drug Threat Assessment* states that Mexican drug cartels are "the biggest organized crime threat in the United States." A few weeks ago, Secretary Napolitano testified to the Senate Homeland Security Committee that drug cartel violence is "a Homeland Security issue in which all Americans have a stake." Clearly, these threats justify national-level attention and improved unity of effort.

The U.S. – Mexico border spans nearly 2,000 miles. The vast geography and range of environments – from major urban centers to sparsely populated wilderness – pose serious challenges to law enforcement and make the Southwest Border a prime environment that can be exploited by Mexican drug trafficking organizations. These criminal organizations present significant challenges to border security. They operate well-orchestrated smuggling operations that utilize sophisticated techniques to conceal and transport narcotics, including mixing narcotics into pre-manufactured items and using low-flying aircraft and tunnels to cross the border. Drug traffickers exploit the border in two directions, smuggling drugs from Mexico into the United States and moving weapons and billions of dollars in illicit drug profits from the United States into Mexico.

Across the border, President Calderón is directing a courageous and concerted national effort to combat the organized criminal activities of Mexican drug cartels. These transnational criminal organizations are engaging in brutal tactics and conducting inhumane acts. It is incumbent upon us to focus our law enforcement efforts to ensure public safety along the Southwest Border and to work with the Government of Mexico to defeat criminal organizations in this region.

POLICY COORDINATION

One of CNE's most important responsibilities is to coordinate DHS counternarcotics policy within DHS and the interagency in an effort to stop the entry of illegal drugs into the United States. Due to the significance of drug trafficking routes through Mexico and into U.S. markets, CNE staff is working closely with the Department's components and the interagency to support counternarcotics efforts along the Southwest Border.

CNE, along with the Department of Justice's Office of the Deputy Attorney General (ODAG), are leading interagency efforts to develop the 2009 *National Southwest Border Counternarcotics Strategy*. This strategy is being developed pursuant to the Office of National Drug Control Policy (ONDCP) Reauthorization Act of 2006 (Public Law 109-469). ONDCP designated CNE and ODAG as the executive agents to lead the interagency process to develop the strategy. The strategy, which focuses on substantially reducing the flow of illicit drugs, drug proceeds, and associated instruments of violence across the U.S.-Mexico border, updates the first National Southwest Border Counternarcotics Strategy announced by ONDCP in October 2007. As a result of the changing situation on the border, the 2009 *National Southwest Border Counternarcotics Strategy* has substantially broadened its focus. The soon to be released Strategy will prioritize the role that the outbound flow of illegal cash and weapons plays in sustaining the cartels and addresses this threat in two dedicated chapters. The Strategy also is the result of an expanded consultation process, including more thorough coordination with Congress, State and local authorities.

The *National Southwest Border Counternarcotics Strategy* is part of the Administration's comprehensive response to the situation on the Southwest border, which also includes our partnership with Mexico through the Merida Initiative, immediate increases in law enforcement and border security personnel and equipment, operations plans for border-related contingencies, and our national effort to reduce the demand for illegal drugs at home.

The Strategy is also part of the Department of Homeland Security's strategic counternarcotics framework. In 2008, CNE submitted to Congress the Department's *Northern Border Counternarcotics Strategy* and *Maritime Border and Transit Zone Counternarcotics Strategy*. These strategies help integrate and synchronize the Department's overall ability to respond to changes in drug trafficking routes. CNE builds upon the Department's priorities and those set forth in the *National Drug Control Strategy*, *National Interdiction Command and Control Plan*, and the *National Interdiction Planning Guidance*, in an effort to better integrate the Department's counternarcotics efforts along all U.S. borders.

OPERATIONS COORDINATION

CNE also plays a prominent role in coordinating DHS counterdrug operations among DHS components, within the interagency, and with international partners. CNE has been an active participant in the U.S.-Mexico Senior Law Enforcement Plenary, U.S.-Mexico Bilateral Interdiction Working Group, and, most recently, the U.S.-Mexico arms trafficking conference in Cuernavaca, Mexico. CNE is also an active participant within interagency counternarcotics efforts, for example, related to Colombia, Afghanistan and Africa. CNE has been a key component in DHS' involvement in the Mérida Initiative. CNE is a strong advocate for Mérida Initiative programs to successfully combat the threats of drug trafficking and related transnational crime and terrorism in the Western Hemisphere.

In addition to representing DHS at these important forums, CNE supports DHS operational components by engaging in efforts to coordinate DHS counternarcotics operations. Among the many examples of CNE's involvement in support of operations coordination efforts, I would like to highlight two: interdiction planning efforts in support of the United States Interdiction Coordinator and The Interdiction Committee (TIC) and Forward Operating Location (FOL) negotiations.

CNE, in collaboration with the other DHS operational components including CBP USCG, and ICE, is supporting TIC and the United States Interdiction Coordinator's review of the operational adequacy, integration, and use of interdiction assets. The CNE Director is a member of The Interdiction Committee (TIC), an advisory body to the United States Interdiction Coordinator (USIC) and Director, ONDCP. In this role, CNE assists the TIC Chairman in (1) reviewing the operations of Joint Interagency Task Force South, Joint Interagency Task Force West, and CBP's Air and Marine Operations Center; (2) developing recommendations for better integrating detection, monitoring, and law enforcement with interdiction efforts to more effectively disrupt international drug trafficker transportation and distribution systems; and (3) providing advice with respect to the operational adequacy, integration, and utilization of interdiction assets, as well as any other matters that may bear on the accomplishment of operational interdiction objectives. As an example of the type of work conducted, CNE is supporting the Interagency Planning and Asset Management Group Western Hemisphere Transit Zone Performance Gap Analysis. This is an interagency assessment of mission performance requirements, capabilities, and resources required to achieve national cocaine interdiction goals between FY 2010 and FY 2014.

CNE also plays an important role in the Federal Governments' international counternarcotics efforts. For example, last year the Government of Ecuador notified the U.S. Government that it would not renew the bilateral Manta, Ecuador FOL agreement, which is set to expire on November 12, 2009. Working alongside our intra- and interagency partners, CNE serves as the Department's lead interlocutor with the interagency coordinator, to ensure that DHS counternarcotics operations (USCG and CBP Air & Marine) are relocated to other airfields in the region in order to minimize the loss of the Department's aerial surveillance footprint in the Eastern Pacific maritime drug transit zone.

Recent events along the Southwest Border of the United States reaffirm the need for information-sharing, cooperation and coordination among all federal, state and local law enforcement agencies. DHS frequently teams with the Drug Enforcement Administration (DEA), as well as other Federal agencies, to ensure the sharing of critical investigative information, in part by supporting the El Paso Intelligence Center (EPIC) and Special Operations Division. These centers provide effective and efficient mechanisms to exchange information and intelligence, maximize resources, streamline operations, and improve the ability to fight crime and terrorism by analyzing data from a variety of sources. Full participation by all federal law enforcement agencies to include DHS components, in these centers is essential to the success of our efforts to combat drug trafficking.

COUNTERNARCOTICS RESOURCES

CNE is committed to ensuring the adequacy of counternarcotics resources to complement DHS efforts to protect and secure our nation's borders through the deployment of personnel, technology, air assets, infrastructure, the use of intelligence, and interagency partnerships. Counternarcotics mission effectiveness requires establishing and deploying the right mix of personnel, technology, infrastructure, and response platforms to achieve maximum tactical and strategic advantage.

The CNE Annual Report provides a review of the Department's counterdrug activities for the past fiscal year and the DHS counternarcotics budget request for the upcoming fiscal year. This report provides the Department's only "one stop," comprehensive guide to DHS drug control agencies seizure metrics for the previous fiscal year. This report also discusses how CNE has successfully defined and applied performance measures to the Department's counterdrug components' programmatic activities. I anticipate the 2009 CNE Annual Report will be released soon after the President's submits his FY 2010 budget request.

SEVERING THE CONNECTION BETWEEN DRUG TRAFFICKING AND TERRORISM

The second overarching CNE responsibility is to track and sever the connections between drug trafficking and terrorism. Worldwide illicit drug trafficking generates significant revenue that buttresses the infrastructure of organized crime and terrorism. To fulfill this mission, CNE has established a Drug Terror Nexus (DTX) Division. Our DTX Division works closely with interagency partners – primarily through the Joint Terrorism Task Force (JTTF) construct – to collect and analyze information about the links between terrorist groups and drug trafficking and to target these links. One of the DTX Division's most important endeavors is to promote an exchange of drug-terror information between the law enforcement and intelligence communities, and by extension, to provide law enforcement agencies at all levels of government the actionable information they need to apprehend terrorists.

As part of this effort, our DTX Division is constantly working to improve relationships with High Intensity Drug Trafficking Areas (HIDTAs), JTTFs, Fusion Centers, and state, local, and tribal entities. For example, less than two months ago a DTX Division staff member met with key personnel from the South Florida HIDTA to enhance cooperative relationships on drug-terror issues with that key organization in order to establish and ensure accurate and timely information flow on drug-terror issues. In addition, at the request of the Director of the Gulf Coast HIDTA, CNE senior staff participated in the HIDTA Investigative Support Center Managers meeting last week to establish robust interface with HIDTAs nationwide. Our DTX Division will continue to foster relationships between various Federal, state, and local partners by sharing intelligence related to drug trafficking and terrorism with them, and by soliciting their advice on how to track and sever connections tied to this evolving threat.

The DTX Division has worked to expand the Intelligence Community's ability to collaborate on drug-terror issues. Using the Homeland Security Information Network (HSIN), CNE solicits participation in improving collection plans relative to drug-terror links. CNE also continues to expand the use of web-based, collaborative law enforcement and intelligence sharing tools such as Intellipedia — an online system managed by the Director of National Intelligence—and the Federal Bureau of Investigation's Law Enforcement On-line (LEO).

CNE will continue to highlight the critical importance of drug-terror issues and facilitate increased collaborative efforts between Federal, State, local, and tribal entities on the tracking and severing of identified drug-terror connections.

CONCLUSION

The current violence along our Southwest Border is only symptomatic of a highly sophisticated, multi-billion dollar, well-armed transnational criminal system built around the production, transportation, sale, and consumption of dangerous illicit narcotics. Narcotics smuggling and related criminal activities are not localized problems along the border. The damage they cause to our Nation is tremendous. Illicit drugs are responsible for the death of more than 20,000 Americans each year. The social costs of the drug trade are well in excess of $100 billion annually. Now, more than ever, CNE is playing a critical role to improve homeland security and support the national drug control program.

I thank the Subcommittee for this opportunity to testify. As you can see, CNE is committed to addressing the threat of drug-related violence and smuggling at the United States' borders. We are fortunate to have the backing of our interagency partners, the support of Congress, and the cooperation of our international partners, including the Government of Mexico, to fight this battle aggressively. Thank you for your time and I will be happy to answer any questions you may have.

Congressional Testimony
For

Frances Flener

Arkansas State Drug Director
State of Arkansas

"Counternarcotics Enforcement: Coordination at the Federal, State and Local Level"

Ad Hoc Subcommittee on State, Local and Private Preparedness and Integration
United States Senate

April 21, 2009
10:30 am
Dirksen Senate Office Building, Room 342
Washington, D.C., USA

Statement of
Frances Flener
Arkansas State Drug Director
State of Arkansas

Before the

Ad Hoc Subcommittee on State, Local and Private Preparedness and Integration

April 21, 2009

"Counternarcotics Enforcement:
Coordination at the Federal, State and Local Level"

Executive Summary

Methamphetamine is the #1 drug threat to Arkansas, followed by cocaine and marijuana. The use and trafficking of these drugs continue to present a difficult challenge for federal, state and local law enforcement. Drug trafficking groups have developed markets in Arkansas creating sizable drug distribution networks which have been responsible for a series of drug-related crime and social problems.

The methamphetamine problem is two fold: Small Toxic Labs and Mexican Drug Trafficking Organizations. Small Toxic Labs are small methamphetamine laboratories capable of producing one-two ounces of methamphetamine. Through Arkansas Act 256 that placed Ephedrine/Pseudoephedrine behind the counter at pharmacies, there was a 50% decline in these types of lab seizures. Most methamphetamine found in Arkansas is now produced outside of the state. Trends indicate that Mexico-based poly-drug trafficking organizations are the main suppliers for consumption and re-distribution.

In February 2008, four counties in Arkansas were designated as part of the Gulf Coast High Intensity Drug Trafficking Area (Gulf Coast HIDTA). There are two HIDTA initiatives in the state: one in two counties in the northwest, Benton and Washington, and one in two counties in the central portion, Jefferson and Pulaski. Each initiative is responsible for measurable goals and outputs. Within six months of operation, both Arkansas initiatives had reached their yearly goals.

Arkansas is fortunate to have excellent cooperation among all federal agencies within the state. These agencies have joined forces with state and local law enforcement to form a unique bond that enables them to achieve measurable results in leveraging resources that have experienced dramatic reductions in the past several years.

In this testimony, I will describe the significant drug threats of Arkansas, offer specific examples of how we are addressing them and provide recommendations for achieving better results.

Introduction

Chairman Pryor, Ranking Member Ensign and distinguished members of the Subcommittee and honored guests; it is indeed my distinct pleasure to appear before you today. My name is Frances Flener and I am the Arkansas State Drug Director. This office is in charged with building a coordinated framework that addresses all issues of substance abuse: prevention, intervention and interdiction. On behalf of Governor Mike Beebe and our state, I would like to thank this Ad Hoc Subcommittee for its continued support for counternarcotic enforcement coordination at all levels.

Senator Pryor, we are grateful for your continuing support of the men and women in law enforcement. It must be noted that in February 2003, your first speech as a Senator dealt with the importance of continued and increased funding for law enforcement, particularly community policing. In that speech you quoted Richard Taft, a veteran of 32 years who was the Chief of Police in Malvern, Arkansas. He made a very poignant remark in addressing the challenges facing rural law enforcement. Without the Community Oriented Policing Services (COPS) program, Chief Taft said he didn't have enough officers to protect each other, much less the citizens of Malvern. As a co-sponsor for the re-authorization of the COPS legislation, you continued being a champion for crime prevention and community engagement. Through your ongoing support and dedication to this issue, our state and nation have benefited. I want to take this opportunity to thank you for your outstanding leadership that has supported law enforcement at all levels.

Overview of the Environment

The state of Arkansas is predominately, rural, agricultural and impoverished (13.3% of the population live below the poverty line). Utilizing the 2005-2007 American Community Survey from the U.S. Census Bureau, Arkansas' Caucasian population is estimated at 2,205,950 (78.6 percent), the black American population at 436,848 (15.6 percent), the Hispanic population at 138,936 (five percent), the Asian population at 29,647 (1.1 percent), and the American Indian population at 20,236 (0.7 percent).

An article published in April 2007 by the Urban Institute indicated that the Hispanic population in Arkansas grew by 48 percent between 2000 and 2005, faster that any other state.

Predominant Drug Threats

Methamphetamine is the #1 drug threat in the state of Arkansas followed by cocaine and marijuana. The distribution and abuse of both Mexico and locally-produced methamphetamine continue to rise despite the significant decline in small, local manufacturing operations. Arkansas has enacted two pieces of legislation that have had a positive impact on methamphetamine abuse. In 2005, the Arkansas Legislature passed Act 256 placing Ephedrine/Pseudoephedrine behind the counter at pharmacies and requiring identification to purchase. This legislation resulted in a 50% reduction in small

toxic labs (one ounce capability). In the 2007 Session of the Legislature, Act 508 established a real-time electronic logbook to further assist law enforcement in its efforts to combat methamphetamine. Arkansas contracts with LeadsOnLabs to monitor and prevent illegal purchases of meth precursors and gives law enforcement the immediate location of the purchaser. LeadsOnLabs has assisted in blocking 12,131 ephedrine, pseudoephedrine, or phenylpropanolamine purchases between April 22 and August 5, 2008.

Despite these advances, local lab seizures have risen slightly in 2008. Local meth cooks are requiring their customers to supply their own ephedrine or pseudoephedrine. The manufacture of methamphetamine has become a "potluck" affair with several people contributing the ingredients for a cook. The labs are being moved to very isolated places and are very mobile.

Most methamphetamine found in Arkansas is now produced outside of the state. Trends indicate that Mexico-based poly-drug trafficking organizations (DTOs) are transporting large quantities of methamphetamine and methamphetamine "ice" (smokable form of methamphetamine) into Arkansas for consumption and further distribution. Violent drug trafficking groups have developed markets in Arkansas, creating sizable drug distribution networks that have been responsible for a series of drug-related crimes and social problems.

Many small cities in Arkansas are experiencing the same problems that larger urban areas faced a decade ago, including an increase in drug trafficking activities, escalating homicide rates, the influx of illegal immigrants involved in the drug trade and criminal justice infrastructures ill-equipped to handle the increase in case activity.

In Arkansas, Mexican Drug Trafficking Organizations are a problem throughout the state, both in rural and urban settings. For instance, my hometown of Batesville, (a small, picturesque town with less than 10,000 in population, located on the banks of the White River), was the center of a three-year joint drug trafficking investigation led by the DEA, entitled, "Tienda Hielo" or "ice store", that resulted in 52 arrests, seizure of more than 100 pounds of methamphetamine ice with a street value of over $11 million dollars and the dismantling of a DTO with ties traceable to a violent Mexican drug cartel.

Interstates 40 and 30 were the primary corridors used for transporting the drugs to Arkansas. After being produced in Mexico, the drug shipments would cross the border to one of three area–San Diego, Phoenix or Dallas. From each of these hubs, the drugs would be routed to Arkansas and ultimately Batesville, Independence County, Arkansas. There the drugs would be off-loaded and driven to a remote location. These drugs would not only be sold locally, but were transported and re-distributed to Memphis, TN, Kansas City, MO, Des Moines, Iowa and Indianapolis, IN. Ironically, some of the same factors that make Arkansas an attractive place to reside contribute to its attractiveness as a drug transit and staging region. The transit pathway for these drugs was from three hubs with a combined population of 4.1 million to a very rural county in Arkansas with a population of less that 30,000 for redistribution to an area of 4.1 million people.

In the Tienda Hielo news release, U.S. Attorney Jane Duke of the Eastern District of Arkansas and William J. Bryant, Assistant Special Agent in Charge, U.S. Drug Enforcement Administration stated, "This operation was a textbook example of true multi-agency coordination." Numerous federal, state and local agencies participated in this investigation. These included: the US Attorney's Office, DEA, FBI, ICE, IRS, ATF, US Marshals Service, AR Army National Guard, AR Air National Guard, Oklahoma Bureau of Narcotics, AR 16th, 2nd, 20th and 17th Judicial District Drug Task Forces, the Central AR Drug Task Force, White, Van Buren, Independence, Pulaski and Craighead County Sheriffs' Offices, AR State Police, AR Highway Police, and Jacksonville, Little Rock, Pine Bluff, North Little Rock, Maumelle, Sherwood and Jonesboro Police Departments.

Cocaine remains readily available in both inner city and rural areas. All racial and socioeconomic classes abuse both powder cocaine and its base derivative, crack. Cocaine is usually transported into Arkansas primarily by Mexican poly-drug smuggling organizations for distribution by black American criminal organizations that dominate crack distribution in cities such as Little Rock and Pine Bluff.

Marijuana is dominant drug for availability and abuse within the state. Both Mexico and locally produced marijuana are abundantly available. Mexico-produced marijuana is transported via the Interstate Highway System and accounts for the majority that is available. Domestic marijuana is traditionally cultivated both indoor and outdoor in the eastern and northwestern regions of Arkansas.

Pharmaceuticals continue to rise in epidemic proportions within the state. The high availability, dramatic increase in treatment admissions and the increase in interdiction seizures places pharmaceuticals as Arkansas' greatest drug threat following methamphetamine and "ice" methamphetamine. A major source of diverted pharmaceuticals is on-line Internet pharmacies.

Participation and Coordination of Activities

The state of Arkansas is fortunate in having outstanding relationships between federal, state and local law enforcement. This team effort has led to significant investigations, as previously described, which have allowed law enforcement to attack the drug problem on different fronts.

In February 2008, Arkansas received a tremendous boost in its ability to disrupt illicit drug trafficking. With the support of Senators Pryor and Lincoln, Representative John Boozman, Governor Mike Beebe and the entire Congressional Delegation, the director of the Office of Drug Control Policy (ONDCP) authorized the addition of four (4) counties in Arkansas to the Gulf Coast High Intensity Drug Trafficking Area (Gulf Coast HIDTA). The four counties are Benton, Jefferson, Pulaski and Washington. These

counties join 12 counties/parishes across Louisiana, Alabama, and Mississippi which make up Gulf Coast HIDTA.

The establishment of two (2) HIDTA initiatives in Arkansas has enjoyed wide acceptance by local, state and federal law enforcement agencies. Gulf Coast HIDTA's Executive Board and Staff have welcomed the expansion and have worked tirelessly to ensure a smooth transition. One of the HIDTA program's most important contribution to the nation has been the partnerships it has nurtured among participating agencies. This has led to the leveraging of resources and sharing of intelligence through a regional coordinated approach. Under HIDTA, state and local law enforcement join with their federal counterparts on an equal basis to enhance enforcement activities, provide focus to regional problems and to determine priorities and initiatives for their individual HIDTAs.

Through the Bryne-JAG Program, Arkansas has 19 funded multi-jurisdictional drug task forces (DTFs). Budget cuts to this program have crippled local law enforcement's capability to address their local drug issues. Due to the rural nature of the state, the size of local law enforcement is so small that most find it impossible to conduct pro-active drug-related investigations without assistance from the federal government. While funding for '09 is expected to increase, the optimal effectiveness of the DTFs is in jeopardy due to reduced staff and low morale. Without this additional source of funding, some programs would have disbanded, leaving Arkansas communities with little or no organized pro-active efforts to combat drugs.

Treatment and Prevention Activities

In its Final Report issued in September 2008, the Arkansas Legislative Task Force on Substance Abuse Treatment Services stated, "The consequences of untreated alcohol and drug abuse comprise the single greatest drain on Arkansas' state budgets." The report goes on to state that, "approximately only one in twenty people needing treatment are able to obtain it." The primary funding source for public treatment programs is the Substance Abuse Prevention and Treatment Block Grant (SAPT). Currently, Medicaid in Arkansas does not cover substance abuse treatment. This lack of sufficient treatment resources overburdens the broader healthcare, criminal justice, employment and welfare systems.

During the recent 2009 Regular Session of the Arkansas Legislature, Act 180 created a Tobacco Tax that includes funding for Medicaid pregnant women and children aged 9 through 21. The target date for implementation is January 1, 2010.

The development of drug courts in Arkansas has followed the national trend of the late 1990s that addressed the overwhelming rise in elicit drug use and the resultant overcrowding in prison systems. Drug Courts are defined as a combination of judicial oversight, supervision, and involvement with a strong and continuous therapeutic component. They are designed to provide an alternative to incarceration while providing a highly-structured judicial process for substance abuse treatment. Currently, there are 40 drugs courts statewide with an average total enrollment of 1700 at any given time.

According to a report released by the Arkansas Department of Community Correction (DCC) in July 2007 to address recidivism rates for program graduates, there were 55 offenders out of the 967 graduates who had re-offended who that been re-incarcerated. Overall, the recidivism rate was 5.7% for the entire 967 graduates. The drug court program structure and oversight has demonstrated an overall success of helping individuals with substance abuse problems become productive members of society and avoid re-entry in the criminal justice system.

In 2005, Arkansas received a 5-year Strategic Prevention Framework–State Incentive Grant through the Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration. This grant has enabled the state to fund 19 community-based prevention coalitions. These groups, along with the 13 regional Prevention Resource Centers form the basis for prevention activities within the state. The groups are very active and have enjoyed success in marshalling their communities to address local concerns.

Recommendations

If we accept that a robust national drug control strategy is dependent upon strong federal, state and local drug enforcement efforts, then we must not cut the resources available for these efforts. Federal assistance is the incentive that has caused dramatic improvements in cross-jurisdictional cooperation and overall effectiveness. The impact of diluted drug policies and a reduced federal commitment to fighting drug trafficking would be devastating to society.

We support the inclusion of the Pryor Amendment (SA 794) to Combat Drug Trafficking, an Amendment to S. Con. Res. 13, the Senate Budget Resolution which calls for increasing the number of counties participating in the HIDTA program and the level of drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders. There are other parts of Arkansas in addition to the four counties that are currently designated that desperately need HIDTA resources to address their drug trafficking problems.

It is further recommended that the Byrne-JAG Assistance Grants be funded at full strength of $1.1 billion as originally recommended by the Senate.

Conclusion

Our nation's drug problems are extremely complex. It would be ingenuous to indicate that the drug problem could be solved quickly or easily. However, by using a comprehensive approach that embraces education, treatment and enforcement, we can dramatically reduce the use of illegal drugs and associated violent crime.

Thank you again for the opportunity to testify before the Ad Hoc Subcommittee today. I will be happy to answer any questions at the appropriate time.

TESTIMONY OF

DOUGLAS C. GILLESPIE, SHERIFF

ON BEHALF OF
MAJOR CITIES' CHIEFS ASSOCIATION,
MAJOR COUNTY SHERIFFS' ASSOCIATION
AND
LAS VEGAS METROPOLITAN POLICE DEPARTMENT

BEFORE THE
COMMITTEE ON HOMELAND SECURITY
AD HOC SUBCOMMITTEE ON STATE, LOCAL AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

UNITED STATES SENATE

Chairman Pryor, Ranking Member Ensign, and distinguished Members of the Subcommittee: Today I speak for both the Major City Chiefs of Police, representing the 56 largest cities in the Nation, as well as the Major County Sheriffs, representing the top 100 counties. We protect the majority of the American people and have authority in every major urban area. To exemplify the coordination between Chiefs and Sheriffs, I serve as both Chair of the Homeland Security Committee for Major Cities, and I was elected Vice President of the Major County Sheriffs.

I am the Sheriff of the largest law enforcement agency in the State of Nevada: the Las Vegas Metropolitan Police Department. Because Las Vegas is home to many of the world's largest hotels, and a major center of international tourism and entertainment, my jurisdiction is continuously mentioned by our enemy as a potential target.

The Southern Nevada Counter-Terrorism Center: An All Crimes, All Hazards Approach

To counter this well-established threat, we have created the Southern Nevada Counter-Terrorism Center (SNCTC), which embraces the "all crimes, all hazards" doctrine. Within the SNCTC we house the three components necessary to identify, prevent and react to crime and terrorism: Investigation, Analysis and Response.

The SNCTC is comprised of thirteen different agencies, representing Federal, State and local government. Law enforcement is not the only discipline included in the SNCTC. Fire Service, Emergency Medical Service, Emergency Management, and Public Health are also contributing partners within the SNCTC. These dedicated professionals endeavor to maintain a constant situational awareness of our community, sensitive to any crime trends, epidemiological outbreaks, and indicators of potential terrorist activity. Our connectivity with the Federal Intelligence Community is achieved through embedded

personnel from the FBI and DHS, and the information sharing systems that each agency brings into the SNCTC.

Including the Private Sector in Terrorism Prevention

In our community, there are over 6,700 private security professionals, and thousands more valet attendants, housekeepers, and bell captains, each poised and capable of detecting suspicious behaviors indicating criminal activity. We are working to harness this incredible force multiplier. We recognize and completely understand the concerns of the civil liberties community regarding the integration of the private sector into a Fusion Center. Steps will have to be made to prevent the exposure of sensitive information to private sector employees, and to ensure there is no competitive advantage to one commercial enterprise at the expense of others.

To supplement and enhance this "ground level" suspicious activity reporting, we are participating in the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) as a pilot city. The NSI, inspired by the Los Angeles Police Department and spearheaded by the Office of the Director of National Intelligence, the Department of Justice, and the Department of Homeland Security, focuses on two things: 1) the collection of objective, observable behaviors known to be indicators of criminal or terrorist activity; 2) the sharing of this information – absent personally identifiable information – with other law enforcement agencies.

Preventing School Violence

At the SNCTC, information is shared vertically between the Local, State and Federal partners, as well as horizontally among our partner agencies in state and local government and the private sector. In February 2008, fifteen-year-old Christopher Privett was gunned down while walking home from high school in broad daylight. While the offenders were ultimately caught and are currently awaiting trial, we looked for ways to better utilize our existing resources to prevent future violence surrounding our schools. Through a partnership with the Clark County School District Police Department (CCSDPD), we have a CCSDPD employee embedded in the SNCTC. This partnership typifies the ideals of horizontal information sharing.

This capability to share information horizontally, as discussed above, is critical to the success of the "all crimes, all hazards" Fusion Center approach to policing. In my organization I have gang, drug and anti-crime task forces located throughout my community. When the incident described above occurred, that information was shared with all of these geographically dispersed task forces, they each provided the resources they had at their disposal to ensure that the alleged suspects were identified, located and arrested. This same Horizontal information flow has been critical to use in sharing information related to de-confliction of narcotics investigations and officer safety information related to marijuana grows and clandestine lab operations.

Embracing the Intelligence-led Policing Philosophy

Within the SNCTC, we have a robust analytical group that focuses on traditional criminal activity and crime patterns. These crime analysts scour raw crime data looking for patterns and trends, as well as any social causative factors. On a weekly basis, the leaders of my department meet to discuss these findings, and discuss the options available to address these crime issues. Innovative initiatives inspired and driven by the crime data and actionable intelligence are the foundation of our intelligence-led policing strategy. Because criminals don't restrict their activities according to certain jurisdictional boundaries, we look at crime analysis and problem solving from a regional perspective. Police leaders from my agency and all of the agencies within Southern Nevada convene periodically to share our thoughts on the crime data and resultant policing strategies.

Narcotics Trafficking and Associated Violence

Las Vegas has long been considered the "crossroads" for narcotics traffickers between the suppliers in Central and South America and the consumers in the United States. As the site of a High Intensity Drug Trafficking Area (HIDTA) task force, we are on the front lines of the war on drugs. With drug trafficking comes the associated violence. In October of last year, we found out just how ruthless drug traffickers can be.

Six-year-old Cole Puffinberger was inside of his home in Las Vegas when armed intruders posing as police officers snatched him away from his mother. My detectives quickly learned that young Cole was likely abducted because his grandfather owed a Mexican drug cartel several million dollars. As detectives worked to locate the young boy, special agents from the FBI and DEA worked feverishly to learn more about the abductors and their criminal organization. Crime and intelligence analysts collected cell phone and surveillance data, and passed the information on to investigators. An AMBER alert was issued to increase public visibility, and every effort was focused on keeping Cole within the borders of the United States.

The intensity and tenaciousness of the investigators paid off when Cole was recovered unharmed four days later, abandoned by his kidnappers presumably because of the massive public awareness campaign. Two Mexican nationals have been charged by the United States Attorney for conspiracy to kidnap a child. One of these suspects had been previously deported from the United States in 1998, 2003 and 2006.[1]

Through information provided by the Rocky Mountain Information Network (RMIN) of which my organization is a member, we had become aware of the increase in narcotics related kidnaps/extortions occurring in the Phoenix and Tucson areas of the Southwest Border, this information was received prior to the incident. The Southern Nevada Counterterrorism Center (SNCTC) had been in contact with the Arizona Counter Terrorism Intelligence Center (ACTIC) to learn what information the ACTIC possessed related to investigative challenges that were encountered during these incidents. The ACTIC, through its member agencies, provided points of contact for investigators from

[1] Haynes, B. *Las Vegas Review-Journal,* Feb 25, 2009. Found at www.lvrj.com/news/40274937.html

Southern Nevada to speak with their counterparts. The ACTIC further provided border violence briefing material, which substantially increased law enforcement in Southern Nevada's understanding of challenges to successfully bringing these types of incidents to a safe resolution.

The Role of DHS in Combating Drug Trafficking Violence

Because Fusion Centers are the heart of Federal, State and Local information sharing efforts, we urge the distinguished members of this Subcommittee to consider this when contemplating the role of the Department of Homeland Security in countering violence related to drug trafficking. We would like to have these information channels in place and firmly entrenched within the Fusion Centers, so that we can react quickly and effectively when violence related to narcotics trafficking occurs in our community

The Department of Homeland Security (DHS) has a number of agencies under its control which have a statutory responsibility for the counter-narcotics mission. It is critical to the nation's security that the efforts of these various agencies are coordinated with the Drug Enforcement Administration (DEA), who has primary statutory authority for the counter-narcotics mission, to ensure that scarce resources are not squandered. The roles of the respective federal entities that are tasked with this mission have overlap and in some cases redundancies. Neither are in themselves a negative; they do however require coordination at the federal level. The important aspect of this, I believe, is to ensure that the respective agencies are focusing their efforts on what it is they do best and are best situated to address.

To further enhance our counter-narcotics and counter-terrorism capabilities, we in Las Vegas are considering the options available to us to improve the coordination between the SNCTC and the Las Vegas HIDTA task force. Among the options are: exchanges of intelligence analysts, relocating the investigative and operational de-confliction function into the SNCTC, and the possible future co-location of the SNCTC and the Las Vegas HIDTA task force.

On behalf of the Major Cities' Chiefs Association and the Major County Sheriff's Association, I thank this distinguished subcommittee for the opportunity to share our views.

Performance Metrics for the Southern Nevada Counter-Terrorism Center

Statement for the Record submitted by Sheriff Gillespie

Qualitative vs. Quantitative Measurements

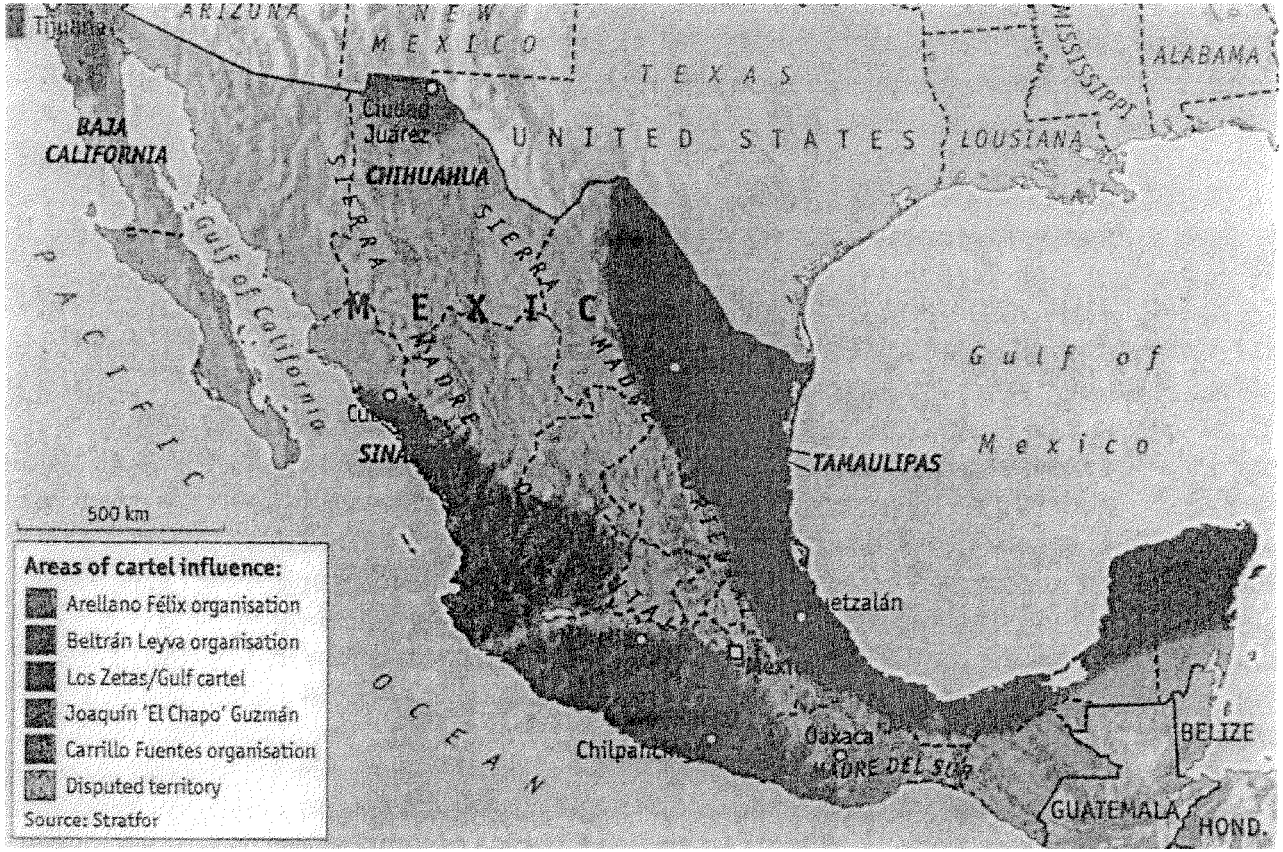
The development of performance metrics for Fusion Centers is continually a topic of discussion among the Fusion Center leaders during the annual conferences. There is universal agreement that metrics should blend qualitative assessment as well as quantitative assessments. Simply churning out written products that add no value other than clogging an e-mail box is not an acceptable measure of exceptional performance. Indeed, if the recipient begins to delete Fusion Center products without reading, it is tantamount to those products never having been produced at all. In that scenario, the signal becomes lost in the noise. A better performance measurement is to compare the articulated need for information by the customers, with the production of informational or intelligence products that satisfy the customers' needs.

Identifying and Satisfying the Customers' Needs

We are re-structuring the organization of the SNCTC to mirror the Intelligence cycle, and to provide a mechanism so that each of the participating agencies has a role in determining the intelligence gathering and analytical priorities. The establishment of a Requirements Committee, comprised of policy-level officials from each of the participating agencies, identifies the Standing and Ad Hoc Information and Intelligence Requirements that these leaders need to make informed operational decisions. The leadership of the SNCTC insures that these requirements are fulfilled. The Quality Assurance Branch will then solicit feedback from the participating agencies to gauge whether the information and intelligence products met the needs of the customer. This type of qualitative analysis is of greater value to both the SNCTC personnel as well as the leadership of the participating agencies.

How do you Measure Prevention?

This has been the age old question - often repeated among law enforcement, fire service and intelligence leaders. Will we ever know with any certainty if a crime or terrorist attack was prevented because of the actions resulting from the analysis performed at a Fusion Center? Perhaps not. But perhaps we can associate the reduction of crime to the arrest of a prolific or serial criminal? Can we reasonably assume that a terrorist plot was compromised if the pre-operational planners and surveillance operatives are identified and interdicted? If the answer is yes, then this is a measurable performance metric. Conversely, because there is a lack of scientific certainty between cause and effect, this may not be considered to be a valid performance metric. Nevertheless, this type of anecdotal evidence will provide some measure of effectiveness and return on investment for the grant dollar.


Tijuana
ARIZONA
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TEXAS
UNITED STATES
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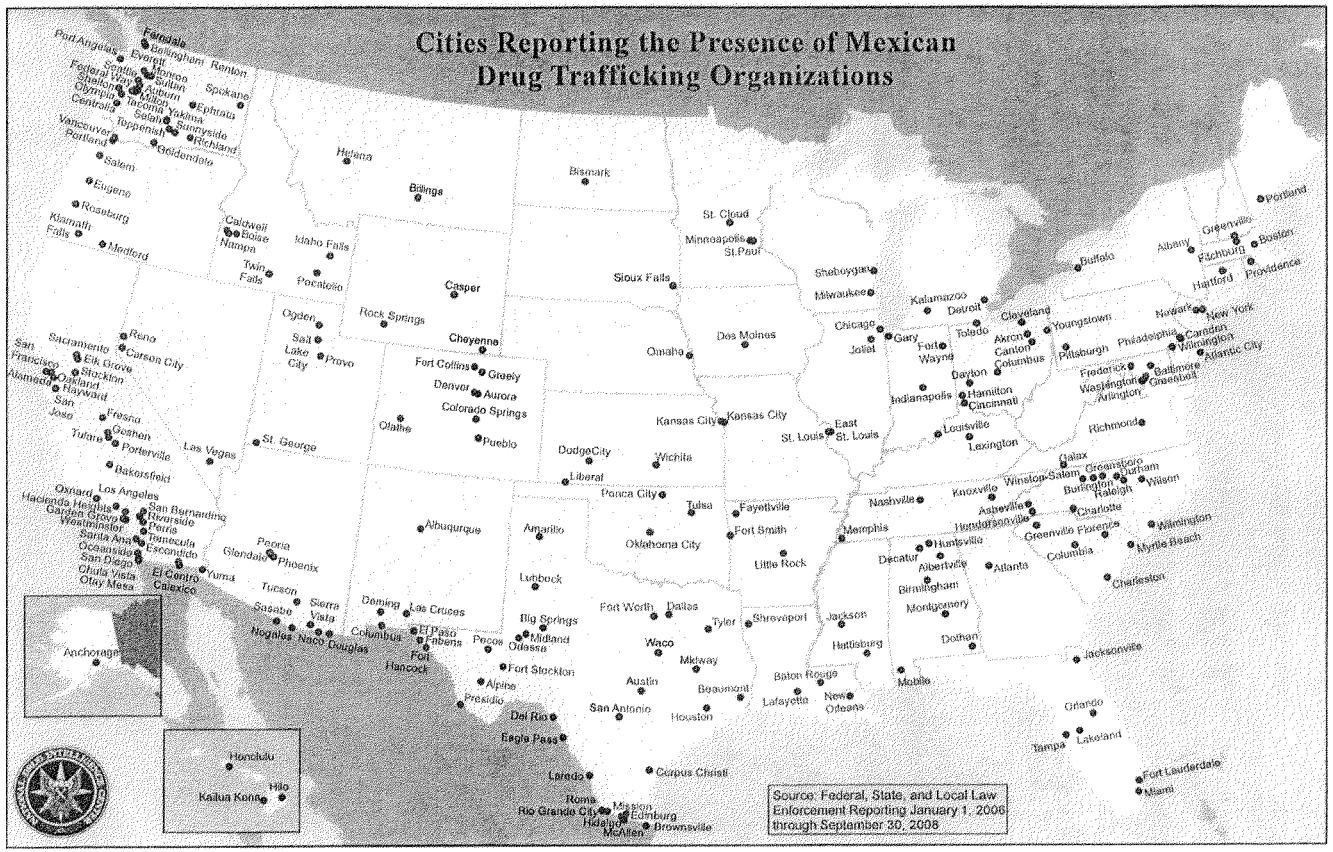
ALABAMA
LOUISIANA
BAJA CALIFORNIA
Ciudad Juárez
CHIHUAHUA
SIERRA MADRE
Gulf of California
PACIFIC OCEAN
MEXICO
SINA
TAMAULIPAS
Gulf of Mexico
500 km
Areas of cartel influence:
Arellano Félix organisation
Beltrán Leyva organisation
Los Zetas/Gulf cartel
Joaquín 'El Chapo' Guzmán
Carrillo Fuentes organisation
Disputed territory
Source: Stratfor
Chilpancingo
Oaxaca
MADRE DEL SUR
BELIZE
GUATEMALA
HOND.


Cities Reporting the Presence of Mexican Drug Trafficking Organizations
Source: Federal, State, and Local Law Enforcement Reporting January 1, 2006 through September 30, 2008
Blaine
Bellingham
Everett
Seattle
Renton
Monroe
Sultan
Auburn
Milton
Tacoma
Yakima
Spokane
Ephrata
Sunnyside
Richland
Pasco
Toppenish
Selah
Olympia
Shelton
Federal Way
Port Angeles
Centralia
Vancouver
Portland
Salem
Eugene
Roseburg
Klamath Falls
Medford
Caldwell
Boise
Nampa
Twin Falls
Pocatello
Idaho Falls
Helena
Billings
Bismark
Casper
Rock Springs
Ogden
Salt Lake City
Provo
Cheyenne
Fort Collins
Greely
Denver
Aurora
Colorado Springs
Pueblo
Olathe
Reno
Carson City
Sacramento
Elk Grove
Stockton
San Francisco
Oakland
Alameda
Hayward
San Jose
Fresno
Goshen
Tulare
Porterville
Bakersfield
Las Vegas
St. George
Oxnard
Los Angeles
Hacienda Heights
Garden Grove
Westminster
San Bernardino
Riverside
Perris
Temecula
Escondido
Santa Ana
Oceanside
San Diego
Chula Vista
Otay Mesa
El Centro
Calexico
Yuma
Phoenix
Glendale
Peoria
Tucson
Sierra Vista
Sasabe
Nogales
Naco
Douglas
Columbus
Deming
Las Cruces
El Paso
Fabens
Fort Hancock
Albuquerque
Amarillo
Lubbock
Big Springs
Midland
Odessa
Pecos
Fort Stockton
Alpine
Presidio
Del Rio
Eagle Pass
Laredo
Rio Grande City
Roma
Hidalgo
McAllen
Mission
Edinburg
Brownsville
Corpus Christi
Austin
San Antonio
Houston
Beaumont
Waco
Midway
Fort Worth
Dallas
Tyler
Shreveport
Jackson
Hattiesburg
Baton Rouge
Lafayette
New Orleans
Mobile
Dothan
Montgomery
Birmingham
Decatur
Albertville
Huntsville
Atlanta
Hendersonville
Memphis
Little Rock
Fayetteville
Fort Smith
Tulsa
Oklahoma City
Ponca City
Liberal
Dodge City
Wichita
Kansas City
St. Louis
East St. Louis
Omaha
Des Moines
Sioux Falls
St. Cloud
Minneapolis
St. Paul
Milwaukee
Sheboygan
Chicago
Joliet
Gary
Fort Wayne
Indianapolis
Hamilton
Cincinnati
Dayton
Kalamazoo
Detroit
Toledo
Cleveland
Akron
Canton
Columbus
Youngstown
Pittsburgh
Buffalo
Albany
Greenville
Fitchburg
Boston
Providence
Hartford
Portland
Philadelphia
Newark
New York
Camden
Wilmington
Atlantic City
Frederick
Baltimore
Greenbelt
Washington
Arlington
Richmond
Louisville
Lexington
Knoxville
Nashville
Asheville
Hendersonville
Winston-Salem
Greensboro
Galax
Burlington
Raleigh
Durham
Wilson
Charlotte
Greenville
Florence
Columbia
Wilmington
Myrtle Beach
Charleston
Jacksonville
Orlando
Tampa
Lakeland
Fort Lauderdale
Miami
Anchorage
Honolulu
Hilo
Kailua Kona

Subcommittee on State, Local and Private Sector Preparedness and Integration
Hearing entitled:
"Counternarcotics Enforcement: Coordination at the Federal, State and Local Level"
April 21, 2009

Senator Mark Pryor
Questions for the Record

For Mr. John Leech, Acting Director of DHS Office of Counternarcotics Enforcement

1) Can you please describe the staffing and organization of the Office of Counternarcotics Enforcement, including the annual budget of the Office of CNE and the frequency of your department's meetings with Secretary Napolitano?

Response: The Office of Counternarcotics Enforcement (CNE) is organized into two divisions—the Policy Division and the Drug-Terror Nexus Division. The Policy Division has the responsibility for coordinating counternarcotics policy and operations within DHS and between DHS and the interagency, as well as ensuring the adequacy of resources for the Department's counternarcotics efforts. The Drug-Terror Nexus Division coordinates within the Department and works with our interagency partners to track and sever the connections between drug trafficking and terrorism. CNE works closely with Secretary Napolitano's key advisors in providing advice and support for counternarcotics policy and operations coordination issues, including Departmental efforts to strengthen southwest border counternarcotics efforts. CNE's FY 2009 appropriation is $3.718 million. CNE's FY 2010 budget request totals $3.912 million, an increase of $194,000 above the FY 2009 appropriation.

2) What is the total level of DHS drug interdiction funding and how is it divided among the component agencies? How do you ensure that each agency is using the appropriated funds effectively and efficiently?

Response: In FY 2009, DHS was appropriated a total of $2.96 billion in drug interdiction funding, with $1.20 billion allocated to the Coast Guard and $1.76 billion allocated to CBP. For FY 2010, DHS has requested a total of $3.02 billion in drug interdiction funding, of which $1.25 billion is requested for the Coast Guard, while $1.77 billion is requested for CBP. CNE reviews DHS drug control agency activities and performance levels and presents this information in the CNE Annual Report. Each spring, DHS drug components submit planned resource allocation plans that are evaluated at program reviews. The program review process allows CNE to assess the status, performance and capabilities of current programs; and determine how components could best align resources to meet drug interdiction policy and planning priorities and improve mission effectiveness. CNE works with the Department's Chief Financial Officer and Office of Program, Analysis and Evaluation to develop advice and recommendations related to deploying the right mix of personnel, technology, infrastructure, and response platforms to achieve

maximum effectiveness and meet the national drug interdiction targets and priorities. CNE hopes to benefit from the Department's risk analysis-based models, which are being developed to better evaluate and justify resource allocation decisions.

3) If you had more funding, how would you spend it?

Response: Currently, no additional funding is needed for CNE to perform its statutory responsibilities.

4) Much of what we hear about drug cartels in the media focuses on challenges to our law enforcement community. These challenges include increasing membership in drug cartels, sophisticated equipment and intelligence gathering techniques by the cartels, and the high demand for drugs in the US. Which of these challenges do you see as most pressing?

Response: International drug trafficking organizations are engaging in brutal and inhumane tactics, presenting a daunting challenge to the law enforcement community. These criminals use satellite phones, encrypted radios, and internet voice technology to shield their communications from the law as they move hundreds of thousands of pounds of their illicit products across the Southwest Border. These criminal networks supply a market where the demand for illegal drugs is still high. Experience has shown that comprehensive and balanced drug policies can effectively target drug trafficking organizations and reduce the levels of drug trafficking, drug addiction, and the harmful consequences of drug use. While the demand for drugs presents many pressing challenges, the Department of Homeland Security, in cooperation with the Department of Justice and the Drug Enforcement Administration (DEA), supports a balanced national drug control strategy by stopping the entry of illegal drugs into the United States and the illegal export of bulk cash and weapons to support the drug cartels' criminal activities.

Perhaps the greatest and most pressing challenge to our interdiction efforts is the increased cartel membership that facilitates cartel expansion into American cities. According to the National Drug Intelligence Center, Mexican-based cartels maintain distribution networks or supply drugs to distributors in 230 American cities. This extended reach enables cartels to increase the amount of illicit drugs smuggled into, and distributed throughout, our country. Trafficking by the cartels is harmful to our communities and places burdens on demand reduction programs. Increased recruitment and retention of cartel members does more than expedite and expand distribution networks. It also facilitates the cartels' abilities to wage ever more aggressive and brutal campaigns in Mexico- primarily along the Southwest Border of the United States. Already Mexico's drug war death toll is running at around 2,300 people this year - which is higher than at the same point in 2008 - even as the Mexican army makes historic seizures of weapons and cash and arrests top cartel leaders. Unfortunately, even with the efforts of the Mexican Government and military, cartels are able to replenish their ranks at an alarming rate. Until we are able to effectively address the ability of cartels to recruit new membership, the problems associated with the drug trade will not significantly diminish.

5) Drug smuggling and drug trafficking have long been problems for law enforcement officials. The recent media attention to the issue could suggest that something major has changed in the world of drug trafficking and smuggling during the last year or so. I understand that the game has changed in Mexico, mainly due to the drug cartel crackdown of the Calderon Administration. But has the game changed in the US? How (if at all) has your job changed over the last year or several months? Is this issue becoming more of a problem or is the problem just receiving increased attention right now?

Response: The drug-fueled violence has presented difficult and unprecedented challenges for Mexico, to which the Calderon Administration has applied a swift and courageous response. The Department of Homeland Security (DHS), in partnership with the Department of Justice and coordination with the Drug Enforcement Administration, is actively engaged in supporting Mexico's efforts to combat organized crime and simultaneously reinforcing our own intelligence, investigative and interdiction capacities along the Southwest Border. Within the United States, we are a witnessing a mix of indicators. For example, foreign drug trafficking organizations have distribution systems in 230 U.S. cities, and are staking out areas within our national forests to grow sizeable marijuana crops. However, the United States has not experienced the drug-related violence in the manner experienced by our Mexican neighbors, and the Drug Enforcement Administration is reporting that increases in the price and decreases in the purity of cocaine are a reflection of our mutual cooperation and coordinated efforts in attacking the Mexican Drug Cartels at the source and transit zones as well as our across-the-board interdiction efforts. We remain vigilant and continue to work with our law enforcement partners to provide any alerts or information that will improve public safety. The increased media reporting on cross-border smuggling and drug-related violence is a positive development in bringing this complicated issue to national attention and national level consultation. Our efforts should help address the challenges and complement the work done by our State and Local officials; and likewise federal law enforcement agencies benefit greatly from working with State and Local law enforcement. In 2005, the Office of Counternarcotics Enforcement (CNE) first started working with other DHS components and the interagency to identify strategic priorities and recommendations for the Southwest Border. Most recently, the CNE Director has been serving as an Executive Agent in overseeing the interagency efforts to update the *National Southwest Border Counternarcotics Strategy.* Since assuming my role as Acting Director of the Office of Counternarcotics Enforcement in January 2009, my work has increased in terms of raising the visibility of the *Strategy's* counternarcotics priorities with leadership within the Department and Congress. My office has also worked to increase collaborative efforts with State and local entities, especially to obtain and integrate their inputs into the Administration's counternarcotics efforts.

6) Corruption in Mexico among the law enforcement community and government workforce are serious problems. Although it happens less frequently on our side of the border, there have been instances in which American border officers have taken brides or facilitated the transit of illegal drugs, weapons, or people. What precautions can we take in the recruitment or evaluations of our personnel to prevent the corruption of Americans?

Response: DHS takes extensive precautions to prevent, detect, and investigate corruption along the border. Specifically, the U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) have set measures in place to ensure their hiring and retention protocols emphasize the highest degree of quality and integrity in their employees. For example, U.S. Customs and Border Protection's Office of Internal Affairs has implemented a Comprehensive Integrity Strategy, which integrates prevention, detection, and investigation capabilities to deter and respond to corruption and serious misconduct in the CBP workforce. The Comprehensive Integrity Strategy employs improved personnel security screening of prospective CBP employees, as well as polygraph examinations of certain law enforcement candidates, application of behavioral and analytical research tools to identify integrity indicators of corruption, and an intelligence-driven investigative response to integrity events. The Office of Personnel Management (OPM) also requires ICE to integrate rigorous vetting into its hiring procedures and protocols for any of its criminal investigators using background checks as well as requiring ICE officers to recertify their security clearance every five years that they are employed.

In February 2008, CBP's Office of Human Resources Management (HRM) implemented electronic "screening" as part of the application process. Applicants are required to answer questions associated with arrests, drug use, finance/credit issues, and are screened out prior to selection. The process reduces the number of individuals who could potentially have suitability issues. CBP's HRM is also initiating an effort to study reliable predictors of counter-productive behavior and indices/measures of integrity for use in the recruitment and entry-level selection process.

Subcommittee on State, Local and Private Sector Preparedness and Integration
Hearing entitled:
"Counternarcotics Enforcement: Coordination at the Federal, State and Local Level"
April 21, 2009

Senator John Ensign
Questions for the Record

For Mr. John Leech, Acting Director, DHS Office of Counternarcotics Enforcement

1. In your testimony to the House on March 12, you discuss the development of the 2009 Southwest Border Counternarcotics Strategy and specifically "increased consultation with State, local and tribal partners, and with the Southwest Border High Intensity Drug Trafficking Area and Fusion Centers." Can you specifically discuss the consultation with each of the groups mentioned (i.e. did you go out and personally meet with them, send letters, phone calls, etc)? What types of information are you looking to receive? Can you point to any demonstrable results?

   Response: With regard to the National Southwest Border Counternarcotics Strategy, the Office of Counternarcotics Enforcement (CNE) worked with the Office of National Drug Control Policy (ONDCP), the Department of Justice, and each agency's respective Office of Legislative Affairs to develop an initial list of contacts to solicit input. This list was initially based on those consulted during ONDCP's development of the National Drug Control Strategy. Over 160 consultation letters were transmitted to the congressional delegations of California, Texas, New Mexico, Arizona; as well as the Chairmen and Ranking Members of the Armed Services, Homeland Security, and Judiciary Committees; and Speaker of the House and President of the Senate, as well as additional members who have generally expressed interest in counter-drug related matters. The consultation letter was also transmitted to the Regional Directors of the Southwest Border (SWB) High-Intensity Drug Trafficking Areas (HIDTAs), State and local officials, and national-level law enforcement associations. The regions of the SWB HIDTA are California, Arizona, New Mexico, West Texas and South Texas. In addition to the consultation letters, ONDCP led more detailed consultations with Southwest Border HIDTA representatives. CNE also partnered with DHS components to follow up via e-mail and phone calls, to underscore our interest for input from the DHS liaison working with the Southwest Border State and local Fusion Centers, and also share the request for input with Southwest Border Sheriffs. We received a total of 14 written responses; many with common issues for consideration. Some of the areas that were addressed, as a result of the consultation process, included adding a new chapter on weapons, as well as recommendations for improving coordination and information sharing with State and local partners. We intend to continue enhancing our consultation process to ensure effective implementation of the Strategy's supporting actions. As part of our legislative

mandate, CNE is also charged with coordinating counternarcotics interdiction policy and operations between the Department and State and local agencies near the Ports of Entry and both the northern and southern borders of the United States. The consultation process described above is one example of how CNE carries out that mission. In addition, CNE's Drug Terror Nexus (DTX) Division is constantly working to create meaningful relationships with counterparts in High Intensity Drug Trafficking Areas (HIDTAs); Joint Terrorism Task Forces; State and local Fusion Centers; and State, local, and tribal entities by sharing information via e-mail, telephone conference calls, on-site visits, or through briefings at regional conferences. Most recently, DTX representatives visited Fusion Centers in Arizona, California, New Jersey, New York, and North Carolina and the South Florida HIDTA to conduct more in-depth interviews and consultations.

2. I understand that your staff has been out in the field meeting with state and local officials, specifically HIDTA task forces and fusion centers. Can you provide us with specific figures on how often you meet with state and local law enforcement officials to discuss counternarcotics strategy? Have you met with the Nevada HIDTA? Does your office have a schedule or plan to meet with all 50 states (or at least a plan to meet with all of the states that have significant drug trafficking issues)?

   Response: During the last year, the DHS Office of Counternarcotics Enforcement (CNE) has conducted outreach to State and local representatives, to include three visits to local Joint Terrorism Task Forces (JTTF), three visits to state Fusion Centers, two visits to High Intensity Drug Trafficking Areas (HIDTA), and participation at a recent joint HIDTA Intelligence Support Coordinators and Domestic Highway Enforcement Conference. Another part of CNE's outreach involves participation in monthly telephone conference calls with state, local and tribal law enforcement officials. This effort is led by the DHS Office of State and Local Law Enforcement. CNE's visits were undertaken primarily under the auspices of our Drug-Terror Nexus (DTX) Division and were focused on engaging state and local law enforcement personnel in a discussion of linkages between illegal drug trafficking and terrorism, as well as the need for interagency and intergovernmental cooperation on such matters. While this type of outreach is important, we believe that it is at least equally important to engage with state and local officials that reside near the POE and border areas on a broader range of topics including operational and tactical matters, and overall issues related to counternarcotics strategy. Although CNE has not met with Nevada HIDTA representatives, we did meet with the Assistant Chief of Police of the Las Vegas Metropolitan Police Department, and part of our discussion focused on the police department's relationship with the Nevada HIDTA. The Las Vegas Police Department has a favorable view of the HIDTA and would like to see a closer working relationship between

the HIDTA and Fusion Center. With regard to CNE plans to work more closely with state and local entities, for the remainder of this fiscal year, CNE has planned several visits, specifically for the purpose of state and local outreach, to New York, New Jersey, Florida, Massachusetts, Connecticut and Texas. In FY 2010, CNE plans to further expand its state and local outreach with planned visits to Southern California, Arizona or Nevada, Ohio and Louisiana. CNE remains committed to expanding efforts toward establishing meaningful, collaborative relationships with its State, local and tribal partners.

3. While I understand that you have not been running CNE since its inception, can you name 3 significant accomplishments that CNE has had? What goals does your office have over the next 4 years? (Outside of the release of the 2009 Southwest Border Counternarcotics Strategy next month). What will be your metrics for success?

Response: Since its formation in 2004, the Office of Counternarcotics Enforcement (CNE) has collaborated with DHS components and interagency partners to maximize the efficiency of resources dedicated to stopping the entry of illegal drugs into the United States and tracking and severing connections between drug trafficking and terrorism. CNE's responsibilities are unique within DHS and, more broadly, within the Federal government. Its establishment as an independent office, reporting to the Secretary, recognizes CNE's critical roles and responsibilities within DHS and the government's overall counternarcotics efforts. Three examples of CNE's significant accomplishments include the following:

- CNE jointly led an interagency effort to develop the National Southwest Border Counternarcotics Strategy and Implementation Plan. The CNE Director, who was the Department's representative to the previous Administration's International Drug Control Interagency Policy Coordination Committee (IDC-IPC), was designated by that body to serve as a co-chair of an interagency Implementation Working Group (IWG) tasked to develop an Implementation Plan for the National Southwest Border Counternarcotics Strategy (approved by the NSC Deputies Committee in March 2006). The IWG produced a classified 237-page document, which directs the coordination of counterdrug and border security initiatives to address the drug trafficking threat, enhance overall border security, facilitate a comprehensive national effort involving Federal, State, local, tribal, and private sector entities, and identify the major goals, objectives, and resource requirements for closing gaps in U.S. and Mexico counternarcotics capabilities along the Southwest Border. U.S. Federal agencies along the Southwest Border are now coordinating their efforts to implement strategic objectives and specific recommendations in the following areas: intelligence collection and information sharing; interdiction at and between the ports of entry; aerial surveillance and interdiction of smuggling aircraft; investigations and prosecutions; countering financial crimes; and working with Mexico to enhance its own counterdrug capabilities.

- CNE developed the Department's first Northern Border Counternarcotics Strategy and Maritime Border and Transit Zone Counternarcotics Strategy. These documents,

submitted to Congress in 2008, complement the Department's efforts to protect and secure our nation's land and maritime borders, through the deployment of personnel, technology, air assets, and infrastructure, as well as through the use of intelligence and interagency partnerships. Both Strategies also build upon the National Drug Control Strategy, National Interdiction Command and Control Plan, National Interdiction Planning Guidance, and National Southwest Border Counternarcotics Strategy in an effort to better integrate and synchronize the Department's counternarcotics efforts.

- CNE facilitated an interagency effort with the National Joint Terrorism Task Force (NJTTF), as well as other Federal, State, and local law enforcement organizations and members of the intelligence community, to gather information and intelligence which identifies the nexus between drug traffickers and terrorist organizations. This drug-terror nexus (DTX) information is now available to agencies within the intelligence community, as well as agencies involved in international and domestic interdiction and law enforcement investigations. Along with its partners, CNE also began using Intellipedia, a web-based information sharing tool established by the Director of National Intelligence, to post unclassified and classified DTX information. CNE also partnered with the National Drug Intelligence Center in an outreach initiative which will give State and local law enforcement agencies access to Law Enforcement Sensitive information relative to drugs and terrorism. This project has expanded information sharing and is enhancing collaboration among Federal, State, and local law enforcement and intelligence professionals on drug-terror links. CNE is using this information to ensure that the Department's counternarcotics and counterterrorism policies and programs conform to national strategies and facilitate operational and intelligence support to field units which respond to drug-terror issues.

In terms of future goals, CNE intends to expand its collaboration with DHS drug components and interagency partners on various counternarcotics initiatives, to include the following:

- Identify options for expanding existing counternarcotics strategies and developing new counternarcotics strategies to counter emerging threats and support national counterdrug priorities.

- Identify strategic and budgetary requirements for achieving national level cocaine interdiction goals, as set forth in the 2009 National Drug Control Strategy. These goals strive to interdict up to 40 percent of the cocaine moving through the transit zone towards the United States within the next four years (by FY 2014). CNE is participating in a Western Hemisphere Transit Zone Performance Gap Analysis Interagency Working Group, which has been tasked to evaluate options to disrupt trafficker means, methods and modes to distribute cocaine; analyze the current allocation of effort and corresponding results; and identify mission and resource requirements to achieve the 40 percent goal. CNE's contribution to this effort will help provide interdiction partners with justification to support future budget requests in meeting national cocaine interdiction goals.

- Enhance the sharing and exchange of information on drug-terror linkages. CNE will complete a report that provides an analysis of efforts to track and sever connections between illegal drug trafficking and terrorism. This report will focus on the general state of play,

from a global perspective, of drug terror nexus connections. CNE's Drug-Terror Nexus Division will also seek to enhance information sharing and promote better collaboration and coordination among law enforcement and intelligence communities, as it relates to drug-terror nexus issues, by becoming more proactive within the JTTF construct and collaborating regularly with state and local fusion centers. This includes fostering relationships between various Federal, State, and local partners by sharing information relative to drug trafficking and terrorism and by soliciting their advice on how to track and sever connections tied to this evolving threat. CNE intends to establish full-time liaison/detailee positions at the National Joint Terrorism Task Force (NJTTF) and Immigration and Customs Enforcement (ICE) Office of International Affairs. CNE will also seek to expand the drug-terror nexus collection network by working within the construct of the Law Enforcement Shared Mission Community in pulling together various law enforcement and intelligence entities at the Federal, State, tribal, and local levels, as well as using the Homeland Security Information Network to solicit participation in improving collection plans, relative to drug-terror links, in an effort to promote a "shared approach" to mitigate this evolving threat. Finally, CNE will also continue to expand the use of web-based, collaborative law enforcement and intelligence sharing tools, such as Intellipedia, which is managed by the Director of National Intelligence and the Federal Bureau of Investigation's Law Enforcement On-line (LEO). The focus of all these efforts is to highlight the critical importance of drug-terror issues and facilitate increased collaborations among Federal, State and local entities on the tracking and severing of identified drug-terror connections.

In terms of metrics, positive results will be demonstrated through the improved synchronization and coordination of departmental and interagency counternarcotics efforts, sustained increases in transit zone cocaine removals, increased disruptions of drug trafficking organization activities, and the severing of drug-terror linkages.

Subcommittee on State, Local and Private Sector Preparedness and Integration
Hearing entitled:
"Counternarcotics Enforcement: Coordination at the Federal, State and Local Level"
April 21, 2009

Response to Questions From Senator Mark Pryor
Submitted by
Fran Flener, Arkansas Drug Director
May 28, 2009

1. **With additional funds, what specific actions would you take to augment state and federal cooperation between HIDTA, Byrne-JAG and COPS funding?**

Since its inception, the HIDTA program's baseline funding for 32 HIDTAs nationwide, has remained static. No cost-of-living (COLA) increases or inflation adjustments have been allocated by Congress. Despite being flat-lined, the HIDTAs have consistently increased their productivity as it relates to the disruption/dismantling of major drug trafficking organizations and the seizure of drugs and drug-related assets. The HIDTAs have instituted special programs aimed at coordination and information sharing among federal, state and local law enforcement agencies. One program in particular, the Domestic Highway Enforcement Program has successfully integrated federal, state and local highway enforcement efforts to include planned, multi-state operations with a result in significant drug/money seizures aimed at identification of DTOS using our highway systems to transport drugs, guns and illegal aliens. Additionally, a systematic sharing of intelligence is gained from these stops. The HIDTAs have also stood target deconfliction systems thus allowing federal, state and local law enforcement agencies to share open/active case targets, thereby promoting information sharing and better coordination of resources.

HIDTAs have provided additional funding and other infrastructure resources to Byrne-JAG task forces. The funding has aided them to survive recent year-over-year reductions in their budgets. The Gulf Coast HIDTA funds 25 enforcement-related initiatives. Of the 25 initiatives, three are also receiving Byrne-JAG funding. This results in better coordination between agencies which spans beyond state lines.

COPS funding has become especially critical during this difficult period of economic downturn. As state and local governments experience a reduction in their tax proceeds due to the shrinking of economic activity, law enforcement is dealing with an increase in crime and violence. State and local governments can ill-afford cutbacks to basic government services such as law enforcement, fire and emergency services. Congress

can help by increasing funding for HIDTAs, Bryne-JAG Task Forces and COPS funding.

2. How do the 19 DTFs work with the 2 HIDTA Drug Task Forces?

In the State of Arkansas, the Byrne-JAG Task Forces (BJTF) works well with the two HIDTA initiatives. In fact, the parent agencies which make up the BJTG in Little Rock and Fayetteville have a representative on the HIDTA Major Investigative Teams. These BJTFs also share information and intelligence with HIDTA, as well as investigations. The BJTFs act as a feeder when their investigations involve multi-state DTOs. The HIDTA will then assist with the investigation and funding.

How are they different?

Byrne-JAG forces are significantly different from HIDTA-funded task forces. Each plays an important role in counternarcotic activities. HIDTA task forces are required to have federal, state and local fulltime participation which ensures better communication, collaboration and information sharing and allows task forces to expand investigations beyond county and state lines. HIDTA task forces are encouraged to share information with other HIDTAs and are required to track the number of leads shared among each other.

The BJTF in Arkansas are mostly funded by Byrne Grants and the local law enforcement agencies themselves. Some of the BJTFs operate on a budget which depends solely on drug assets seizure monies and some are in such isolated areas that they do not have this capability. The majority of the BJTFs work street level cases in rural areas of Arkansas. These BJTF are dependent on HIDTA task forces to work major investigations on DTOs operating in the area or on a multi-state or international level.

3. **Does state, local and federal officers in the field have interoperable communications? Do you have a preference as to what kind of technology the interoperable communications should be?**

The State of Arkansas is served by the Arkansas Wireless Information Network (AWIN). AWIN is a multiple site, trunked communication system based on a digital 700/800 MHz system using the Association of Public Safety Communication Officials (APCO) Project 25 (P-25) standard, which is the industry standard. AWIN, as a multi-phased program, leveraged new and existing wireless resources to create a statewide, interoperable, wireless communication system for first responders and Arkansas public service entities. There are 15,000 users that cross all levels of government, all jurisdictions in the state, and all disciplines. Interoperability is achieved through an multi-pronged approach to governance, training, and technology. While not, every emergency responder in the state has an AWIN radio; most have access through the Incident Command System.

AWIN was recognized by the National Association of State's Chief Information Officers (NASCIO) in 2008 with an award for *Outstanding Achievement in the Field of Information Technology in State Government* - Information Communications Technology Innovations.

The goal of AWIN is to deliver reliable communications for emergency responders to all communities 100% of the time. To achieve this, a designated funding stream that provides for additional infrastructure equipment, disaster recovery and continuity of operations equipment, and on-going maintenance will be required.

4. **If you had more funding, how would you spend it?**

Increase funding for the infrastructure and basic operations of the BJTG task forces, so they have a solid funding base instead of operating off other local agencies budgets or drug seizure monies.

5. **I understand the game has changed in Mexico, mainly due to the drug cartel crackdown of the Calderon Administration. But has the game changed in the US? How (if at all) has your job changed over the last year or several months? Is this issue becoming more of a problem or is the problem just receiving increased attention right now?**

The crack down on the major DTOs in Mexico has had some effect on drug smuggling and availability in the United States, but the problem continues. Significant illegal immigration of Mexican citizens to the US over the past several years has greatly affected local communities and drug trafficking patterns. Arkansas' methamphetamine abuse problems have historically been supplied by small toxic laboratories that produced 1 or 2 ounces at a time. This situation was addressed by state laws regulating the sale of the precursor chemicals which has significantly reduced this threat. However, Mexican DTOs immediately filled the availability void with methamphetamine produced in that country and smuggled into the US. The organizations have effectively replaced the small capacity laboratories with multi-pound loads transported overland to Arkansas distribution markets. Mexican distribution cells, working at the direction of DTOs in Mexico, are located in a number of our communities, both urban and rural. In addition to methamphetamine, these traffickers are involved in importing cocaine and marijuana to our communities and ultimately distributing to criminals selling at street level. The dominance of the wholesale, local market by Mexican nationals in Arkansas is a relative new phenomenon and is certainly problematic.

With the 2009 ban of pseudoephedrine in Mexico, local labs are again on the rise in the state. According to the Arkansas State Crime Lab, 200 labs have been reported from January to May '09. This trend is being reported on a national level as well with most of the precursor drugs being purchased by several individuals who then combine the pseudoephedrine for a "cook." While there were no "superlabs" reported among the 200, this could be a very real possibility in the future unless pseudoephedrine is made a Schedule II or III drug.

Subcommittee on State, Local and Private Sector Preparedness and Integration
Hearing entitled:
"Counternarcotics Enforcement: Coordination at the Federal, State and Local Level"
April 21, 2009

Response to Questions From
Senator John Ensign
Submitted by
Fran Flener, Arkansas Drug Director
May 28, 2009

1. **Unlike Nevada, the four counties in Arkansas involved in the HIDTA program are part of the larger multi-state Gulf Coast HIDTA region. Can you tell us about the benefits of being part of a HIDTA region that encompasses more than one state?**

   The benefits of being part of a regional system include, but are not limited to the following:
   Strategic planning and efficiency monitoring required to develop goals and objectives that inhibits personality involvement over professionalism,
   Deconfliction system,
   Intelligence support-access to numerous databases,
   Training for state and local officers,
   Coordination with other HIDTA initiatives throughout the United States,
   Assistance with investigations on significant DTOs, and
   Funding-overtime for state and local officers pertaining to Highway Interdiction.

   What are the drawbacks?

   The major drawback for Arkansas is that only four counties in two areas of the state are HIDTA designated leaving most of the state, including the I-40, I-30 and I-55 entrances and exits into and out of, the state not designated for funding.

2. **Can you please discuss your interaction with Federal Counternarcotics agencies? In your answer, please tell us what has worked well and what hasn't.**

   The majority of work with the DEA has focused on the drug, methamphetamine ice. Arkansas depends on the DEA to conduct Title III investigations and electronic surveillances since the state has not wiretap law. The DEA works major investigations involving multi-state and international DTOs.
   ICE has worked with immigrations issues in relation to the Mexican DTOs.

3. **Given your interaction with the various counternarcotic agencies in the state, how do you envision working with state and local law enforcement to ensure that the state's counter drug mission is best represented in the new center?**

The Arkansas State Fusion Center (ASFC) will initially be staffed by personnel from several state and federal agencies. They are also working to solicit participation from the various city and county agencies within the state. The ASFC will have analysts assigned specifically to work drug intelligence information and to work extensively with the various Judicial Drug Task Forces (DTFs) in the state, as well as the Drug Enforcement Administration (DEA) and the State Police highway interdiction teams. A variety of analytical tools will be available through the ASFC to assist the local, state and federal agencies in their intelligence and investigative efforts. This will provide a conduit for these agencies for information sharing and the rapid dissemination of actionable information.

Subcommittee on State, Local and Private Sector Preparedness and Integration
Hearing entitled:
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April 21, 2009

Senator Mark Pryor
Questions for the Record

For Sheriff Gillespie, Las Vegas Metropolitan Police Department

1) In your written testimony, you mentioned your participation as a pilot city in the Nationwide Suspicious Activity Reporting Initiative. From what I understand, this program is a prime example of coordination between federal agencies and state and local partners. Could you please describe some of the successes and challenges of this program to date? How do you see this initiative fitting in with other law enforcement work to combat illegal drug activity?

We are very proud to be one of the nine (9) cities and three (3) states that have agreed to pilot the Nationwide Suspicious Activity Reporting Initiative (NSI). This program is a fine example of how the Federal Government leverages the strengths of its partners to improve homeland security. The Federal Government, through the Department of Justice's Bureau of Justice Assistance (BJA), provided the fiscal resources to launch this initiative; while the Office of the Director of National Intelligence (ODNI) is providing the high-level policy direction and oversight to the program. State, local and tribal law enforcement, as well as the FBI, are providing the human resources and field level expertise to ensure that the information is collected lawfully and shared appropriately according to constitutional requirements.

The greatest challenge to date has been the construction of policies that protect the civil liberties and personal privacy of U.S. persons. The NSI is not a technology project. It is a human solution that uses technology effectively to share information. The fundamental cornerstone of the NSI is the sharing of information – to include the Federal agencies charged with the mission of protecting our homeland. With this in mind, the NSI would be an ideal template for a similar program to address the mission of counter-narcotics.

2) You are the Sheriff for a very unique region of the country with many of the world's largest hotels and entertainment industries, not to mention the high numbers of tourists visiting your city daily. What unique challenges does that pose to your efforts to combat counternarcotics trafficking? DHS has initiated several other initiatives to involve the private sector in counter terrorism efforts, most notably the Highway Watch program. Can the private sector help combat illicit drug activity? If so, how? Have you engaged the private security industry?

The Las Vegas Valley poses two unique challenges to the enforcement of narcotic offenses. First, the tourist resort is targeted by suspects who traffic large amounts of Ecstasy and GHB. These offenders go into the hotel night clubs as well as "pool parties" hosted by the

resorts. Most offenders are not local citizens and only stay for a brief period of time. This presents a challenge to law enforcement because it is difficult to properly identify them. In addition, these investigations are expensive due to the cost of "fitting" into the environment and being accepted into the drug using crowd.

The Las Vegas Valley also serves as a distribution point to narcotic traffickers who bring drugs in from Mexico. Interstate 15 serves as a main trafficking route for narcotics into, and through, our state. Highway narcotic interdiction efforts are hampered by the large amount of tourist vehicular traffic coming into Las Vegas from California.

The private industry can play a pivotal role in combating drug trafficking by providing intelligence to law enforcement concerning drug activity within their respective properties. Several large corporations in the Las Vegas Valley have opened the lines of communication between their private security and the law enforcement community to combat narcotic trafficking.

The LVMPD has conducted joint anti-narcotic trafficking operations with private sector security in large hotel casino environments. These operations have proven to be successful and others are being planned in the immediate future. During the past year, the LVMPD has engaged the private industry with specific training on narcotic trends and awareness in an effort to bolster their security operations.

Private sector participation in all crime fighting/abatement efforts is critical to its success. The related police missions of counter narcotics and terrorism are arenas in which we cannot be successful without their participation. In our community we have a long standing relationship with the hospitality industry security partners and engage with them daily in crime abatement activities. This partnership is exemplified in the various forums, mechanisms, and venues in which we engage in information sharing. We leverage the expertise of the surveillance professionals in the industry to identify systems, tools and processes which have substantially increased our efficiency in preventing, identifying, apprehending, and prosecuting criminal suspects. We continue to join efforts with a wide array of private sector partners. Examples are fuel providers at small airports, room service attendants, public utility partners and real estate agents, all of whom are uniquely situated to identify and report anomalies in behavior. The success we have achieved, and that we will achieve in the future, is based on open and continual dialogue with our community partners. A similar initiative, under a HIDTA umbrella, to the DHS program Buffer Zone Protection Program- BZPP, would be of benefit to explore at the national level. This program is designed to foster public/private partnerships to protect Critical Infrastructure/ Key Resources- CI/KR against terrorist attacks. If incorporated into the HIDTA program it would provide another vehicle for law enforcement to engage with the private sector and to provide the private sector a financial incentive to participate to a larger degree.

3) If you had more funding, how would you spend it?

The answer to this question is two separate yet related issues:

1) **The key to any successful enforcement effort is having sufficient prosecutorial resources to ensure the case is presented to the court in a timely fashion. Since HIDTA cases are prosecuted in both federal and state courts, dedicated funding for narcotics prosecutors is critical. If the funds are not specifically identified and dedicated to hiring and maintaining prosecutorial staff, the effort will not be as successful as it could be. The most successful task force efforts will come to naught without sufficient prosecutors to present and argue the cases.**

2) **As much as possible, having dedicated base funding (i.e.: you will receive at least this amount) budgets from one year to the next would help greatly to maintain program continuity. This is especially critical for the issue addressed above. The second part of this is a system, similar to current DHS programs for Homeland Security funding (base budget plus or minus 10%), that allows for enhancements to base line budgets granted on demonstrated program performance. These additional funds would be awarded based on objective criteria, performance focused, and be of sufficient quantity to encourage sound program management.**

4) Do state, local, and federal officers in the field have interoperable communications? Do you have a preference as to what kind of technology the interoperable communications should be?

The Southern Nevada Area Communication Council, North Las Vegas Police Department and the Las Vegas Metropolitan Police Department developed a county wide interoperability system known as ICAL/ITAC which operates between 150MHz and 800MHz. This system was funded primarily by a Department of Homeland Security Grant in 2003. Currently the FBI, Nevada Highway Patrol, and all local police and fire agencies within Clark County have interoperability through this regional system. Any other agency which requests access simply needs to have these channels programmed into their radios. This system is monitored twenty-four hours a day by LVMPD's dispatch center.

The Las Vegas Metropolitan Police Department also has one of several radio caches strategically located throughout the state. This radio cache will be preprogrammed to be compatible with the four Nevada Core Systems: Nevada Shared Radio System (NSRS) 800MHz EDACS, Southern Nevada Area Communication Council (SNACC) 800 MHz Motorola Simulcast, Washoe County Regional Communication System (WCRCS) 800MHz EDACS, and the Las Vegas Metropolitan Police Department (LVMPD) migrating to 700MHz TDMA system. This radio cache will be fully operational in early 2010.

5) Drug smuggling and drug trafficking have long been problems for law enforcement officials. The recent media attention to the issue could suggest that something major has changed in the world of drug trafficking and smuggling during the last year or so. I understand that the game has changed in Mexico, mainly due to the drug cartel crackdown of the Calderon Administration. But has the game changed in the US? How (if at all) has your job changed over the last year or several months? Is this issue becoming more of a problem or is the problem just receiving increased attention right now?

Narcotic trafficking has always been of concern in the Las Vegas Valley. The media has increased its awareness due the violence associated with it on the border and in Mexico. Law enforcement continues to have challenges combating the trafficking of narcotics.

Specifically, drug trafficking organizations continually change their tactics to avert law enforcement. There has been a steep decline in cocaine and methamphetamine seizures due to the fact that enforcement efforts have been increased. Drug prices have continued to rise as purity levels have fallen. This is a direct result of the availability.

The LVMPD has a three pronged enforcement approach to combating narcotic trafficking. The first prong to combat drug trafficking is street level enforcement. The street teams target low level offenders who contribute to violent crime in the Las Vegas Valley. Secondly, the LVMPD participates in a HIDTA interdiction task force to slow the flow of drugs and their proceeds coming into, and through, the valley. Lastly, the LVMPD works in several HIDTA task forces with the Drug Enforcement Administration to target large drug trafficking organizations in an effort to disrupt and dismantle them. The HIDTA task forces coordinate prosecution with the United States Attorney's Office to ensure the maximum penalties are applied to drug traffickers.

The LVMPD Narcotics Bureau utilizes an educational component to combat drug use in the Las Vegas Valley. The department has partnered with entities such as, "The Partnership for Drug Free America", to present "Meth 360", a training class which focuses on law enforcement, prevention and treatment as it relates to methamphetamine use. The LVMPD has partnered with local non-profits such as "Child Help" to assist with the "Crystal Darkness" program. This highly effective campaign teaches youth about the dangers of methamphetamine abuse.

As I spoke about in my testimony before this Committee, in October of 2008 we had the first experience for my agency with a narcotic related kidnap-for-ransom. Since that time we have been averaging one identified incident per month. None have been at the level of the aforementioned "Puffinberger" case; however they are increasing in frequency. Fortunately we have a robust relationship with our ICE counterparts and strong connectivity with colleagues in Arizona, through the Rocky Mountain Information Network and our respective fusion centers, to exchange information and share investigative techniques. These incidents have placed an additional burden on my investigative and tactical units. In these times of reduced budgets this will increasingly be a challenge to address.

Subcommittee on State, Local and Private Sector Preparedness and Integration
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April 21, 2009

Senator John Ensign
Questions for the Record

For Sheriff Douglas Gillespie, Las Vegas Metropolitan Police Department

1. Can the Federal Government learn lessons from Local Law Enforcements efforts to link counternarcotics and Fusion Center information sharing?

   I firmly believe that information sharing by law enforcement – Federal, state, local and tribal – is critical for the protection of our Homeland, as well as the safety and protection of our communities. We know that criminals pay little attention to jurisdictional boundaries. Indeed, criminals will often exploit jurisdictional differences. Because the United States is policed by approximately 18,000 different agencies, the most effective way to mitigate this challenge is to share information.

   We understand and appreciate the concern of those who worry that the privacy and civil liberties of United States citizens might be jeopardized by the sharing of criminal intelligence and criminal investigation information. In truth, policies have been constructed that allow for efficient information sharing while ensuring that our constitutional protections are not infringed upon.

   Like homeland security, the counter-narcotic mission is not the sole domain of the Federal Government. State, local, and tribal law enforcement are well positioned to gather, collect and share valuable information and criminal intelligence that can and should be shared. With (70) fusion centers established in nearly every state and major urban area, it makes good sense that these centers be a valuable asset in the counter-narcotic mission.

2. It seems that the HIDTA program is a really good example of how local, state, and federal law enforcement could work together to handle counternarcotics. Can you discuss how you have worked with the HIDTA task force in Nevada and how it has worked with other surrounding Southwest border states to disrupt drug trafficking?

The LVMPD has numerous detectives working with HIDTA in Southern Nevada. The positive aspect of HIDTA is that it allows local police agencies to form task-forces to combat narcotic traffickers. For example, in Southern Nevada, we integrate our detectives with the DEA and other police agencies. This cooperation leads to effective communication

and provides a joint effort during enforcement activities. While conducting HIDTA investigations, we continually encounter other HIDTA task force investigations from across the United States. This information comes through the DEA / HIDTA Intelligence Support Center. Once we identify drug trafficking organizations that operate in surrounding states, we coordinate the investigations with the other HIDTA teams in an effort to dismantle them on a large scale. One example of this is a recent case which has ties to at least 10 other states and a direct tie to a drug cartel in Mexico.

3. You mention in your testimony the more than 6,700 private security professionals in Las Vegas and the thousands more valet attendants, housekeepers, and bell captains, each poised and capable of detecting suspicious behaviors. As this Subcommittee also has jurisdiction over "private sector preparedness and integration," can you further discuss Las Vegas' participation in the Nationwide Suspicious Activity Reporting Initiative as a pilot city? As the Sheriff of the Las Vegas Metropolitan Police Department, can you tell us how this initiative will enhance your operations?

   We are very proud to be one of the nine (9) cities and three (3) states that have agreed to pilot the Nationwide Suspicious Activity Reporting Initiative (NSI). This program is a fine example of how the Federal Government leverages the strengths of its partners to improve homeland security. The Federal Government, through the Department of Justice's Bureau of Justice Assistance (BJA) provided the fiscal resources to launch this initiative; while the Office of the Director of National Intelligence (ODNI) is providing the high-level policy direction and oversight to the program. State, local and tribal law enforcement, as well as the FBI, is providing the human resources and field level expertise to ensure that the information is collected lawfully and shared appropriately, according to constitutional requirements.

   We know, from examining successful terrorist attacks abroad, that extensive pre-planning and pre-operational surveillance had been conducted, leading to the success of the attack. While our police officers are very dedicated and diligent about observing and investigating suspicious activity, they cannot be everywhere at once. Furthermore, my police officers are not as well positioned to determine typical or atypical behavior relative to each of the hotel/casino properties. This is why we are engaging the assistance of those persons that are best positioned to observe suspicious activity and those who are best able to identify behaviors that are inconsistent with a particular location or under peculiar circumstances. These people are members of our community who work in the hospitality and tourism industry.

   Valet attendants and the bell staff will likely be the first to observe pre-operational indicators of an attack by a vehicle-borne IED. The housekeeping staff could observe and recognize the accumulation of weapons and communication devices similar to those used by the attackers in Mumbai, India. Security and surveillance professionals are able to detect suspicious photography, which is a pre-operational indicator of terrorist attacks.

Law enforcement has been saying since 2001, "If you see something, say something." But we haven't done such a great job defining what actually constitutes suspicious behaviors. In Las Vegas, we are educating these hospitality professionals about the behaviors that are objectively considered to be suspicious, based on research and previous attacks. By collecting, vetting, and sharing these reports of suspicious activity via the Nationwide Suspicious Activity Reporting Initiative, we are enhancing the security of our community as well as the homeland.

The NSI is not a technology project. It is a human solution that uses technology effectively to share information. The fundamental cornerstone of the NSI is the sharing of information – to include the Federal agencies charged with this mission of protecting our Homeland. With this in mind, the NSI would be an ideal template for a similar program to address the mission of counter-narcotics.

4. In your testimony, you mention that your organization is part of the Rocky Mountain Information Network (RMIN). Can you discuss how the network operates and what are the benefits of being involved in a regional information sharing network?

The below incorporated "RISS-Overview"- Regional Information Sharing Systems, statement, provides a brief over view of the Regional information sharing program. It is not all inclusive. Additional information, if required, can be provided. The benefits to participation for all agencies involved in RISS are many. Chief among these benefits is the unique concept of its structure; federally funded, regionally owned and governed. This allows for modification and alignment to meet unique regional challenges. One of the challenges we share in policing is "one size fits all" program guidance coming out of Washington. All police departments consume and produce information and resources differently. The RISS Centers provide the flexibility for us to tailor programs and services to meet the needs of our respective communities. Finally, the RISS Centers are far more than just conduits to share information. They provide investigative support services covering a wide range of needs. This unique aspect of RISS service will become even more critical when the Nationwide Suspicious Activity Reporting Initiative- NSI- is fully implemented. Most police departments in the country will not have the resources to hire and train analysts to fully participate in and receive the benefits of the NSI. The RISS Centers are already providing analytical support to member agencies and are capable of increasing that support, with sufficient funding, in the future.

ROCKY MOUNTAIN INFORMATION NETWORK

The Rocky Mountain Information Network (RMIN) is one of six regional projects that make up the Regional Information Sharing Systems (RISS): a network within a network. Each project unites multiple states into a single network. RISS provides

secure communications, information-sharing resources and investigative support to combat multi-jurisdictional crime and terrorist threats.

Funded by Congress through the Bureau of Justice Assistance (BJA), the RISS projects operate under 28 CFR Part 23 guidelines and serve more than 7,000 law enforcement member agencies.

The overall goal, as set forth in U.S. Department of Justice guidelines, is to "enhance the ability of criminal justice agencies to identify, target and remove criminal conspiracies and activities spanning multi-jurisdictional, multi-state and sometimes international boundaries."

RMIN is headquartered in Phoenix, Arizona, and serves more than 15,000 law enforcement officers from 1,030 agencies in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming and three provinces in Canada.

RMIN was established in 1977, with the mission to "enhance the ability of state and local criminal justice agencies to identify and remove criminal conspiracies and activities spanning jurisdictional boundaries."

Resources available through RMIN include:

-RISSafe, an officer safety event de-confliction system with remote and 24/7 Watch Center support;

-RISSNET, the only secure web-based nationwide law enforcement communications and information sharing network that supports state and local law enforcement;

-Intelligence research with direct access to various state, regional and federal databases, as well as commercial systems and some proprietary databases;

-Criminal case analytical services for investigators and prosecutors;

-Computer forensic and audio visual enhancements;

-Equipment loaned for surveillance or investigative purposes;

-Training to help build experience and promote officer safety within an agency; and,

-A confidential funding program that provides financial assistance when all other resources have been exhausted.

RISSGang, RISS Automated Trusted Information Exchange (RISS ATIX), RISSLeads, RISSLinks, RISSSearch and RISSTraining, as well as a number of

center websites, are additional secure web-based resources and benefits offered to RMIN member agencies.

Nevada currently has 74 active RMIN member agencies within the state. The following are examples of specific cases in which RMIN has provided assistance to member agencies:

Extensive information on 12 suspects from the Philippines and two suspects from Lithuania was provided to the Department of Homeland Security-Immigrations and Customs Enforcement in Reno for an immigration and visa fraud investigation.•

A subject wanted by the U.S. Marshals Office in Nevada for child rape was arrested after the subject was identified from driver license photos obtained for the marshals by RMIN.•

The Churchill County Sheriff's Department requested assistance from RMIN during a stolen vehicle investigation. When the initial check came back negative, a more detailed search revealed the vehicle had been stolen from an out-of-state dealer lot several years earlier.•

A request by the Las Vegas Metro Police Department brought assistance from RMIN in a cold case homicide from 1997. With the information RMIN provided (photos, address and criminal histories and intelligence from agencies in locations the suspects had lived previously), the department presented the case to the FBI and requested assistance from that agency.•

RMIN loaned night vision and infrared heat detector equipment to the Nevada Division of State Parks for use at the Lahontan State Recreation Area during a busy holiday weekend. A total of nine arrests (five for DUI, one for assault with a deadly weapon and three other crimes) were made. "The access to night vision and infrared imaging equipment significantly improves the safety of officers responding to various incidents," according to a senior law enforcement specialist for the Nevada Division of State Parks.•

A conversation between the RMIN Field Services Coordinator for Nevada and an investigator with the Insurance Fraud Unit proved beneficial to the Nevada Attorney General's Office. A defendant had held himself out as both the (deceased) insured and as the claimant in an accident. The resulting search and comparison of driver's license photographs revealed the deceased's driver's license bore no resemblance to the defendant but that he was a "ringer" for a photo on the driver's license bearing the defendant's name and another license bearing the name of the deceased. "Needless to say, this was extremely beneficial to helping prove the insurance fraud case. Thank you RMIN!" wrote the investigator.•

A link chart, produced by RMIN at the request of the Nevada Gaming Control Board, was used to provide visual clarity in court to explain the relationship between various people, locations and vehicles.

RECOMMENDATION: SUPPORT RISS.

The White House has recommend $45 million for RISS in the President's 2010 federal budget, noting that RISS "...has emerged as one of the Nation's most important law enforcement intelligence sharing networks." RISS, with support from BJA, has asked Congress for $55 million in order to expand and enhance information sharing among the nation's federal, state, local, and tribal law enforcement and criminal justice agencies. The RISS program is strongly endorsed by both the International Association of Chiefs of Police and the National Sheriff's Association.

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