

National Alliance of State Drug Enforcement Agencies

President

James F. Keathley
Missouri State Highway Patrol

Vice President

Kenneth Tucker
Florida Department of Law Enforcement

Secretary

Roy E. McKinney
Maine Drug Enforcement Agency

Treasurer

Larry Turner
Indiana State Police

Board Counsel

John Kemner
Florida Department of Law Enforcement



Post Office Box 16278
Austin, Texas 78761

Sergeant-At-Arms

Ed Odom
Alabama Bureau of Investigation

Past President

H. C. Davis
Virginia State Police

Members At Large

Robert Cicchino
New Jersey State Police

Mark Couey
Washington State Patrol

Bobby Grimes
Mississippi Bureau of Narcotics

James Brubaker
Texas Department of Public Safety

March 21, 2005

The National Alliance of State Drug Enforcement Agencies has been in existence since 1975. Its member agencies are State level drug enforcement agencies from the nation's state police, highway patrol departments, or from each state agency responsible for state-wide criminal investigations. The working members of NASDEA come from command level staff. All fifty states are represented within NASDEA.

PROPOSED FY 2006 BUDGET CUTS

The President's FY 2006 budget proposal to Congress includes many deep cuts to state and local programs. They include **ELIMINATION** of the Justice Assistance Grants (JAG) (formerly Byrne). That is down from \$600 million in FY 2005. Previous funding for state and local FY 2004 included; \$500 million - Byrne Formula Grants; \$125 million - Byrne Discretionary Grants; \$225 million - Local Law Enforcement Block Grants; Total OJP funding \$950 million **ELIMINATED** over two years. Community Oriented Policing Program (COPS) - **ELIMINATED**; Except for \$20 million in the Meth Hot Spots Program. Lastly, High Intensity Drug Trafficking Area (HIDTA) - Reduced to \$100 million; Funded in FY 2005 at \$250 million. Transferred to DOJ with a potential loss of local control. The purpose of this document is to present the impact such changes will have on the overall effectiveness of these programs and its state and local law enforcement participants.

SUMMARY OF NASDEA POSITION

The National Alliance of State Drug Enforcement Agencies wholeheartedly agrees to a multi-faceted approach in combating the war on drug. A strategy that encompasses early education, innovative treatment, and vigorous enforcement has long been recognized as the proper approach to attacking this threat to our citizens, from both external and internal forces involved in illegal distribution of controlled substances. As a professional law enforcement organization with nationwide membership, we recognize that drug abuse and the related crimes that go hand-in-hand constitute a very real threat to our nation and its people. Along with that recognition, we also realize that the successes we have had at the state level have been largely due to the state level programs that are funded either totally, or in some manner by the above grant programs.

AUTHORIZATION OF THE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

When compared to the \$500 million for formula Edward Byrne Memorial State and Local Law Enforcement Assistance grants in fiscal year FY 2004, the \$321.9 million state portion of the FY 2005 JAG program amounted to a 36% reduction. The impact of using the new JAG program, particularly when taking off the top funding that in the past only came out of Local Law Enforcement Block Grants (LLEBG) program, is greater on traditional Byrne formula spending. Rural states appear to be impacted more by JAG's initial state allocation than the formula under the Byrne.

Background: The FY 2005 omnibus appropriations package provided \$634 million for the new JAG program as authorized by H.R. 3036, which is the DOJ reauthorization act passed by the House but not the Senate in the 108th Congress. H.R. 3036's JAG program is in lieu of the formula Edward Byrne Memorial State and Local Law Enforcement Assistance and Local Law Enforcement Block Grants (LLEBG). After taking out the specifically designated funding for Boy and Girls Clubs etc., the remaining \$536.5 million is divided with 60% going to states (\$321.9 million) and 40% going to local governments (\$214.6).

Under former BYRNE and LLEBG Programs: JAG is a combination of formula Edward Byrne Memorial State and Local Law Enforcement Assistance and the Local Law Enforcement Block Grant (LLEBG) programs. Each of the programs had separate appropriations and procedures. LLEBG went directly to local law enforcement agencies based on a formula at their share of Part I Violent Crimes reported to the FBI. No planning, no strategy, and little reporting were required of local law enforcement. The money had to be spent within designated purpose areas. [LLEBG sets a minimum threshold of \$10K for direct funding from BJA. Any remaining balance after the awards of \$10K or greater are made is given to the state administrative agency (SAA), which has the option to distribute the funds to state police departments that provide law enforcement services to local units of government or to units of local government that did not meet the \$10,000 threshold.]

BYRNE was distributed based on the state's share of the U.S. population and then was divided between state agencies and local agencies based on a formula whereby the state retained a share of the funds based on the state government's share of the total criminal justice expenditures. The remainder went to local units of government. This amount varied by state. Commonly it was approximately a split of 60% to state government and 40% to local governments. In some states that was reversed with 60% going to local governments and 40% going to state government. Byrne funds required that a state strategy and plan be in place for spending the funds and those programs be assessed and evaluated for effectiveness.

NEW JAG AUTHORIZATION

Each state receives at least a minimum amount of 0.25% of the available funding; otherwise the state receives a share as compared to the other states of which 50% is based on population and 50% on Part I Violent Crimes. Funding is then split between local units of government and the state government with 40% to locals and 60% to state government. The State share is then split again between state government and local units of government using the same pass-through formula as under the Byrne grant program.

Concerns regarding 60-40 split in JAG program funds and lack of statewide strategic planning. The authorization language for new JAG should continue to require that the funding be applied in a manner consistent with the statewide crime prevention and control strategy. It is the planning and coordination role that states can provide that will allow funding to build on local needs and priorities.

The 60-40 split introduces inefficiency and undermines the state's essential coordination role. Local governments will be getting two checks - one from DOJ and one from the state to do the same thing. This is a duplication of effort and introduces many possibilities for inequities and ineffective implementation and programming.

DOJ is not in the best position to administer these direct grants in a meaningful way. They do not have the best understanding of the state's strategies and needs. They are too far removed to provide the coordination and planning needed to make the best use of the funds, as well as the assistance in managing the funds. The number of direct grants to local governments is so large that DOJ does not have the staff to truly monitor the merit, implementation, and effectiveness of the local grants.

NASDEA would recommend eliminating having DOJ administering essentially two grant programs - one to the states and the other directly to local units of government. To avoid this duplication of effort, provide the JAG funding in a single state-local allocation. The variable pass-through with 60% portion should be eliminated in light of the 40% share already directed at local governments. An alternative would be to replace the 60-40 split with just the variable pass through.

Other recommendations include the initial distribution to the states should be based upon population only. The existing Byrne discretionary grant should be retained with the JAG program, as was done in FY 2005 appropriations. As a new program, JAG should be allowed to develop on its own merits without the encumbrances that shadowed its predecessor programs. The LLEBG program did not prohibit outright the purchase of vehicles and suggest that JAG follow the LLEBG restriction of vehicles not primarily used for criminal justice, limousines, tanks, armored personnel carriers, vessels, or aircraft.

HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)

President Bush's recent budget proposal to Congress includes reducing the High Intensity Drug Trafficking Area Program funding from \$227 million in FY 2005 to \$100 million for FY 2006. Additionally, the administration's budget moves the program from the Office of National Drug Control Policy (ONDCP) to the Department of Justice under the Organized Crime Drug Enforcement Task Force Program (OCDETF).

Moving the HIDTA program to OCDETF will do nothing to enhance law enforcement and will hinder the continuation of partnerships and innovation that the HIDTA Program has fostered. The HIDTA program has enjoyed wide acceptance by the heads of state and local law enforcement agencies for two important reasons. Under HIDTA, state and local agencies heads join with their federal counterparts on an equal basis to determine the direction of their individual HIDTA's. There is no other cooperative endeavor of this magnitude in law enforcement today. Secondly, the HIDTA program has been able to project a degree of separation from other federal agencies by its placement within ONDCP.

Although ONDCP has shown reluctance to administer the program, it should not be placed within a department that gives the perception that it is under the control and direction of a federal law enforcement entity. To do otherwise would certainly influence state and local participation and ownership of the program.

Building on the concept that the country faces not a national drug abuse epidemic, but a series of local drug threats, HIDTA's address regional drug problems based upon a unique threat assessment process. Many agencies have adopted this process as a conceptual and factual model. Each HIDTA develops its own strategy consistent with the National Drug Control Strategy. Executive Boards implement their strategies by funding structured and formal initiatives (task forces), each with a mission that best utilizes its particular expertise. Each initiative proposal includes measurable outputs. HIDTA funded task forces are commingled and co-located with full-time federal, state and local law enforcement investigators/officers. Any participating agency, including state or local, may lead a HIDTA task force, also a unique concept. HIDTA Executive Boards, comprised of an equal number of federal and state/local law enforcement executives, meet regularly to govern each HIDTA. When a HIDTA initiative has served its purpose or become ineffective, Executive Boards can and do discontinue funding. **No other program of the federal government that integrates state, local, and federal assistance and financial awards, allows this level of local oversight and direction.**

Contrary to administration claims, HIDTA's around the country can demonstrate many successes and innovations that have had a positive impact on the national drug threat. As state and local law enforcement administrators, we stand together in support of the HIDTA program and against any effort to reduce its budget or move it to a department that adversely affects its neutrality.

By taking a regional coordinated approach to implementation of the National Drug Control Strategy, the enforcement problems of target displacement, coordination, and cross-jurisdictional investigations are diminished. The HIDTA program allows law enforcement to enhance enforcement activities, provide focus to regional problems, and facilitate cooperation between criminal justice agencies. Each HIDTA has developed a cohesive, comprehensive program combining regional, and locally focused initiatives to implement the national mission.

The proposed funding cuts to the HIDTA program as set forth in the administration's budget proposal to Congress will eviscerate a highly successful program and eliminate the existing level of coordination of effort among federal, state and local drug law enforcement agencies. A budget cut of such magnitude (56%) would cause the elimination of some HIDTA's and make funding of others so minimal as to render them ineffective. Furthermore, successful nationwide program developed and administered by individual HIDTA's such as even and target deconfliction of enforcement operations, intelligence collection and sharing, and training programs will, at least, be significantly reduced or in some cases discontinued.