



# MEMORANDUM

To: John C. Voorhees, Assistant County Administrator

From: Amelia Cramer, Chief Deputy Pima County Attorney 

Date: May 30, 2018

Re: Cases Funded by HIDTA

This memorandum responds to your email inquiry of May 21, 2018. In that email, you wrote:

All,

First of all. THANK YOU for your assistance with the High Intensity Drug Trafficking Areas (HIDTA) research...

I spoke with CHH a few moments ago regarding the now defunct Southwest Border Prosecution Initiative (SWBPI) and its impact on HIDTA. I surmised his main concern is that the efforts of law enforcement under HIDTA have had a second order effect of increasing court costs that the US Attorney is unwilling to reimburse in total. The HIDTA grant gives law enforcement money to execute program initiatives and to curtail the efforts of large scale drug operations, but at the end of that whip are potentially large court cases that should be tried by the US Attorney's office.

Under SWBPI some of those costs were reimbursed, but without the program is the County getting any money back for the impact HIDTA operations have on the court system of Pima County?

I'd like to know:

1. If there are other programs that the County Attorney, Public Defender, Superior Court are currently using to offset the cost of these "notionally" federal cases?
2. Is there a way to capture the history of HIDTA operations on Court costs (attorneys, defense, court, jail)?
  - a. This is where Analytics and Data governance come in. They may need to assemble a database to find this information.

You guys have been very helpful and I know you're quite busy. I believe the answer to the above two questions may impact the future receipt of HIDTA funds.

V/R,  
**Dutch**

**John C. Voorhees**  
Assistant County Administrator

**Barbara LaWall**  
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It is important, at the outset, to note that you have presented questions based on several assumptions that are not accurate.

First, you have assumed that the types of cases funded by HIDTA that our Office is prosecuting based upon presentments and arrests by the Counter Narcotics Alliance (C.N.A.) are large scale drug operations that the U.S. Attorney's Office is declining to prosecute. Such is not the case.

The U.S. Attorney's Office handles prosecutions of cases involving large scale, international drug operations, as well as inter-state and statewide drug operations. These are the highest levels of cases with jurisdictional boundaries going outside Pima County. Cases of that type are often multiple defendant cases which may involve 20 or more defendants per case. We are not receiving these types of multiple defendant cases from C.N.A. or other task forces operating out of the HIDTA Center. The largest single C.N.A./HIDTA investigative group is the "Conspiracy Squad," which is a DEA and TPD task force. That task force is tasked with large scale, international drug investigations. The prosecution agency assigned to assist and prosecute those Conspiracy Squad cases is the U.S. Attorney's Office, not the Pima County Attorney's Office.

With HIDTA support, local cases involving narcotics trafficking taking place within Pima County are handled by the C.N.A. street-level, mid-level, Home Invasion Unit, and interdiction groups. As you know, C.N.A. is a multi-agency, HIDTA-funded task force commanded by the Tucson Police Department, which is comprised primarily of local law enforcement officers from the Tucson Police Department, Pima County Sheriff's Department, Marana Police Department, U.S. Customs and Border Patrol, Homeland Security Investigations, and the DEA. The federal agencies provide substantial assistance to our locally based officers. They provide certified law enforcement agents who partner with TPD officers and Sheriff's Deputies, as well as numerous crime analysts. They add substantial value to local law enforcement efforts, which would have to be paid for by the County and local municipalities if it were not for the HIDTA funding. Last week, one of the HIDTA Center-based 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 with his C.N.A. task force. The person he captured had fired at a TPD patrol officer in mid-town earlier in the day.

C.N.A. presents local and state cases to our Office and the Arizona Attorney General's Office for prosecution but refers inter-state and international and

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transnational cases to the U.S. Attorney's Office for prosecution. The local cases presented to our Office occur within the jurisdiction of Pima County and are the high and medium level cases that involve participation in local conspiracies that may be coordinated with international drug trafficking, but are focused upon the local operations, including bulk transport through Pima County, local stash houses, and bulk sales. The "Street Level Squad" of C.N.A., as you may recall, refers cases to the County Attorney's Office which involve drug deals and drug dealers who sell in our parks, near our schools, and in any public location. Street Level Squad is also tasked with investigating local drug overdose death cases where the drug dealer who sold the lethal dose can be identified and prosecuted. The County Attorney's Office also prosecutes those local cases.

Second, you have assumed that the County is receiving no positive benefit from the HIDTA association because there is no reimbursement for some portions of the justice system costs. However, such is not the case. HIDTA assists law enforcement officers from the County and the municipalities within the County in interdicting local drug traffickers and dealers, thereby helping local law enforcement efforts to protect public safety. These law enforcement efforts would be undertaken by local law enforcement officers with or without HIDTA support. Without HIDTA funding, the entire cost would be borne by local governments. Moreover, we would prosecute these local cases presented by local law enforcement officers with or without HIDTA funding. In the absence of HIDTA funding, the Board of Supervisors would have to allocate Pima County General Fund monies to cover the costs of both Sheriff's Department investigations and County Attorney's Office prosecutions of these cases.

Finally, it appears you have some outdated information regarding cases that should be prosecuted by the U.S. Attorney's Office being handled locally. In years past, the U.S. Attorney's Office had imposed border interdiction marijuana weight seizure thresholds, declining cases where the seized marijuana load was under 500 pounds. At that time, which was about ten years ago, federal agents and task forces turned these cases over to the Pima County Sheriff and/or to C.N.A. The under-500-pound cases would then come to the County Attorney's Office for prosecution. There is no question that this did, at that time, impose a burden on our local justice system. The purpose of the Southwest Border Initiative was to reimburse for the costs of those cases, which should have been handled federally. However, to our knowledge, the current administration in the U.S. Attorney's Office no longer imposes such thresholds. We are not seeing federal cases pushed down to the county level. Bulk quantity

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marijuana seizures for the last two to four years have trended down anyway, and are now at very low levels as compared to 10 to 15 years ago.

Because HIDTA is a federal funding area designation wherein a variety of federal agencies and task forces receive funding to address high-intensity drug trafficking and has a local HIDTA-funded operations center, records containing publicly-available information regarding the history of its operations would be available from the Director of the local HIDTA Center under the federal Freedom of Information Act.

cc: Barbara LaWall, Pima County Attorney  
David Smutzer, Legal Administrator  
Thomas Weaver, Chief Criminal Deputy  
Chris Ward, Deputy County Attorney  
Wendy Petersen, Assistant County Administrator  
Ron Overholt, Superior Court Administrator  
Ellen Moulton, Administrative Support Services Manager  
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