MEMORANDUM

Date: August 6, 2018

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: **Operation Stonegarden and High Intensity Drug Trafficking Area Grants**

In my transmittal memorandum regarding Operation Stonegarden (OPSG) and High Intensity Drug Trafficking Areas (HIDTA) Grants, I covered HIDTA in a single paragraph. You have now also received communication from the County Attorney dated August 2, 2018 (Attachment 1) regarding the HIDTA grant and its approval.

To remind the Board of previous memorandums regarding this subject, I previously asked Assistant County Administrator John Voorhees to perform a comprehensive review of HIDTA and the grant program and to pay particular attention to the type of individuals arrested through the HIDTA Program for drug smuggling, the type of drug and amounts. I forwarded Mr. Voorhees' May 16, 2018 memorandum (Attachment 2) regarding this subject to the Board in a much larger report. I am again enclosing it in its entirety to assist the Board in decision-making regarding HIDTA grant approval.

CHH/lab

Attachments

c: The Honorable Barbara LaWall, Pima County Attorney
The Honorable Mark Napier, Pima County Sheriff
John Voorhees, Assistant County Administrator

ATTACHMENT 1

Barbara LaWall
Pima County Attorney

Pima County Attorney's Office
32 N. Stone Avenue, #1400
Tucson, AZ 85701

Phone: 520-724-5600
www.pcao.pima.gov

MEMORANDUM

To: The Honorable Chairman and
Members, Pima County Board of Supervisors

From: Barbara LaWall, Pima County Attorney

Date: August 2, 2018

Re: HIDTA Grant Approval

The Arizona High Intensity Drug Trafficking Area (HIDTA) Grant is on the Board's Agenda for the August 7, 2018 meeting. I am writing this memorandum to strongly urge your vote for approval and acceptance of this grant.

HIDTA itself is not a law enforcement agency. The Arizona HIDTA coordinates and supports the efforts of 70 separate law enforcement agencies throughout Arizona, including those in Pima County.

HIDTA's mission is to facilitate, support and enhance collaborative drug control efforts among federal, state, local and tribal law enforcement agencies and community-based organizations with a common voice and unified strategy. Arizona's HIDTA aims to significantly reduce the impact of illegal trafficking and use of narcotic and dangerous drugs in Pima County and Arizona, through interdiction as well as demand reduction.

It is important to note that the Arizona HIDTA grant funds three critical positions within the Pima County Attorney's Office: the HIDTA assigned attorney, the HIDTA assigned detective and paralegal. Because of HIDTA financial support, we have assigned a highly experienced prosecutor to handle complex prosecutions of local Pima County narcotics trafficking cases generated by the Counter Narcotics Agency (C.N.A.).

The C.N.A. is a multi-agency HIDTA-funded task force, comprised primarily of local law enforcement officers from the Pima County Sheriff's Department, the Tucson Police Department, Marana Police Department, the DEA , U.S. Customs and Border Patrol and Homeland Security Investigations. The HIDTA prosecutor is assigned to work directly with those law enforcement officers assigned to the Counter Narcotics Agency's Home Invasion, Interdiction and Conspiracy Units.

The federal law enforcement agencies assisting C.N.A. provide substantial assistance to our locally based C.N.A. police officers. They provide certified law enforcement agents who partner with Sheriff's Deputies and other officers, as well as numerous crime analysts. They add substantial value to local law enforcement investigation and interdiction efforts, which would otherwise have to be paid for by the County and local municipalities, if it were not for the HIDTA funding.

Recently, one of the HIDTA Center C.N.A. agents, whose parent agency is Homeland Security, personally effected the capture of an armed man at Alvernon Road and 29th Street while working his C.N.A. task force. The person he captured had fired at a TPD patrol officer in mid-town earlier in the day.

With HIDTA support, local cases involving narcotics trafficking within Pima County are investigated by C.N.A. and prosecuted by the Pima County Attorney's Office. These are primarily the cases investigated by the home invasion and interdiction units. They are not the low-level, small-scale narcotics offenses. These narcotics trafficking cases primarily include DEA Schedule I drugs, substances or chemicals which have a high potential for abuse. Some examples of Schedule I drugs include heroin, methamphetamine, LSD, Ecstasy, Cocaine, Fentanyl and Carfentanyl. Also, any international, multi-jurisdictional inter-state investigations are presented to the United States Attorney for prosecution.

As I have previously stated, the opioid crisis keeps getting worse in Pima County,

in part because new types of narcotics drugs keep finding their way onto the streets. Fentanyl, heroin's synthetic cousin, is among the worst offenders. Carfentanil, the most dangerous, potent synthetic opioid, is beyond horrifying. They are tremendously addictive substances, often from the first use. Moreover, any overdose of these drugs is extremely deadly, and may occur from a single hit.

Pima County has seen a steady increase in overdose drug deaths since 2010 when there were 273. Just five years later in 2015, 379 drug deaths were recorded. And in 2016, Pima County saw 356 overdose drug deaths. Heroin, fentanyl, oxycodone, morphine, hydrocodone and other opiods and methamphetamine accounted for most of the 356 overdose deaths. Pima County fatal overdose deaths from fentanyl have increased from 7 in 2014 to 23 last year. Our HIDTA attorney has prosecuted two homicide cases where defendant drug dealers were charged with murder for the fentanyl overdose deaths of their buyers. These are the kinds of cases C.N.A. generates as a result of the HIDTA funding.

These local cases funded by HIDTA that are investigated by C.N.A. and presented for prosecution occur within the jurisdiction of Pima County and consist of the high and mid-level narcotics trafficking cases . They may be coordinated with international cross-border drug trafficking, but are focused primarily on local operations. They include bulk transportation through Pima County, local stash houses and large bulk sales.

For example, recently C.N.A. initiated an investigation into several individuals coordinating the cross-border transportation and distribution of large amounts of fentanyl pills and multi-pound quantities of methamphetamine. The investigation resulted in the seizure of 500 fentanyl pills from one individual, 19 pounds of heroin, 6 pounds of methamphetamine and 6 pounds of cocaine from another individual and 12 packages of cocaine totaling 36.4 pounds from another person.

I recently attended the Arizona HIDTA Awards ceremony at the Arizona Law Enforcement Summit in Flagstaff. This ceremony honored individuals and law

enforcement agencies and units whose efforts made significant contributions to the public safety of their community and Arizona. More than a dozen individuals and agencies were recognized for the outstanding results they produced. It would take several pages to list everything they accomplished, but just the highlights give remarkable insight to the commitment they have to suppressing drug-trafficking activities and helping increase public safety.

I am extremely proud of the work of the Pima County HIDTA Investigative Task Force and C.N.A. Deputy Pima County Attorney Christopher Ward received the Outstanding Investigative Effort award, along with TPD Detective David Hubbard. The Counter Narcotics Alliance (C.N.A.), was recognized as the Outstanding Investigative Task Force, and TPD Captain John Leavitt, the Initiative Commander for C.N.A., was acknowledged as the Outstanding Task Force Commander for his leadership and for achieving extraordinary success and for making C.N.A. a model for the HIDTA Program.

HIDTA funding doesn't just provide monies for investigation and interdiction. HIDTA grants have enabled C.N.A., along with all the assigned law enforcement agencies, to enhance our demand reduction efforts through social media, conventional media, public forums and educational programs. Our goal is to maintain the enforcement efforts of the Task Force while including demand reduction efforts, with an emphasis on communicating throughout the community, including medical providers, treatment providers and schools.

HIGHLIGHTS OF 2017 ARIZONA HIDTA INITIATIVE ACCOMPLISHMENTS

- ★ 53 Drug Trafficking and Money Laundering Organizations Dismantled/Disrupted
- ★ 971 Criminal Operations Disrupted/Dismantled
- ★ 347,915 pounds marijuana seized
- ★ 2,391 pounds cocaine seized

- ★ $910,208,835 wholesale value of drugs seized
- ★ 952 pounds heroin seized
- ★ 3553 fugitives arrested
- ★ 2187 individuals prosecuted
- ★ 3986 investigative support requests for information

These cases involve serious drug dealers, supplier and bulk carriers. They often involve other felony charges, and many of the arrestees have prior convictions for violent and dangerous felony crimes that disqualify them from any type of drug diversion or drug court.

There is a significant positive benefit to our community derived from HIDTA funding. The HIDTA grant assists County and local law enforcement officers within Pima County interdict local drug dealers and traffickers, thereby helping law enforcement protect public safety. These same efforts would be undertaken with or without HIDTA funding. But in the absence of HIDTA funding, Pima County General Fund monies would be used to cover the costs of both the Sheriff's Department investigations and the County Attorney's prosecutions of these cases.

cc: C. H. Huckelberry, County Administrator
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement

ATTACHMENT 2

MEMORANDUM

Date: May 16, 2018

To: C.H. Huckelberry
County Administrator

From: John Voorhees
Assistant County Administrator

Re: **High Intensity Drug Trafficking Areas Update**

In your memo dated April 16, 2018 you tasked me to further research past Inspector General findings to determine if there were any recent evaluations that would allow a cost benefit analysis of the program as it relates to the interdiction and reduction of drug trafficking. You further asked me to determine how High Intensity Drug Trafficking Areas (HIDTA) funds link law enforcement actions to the balance of the County's criminal justice system costs. The purpose of this memo is to provide an update to my research regarding these two topics.

Unfortunately, there is not much information available specific to Pima County. Pima County is a "force multiplier" and generally acts with combined teams from local, state, tribal and federal entities. This means most of their reporting is combined with other efforts and there is very little independent action to report. Fortunately, the Arizona HIDTA (AZ-HIDTA) produces an annual report summarizing the year's successes and challenges. In short, the AZ-HIDTA annual reports indicate a remarkable degree of success accomplishing the objectives set before them.

Prior Audits from the Office of the Inspector General (OIG)

US Drug Enforcement Agency, Southwest Border Prosecution Initiative

The Southwest Border Prosecution Initiative (SWBPI) was audited by the U.S. Department of Justice in 2012 regarding funding awarded by the Office of Justice Programs to the State of Arizona. The SWBPI was established in 2002 in order to reimburse state, local and tribal governments for expenses associated with the prosecution of criminal cases declined by the local U.S. Attorney's Offices. Many U.S. Attorney's Offices have established guidelines for prosecution that govern the most common violations of federal law. As a result, many cases initiated in the southwest border region are referred to the state or local government for prosecution. Many drug related cases that originate from HIDTA activity fall into the appropriate category for local adjudication and may receive funds reimbursement from the SWBPI. In federal Fiscal Year (FY) 2012 the U.S. Congress approved $10 million for the SWBPI.

The audit's objective was to determine if the funds reimbursed to the State of Arizona were appropriate with regard to applicable laws, regulations, and SWBPI guidelines. The audit found that the State of Arizona claimed and was reimbursed over $100 thousand in ineligible funds from the SWBPI. The discrepancy was largely due to claims submitted in the wrong financial period (over $87K), redundant claims ($16K), claims for cases that were never disposed, which was a condition for SWBPI reimbursement ($2.6K), and claims for reimbursement under the wrong disposition category ($1.4K). In all of these claims there

appeared to be no malfeasance. The HIDTA program itself was not specifically implicated in the audit.

National Drug Control Strategy Progress Reports

Other federal audits and annual reports have focused on the effectiveness of the National Drug Control Strategy (NDCS), which has had marginal success. One could argue that the measures for success are problematic in that they define success through the drug users' reaction to federal education and prevention programs. They do not encompass measures directly related to the law enforcement and education steps used to counter drug use, and therefore, are not always linearly related to drug strategy success. A 2017 Government Accountability Office (GAO) report regarding the success of the NDCS shows the following results:

Table 1: 2010 National Drug Control Strategy Goals and Progress toward Meeting Them, as of July 2017

2010 Strategy goals	2009 (baseline)	2015 (goal)	Progress as of most recently available data[a]
Curtail illicit drug consumption in America			
1. Decrease the 30-day prevalence of drug use among 12- to 17-year- olds by 15 percent[b]	10.1 percent	8.6 percent	8.8 percent (2015)
2. Decrease the lifetime prevalence of eighth graders who have used drugs, alcohol, or tobacco by 15 percent[c]			
Illicit drugs	19.9 percent	16.9 percent	17.2 percent (2016)
Alcohol	36.6 percent	31.1 percent	22.8 percent (2016)
Tobacco	20.1 percent	17.1 percent	9.8 percent (2016)
3. Decrease the 30-day prevalence of drug use among young adults aged 18-25 by 10 percent[d]	21.4 percent	19.3 percent	22.3 percent (2015)
4. Reduce the number of chronic drug users by 15 percent[e]			
Cocaine	2.7 million	2.3 million	2.5 million (2010)
Heroin	1.5 million	1.3 million	1.5 million (2010)
Marijuana	16.2 million	13.8 million	17.6 million (2010)
Methamphetamine	1.8 million	1.5 million	1.6 million (2010)
Improve the public health and public safety of the American people by reducing the consequences of drug abuse			
5. Reduce drug-induced deaths by 15 percent	39,147	33,275	55,403 (2015)
6. Reduce drug-related morbidity by 15 percent			
Emergency room visits for drug misuse and abuse[f]	2,070,452	1,759,884	2,462,948 (2011)
HIV infections attributable to drug use	5,799	4,929	3,594 (2015)
7. Reduce the prevalence of drugged driving by 10 percent[g]	16.3 percent (2007)	14.7 percent	20.0 percent (2013)

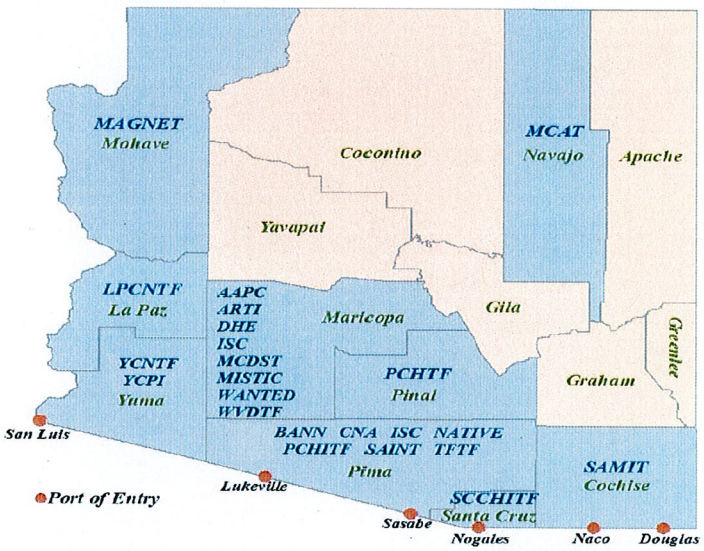
Figure 1: 2017 GAO Report Regarding the Success of the National Drug Control Strategy

Law Enforcement and related public safety efforts to reduce drug crime are not well captured in the enumerated goals of the national strategy. This makes an analytical assessment of program impact difficult at the national level.

Again, the HIDTA program, and more specifically the AZ-HIDTA program, were not cited for any inappropriate activity by any federal or state report in recent years.

Arizona HIDTA Annual Report

In my previous memo, I described the organization that executes the AZ-HIDTA mission. AZ-HIDTA is essentially, organized into several initiatives. From there, the HIDTA staff combines forces with similarly tasked organizations at the local and federal levels to accomplish the objectives of those initiatives. Figure 2 below shows the various initiatives and how they are organized.



Acronym	Initiative	Focus	County
AAPC	Arizona Alliance Planning Committee	Management	Statewide
ARS	Arizona Regional Support Initiative	Support *(funding receptacle)*	Statewide
ARTI	Arizona Regional Training Initiative	Support	Statewide
BANN	Border Anti-Narcotics Network	Enforcement – Interdiction	Pima
CNA	Counter Narcotics Alliance	Enforcement – Investigative	Pima
DHE	Domestic Highway Enforcement	Enforcement – Interdiction	Statewide
ISC	Investigative Support Center	Intelligence and Info Sharing	Statewide
LPCNTF	La Paz County Narcotics Task Force	Enforcement – Investigative	La Paz
MAGNET	Mohave Area General Narcotics Enforcement Team	Enforcement – Investigative	Mohave
MCAT	Navajo County Major Crimes Apprehension Team	Enforcement – Investigative	Navajo
MCDST	Maricopa County Drug Suppression Task Force	Enforcement – Investigative	Maricopa
MISTIC	Metro Intelligence Support and Technical Investigative Center	Enforcement – Investigative	Maricopa
NATIVE	Native American Targeted Investigation of Violent Enterprises	Enforcement – Investigative	Pima
PCHITF	Pima County HIDTA Investigative Task Force	Enforcement – Investigative	Pima
PCHTF	Pinal County HIDTA Task Force	Enforcement – Investigative	Pinal
SAINT	Southern Arizona Integrity Initiative	Support	Pima
SAMIT	Southeastern Arizona Major Investigative Team	Enforcement – Investigative	Cochise
SCCHITF	Santa Cruz County HIDTA Investigative Task Force	Enforcement – Investigative	Santa Cruz
TFTF	Tucson HIDTA Financial Task Force	Enforcement – Investigative	Pima
WANTED	Warrant Apprehension Network Targeted Enforcement Detail	Enforcement – Investigative	Statewide
WVDTF	West Valley Drug Enforcement Task Force	Enforcement – Investigative	Maricopa
YCNTF	Yuma County Narcotics Task force	Enforcement – Investigative	Yuma
YCPI	Yuma County Prosecutorial Initiative	Enforcement – Prosecution	Yuma

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Figure 2: 2016 Annual Report Map

Several initiatives are linked geographically to Pima County. That does not necessarily indicate that Pima County is the lead agency. Instead, the initiatives are arranged in a manner to reduce redundant and conflicting efforts and to facilitate better investigation, intelligence gathering, and interdiction to each region's specific needs. AZ-HIDTA conducts significant study to determine the most effective methodology to achieve their objectives:

> *Each year the Arizona HIDTA conducts a comprehensive intelligence study to identify the new and continuing trends in the Arizona region. The annual Threat Assessment provides strategic intelligence to the Arizona HIDTA Initiatives and law enforcement partners to develop drug enforcement strategies to reduce or eliminate the production, manufacture, transportation, distribution, and chronic use of illegal drugs, money laundering, and associated violence.*
>
> *- 2016 Arizona HIDTA Annual Report*

The overarching strategy of the AZ-HIDTA initiatives is to bolster the effectiveness of law enforcement efforts to disrupt drug trafficking organizations (DTOs) and money-laundering organizations (MLOs).

> *The Arizona HIDTA strategy brings together multi-agency task forces within the Initiative framework to counter drug trafficking threats in the region. Comprised of Federal, state, local, and tribal agencies, the Initiatives are committed to effectively and efficiently target, investigate, and dismantle DTOs/MLOs operating on the local, national, and international levels. The success of the Initiatives is gauged against meeting quantifiable and realistic performance outcomes designed to reduce drug trafficking and illicit drug use in the region.*
>
> *- 2016 Arizona HIDTA Annual Report*

AZ-HIDTA distilled its strategy and initiatives into two strategic goals for 2016. Those goals are then divided into specific measures of performance for the yearly term:

Goal 1 Performance Measure ***Disrupt the market for illegal drugs by dismantling or disrupting drug trafficking and/or money laundering organizations***	***2016 Target***
1. Number of DTOs and MLOs Expected to be Disrupted or Dismantled	56
2. Return on Investment Expected for Drugs Removed from the Marketplace	$200
3. Return on Investment Expected for Cash and Assets Seized	$3
4. Total Expected Return on Investment	$203
5. Other Threat-Specific Targets:	
Fugitives	4,284
Prosecutions	
Indictments	1,388
Prosecutions	2,358
Convictions	1,206

Goal 2 Performance Measure ***Improve the efficiency and effectiveness of HIDTA initiatives***	***2016 Target***
1. Training Funded and Supported	2,210 Students
2. Number of Cases Expected to be Provided with Analytical Support	65
3. Other Threat-Specific Targets	N/A

These goals and measures of effectiveness can change with each year based on the latest intelligence and funding from the Office of National Drug Control Policy (ONDCP). The HIDTA initiatives are designed to carry over from year-to-year depending on funding availability. HIDTA regions then leverage the resources at their disposal to maximize the benefit of those funds. A key measure of effectiveness is HIDTA's calculation of Return on Investment (ROI). In 2016, execution of HIDTA initiatives resulted in the seizure of over $1.9 billion from DTOs and MLOs. This equates to an ROI of $163.89 for each $1 HIDTA receives in grant funds. The expectation was higher, but due to price changes for the various drugs seized and a slight decline in the amount of drugs seized, the ROI was lower than the $200 anticipated. However, by most financial standards this is a strong ROI for the funds expended. The 2017 Annual Report has not been released, but raw data indicates that though the same initiatives were executed, seizure numbers were down and ROI was about $76.

The 2016 Annual Report (Attachment 1) also includes anecdotal information regarding the specific Pima County Initiatives. As a part of the AZ-HIDTA, Pima County related initiatives (BANN, CNA, NATIVE, PCHITF, SAINT, and TFTF) have been successful in disrupting the market for illegal drugs. AZ-HIDTA produces an additional report that highlights the specific initiatives that involve Pima County employee participation. See the 2017 Annual Report in Attachment 2.

Law Enforcement links to Criminal Justice System costs through HIDTA

There has been a concern that HIDTA efforts would target low-level offenders (minor drug users). Annual reports as well as interviews with HIDTA participants indicate that this is not the case for HIDTA. Pima County participants are focused on strategic level intelligence gathering and the interdiction of DTOs and MLOs at a much larger level. HIDTAs do not target the smalltime users, but rather focus on disrupting the dealer networks and the financial backbone of the illicit drug trade. In 2016, the combined initiatives of the AZ HIDTA (including the Pima County participants) disrupted or dismantled 56 DTOs/MLOs. This represented 62 percent of the DTOs/MLOs being investigated at the time, adding to a three-year increasing trend of disruption.

The Pima County Attorney's office provided a list of cases pursued by their HIDTA grant-funded prosecutor (Attachment 3). In the 36 cases, enumerated none of the cases involved direct prosecution of an individual user. The general characterization of these cases would

be the prosecution of drug dealers and violent offenders. While the report does not include any court-related expense data, it is clear that the cases presented by the HIDTA funded prosecutor are beyond the simplicity of arresting one-time nonviolent offenders and simple illicit drug users.

Summary

Over the years, the HIDTA program at the national level has enjoyed minimal success. That success is generally mitigated when measured against the National Drug Control Policy Strategy (NDCPS). The NDCPS is much more focused on societal issues and curtailing the use of illicit drugs across the country. The strategies employed at the national level are ambitious, as they should be. There have been past issues regarding financial missteps at the state and national level. These appear to have all been corrected.

At the state and local level however, the merits of the AZ-HIDTA program are measured by more immediate and tactical goals related to the disruption of organized crime surrounding the drug trade. When measuring the HIDTA program against the local initiatives the AZ-HIDTA (including Pima County's participation) appears to be a more successful program. Though the objectives set by AZ-HIDTA are not always achieved, there appears to be a measureable impact of AZ-HIDTA initiatives on local criminal organizations in the southwest border region.

HIDTA funds are utilized to pursue specific objectives aimed at curtailing the illicit drug trade at the mid- to senior-level organizational structure. There is no evidence to suggest that HIDTA expends funds to target low-level, nonviolent offenders. Without the HIDTA funds in Pima County; the intelligence, interdiction, and prosecutorial roles executed by Pima County participants would be severely hindered. Because the Pima County participants are not a stand-alone force, but rather force multipliers in a much broader context, the loss of these funds would have cascading effects across several key initiatives in the AZ-HIDTA program. I recommend that the Board of Supervisors approve the current HIDTA grant funds and permit the Pima County participants to continue providing support to the AZ-HIDTA program.

JV

Attachments