

# RESPONDING TO THE DRUG CRISIS IN SOUTHERN CALIFORNIA

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## HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE,  
DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON  
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

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## RESPONDING TO THE DRUG CRISIS IN SOUTHERN CALIFORNIA

TUESDAY, MARCH 7, 2000

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,  
AND HUMAN RESOURCES,  
COMMITTEE ON GOVERNMENT REFORM,  
*San Diego, CA.*

The subcommittee met, pursuant to notice, at 10 a.m., in the U.S. Coast Guard Station, 2170 North Harbor Drive, San Diego, CA, Hon. John L. Mica (chairman of the subcommittee) presiding.

Present: Representative Mica and Souder.

Also present: Representative Bilbray.

Staff present: Sharon Pinkerton, staff director and chief counsel; and Mason Alinger, professional staff member.

Mr. MICA. I would like to call the meeting of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources to order. I am John Mica, chairman of the subcommittee and am pleased to be here in San Diego today, southern California, at the specific request of Mr. Bilbray and pleased to conduct this hearing which is entitled, "Responding to the Drug Crisis in Southern California". Also, a member of our subcommittee participating today is the gentleman from Indiana, Mr. Souder, if he could please join us. We may have others joining us today, but we have two full panels, and we want to proceed accordingly.

I will recognize myself for an opening statement. I will recognize Mr. Souder and then Mr. Bilbray for opening statements, and then we will proceed to our first panel.

Our subcommittee is conducting this oversight field hearing as part of our need to understand, fully, the Nation's drug crisis, and how it impacts different parts of our Nation. Specifically, we are looking at what effective drug control efforts are underway in this area of our country and how we can support those efforts.

Today, we will learn about Federal, State and local efforts here to respond to the drug crisis in southern California, along with the California's border with Mexico. This area happens to be one of our most vulnerable and challenging regions in America for our law enforcement officials in that mission.

We are privileged to have with us today congressional leaders who strongly support efforts to stop the flow of illegal narcotics into the United States and also to protect our communities from the ravages they cause. I know that Mr. Bilbray, who invited us to his congressional district in this area here in beautiful San Diego and southern California, has been particularly active in helping this re-

gion in dealing with the issues we face. Primarily, he has been very active in looking at solutions for effective drug prevention and treatment and also helped me on a number of occasions in my responsibilities on our national and international drug control policy which we are trying to formulate through our subcommittee.

I recognize that he is a resident expert on the needs and concerns of citizens throughout this area and an important force in helping us to fashion our Federal, State and local solutions.

I want to thank all the Members who have encouraged us to conduct this hearing here today, particularly Mr. Bilbray and thank them for their dedication to this issue of critical importance to our Nation.

We are honored to have testifying before us today a number of Federal, regional and local officials who are engaged in responding to the drug crisis and the terrible consequences we see daily from that epidemic we are facing. These officials serve on the very front line, investigating, apprehending, prosecuting and sentencing drug producers and traffickers and are in need of our national Federal support and assistance.

This subcommittee is particularly interested in how communities and regions are dealing with critical responsibilities of implementing successfully our national, and I say national in the terms of not just Federal, drug control strategy. After all, most law enforcement and drug control activities are really primarily State and local responsibilities. However, as a border region, this community and this area has special needs and concerns such as transit, drug transit issues and also trade issues, a big corridor for both.

We also are very concerned with drug related developments across the border. I think all of us were appalled on both sides of the border of the recent murder of the Tijuana chief of police which focused national and international attention on the corruption and violence that has faced us on both sides of the border. Our sympathies go out to the family of the police chief and those in the Baja Peninsular who have seen the violence repeated time and time again on that side of the border, and the people of this community who have also seen a loss of life. The dangers in combating illegal narcotics are very real. In Congress, we want to ensure that the Federal Government is doing everything possible to assist this area and our colleague in both reducing the supply of drugs in this community as well as the demand for drugs here and across our Nation.

At a recent hearing of this subcommittee, we learned estimates that Americans in need of drug treatment range from 4.4 to 8.9 million people, yet less than 2 million people reportedly receive treatment. The gap must somehow be addressed. Our subcommittee will continue to conduct oversight in this and other areas and seek to improve our Federal programs that support those State and local drug treatment and prevention efforts.

Today, we are focusing on regional challenges and threats facing southern California. Illegal drug production, use and trafficking pose special dangers and challenges to the communities in southern California, also to our Coast Guard, to our Customs officials, to Mexican officials who work with them and to our local law enforcement and elected officials.

This region of California continues to a primary transit point for illegal drugs entering this country and transiting across and through this State and region. In recent years, this area has experienced more demands on its resources than ever before. This demand is expected from what we are told to even further increase, not diminish, in the future.

In response to this terrible drug crisis, this area of California has been designated by the White House Office of National Drug Control Policy [ONDCP], as what is termed a "High Intensity Drug Trafficking Area." That is a general law designation by which we can impose a HIDTA, Federal designation as a high intensity drug trafficking area. HDTAs are defined as regions in the United States with serious drug trafficking problems that have a harmful impact on other areas of the country. The mission of the HDTAs is "to enhance" and this is out of the laws, "to enhance and coordinate America's drug-control efforts among, Federal, State and local officials in order to eliminate or reduce drug trafficking (including the production, manufacture, transportation, distribution and chronic use of illegal drugs and money laundering) and its harmful consequences in critical regions of the United States." That is the mission of the HDTAs.

Our subcommittee is responsible for authorizing and overseeing the Office of National Drug Control Policy and also overseeing the HIDTA programs. Today, we will learn more about the effectiveness of this particular HIDTA in this area and its efforts to combat illegal narcotics.

Designated as one of the original HDTAs in the 1990's, the Southwest Border HIDTA region is a critical of defense in efforts to reduce drug availability in the United States. Our National Office of Drug Control Policy estimates that about 60 percent of the cocaine entering the United States passes through Mexico. Mexico is the No. 1 foreign producer and supplier of marijuana and also methamphetamines to the United States. We just conducted a hearing in northern, I guess this would be referred to as northern or north central and northern, California on the question of methamphetamine. Mr. Souder was there. You were not there, Mr. Bilbray. Last week he heard of a murder of a 6 year-old by a 6 year-old. Look at the root cause of that murder. The child's father, I believe, was in jail, came basically from a crack house. What we learned about methamphetamine and its impact on the communities there is absolutely astounding. People abandoning their children. What was it 35 children of which only 5 were reclaimed by the families. They showed a tape and they showed the face of one little girl who had been abused and tortured by her family and then scalded to death was her final demise. 600 children, I think they said, in one county coming from meth families. We have an epidemic of methamphetamine and some of that coming again from across the border. In fact, they displayed meth that came from Mexico and cocaine at the hearing and it just appalls me to see what is going on in this area. Unfortunately, Mexico is the No. 1 foreign producer, as I said, and supplier of methamphetamine to the United States and Mexican heroine dominates the market in the western and southwestern United States. Through DEA signature program, they have also indicated in the last year about a 20

percent increase in production of black tar heroin from Mexico, also something that should raise concerns.

I do applaud the continuing dedication and professionalism of our witnesses today and their willingness to share with us their ideas and needs again of this particular area and the impact that illegal narcotics have had on this area.

I can assure you that this subcommittee and your Representatives in Congress here today will do everything possible we can to assist you in protecting your loved ones and ridding your communities and our communities of deadly drugs.

I called back to central Florida, Orlando, this morning, and they read me the headlines in central Florida. They said we have had epidemic heroin overdose deaths. The headlines last year where they exceeded homicides in central Florida, and the news today is that the heroin deaths are up almost 20 percent over last year. Overdoses are up dramatically, and there would probably have been another 30 deaths on top of the number we have had if it was not for rapid medical treatment that is now emergency treatment that is taking place.

We all recognize that the drug crisis demands full utilization of all available resources and close cooperation in a comprehensive, regional and national approach. After all, that is what the HIDTAs are designed to do and it is our job in Congress to monitor and ensure their success. If obstacles are identified, then we must move decisively to overcome them. San Diego, southern California, and this Nation cannot afford to wait. The drug crisis demands promising approaches and decisive action and the time to act is now.

I want to thank all of our witnesses for appearing before us today. I appreciate the invitation from Mr. Bilbray to conduct this hearing here in his home area. I would like to yield now to the gentleman from Indiana, Mr. Souder, for an opening statement.

[The prepared statement of Hon. John L. Mica follows:]



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## SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

### OPENING STATEMENT Chairman John L. Mica

March 7th, 2000

### "Responding to the Drug Crisis in Southern California"

Our Subcommittee is conducting this oversight field hearing as part of our need to understand fully the nation's drug crisis, how it impacts different parts of our nation, and what effective drug control efforts are underway and should be fully supported. Today, we will learn about federal, state and local efforts to respond to the drug crisis in Southern California and along California's border with Mexico. This is one of our most vulnerable and challenging regions for law enforcement.

We are privileged to have with us today Congressional leaders who strongly support efforts to stop the flow of drugs into the United States and to protect our communities from the ravages they cause. I know that Mr. Bilbray, who invited us to his congressional district here in beautiful San Diego and Southern California, has been very active in helping this region in dealing with issues of drug prevention and treatment, and national and international drug control. I recognize that he is a resident expert on the needs and concerns of citizens throughout this area, and an important force in fashioning federal, state and local solutions. I wish to thank all Members and participants for their presence here today, and for their dedication to this issue of critical importance across America.

We are honored to have testifying before us today a number of federal, regional and local officials who are engaged in responding to the drug crisis and its terrible consequences daily. These officials serve on the front-line -- investigating, apprehending, prosecuting and sentencing drug producers and traffickers -- and are in need of our support and assistance.

This Subcommittee is interested in how communities and regions are dealing with critical responsibilities of implementing successfully our National (not just "Federal") Drug Control Strategy. After all, most law enforcement and drug control are primarily state and local responsibilities. However, as a border region, your community has special needs and concerns, such as trade and transit issues. We also are very concerned with recent drug-related developments across the border, such as the recent murder of the Tijuana Chief of Police. The dangers in combating drugs are very real. In Congress, we want to ensure that the federal government is doing everything possible to assist you, both in reducing the supply of drugs in communities, as well as the demand for drugs.

At a recent hearing of this Subcommittee, we learned that estimates of Americans in need of drug treatment range from 4.4 to 8.9 million, yet less than two million people reportedly receive treatment. This "gap" must be addressed. Our Subcommittee will continue its oversight in this area and seek to improve our programs that support state and local drug treatment and prevention efforts.

Today, we are focusing on regional challenges and threats facing Southern California. As we will hear, illegal drug production, use and trafficking pose special dangers and challenges to communities in Southern California, and also to the Coast Guard.

This region of California continues to be a primary transit point for illegal drugs entering this country, and transiting across and through the state. In recent years, this area has experienced more demands on its resources than ever before. This demand is expected to increase, not diminish, in the future.

In response to this terrible drug crisis, this area of California has been designated by the White House Office of National Drug Control Policy (ONDCP) as a "High Intensity Drug Trafficking Area" (commonly referred to as "HIDTA"). HIDTAs are defined as regions in the United States with serious drug trafficking problems that have a harmful impact on other areas of the country. The mission of HIDTAs is: "to enhance and coordinate America's drug-control efforts among federal, state and local agencies in order to eliminate or reduce drug trafficking (including the production, manufacture, transportation, distribution and chronic use of illegal drugs and money laundering) and its harmful consequences in critical regions of the United States."

Our Subcommittee is responsible for authorizing and overseeing ONDCP and the HIDTA program. Today, we will learn more about the effectiveness of the HIDTA in combating drugs in this area.

Designated as one of the original HIDTAs in 1990, the Southwest Border HIDTA region is a critical line of defense in efforts to reduce drug availability in the United States. ONDCP estimates that about 60% of the cocaine entering the United States passes through Mexico from South America. Mexico is the number one foreign producer and supplier of marijuana and methamphetamine to the United States; and Mexican heroin dominates the market in the western and southwestern United States.

I applaud the continuing dedication and professionalism of our witnesses today, and their willingness to share their ideas and needs with us today. I can assure you that this Subcommittee and your representatives here today will do everything we can to assist you in protecting your loved ones and ridding your communities of deadly drugs.

We all recognize that the drug crisis demands full utilization of available resources and close cooperation in a comprehensive, regional approach. After all, that's what HIDTA's are designed to do, and it is our job in Congress to monitor and ensure their success. If obstacles are identified, then we must move decisively to overcome them. San Diego, Southern California, and this nation cannot afford to wait. The drug crisis demands promising approaches and decisive action -- and the time to act is now!

I wish to thank all witnesses for appearing before us today. I look forward to hearing your testimony on this topic of local, state and national importance to our continued drug control efforts.

Mr. SOUDER. I thank the chairman. It is a great privilege to be here. When we were in the minority, before I was elected to Congress, but was a staffer, there was a concern that there had been a seeming retreat from our efforts to battle illegal narcotics, and it is by this oversight committee not holding even one hearing to oversee the drug policy. And since the Republicans have taken over Congress we have been pretty much in every part of the Nation, on each of the borders and have been very aggressively trying to see what can be done in all the different areas ranging from interdiction to treatment.

I went with the chairman down to South America last year. We met with all the source countries and leaderships in those countries. We went with Congressman Ballenger just a few weeks ago, where we met not only with President Pastrana and President Chavez of Venezuela and Colombia, but with the leaders of Mexico, including the Attorney General, who has a tremendous uphill battle. I am convinced that the higher levels of the government in Mexico are extremely dedicated to trying to do something to tackle the problem. However, the lack of a legal system and a corrupted system which to deal with the tremendous amount of narcotics is overwhelming our ability to work together, and we are going to continue to have to address that question, which means it puts tremendous pressure on our borders. And part of the reason we are here in San Diego today is because of that.

In addition, we are about to finish our markups and have our votes on the Safe and Drug Free Schools Act, in addition to looking at some additional treatment legislation in the areas of prevention and treatment. So I am looking forward to the testimony on that.

And my friend, Congressman Bilbray, was elected the same year I was in 1994, part of the class was that came in with lots of diversity. One of the things that Congressman Bilbray has done constantly with me and other Members is to collar us and to make sure we do not forget about the problems of California, in particular, the relationships of the border. He will occasionally on almost any given day take us one by one and say you have to do more for this problem we have here in California. I mean that seriously. We have had many discussions, usually at a fairly calm level, sometimes going up one notch higher as he feels we are not paying enough attention to the problems here in San Diego, so it is one of the reasons that I am here today because I have been listening to Congressman Bilbray as well as looking at the data. I have been here before, but I have not been here for a hearing on the border, so I am looking forward to your testimony and appreciate the invitation.

Mr. MICA. Thank you, gentleman. I am pleased now to yield to our host today, the gentleman from California, Mr. Bilbray, you are recognized.

Mr. BILBRAY. Thank you, Mr. Chairman. Mr. Chairman, I would like to welcome you and Mr. Souder. I hope you appreciate, Mr. Souder, that we tried to accommodate you and make you feel at home by having the coldest wettest day of the year. We really want to make you feel comfortable.

Let me just say I appreciate the tactful ways my colleagues point out the way that I have been rather persistent in trying to point

out that in so many ways San Diego is a world away from Washington, DC, and for a lot of us in San Diego, we prefer it that way. But the sad fact about it is that Washington has a major responsibility to be sensitized to the unique perspective we have here, not just as a border community or the major border community of the world. Tijuana, point of entry, has more crossings than any other port of entry anywhere in the world, but also the fact that San Diego County, as a whole, has had some very unique challenges and unique answers to those challenges that I think that the rest of the country can learn by.

Now, the chairman has been very clear in pointing out that more has to be done in drug interdiction in the entire drug cultural development, not just in this country, but internationally, and I really appreciate you coming here because you are able to see first hand the front line battle against the drug smuggling trade, but also the front line battle that what is being done in our counties, in our cities, in our schools, in our courtrooms at fighting this hideous epidemic at every line, every point we can.

I think it is going to point out there are still things we need to do, a whole lot more we need to do. The United States Government has gotten very comfortable at reviewing Mexico and certifying Mexico based on how they made the efforts that we expect of them. I appreciate the fact that Chairman Mica and his subcommittee has looked at also the issue of who do we certify in the U.S. Federal Government. Is it doing what it has to do? It is doing everything it can do and as we judge others, we should judge ourselves. I think that one of the things that hits home to me, and I apologize if I am a little persistent on this issue, is that the violence of the drug activities along the border is not something far away from me. The brutal assassination that happened last week or 2 weeks ago happened a few kilometers from where my family lives. We have had assassinations on the silver strand that are a few kilometers or miles north of where I call home. This is something that is happening in our community, not somewhere else and it is hard to draw those lines.

I would ask us to take a look at the deficiencies, things like half as many border patrol agents being actually hired than what was authorized. The lack of resources that are given to Customs and drug interdiction while we give resources to other countries all over the world to defend and secure their borders, but sort of give our own borders and our own citizens a second rate standing in the defense of our frontiers.

I think though that there are challenges we need to do within our own communities. San Diego County will point out that one of the things that has been detected here in San Diego County is the involvement of public funds in supporting the drug problems. San Diego County has been very innovative and very challenging and brave enough to raise these issues and say how much of public funds are going in to financing the drug problems? What can be done in the educational institutions? And we do have a major challenge to look at what we can do along the border, what we can do in our schools. But I also would challenge you to say we have to set an example as a Federal Government and this is not popular to say, but at a time where we have people that are incarcerated

in this country, that are under lock and the key and the government cannot keep them from having access to drugs, we have a major challenge to look at ourselves and say what are we not doing right? How can we think that we can save our children from access to drugs? How do we think we can keep drugs out of the hands of teenagers and school age kids when we cannot even keep it out of the hands of convicted criminals who are in prison? This really is a major challenge for us. So I appreciate the fact that you are able to see what we have done, that barriers that used to exist are falling down, and especially along the border. The fact is is that the county was very aggressive, the Sheriff's Department and the city was very aggressive at cracking down on the meth labs a few years ago and we have seen them be basically put on a retreat and they restructured somewhere else and then we have to fight again. We have looked at the fact that we are not just talking coordination between Customs and Coast Guard and Immigration. We are talking about coordination between Customs, Coast Guard, Immigration, the Navy, the Army, the National Guard and the Air Force and this is what it is going to take to defend our children.

So I am glad you are here. I am glad that we are able to spend this time talking about these, and I think San Diego has a great story to tell America. I think there is so much you can learn from our experiences here. That is why I have been a bit of a pain, saying come and listen to the story of San Diego County, look at what we have been able to do with all of our problems and all of our challenges. If America will give us half a chance to teach you how to address this issue, it can really help us find the answer, not just for San Diego County but for America and the world. These problems do not only affect our children as what has happened in Mexico the last few years, it affects people outside our borders.

Thank you, Mr. Chairman, and I appreciate this time and this effort.

Mr. MICA. Thank the gentleman and again thank you for the invitation. Let me explain how we will proceed. First of all, those of you that are part of our first panel all appear to be local officials, and we are pleased to have you. This is an investigations and oversight subcommittee of Congress. In that regard, we do swear in our witnesses, and you will be under oath when you testify.

We will also run this little clock here. We do this in Washington or in field hearings. We will allow you 5 minutes for oral presentation. When you see that blinking, you try to wind up, if you can. By unanimous consent or just by request, and I will seek unanimous consent, we will submit for the record any lengthy documentation or if you have a lengthier statement that you would like to be made part of the official record of this congressional proceeding.

The first responsibility is to swear you in. Will you please and raise your right hands.

[Witnesses sworn.]

Mr. MICA. Witnesses answered in the affirmative and thank you again. We are going to start with this first panel. Let me introduce all the panelists, if I may. We have Ms. Dianne Jacob who is a San Diego County supervisor. We have Mr. Greg Cox, San Diego County supervisor also. Sergeant Scott Lee, San Diego Police Depart-

ment. Mr. Jack Campana, and he is the director of comprehensive health and physical education for San Diego Unified School District. We have Mr. Tom Hall, he is Chief Hall, chief of police of San Diego Unified School District. And we have Judge Bonnie Dumanis, Superior Court Judge in San Diego, CA. Welcome each of you and we are pleased to have your testimony at this time.

The other thing, too, is we will withhold questions, and I think one of you might have to leave early. If you have to leave that will be fine. We may submit questions to you.

Mr. Souder has a motion that we leave the record open for 2 weeks.

Mr. SOUDER. So moved.

Mr. MICA. All right. We will leave the record of this hearing open for 2 weeks without objection, so ordered.

Mr. SOUDER. And that includes any additional testimony that they may want to submit or background information.

Mr. MICA. That includes any background information. If there are those that in the audience or in the community that want to submit testimony or other additions to the record, that also will be welcome. Without objection, so ordered.

With that I will then recognize and welcome Ms. Dianne Jacob, San Diego County supervisor, our first witness. Welcome and you are recognized.

**STATEMENTS OF DIANNE JACOB, SAN DIEGO COUNTY SUPERVISOR; GREG COX, SAN DIEGO COUNTY SUPERVISOR; SGT. SCOTT LEE, SAN DIEGO POLICE DEPARTMENT; JACK CAMPANA, DIRECTOR, COMPREHENSIVE HEALTH AND WELLNESS, SAN DIEGO UNIFIED SCHOOL DISTRICT; TOM HALL, CHIEF OF POLICE, SAN DIEGO UNIFIED SCHOOL DISTRICT; AND JUDGE BONNIE DUMANIS, SUPERIOR COURT JUDGE, SAN DIEGO, CA**

Ms. JACOB. Thank you, Mr. Chairman and members of the committee. I appreciate the opportunity to provide testimony to you today. I am here as the chairwoman of the Board of Supervisors, but also as the second district supervisor that represents the eastern portion of San Diego County and about 50 miles of the United States-Mexico border. It was San Diego County about 3 years ago that was recognized, unfortunately, and had the dubious distinction of being named the meth capital in the United States and East County, my district, was the hot spot and it was for that reason about 3 years ago I initiated the Methamphetamine Strike Force and that is what I am going to talk about a bit today.

Never before has one single drug threatened the health of a community like methamphetamine to the county of San Diego. Out of this specific mass destruction and continuing threat has come a unique alliance of criminal justice officials, policymakers, drug treatment practitioners and drug prevention specialists and we call this the Meth Strike Force, but before I discuss the on-going goals and accomplishments of the Strike Force, I must tell you the devastating tale of meth use in our county. I want you to understand the magnitude of the meth-related problems in our county because I think you will find the efforts of the Strike Force are nothing short of impressive.

The year was 1995. An unemployed plumber named Shawn Nelson sneaked into a National Guard Armory in San Diego's Keamy Mesa neighborhood and commandeered a 57-ton M-60 tank. He maneuvered the deadly vehicle down residential streets crunching into cars and snapping steel lampposts as if they were twigs. He terrorized the neighborhood and frightened those of us who watched in disbelief.

Not long after that incident, a young man in San Diego's East County climbed on board a county transit bus. He yanked the driver away from the steering wheel, hijacked that bus and embarked on a nearly 3 hour road trip down four separate San Diego freeways. It took the cooperation of three separate city police departments, the San Diego County Sheriff's Department, the California Highway Patrol and a small pack of police canines to halt the vehicle and get the man into custody.

The common denominator in each of these gruesome acts is methamphetamine. In each case, the guilty party was under the influence of this intense stimulant.

Unlike other drugs, meth is "homegrown" as drug agents say. Before my colleagues on the Board of Supervisors passed crucial legislation, most of the chemicals used in its recipe could be obtained with little difficulty. This availability made it cheaper than crack cocaine. Frighteningly, its high lasts 4 times longer.

By 1997, use of the drug had proliferated greatly in San Diego County. Some 43 percent of the people arrested for crimes in our county were under the influence of meth. Our county emergency rooms admitted nearly 2,000 patients for reasons related to methamphetamine that same year. And some 3,500 people had visited drug treatment providers seeking help to kick their meth-specific addiction. Every week of 1997 two people in our county died due to the methamphetamine overdose.

We knew it would take a collaborative effort as fierce as the drug itself to stop its spread and that is why we envisioned an all-inclusive effort in the fight. We began to enlist the input of every agency who had any vested interest in stamping out methamphetamine.

We knew we needed input from law enforcement because no one understands the ravages of meth better than the officers, the deputies, the agents who deal with methamphetamine on a daily basis.

But we also knew that we could not, as one agent described, "arrest the drug out of the county." Locking up every last user, cooker and dealer was a noble endeavor, but even law enforcement officials said it would not alone deter future generations of young people who would be peer pressured into trying the drug. It did not address the high re-arrest rates of meth users after they served time in our county jails. It did not arrest the explosive danger of volatile meth labs or the environmental hazards of toxic chemicals which are frequently dumped at the lab sites.

Thus was born our four pronged approach toward meth abatement. We wanted the prevention and the education community on board to keep people from trying meth. We needed the intervention community on board to get the drug off the streets by prosecuting those who engaged in its manufacture and distribution. We needed the interdiction community to help create systemic legislative goals related to methamphetamine and we needed the treatment commu-

nity on board to successfully rehabilitate users thereby ending the generational cycle of meth use.

Now imagine, one table with representatives from each of those four sectors: prevention, intervention, interdiction and treatment. In all, some 70 different agencies attend the regular sessions and subcommittees of the Meth Strike Force with law enforcement, health officials, educators at both the Federal, State and local level.

Strike Force officials do more than just strategize ways to combat meth. They fuse resources. They identify successful programs already working to stop meth. They implement those programs in critical areas and lobby for increased funding. They seek to raise public awareness and streamline public access to solutions. This is truly a ground breaking regional approach to decrease supply and demand for meth.

I am here to tell you the accomplishments and recommendations of the Strike Force are very inspiring.

In the last 3 years, the Meth Strike Force for example has put the power of law enforcement in the hands of the people by empowering the community with a 24-hour anonymous hotline to report meth-related crime. Calls to our hotline have so far resulted in more than 100 arrests of meth users, cookers and dealers.

The Strike Force lobbied for strict—may I finish?

Mr. MICA. Go ahead.

Ms. JACOB. The Strike Force lobbied for strict drug treatment programs to reduce recidivism rates within our community's criminal justice system. The Strike Force identified the drug court program as a base model which would best serve the nonviolent criminal drug offender population in our county.

Currently some 450 offenders take part in the program which has early recidivism rates of less than 10 percent which is phenomenal. That is the drug court. That is significantly less than the traditional court system. 45,000 offenders are currently eligible for the program should expansion occur and we are fighting to expand those drug courts and need resources to do that.

The Strike Force brought to the community forefront the issue of children living in potentially explosive meth labs. The Strike Force identified the San Diego County District Attorney's Drug Endangered Children Program as a crucial solution to this issue. This program is an outstanding example of cross agency cooperation between law enforcement and Child Protective Services.

The 2-year old program removes kids from contaminated sites and requires that parents get clean and sober before the family can be reunited. A physician is medically tracking each child so the San Diego community will learn more about the long-term effects of meth on children. More than 170 children have been removed from meth contaminated environments and continue to receive DEC services. These are children who stand a high statistical risk of becoming meth cookers themselves.

In addition, the Strike Force helped draft local and State legislation limiting sales of products which contain ingredients used to cook meth. In 1998, my colleagues and I adopted an ordinance limiting sales ephedrine-based cold medication to three packages per transaction. This poses no threat to people using the medicine legitimately. Across California, 38 other jurisdictions adopted similar



ordinances. Just months ago, the Governor of California signed a statewide bill which mirrors San Diego County restrictions.

The Strike Force also embarked on an intensive local media campaign to raise public awareness about the dangers of meth. We joined forces with the Partnership for a Drug-free America and the State Attorney General's office. We continue to distribute meth-specific public service announcements to local print and broadcast media. Our Strike Force media team frequently informs local news outlets about local drug trends suggesting ways in which the community can best respond.

The Strike Force addressed a severe meth problem within the North County community of Vista by setting up an experimental pilot project designed to address the specific needs of one community. Already, the Vista Partners Project has brokered increased cooperation between law enforcement and educational officials by bringing meth awareness to every employee on the District's campuses. The group developed a series of teacher trainings by State Bureau of Narcotic agents who have coached school employees to recognize the warning signs of drug use on campus. The trainings have since been requested by a number of school districts county-wide.

Since the inception of the Strike Force in 1996 there has been a 30 percent drop in the number of meth-related deaths in our county. Methamphetamine-related drug arrests are down nearly 14 percent. Availability is down some 14 percent and local meth lab cleanups and seizures have been cut in half.

It is a good beginning and encouraging news to those who have worked tirelessly on meth abatement issues. But the commendations cannot last long because there are media education campaigns to sustain, decoy operations to plan, court reform strategies to discuss and bi-national relationships to develop with our Mexican officials so that we can respond to the meth trends along the border. There are many, many more ideas on the developmental plate of the Meth Strike Force.

These efforts would be greatly enhanced with funding directed toward community collaborative abatement efforts so that law enforcement officers can continue to share their expertise with school teachers, so that drug treatment counselors can continue to talk with U.S. Customs officials about the trends in distribution; so that our dialog remains healthy in our efforts manageable.

We needed an entity more powerful than meth itself to force it out of our community and we believe that we have found it in the many voices of the Meth Strike Force and thank you for allowing me a little more time. You can tell me I am very excited about this effort and it is working. We need your help.

Mr. MICA. We are very glad to hear your testimony and we did allow you to extend your time and the others are now to a minute apiece.

Ms. JACOB. Sorry.

Mr. MICA. You did have a very thorough presentation. We appreciate that. I recognize now Mr. Greg Cox and also a San Diego County supervisor.

[The prepared statement of Ms. Jacob follows:]

**Statement By Dianne Jacob  
Chairwoman, County of San Diego Board of Supervisors  
Before the House Committee on Government Reform Policy  
Subcommittee on Criminal Justice, Drug Policy, and Human Resources  
Drug Threat Along the Southwest Border**

March 7, 2000

Thank you for the opportunity to testify before your committee today.

Never before has one single drug threatened the health of a community like Methamphetamine to the County of San Diego. Out of this specific meth destruction and continuing threat has come a unique alliance of criminal justice officials, policy makers, drug treatment practitioners and drug prevention specialists. We call it the Meth Strike Force.

Before I discuss the on-going goals and accomplishments of the Meth Strike Force, I must tell you the devastating tale of meth use in our county. I want you to understand the magnitude of meth-related problems in our county, because I think you will find the efforts of the Strike Force are nothing short of impressive.

The year was 1995. An unemployed plumber named Shawn Nelson sneaked into a national guard armory in San Diego's Keany Mesa neighborhood and commandeered an 57-ton M-60 tank. He maneuvered the deadly vehicle down residential streets crunching into cars and snapping steel lampposts as if they were twigs. He terrorized the neighborhood and frightened those of us who watched in disbelief.

Not long after that incident, a young man in San Diego's East County climbed on board a county transit bus. He yanked the driver away from the steering wheel, hijacked that bus and embarked on a nearly three hour road trip down four separate San Diego freeways. It took the cooperation of three separate city police departments, the San Diego County Sheriff's Department, the California Highway patrol and a small pack of police canines to haul the vehicle and get the man into custody.

The common denominator in each of these gruesome acts is Methamphetamine. In each case, the guilty party was under the influence of the intense stimulant.

Unlike other drugs, meth is "homegrown" as drug agents say. Before my colleagues on the Board of Supervisors passed crucial legislation, most of the chemicals used in its recipe could be obtained with little difficulty. This availability made it cheaper than crack cocaine. Frighteningly, its high lasts four times as long.

By 1997, use of the drug had proliferated greatly in San Diego County. 43 percent of the people arrested for crimes in our county were under the influence of methamphetamine. Our county emergency rooms admitted nearly 2000 patients for reasons related to methamphetamine that same year. Some 3500 people had visited drug treatment providers seeking help to kick their meth-specific addiction. Every week of 1997, two people in our county died due to a methamphetamine overdose.

We knew that it would take a collaborative effort as fierce as the drug itself to stop its spread. That is why we envisioned an all-inclusive effort in the fight. We began to enlist the input of every agency who had any vested interest in stamping out methamphetamine.

We knew we'd need input from law enforcement because no one understands the ravages of meth better than the officers, deputies, and agents who deal with methamphetamine on a daily basis.

But we also knew that we couldn't, as one agent described, "arrest the drug out of the county." Locking up every last user, cooker and dealer was a noble endeavor, but even law enforcement officials said it wouldn't alone deter future generations of young people who'd be peer pressured into trying the drug. It didn't address the high rearrest rates of meth users after they'd served time in our county jails. It didn't address the explosive danger of volatile meth labs or the environmental hazards of toxic meth chemicals which are frequently dumped at lab sites.

Thus was born our four pronged approach toward Meth abatement. We wanted the prevention and education community on board to keep people from trying meth. We needed the intervention community on board to get the drug off the streets by prosecuting those who engaged in its manufacture and distribution. We needed the interdiction community to help create systemic legislative goals relating to methamphetamine. And we needed the treatment community on board to successfully rehabilitate users thereby ending the generational cycle of meth use.

Now imagine, one table with representatives from each of those four sectors: Prevention. Intervention. Interdiction and treatment. In all, some 70 different agencies attend the regular sessions and subcommittees of the Methamphetamine Strike Force--law enforcement, health officials and educators at the federal, state and local level.

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In the last three years, the Meth Strike Force has:

- Put the power of law enforcement in the hands of the people by empowering the community with a 24-hour anonymous hotline to report meth-related crime. Calls to our hotline have so far resulted in more than 100 arrests of methamphetamine users, cookers and dealers.
- The Strike Force lobbied for strict drug treatment programs to reduce recidivism rates within our community's criminal justice system. The Strike Force identified the Drug Court program as a base model which would best serve the non-violent criminal drug offender population in our county.

Currently some 450 offenders take part in the program which has early recidivism

rates of less than 10 percent. That's significantly less than the traditional court system. 45,000 offenders are currently eligible for the program- should expansion occur.

- The Strike Force brought to the community forefront the issue of children living in potentially explosive meth labs. The Strike Force identified the San Diego County District Attorney's Drug Endangered Children Program as a crucial solution to this issue. The program is an outstanding example of cross agency cooperation between law enforcement and Child Protective Services.

The two-year old program removes kids from contaminated sites and requires that parents get clean before the family can be reunited. A physician is medically tracking each child so the San Diego community will learn more about the long-term effects of meth on children. More than 170 children have been removed from meth contaminated environments and continue to receive DEC services. These are children who stand a high statistical risk of becoming meth cooks themselves.

- The Strike Force helped draft local and state legislation limiting sales of products which contain ingredients used to cook meth. In 1998, my colleagues and I adopted an ordinance limiting sales of ephedrine-based cold medication to three packages per transaction. This poses no threat to people using the medicine legitimately. Across California, 38 other jurisdictions adopted similar ordinances. Just months ago, the Governor of California signed a statewide bill which mirrors San Diego County restrictions.

- The Strike Force embarked on an intensive local media campaign to raise public awareness about the dangers of the meth. We joined forces with the Partnership for a Drug-free America and the State Attorney General's office. We continue to distribute meth-specific public service announcements to local print and broadcast media. Our Strike Force media team frequently informs local news outlets about local drug trends suggesting ways in which the community can best respond.

- The Strike Force addressed a severe meth problem within the North County community of Vista by setting up an experimental pilot project designed to address the specific needs of one community. Already the Vista Partners Project has brokered increased cooperation between law enforcement and educational officials by bringing meth awareness to every employee on the district's campuses. The group developed a series of teacher trainings by State Bureau of Narcotic agents who have coached school employees to recognize the warning signs of drug use on campus. The trainings have since been requested by a number of school districts countywide.

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It is a good beginning and encouraging news to those who have worked tirelessly on meth abatement issues. But the commendations cannot last long because there are media education campaigns to sustain, decoy operations to plan, court reform strategies to discuss and bi-national relationships to develop with our Mexican officials so that we can respond to meth trends along the border. There

are many, many more ideas on the developmental plate of the Meth Strike Force.

These efforts would be greatly enhanced with funding directed toward community collaborative abatement efforts. So that law enforcement officers can continue to share their expertise with school teachers. So that drug treatment counselors can continue to talk with U. S. Customs officials about the trends in distribution. So that our dialogue remains healthy and our efforts manageable.

We needed an entity more powerful than meth itself to force it out of our community. We believe that we've found one in the many voices of the Meth Strike Force.

Mr. COX. Thank you, Chairman Mica, Congressman Souder, Congressman Bilbray. We are very pleased to have you here in San Diego. I just got back last night from spending 6 days back in Washington, DC, lobbying my Congressman and some other Congressman from San Diego on a TEA-21 project, S.R. 905. I have to say I do not think I would ever contemplate that I would say this, but actually the weather in Washington, DC, was more beautiful, at least the last couple days, than it has been here in San Diego as I understand.

Mr. BILBRAY. We need the rain. We need the rain.

Mr. COX. I am very pleased to be here. I have the distinction and the pleasure of having followed Congressman Bilbray when he was elected to Congress. I was appointed to his seat in the 1st District for the San Diego County Board of Supervisors.

Mr. BILBRAY. Tonight he gets unanimously elected again.

Mr. COX. And I have the balance of the United States-Mexico border where Supervisor Jacob's District stops. My district picks up and goes from the Pacific Ocean, 14 miles to the east. We have, obviously, some very significant concerns about illegal drug use, illicit drug use along what is certainly as Congressman Bilbray pointed out is the most crossed border crossing in the world, over 70 million crossings per year. Included in this testimony that I am going to give you today is going to be some very specific solutions that we have identified as significantly addressing these concerns dealing with border-related drug use and drug use within the county of San Diego.

San Diego County encompasses 4,261 square miles and is located obviously in the extreme southwest portion of California, bordered on the west by the Pacific Ocean, on the south by Mexico, on the east by the desert and to the north by a mountain range and a major military base. Most of the county's 2.7 million inhabitants reside in the coastal strip with an estimated 26 percent of this population under the age of 18 and another 23 percent of this population over 59 years. According to recent statistics, the county's population is predominantly white, 63 percent, with Hispanics comprising 23 percent, African-Americans 6 percent, and Asian and other minority groups at 9 percent.

A variety of opportunities and challenges exist with the diversity of the region and the proximity to the international border. The economic and social impact of drug use in this region is significant across every costly local government system and throughout the 18 municipal jurisdictions and unincorporated areas of San Diego County. An analysis performed in 1997 estimated that the total economic cost of alcohol and drug abuse in San Diego County reached \$1.8 billion in 1995. We have included in the packet of information we have given to you an executive summary of that study that establishes what all those costs were. The most significant cost component was the direct expenditure on medical care to treat substance abuse-related health conditions. These expenses accounted for approximately one third of the total economic cost of abuse.

Related costs associated with alcohol and drug-involved crime including criminal justice expenditures, property destruction, criminal victimization and incarceration account for more than 30 per-

cent of the total costs. Prevention and treatment expenditures were less than 2 percent of the total economic cost of alcohol and illicit drug use. To emphasize what Chairwoman Jacob has mentioned, we need additional resources on the demand-reduction component of our efforts to combat drug abuse. Drug abuse drive the budget across a variety of departments at the county. It draws precious local resources that could otherwise enhance the quality of life for residents in the areas of education, parks, libraries and transportation.

Nationwide, there are over 1 million people arrested each year on drug-related charges. In San Diego County, over 70 percent of men and women arrested last year tested positive for drugs. Substance abuse was also present in almost 80 percent of San Diego County child abuse cases. It is the precipitating factor that drives domestic violence as well as street violence.

Elected policymakers, health administrators and judicial authorities have collectively recognized that the criminal justice system, social services and health care are interrelated and that the best practices of courts and effective treatment options must result in a new model that reflects the reality and knowledge we have in the year 2000.

In light of these statistics, it is clear that criminal activity in San Diego walks hand-in-hand with the incidence of drug and alcohol abuse. Beginning in 1996, the county partnered with the courts and other jurisdictions to develop several creative and collaborative pilot programs in an attempt to lessen the economic and social impacts of alcohol and drug abuse in this county. We started this planning process by acknowledging that enhancement of local law enforcement alone is not the solution. Because alcohol and illicit drug use play a part in everything from street crime to domestic violence and child abuse or neglect, San Diego has taken a balanced, comprehensive and integrated approach to combat alcohol and illicit drug use and their resulting impacts.

These efforts can be seen in the Dependency Court Recovery Project and drug courts. We know that coercion works and that the heavy hammer of the law can influence an individual's choice to be clean and sober. We know that the long-term criminal behavior pattern of drug abusers will not change until those individuals no longer use drugs.

The Dependency Court Recovery Project targets the documented child abuse and neglect cases that are the result of the alcohol and/or drug dependency of one or both of the child's parents. This project provides for court supervision of the parents linked with the availability of alcohol and drug recovery treatment on demand and weekly testing to ensure the compliance with court orders. Over 80 percent of parents in the Dependency Court Recovery Project are in compliance with court orders and thus the courts are able to make more timely decisions about the reunification plans for these families and their children.

San Diego County currently has four adult drug courts, one juvenile delinquency drug court and one dependency drug court in operation. Their program designs closely match the national drug court models that offer convicted drug offenders the opportunity of entering a closely monitored, 15-month drug treatment with both strong

incentives and immediate sanctions in lieu of other criminal penalties. During the first 34 months of operations, the numbers of drug court participants has increased steadily until they have reached our operational capacity of approximately 500 per year. We now have waiting lists in at least two of the drug courts. All drug court treatment is currently being funded from a combination of short-term grants, participant fees and one time resources such as seized asset forfeiture funds from local law enforcement agencies.

Regardless of the success of these drug courts, the existing programs are only serving approximately 2 percent of the drug-involved criminal cases in San Diego County. To effectively accommodate the remaining cases, from early diversion to long-term commitments to State prison, a system-wide approach is being designed that is based upon the same principles and practices that have shown success in the drug court programs.

Every jurisdiction in America struggles to some extent with the societal and fiscal liabilities of drug abuse. Border counties carry an additional burden.

The funding available through the State Criminal Alien Assistance Program, or SCAAP program, partially offsets real costs, but reimbursement of the criminal justice costs related to our geographic location adjacent to the United States-Mexico border is still inadequate. As an example, the drug-related cases coming from the border now account for over 57 percent of all felony cases issued in South Bay, which is a part of my District, up from 24 percent in 1997. The South Bay Branch of the San Diego District Attorney's Office reviewed 1,770 cases dealing with drug trafficking at our borders in 1999 also a substantial increase from only 1,325 in 1997. These increases are expected to continue with no anticipated growth in the number of personnel. We need the assistance of Federal funds to address what is a national and international problem that unjustly burdens local taxpayers.

What we do not need are any more studies. We know what the problem is, we know what works, and we need the resources and reinforcement to continue to solve these problems with practical solutions. Drug treatment must be administered and funded as an integral part of the criminal justice system, not simply as an ad hoc and piecemeal adjunct to it in a separate, inadequate health system. To date, the drug courts have been funded through a combination of short-term grants and one-time moneys. In recognition of the continuing need for expansion of these integrated, cooperative programs, the San Diego County Board of Supervisors has endorsed legislation that would create on-going program funding for the drug courts for both adult and juvenile criminal offenders and for drug abusing parents of adjudicated dependent children.

In closing, you, as legislators have the ability to foster cooperative, multi-faceted approaches to reduce drug abuse. The Meth Strike Force, drug courts and the Dependency Court Recovery Project are prime examples of what can be done when elected leaders provide the direction and leadership needed to harness the resources of various professionals to address this critical problem.



Only through the leadership and fiscal resources that Congress can provide can this border region effectively combat drug trafficking and drug abuse.

And I sincerely thank you for your presence here today.  
[The prepared statement of Mr. Cox follows:]



**Greg Cox**

Supervisor, First District  
San Diego County Board of Supervisors

**Testimony before the  
Government Reform Committee's  
Subcommittee on Criminal Justice, Drug  
Policy, and Human Resources**

**"Responding to the Drug Crisis  
in Southern California"**

**March 7, 2000**

1600 Pacific Highway, Room 335 ♦ San Diego, CA 92101 ♦ (619) 531-5511

Good morning Chairman Mica and the members of the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources.

I am Greg Cox, First District Supervisor for the County of San Diego. I am here before you today to share with you several issues facing San Diego County related to the use of alcohol and illicit drugs and our unique position as the world's most often used international border crossing--with over 70 million crossings each year. Included in this testimony will be some very specific solutions that we have identified as significantly affecting these issues.

San Diego County encompasses 4,261 square miles and is located in the extreme southwestern corner of California, bordered on the west by the Pacific Ocean, on the south by Mexico, on the east by the desert and on the north by a mountain range and major military base. Most of the county's 2.7 million inhabitants reside in the coastal strip with an estimated 26 percent of this population under 18 years of age and another 23 percent of this population over 59 years. According to recent estimates, the county's population is predominately white (63 percent), with Hispanics comprising 23 percent, African-Americans 6 percent, and Asian and other minority groups at 9 percent.

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\$1.8 billion in 1995. The most significant cost component was the direct expenditure on medical care to treat substance abuse-related health conditions. These expenses accounted for approximately one-third of the total economic cost of abuse.

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These efforts can be seen in the Dependency Court Recovery Project and Drug Courts. We know that coercion works and that the heavy hammer of the law can influence an individual's choice to be clean and sober. We know that the long-term criminal behavior patterns of drug abusers will not change until those individuals no longer use drugs.

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San Diego County currently has four adult drug courts, one juvenile delinquency drug court and

one dependency drug court in operation. Their program designs closely match the national drug court models that offer convicted drug offenders the opportunity of entering a closely monitored, fifteen-month drug treatment program (with both strong incentives and immediate sanctions) in lieu of other criminal penalties. During the first 34 months of operation, the numbers of drug court participants has increased steadily until they have reached our operational capacity of approximately 500 per year. We now have waiting lists in at least two of the drug courts. All drug court treatment is currently being funded from a combination of short-term grants, participant fees and one time resources such as seized asset forfeiture funds from local law enforcement agencies.

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up from 24% in 1997. The South Bay Branch of the San Diego District Attorney's Office reviewed 1,770 cases dealing with drug trafficking at our borders in 1999 also a substantial increase from only 1,325 in 1997. These increases are expected to continue with no anticipated growth in the number of personnel. We need the assistance of federal funds to address what is a national and international problem that unjustly burdens the local taxpayer.

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Thank you very much for your time and attention.

Mr. MICA. Thank you.

I will recognize now Sergeant Scott Lee with the San Diego Police Department. You are recognized, sir.

Sgt. LEE. Thank you, Mr. Chairman, Mr. Mica, Congressman Souder and Congressman Bilbray. It is an honor to appear before you today to give an overview of the narcotics trafficking situation in San Diego.

Let me first introduce myself. I am a Sergeant with the San Diego Police Department assigned to the Drug Enforcement Administration-hosted Narcotics Task Force, better known as NTF. NTF has been in existence for the past 26 years and has come to epitomize drug law enforcement in San Diego County. The task force is comprised of eight teams, consisting of 100 people from 16 different Federal, State and local agencies. It is responsible for the investigation of major narcotics trafficking in San Diego County. Two of the NTF teams, the Airport Team and the Parcel Interdiction Team, which I supervise, are HIDTA funded.

NTF has the mission of meeting the drug trafficking threats to San Diego County. The arrest and seizure statistics for NTF in the last fiscal year clearly illustrates the drug trafficking situation in the county. Approximately 50 percent of the arrests and seizures were for methamphetamine, as you have heard; 35 percent for marijuana, and the other 15 percent are for heroin, cocaine and the other dangerous drugs including the new "designer drugs" which we are seeing more and more in San Diego.

The trafficking characteristics of the two major drugs of threat, methamphetamine and marijuana are widely disparate. Methamphetamine traffickers are commonly white males with no noticeable organizational makeup. Much of the methamphetamine is locally produced in small, what we call "kitchen labs," however as you mentioned, the majority of the methamphetamine seized in San Diego County has been produced in Mexican laboratories. Marijuana is likewise smuggled across the United States border by Mexican cartels. However, much of the marijuana is purchased in San Diego County from the Mexican traffickers by organized groups of traffickers prominently led by bands of Jamaicans and Puerto Ricans. These groups in turn ship the marijuana to cities on the East Coast and Puerto Rico.

Traditionally, the marijuana had been shipped by common carriers such as airlines, buses, trains and/or driving it across the United States. However, in the past few years narcotic traffickers have increased the use of various commercial shipping and mailing establishments such as Federal Express, United Parcel Service and the U.S. Post Office. Seizure statistics for the past 2 years show an alarming use of commercial mailing companies by traffickers to transfer their marijuana and money. The Commercial Interdiction team recently conducted an intensive mail interdiction operation spanning 11 days. In that period of time 176 parcels were intercepted, which resulted in the seizure of more than 1,600 pounds of marijuana and we seized over \$300,000 in cash coming back into San Diego.

The close proximity to the Mexican border makes San Diego and, recently, Los Angeles, the hub of marijuana trafficking for much of the United States. Based on an on-going investigation, it is esti-



mated that Jamaican traffickers alone ship 100 tons of marijuana from Los Angeles and another 40 or 50 tons from San Diego in a year period. Profits explain this phenomenon. In San Diego, marijuana can be purchased for \$300 to \$400 per pound, and then be resold on the East Coast for as much as \$1,000 to \$1,600 per pound.

With the cooperation of law enforcement agencies on the East Coast, what the Parcel Interdiction Team tries to do is we intercept the packages when we work these shipping companies. We have found that it is much better if we do send the packages on to the East Coast where local agencies or DEA will make controlled deliveries of these packages, resulting in arrests back East and provide us intelligence information so we can followup and hopefully make arrests here in San Diego.

This is a brief overview of the trafficking in San Diego County and in conclusion I do want to thank you for allowing my testimony.

[The prepared statement of Sgt. Lee follows:]

COMMITTEE ON GOVERNMENT REFORM  
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY  
AND HUMAN RESOURCES

Statement by Scott Lee, Sergeant, San Diego Police Department

Assigned to San Diego County Integrated Task Force

March 7, 2000

Good morning, Mr. Chairman and distinguished members of the Subcommittee. It is indeed an honor to appear before you today to give an overview of the narcotics trafficking situation in the San Diego area.

I am a Sergeant on the San Diego Police Department assigned to the DEA-hosted Narcotics Task Force (NTF). NTF has been in existence for the past 26 years and has come to epitomize drug law enforcement in San Diego County. The task force is comprised of eight teams, consisting of 100 people from 16 different Federal, State, and Local law enforcement agencies. It is responsible for the investigation of major narcotics trafficking in San Diego County. Two of the NTF teams, the Airport Team and the Parcel Interdiction Team, which I supervise, are HIDTA-funded.

NTF has the mission of meeting the drug trafficking threats to San Diego County. The arrest and seizure statistics for NTF in the last fiscal year clearly illustrates the drug trafficking situation in the county. Approximately 50% of the arrests and seizures were for methamphetamine, 35% for marijuana, and arrests for heroin, cocaine, and other dangerous drugs, which include the new, so-called "designer drugs", made up the remaining 15%.

The trafficking characteristics of the two major drugs of threat, methamphetamine and marijuana are widely disparate. Methamphetamine traffickers are commonly white males with no noticeable organizational makeup. Much of the methamphetamine is locally produced in small-scale "kitchen labs," but the majority of methamphetamine seized in San Diego County has been produced in Mexican laboratories. Marijuana is likewise smuggled across the United States border by Mexican cartels. However, much of the marijuana is purchased in San Diego County from the Mexican traffickers by organized groups of traffickers prominently led by bands of Jamaicans and Puerto Ricans. These groups in turn ship the marijuana to cities on the East Coast and Puerto Rico.

Traditionally the marijuana had been shipped by common carriers such as airlines, buses, trains, and/or driving across country. However, in the past few years narcotic traffickers have increased the use of various commercial shipping and mailing

establishments such as Federal Express, United Parcel Service, and the United States Postal System to transport narcotics. Seizure statistics for the past two years show an alarming use of commercial mailing companies by traffickers to transfer their marijuana and money. My Commercial Interdiction team recently conducted an intensive mail interdiction operation spanning eleven days. In that period of time 176 parcels were intercepted, which resulted in the seizure of more than 1,600 pounds of marijuana and \$300,000 in cash.

The close proximity to the Mexican border makes San Diego and, recently, Los Angeles the hub of marijuana trafficking for much the U.S. Based on an on-going investigation, it is estimated that Jamaican traffickers alone ship 100 tons of marijuana from Los Angeles and another 40 or 50 tons from San Diego in a one year period. Profits explain this phenomenon. In San Diego, marijuana can be purchased for \$300 to \$400 per pound, and then be resold on the East Coast for \$1,000 to \$1,600 per pound.

With the cooperation of law enforcement agencies on the East Coast, parcels that are interdicted in San Diego containing drugs, are shipped to those agencies for controlled deliveries. These deliveries result in arrests in those locations and provide intelligence for investigators to pursue leads in the San Diego area.

Mr. MICA. Thank you, and we will now hear from Mr. Jack Campana. He is the director of comprehensive health and physical education with the San Diego Unified School District. You are recognized.

Mr. CAMPANA. Thank you, Chairman Mica and Congressman Souder and Congressman Bilbray. I am pleased as a staff member from public education to testify with you, to you this morning.

Today, in public education, not only must we have high achieving students, we must have healthy high achieving students.

Responding to the drug crisis in southern California, San Diego City Schools has identified prevention education, graduated sanctions and intervention policies and program that reflect the interest of students and the community we serve. We support and encourage law enforcement officers to become involved in providing prevention education and skill building at the classroom level by using effective research-based models. Superintendent Alan Bersin and Police Chief David Bejarano have worked together to bring juvenile service team officers into schools to pilot Dr. Gilbert Botvin's Life Skills Training that is a research-based substance abuse prevention curriculum to grade 5 students at 17 elementary sites. Other law enforcement officers work collaboratively with life skills teachers assigned to high schools to prevent several other successful curriculum lessons. Examples are Looze the Booze, alcohol abuse, domestic violence, date rape, border alliance issues, and conflict resolution.

Under the leadership of Special Agent Phil Donohue, the Bureau of Narcotic Enforcement has developed a prevention education cadre of agents which provide classroom, parent and school staff presentations on a wide variety of alcohol, tobacco, and other drug topics.

What is most important and what we have found most effective is to have a substance abuse policy. Staff from schools, law enforcement, probation, juvenile court, and parents developed our policy. All discipline related to alcohol, tobacco, and other drugs is enforced consistently district-wide and applies to all incidents that occur on campus or at activities under the jurisdiction of the school. Possession and use of any substance requires a formal suspension unless the student and parent agree to participate in an early substance intervention program. Formal suspension would be one where they could be sent home anywhere from 1 to 5 days. But if they participate in the program it is still listed and tracked as a suspension, but they will remain in school. School police and law enforcement officers today provide an "event tracking number" for all juvenile contact involving alcohol, tobacco, and other drugs. This tracking system allows for educators, law enforcement, and probation to provide early intervention and monitor future behavior. Hearing officers from the juvenile traffic court, department A, provide an additional level of support through the establishment of juvenile drug court and a reduction of fines for students participating in a substance intervention instruction.

Data has been evaluated since the inception of the Substance Use Policy for Students in 1997. Suspensions for alcohol, tobacco, and other drug use have been reduced by 22 percent. This trend can also be substantiated by results found in the 1999 Youth Risk

Behavior Survey where 20 percent of the students reported that they are not using drugs on campus compared to the 1997 data.

You should have in your folder a summary of the Youth Risk Behavior Survey. Our District has participated in this survey which is administered by the Centers for Disease Control and Prevention since 1991. Its a biannual survey. And what we found from 1991 to 1993 to 1995 was a significant increase in substance abuse. In 1997, we found it stabilized and equaled to 1995. And 1999 was the first year in the decade that we have some good news. We cannot cheer about it, but it was the first time in the decade of the 1990's where we saw a significant decrease in use among high school students of all drugs.

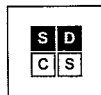
One area though that has remained a tremendous concern during the 1990's has been the supply of drugs. Students in San Diego City high schools over 40 percent during the decade of the 1990's have reported that they have been offered drugs on campus. Unfortunately, that is one of the highest percent in the nation.

Mr. MICA. What was the percent?

Mr. CAMPANA. It has been over 40 percent of our high school students have reported that they have been offered drugs, illegal drugs. One thing we do know is that the supply certainly has remained high during the decades and we still must continue our effort to stop and reduce supply, but we do have to remember that if we are really going to be effective in reducing substance abuse among youth we have to one have research-based effective prevention programs and we have to have early intervention and good treatment for our students as well as adults in this community.

Thank you.

[The prepared statement of Mr. Campana follows:]



## SAN DIEGO CITY SCHOOLS

COMPREHENSIVE HEALTH AND WELLNESS  
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Office of the Director

Testimony of Jack Campana

Government Reform Committee  
 Subcommittee on Criminal Justice, Drug Policy, and Human Resources  
 Public Hearing on  
 "Responding to the Drug Crisis in Southern California"  
 March 7, 2000  
 United States Coast Guard Station  
 2710 North Harbor Drive  
 San Diego, California

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- Looze the Booze Alcohol Abuse
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#### Substance Abuse Policy

Staff from schools, law enforcement, probation, juvenile court, and parents developed our policy. All discipline related to alcohol, tobacco and other drugs is enforced consistently districtwide and applies to all incidents that occur on campus or at activities under the jurisdiction of the school. Possession and use of any substance requires a formal suspension unless the student and parent agree to participate in an early substance intervention program. School police and local law enforcement officers must provide a "event tracking number" for all juvenile contact involving alcohol, tobacco, and other drugs. This tracking system allows for educators, law enforcement, and probation to provide early intervention and monitor future behavior. Hearing officers from our Juvenile Traffic Court, Department A, provide an additional level of support through the establishment of Juvenile Drug Court and a reduction of fines for students participating in our substance intervention instruction.

Data has been evaluated since the inception of the Substance Use Policy for Students in 1997. Suspensions for alcohol, tobacco, and other drug use have been reduced by 22%. This trend can also be substantiated by results found in the 1999 Youth Risk Behavior Survey (YRBS), where 20% of students report that they are not using drugs on campus compared to the 1997 YRBS data.

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*"The mission of San Diego City Schools is to improve student achievement by supporting teaching and learning in the classroom."*

Mr. MICA. Thank you. Now, I would like to recognize Mr. Tom Hall, chief of police for the San Diego Unified School District. You are recognized.

Chief HALL. Thank you, Mr. Chairman and members of the subcommittee. The data produced in the 1999 Youth Risk Behavior Survey is an accurate picture of the availability and use of drugs in our schools. Although we know that drug use occurs more often in the community than on our campuses, the education of our children remains at risk. Our students arrive to school every day armed with values, motivations and life experiences that mirror our communities. Unfortunately, the drug culture that has evolved over many years has become a significant piece in our lives. The majority of our students do not use drugs, however, they remain very apathetic to those that do. We have a long road ahead of us in educating our youth and the community at large in the realities of the negative impacts of drugs.

The availability of drugs is not a problem to your youth. Juvenile arrests for drug abuse in our Nation increased 86 percent in the last 10 years and unfortunately, the San Diego region was on the higher end of the collected data. My department's arrests as well as the School District's suspension actions further support this reality. It is simply a supply and demand issue. In 1998, an undercover drug buy operation was conducted at two of our high schools with cooperation of the San Diego Police Department. After 3 months of operation, 21 students were arrested for sales of narcotics. This was a low number as compared to the 150 arrests made 8 years earlier. However, we also found that our students had become much more sophisticated in their transaction procedures and usually conducted the physical transfer of these drugs off campus. Those arrested indicated that they could find any drug demanded within days. Our buys included marijuana, hashish, LSD and methamphetamine.

Although the use of alcohol and drugs is a serious health issue and often impairs our students' attendance and learning motivation, our major concern is the relationship to violence. Our data indicates a cycle that appears predictable. During the 8 years of high drug use, many of our students display disobedient and violent behavior. Student discipline data will indicate an increase in referrals and suspensions. This will then be followed by an increase in reported violent crimes and arrests by my Department and other law enforcement agencies. Many of these students reflect an inability to rationally manage conflict using nonviolent coping skills. As reported drug use declines, so does our discipline and criminal data. This has been carried on for the last 14 years.

These behaviors on our campuses create a perception by other students and staff that the campus is unsafe and this increased level of fear interrupts the educational process. Our data will also show an increase in weapons possession during these cycles. In the majority of our arrests, the students indicate they consciously violated the District's zero tolerance policy and brought the weapons to school for protection. They are willing to suffer the severe school and criminal justice sanctions to protect themselves and often state that they would use the weapon if necessary.

Although our data and experience will not stand the test of research scrutiny, I believe there is a definite correlation between drugs and violence that affects safe schools.

What works best for San Diego city schools is a traditional three pronged approach. Prevention, enforcement and treatment. Prevention includes educating our students, faculty, parents and the community at large on the realities of substance abuse and violence. A strong District policy and procedure is also part of prevention. Enforcement is essential as a check and balance to assure our message is taken seriously. Working in tandem, the School District's administrative enforcement actions and law enforcement referrals to probation or juvenile court assures that students and their parents receive treatment and support. There are parents and guardians that simply do not participate with their children and require sanctions for treatment to occur. Treatment is complex and often requires more than addressing substance abuse and/or violence. Family dysfunctions are often revealed which can lead to broader treatment needs. Enforcement is a necessity, however, prevention and treatment is the only long-term solution here.

We need extensive research to support and examine the correlation between drugs and violence, so we can prevent and treat these behaviors. We also need additional support, especially at the Federal level on public education strategies, to get our communities truly involved in finding these solutions and then funding to implement them.

Thank you.

[The prepared statement of Chief Hall follows:]



TESTIMONY  
Before the  
CONGRESSIONAL SUBCOMMITTEE  
Criminal Justice, Drug Policy, and Human Resources  
"Responding to the Drug Crisis in Southern California"  
March 7, 2000  
San Diego, California

By: Thomas W. Hall, Chief of Police  
San Diego Unified School District

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Testimony  
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Page 2

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We need extensive research support to examine the correlation between drugs and violence, so we can better prevent and treat these behaviors. We also need additional support in public education strategies to get our communities truly involved in finding solutions.

Mr. MICA. Thank you for your testimony.

We will now recognize Judge Bonnie Dumanis, Superior Court Judge, San Diego, CA.

Judge DUMANIS. Thank you, Mr. Chairman, and thank you all for having us here today. I have to say that it is not often that I am on this side of the bench, so I am a little bit nervous being in this position.

Mr. BILBRAY. Judge, we are much more comfortable being on this side of the bench.

Judge DUMANIS. Well, in my courtroom, I am sure that is true. At any rate, I am here and pleased to be here and thank you, Congressman Bilbray for bringing this committee here. I know that you have been intimately involved in the drug issue here in San Diego and particularly with the drug court, but I appreciate the opportunity to let the chairman and the other committee members know what we are doing here in San Diego.

My background, just so that you know where I am coming from, I was a Deputy District Attorney for more than 13 years before I went on to the bench, served as a juvenile referee for 4 years in the juvenile court, 2 years with the parents that abuse children and 2 years with the children that commit crimes. I have also served in the Municipal Court and now on the Superior Court, having been elected to both of those positions and I am one of the ones that began the drug court program in the Downtown Central San Diego Division.

I am particularly proud to tell you that our program, the San Diego Central division drug court program was on the cutting edge as well as many of these programs that have been presented today. We were one of the first out of three in the country to add our linkages with the San Diego Police Department. Before, drug courts were Judge-oriented with the law enforcement not being a part of the team. And I think that one of the things that all of the panel members have impressed upon you is that San Diego can be very proud of its elected officials and law enforcement because they have continued to collaborate and cooperate in this endeavor.

As part of our component of collaboration, cooperation and coordination, I am proud to say that we have on board as team members the Probation Department, the San Diego Police Department, the Sheriff's Department, the Parole, California Corrections Division, Alcohol and Drug Services and the District Attorney, City Attorney and the most unique part, the Public Defender. Unique, because I say it is not often that you see at the same table in a team meeting a police officer with a public defender with a Judge sitting together to make a decision about what the right thing to do is with this particular person.

We do that in the following way. Our program is a post-plea program which means that in order to get into our program an offender must admit responsibility. They must plead guilty which means that we save our taxpayers the money of having subpoenaed law enforcement, we keep our law enforcement officers on the streets and not in jury trials. We have an agreement with the participant that they will test regularly. That they will come to court weekly, that they will go into treatment and that they will become clean, sober and productive citizens. The component of drug court

that has worked particularly is to have hand in hand the courts and law enforcement as well as the defense monitoring these offenders and I think it has been said before that one of the cornerstones to our program is that we have swift, sure sanctions and in a criminal justice system that is not always the case, particularly the swift part.

When someone tests positive they go into custody right then and there. There is no trial. There is no motion. There is no hearing. We talk about it, but they go into jail right from the court. The supervision is what we call supervision with a vengeance. The police officer goes out, the probation officer goes out, checks on the home, the family, those people that they are involved in to make sure they are in a clean and sober environment. The law enforcement officer is the eyes and ears of the court. And the offender gets to know a law enforcement officer in a different way. It promotes respect by the Defendant for law enforcement and it also promotes law enforcement officers having the opportunity to see the outcome of what they have been able to begin.

We, at our graduation ceremonies, give out to law enforcement a letter of commendation, as well as a plaque to our graduate and we invite every law enforcement officer that was the initial arresting officer for that offender. And the reason why we give letters of commendation is because although it may be an ordinary event for that police officer to make an arrest, it leads to an extraordinary outcome and that is we have a clean and sober person now in our community working.

The police officers get an opportunity to see those people now at the other end of the system and they have made a change and they have facilitated that change. No one is more behind it in San Diego than law enforcement because all of us across the board, the County Board of Supervisors, Supervisor Jacob has been the champion on the Methamphetamine Task Force. Supervisor Cox and Supervisor Roberts have been hand in hand with us on this drug court emphasis. Out in the juvenile court, Judge Millikin has spearheaded the effort for the dependency court and the delinquency drug court and is the chair of our county-wide Drug Court Advisory Committee to begin our system-wide approach.

As pointed out by Supervisor Cox, the problem is that the drug court addresses only 2 percent right now of all the offenders that we see. I am currently in the domestic violence court, and I think he also mentioned that domestic violence we see alcohol and substance abuse permeates that as well.

I think it is fair to say that more than 80 percent of all those that come through the criminal justice system have a substance abuse problem. It is not the cause, necessarily of what happened, but it is, it permeates throughout and it costs us a lot of money.

As I think has been pointed out one of the things that is very important and dear to us is the funding sources. We have relied on local law enforcement. The Sheriff has given us asset forfeiture money. San Diego Police Chief, Chief Sanders and then Chief Bejarano have given us block grant money and we have received funding from the Nation drug court office. But we do not have a stable source of funding. We are always going hat in hand to wherever we can. We have even formed a nonprofit organization to go

out into the community and partnership with community members. So we look to you for your help in that area, particularly as we go to a system-wide approach which would not only be just the drug court, but it would be every offender that comes in would have to test for drugs before they are released out of custody, would have to go into treatment, would have the hammer of the Judge behind that so if they fail they go to court, they go to jail and if they cannot make it in the community they make it in prison and we are also working on the end to have beds in prison available through, we have it here in San Diego at Donovan State Prison, the Right Turn Program. We now have a female alternative to the State Corrections System here in San Diego for females who have children to work on that. I could talk forever, so I am going to close. Thank you so much, Supervisor Bilbray showed our drug court graduates around in Washington, DC. When would you ever see that happen? People who have been through the criminal justice system with and proud to be taxpaying members of society honored by their Congressman to be taken around the capital and show cased for the Nation.

Thank you.

[The prepared statement of Judge Dumanis follows:]

**Judge Bonnie Dumanis Speaking Points:  
March 7, 2000**

Judge Dumanis will speak on the effects of Drugs she has seen from the Bench including:

- Her experience in Drug Court
- Her experience in Domestic Violence Court
- Relapse Issues
- The success of making it through graduation
- Juvenile Drug Court

Mr. BILBRAY. Judge, I am honored to be called the supervisor.

Judge DUMANIS. I am sorry. You were supervisor.

Mr. BILBRAY. Once part of the team, always part of the team.

Judge DUMANIS. That is right.

Mr. MICA. Well, I want to thank all of our panelists for their testimony today. I have a few questions, and then I will yield to other Members.

First of all, with your Meth Strike Force, I understand from your testimony it started in 1995, and I was interested in how it works with the HIDTA. The HIDTA was started in 1990 and the HIDTA did not address the meth problem. This is a local initiative?

Ms. JACOB. The Meth Strike Force was a local initiative, yes, and as I mentioned—

Mr. MICA. Was it totally funded by local contributions?

Ms. JACOB. It is basically using existing resources, existing agencies. The difference here is that we are putting law enforcement, education, health officials together with the four-pronged approach of prevention, intervention, interdiction and treatment.

Mr. MICA. Have HIDTA resources gone into that effort?

Ms. JACOB. I believe that they are a part of the Strike Force. Undersheriff Jack Drown is one of the co-chairs along with Dr. Bob Ross, our Director of Health and Human Resources. Again, it is not additional money. It is the resources available. It is coordinating and collaborating and bringing them all together—

Mr. MICA. It sounds like you have done a good job locally. From our standpoint they are asking for over \$200 million for HIDTA. I have a HIDTA that I started in my area. There has been a HIDTA here from 1990, one of the original ones. I am wondering what good they are doing.

Ms. JACOB. I think that you will hear more from—

Mr. MICA. No, no. I am interested in hearing from you. These guys have this down pat. They will be asking me for more money, more resources—

Ms. JACOB. So will I. HIDTA has been extremely helpful.

Mr. MICA. But you are here and you are telling me you have had a meth epidemic. You are addressing it with a task force. I am not sure how the HIDTA fits into it. I am trying to find out where our Federal money is in this picture. Maybe, I should not be funding that. Maybe, I should be giving you directly more resources.

Ms. JACOB. HIDTA is a part of it. HIDTA is a part of the Meth Strike Force effort so more funding for HIDTA means more aggressive efforts for the Strike Force as a whole.

Mr. MICA. And you are happy with the HIDTA performance?

Ms. JACOB. Absolutely.

Mr. MICA. If you had to change something, again, this is just like a big Board of Supervisors in Washington. It really is except it has 435 Members.

Mr. BILBRAY. Except they have a time limit on speaking.

Mr. MICA. Yes, but we are spending nearly \$18 billion on this whole effort, and my purpose in being here is to see how we can improve it. You are saying we need more money, but you have also said that locally you have developed a cooperative effort that has been very successful. I am anxious to hear how you did that and how we can complement it through our resources here.

As you look at the Federal involvement from your vantage point as the supervisor, additional funds, is there anything else, additional flexibility, now the court program sounds successful. It only addresses 2 percent which is a very small figure. Our subcommittee has looked at these prosecution programs. We have looked at several models around the country. They seem to be very effective if you have the hammer and a constant source of funding or support. Is that something that you favor too?

Ms. JACOB. The drug court is strongly supported by the Board of Supervisors and we have taken action to expand it again its resources that are needed. The drug court is one of the most successful programs that we have in treatment.

Mr. MICA. We have had people in from Arizona. We went up to New York and looked at Guiliani's very successful program, the same thing.

Ms. JACOB. Right.

Mr. MICA. You step out of line, they have got the hammer. And a pretty good success rate. Yours sounds similarly successful.

Ms. JACOB. But the systems approach though is what I think we need the more resources for because even those programs. There are a few nationwide that do a systems approach. They have a different track system so that everyone that comes in with a substance abuse issue it is a drug charge and we do not handle violent offenders though. But everybody that comes in has to go through this court, has to be monitored, has to be in coerced treatment or they go to prison and even when they are in prison they cannot get out of prison unless they complete in prison a coerced treatment program they are not let on parole.

Mr. MICA. And that is State and local funded now?

Ms. JACOB. Well, we have not begun that process here in San Diego. We are looking at that now. I am not sure how the other courts have done it, but I did want to let you know, Chairman, that the HIDTA Federal grant money did go to the drug court in the demand reduction. It was one of the first times they had given part of their funding to demand reduction.

Mr. MICA. I think you all were going to change other things at the Federal level. Sergeant Lee, maybe the school folks could tell me, is there anything else you see that we need to do? We just got through spending \$1 billion on an education program. We are over a third of \$1 billion into it. We have had the drug czar in trying to look at what we are doing right and wrong. It seems to have had some impact on our students, and we are seeing a slight blip nationally, as you said here. I am not sure if that is a success of what we have done. It is actually a \$2 billion program because Clinton wanted us to appropriate \$1 billion, but we also insisted on a \$1 billion in donations. So it is actually double that amount, and we have seen the first part of it, although a lot of the young people we talked to do not seem impressed with the program.

Do you think it is having any effect?

Mr. CAMPANA. One of the changes we have observed, especially in the last 4 years is that it was not just helter skelter here is money and we will just throw money at the problem. We now have to certainly evaluate any program we do. And it has to be a research-based effective program and that has made a difference



rather than a cure for substance abuse prevention, which we were caught in this month. Every month some new group would say this is what you can do and it really was not resulting in the positive effect on reducing substance abuse, so what we have seen change through Title IV of the IASA, Safe and Drug Free Schools is much more accountability and effective research program.

One area that I do not know how you can help, but it certainly affected us in San Diego. Under Title IV of the Improving America School Act, 70 percent of the money for prevention effort to schools is entitlement money, it is so much per student. Each State has discretionary funds on how they can provide additional support to Districts in need and what happens though in this formula is the more success you have, the less chance you have of continuing the funding.

Mr. MICA. That is right.

Mr. CAMPANA. And we in San Diego city schools lost approximately \$750,000 because of having a reduction. That has caused reduction in the program. And that is something that I hope in legislation and in Title IV that they can be some incentive for successful programs.

Mr. MICA. If I may, Mr. Lee or Sergeant Lee, did you have something, any recommendations you would like to see changed in any legislation operations from the Federal level?

Sgt. LEE. Speaking primarily for the team that I supervised which is HIDTA funded, when that team was originally developed we in San Diego were interdicting the drugs here, keeping the drugs here. It was thought that a lot of the people shipping drugs throughout the United States were not organized. We are now finding that it is probably a much bigger organization sending that out there, primarily Jamaicans and Puerto Ricans as we are seeing.

The funding that we do have was appropriate at the time when we thought it was more unorganized. However, the investigations that we are doing now, it is a much bigger problem throughout the United States and that is why we are cooperating with the different agencies throughout the eastern seaboard. The funding probably could be increased to fight that.

Mr. MICA. We are hearing that. I have heard that in hearings that we have been doing around the country. In fact, as a result of this hearing, we are going to conduct a national hearing on that at some point to see if we cannot help get that better organized in an effort to address that particular new problem.

Mr. Souder.

Mr. SOUDER. Thank you. I have a number of things. First, if you were not aware of this, you have joined a distinguished group of people who testify in front of our committee. At least you are answering our questions. We have had Charlie Tree last week who could not remember who was at his apartment when the calls went to Indonesia and to the White House, and we had Craig Livingstone who could not remember who hired him, and at Waco the ATF could not remember who exactly left the search warrant in their car. So it is a distinguished group of people you are joining.

Mr. MICA. With good recall.

Mr. SOUDER. A couple of things. I am going to go a couple different directions. I did want to make a comment that several of you

mentioned about a stable source of funding which the Federal Government is not and will not ever be. First off, constitutionally, we are bound by 2 years in the funding cycle, so every program has to be reanalyzed, so there is no such thing as a stable funding source, plus we go up and down much faster than what happens at the local county, State and volunteer sector. So do not view that if you have a stable, whether it is the COPS grants that we put in or whether it is drug courts, 1 year it is up and the next year it is down which is why historically the money has been used on hard goods as opposed to personnel because it is so unstable which has kind of distorted the systems too.

Another thing, I could not resist, although Mr. Campana qualified a little, is that when we in the Education Committee go into research base and what that has actually been done as we put it into the things. It is a tremendous job boost for beltway bandits who do research because then everybody comes, and I have never heard of a program that has failed in any hearing in Congress or as a staffer unless they found the solution now and want the money. E.D. Herscher wrote Cultural Literacy. We had a tremendous exchange on that trying to define even better what good research is. I think it has helped in some places. In other ways, it is trying to define it even further as we get into it without putting too much control on it because that is a great way to manipulate the locals by having a Federal decision of what is research based. So I just wanted to throw that in the record.

I have some very specific questions. Let me start with the drug court. What percentage of your money comes from asset forfeiture?

Judge DUMANIS. I do not recall.

Mr. SOUDER. Good, at least you have not fled the country.

Judge DUMANIS. I was only joking, but I am told it is less than 10 percent.

Mr. SOUDER. And is that asset forfeiture money?

Judge DUMANIS. The Sheriff of San Diego represents all the Sheriff contract agencies for all the smaller cities and then the San Diego Police Department as well as the smaller cities like Chula Vista has given the South Bay area some of their. So almost all of law enforcement has pitched in to their capacity with some.

Mr. SOUDER. And do you know what percent came from HIDTA?

Judge DUMANIS. HIDTA was a small percent. We received, it went actually to the Police Department, but for the purpose of drug court, I think it was a vehicle for the police officer that was liaising to the Department for equipment, primarily. So I am not exactly certain what the amount was.

Mr. SOUDER. In Mr. Cox's testimony he said this has been approximately 3 years?

Judge DUMANIS. That is true.

Mr. SOUDER. And you are up to nearly 500 cases?

Judge DUMANIS. 500 graduates.

Mr. SOUDER. Graduates.

Judge DUMANIS. Yes.

Mr. SOUDER. When you say you have had success, are the people coming into the drug court preselected, self-selected? Who determines who is eligible? Obviously, not violent, I understand that.

Judge DUMANIS. The prosecutor begins the screening process, but we have an overall criteria which actually we came to consensus with our Criminal Justice Subcommittee—I am not sure what it is a subcommittee of. But anyway, all of those of us here at the table are represented there as well as the community is represented, Supervisor Jacob, I know chairs that committee.

Mr. SOUDER. Before somebody comes in?

Judge DUMANIS. No, we just got together and got some criteria. So the criteria basically is considering public safety is the primary concern, so if they have prison priors for violent felonies or even prison priors, that usually excludes them. If they have any violence that excludes them. In San Diego in the Central Division, if they were driving while under the influence because of the public safety concerns that usually excludes them. So it is usually people that use drugs as a felony or as a misdemeanor or are drug driven in their crimes. We try to take some of them as well into the program.

Mr. SOUDER. Do you do any kind of screening as to whether you think this might be successful? In other words, do you look at a person and say this is a relatively recent thing? There is a support system around them?

Judge DUMANIS. No. We do not.

Mr. SOUDER. Education background?

Judge DUMANIS. No.

Mr. SOUDER. No creaming?

Judge DUMANIS. No. We usually take the bottom of the barrel. I mean most of the people who choose to come into our program choose to because they want to get clean and sober though because they have been in jail most of the time. They usually have about 10 cases per person.

Mr. SOUDER. So it is self-selecting.

Judge DUMANIS. Yes, it is self-selecting in that situation.

Mr. SOUDER. How many people who have self-selected initially have dropped out?

Judge DUMANIS. About 20 percent and dropped out not just by their own choice, dropped out by the court's choice as well. We sentence them to either prison or local custody and some of them have dropped out because they cannot handle the strictness of the program.

Mr. SOUDER. One of the problems we have had in the drug court in my home area is that depending on the mix is if their sentence is not that severe, they may drop out. Not because they are necessarily guilty, but they do not want to go through the drug testing and so on. They figure hey, this is not worth it. I will just serve the rest of my term. There is too much accountability which I think is great.

Judge DUMANIS. Exactly. That is the problem. For them. It is not a problem for us.

Mr. SOUDER. And then how many did you say have relapsed out of the graduates?

Judge DUMANIS. Out of the graduates I think it was 8 percent, and I do not know about relapse. What we have been tracking is whether they came back into the criminal justice system. So it is a very small percentage, but I just want to let you know that in our original program when we had only misdemeanors, we now

have felonies also, but that theory that they had to have a long sentence did not hold for us. More than 100 of our people were self-selected misdemeanors, so the most they could get in local custody would be 1 year and the most they would serve even when that 1 year because of the crowding in the jails would be around 6 months. So they knew that for many of them they could do that on their head, doing 6 months in custody because they had spent most of their life in custody, but they wanted to get clean and sober and they took this rigorous program to do it even despite the fact that we did not have a high sentence hanging over their head.

Mr. SOUDER. How many had been through other treatment programs?

Judge DUMANIS. Many of them have been through other treatment programs, but they have never been coerced treatment. We have not had good success in the past in the criminal justice system to tell them to go out and get treatment, but we have not monitored it and probation has not had enough resources to really monitor either. Now when we have them come back we monitor, we get reports from those programs and we put them in jail if they do not go to those programs.

Mr. SOUDER. Thank you. As we move into the drug court last year, we boosted up in a separate amendment on the House floor. I know, I like many others, that when you are dealing with a hard case population, so to speak, there is unrealistic expectations of the success rates, and we have to be careful we do not overestimate this one too because I mean many of your 500 have just gone in—

Judge DUMANIS. That is right.

Mr. SOUDER. And when we compare to other places where there is relapses, we are often looking at 10 year release period, but the fact is that it is hard to see any negatives to this and certainly every case, even if in the end it only reaches 30 percent. The truth is that our research on treatment programs shows it is not very successful which now leads me into the prevention programs. I wanted to talk about this Title IV question that you raised.

What you are suggesting, and I favor driving, we put almost everything at a State level and none to the schools. That is still being debated in the final form of the bill. I take it that you definitely feel that at least 70 percent ought to be driven to the school districts?

Mr. CAMPANA. Correct, even higher.

Mr. SOUDER. And part of the argument against that is that in small school districts, they do not reach the threshold and we also cannot screen which programs are effective and not effective which I understand that argument.

But coming back the other direction, in effect, I know you did not mean it this way, but this is the dilemma we have when we are dealing with the subsection. You said that there is no incentive for success. Well, obviously the incentive here should not be funding. The incentive for success is you are helping kids in the school district, and you are changing your community and that it is hard to argue. One of the dilemmas here is if a problem is starting to get solved in one place, presumably the problem is getting solved in one place, and while I understand if suddenly you pull the pro-

gram, it changes. On the other hand, the danger of putting it into an area where it is not getting solved, it may not be getting solved because of the programs are bad, but it may not be getting solved because the demographics are changing and so on. It does not mean we should not be concentrating on those areas. Would you have it be a phase down? I am facing this in my district, too, where I have the successful programs are getting reduced.

Mr. CAMPANA. What I mentioned and I clarified in the beginning that is not an easy decision. What happens is clearly the success of a program is that you reduced substance abuse, but when the funding is pulled, the very program and the people who were put in as a result of funding from this program are now pulled back. And that is what I mean this is incentive for success is that you no longer can have the program if the funds are pulled.

Mr. SOUDER. And how would you do that? Clearly, we are going to move some of that. The truth is that we are in a zero sum game that we can talk about. We heard plenty of ways to spend the money here at this hearing as well as Sacramento and wherever else we go, but you know, Medicare prescriptions are coming up and Social Security trust fund and not to mention more funds for education in general. There is a limited amount of dollars. You would like to think that as you make progress in an area, you can at least guess what percentage of that do you think you can pick up from the State and local and voluntary sources because it is clearly not going to be 100 percent sustenance to places where they have had a dramatic drop. Hopefully, that will not be a discentive because the problem is so great, every body should want to do it. But can it be 100, 75, 50, 25? Clearly, there is going to be a drop.

Mr. CAMPANA. I do not have a formula and I have been at a number of meetings where this has been discussed and no one can come up—we have not been able to come up with a consensus. But I would like to see something where if we can show, for example, today in our State an improvement in educational achievement, the school gets additional resources and additional funds per student. Cannot we have something in here as well that if we can show a drop, a significant drop, some measure that there is some recognition by saying we are going to allow you to continue at least that program, not saying we are pulling funds so you no longer can have the program?

Mr. SOUDER. My background is business, MBA, and one of the things you hear is figures lie and liars figure. I am not going to quite put it in those terms, but often inside a school district, the improvement is being shown in prevention programs in the more middle class white suburban portions of school districts. The problem has not been improved in the highest risk population. In other words, if you are a drug abuser, you are a drug abuser, but partly what we are trying to do is concentrate into the highest risk populations where the violence is and where there are less resources. Quite frankly suburban and middle class families such as mine, middle, upper middle families have resources with which to address the problem if they would have the willingness. Other places do not even have the resources. Are these figures fairly uniform

when you say you have a reduction, or are they scattered? In effect, if I looked at each school, would I see a reduction in the schools?

Mr. CAMPANA. The way the surveillance is using CDC surveillance system of the Youth Risk Behavior Survey, they have been fairly uniform, but not completely. We do see areas where and with certain ethnic groups, for example, tobacco use among Latino youth is still very high and did not show the reduction as other groups. But that is the importance of having even a local district or a county or a community to do its own surveillance, so with limited dollars you would say well now I have to be able to stress a program in certain areas of your community with certain groups, ethnic groups within the community.

Mr. SOUDER. Thank you. I know I went over. I had one question I meant to ask about the drug courts. Do you see a difference in meth from other drugs?

Judge DUMANIS. What do you mean a difference—

Mr. SOUDER. In other words, is there less success rate?

Judge DUMANIS. No. I think the statistics are about 50 percent of those that we see through the drug court are methamphetamine is their drug of choice, but we did receive a grant to specifically work on the issue of methamphetamine and the problems that are related to methamphetamine and our treatment providers have geared their program toward that, but we have not seen a significant difference in their success rate.

Mr. SOUDER. Mr. Cox, in your testimony, you had Dependency Court Recovery Project. Eighty percent of the parents in the Dependency Court Recovery Project during compliance of court orders and for renotification, did you see any differences in meth? I mean what is troubling is up in Sacramento, I forget the name of the county where they had put an intensive parental program in, people were more likely to be so addicted that they were dropping out and not doing the program. Thirty-four and only four or something did that. They were starting to see it in the other places. I am wondering are you seeing it in meth as opposed to marijuana, cocaine, heroin, alcohol?

Mr. COX. The last figures I saw, the success ratio is comparable to other drugs of choice. I think one of the benefits of that program is the fact that the period of time that it has taken to adjudicate what is going to happen to the dependent has gone from over 36 months average to make a determination whether that child is going to be placed back with their biological parents or not is now reducing down to somewhere in the neighborhood of about 18 months and that is a significant change. But I do not think there has been any significant difference as far as the drug of choice.

Mr. SOUDER. Thank you.

Mr. MICA. Thank you, Mr. Bilbray?

Mr. BILBRAY. Thank you. OK, I guess I will start with you, Judge, because you want to try to remember?

Judge DUMANIS. Yes, Congressman Bilbray.

Mr. BILBRAY. Let me just say I think we are starting to hear more of us in government talk about a term that used to be called tough love, treating people in trouble the way we treat a relative or a child or a friend, something that government was not willing to do in the past. But you broach an issue that is very touchy to

a lot of us and that is this issue of testing. Many people are concerned about the encroachment of big government on privacy. But the testing component within your system, how critical is testing for the success of your program?

Judge DUMANIS. Absolutely. It is the most fundamental part of the program is the testing because it is for the accountability. When we have these drug users in front of us they will lie, cheat and steal and there are websites that will tell you how to beat the drug testing. They have come into court with urine hidden under their arms or use chlorine on their fingernails. When the officers go out into the field and test them, when they are not expecting it and that is when they get them or they test randomly. Through our courts we have them call in. They do not know when they are going to have to test and it is at least three times a week. It is absolutely critical to the program because otherwise they will try to manipulate you and they could come to court and say that they are clean and they are not.

Mr. BILBRAY. My committee on the Health and the Environment of the Commerce Committee has been doing a lot of hearings on new testing systems, the use of hair which can go back to 3 months sensitivity. We hope to be able to have better technology for you to use that is less intrusive and more telling.

What are the school systems using? Is testing being used in the educational institutions?

Mr. CAMPANA. It is in some and it is probably the area where it has been used has been in sports participation and athletic teams. In San Diego Unified we do not mandate testing and I have some difficulty with that personally. I would really like to have young people know that there are right decisions that they make and they do not make them because somebody is going to find out if they are wrong because the majority of our children, not only in San Diego, but throughout the country do make the right choices and are not using drugs. And to test all students is also giving a message that we somehow do not trust them in making the right choices.

Mr. BILBRAY. But in the use of the athletics and as somebody who probably spent more time going to school just because of athletics, there is this attitude that participation in certain activities in school is a privilege, not a right and that educational institutions use that.

Would it not be a lot easier to implement those programs if we had the less intrusive snip of hair rather than going to the urine sample? Would there not be a different perception about the humiliation and the inconvenience of the traditional testing period, I mean system, as opposed to a less intrusive?

Mr. CAMPANA. It would be less intrusive, right, with certainly a snip of the hair, but again I still feel that most students are not using and we would like to certainly have them have the skills and the ability to make right choices and just know that they are not to use.

I think we work on the other end is that with the policy we have graduated sanctions. If a student is found with possession and use, even the first time, they cannot participate at least for a semester in any activity. A second time, it is for a full year and if there was a third time, they are recommended for expulsion.

Mr. BILBRAY. By your own admission though it is most of the use and possession is off campus?

Mr. CAMPANA. Most of the use and possession is off campus, but it is also certainly when you have several percent of students saying that they are using on campus, it does not mean just during the school day. It could be an athletic event or it could be on school property; 7, 8, 9 percent of students reporting they are using alcohol, marijuana is still significantly high.

Mr. BILBRAY. Well, let me just say it was a tradition in our family that after a summer on the beach, the first thing a coach would do when you wanted to play football was if your hair was too long, he would give you a helmet two sizes too small. When you complained, he would inform you that it will fit fine as soon as you got the buzz, and so haircuts were part of the tradition of those of us in athletics for a long time. Believe me, I thought my rights were being violated too.

Chief HALL. Congressman Bilbray? If I may, I alluded to this in the testimony about the apathy of our public and our parents. This is an important issue when we are talking about testing and making followups with the behavior of youth and their children. First of all, the public in my reading does not support doing on-going testing. We had a student spike a teacher's drink with LSD and he almost died, 2½ years ago. In that investigation and this is from a middle school, we revealed the names of 43 students who were heavily involved in drugs in the community, but at which point we could not arrest. It was good, confirmed information through the narcotics task force and our officers in that investigation. We called at least one or both parents of every one of those children and advised them of what we knew, that the child would not be arrested and we gave them the name of laboratories and suggested they have their children tested. We also gave them a list and mailed it to them of all of the treatment facilities and centers and programs available to them. Only 31 percent of the parents followed up and had their children tested. Of the 31 percent all of them tested positive and all of those children went to drug programs with supportive parents and to our knowledge have not been recidivists in the system. The others had a 54 percent recidivism rate within 1 year.

So it speaks to the apathy. We have a long road ahead of us in educating our public on the seriousness of these behaviors. It is no longer when your child comes home and they tell you he is drinking and many of the parents will still go "well thank God it is not drugs." It is an addiction. It is substance abuse whether it is alcohol or drugs and we have got a tough road.

Mr. BILBRAY. Chief, well, I appreciate that information. One of the frustrations we had in Washington is a lot of our attitudes in Washington needed a change. We actually had the FDA that was not willing to license home testing systems because at the same time, they were fast tracking home pregnancy testing. They were blocking home drug testing because of their perception that there was a privacy issue for the child being imposed by the parent and that Washington was going to decide if a parent would have the option to be able to have a testing system or not. And in the testimony, basically, it was an interesting concept. In fact, I made the point of looking at somebody, look at their age and those of us who



were derelicts of the 1960's may want to rethink our attitudes about drug use and how serious we want to do it. I only bring it up because I grew up in a community that had extensive drug use, much of it was military, driven military. And I would say to you, Mr. Chairman, I would really suggest the committee study what the U.S. military did to curtail drug use among their personnel because they were serious about it. They used research. They used drug sniffing dogs and they used periodic testing, and I do not think there was any place in American society where we have seen such a dramatic drop off of use as we saw with the Department of Defense. The other success is Department of Transportation. And so I just hope we build on those successes.

Now Mr. Cox, one of our frustrations that we ran into with the county was how many people that were on public assistance were also identified as being involved with drug use. You and Supervisor Jacob were very instrumental in implementing a program that we had only dreamed of being able to do. Then, you did it with the support of people that traditionally opposed testing, at least who did initially. And that was the fact that civil libertarian lawyers not only did not go to court to block you at that time, they embraced the concept.

Can you explain to this body what you did with your general relief and the issue of testing and how you integrated that in with your treatment and the total package approach?

Mr. COX. What we did and I think it was around 1997, we took an action that would require any new applicant for general relief to have to submit as a condition of their eligibility a urine test and if they were positive then we offered them a program as a condition of their eligibility for treatment and prevention and you are right, the normal opponents of that type of a program were supportive because it was tied in with treatment for the individual.

And that is one of the things in the study that we did, the \$1.8 billion cost of drug and alcohol costs that was experienced in the county of San Diego in 1995, only 2 percent of that total cost was in the area of treatment and prevention and I think if we can do more focusing on treatment and prevention programs, in the long run those costs will go down significantly. That is the biggest hurdle that we have to deal with is—and most of our programs we run in the county that even if we determine there is a problem and this is particularly true in the dependency court it would take 5 to 6 weeks to get somebody into a treatment program. Now under Judge Millikin, once that parent comes into his courtroom, they are basically given a choice. Do you want to keep using drugs or do you want to keep your kids? And if they want to keep their kids then by the time they leave the courtroom they are meeting with a social worker. They are getting placed in a treatment program and the balance of the sanctions, if you will, the tough love as you referred to it, is in place, ready to go.

So if I can implore anything on you, it would be we need to focus more resources than we are currently on treatment and prevention.

Mr. BILBRAY. I would just like to point out to my colleagues as you pointed out, the issue of where the problem rests is not generally spread out. It is concentrated in certain components of society. Those components to be where there is more public resources

being expended proportionally than anywhere else in society. One of the things that San Diego County pointed to is make sure that the public resources that were going in to help children, to help the needy, were not being diverted into substance abuse and paying for a whole new program or problem. And the key here was the fact of using the results of positive testing as an entry way into treatment rather than a punitive action and I think that was the key in there and I want to commend you on that.

Supervisor Jacob, I want to commend you at using a term that I want us to use more often too and that is contamination. Drugs contaminate the community, and San Diego County has one big advantage when we talk about contamination. Many of the precursors of methamphetamine are identified as hazardous materials and are regulated by environmental health agencies. You may want to explain to the committee, quickly because we have got another panel, how tracking those hazardous materials for environmental reasons gave San Diego an upper hand in being able to identify how and where resources were being made available for meth labs.

Ms. JACOB. I am not sure about your question.

Mr. BILBRAY. Well, I meant the way the hazardous materials people could be able to at least inform the Sheriff's Department that there was a whole lot of these precursors that were going to some residence or being bought by somebody who did not have a legitimate purpose and that information being able to be used by law enforcement. And it was an environmental issue that ended up being a law enforcement issue.

Ms. JACOB. Again, it is an example of the Meth Strike Force which is bringing agencies together and there is more cooperation because they are talking. There are 70 different individuals that are sitting basically around a table from education, health, law enforcement, at Federal, State and local level so the environmental health issue when the hazardous materials team goes in to clean up a lab, they talk to law enforcement and identify not only the ingredients in the meth, but also again it involves the District Attorney in the Child Endangerment Unit the DA has put in place. It has been very successful that I talked about earlier.

So the multi-faceted approach is working well in San Diego County and to me it is these kinds of efforts that we have demonstrated success because we are measuring our success through the report card that I just provided some recent information for you. If we can get resources to put into a program like this that is working and working well through collaboration, I think we will have a chance of eradicating the community of the deadly drugs that are out there. That would be the ideal.

Mr. MICA. Thank you. Mr. Souder had a followup.

Mr. SOUDER. I had a quick followup question on the AFDC, Mr. Cox, Ms. Jacob or whoever. Can you use AFDC funds, the welfare funds for the drug treatment? Can that be used or how do you pay for the drug treatment?

Mr. COX. The AFDC funds are all local funds. There is no State or Federal money that comes into that so the treatment is actually through other funding sources available through the county.

Ms. JACOB. The general relief.

Mr. COX. I am sorry, the general relief. General relief is all county funds.

Mr. SOUDER. So you do not have any AFDC funds there?

Mr. COX. Not in general relief.

Mr. SOUDER. Would you be allowed to use it to help pay for that if you chose?

Mr. COX. Well, it would be——

Ms. JACOB. That is Federal money.

Mr. COX. You mean the AFDC funds?

Mr. SOUDER. Yes. In other words, the States are asking us because right now they are running surpluses that they cannot tap into because, in fact, the welfare rolls have been reduced because of welfare reform. The question is could some of that dollars be used to pay for drug treatment for the people who are stuck in the welfare system?

We will check to see. I was just wondering.

Mr. BILBRAY. That is an innovative idea.

Ms. JACOB. One of the things that should happen very quickly here, back to the drug testing that Congressman Bilbray mentioned, we did have some flexibility with general relief welfare because that was county funded program and just by posting the fact, putting up a sign fact that people were going to get drug tested when they came in for general relief welfare, actually half of them at the time we ran the numbers did not come back just because they knew they would be tested.

Now the problem when we get into what was known as AFDC now is TANIF is that the State law has changed so that there has to be reasonable cause. These are people with children, as we all know, but we do not have the local authority to drug test these mothers, these individuals, let alone the treatment programs. That is a problem.

Mr. MICA. I want to take this opportunity to thank all of you. You spent several hours of your morning with us, you provided our subcommittee with some insight as to how you are tackling your local and regional problem here, and how we can do a little bit better job in assisting you. Hopefully, we have learned some of that today.

I always invite our panelists, particularly those not from Washington to contact me. If there is something you did not want to say publicly to address it to me or to the subcommittee that needs our attention. Sometimes, working with the different agencies, you are reluctant in a public forum or under oath at a hearing to relay those comments, but I do welcome any of your suggestions on how we can do a better job to tackle this. And I salute you. You have a monumental task. You are at a geographic position that puts you right in the middle of a number of issues, a corridor that is very difficult to control. It appears that you have tackled that locally as best you can with limited resources, and unfortunately, with limited assistance from the Federal level. I thank Mr. Bilbray again for inviting us here and for your participation this morning and to this afternoon. Thank you, and you are excused.

I will call our second panel, if I may. Our second panel consists of Mr. Edward Logan, Special Agent in Charge of the U.S. Customs Service in San Diego. The next witness is Undersheriff Jack

Drown, and he is Executive Committee Chair, the California Border Alliance Group, Southwest Border HIDTA. Another witness on this panel is Captain Robert Allen. He is the Commander of Activities at the San Diego U.S. Coast Guard operations in San Diego here. Then Mr. William Veal, who is the Chief Patrol Agent of San Diego Sector of the Immigration and Naturalization Service.

As I mentioned to the previous panel, we are an investigations and oversight panel in Congress, and we do swear our witnesses. Some of you may have testified before Congress. If you would please stand and rise, raise your right hands.

[Witnesses sworn.]

Mr. MICA. The witnesses answered in the affirmative, and I am pleased to welcome you. I understand Mr. Veal is only able to be with us until 12:30, so we are going to recognize him first. He is Chief Patrol Agent from the San Diego Sector of INS. Welcome, sir, and you are recognized.

**STATEMENTS OF WILLIAM VEAL, CHIEF PATROL AGENT, SAN DIEGO SECTOR, IMMIGRATION AND NATURALIZATION SERVICE; EDWARD LOGAN, SPECIAL AGENT IN CHARGE, U.S. CUSTOMS SERVICE, SAN DIEGO, CA; UNDERSHERIFF JACK DROWN, EXECUTIVE COMMITTEE CHAIR, CALIFORNIA BORDER ALLIANCE GROUP, SOUTHWEST BORDER HIDTA; AND CAPTAIN ROBERT ALLEN, COMMANDER, ACTIVITIES SAN DIEGO, U.S. COAST GUARD, SAN DIEGO, CA**

Mr. VEAL. Thank you, sir. Thank you for the change of order. Chairman Mica, Congressman Souder, Congressman Bilbray, let me begin by thanking you and your colleagues who have worked diligently to provide the U.S. Border Patrol with the resources to gain control of the border against the illegal smuggling of drugs, aliens and contraband into our Nation. I am very proud of the men and women of the San Diego Sector and I feel privileged to be able to represent them here today. Their commitment and professionalism have made possible the success we have achieved so far. We have brought a sense of order and law to what was once a chaotic and out of control border between San Diego and Mexico. We have made life much more difficult for the drug and alien smugglers who frequent the border area and who before Operation Gatekeeper brought their wares across our border with virtual impunity.

The U.S. Border Patrol is the primary Federal agency tasked with land interdiction of illegal aliens and narcotics between our ports of entry. The 2,150 agents of the San Diego Sector maintain a highly visible presence along the 66-mile San Diego County-Mexican border and also cover 7,000 square miles of land and water boundaries.

Our mission is a focused, phased approach toward obtaining a border that deters drug traffickers, alien smugglers and other criminals. Based on our intelligence reports and actual experience, drug smuggling and alien smuggling are often linked.

The Border Patrol employs a multi-faceted strategy at the immediate border. We deploy agents in highly visible positions. We use utilize fences, high-powered stadium lighting, electronic sensor systems, infra-red night vision scopes, low light television cameras. We utilize horse patrols, boat patrols, helicopters and even bicycle

patrols. We also employ a system of checkpoints situated along major roads and highways leading away from the border areas to deter the movement of and to intercept both illegal aliens and drugs.

I do not need to tell Congressman Bilbray this. He lived through it, but when I came to San Diego, my first assignment here in 1975, this was the most out of control segment of our border. From 1974 through 1994, of our almost 2,000 mile long border with Mexico, the 66 miles which comprised San Diego County accounted traditionally for 50 percent of all the illegal activity on the border. And within that 66 miles, the first 5 miles of border from the Pacific Ocean to the San Ysidro port of entry accounted again for the 50 percent of the activity within the San Diego sector. So here we had generally 25 percent of all the illegal activity occurring on our Nation's border with Mexico occurring in that 5 mile segment. It was clearly an unacceptable situation.

Since Operation Gatekeeper began in 1994 illegal entries in that area, historically the most heavily trafficked corridor in the United States has dropped 92 percent. Overall, apprehensions in the sector have fallen 66 percent or in that same period. Local law enforcement officials have attributed much of the decrease in crime in several communities to our ability to do our job. Felony arrests for narcotics, marijuana and other dangerous drugs within the county declined by 24 percent from 1994 to 1998.

Prior to 1992, there was inadequate fencing along the border. In some areas, border fencing was nonexistent. In some places, paved streets in Tijuana paralleled the border and at weak spots single and multiple truckloads of aliens and drugs drove across the border at will and blended into the flow of vehicle traffic in the United States.

With considerable assistance from Congressman Duncan Hunter, the California National Guard and other military engineering units, this changed dramatically through the erection of the landing mat fence on the border. Construction of border security roads has allowed us to patrol close to the fence and monitor it for attempts to cut the fence and also to drive over the fence. Gatekeeper's success in the first 14 miles led the drug smugglers into the far reaches of East San Diego County. Cross border vehicular entries were further restricted by the construction of vehicle barriers and primary fencing in vehicle accessible areas. These advances have required drug smugglers now to backpack drugs across the border until they can reach a vehicle. With the heightened surveillance provided by our agents with sensors and night scopes, it becomes difficult for smugglers to bring in and load significant quantities of narcotics.

The traffickers still try. Our permanent and temporary checkpoints plus the agents who monitor traffic on East County back roads continue to discover drugs brought in either in San Diego or Imperial County. During fiscal year 1999, 75 percent of our interdictions occurred in East County.

Technology has vastly improved our detection and resource deployment. A large portion of San Diego sector drug seizures and a tremendous amount of real time intelligence results from over 950 electronic sensors placed along remote smuggling routes in the bor-

der area. The sector has 39 long range infra-red scopes located to provide maximum coverage at border crossing points as well as to deprive smugglers of the cover of darkness. These scopes have discovered backpackers, suspicious vehicles and even smugglers in wet suits with drugs lashed to surfboards.

We have 28 canine units to locate concealed people and drugs. So far in fiscal year 2000 these 28 canines have accounted for drug seizures valued at over \$28 million.

After climbing steadily from 1993 to 1995, our interdiction seizures have fallen in the last 4 fiscal years reflecting the effectiveness of the enforcement efforts between the ports of entry. Despite this, this fiscal year our marijuana intercepts already equal the same period last year. The drug smugglers keep trying new avenues and searching for weak spots.

The Border Patrol is a very active member of the HIDTA. Under the HIDTA, the Law Enforcement Coordinating Center [LECC] in East County operates as an intelligence-driven, joint task force to deny drug smugglers their traditional routes between the ports of entry. The Law Enforcement Coordination Center works to coordinate interdiction and investigative assets to detect, disrupt and dismantle major trafficking organizations.

Since the inception of the LECC and with enhanced efforts between the ports of entry, there has been a 75 percent increase in seizures at the ports of entry. The improved coordination and cooperation has increased the effectiveness of every law enforcement agency. We have unquestionably increased the cost of business for drug trafficking organizations.

Other HIDTA initiative is the San Diego Maritime Task Force comprised principally of the U.S. Customs Service, the U.S. Coast Guard and the U.S. Border Patrol. While the Task Force focuses on the investigation and interception of sea-borne smuggling in Pacific coastal waters, it also investigates international smuggling originating at considerable distance from the U.S. territorial waters.

Because of the volume of opportunistic smugglers working in coastal waters, the San Diego Sector has established a Marine Unit utilizing night scopes and two 21-foot Zodiac inflatables, one of which, Mr. Chairman, is on view outside this building. The Border Patrol Marine Unit has successfully intercepted a number of smuggling vessels and forced many others to return back to Mexican waters.

The San Diego Sector receives considerable support from the U.S. military, particularly the California National Guard. They have been instrumental in providing us officers, personnel who serve as intelligence analysts, electronics technicians, bus drivers, sensor monitors, scope operators, freeing up Border Patrol agents for line assignments.

In summary, the mission of the Border Patrol has remained the same, to work in cooperation with other agencies in a mutually beneficial spirit to secure our national borders. Regaining control of our borders is an on-going task. No single initiative or program can achieve the goal, but through joint operations that we have realized here in San Diego we have achieved a real synergy.

I appreciate the attention of the subcommittee to the problems that we face. Thank you for this opportunity.

Mr. MICA. Thank you, and we are going to let you go in just a second. I had a couple of quick questions. How many full-time positions do you have in this area, INS?

Mr. VEAL. Sir, I cannot speak for INS, but for the Border Patrol—

Mr. MICA. The Border Patrol, OK.

Mr. VEAL. Yes sir, officers, men and women who are Border Patrol agents, 2,150.

Mr. MICA. That is Border Patrol, 2,150. How many of those positions are filled? Are those working? Mr. Bilbray has been on me about the number of positions that are not filled that we have appropriated. How many positions do we have that are vacant?

Mr. VEAL. I cannot give you the exact number, sir, but the last time I checked it was less than 100.

Mr. MICA. Less than 100?

Mr. VEAL. Yes.

Mr. MICA. So you are able to fill those. Of the 2,150 is that your total positions? There is 100 vacant?

Mr. VEAL. No sir. We also have a number of personnel and support positions who are not officers.

Mr. MICA. OK.

Mr. VEAL. I can supply those numbers to you.

[The information referred to follows:]

**SAN DIEGO SECTOR BORDER PATROL****BORDER PATROL PROGRAM**

	<b>AUTHORIZED FORCE</b>	<b>FILLED POSITIONS*</b>	<b>VACANT POSITIONS</b>
OFFICER CORPS (Border Patrol Agents)	2222	2123	99
OFFICER CORPS (Pilots)	21	20	1
SUPPORT STAFF	<u>311</u>	<u>297</u>	<u>14</u>
<b>TOTAL</b>	<b>2554</b>	<b>2440</b>	<b>114</b>

\* AS OF (3/5/00 - 3/11/00)





U.S. Department of Justice  
Immigration and Naturalization  
U.S. Border Patrol  
Office of the Chief Patrol Agent  
San Diego Sector

INSERT  
p. 98

SDC 30/2-C

2411 Boswell Road  
Chula Vista, CA 91914

April 27, 2000

The Honorable John L. Mica  
Chairman  
Subcommittee on Criminal Justice,  
Drug Policy, and Human Resources  
Committee on Government Reform  
House of Representatives  
Washington, D.C. 20515

Dear Chairman Mica:

I appreciated the opportunity to testify before your subcommittee and your allowing me to respond to questions immediately upon the conclusion of my testimony. With that help, I did make my plane.

You asked me about the problems of hiring and attrition in the San Diego Border Patrol Sector. As requested, I am providing further background on these issues, with which I am sure you are familiar as former Chairman of the Subcommittee on Civil Service.

It is a fact that the U.S. military and other Federal agencies continue to have difficulty in recruiting employees for entry level positions during this period of economic boom and extremely low unemployment. In the last year the Immigration and Naturalization Service (INS) has modified its recruitment plans and assigned a larger number of experienced Border Patrol Agents to recruiting efforts in their local areas. The San Diego Sector has always reached out to the military bases in our area and made information about careers in the Border Patrol available at other public events. Now we are expending more hours and reaching out to a larger geographical area within the state.

I would like to clarify the statement that 10 percent of the workforce is lost annually through attrition. When analyzed, attrition data shows that within the group of departing agents 73 percent go to other positions within INS or other Federal agencies. Although these persons have left an

The Honorable John L. Mica  
Page 2

agent position, they may be in another Border Patrol position or in another INS program. Even if they have left INS, they are not lost to government service. Other losses in staff include: trainees terminated prior to graduation from the Border Patrol Academy, Retirement, and death. As the enclosed chart (Attachment 1) shows, when these reasons for departure are disaggregated, the San Diego Sector attrition rate for Fiscal Year 1999 was only two percent, which is not significantly greater than other law enforcement agencies in the region.

Officers of the national and local Border Patrol union have asserted that the Border Patrol hiring and retention problems are due to job dissatisfaction, specifically dislike of the forward deployment, deterrent enforcement posture that has been a key to the success of Operation Gatekeeper in San Diego. I served as Chief Patrol Agent in El Paso, where a majority of the agents have been similarly deployed since the onset of Operation Hold the Line in September 1993. The El Paso Sector has not experienced the extent of departure to other Federal government positions or resignations that the San Diego Sector has, so the operational deployment for high visibility along the immediate border is very likely not the only reason for the higher attrition rate in San Diego.

Most Border Patrol Agents who do leave appear to be motivated by economic reasons—cost of living compared to the area of the country where they grew up—and family ties. The attached chart (Attachment 2) shows the various reasons listed by agents surveyed when they resigned. No Border Patrol sector along the southwest border has a cost of living as high as that in San Diego. Due to the higher cost of housing, fuel, taxes, etc., new agents as well as journeyman and supervisory agents are forced to live at a lower standard of living than their counterparts in other locations.

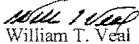
You will note from the chart on annual rates of salary (Attachment 3) that journeyman agents in the San Diego Sector are paid less than officers of the San Diego and other police departments in the region, the San Diego Sheriff's Office, and the California Highway Patrol. Without the Federal Locality Pay Adjustment, our officers would be at an even greater disadvantage. The present 9.97 percent Locality Pay Adjustment for San Diego County is determined annually by the Office of Personnel Management. San Diego Sector agents stationed at Temecula and San Clemente receive a statutory 16 percent Locality Pay Adjustment. However, housing in Temecula costs much less than comparable housing in San Diego and its outlying areas.

INS Commissioner Meissner announced a pay reform initiative submitted as part of the President's Budget Request for Fiscal Year 2001. This initiative would provide a compensation package that is on par in the payment of annual premium pay with other Federal law enforcement occupations. It will include special salary rates to make pay levels more competitive to strengthen recruitment and retention. The budget request includes resources to fund the proposed compensation package as well as upgrades for the journeyman Border Patrol Agent level from GS-9 to GS-11.

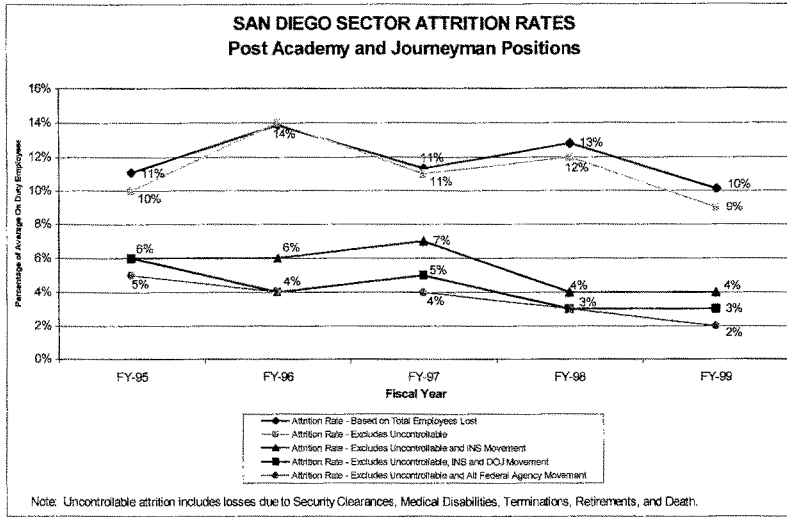
The Honorable John L. Mica  
Page 3

If you have any further questions on this matter, please don't hesitate to contact me.

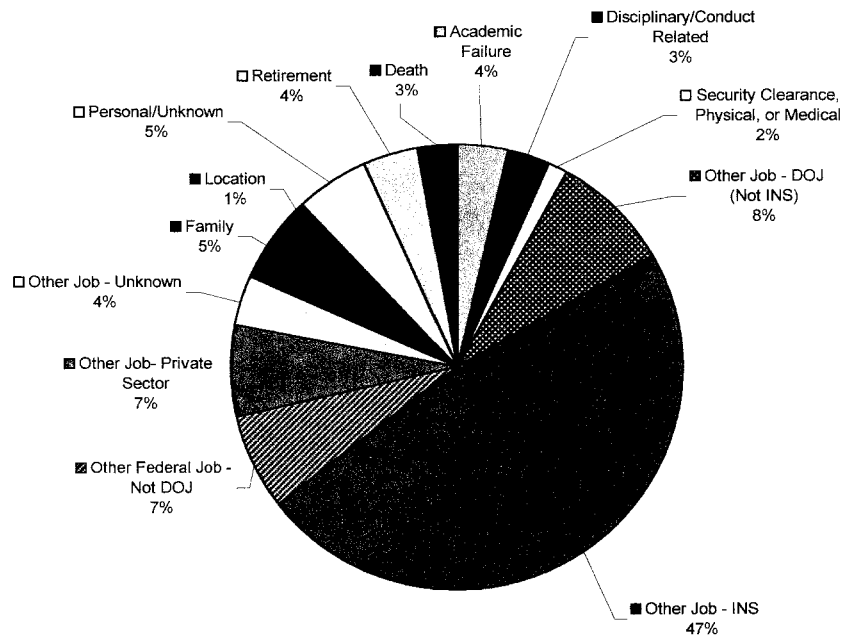
Sincerely,

  
William T. Veal  
Chief Patrol Agent

Attachments



**SDC ATTRITION  
Fiscal Year 1999  
Reasons for Departure**



## SALARY COMPARISONS

Annual Salaries of Law Enforcement Officers 2.5 years after Entry on Duty

RANK	AGENCY	80-HOUR PAY PERIOD	AGENCY	*100-HOUR PAY PERIOD
1	SAN DIEGO PD	\$ 51,417.60	SAN DIEGO PD	\$ 70,231.20
2	CHULA VISTA PD	\$ 50,332.50	CHULA VISTA PD	\$ 68,937.19
3	LOS ANGELES PD	\$ 49,585.93	LOS ANGELES PD	\$ 67,211.26
4	CHULA VISTA PD	\$ 48,451.06	CHULA VISTA PD	\$ 66,057.71
5	NATIONAL CITY PD	\$ 46,558.00	NATIONAL CITY PD	\$ 63,747.25
6	EL CAJON PD	\$ 45,356.80	EL CAJON PD	\$ 62,095.60
7	SAN DIEGO SHERIFF	\$ 41,017.60	LA MESA PD	\$ 56,089.50
8	LA MESA PD	\$ 40,956.00	SAN DIEGO SHERIFF	\$ 51,648.65
9	<b>US BORDER PATROL</b> (SAN DIEGO SECTOR)	<b>\$ 37,981.00</b>	<b>US BORDER PATROL</b> (SAN DIEGO SECTOR)	<b>\$ 50,918.26</b>

NOTE: If BPA's are promoted competitively to GS-11 (Step 1) 2.5 years after entry on duty, their annual salary would be \$43,084 for an 80-hour pay period, and \$57,758.84 for a 100-hour pay period with AUO/FLSA compensation, moving them from #9 to #7 in the above chart.

\*These salary rates are presented for comparison purposes only. Base salaries of other agencies have been adjusted to provide compensation for 20 hours of overtime paid at time and one-half to compare with the BPA salary which includes AUO (Administratively Uncontrollable Overtime) and FLSA (Fair Labor Standards Act) compensation for the 100-hour pay period. San Diego Sheriff overtime was based on 15 hours instead of 20, as their pay period is 85 hours instead of 80.

Mr. MICA. Are there problems with getting personnel to fill the positions? Is there something missing or is this a normal vacancy right?

Mr. VEAL. I think there are two factors involved, Mr. Chairman. One is there is a normal rate of attrition. We do recruit nationally and a lot of folks like to get their job, start their job and then try to relocate to an area closer to home. Another thing is we are not very competitive salary-wise in the southern California law enforcement community and I think that spurs attrition also.

Mr. MICA. High turnover?

Mr. VEAL. Yes sir.

Mr. MICA. Mr. Souder, did you have any quick ones for Mr. Veal?

Mr. SOUDER. Yes, I have a pet peeve question I want to ask, and I have not been able to ask it in a hearing before because, although I was at San Luis Obispo in 1996, I had not been down along the fence. To the east side of the city, I do not know how far out it was where the fence separates and there is kind of a no man's land in there and you were talking about catching people who cut the fence and so on, there is a great big drainage area that was not sealed off when I was there about a year and a half ago. Is that still not sealed off?

Mr. VEAL. Sir, I would be pleased to take you down there and see that that is no longer a problem.

Mr. SOUDER. Good, because my understanding was is EPA had kept that from being sealed off and whatever used to be in there was clearly being trampled to death.

Mr. VEAL. We do, sir, continue to have problems in complying with NEPA and doing the infrastructure that we want, but Congressman Bilbray was very helpful to us in overcoming many of those hurdles.

Mr. SOUDER. Because if there are additional ones, I am interested in doing some oversight on it because there was also orange posts up on the hills where a bird was hatching. When I talked to the Border Patrol agents on the ground, not dressed up and I do not know that they knew that I was a Congressman, because I think they thought I was a staffer because we were not going on an official tour, they said oh yeah, they just run in up to those areas. Well, whatever was being hatched there is deader than if we had not zoned off the areas.

Mr. VEAL. Yes.

Mr. SOUDER. And I would like to know those kind of inconsistencies if you come up with others. Thank you very much.

Mr. VEAL. Yes. Thank you.

Mr. MICA. Finally, how would you describe the cooperation with the Mexican officials?

Mr. VEAL. I would describe it as spotty. There is no real institutional relationship between my organization and Mexican Government organizations. Those relationships are generally personal. We try to contact the heads of the Mexican and Federal agencies and

build from the ground up a relationship of trust. I will say that we have, over time, developed an improved degree of cooperation. We have provided the Mexicans with the means of directly communicating with our officers without having to go through an intermediary and that has been a very helpful thing for us.

[The prepared statement of Mr. Veal follows:]





**U.S. Department of Justice**  
Immigration and Naturalization Service

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**STATEMENT OF**

**WILLIAM T. VEAL  
CHIEF PATROL AGENT  
SAN DIEGO BORDER PATROL SECTOR  
IMMIGRATION AND NATURALIZATION SERVICE  
DEPARTMENT OF JUSTICE**

**BEFORE THE**

**HOUSE COMMITTEE ON GOVERNMENT REFORM  
SUBCOMMITTEE ON CRIMINAL JUSTICE,  
DRUG POLICY, AND HUMAN RESOURCES**

**CONCERNING**

**ENFORCEMENT INITIATIVES AGAINST DRUG  
SMUGGLING IN SOUTHERN CALIFORNIA**

**10:00AM  
MARCH 7, 2000  
SAN DIEGO, CALIFORNIA**

Mr. Chairman and Members of the Subcommittee, I am Assistant Chief Alan Conroy of the San Diego Border Patrol Sector. I am pleased to testify concerning our law enforcement initiatives that are effectively addressing drug smuggling in Southern California. First, I will discuss the Border Patrol deterrent strategy along the immediate border. Second, I will describe our cooperative drug enforcement efforts with other Federal, state and local law enforcement agencies.

Let me begin by thanking you and your colleagues who have worked diligently to provide the Immigration and Naturalization Service and specifically the U.S. Border Patrol with the essential resources to gain control of the border against the illegal entry of aliens, drugs or other contraband.

#### **BORDER PATROL ENFORCEMENT**

I am very proud of the agents of the San Diego Sector. Their hard work, dedication and professionalism have made possible the success we have achieved so far. With the help of state of the art technology, our agents and support staff have brought a sense of order and law to what was once a chaotic, out of control border between San Diego County and Mexico. In Fiscal Year 1995, the first year of Operation Gatekeeper, San Diego Sector seized 1,735.5 pounds of cocaine and 77,289 pounds of marijuana. That fell in Fiscal Year 1999 to 414 pounds of cocaine and 25,882 pounds of marijuana. They have made life much more difficult for the drug and alien smugglers who frequented the border area and who, before Operation Gatekeeper, brought their wares across our borders with virtual impunity.

**Border Patrol Narcotics Enforcement Mission**

The U.S. Border Patrol is the primary federal agency tasked with the interdiction of illegal aliens and narcotics between our ports-of-entry. Under a memorandum of understanding with the Drug Enforcement Administration (DEA), trained Border Patrol Agents have been delegated limited authority under Title 21 that, coupled with limited Title 19 authority from the U.S. Customs Service, allows them to enforce federal criminal laws related to the illicit trafficking and importation of contraband, including illegal narcotics.

The San Diego Border Patrol Sector maintains a highly visible presence on the U.S.-Mexico border and also covers 7,000 square miles of land and water boundaries. Nearly 66 linear miles of the Southwest U.S. Border are the responsibility of the San Diego Sector, where the Border Patrol is 2,150 agents strong.

The Administration and Congress have made border control a top priority and has worked to provide the Immigration and Naturalization (INS) with the resources necessary for an effective enforcement strategy. That deterrent strategy has made a difference and now must sustain itself over time—a solid and permanent strategy that will result in our borders being controlled. Our mission is a focused, phased approach toward attaining a border that deters drug traffickers, illegal aliens, and alien smugglers.

Based on intelligence reports and actual experience, drug smuggling and alien smuggling are often linked. Many criminal smuggling rings are involved in both. Illegal migrants seeking assistance from smugglers may become “mules” who illegally backpack in large quantities of illicit narcotics as payment for their illegal passage into the United States.

The Border Patrol employs a multi-faceted strategy in conducting enforcement activities in order to deter and or apprehend alien and drug smugglers along our border with Mexico.

At the immediate border we deploy agents in highly visible positions; we utilize fences, high-powered lighting, electronic sensor systems, infra-red night vision scopes, low light TV cameras, horse patrols, boat patrols, and bicycle patrols. We also employ a system of checkpoints situated along major roads and highways leading away from border areas. These checkpoints are highly effective to deter the movement of and intercept both illegal aliens and drugs.

#### **Operation Gatekeeper**

In October, 1994, the San Diego Sector's Operation Gatekeeper introduced a deterrent strategy. Given the unique and differing terrain of traditionally favored crossing areas, Operation Gatekeeper combines an immediate, highly visible border presence with an improved infrastructure consisting of all-weather border roads, improved fencing, stadium lighting, night vision scopes and electronic sensors. It also maintains pressure on alien smugglers by operating the aforementioned checkpoints leading north to Los Angeles and the interior of California.

Since Operation Gatekeeper began, illegal entries in the Imperial Beach area, historically the most heavily trafficked illegal entry corridor in the entire United States, have dropped 92 percent. Overall apprehensions in the Sector have fallen by 66 percent during this period. Local law enforcement officials attribute the decrease in crime in several communities to Operation Gatekeeper. Felony arrests for narcotics, marijuana and other dangerous drugs in San Diego County declined by 24 percent from 1994 to 1998.

Prior to 1992, there was inadequate primary fencing along the first 14 miles of the U.S.-Mexico border from the Pacific Ocean east. In some places, paved Tijuana streets paralleled the border and at weak spots in the fencing single and multiple truckloads of drugs crossed over and raced north to blend into the regular vehicle traffic on Otay Mesa. The landing mat border fence erected by the California National Guard and other military engineering units changed this

dramatically. The last gap in the landing mat fence was closed in 1996. Construction of border security roads have allowed us to patrol close to the primary fence and monitor for attempts to cut it or ramp vehicles over it. While we have had some kamikaze runs by drug smugglers through the Otay Port-of-Entry, we no longer have 4 x 4's entering between the ports and attempting to evade pursuing Border Patrol Agents.

The success in curbing this easy path of vehicular entry pushed the drug smugglers into the far reaches of East San Diego County. Cross border vehicular entries without inspection were further restricted by the construction of vehicle barrier type primary fencing in the vehicle accessible areas east of Otay Mountain to the vicinity of the Imperial County line. These advances have required drug smugglers to backpack illicit narcotics across the border until they reach a load vehicle. With the heightened surveillance provided by our sensors, night scopes, and patrolling agents, it becomes difficult for smugglers to bring in and load significant quantities of narcotics.

The traffickers still try; our permanent and temporary checkpoints plus the agents who monitor traffic on East County back roads continue to discover narcotics loads which were brought in either in San Diego or Imperial County. During Fiscal Year 1999, 75 percent of the Sector's marijuana seizures occurred in East County, as did 51 percent of the illegal alien arrests.

#### **Technology as a Force Multiplier**

Technology has vastly improved our detection and resource deployment. A large portion of Border Patrol drug seizures and a tremendous amount of "real-time" intelligence are a direct result of the use of electronic sensors placed along remote smuggling routes in the border area. Over 950 sensors are now deployed in the San Diego Sector. These sensors, which can function as infra-red, seismic or metallic detection devices, are also monitored by computer.

The information is then stored in a computer data base, the Intelligent Computer Aided Detection System (ICAD). ICAD provides data on sensor activation and apprehension patterns. Initial sensor activation is reported by dispatchers to the agents most proximate to the hit. Pattern information is extremely valuable to field supervisors as they adjust the deployment of agents in high traffic areas at peak times.

The San Diego Sector has 39 long range, infra-red night scopes in use. They are located to provide maximum coverage of land border crossing points as well as the Pacific Coast close to the border. This night vision equipment has discovered backpackers, suspicious load vehicles, and, even lone smugglers in wet suits with marijuana lashed to surf boards.

ENFORCE and IDENT are computer identification systems that enable agents to easily photograph, fingerprint and gather information about aliens whom we apprehend. We have ENFORCE terminals at every Border Patrol station, checkpoint and processing point in the Sector. These systems have provided agents with a real-time, "look-out" system for known criminals and other aliens who have attempted illegal entry after formal removal. IDENT's cumulative database tracks repeat offenders and helps us identify smuggling guides among apprehended groups.

The Border Patrol Canine Program is another example of our commitment to controlling the flow of narcotics and undocumented aliens across our borders. We have 28 dogs in the San Diego Sector trained to locate concealed people and narcotics. They operate throughout the Sector with the majority at our checkpoints. In Fiscal Year 2000, these canines have accounted for drug seizures valued at \$28,530,617. Our canine units also respond to requests from other law enforcement agencies (LEAs).

I also want to mention the drug education efforts made by our agents, particularly our canine handlers, in the local schools. Their presentations on the dangers of drug use and the way in which the dogs can find hidden drugs are very much sought by local educators.

After climbing steadily from 1993 to 1995, San Diego Sector drug seizures have fallen in the last four fiscal years. The chart at the end of the testimony illustrates these changes. We believe this drop reflects the effectiveness of our enforcement efforts between the ports-of-entry. This fiscal year we have experienced a sizable increase in marijuana interdictions, already surpassing the total for Fiscal Year 1999. The drug smugglers keep trying new avenues and searching for weak spots.

#### **Cooperative Efforts with Other Agencies**

The San Diego Sector is a very active member of the California Border Alliance (CBAG) and its Southwest Border High Intensity Drug Trafficking Area (HIDTA) initiatives. CBAG is made up of Federal, state, and local law enforcement agencies with responsibility for drug enforcement.

#### **East County and the LECC**

One initiative focuses on the interdiction and disruption of narcotics trafficking in East San Diego County and is a basic and indispensable part of the overall regional plan. Shared jurisdictions within the operating area include the Border Patrol, U.S. Customs, U.S. Forest Service, Drug Enforcement Administration (DEA), U.S. Bureau of Land Management, California Highway Patrol, California Bureau of Narcotics Enforcement, and the San Diego Sheriff's Office, all of whom participate in this initiative.

When this Subcommittee held a similar hearing in San Luis Obispo in 1996, CBAG laid out its initiative and the expected creation of a Law Enforcement Coordination Center (LECC) in East County similar to that of the Imperial Valley Drug Coalition's center. The LECC began in 1997 and is currently staffed by personnel from the Border Patrol, U.S. Forest Service, U.S. Customs Service, San Diego Sheriff's Office, California Bureau of Narcotics Enforcement, and the California Highway Patrol. The Border Patrol has hosted the LECC at its Boulevard Substation.

The LECC operates as an intelligence-driven joint task force to deny drug smugglers their traditional routes between ports-of-entry and then to interior destinations. The LECC is the central point for all intelligence gathered and disseminated within its East County area of operation. It also coordinates interdiction and investigative assets to detect, disrupt and dismantle major trafficking organizations moving drugs through this area. Seventy-three multi-agency operations were conducted in Calendar Year 1999.

On February 16 and 17, 1999, a multi-agency highway interdiction operation was conducted led by the California Highway Patrol with participation by the Border Patrol, the San Diego Sheriff's Office, and the California Air National Guard. It resulted in five seizures involving 81 pounds of cocaine and 254 pounds of marijuana. Three of the six subjects arrested have already been convicted, with three cases pending.

Since the inception of the LECC and with the enhanced enforcement efforts between the ports-of-entry, there has been a 75 percent increase in narcotics seizures at the ports-of-entry. The improved coordination and cooperation have increased the effectiveness of every law enforcement agency. We have unquestionably increased the cost of business for the drug trafficking organizations.



**Maritime Task Force**

Another CBAG initiative is the San Diego Maritime Task Force, on which the Border Patrol participates along with the U.S. Customs Service, the U.S. Coast Guard, and the San Diego Police Department. While the Task Force focuses on the investigation and interception of sea-borne smuggling in Pacific coastal waters, it also involves the investigation of international smuggling originating at considerable distance from U.S. territorial waters. Because the LECC and the U.S. Customs Service Intelligence Collection Analysis Team focus mainly on land based smuggling organizations and activities, the Border Patrol created a Maritime Intelligence Group to collect, analyze and disseminate maritime smuggling information.

Because of the volume of small, opportunistic smugglers working in coastal waters, the San Diego Sector has established a Marine Unit attached to the Imperial Beach Station. Utilizing night scopes and two 21-foot Zodiacs, the Border Patrol Marine Unit has successfully intercepted a number of smuggling vessels and forced back south several others.

**Border Coordination Initiative**

The Border Coordination Initiative (BCI) is a comprehensive border management strategy between the U.S. Customs Service and INS to increase cooperation among federal agencies on the Southwest border to more efficiently interdict drugs, illegal aliens, and other contraband. While the BCI is particularly focused on port-of-entry enforcement, the San Diego Sector cooperates in the sharing of intelligence, controlled deliveries, investigation, and maritime interdiction.

**Support from the California National Guard and DOD**

The San Diego Sector has received significant support from the United States military and National Guard units based on Presidential Directives and congressional legislative

provisions stating that the Department of Defense should provide counter-drug intelligence, training, and direct tactical support to existing efforts to curb drug trafficking. Military and California National Guard personnel are currently serving as intelligence analysts, electronic technicians, vehicle mechanics, bus drivers, sensor monitors, infra-red scope operators, and firing range officers. I particularly want to express our gratitude to the Immigration Support Team of the California National Guard created specifically to assist the Border Patrol in our effort to maintain a safe and secure border within the State of California. Many support positions in the San Diego Sector were occupied by Border Patrol Agents, taking them away from their primary responsibility of enforcing the law along our border. These positions were subsequently filled by California National Guardsmen making more agents available for the front line assignments.

**Cooperation from the Mexican Government**

The Border Patrol also works with Mexican law enforcement along the border locally in order to stem the dangerous activities of border bandits who prey on migrants, drug smugglers, and other criminals. We have implemented procedures and structures for a more rapid and coordinated response to specific criminal activity in the border area. The Mexican Government has designated formal police units, referred to as Grupo Beta in the San Diego-Tijuana area and Grupo Alfa in the Tecate, California-Tecate, Mexico area, that focus on combating drug and border crime.

The San Diego Sector has worked with the Mexican Consul General in San Diego and other Mexican authorities in a joint Border Safety Initiative to reduce injuries and prevent fatalities in the border area. Public safety radio announcements and videotapes have been prepared and given considerable play in Mexico to publicize the dangers of attempting entry through the mountainous and desert corridors where smugglers take aliens.

**CONCLUSION**

In summary, let me say that the mission of the Border Patrol has remained the same: To work in cooperation with other agencies in a mutually beneficial spirit to secure our national borders.

Our enforcement posture is based on:

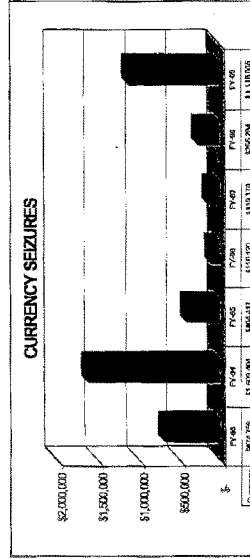
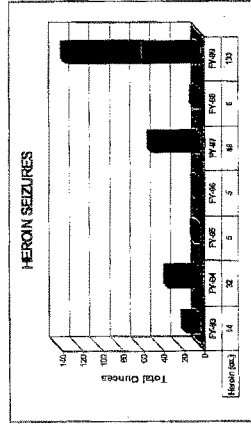
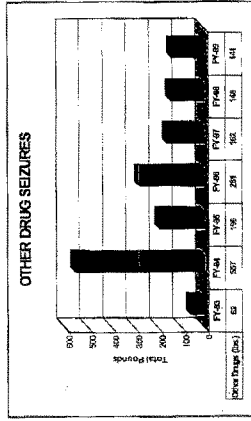
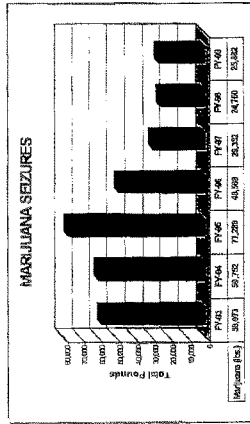
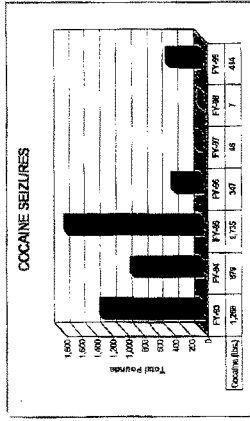
- Prevention through deterrence expressed through high visibility presence at the immediate border,
- Redeployment of personnel and resources to key border areas,
- Flexibility to address vulnerable areas employing a comprehensive strategy,
- Technology as a force multiplier, and
- Cooperation with other law enforcement agencies.

The Border Patrol has established effective control of our border with Mexico in the San Diego area. Our illegal alien apprehensions in Fiscal Year 1999 were the lowest since 1974. We have secured areas of the border where five years ago, illegal aliens entered our country with near impunity. We have shut down traditional illegal entry routes, forcing alien smugglers to lead illegal crossers to remote and rural regions. Illegal aliens and smugglers are now exposed to longer and more arduous entry routes and are subjecting themselves to greater risk of apprehension. In short, the Border Patrol has successfully raised the cost and difficulty of entering the United States illegally. These efforts have also disrupted former routes for importing illicit drugs. They have forced smugglers to attempt to utilize ports-of-entry and untraditional routes to further their illegal activities. Operation Gatekeeper has also pushed smugglers into increased marine smuggling attempts. The Operation Gatekeeper strategy has been implemented and is showing results in Imperial County and in Arizona as well.

Regaining control of our borders is an on going task. No single initiative or program can achieve the goal. We appreciate the attention of this Subcommittee to the problems we face. Again, we thank the Congress for its support of our enforcement efforts.

This concludes my written testimony. I will be glad to answer any questions that you may have.

SAN DIEGO, SECT 1<sup>st</sup> DRUG SEIZURES



Mr. MICA. Thank you. We are going to excuse you, Mr. Veal, I know you have a plane to catch.

I promised I would let him scoot at this point, so you are excused and Mr. Edward Logan, U.S. Customs Service, San Diego, you are recognized.

Mr. LOGAN. Thank you, Mr. Chairman and members of the subcommittee. I am pleased to appear before you today to discuss the Customs Service's efforts to combat the drug crisis in California.

Before discussing our efforts, I want to first give you the sense of our overall challenges. As the committee is well aware, the Customs Service in California must work at a multi-dimensional threat environment. While we have positioned most of our personnel and resources facing south along the 150 mile land border that we share with Mexico to screen persons, conveyances and goods moving north, we also must be watchful on southbound trade and traffic which may carry weapons, undeclared currency, hazardous materials, controlled technology, thousands of stolen cars or fugitives from justice leaving California for Mexico.

At the same time due to our geography we also must look westward where the Pacific Ocean provides yet another avenue for drug smugglers long schooled in the ways in moving narcotics by sea. We also must be able to look up and monitor our skies which became in the 1970's and 1980's the quickest way for drugs to enter the country in a wide variety of aircraft. And last, all the agencies along the border must be ever vigilant to the presence of tunnels which have been created to move both narcotics and illegal migrants into the United States.

Within our area of operations in fiscal year 1999 we encountered over 30 million passenger vehicles, 95 million persons, almost a million trucks, thousands of pleasure craft and cleared for entry into the United States commerce over \$12 billion of trade from Mexico. To meet our threat, we have deployed personnel, technology, aircraft and vessels to screen the border environment, whether that be on land, in the air or at sea, all of which pose unique challenges.

I would be remiss, Mr. Chairman, if I did not express our agency's gratitude for the significant funding provided by the Congress for new aircraft and nonintrusive inspection technology in fiscal year 1999. Culled from this enormous haystack of people and conveyances the Customs Service seized 192 tons of marijuana, 5 tons of cocaine, 1,164 pounds of methamphetamine and 226 pounds of heroin along with arresting over 4,000 drug smugglers. In 8 short years, we have witnessed drug seizures rise at our California ports of entry from 370, 370 in 1991 to over 4,000 in 1998. Last year, over 58 percent and this kind of tracks with what Bill Veal had to say, 58 percent of all detected drug smuggling events at United States ports of entry along the whole Mexican border occurred right here in California.

While Customs is responsible for enforcing more than 600 sections of U.S. code on behalf of 60 other Federal agencies and routinely conducts a wide variety of investigations on everything from trade fraud, cyber smuggling to money laundering, Commissioner Kelly has clearly stated that interdicting narcotics and dismantling drug smuggling organizations is our highest priority.

As demonstrated by our very large haystack, the windows of opportunities for would be drug smugglers are staggering and the number climbs each year as the benefits of NAFTA continue to increase trade with our southern neighbor which rose 115 percent from 1994 to 1998.

Our efforts to deal with our ever increasing workload may be characterized as follows: continuous coordination with Federal and State and local resources through coalition law enforcement; the utilization of technology, effective intelligence gathering and sharing and proactive investigative operations targeted at drug smuggling organizations.

Of growing concern to the Customs Service is the widespread smuggling and use of the dance club drug known as Ecstasy. The popularity of Ecstasy is spreading faster than any drug since crack cocaine and it threatens to erode the foundation of our Nation's youth its most common user. While Ecstasy production has been primarily traced to the Netherlands, Canada, on a limited basis in Spain, there have been indications that Mexican drug trafficking organizations may have become involved. Nationwide, seizures of Ecstasy have increased eight fold since 1997 and in 1999 topped 2.5 million dosage units. We expect to far exceed these figures in 2000.

Customs is committed to remaining on the forefront of this emerging drug smuggling trend and in response we have formed an Ecstasy Task Force in Washington to husband our resources against this high profile threat.

Coalition law enforcement is nothing new to the San Diego law enforcement community and the Customs Service has forged strong alliances with its counterparts to combat the increase in drug smuggling activity along our border. Certainly, the various local high intensity drug trafficking areas which Undersheriff Drown will talk about are examples. Those of us who work on the California-Mexican border know that it is an environment in which drug smugglers routinely infiltrate narcotics into legitimate trade and commerce on a daily basis while also attempting to exploit the vastness of the Pacific and the remote terrain along our border.

The traffickers and smugglers are experienced, well financed, often well trained and sadly, highly effective in their efforts.

In conclusion, we take great pride in our California law enforcement coalition as the Customs Service is not alone in our counter narcotics efforts. We are shoulder to shoulder with all the agencies, Federal and State who have resources dedicated to this important effort.

I am proud to represent the Customs Service in providing insights into the hard work being conducted along the border.

Thank you very much.

[The prepared statement of Mr. Logan follows:]

Testimony of Edward W. Logan  
Special Agent in Charge  
United States Customs Service  
Before the U. S. House of Representatives  
Government Reform Committee  
Subcommittee on Criminal Justice, Drug Policy and Human Resources  
Examining the Drug Crisis in Southern California  
March 7, 2000

Mr. Chairman and Members of the Subcommittee, I am pleased to appear before you today to discuss the U. S. Customs Service's efforts to combat the drug crisis in Southern California.

Before discussing our efforts, I first want to give the Subcommittee a sense of our overall challenges. The majority of our resources are focused at our six California ports of entry, our investigative operations that cover a wide variety of law enforcement responsibilities as well as interdiction and investigative activity in the marine environment of the Pacific Ocean in concert with the U.S. Coast Guard. Within that context, in FY 1999 we encountered over 30 million passenger vehicles, 95 million persons, almost a million trucks, thousands of pleasure craft and cleared for entry into U.S. commerce over \$12 billion dollars of trade related merchandise from Mexico.

Culled from this enormous haystack of people and conveyances, the Customs Service seized 192 tons of marijuana, 5 tons of cocaine, 1,164 pounds of methamphetamine and 226 pounds of heroin along with arresting over 4,000 drug smugglers. In eight short years, we have witnessed drug seizures rise at our California Ports of Entry from 370 in 1991 to over 4,000 in 1998. Last year, over 58% of all detected drug smuggling events at U.S Ports of Entry along the Mexican border occurred in California.

In total, Customs is responsible for enforcing more than 600 sections of the U. S. Code on behalf of 60 other Federal agencies. In addition to seizing narcotics and dismantling smuggling organizations, Customs enforcement actions protect domestic manufacturing industries from unfair foreign competition, and help ensure the health and safety of the American public. Through our Strategic Investigations and Antiterrorism initiatives, Customs continuously fights the battle to prevent proliferant countries, terrorist groups, and criminal organizations from obtaining sensitive and controlled commodities, such as Weapons of Mass Destruction. As witnessed by recent events on the Northern Border, Ports of Entry must be ever vigilant to the arrival of terrorists and their destructive devices. Customs is also a recognized leader in the investigation of cyberspace-related violations, including intellectual property rights violations.

However, drug interdiction is our highest priority and the California/Mexico border has become ground zero in this ongoing battle. As demonstrated by our very large "haystack", the windows of opportunities for would-be drug smugglers are staggering



and the number climbs each year as the benefits of NAFTA continue to increase trade with our southern neighbor which rose 115% from FY 1994-1998.

Our efforts to deal with our ever increasing workload may be characterized as follows: improved coordination of federal/state and local resources through coalition law enforcement; the utilization of technology, effective intelligence gathering and sharing; and proactive investigative operations targeted at drug smuggling organizations.

First and foremost, continued and improved border coordination remains critical to future success. Through the Border Coordination Initiative (BCI), we are confident our past successes will be repeated, duplicated, and surpassed. The Border Coordination Initiative is a proven approach to integrating the efforts of the U. S. Government's border law enforcement agencies. Customs and INS began BCI as a means of creating a seamless process of managing cargo and travelers at our nation's Southwest Border. A process which incorporates the multitude of skills and expertise within each of our organizations, in order to more effectively interdict the flow of narcotics, illegal aliens and other contraband.

BCI was launched in late September 1998, at a conference in Washington, D. C. that was attended by all Southwest Border INS and Customs managers. Attorney General Reno, then Treasury Secretary Rubin, U. S. Customs Commissioner Kelly, INS Commissioner Meissner, Deputy Attorney General Holder, and Under Secretary Johnson participated in this meeting. BCI's initial focus was and remains on the Southwest Border, an area we believe to be the primary threat for cocaine, marijuana, methamphetamine and increasingly, heroin.

Since Customs and the U. S. Border Patrol are the two agencies with primary responsibility for drug interdiction along our nation's borders, the "force multiplier" effect, generated by BCI, has indeed made us a more formidable foe for the smugglers to deal with.

Coalition law enforcement is nothing new to the San Diego law enforcement community, and the Customs Service has forged strong alliances with its counterparts to combat the increase in drug smuggling activity along our border. Certainly, the various local HIDTA initiatives are examples. From a Customs perspective, we are primarily focused on detecting drug smugglers as they attempt to move through our Ports of Entry as well as our marine and air borders, the later two which pose special challenges.

In the ports, Customs Inspectors and Dog Handlers along with their INS counterparts aggressively face the daily barrage of thousands of vehicles and pedestrians by exchanging intelligence on the latest concealment techniques used by both alien and drug smugglers. These frontline officers routinely operate in a difficult and dangerous environment not knowing who or what might be in the next vehicle. In order to unbalance the prospective smugglers and "spotters" who watch the Port Of Entrys attempting to find vulnerabilities, Customs officers regularly conduct pre-primary surge operations on unpredictable schedules. Pre-primary operations have been highly

effective in identifying narcotic laden vehicles before their arrival at the clearance booths.

Critical to all law enforcement operations, tactical intelligence is routinely shared among all the border agencies on a daily basis. To that end, Intelligence Collection and Analysis Teams (ICATs) have been created and staffed by Customs Special Agents, Customs Inspectors, INS agents, INS analysts, the US Border Patrol and the California National Guard. These teams analyze smuggling trends and concealment methods which they, within minutes, can expeditiously disseminate to other border ports and Border Patrol check points who then can screen for a similar profiles.

Assisting the Inspectors is a wide array of non-intrusive technology focused at screening trucks, cars and merchandise to ensure that they don't conceal narcotics. X-ray systems at our ports have been highly successful in detecting narcotics laden trucks and even trailerable vessels, which have hidden compartments not visible to the human eye. Density meters (also called busters) provide a handheld device that inspectional personnel can use to determine whether narcotics might be hidden inside tires or other objects. Fiber-optic devices have also been vital in screening gasoline tanks that continue to be a favorite location to hide drugs in cars. Laser range finders are also available which can precisely and quickly measure external and internal dimensions of large conveyances in order to locate possible false walls. Suffice it to say, the Customs Service continues to view existing and emerging technology as a critical tool in efficiently screening our cross border traffic.

Smuggling organizations operating along the southern border are abundant, innovative and resilient. Successful dismantling of these organizations requires a comprehensive strategy, one that interfaces the functions of all enforcement disciplines. As indicated in previous congressional testimony by former U.S. Customs Deputy Commissioner Sam Banks, we have developed the "Investigative Bridge" to address this problem. It involves:

- The integration of the Customs enforcement disciplines, investigations intelligence, interdiction and air/marine operations in an effort to exploit the interrelationship of drug transportation and distribution. By building an "Investigative Bridge" between border and smuggling activity and criminal organizations located inland further dismantling of these groups is possible.
- The bridge is built when a drug seizure at a Port of Entry (Port Of Entry) leads to the identification of an organization's inland command and control center. Similarly, a bridge is also built when investigation of an organization develops information leading to a drug interdiction at the border. Through this focus on integration and cohesion, the Investigative Bridge Strategy maximizes enforcement results.
- Controlled deliveries are an integral part of the strategy. These have proven to be extremely effective in identifying members of organizations, locating narcotic consolidation locations and uncovering persuasive evidence of criminal activity.

- Controlled deliveries and cold convoys require close cooperation between inspectors, agents, and local law enforcement, at the interdiction site, along delivery routes, and at the ultimate destination. Timely notification and response by agents, couple with a seamless hand-off are necessary elements to ensure success of the operation and a "building of the bridge".
- The strongest bridge is constructed when the talents, abilities, and authorities unique to multiple agencies are combined. Numerous initiatives and task forces exist which embrace this idea, and Customs actively participates whenever possible.

Some specific examples of participation include:

- The Border Coordination Initiative (BCI) ensures comprehensive sharing of border intelligence and coordination of enforcement operations between Customs and the Immigration and Naturalization Service (INS).
- The High Intensity Drug Trafficking Area (HIDTA) program that concentrates Federal and local law enforcement efforts in high-threat areas such as the Southwest border.
- The Organized Crime Drug Enforcement Task Force (OCDETF) which focuses combined Federal and local law enforcement efforts on significant, high-level drug trafficking organizations.

Active participation in these multi-agency initiatives rounds out Customs Investigative Bridge strategy along the Southwest border.

- Current intelligence from all sources continues to point towards a highly diverse and constantly evolving smuggling environment that poses major threats all along the border. These threats continue to suggest strong pressure by major trafficking groups using all forms of transportation and all available means. The statistics also point toward a significant and ongoing flow of major drugs to the Southwest border.
- Intelligence in FY 1999 has pointed towards routine, multi-ton loads of 6-8 tons at a time being smuggled into Mexico that are subsequently broken down into smaller shipments for movement to the border.
- The drugs are being smuggled by wide array of drug transportation groups that are using all major conveyances and concealment methods including cars, trucks, vans, oversize vehicles, rail cars, private aircraft and vessels, and pedestrians.
- One of the important trends that appears to be intensifying is the proliferation of smaller, more tightly knit organizations which move 100 - 150 kilos at a time in a

rapid fashion. These groups are subsequently storing the drugs in warehouses and other locations in some of the major urban areas along the border.

- Once a sufficient quantity of drugs is acquired, the groups then move the illegal drugs to major urban areas in the interior of the United States for distribution. These areas include Chicago, Los Angeles, Miami, and New York. The California border has become a low cost provider of all types of drugs.

Many of the narcotic transportation groups operating along the California/Mexico border have links to or are paying tribute to the Arellano-Felix organization in order to operate. The Arellano Cartel is particularly violent and, accordingly, there has been a major increase in drug related murders in Baja, California. This violence has impacted the United States and has made the Southwest border an increasingly volatile and complex area. Tijuana, for example, witnessed over 450 narcotics-related murders in 1999, many of which included Mexican law enforcement and high profile public figures.

Additionally, current intelligence indicates that narcotics smuggling and transportation organizations are aggressively recruiting "load" drivers in San Diego homeless shelters, juveniles and the economically disadvantaged in their continuous efforts to regenerate the ranks of "mules" who have been arrested. In addition, the organizations are continuously attempting to recruit Mexican truck drivers to bring drugs on their daily commercial runs. Narcotics laden trucks and cars can be loaded and put into the Customs clearance queue in less than an hour, therefore, limiting our ability to receive and exploit advance intelligence.

While inundated with marijuana, cocaine, methamphetamine and heroin, the California law enforcement community is seeing an emerging threat in the form of smuggled Mexican pharmaceuticals. There is now even a web site where potential buyers can purchase pharmaceuticals from Mexican pharmacies. The pharmacies that accept orders over the Internet also conduct mail order operations using U.S. Post Office boxes in cities located along the border. The level of such activity is increasing rapidly. In 1999, the number of packages seized containing illicit prescription drugs from Mexico, Thailand, China and other countries increased fourfold.

The proliferation of pharmacies operating in Tijuana is staggering as this city of 1.2 million hosts approximately 950 pharmacies while the whole of San Diego county with a population of 2.7 million has but 400. In Mexicali with a population of 745,000 and a much smaller tourist base than Tijuana, there are approximately 700 pharmacies

It is important to recognize that if certain conditions are met, pharmaceuticals purchased in Mexico can be legitimately introduced into the U.S. in non-commercial quantities for the personal use of the buyer. The reality is that the conditions are seldom met. The motivating factors cited by well intentioned naïve purchasers are the ease of purchasing in Mexico, the mistaken belief that they are doing so legally and the false perception of reduced cost vis a vis the purchase of the same pharmaceuticals in the U.S. An 80% cost differential is frequently touted but not found in practice.

The concern of the Customs Service is that pharmaceuticals not meeting the importation for personal use criteria often wind up on the streets or in underground pharmacies and unlicensed medical clinics that have sprung up to serve California's illegal alien population. Sometimes the drugs are dispensed by licensed health care professionals circumventing legitimate restrictions or find their way into illicit markets in other states. This occurred in January 1998 when a joint investigation conducted by the Customs Service and the Federal Food and Drug Administration seized Mexican pharmaceuticals with a value of \$63,000.00 from a Utah pharmacist who arranged to have them smuggled in and was dispensing them in his chain of eight pharmacies in the Salt Lake City area.

Current intelligence indicates that large amounts of pharmaceuticals are routinely smuggled from Tijuana and Mexicali into the U.S. on a daily basis. Once in the country, they are often repackaged or further shipped to various inland cities. The Customs Service along with investigators from the Food and Drug Administration, the Drug Enforcement Administration, the U.S. Postal Service and the U.S. Attorneys Office are currently evaluating strategies, investigative and prosecutorial options to deal with this fast growing problem.

Another issue, while not purely drug related, is stolen cars being driven into Mexico. All Southwest Border ports and the major crossings on the Northern Border are schedule to received License Plate Reading (LPR) equipment. LPR's have the capability to count the number of vehicles, identify stolen cars, and identify those that are positive IBIS and National Crime Information Center (NCIC) hits.

San Ysidro, Otay Mesa and Calexico East are currently on-line, reading plates of vehicles leaving California for Mexico. This outbound capability has provided us with confirmation of information which we have long suspected, that hundreds of U.S. stolen vehicles or stolen license plates are being driven into Mexico. Between July 16, 1999 and November 30, 1999, the California LPRs recorded 1,107 NCIC hits, 43% of which were for stolen license plates and 55% for stolen vehicles. The other 2% of the hits were for other miscellaneous reasons. Conceivably, the stolen license plates could have been placed on other stolen vehicles.

It is our judgement that many of these cars are used to supply the underground market in used car parts. More ominously, these stolen vehicles are put into service by drug organizations. The recent assassination of the Tijuana Chief of Police on February 26<sup>th</sup>, involved one such stolen U.S. vehicle. The vehicle was found abandoned near the assassination site. Customs determined that vehicle matched a vehicle stolen in Chula Vista, California.

While Customs conducts as many outbound operations as possible in concert with San Diego and Imperial County based local law enforcement agencies, it is clear that organized theft rings are able to avoid these periodic operations by merely outwitting our efforts.

While clearly our six California ports of entry detect and seize an impressive amount of narcotics along with thousands of arrests, the Pacific Ocean has also been exploited by maritime drug and alien smugglers. Thousands of pleasure craft and fishing vessels routinely pass in proximity to our marine borders, many of which have been detected bringing drugs or aliens to the Southern California area. Remote beaches as well as local marinas have been used to off load tons of narcotics thereby circumventing the land border completely.

In 1991, the Customs Service formed a maritime coalition. Today, it consists of special agents and Marine Enforcement Officers from the Customs Service, U. S. Border Patrol, U.S. Coast Guard, INS, San Diego District Attorney's Office, the Harbor Police, the Coronado Police Department, the Chula Vista Police Department, the San Diego Police Department, and DEA. Operating in our coastal waters, this task force has witnessed a consistent threat in the movement of narcotics by sea. From everything as unsophisticated as a wet suit-clad swimmer to jet skies, zodiacs, small pleasure craft and fishing boats. In some cases, members of the armed services have been recruited to participate in these maritime smuggling operations. In the past two years, the task force has arrested 145 violators and seized over five tons of marijuana, 1.5 tons of cocaine, 93 pounds of methamphetamine, and over a million dollars in currency, 15 firearms, 28 vessels and 26 vehicles. We are proud of the efforts of all of the agencies involved. These are significant accomplishments given that the task consists of only two Customs interceptor vessels and 22 law enforcement officers (10 of which are Customs).

The Customs Air and Marine Interdiction Branch in San Diego, has a unique support-oriented mission. Recently the Branch was allocated one aircraft specifically designed to complement the maritime coalition with radar surveillance. The combo airborne / surface maritime interdiction package is in its infancy on the West coast but promises to be a model for future maritime enforcement.

Similar to the maritime border that extends out from the coast, our air border extends up from the surface. The sheer size of the population in Southern California provides a demographic magnet for drugs into the region. When this invisible border has no deterrent force, private aircraft, used for smuggling, have proven to be the fastest way to deliver drugs to "market." It is important to recognize that the Air and Marine Interdiction Branch in San Diego is responsible for not just the Southern California border but the entire West coast to include the Northern border of Washington state.

Customs interceptor aircraft are concentrated in Southern California due to the stockpiling of drugs, by the cartels, just south of the border. The strategy of these smuggling organizations is to wait for opportunities to transfer drug shipments into this country when our efforts may be focused on other "hot" spots. To complement quick response to border intrusions, Customs Air Interceptors practice with the U.S. Air Force F-16s for the purpose of handing off intercepted "smuggler" aircraft in a timely fashion.

The call to respond to penetrations of both our Southern and Northern borders, terrorism threat and coordination with other Federal, State and Local law enforcement forces on drug interdiction is also rising. Under Presidential Decision Directive (PDD) 62, the air assets of Air & Marine Interdiction are periodically called upon to provide airspace security over designated major events. A few examples are the Democratic and Republican National Conventions. Because of the specialized missions developed within Air and Marine Interdiction our market is the Northern Hemisphere but our resources are local and limited.

Those of us who work on the California/Mexican border know that it is a challenging environment in which drug smugglers attempt to infiltrate their goods into legitimate trade and commerce on a daily basis. They are experienced, well trained, well financed, and highly effective in their efforts.

In conclusion, we take pride in our California law enforcement coalition, as the Customs Service is not alone in our counter narcotics efforts. We are shoulder to shoulder with all of the agencies, both Federal and state, who have resources dedicated to this important effort. I'm proud to represent the U.S. Customs Service in providing insights into the hard work and being conducted by the men and women of our service every day along the border.

Mr. SOUDER [presiding]. Thank you very much for your testimony.

Sheriff Drown.

Mr. DROWN. Good morning, Mr. Chair, Congressman Bilbray, welcome to San Diego. Welcome home. I am Jack Drown. I am the Undersheriff for San Diego County and chairman of the California Border Alliance Group, a designated high intensity drug trafficking area or HIDTA for San Diego and Imperial Counties. I also chair the county's Methamphetamine Strike Force and I have been in local law enforcement here in San Diego County for 30 years.

I am pleased to be here and thank you for the opportunity to present testimony before you this morning.

First, let me express my appreciation for the Congress' and ONDCP's recognition that while border enforcement and border control may be a Federal responsibility, everything that occurs along the border is a local impact. And I think that is a key concept for folks looking in to our situation here in San Diego to fully understand. Everything that occurs along the border is a local impact.

As you know, the Southwest Border HIDTA is one of the largest most diverse and unique of the 31 HIDTAs throughout the country. There are 45 counties and 5 Federal judicial districts in the five regional HIDTAs that make up the Southwest Border HIDTA: Southern California, Arizona, New Mexico, West Texas and South Texas. Drug trafficking from the southwest border, without question, affects the entire Nation. The 2,000 mile southwest border represents the arrival zone for South American produced cocaine and heroin as well as Mexican produced methamphetamine, heroin, marijuana, other dangerous drugs and precursor chemicals used to manufacture illicit drugs in the United States.

The California Border Alliance Group, also know as CBAG was designated in 1990 as one of the five partnerships of the Southwest Border HIDTA. The CBAG's area of responsibility is comprised of San Diego and Imperial Counties, 8,900 square miles from the Mexican border to the Orange and Riverside County lines and from the Pacific Ocean to the Arizona State line. The location and geography are unique. Terrain that ranges from seaports and beaches to mountains and deserts, yet home to San Diego, the sixth largest city in our Nation.

There are two large Mexican cities directly to our south served by six points of entry including San Ysidro, the busiest land port in the world. Tijuana's population is estimated at 2 million and growing. Mexicali with a population of 1 million is the capital of Baja California Norte. The 149 mile California-Mexican border is only 7 percent of the entire United States-Mexican border but it is home to 60 percent of the people who reside on both sides of that border.

Major highways connect San Diego and the Imperial Valley to Mexico, Los Angeles and points north and east. Maritime routes, railways, international airports, smaller airfields and clandestine landing strips are also a major concern. Because of our location and proximity to Mexico, drug smuggling is here and likely will remain here for years to come.

The primary drug threat to our region, the importation of illegal drugs and precursor chemicals from Mexico, our own domestic pro-



duction of methamphetamine and marijuana, high drug re-use rates, especially methamphetamine and border violence spills over and impacts our regions. Suffice to say, San Diego County and Imperial Counties suffer from triple whammy. We are high trafficking areas, high production and manufacturing areas and high use areas.

Although both heroin and marijuana seizures are up from last year, methamphetamine use and production continues to be our major problem. In the CBAG area alone 67 labs were seized in 1999, 1,700 were seized Statewide. California continues to lead the Nation in clandestine methamphetamine lab seizures. Most disturbingly are the number of children present at these heavily contaminated sites, children who have been removed under the Drug Endangered Children's Program for treatment, assessment and placement services.

Methamphetamine use in our region continues to be a significant public safety and health problem; 75 percent, 75 percent of the arrestees at the Visa Jail in northern San Diego County tested positive for methamphetamine or admitted methamphetamine use during the year of 1999.

Our regional response to the drug threat is based on a foundation of Federal, State and local agency cooperation and coordination. We are proud of the fact that this region was one of the first, if not the first, to form an integrated Federal, State and local law enforcement drug task force in the early 1970's. This task force set the tone for the level of cooperation in our HIDTA today.

As a designated HIDTA area, we realize our response to the border and drug problem must be comprehensive, must be as comprehensive as resources will allow. There is no magic solution. We did not get here overnight. We do not get out of this overnight. Therefore, our regional strategies provide for a balanced mix of interdiction, investigations, prosecutions, intelligence and support initiatives that are continually adjusted to address the changes in the threat. We also support a very cost-efficient and effective demand reduction effort which concentrates on educating young people about the consequences of drug use.

I have provided you with written materials that describe our HIDTA initiatives in detail, but please allow me to highlight just a few of our more innovative efforts.

With your permission sir, I will continue? The CBAG's methamphetamine initiative exemplifies the multi-faceted approach to a critical regional problem. The San Diego Methamphetamine Strike Force is a cross jurisdictional effort created by the San Diego County Board of Supervisors to support the National Methamphetamine Strategy with local action, co-chaired by myself and Dr. Bob Ross, a San Diego County Health and Human Services Director, the Strike Force is composed of law enforcement leaders and substantive experts, more than 70 different people representing courts, treatment and prevention providers. You have heard of the Strike Force from Supervisor Jacob. So I am not going to dwell on that. Suffice it to say we believe it is a very effective approach to the methamphetamine problems in San Diego County.

One of the Strike Force's initiatives is going to take place in the city Vista, a city in northern San Diego County where are bringing

together cops, courts, treatment providers, city government, hospitals and educators in a coordinated effort focusing on prevention, intervention, interdiction and treatment efforts to reduce the use of methamphetamine in one particular community.

Drug courts, while not specifically a HIDTA program play a large part in our efforts within the Meth Strike Force and throughout the region. As you have been told in the past 2 years, San Diego County drug courts have processed over 450 nonviolent offenders; 90 percent of those who complete the 1-year program remain drug free. Interestingly and importantly, compare the drug court costs of \$300 per month to the cost of \$2,000 per month for incarceration and I think you can see this is a very cost effective and productive approach.

The Drug Endangered Children's Program, previously mentioned, provides specially trained on-call Deputy District Attorneys and child protection workers who actually participate with law enforcement in the planning for raids on clandestine methamphetamine labs in order to properly take custody of and care for the children who are present at about 25 percent of the meth labs that we have.

The children are entered into the established health care and social work protocols while the District Attorney insures that child endangerment enhancements to sentences for lab operators are included in charges against the violators. This program is proving to be a strong and effective deterrent that deserves national implementation. Perhaps more importantly, I dare say we are rescuing children from years of potential neglect and abuse and a very distinct potential of future drug use and addiction themselves.

The California Precursor Committee and the National Methamphetamine Chemical Initiative provide training and coordination throughout the Nation in the investigation and prosecution of rogue chemical and pharmaceutical companies, as well as retailers who illegally supply the listed chemicals and equipment needed to make methamphetamine, chemicals I might add, and recipes I might add, that can be obtained simply through the network.

This program that was begun here as a regional effort was expanded last year into a national effort focusing on proven practices to reduce the availability of precursor chemicals.

Another example of Federal and local cooperation is the Combined Prosecutors' Initiative which provides funding for cross-designated assistant U.S. attorneys and deputy district attorneys and the prosecution of border drug cases in State court. In the past 2 years, the San Diego County District Attorney's Office handled 3,400 port of entry and other border drug arrests allowing the U.S. attorney's Office to concentrate on major violators and conspiracies while insuring that low level violators are prosecuted and a measure of deterrence is maintained.

Ironically, the number of cases being handled by the DA's office has now reached the limits of their capacity, another example of local impact of which I spoke earlier.

And what was intended to relieve the Federal prosecutor's burden has now severely impacted the local prosecutions in both San Diego and Imperial Counties.

We have had great success this year in San Diego County. I believe that the primary foundation of our success is indeed a level

of cooperation and coordination that has served us extremely well. There are certainly areas that we need to improve on and much needs to be done. We are particularly concerned about the maritime routes and potential for ocean smuggling. Intelligence and information gathering is always a major topic of discussion. We believe that we are making progress in that area and yet there are still probably too many examples where information is gathered and kept by one single agency, rather than being shared.

I think it is important to recognize that many will appear before you and ask you for increased funding. We certainly would join them, but I think the more important message is we are doing well with the money that you have supplied us through the Southwest Border HIDTA. We can always do better. We would implore you to at least leave our level of funding where it is at and certainly if you can—if you have the means available to you, we believe that increased funding would enhance what we are doing down here in the Southwest Border and we appreciate your being here in San Diego and I appreciate the opportunity to appear before you and present you with testimony.

Thank you.

[The prepared statement of Mr. Drown follows:]

Jack Drown  
Undersheriff of San Diego County  
&  
Chairman of the Executive Committee, California Border Alliance Group  
before  
The Subcommittee on Criminal Justice, Drug Policy and Human Resources  
March 7, 2000

Mr. Chairman. Before I begin, I would like to take a moment to thank you and the other distinguished members of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources for giving me this opportunity to address you and to share a few thoughts on how the drug crisis in Southern California affects all of us. Since other witnesses are addressing the concerns of the Federal and State Agencies and those of local government, I will attempt to focus on how local law enforcement agencies are impacted. I will discuss our efforts to implement a coordinated response to the drug problem and especially the valuable role played by the Southwest Border High Intensity Drug Trafficking Area (SWB HIDTA) and California Border Alliance Group in facilitating our regional effort. In the process I hope to identify for you some of the locally developed law enforcement initiatives that have proven effective. I will also offer some suggestions about things that we could do to further enhance these efforts and the resources that are needed to make them happen.

Since its designation in 1990 as one of the original "Gateway" HIDTAs established in accordance with the Anti-Drug Abuse Act of 1988, the SWB HIDTA, which stretches along approximately the 2,000 miles of our international border with Mexico from Brownsville, Texas in the east to San Diego, California in the west, has provided a critical line of defense in law enforcement efforts to reduce drug availability in the United States. The California Border Alliance Group (CBAG) was created during that same year as one of the five component partnerships of the Southwest Border HIDTA.

From its humble beginnings CBAG has evolved into a dynamic and innovative organization that is being emulated by other HIDTAs throughout the nation. The anti-drug strategies and operating concepts that we have pioneered over the years have found their way into the *modus operandi* of many other agencies. We have enjoyed outstanding financial support over the years for our efforts and that has contributed immeasurably to our accomplishments. The FY2000 budget for CBAG totals \$10,407,701 and a continuation of that level of support is essential to sustaining the momentum that we have built thus far. The second and equally important factor in our successes is the superb spirit of inter-agency cooperation that permeates our region. The challenges we face on a daily basis would overwhelm every one of our agencies if we were to try to go it alone. Experience has taught us that cooperation in the form of intelligence sharing, integrated tasks forces, pooling of assets, and coordination of prosecution, etc. enhances all of our efforts and brings us closer to our common goal of a drug-free region and drug-free America. The third and final factor that I would like to mention, and I can't overemphasize its importance, is the high-caliber, skill and dedication of the men and women of the law enforcement community. They are on the streets of our cities and the back roads of our rural areas every day. They know first hand the tragedies wrought by drug abuse and are committed to victory in the battle by using every tool that we can give them.

Let me continue with a description of CBAG's area of responsibility which extends north from the international border with Mexico to the Orange and Riverside County lines, and from the Pacific Ocean on the west to the Arizona State line, including the contiguous Pacific Ocean area, and the Ports of Entry at San Ysidro, Otay Mesa, Tecate, Calexico, Calexico East and Andrade (See POE Photographs, Appendix A). Its geographic location is unique: terrain that ranges from seaports and beaches to deserts, with forested mountains in between, yet home to the largest bi-national metropolis in the world. Both San Diego and Imperial Counties have large Mexican cities directly to the south. Tijuana's population is estimated at 2 million; it is Mexico's third largest, and fastest-growing, city. Mexicali, which borders Imperial County, is the capital of Baja California and has a population of approximately 1 million. Although the 149-mile U.S.-

Mexican border facing the CBAG is only 7% of the entire U.S.-Mexican border, it is home to 60% of the entire Southwest Border population: nearly six million people reside on both sides of the region's international border. Within 15 miles of the San Diego urban area (arguably the sixth largest city in the U.S.), there are mountains with sparsely populated rugged terrain and barren areas with canyons, creek beds, and valleys (See San Diego County Terrain Photographs, Appendix B). Further east, flat, cultivated cropland and vast desert areas in Imperial County provide countless opportunities for trafficking over land (See Imperial County Terrain Photographs, Appendix C). Major highways to Los Angeles and numerous state and secondary roads service the border communities and provide access to Mexico: a freight railway connects Tijuana to San Diego; international airports in San Diego, Mexicali and Tijuana, as well as smaller commercial and private airfields; and numerous isolated clandestine aircraft landing strips located in the mountains and deserts of northern Mexico are used to transport large quantities of narcotics and dangerous drugs to the border area and enhance smuggling activities. Maritime smuggling by commercial vessels and small boats, jet skis and Zodiac craft is facilitated by the extensive commercial port facilities and private marinas of the San Diego and Mission bays, and the expansive, often remote, coastline of San Diego County.

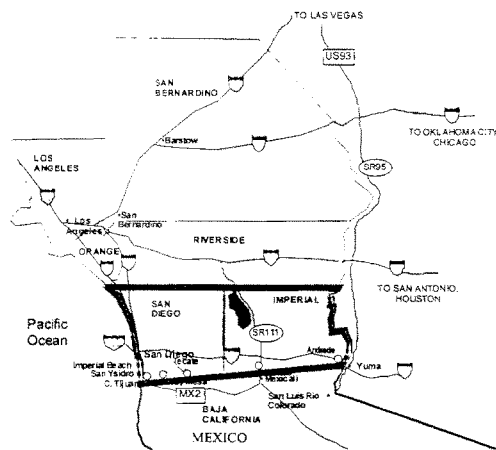


Figure 1

Now, I want to present an organizational overview of CBAG, itself, beginning with a discussion of its structure. Each of its 40 member agencies has its own strategies, requirements, and missions. The CBAG Executive Committee, through subcommittees, coordinates the integration and synchronization of efforts to reduce drug trafficking, eliminate unnecessary duplication, and improve the systematic sharing of intelligence. The Executive Committee monitors the implementation of this strategy to ensure the joint efforts of the CBAG produce the desired impact. The Committee provides a coordination umbrella over networked joint task forces, the intelligence center, and single agency task forces and narcotics units within the CBAG. The Committee is formed of 15 Members/Officers, 7 Federal and 8 State/local, with the chair and vice-chair rotating between Federal and State/local yearly. An Intelligence Subcommittee provides guidance to the Intelligence Center (the San Diego/Imperial County Regional Narcotics Information Network (NIN)) and develops intelligence policies for the approval of the Executive Committee. A Fiscal Subcommittee recommends budget and reprogramming requests for Executive Committee action and

approval. The CBAG Director, selected by the Executive Committee and approved by ONDCP, provides day-to-day coordination and programmatic and fiscal accountability critical to the CBAG. The Director is responsible for developing draft proposals of the Threat Assessment, Strategy, Initiatives, and Annual Report for decisions by the CBAG Executive Committee. The Director is also responsible for the management of the CBAG Staff, which includes Demand Reduction Coordination, Training and Equipment Coordination, and the Technology Subcommittee.

The CBAG is organized as shown in the figure below:

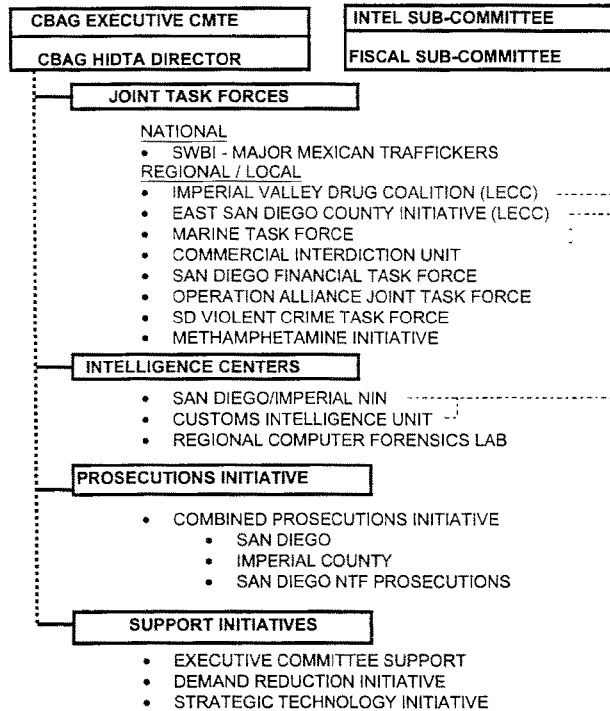


Figure 2

To accomplish its mission, the CBAG coordinates intelligence-driven, joint multi-agency coordinated initiatives, which are organized into five subsystems:

The NIN functions as the regional intelligence support center for the CBAG. It provides responsive deconfliction, pointer index, analytical case support, intelligence fusion, and predictive analyses in cooperation and coordination with the Customs Intelligence Group and member agency intelligence units. It consists of 49 full-time, co-located members (35 CA DOJ, 1 DEA, 1 FBI, 1 San Diego SD, 2 CA DOJ-BNE, 1 USBP, 1 USCS, 3 CANG, 1 JTF-6, 1 San Diego PD), plus 2 part-time San Diego SD Meth Hotline

students. The NIN also provides coordination and information sharing among local, state, and federal law enforcement agencies within the two-county region, as well as within all other HDTAs. The NIN's primary elements are: a *Watch Center*, for the exchange of vital narcotic intelligence information and the use of maps and a relational database to coordinate crucial enforcement activities in the interest of officer safety; an *Analytical Unit*, which provides tactical analytical case support; a *surveillance equipment pool*; and an *Investigative Support Unit* which focuses on targeting and strategic planning, including preparing the Threat Assessment. Interdiction operations and investigations are coordinated with the NIN to the greatest extent practicable, with exceptions for applicable grand jury secrecy, privacy of taxpayer information, Title III restrictions, and agency security requirements. The NIN works to identify and assess core and secondary Drug Trafficking Organizations (DTOs), and develop organizational profiles including key personalities, methodologies, facilities, assets, and capabilities and vulnerabilities of those DTOs. Further, the NIN assesses and prioritizes the geographical areas and lines of communication with the highest levels of trafficking activity. Based on these assessments, the NIN develops a prioritized List of Targets, identifying critical nodes and their susceptibility to interdiction, investigation, prosecution, or further intelligence exploitation. This effort involves the free and mutual flow of information to the NIN, with the full cooperation of all participating Law Enforcement Agencies.

Three Interdiction Task Forces (Marine Task Force, East San Diego County Initiative, and Imperial Valley Drug Coalition) conduct coordinated joint operations, guided by the best available intelligence and augmented by assets from the California National Guard and U.S. Department of Defense (DOD), in order to seize drugs, arrest smugglers, and deny easy access to traditional smuggling routes and methods by DTOs. This forces traffickers to operate in areas more favorable to our strategy and tactics, deters and disrupts normal DTO patterns of operation, and deprives them of significant profits due to seizures. However, in implementing this type of approach to the drug smuggling, it is important that we consider potential impacts on other areas and that we plan accordingly to avoid the simple transfer of the problem from one area to another. When we moved to enhance enforcement in the South Bay area of San Diego County we saw increased trafficking activity in the eastern portion of the county. That is something we want to avoid in the future. Before leaving the topic of the Interdiction Task Forces let me identify for you the agencies which contribute to each:

- a. The Maritime Task Force is composed of assets provided by the U.S. Border Patrol, the Chula Vista Police Department, the U.S. Coast Guard, the Coronado Police Department, the U.S. Customs Service, the San Diego Harbor Police Department, the Immigration and Naturalization Service, the Internal Revenue Service and the San Diego District Attorney's Office.
- b. The East San Diego County Initiative and the Imperial Valley Drug Coalition are both spearheaded by the respective Sheriff's Departments and the U.S. Border Patrol. Other participating agencies in the two initiatives include the California Bureau of Narcotics Enforcement, the California Highway Patrol, the California National Guard, the Imperial County Sheriff's Department, the San Diego County Sheriff's Department and the U.S. Forest Service.

Seven Investigative Task Forces and initiatives target the most significant DTO's and their supporting secondary DTO's, transportation groups, money laundering schemes, and U.S. infrastructure and financial assets, in order to disrupt and dismantle the trafficking apparatus in the region. Task forces target specific aspects of the trafficking infrastructure: specific major DTOs, particular modes of transportation, methamphetamine manufacturing and precursor supply, area-specific investigations, and financial infrastructure. Investigative task forces pursue OCDETF designations for their cases where possible.

Three prosecution initiatives, two in San Diego and one in Imperial County, utilize a regional, multi-jurisdictional approach. Deputy District Attorneys and Assistant United States Attorneys are cross-designated to prosecute the cases that result from the Interdiction and Investigative elements of the strategy as stated above, in order to incarcerate key DTO personnel and ultimately destroy the most significant DTO's. The priority targets of this element are the most significant traffickers apprehended, but significant attention is paid to the small-time smuggler as well, in order to maintain a deterrent effect. The initial rationale for these initiatives was to reduce the burden upon the U.S. Attorney's Office but with the passage

of time an ever-greater burden has been placed on the County District Attorneys. The following data for San Diego County will provide insight. During the first eight months of Fiscal Year 1999 one thousand four hundred and seven (1407) HIDTA drug cases were presented to the San Diego District Attorney for prosecution while 598 drug cases were presented to the U.S. Attorney's Office for Federal prosecution. Imperial County has been similarly impacted.

San Diego County is one of five California counties participating in an innovative Drug Endangered Children (DEC) program that provides dedicated prosecutor and social worker response teams to all clandestine laboratory seizures. This program enables us to provide proper care for children exposed to drugs and toxic chemicals and facilitates felony child abuse or endangerment prosecution under California P.C. § 273a(a) whenever a child is simply negligently exposed to a dangerous environment and H&S § 11379.7 which adds a 2-year enhancement for actually manufacturing certain substances, including methamphetamine, while a child under 16 is actually present, and a 5-year enhancement if the child suffers great bodily injury. Twenty-six children residing in San Diego County were aided by this program last year.

Various pilot projects address the demand reduction aspects of the National Drug Control Strategy. The Demand Reduction Coordinator implements a community-oriented Demand Reduction program, under which CBAG assumes a leadership and coordination role in bringing many existing organizations together to achieve effective Demand Reduction results. This collaborative effort includes public and private school systems, student leaders, parent groups, law enforcement agencies, medical and health professionals, religious leaders, drug prevention agencies and leaders of volunteer organizations dedicated to fighting drug abuse.

I will now describe each of our operational task forces:

- a) **Imperial Valley Drug Coalition.** This is an intel-driven, joint operation in Imperial County that is coordinated with eastern law enforcement authorities in eastern San Diego County and the Yuma, AZ Border Patrol Sector. Participants include the U.S. Customs Ports of Entry, the Imperial Valley Law Enforcement Coordination Center (LECC), and the U.S. Customs Border Investigations Team. The LECC DEA-managed Intelligence Division has significant agency and NIN representation and connectivity with NIN.
- b) **East San Diego County Initiative.** In East San Diego County interdiction operations and investigations are coordinated via a Law Enforcement Coordination Center that targets cross-border smugglers and entrenched and determined support infrastructure in rural areas, in coordination with the U.S. Customs Ports of Entry. Full-time NIN representation assures enhanced connectivity.
- c) **Marine Task Force.** This multi-agency group focuses on interdiction and investigation of sea-borne smuggling in the Pacific Ocean and Coastal areas. Included in the effort are long-term investigations of international smuggling organizations, and operations outside of U.S. Territorial Waters.
- d) **The Major Mexican Traffickers Task Force** conducts intelligence- and electronic surveillance-driven investigations, targeting the major Mexican trafficking organizations as part of the Southwest Border Initiative effort. Included are the Arellano Felix, Amado Carrillo Fuentes, Imperial Valley and Border Corruption Task Forces. It also incorporates the former El Centro HIDTA Narcotics Task Force, an integrated task force targeting mid- to high-level Mexican traffickers and support networks in the Imperial Valley corridor.
- e) **The Commercial Interdiction Unit** targets trafficking via parcel systems and commercial carriers (air, bus, and rail.) The unit is composed of three teams, North, Central, and South, to concentrate on shipping center and transportation terminal concentrations.
- f) **The San Diego Financial Task Force** investigates money laundering cells and supporting financial structure of both domestic and international traffickers. It conducts long-term undercover operations using front businesses to identify laundering cells and personnel.



- g) Operation Alliance Joint Task Force. This multi-agency task force investigates all USCS and USBP seizures at or between the Ports of Entry using traditional investigative techniques. Collocated task force members work together regardless of agency affiliation.
- h) The Methamphetamine Reduction Initiative provides infrastructure and operational support to four major efforts: San Diego County Methamphetamine Strike Force, joint DEA-BNE Clandestine Laboratory Group, and the California Precursor Committee (CPC). It attacks the methamphetamine crisis in all aspects from precursor chemical suppliers, through manufacturing or importation and distribution, to the user. Methamphetamine production and distribution has become a problem of increasing national concern and in response to the growing threat we have increased the level of coordination between the California Precursor Committee and the National Methamphetamine Chemicals Initiative (NMCI). Every third meeting of the CPC is now expanded in scope and doubles as the national meeting of the NMCI with attendance by participants from all areas of the country.
- i) Combined Border Prosecutions Initiative. A coordinated, cross-designated U.S. Attorney-District Attorney approach provides for felony drug prosecutions of Federally initiated border drug cases in State Court. These allow prosecution of both major violators and lower level smugglers which would have been declined by Federal prosecutors, raising deterrent effect. It provides dedicated and tailored prosecutions support to task forces targeting street-, mid-, and high-level organizations.

I want to also describe the CBAG Intelligence and Investigative Support Initiatives:

First the Intelligence Initiatives:

- a) The San Diego / Imperial County Regional Narcotics Information Network – NIN, as already mentioned, is the regional intelligence support center for the partnership and its deconfliction center. It provides case-specific analytical support, post seizure analysis and maintains a special equipment pool. It prepares the CBAG Threat Assessment, maintains a pointer index, and serves as an entry point for RISS access via the Statewide Integrated Narcotics System.
- b) The Customs Intelligence Group is co-located with the Operation Alliance Task Force (San Ysidro). It provides post-seizure analysis on all Port of Entry INS, USCS and USBP checkpoint seizures in California. It produces a bi-weekly publication called "Intelligence Trends" which is distributed to Law Enforcement Agencies throughout California.
- c) The Regional Computer Forensics Laboratory targets the increasing use of computer technology by major drug traffickers and money launderers in Southern California by attacking drug traffickers' ability to communicate and to store data regarding assets accumulated through illegal drug activity. It was the first facility of this nature in the country and the expertise developed through the initiative has served us well in the investigation of other computer-related crime.

Now the Support Initiatives:

- a) CBAG Support. This group supports the CBAG Executive Committee in evaluations, assessments, strategy, planning, and accountability of HIDTA assets to include HIDTA-funded equipment. It coordinates multi-agency training from the HIDTA Assistance Center, U.S. Department of Defense (DOD), and others in computer skills, Spanish language, intelligence analysis, and other subjects.
- b) Demand Reduction Coordination. Full-time personnel provided at no cost by the California Bureau of Narcotic Enforcement and California National Guard, coordinate government and community-based demand reduction and prevention efforts, with a special emphasis on young people. This strategy serves as a very effective complement to several local programs. Two that are would like to particularly discuss are San Diego County's Drug Courts and the Volunteer Prevention Coalition. The first of these programs has shown how a strong

program of substance abuse assessment and monitoring based on the coercive power of the courts can create significant benefits to the County and its citizens. Arrestee Drug Abuse Monitoring (ADAM) statistics show us that anywhere from 60 percent to 70 percent of people booked into county jails test positive for some sort of illegal drug. The goal of the Drug Court program is to require every offender, either in jail or on probation, to undergo assessment, treatment and monitoring in a drug court. In Dependency Court, more families are being reunited in less time than before, saving \$4 million in the county's budget for foster care. While it costs between \$15,000 and \$35,000 a year to incarcerate an offender, it only costs \$3,700 per participant to put him or her through a drug court program for 15 months. Our drug court in Vista has avoided 14,000 days in jail for offenders who stayed off drugs and alcohol for all or part of their commitment to treatment. At present San Diego County's adult drug court programs are available only to non-violent felony criminal offenders, to parents in dependency court and to juveniles in delinquency court. As additional funding is identified the program will be expanded. The second program, the Volunteer Prevention Coalition, coordinates the efforts of various community-based agencies to spread the message that "substance abuse is harmful to both the individual and to society at large." One program called the Drug Store, which takes this message to young children at an age when they are most impressionable, has been particularly effective. Office space for the Coalition is provided at no cost by CBAG.

- c) Strategic Technology Initiative. This initiative provides support for technology pilot projects such as the Arrest and Seizure Information Network, building web-based links between narcotics information systems and law enforcement automated field-reporting systems. It also provides a Technology Subcommittee, to identify and evaluate suitable technologies for regional requirements.

Despite efforts on both sides of the border to confront drug smuggling the Southwest border and coastal waters of San Diego County continue to be a prominent corridor through which Mexican produced heroin and marijuana, as well as South American cocaine are smuggled into the U.S. Mexican DTOs also dominate the methamphetamine trade and are major protagonists in the diversion of precursor chemicals necessary for the manufacture of methamphetamine.

During 1999, CBAG task forces and member agencies seized 180,239 kilograms of marijuana, 3,666 kilograms of cocaine, 99.7 kilograms of heroin, and 577.1 kilograms of methamphetamine in border-related incidents. The U.S. Customs Service reports that, as a share of the entire Southwest Border, CBAG area Ports of Entry were responsible for 2,274 POE narcotic seizures during the first six months of FY99, a 21% increase in seizure activity when compared with the corresponding time period in FY98. California POEs were responsible for 60% of all marijuana seized, 25% of all cocaine seized, 72.9% of all heroin seized and 95.4% of all methamphetamine seized at Southwest Border POEs (See Seizure Statistics, Appendix D).

It is important to recognize that the Mexican DTOs are in reality multinational organizations with operating groups in the United States, Central American and other nations as well as in their homeland. Within the United States these Mexican DTOs control much of the bulk distribution of drugs and even in those instances in which they do not, the native DTOs must still deal with them in order to be able to operate effectively. It is a symbiotic relationship.

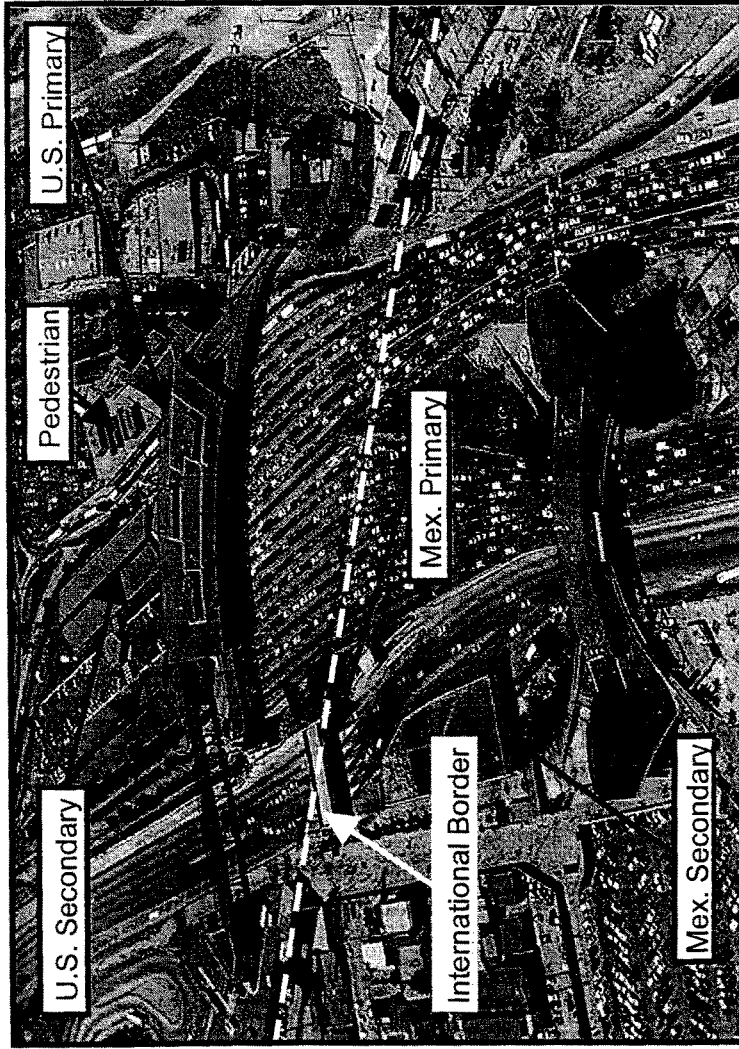
Law enforcement authorities of San Diego and Imperial Counties are highly concerned with the activities of the three Cartels which currently dominate Mexican narco-trafficking i.e., the Arellano Félix Organization (a.k.a. the Tijuana Cartel), the Juárez Cartel, and the Amezcua Contreras Cartel (a.k.a. the Colima Cartel). These three groups are responsible for virtually all of the drugs flowing into this region. The Amezcua Contreras Cartel tends to work cooperatively with the Arellano Félix Organization. However, that is not the case with the Juárez Cartel and Arellano Félix Organization. They are involved in a bitter dispute for control of the Baja California Peninsula and the access that it provides to the Southern California domestic market and its transshipment points to other areas of the country. In 1999 there were over 600 drug-related murders in Baja California and there has been no let up thus far in the year 2000. On February 27<sup>th</sup> Tijuana Police Chief Alfredo de la Torre Márquez was brutally assassinated in a murder reminiscent of that of a predecessor six years ago. The spill over from this inter-Cartel dispute into the U.S.

is quite significant as Cartel loyalists are often recruited from the local "barrio gangs" that are given encouragement and supported from Mexico. While we can not directly tie the activities of several individuals arrested on February 24<sup>th</sup> on suspicion of gang-related murders to drug trafficking, the *modus operandi* of drive by shootings with assault weapons that they employed is also typical of drug traffickers. The Cartel motor pools of vehicles used in both smuggling and assassinations are constantly replenished by the theft of automobiles on this side of the border and the perpetrators of murder and other violent activities both here and in Mexico are often local gang members who cross the border at will. (See Selected Newspaper Articles, Appendix E).

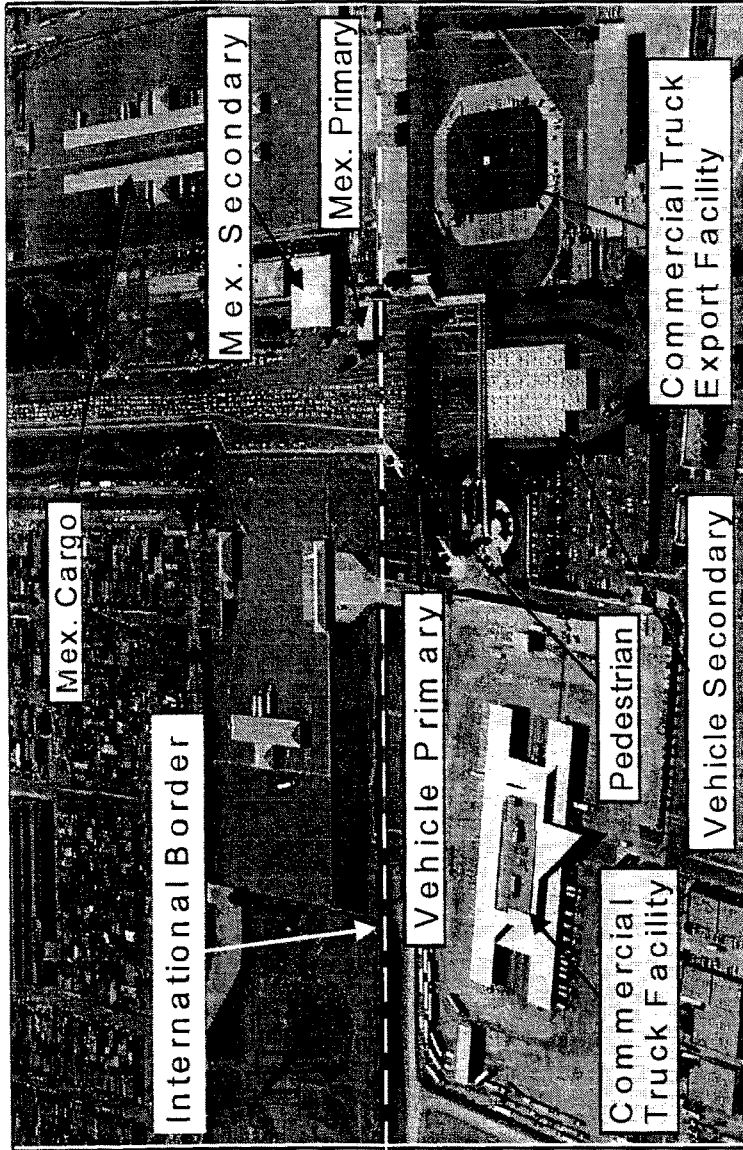
The criminal drug related activity that I have described in this presentation is overtaking the response capability of CBAG and its member agencies. As I indicated at the outset I am extremely gratified with what we have been able to accomplish; but it is vital that we avoid a sense of complacency and begin to think that final victory in this "war on drugs" is near. The termination of the drug surveillance and interdiction activities formerly conducted out of Panama has had an adverse effect upon our region. We are currently experiencing a rapid increase in the number of maritime cocaine seizures by San Diego based U.S. Coast Guard units in the Southeastern Pacific, but that is barely enough to slow the flow of that drug into Mexican staging areas for transshipment across the California border. If we could have the same level of attention and support that is being given to maritime interdiction in the Atlantic and Caribbean areas I believe we would be able to significantly enhance our efforts. There is certainly much more to be done in other areas as well, particularly in the area of providing an infrastructure with sufficient detention facilities and personnel to man them, well equipped intelligence centers with adequately trained analysts, more prosecutors and expansion of our beleaguered court systems, etc. While additional police officers at both the federal and state as well as at the local level is always welcome, their addition without relief in the support area can only serve to further exacerbate the frustration that already exists due to existing shortfalls in that area. While there are numerous programs and new ideas that merit funding under HIDTA guidelines, fiscal realities always require that we prioritize our efforts. At this time CBAG has deferred the funding of a Customs Border Interdiction Team as well as several pilot projects under the Strategic Technology Initiative and measures designed to enhance the effectiveness of the Marine Task Force until an additional \$1.1 million in funding becomes available. The financial resources available to local governments to address drug related needs, even on a matching funds basis, are likewise limited and we can not divert resources from other pressing local needs indefinitely. Innovative Federal initiatives to reduce the burden would be most welcome.

In closing, Mr. Chairman, I want to thank you and your sub-committee once more for having provided me and the other witnesses who are testifying today a forum in which to express our concerns and hopes for continued support in this struggle. In so doing you are contributing immeasurably to the awareness and understanding of the problem that is vital to the success of our mutual efforts.

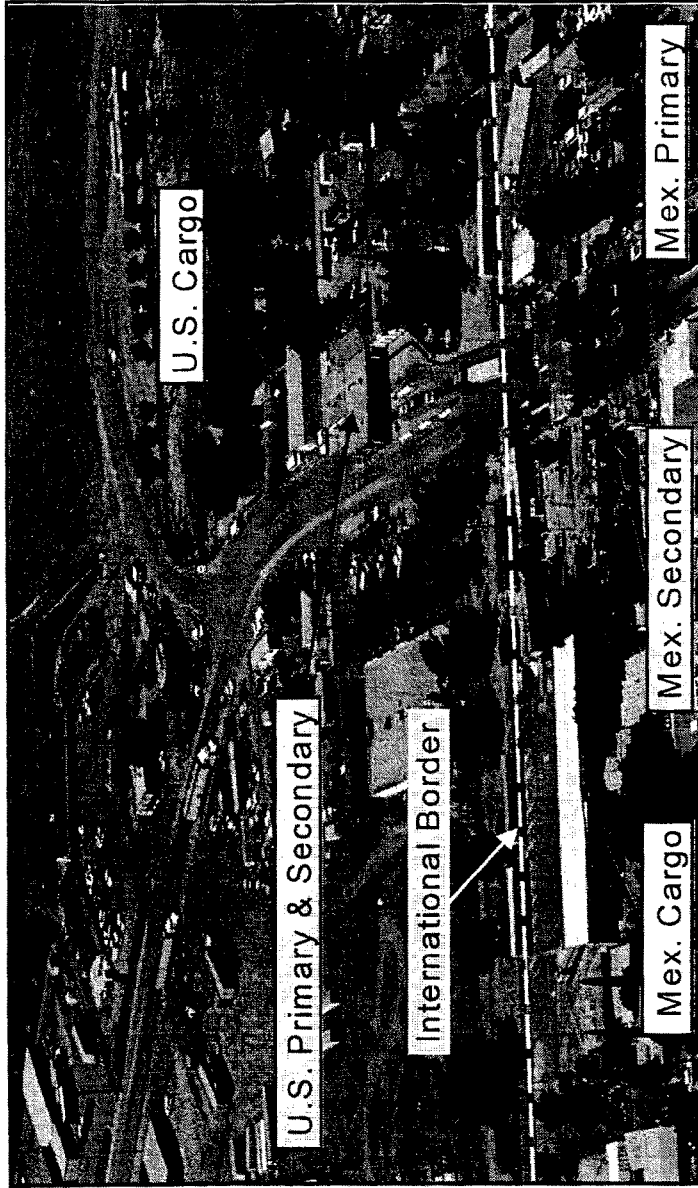
**APPENDIX A**



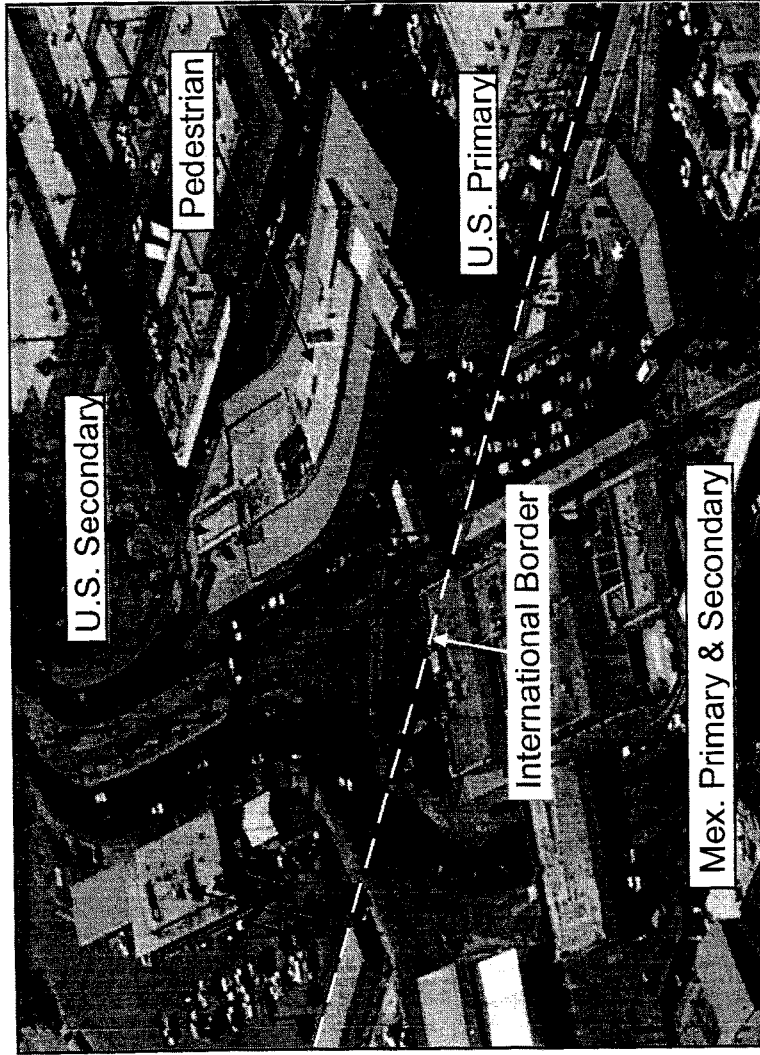
SAN YSIDRO POE



OTAY MESA POE

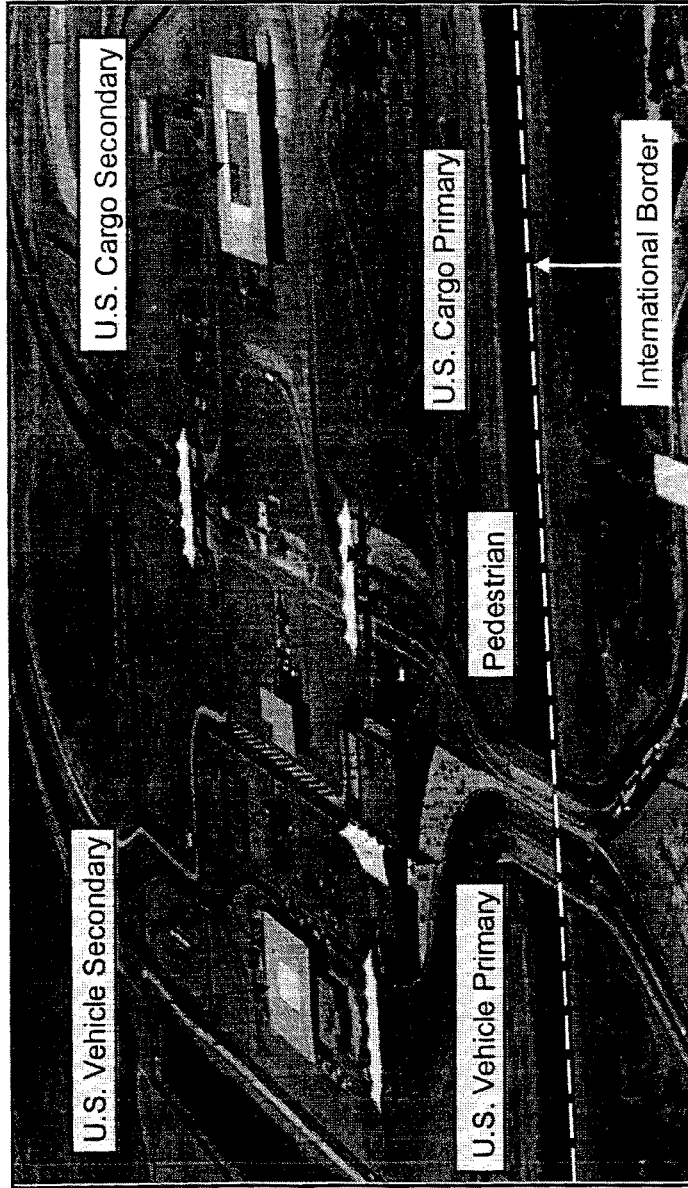


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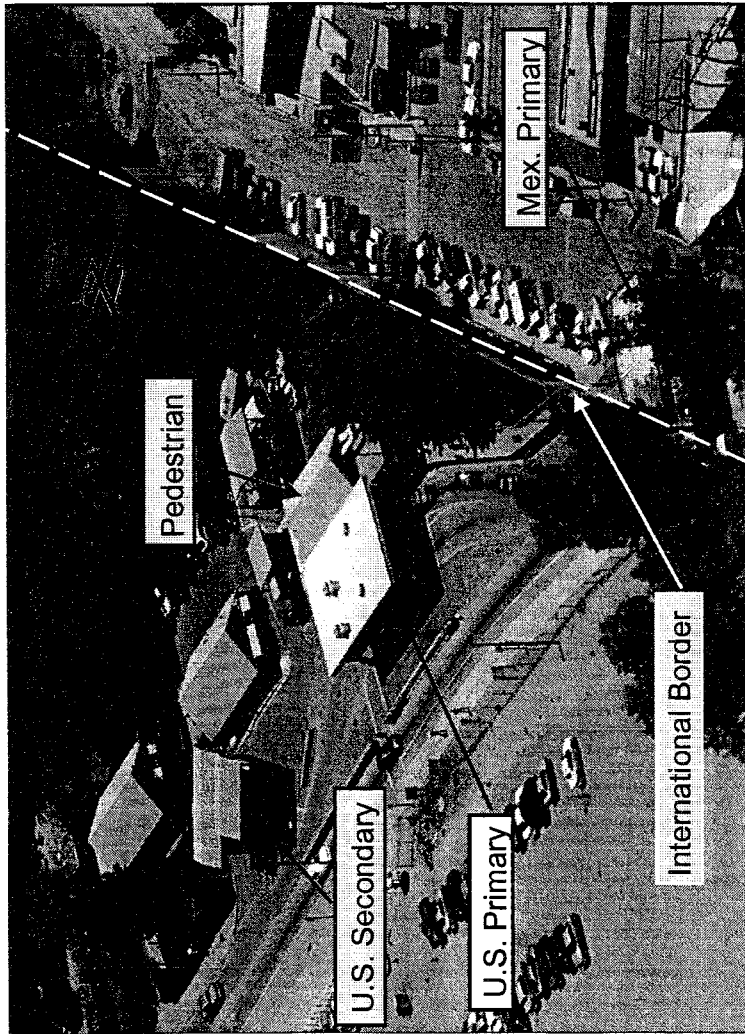


CALEXICO POE





CALEXICO EAST POE

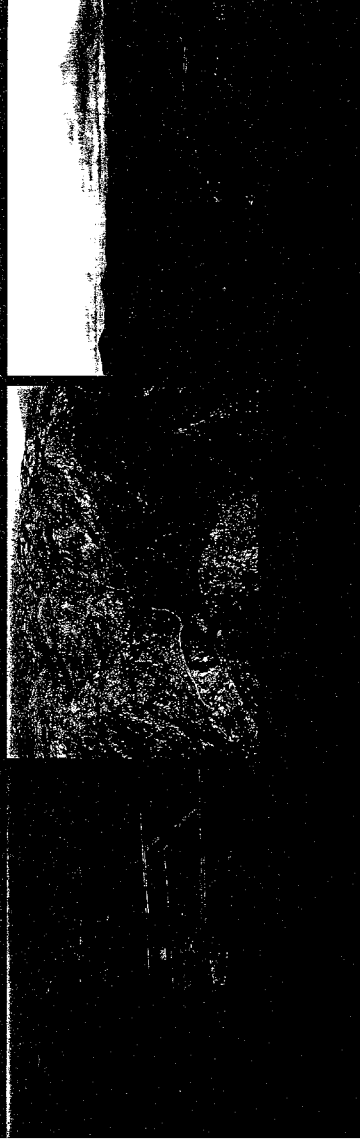


ANDRADE POE

**APPENDIX B**

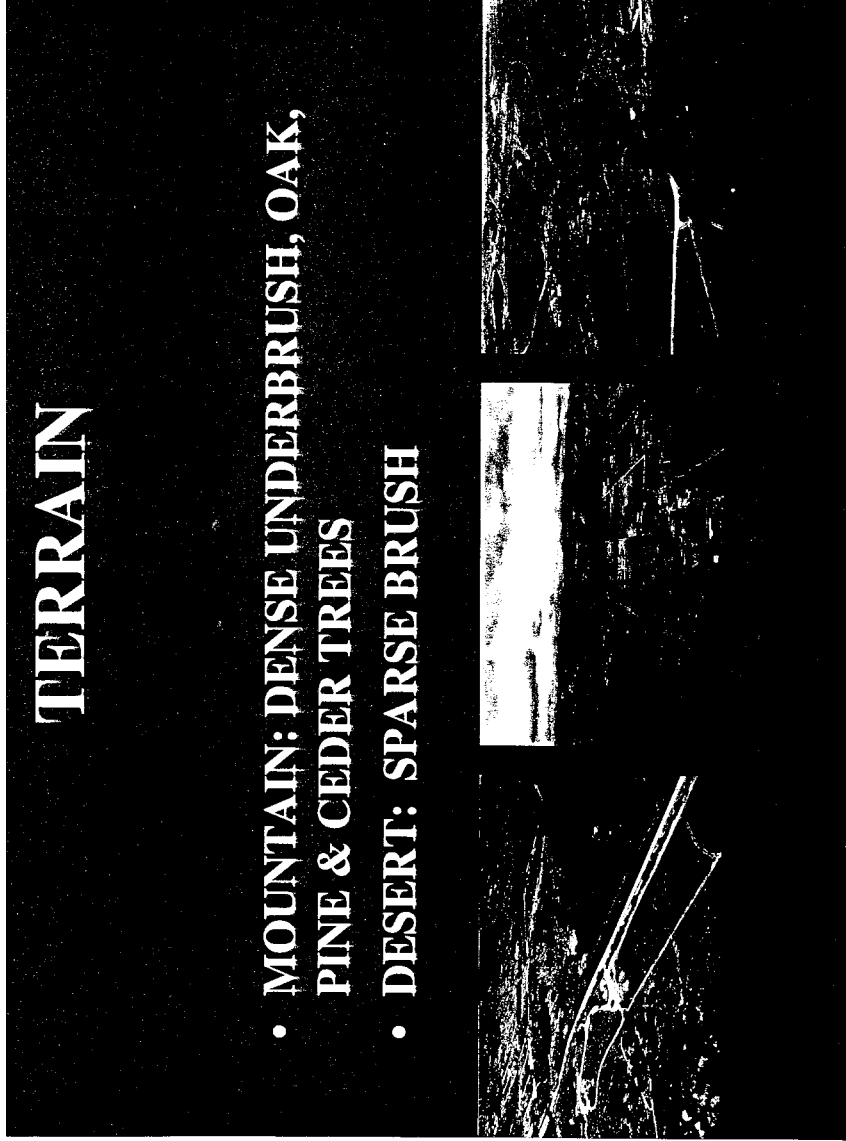
# SAN DIEGO COUNTY TERRAIN

- SPARSELY POPULATED MOUNTAINOUS AND DESERT TERRAIN
- ELEVATIONS 600-6500 FEET



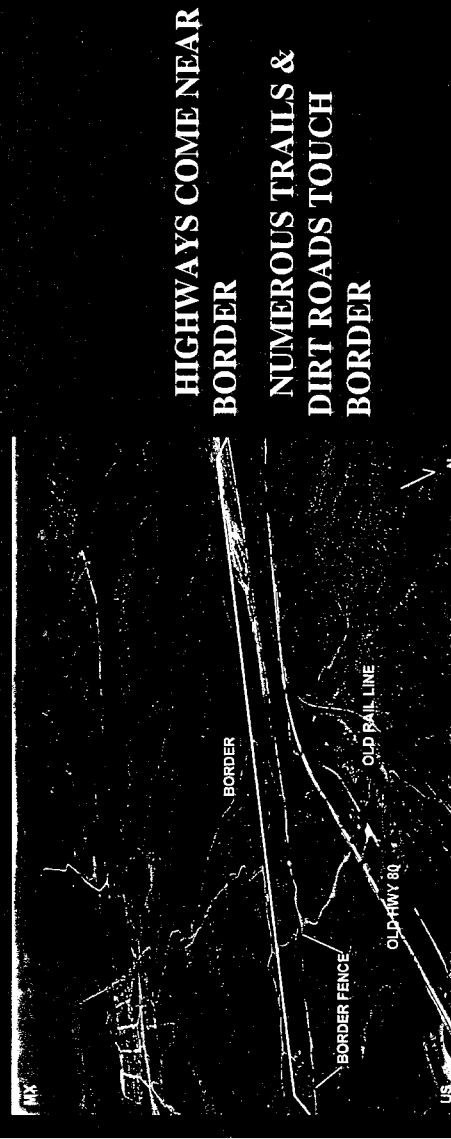
# TERRAIN

- MOUNTAIN: DENSE UNDERBRUSH, OAK, PINE & CEDER TREES
- DESERT: SPARSE BRUSH



# TERRAIN

- EAST WEST: I-8/OLD 80/US 94
- NORTH SOUTH: S-1/S-2
- HLZ'S/AIRFIELDS: CAMP MORENA LAPOSTA & JACUMBA

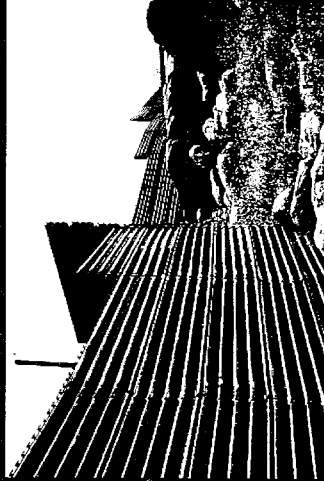


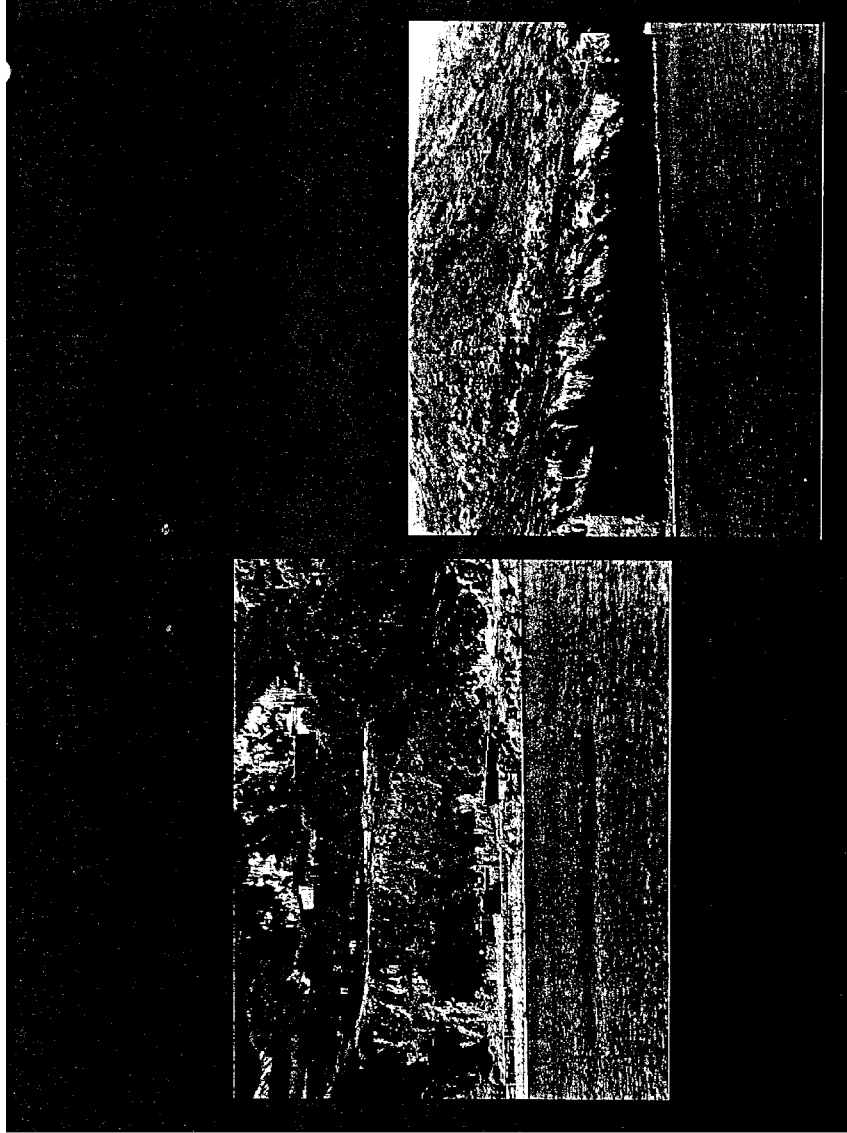
# GROUND OBSTACLES

BORDER FENCE

• RUGGED TERRAIN

• VEGETATION







**APPENDIX C**



# TERRAIN

## CENTRAL VALLEY

- Built-up Areas
- Intensive Cultivation
- Extensive Canal System

## ALL AMERICAN CANAL

- 35-50 X 50 ft Deep
- Sand Berms North and South of Canal

# TERRAIN

Mountains

Large Rock and

Boulder Formations

Steep Mountains -

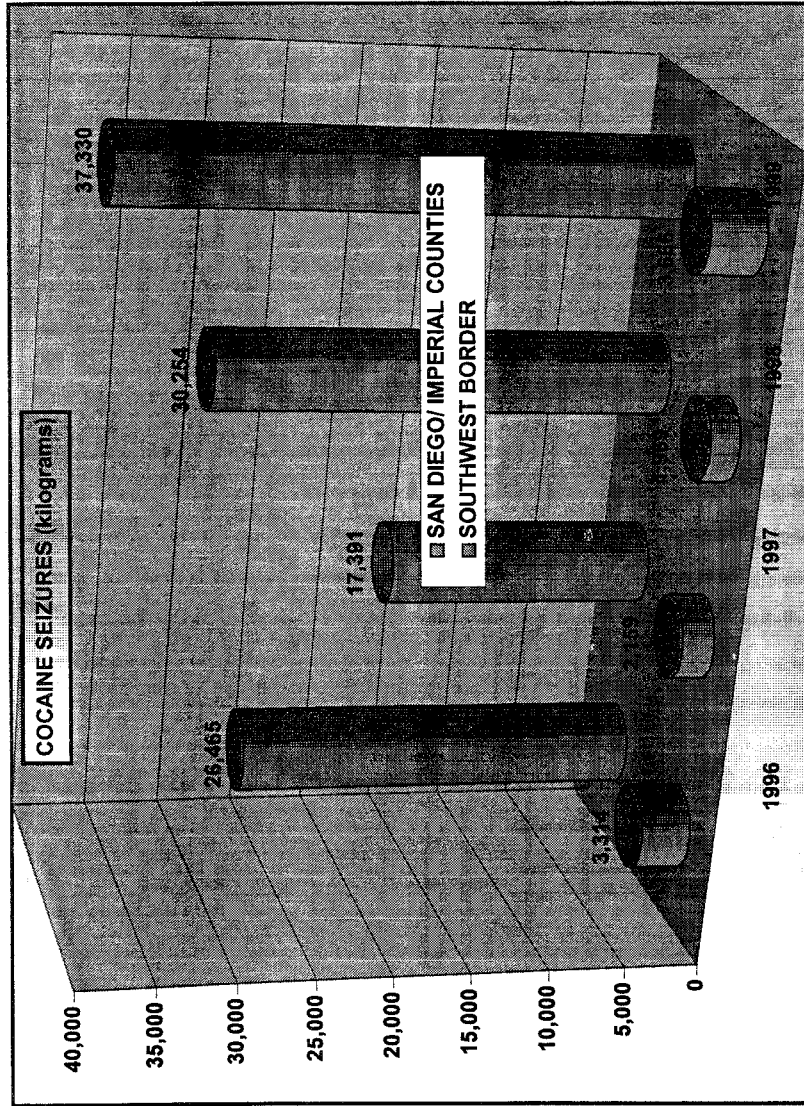
Loose Gravel / Rocks

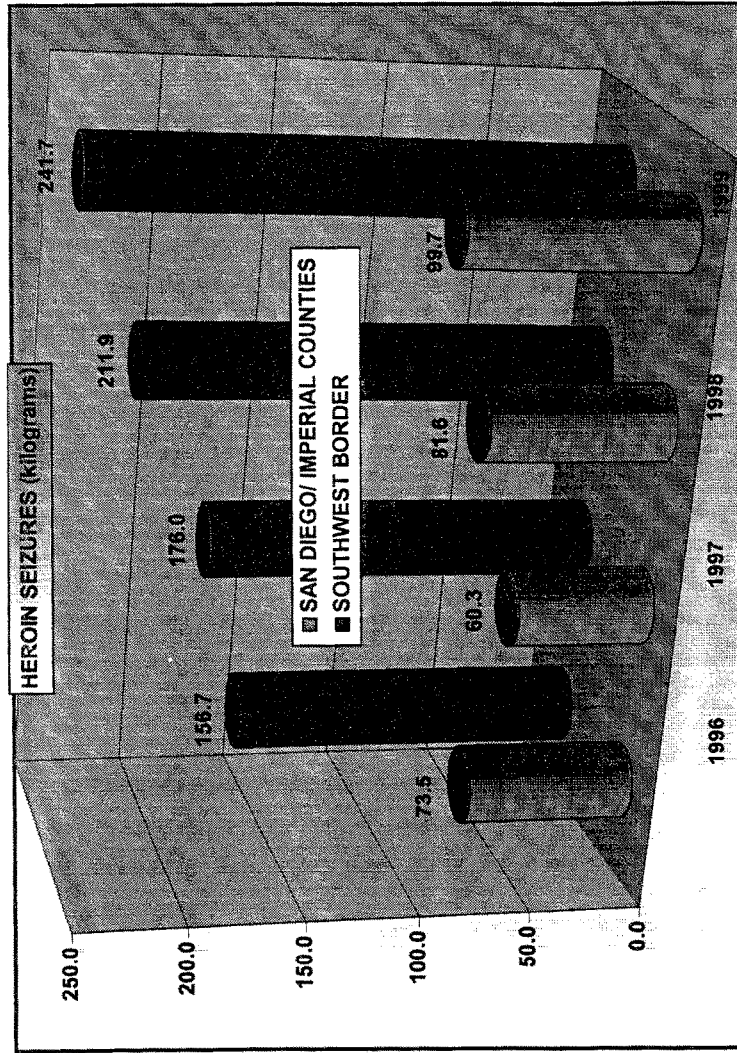
Jacumba Mtns - Good

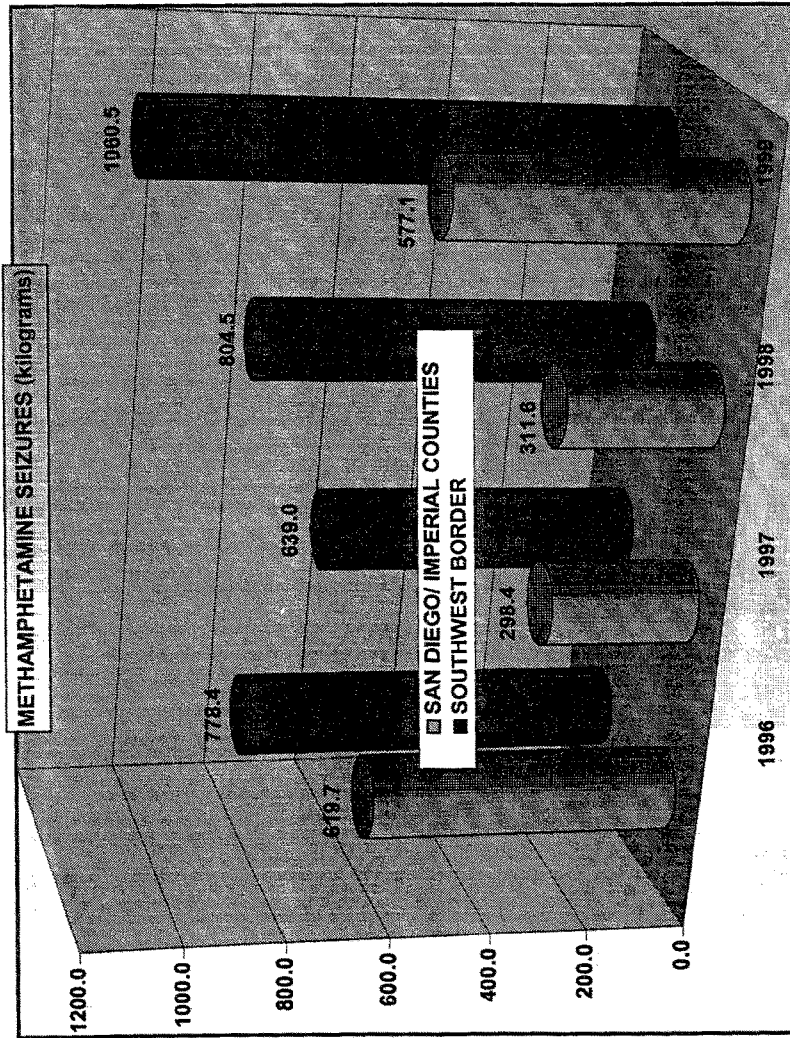
Observation

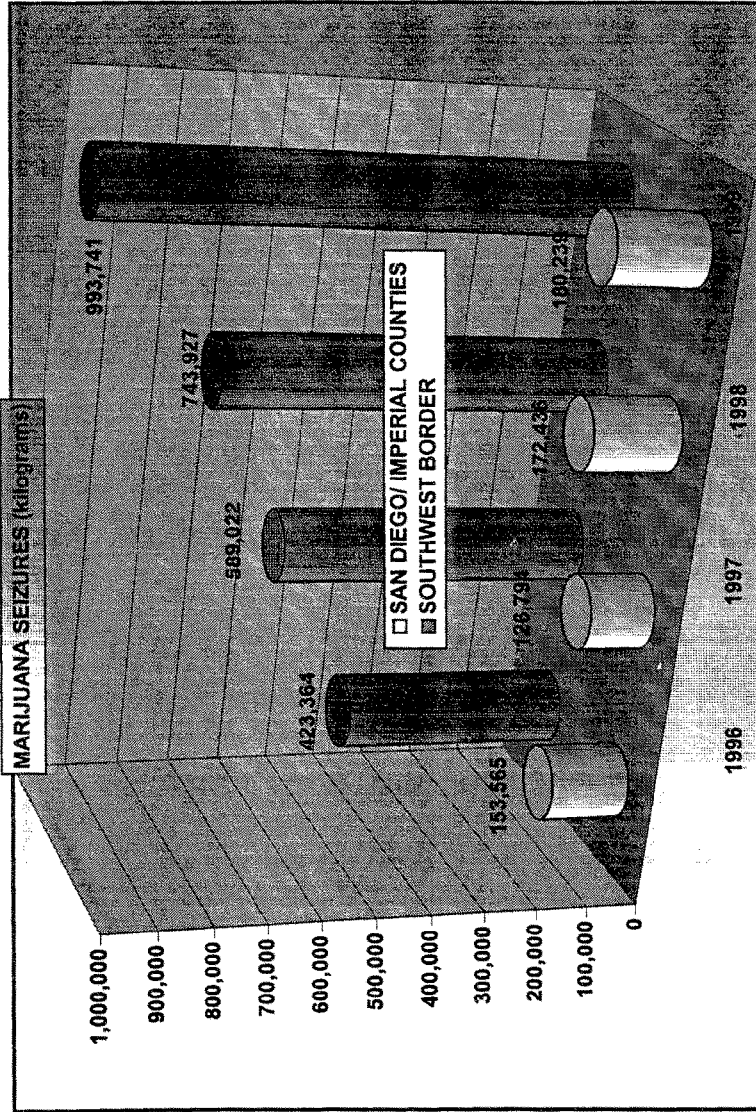


**APPENDIX D**











**APPENDIX E**

Composite from articles appearing in *El Mexicano*, *Frontera* and *La Crónica* on 01/18/2000-01/21/2000

## “Narco-grave” Discovered The Body of Former State Police Officer Bismarck Hidalgo Missing Since 1997 Exhumed By State Attorney General’s Office

The body of former State Police Officer Bismarck Hidalgo, missing since November 27, 1997, was found in a “narco-grave” discovered in eastern Tijuana following a search of at least four homes in the La Mesa and La Presa districts of the city. The discovery occurred in the patio at the rear of a house located at Calle Ignacio Allende #18 in the Mariano Matamoros neighborhood inhabited by migrants to Tijuana since the early 1990’s.

The clandestine sepulchre was sealed with concrete, iron bars and mosaic tile which had to be broken in order to dig down through two meters of rubble. The effort took four hours. Next to the body, which was found wrapped in a blanket bound with electrical wire and chains, and placed in a kneeling position inside a septic tank, authorities found various spent .45 caliber and .44 Magnum shell cases. The sensationalist Mexican press reported that according to the police informants at some point the narco-traffickers had attempted to remove the body from its resting place but that when it began to fall apart they decided to leave it there and sealed the tank.

The Deputy State Attorney General, Olga Jiménez Muñoz, suggested that there might be other “narco-graves” in Tijuana since the death of the former agent is tied to other “executions” here. She initially indicated that there were four persons under detention in connection with the investigation of this and other crimes but declined to identify them while police continue to seek other possible accomplices. She also added that there were two large agricultural properties where Bismarck Hidalgo Corral, age 36, was taken before being executed that serve as narco-trafficking strongholds.

Hidalgo Corral entered the State Police during the administration of Juan Francisco Franco Ríos when he was only 25 years of age. He was initially detailed in November 1986 to the personal bodyguard unit of the State Attorney General’s Office, an assignment that only lasted two weeks. He subsequently left the police in 1988 following a motorcycle accident in which he sustained serious injuries, which required insertion of prosthetic devices in an arm and a leg. It was these devices that allowed identification of the decomposed cadaver. After leaving the police he maintained such close contact with his former associates that it was commonly believed despite the facts to the contrary that he was a member of the force right up until the moment of his death.

Hidalgo apparently had a long history of shady dealings. After leaving the police force he became involved in the restaurant business and the promotion of sporting events. He was particularly well known in boxing circles. It became common knowledge in Tijuana that several close associates died cruel deaths in the early 1990’s. One account indicates he became a thug (“aspirina”) for the Federal Judicial Police while simultaneously becoming a drug “broker”. He allegedly directed the movement of drugs to San Diego and had a whole army of mules working for him. His mother, Imelda Corral Reyes, stated at the time of his disappearance that she believed her son was probably dead because he hung out with friends with dubious reputations. On November 21, 1997 he left her house and never returned. According to State Attorney General’s Office documents a missing persons report was filed on December 17, 1997 almost a month later.

Mario Rivera Salgado, Head of the Homicide Investigation Squad, said that the “narco-grave” investigation points to high level narco-trafficking. The location of the site came from the follow up to another “execution” which took place two weeks ago. In the course of that investigation Luis Rey López Ilustre, age 36, was detained as a witness and possible participant in the death of Hidalgo Corral. Armando García Gómez, age 26, who was also arrested in connection with the crime, claimed that López killed Hidalgo Corral following a heated argument, possibly over the theft of a large quantity of marijuana that was stolen

from the organization to which they all belonged. Both confessed to the crime and cooperated with police in the recovery of the body.

The case appears too hot to handle and the Federal Attorney General's Office has declined to intervene in the case claiming that it should be treated as a simple case of murder to be investigated by local authorities until such time as a narco-trafficking connection is clearly established.

[**Comment:** Talk about not seeing the forest for the trees. Despite its brevity, the association with the body guard detail of the State Attorney General is revealing and points once more to the institutional corruption of that unit which has produced other individuals with notorious ties to narco-trafficking organizations such as Sergio Rublacava Sandoval and Héctor Meza Buelna. While the newspapers have clearly used the recent discoveries in Ciudad Juárez to play up this incident, the discovery of additional "narco-graves" in Tijuana does not appear imminent.]

Composite of articles appearing in *Cambio*, *El Mexicano*, and *Frontera*, on 11/06/1999-11/07/1999 and in the November 12-18 issue of *Zeta*

## Lawyer Assassinated

Lawyer Joaquín Báez Lugo, age 36, was machine-gunned to death yesterday by three hit-men as he drove his black 1999 Lexus LX450 van with California license plates 3RXP163 out of the Plaza Financiera building in Tijuana's Zona del Río where he had his offices. The event took place about 2:20 p.m. near the intersection of Sánchez Taboada Boulevard and Calle Erasmo Castellanos.

According to a preliminary investigation by agents belonging to the Homicide Unit the body of the lawyer was riddled by 45 rounds. Four meters from where the vehicle came to halt police found 54 shell casings from two different weapons (eight were .45 caliber and 46 were a 9mm UZI).

Witnesses agreed that he "dedicated himself to the defense of narco-traffickers" and that he might have been murdered by his own clients. *Zeta* speculated that one of several possible motives for the crime may have been Báez' failure to prevent the PGR seizure of the Oasis tourist complex belonging to Manuel Aguirre Galindo, alias "El Caballo", of the Arellano Félix Organization.

Joaquín Báez, who lives in the Lomas Hipódromo neighborhood of the city, left his office located in suite 601 of the aforementioned building at 2:16 p.m. He went down the elevator to the parking level, got into his vehicle and drove out the Sánchez Taboada Boulevard exit. He had just turned onto that roadway when a heavily armed individual standing outside the Del Sol Pharmacy opened fire on the left side of the vehicle. A second individual took a position in front of the vehicle and emptied a .45 caliber pistol into it. According to witnesses the pair of assailants had been dropped off at the scene by a gray 1988 Pontiac with dark tinted windows. That vehicle loitered in the area and purposely crashed into Báez' vehicle as he left the garage to cause him to stop, allowing the shooters to carry out their attack. When the shooting was over they ran down Calle Erasmo Castellanos toward Plaza Fiesta and in the area of the Santander Mexicano Bank, climbed back into the Pontiac which was now waiting there, and fled on the Vía Rápida. Some witnesses reported that the escape vehicle bore California license plates 1MOY291. It was found abandoned a few minutes later near the Serfin Bank on Calle Luis Cabrera between Sánchez Taboada Boulevard and Paseo de los Héroes.

Near the Costco, located on West Vía Rápida municipal police intercepted a 1978 Continental and briefly detained its 40-year-old driver, José María Urrea Sánchez. He was quickly released as not involved.

Joaquín Báez, who was also a university professor, was the cousin of Efrén Báez who was murdered as he arrived at his home in the Lomas Hipódromo neighborhood September 28, 1998. On January 10<sup>th</sup> of this year his sister, Yolanda Báez de Bustamonte was also killed in her car.

[**Comment:** Joaquín Báez Lugo, born 05/20/1957, was known to the NIN and apparently had a Chula Vista connection since his Lexus (a 1996 vice 1999 model year) was registered to an address in the Eastlake area of that city. A Pontiac bearing California plates 1MOY291 was sold earlier this year to Tijuana auto dealer Alvarado Motors.]

Article appearing in *El Mexicano* on 08/31/1999

## José Contreras Subías Assassinated Investigation Initiated

**TIJUANA** Without losing sight of his criminal history, the murder of José Contreras Subías is simply another major crime for the Office of the Federal Attorney General in Baja California (PGR). But it will be investigated with the same attention that is given to all the murders being investigated at this time according to Leonardo Cortez Téllez, Director of Open Investigations of that entity.

José Contreras Subías was well known in Tijuana where he was twice imprisoned for drug related offenses. In 1986 he escaped from the Municipal Jail "La Ocho" which had been previously remodeled for his personal comfort. As a result of the scandalous escape Gastón Romo, who was at the time warden of the facility, was tried and sentenced for accepting bribes from the inmate who was one of the most infamous narco-traffickers in the country and heir to the empires of Rafael Caro Quintero and Miguel Angel Félix Gallardo.

Following his flight from Tijuana Contreras Subías was captured in the United States and sentenced to prison. Just a few months ago he was deported or extradited to our country and confined in the La Mesa Penitentiary of Tijuana from which he was released for good conduct shortly thereafter.

In his last public appearance José Contreras Subías spoke of having found God and reforming himself. It was said that even while in the La Mesa prison the former organized crime chief, who had joined the "Angeles of Christ", an addict rehabilitation support group, gave sermons about the Bible and religion.

After he was freed no one heard from him and authorities believe that he led a normal and peaceful life at the side of his family, but yesterday he was assassinated by a "hit squad" just outside his residence in the exclusive Lomas de Agua Caliente neighborhood and this again places Tijuana at the center of national and international attention.

For some in the State Police the death of this notorious individual will provoke a series of bloody acts as a logical consequence of the vengeful reaction of the family and friends of the deceased, something which is of grave concern to the community of Tijuana.

For other investigators, the fact that Contreras Subías was assassinated and didn't even have an armed guard, and wasn't carrying a weapon for self defense signifies that much of his power and reputation as a tough guy was gone because otherwise no one would have dared to attack him.

...

[**Comment:** To think that Contreras Subías might had severed connections to the drug trade is somewhat naive. The attack on his life took place around one o'clock in the afternoon. Two armed men driving a stolen mini-van chased him for twelve blocks across town before catching up to him just outside his home where they emptied full AK-47 and AR-15 magazines into him. They were obviously declaring that those associated in any way with the Juárez cartel are not welcome in the backyard of the Arellano Félix. A Tijuana policeman observed the chase and attempted to intervene but abandoned the effort when he became involved in a traffic accident. With the death of Contreras Subías Tijuana has witnessed a total of 21 assassinations by gunfire during the month of August. Fifteen of them occurred during the final week of the month. The indifference of public officials was manifest in the September 1<sup>st</sup> statement of Jorge Ramos, the Baja State Government's Chief of Staff, to the effect that "Decent people shouldn't worry. This is a matter between criminals. ... We are very sorry that there is so much crime but clearly none of our programs is designed to stop the settlement of accounts."]

Composite of articles appearing in *Cambio, El Mexicano, Frontera* and *La Crónica* on 11/03/1999 – 11/04/1999, *Frontera* on 11/06/1999 and *Zeta* (5-11 November issue)

## “El Flaco Araiza” Assassinated

TIJUANA Yesterday a pair of hit-men executed José de Jesús Araiza Sánchez in broad daylight as he was driving his Suburban van on Fundadores Boulevard in the Cumbres de Juárez neighborhood of this city.

The events unfolded about 11:25 a.m. in the Cumbres de Juárez neighborhood as José de Jesús Araiza, approximately 37 years of age, was traveling down Agua Caliente Boulevard in his gray 1996 Suburban van bearing Chihuahua license plates DUJ6256. His vehicle was pursued for nine blocks by two individuals driving a black Chevrolet Lumina. Araiza attempted to elude the pursuers by turning onto Fundadores Boulevard; however, they managed to overtake him near the “El Venadito” Market and opened fire on his vehicle with a 9mm UZI.

“El Flaco Araiza” received six gunshot wounds in the neck and head and lost control of the van causing it to crash into a tree in the center divider as the murderers fled toward center city. A passenger, Ricardo López Rosales, age 38, employed by the Federal Electricity Commission escaped unharmed.

Municipal and State Police agents arriving on the scene found Araiza’s body lying lifeless in the crashed van. In his wallet police found 15 counterfeit credit cards. Roadblocks were set up in the area and a short while later police arrested Juan Ortiz (alias Bulmaro Soto Márquez) age 34, and Salvador Martínez Arce, age 20, who had a 38-caliber pistol in their possession. Subsequent investigation revealed that they were employees of Araiza and had been received an anonymous phone call to go and see if their boss was still alive. As they approached the scene of the crime in a black Grand Marquis without license plates they saw the police and attempted to flee without success. They were questioned and held on charges of illegal possession of a 9mm pistol.

Jesús Araiza was married to Alma Graciela Méndez Stoever, a secretary with the Seventh Penal Court. He spent several years (09/28/1989-03/24/1995) in the Tijuana Penitentiary on cocaine charges. While at the prison he allegedly amassed a fortune as the head of one of the gangs that controlled the entry and sale of drugs and liquor into the facility. *Zeta* claims that he was kidnapped a few months after his release and freed only after a million dollar ransom was quietly paid. According to newspaper sources after he was freed Araiza dedicated himself to the sale of cellular phones and pagers at his business “Baja Tec” in the “Zona del Río” area of the city. A week prior to the assassination he was involved in a traffic incident with State Police on Eighth Street in center city.

The conventional wisdom at this time is that drug lords ordered the execution of Jesús Araiza Sánchez because he had not made good on a debt and may even have been diverting money from drug deals in which he was involved into his personal bank accounts. At the time of his death he was building a luxury residence on Calle Vicente Guerrero, but that was not his only property. He was believed to have close ties with Tijuana Cartel associate Amado Cruz Anguiano, currently a prisoner at Almoloya de Juárez. On February 13, 1996 he purchased a 534 thousand peso home in the exclusive Jardines del Sol de Playas de Tijuana neighborhood from Guillermo Cruz Anguiano, the brother of Amado. He is also believed to own or use other residences in the Hidalgo, Guerrero and Independencia neighborhoods of Tijuana and in Playas de Rosarito. His demise could also be related to the murder deaths of Luciano Sánchez Navarrete and José Enrique Gallardo Reynoso just one block from his house in the Guerrero neighborhood on October 11, 1999.

[**Comment:** The manner in which this assassination was carried out is very similar to that of José Contreras Subías on August 30, 1999 and has caused Tijuana police to speculate that the same professional hit-men were involved. José de Jesús Araiza Sánchez has been long known to the NIN and its member agencies as a major narco-trafficker involved in the movement of multi-ton loads of cocaine into the San Diego area. Available information suggests that he was involved in such activities right up to the day of his death.]

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**Tijuana police chief gunned down**

**More than 100 rounds fired in ambush as he drove to work**

**By Sandra Dibble and Anna Cearley**  
STAFF WRITERS

**February 28, 2000**

TIJUANA -- Gunmen firing more than 100 rounds killed this city's police chief yesterday morning as he headed to work down a heavily traveled thoroughfare.

Alfredo de la Torre Márquez, a streetwise, veteran cop, died alone shortly after 9:30 a.m. at the wheel of his black Chevrolet Suburban, the most recent victim in a wave of violence gripping this city of some 1.3 million people.

The killing bore all the marks of organized crime: Gunmen with automatic weapons ambushed de la Torre from one or more moving vehicles just as he passed a Pemex gas station, police said. The Suburban swerved across several lanes, then crashed into a tree.

De la Torre, 49, is the latest in a series of high-ranking police officials killed in recent years. The crime was remarkably similar to the shooting of another Tijuana police chief, José Federico Bentez López, shot to death along with his bodyguard nearly six years ago.

"The violence reaches those who are supposed to be protecting the city, and now everything is out of control," said Victor Clark, head of the Binational Center for Human Rights in Tijuana. "This is a reflection of the deterioration of life in this city where nothing is secure."

Though Baja California has boomed economically in recent years, it has been unable to shake violence related to drug traffickers who use the state as a springboard to supply the U.S. market.

A wave of killings this year -- more than 80 since Jan. 1 -- has led to a renewed public outcry. In a visit to Baja California last Friday, President Ernesto Zedillo promised that Mexico's interior minister and attorney general would arrive this week to meet with state and city law enforcement officials.

"We should all join together and work even more closely to combat crime," Mayor Francisco Vega de Lamadrid urged last night from City Hall.

De la Torre, married and the father of three, was passionate about his work, said Octavio Daz Gutierrez, who knew de la Torre for 25 years.

But de la Torre never seemed to fear the drug cartels that are responsible for much of the violence in Tijuana. When people asked him if he was afraid of being targeted by assassins, Daz said, the question brought a smile to the police chief's face.

"I believe that he received threats more than once," Daz said, "but that didn't scare him, and he never took it seriously."

At the time of his death, de la Torre was traveling alone on the city's Via Rapida Oriente, which runs toward the U.S. border. He was heading from his house on Otay Mesa to his office at Tijuana's downtown police headquarters, said spokesman Lorenzo Garibay.

"He always liked to spend Sunday with his family, but he would always come in to the office to see if there was anything new," Garibay said.

The chief had bodyguards, but generally gave them Sundays off, he said.

Early reports led investigators to three vehicles possibly involved in the shooting. But there were no immediate arrests, and no possible motives for the killing were announced.

"We knew of no threats, of no warnings," said Garibay.

An hour after the shooting, with de la Torre's body still inside the bullet-riddled vehicle, red-eyed officers stood by quietly, talking among themselves, shooing away civilians who got too close.

Known among the rank and file by the code name "01," de la Torre's official title was director of public safety. He was



head of a force of 1,300 municipal police officers charged with maintaining order and controlling traffic on Tijuana's streets.

De la Torre joined the police force more than 30 years ago, said Garibay, and rose through the ranks to positions of increasing authority.

"To those of us who worked here, he symbolized what one could aspire to," said Officer Pedro Arce Gracia.

In 1992, de la Torre served briefly as interim police chief, under Tijuana's first opposition mayor, Carlos Montejó Favela, a member of the National Action Party, or PAN.

In 1996, de la Torre was named director of the notoriously tough state penitentiary at La Mesa, a sprawling, overcrowded prison known as El Pueblito. A previous warden had been shot to death two months earlier.

"If you want to describe him in three letters, he was a cop, from his head to his toes," said Mother Antonia, a U.S. nun who works at the prison. "He was very tough, but he was kind."

De la Torre became police chief for the second time in December 1998, named to the post by Mayor Vega.

"He understood the underworld," said Clark, the human rights activist. "He knew up to what point he could go, and what interests were out there. He had a knack for cultivating relationships with everyone, and so it surprises me to hear that someone wanted to harm him."

At police headquarters yesterday, the mood was somber. Several officers said that during his tenure, the chief had been bringing back respect to the profession by cracking down on improper behavior by his staff and obtaining higher salaries to attract quality people.

Police supervisor Daz expected to see his old friend yesterday morning over coffee.

"He never came," said Daz. "Instead we got called about the attack."

The police chief had been busy this year, opening several new substations in outlying areas of the city. De la Torre also made news with the start of a "zero tolerance" crackdown on traffic violators. The program was meant to restore a sense of order to the streets by expanding the number of officers allowed to write traffic tickets. Critics

saw it as an easy way to raise money, and human-rights activists worried it could open up more opportunities for corrupt cops to exact bribes.

De la Torre also was well known among San Diego police.

San Diego Police Capt. Adolfo Gonzales said de la Torre had been inspired by police methods used in the United States.

"He looked to New York for zero tolerance and San Diego for community policing," Gonzales said.

Gonzales said de la Torre was especially helpful when San Diego police wanted help in cracking down on late-night drinking by U.S. youths in Tijuana.

"Instead of saying, 'That's your problem,' he said, 'We'll work on it.' "

De la Torre's death brought back memories of another Tijuana police chief assassinated on the job on April 28, 1994. Federico Bentez, an attorney and reformer, was driving with a bodyguard when he was ambushed after returning from a false bomb threat.

The crime's mastermind was identified as a former federal commander named Rodolfo Garcia Gaxiola, but he was protected from arrest by a federal court order.

"What we are suffering from here in Mexico is a convulsion of our institutions," said former Mayor Hector Osuna Jaime, who had appointed Bentez. "There are committed people in Mexico, but sometimes institutions don't respond. Citizens must demand more . . . from judicial authorities."

*Staff writer Norberto Santana contributed to this report.*

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ignOn San Diego Metro -- Alleged gang members arrested on suspicion of murderfile:///E:/Appendix E, Selected Newspaper...bers arrested on suspicion of murder.

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## Alleged gang members arrested on suspicion of murder

**By Steve Perez**  
SIGNON SAN DIEGO

**February 25, 2000**

SAN DIEGO -- A multi-agency police task force arrested two members of an alleged street gang Friday in connection with three murders late last year, San Diego police said.

The suspects, David Medina and Ruben Bernal, both 23, are suspected of participating in shootings in the South Bay and at Hospitality Point.

Fifteen other alleged gang members were arrested and booked into County Jail on suspicion of violating terms of parole and probation.

Police believe the gang in which both men are involved has participated in multiple shootings in San Diego County in the last four years, the department said in a statement released Friday afternoon.

Police declined to publicize the gang's name, citing department policy.

The murders occurred last Sept. 10, and Nov. 6. In the Sept. 10 incident on Thalia Street, Adam Joshua Vasquez, 18, of Chula Vista, and Victor Manuel Vega IV, 19, of San Diego, were both killed by gunfire after leaving a party in a Toyota pickup.

After the shootings, police said they were looking for three vehicles used by up to 15 people who had crashed the party, then returned after being told to leave.

The second incident resulted in the death of Paul Truong at Hospitality Point on Nov. 6, police said.

According to police, one of the gang members was arrested Jan. 20 on suspicion of drunken driving and a search of the

ignOn San Diego Metro -- Alleged gang members arrested on suspicion of murder//E/Appendix E, Selected Newspa...bers arrested on suspicion of murder.

vehicle turned up six handguns, a rifle and a shotgun. Investigators believe a number of the weapons are linked to crimes.

Police investigating the case developed enough evidence to obtain ten search warrants, five in Chula Vista, four in San Diego, and one in National City, that led to the arrests and the seizures of 15 more weapons.

In addition to investigators from the San Diego Police Department's Gang and Homicide Units, the task force involved members of the Sheriff's Department, as well as those from Chula Vista, National City, Escondido and El Cajon.

Also involved in the case: the District Attorney's office, the Federal Bureau of Investigation, the Adult/Juvenile Gang Probation Unit, state parole authorities and the California Youth Authority.

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Mr. MICA [presiding]. Thank you.

We will now hear from Captain Robert Allen, U.S. Coast Guard, San Diego.

Capt. ALLEN. Thank you. Good afternoon, Mr. Chairman, Congressman Souder, Congressman Bilbray. I am pleased to be here today with you to discuss the Coast Guard's effort to interdict drug smugglers at sea and how we can improve our effectiveness in stemming drug smuggling through the transit and arrival zones leading to and in the vicinity of southern California.

I am honored to be able to host this hearing here at Activities San Diego, a Coast Guard unit with a long and proud history of service to our country.

The Coast Guard is the lead agency for maritime drug interdiction and shares the lead for air interdiction with the U.S. Customs Service. As the only Armed Service with law enforcement authority, and the only Federal agency with broad enforcement authority on the high seas, the Coast Guard is on the front line in the maritime drug interdiction effort. In the southern California and Eastern Pacific region we have seen a dramatic increase in cocaine smuggling in the past few years. To date in fiscal year 2000, the Coast Guard has interdicted over 72,000 pounds of cocaine, and more than 60,000 pounds, or 84 percent, of that total was interdicted in the Eastern Pacific. These numbers are significant and they may very well represent a shifting trend by the drug smugglers. Within this context, our counterdrug efforts in the Eastern Pacific and southern California take on added significance.

The Coast Guard focuses on reducing the supply of illegal drugs through maritime interdiction using a layered approach. In the Eastern Pacific, we interdict drug smugglers in the departure zone near Colombia and the transit zones of the Central American and Mexican coasts and at the arrival zones in the United States using a variety of surface and air assets. We know that large cocaine shipments coming up from Colombia are often off-loaded to smaller "go-fasts" boats or "pangas" for further transport into Central America and Mexico, where much of the cocaine is then transported primarily via land routes into southern California. In addition to these large cocaine shipments, we have experienced a continual flow of smaller drug loads, mostly marijuana, coming across the maritime extensions of the Mexico-United States border. Last year, we intercepted over 7,000 pounds of marijuana transported through a myriad of maritime conveyances, small boats, jet skis, kayaks, and rigid-hull inflatable boats, as well as individuals attempting to swim ashore with their drugs in tow.

Operation BORDER SHIELD is a maritime pulse operation comprised of an in-shore component along the coastal waters of the United States-Mexico southwestern border and an off-shore component along the western coast of the Baja Peninsula. Activities San Diego has coordinated the in-shore component of this operation since its inception 3 years ago by using reservists and temporarily assigned active duty personnel drawn from units throughout the Coast Guard, but relying heavily on our local units.

We work closely with other agencies to coordinate our counterdrug operations and I am fortunate to sit as a member of the Executive Committee of the California Border Alliance Group

[CBAG], with so many Federal, State, and local agencies fighting the war on drugs, CBAG is an essential organization which creates synergies and improves our overall effectiveness.

Pulse operations such as Border Shield, combined with our heavy, tasking in other missions areas can take a toll on our personnel and equipment readiness. Our operational tempo continues to climb with increasing demands on our personnel and their families. To insure we maintain sufficient readiness for emergent missions, I have been directed to no longer sustain routine operations, despite their productivity, by overtaxing my units. This approach marks a new awareness that there are limits on what we can accomplish, given the resources that are available.

We will still answer the search and rescue alarm, but other missions, namely maritime security operations, may have to be scaled back.

In summary, the drug threat is increasing in southern California and the Coast Guard must maintain a robust, fast, and mobile force and a proactive interdiction strategy. Our resources are spread thin. We have inadequate maritime patrol aircraft support for our cutters and patrol boats. We must rely on annual supplemental funding and the use of temporary duty personnel to continue our counterdrug operations at the present level, not knowing from year to year what to expect in terms of funding and other resources.

New technologies, interagency cooperation, and improved intelligence gathering and dissemination are essential to increasing effectiveness. The Coast Guard's Deepwater recapitalization project and readiness-related budget initiatives within the President's fiscal year 2001 budget will improve our capabilities for drug interdiction and other missions.

Thank you for the opportunity to appear before you this morning. I would like to recognize your support, oversight, and commitment to the national counterdrug effort. Thank you.

[The prepared statement of Captain Allen follows:]

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**DEPARTMENT OF TRANSPORTATION**

**U.S. COAST GUARD**

**STATEMENT OF**

**CAPTAIN ROBERT D. ALLEN  
COMMANDER, COAST GUARD ACTIVITIES SAN DIEGO**

**ON**

**RESPONDING TO THE DRUG CRISIS IN SOUTHERN CALIFORNIA**

**BEFORE THE**

**SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND  
HUMAN RESOURCES**

**COMMITTEE ON GOVERNMENT REFORM**

**U.S. HOUSE OF REPRESENTATIVES**

**SAN DIEGO, CALIFORNIA**

**MARCH 7, 2000**

## ***Captain Robert D. Allen***

Captain Robert D. Allen is a native of Delray Beach, Florida, and completed his undergraduate studies at the University of South Florida in Tampa in 1974. He received his commission upon graduation from Coast Guard Officer Candidate School in June of 1976. He then attended U.S. Navy Flight School in Pensacola, Florida and earned his aviation wings in May of 1977.



His first operational assignment was to Air Station Miami as a duty standing pilot in the HH-52A Sea Guard amphibious helicopter. In 1980, he was transferred to the Polar Operations Division at the Aviation Training Center in Mobile, Alabama where he deployed aboard icebreakers in the Arctic and Antarctic regions. He then transferred to the HH-52A Training Division as an Instructor Pilot and Ship-Helicopter Project Officer. In 1985, he was selected to become one of the first Instructor Pilots in the then newly acquired HH-65A Dolphin helicopter. He also completed the shipboard underway dynamic interface trials for the HH-65A, developing the Coast Guard's shipboard operating procedures for that aircraft. In 1986, he returned to Air Station Miami where he was dual-qualified in the HH-65A and HU-25 Falcon jet and served as the Rotary Wing Operations Officer. While stationed at Miami, he again traveled to the Arctic as the Senior Aviator of the first HH-65A deployment aboard an icebreaker.

In 1991, Captain Allen attended graduate school at Florida Atlantic University in Boca Raton, Florida where he earned an MBA. Upon completion, he was transferred to Coast Guard Headquarters in Washington, D.C., to serve as the Planning and Evaluation Branch Chief in the Office of Health and Safety. From 1996 to 1999, he served as Executive Officer at the Aviation Training Center in Mobile, Alabama.

Captain Allen has earned twenty-one military awards including the Meritorious Service Medal, two Coast Guard Commendation Medals (with O device), three Arctic Service Medals, the Antarctic Service Medal and the Humanitarian Service Medal.

Captain Allen has two children - Dean, a sophomore at the University of Florida, and Brooke, a junior in high school.



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SAN DIEGO, CALIFORNIA  
MARCH 7, 2000

Good morning, Mr. Chairman and distinguished members of the Subcommittee. I am pleased to be with you today to discuss the Coast Guard's efforts to interdict drug smugglers at sea and how we can improve our effectiveness in stemming drug smuggling through the transit and arrival zones leading to and in the vicinity of southern California.

The Coast Guard is the lead agency for maritime drug interdiction and shares the lead for air interdiction with the Customs Service. As the only Armed Service with law enforcement authority, and the only Federal agency with broad law enforcement authorities on the high seas, the Coast Guard is on the front line in the maritime drug interdiction effort. In the southern California and eastern Pacific region, we have seen a dramatic increase in cocaine smuggling efforts in recent years. To date in fiscal year 2000, the Coast Guard has interdicted almost 72,000 pounds of cocaine, and more than 60,000 pounds, or 84 percent of that total, was interdicted in the eastern Pacific. These numbers are significant and may very well represent a shifting trend by the drug smugglers. Within this context, our counterdrug efforts in the eastern Pacific and southern California take on added significance.

**Current Threat**

Drug trafficking is a significant transnational threat facing America. The U.S. market for illicit drugs is shaped largely by supply and demand interactions. The Coast Guard focuses on reducing the supply through maritime interdiction. The drug threat in southern California and

the eastern Pacific is readily apparent and is increasing. The Coast Guard focuses on interdicting illegal drugs in the eastern Pacific using a "layered" defense, attempting to interdict illegal drugs in the departure zone near Colombia, in the transit zones off the Central American and Mexican coasts, and in the arrival zone in the U.S. using a variety of surface and air assets. Despite the Coast Guard's record cocaine seizures last year, we still face significant cocaine flow totals. In the eastern Pacific, a total of 220 metric tons is estimated to have moved from the source zone during 1999. This represents 43 percent of the total flow to the U.S. Furthermore, drug traffickers persevere in their efforts to threaten our national security by shifting their routes and conveyances in reaction to any number of influences, including ongoing counterdrug operations by the Coast Guard and other agencies. Traffickers have the flexibility to respond quickly to such challenges by using any one of a variety of transportation modes to attempt to sustain a stable flow of narcotics into the U.S. market.

In addition to their flexibility in selecting smuggling methods, the narcotraffickers operate across the expansive area of the transit zone. The eastern Pacific's sheer size, and lack of defined "choke points," presents a formidable challenge to achieving our objectives. Requirements for operational resources and logistics support in this vast area create significant challenges for our people, ships, and planes.

We know that large cocaine shipments coming up from Colombia are often offloaded to smaller "go-fasts" or "pangas" for further transport into Central America and Mexico, where much of the cocaine is then transported primarily via land routes into southern California. In addition to the large shipments of cocaine destined for southern California from Colombia, we experience a continual flow of smaller drug loads, mostly marijuana, coming across the maritime extensions of the Mexico/U.S. border. Last year, Coast Guard Activities San Diego intercepted over 7,000 pounds of marijuana transported through a myriad of maritime conveyances -- small boats, personal watercraft, kayaks, and rigid-hull inflatable boats -- as well as by individuals attempting to swim ashore with their drugs in tow.

**Current Effort**

The National Drug Control Strategy (NDCS) specifically tasks the Coast Guard, along with other agencies, to conduct flexible operations to detect, disrupt, deter, and seize illegal drugs in transit to the United States and at the U.S. borders. The Strategy's mid-term objective is to reduce the rate at which illegal drugs successfully enter the United States by 10 percent by the year 2002. The long-term objective is a 20 percent reduction by the year 2007. The Coast Guard is further obligated, along with the wider interagency counterdrug community, to improve coordination and effectiveness of law enforcement efforts, improve bilateral and regional cooperation, and highlight research and technology.

To achieve these objectives, the Coast Guard has implemented Campaign STEEL WEB, a multiyear strategy to achieve the goals of the NDCS. This maritime interdiction strategy is supported by a number of regional operations such as FRONTIER SHIELD in the eastern Caribbean and GULF SHIELD in the Gulf of Mexico. In addition, PACIFIC TRIDENT is the multiyear theater campaign designed to deny eastern Pacific maritime drug smuggling routes as part of an interagency effort to impact smuggling organizations in Mexico. This campaign has three distinct components, all affecting southern California:

- South American departure zone operations;
- Transit zone interdiction operations in the Central American and Mexican arrival and transshipment areas; and
- U.S. arrival and transit zone operations in the southwestern maritime border region.

All three of these transportation areas have a maritime component, and thus, an opportunity for at-sea interdiction by the Coast Guard.

In order to prevent the maritime arrival of drugs into southern California, the Coast Guard conducts Operation BORDER SHIELD. BORDER SHIELD is a maritime pulse operation along the U.S./Mexico southwestern border and the western coast of Baja California. This proof-of-concept operation was initially designed to demonstrate our ability to interrupt drug traffic, as

well as test various interdiction assets and tactics. Operation BORDER SHIELD consists of an inshore component and offshore component. The inshore component includes small boats, patrol boats, and helicopter surveillance operating within approximately 15 miles of San Diego. We also work very closely to coordinate our operations with other local, State, and Federal agencies through the California Border Alliance Group (CBAG) of the Southwest Border High Intensity Drug Trafficking Area (HIDTA).

Coast Guard Activities San Diego has coordinated the inshore interdiction component since BORDER SHIELD's inception three years ago using active duty and reserve personnel drawn from units throughout the Coast Guard, but relying heavily on our local units. Our locally available assets include three 110-foot patrol boats, three HH-60J helicopters, two 41-foot utility boats, and two 7-meter rigid hull inflatable boats (RHIBs). It should be noted that these are multimission assets that are required to meet all Coast Guard mission demands in the San Diego area, including search and rescue response, marine environmental protection, and smuggling interdiction. U.S. Border Patrol and U.S. Customs Service boats also operate in cooperation with BORDER SHIELD, as do San Diego Harbor Police boats. As available, the Coast Guard Pacific Area Tactical Law Enforcement Team has augmented our efforts from their home base here in San Diego, but their ability to support this is limited since their primary responsibility is to deploy aboard U.S. Navy ships involved in counterdrug operations in the transit zone. In fiscal year 2000, the Commandant decided resources would more effectively be used to hire significant numbers of additional active duty Coast Guard personnel and therefore the number of patrol hours for Activities San Diego is expected to be reduced.

The offshore component of BORDER SHIELD includes 110-foot patrol boats, larger cutters, and air surveillance provided by Coast Guard HC-130s and, occasionally, other Federal agency air assets. In order to increase interdiction effectiveness, the Coast Guard has teamed with other agencies, such as our effort with Customs in 1998, in which a Coast Guard patrol boat towed a high-speed, short-range Customs interceptor boat 250 miles down the Baja peninsula. This intelligence-cued operation resulted in the seizure of two fast smuggling boats (Mexican pangas) and over 3,000 pounds of illegal drugs destined for the United States.

Over the past two years, the Coast Guard has provided support for increasing interagency emphasis on eastern Pacific transit zone interdiction efforts, supporting both Joint Interagency Task Force (JIATF)-West and JIATF-East. These efforts, using our high and medium endurance cutters, patrol boats, and long-range aircraft, have resulted in significant cocaine seizures and smuggling activity disruptions. Most notable was the series of several events from June 1999 to February 2000 in which over 40 tons of cocaine were seized. We have also tried aggressive new ideas, such as the deployment of our 110-foot patrol boats all the way down to the Gulf of Tehuantepec in Mexico, a distance of over 2,000 miles from their homeport. These deployments were credited with disrupting several multiton cocaine shipments, and demonstrate the impact that additional law enforcement assets along the west coast of Central America can have. Critical to any continued future deployments of patrol boats to the deep eastern Pacific is a robust logistical support system to keep these shorter-range assets operating at peak efficiency.

As you can see, by placing our assets in the deep eastern Pacific transit zone, we have recently been very successful in disrupting the illegal drug trafficking organizations' ability to ship cocaine to the U.S. As such, we have had a direct, positive impact on reducing the flow of illegal drugs across the U.S. southwest land and sea borders.

#### **Looking to the Future**

As we begin the 21<sup>st</sup> Century, the Coast Guard finds itself with aging equipment, including two classes of our major cutters that are over 30-years old. The Coast Guard's average fleet age is one of the oldest among the world's 41 largest navies and coast guards. Congressional support of the President's fiscal year 2001 budget request for the Coast Guard's Deepwater Capability Replacement Project is essential. Without it, the Coast Guard's ability to contribute to national drug interdiction efforts, as well as meet the demands of our many other missions that protect the interests of the United States on the high seas, will be significantly impeded as our major assets face obsolescence and retirement over the next twenty years.

Our operational tempo continues to climb, with increasing demands on our personnel and their families. Deployments, long duty hours, and schedules that change frequently due to the rapidly shifting re-prioritization of our missions, takes its toll on our crews and their families, and the equipment and systems they use. To ensure that we maintain sufficient readiness to meet emergent missions, I must carefully manage my personnel and equipment. Responding to the search and rescue alarm remains our highest priority. For fiscal year 2000, Congress fully funded the level the President and the Commandant believed was necessary for the Coast Guard. The President's fiscal year 2001 budget calls for an increase in our operating and acquisition budgets and in personnel compensation and benefits, which are so central to adequate recruitment and retention levels. Our fiscal year 2001 budget also provides for investments in the use of aviation assets, and force multipliers such as deployable law enforcement detachments, intelligence collection, and international engagement.

Attention to modernization and readiness challenges will clearly increase the effectiveness of our counterdrug efforts. So will enhanced coordination with other agencies, both internationally and domestically. International cooperation with Mexico and the Central American nations is an important piece of a layered defense against the drug threat. Continued establishment of maritime multilateral or bilateral agreements, such as the ship boarding/shiprider agreements in place with various Caribbean and Central and South American nations, would allow the Coast Guard to help Central American nations impact the flow of drugs within their territorial seas.

On the domestic side, the Coast Guard continues to work closely with other agencies to provide the most efficient and effective counterdrug effort possible. Here in San Diego, I am fortunate to sit as a member of the California Border Alliance Group (CBAG) Executive Committee, a component of the Southwest Border HIDTA. Since Mr. Drown's testimony today so eloquently covers the organization and functions of the CBAG, I will not elaborate further, except to say that with so many Federal, State, and local agencies combating the flow of drugs, the CBAG is an essential organization which creates synergies and improves our overall effectiveness. The Marine Task Force (MTF) of the CBAG provides the structure necessary for the Coast Guard and other participating agencies to coordinate counterdrug operations and maximize effectiveness.

Because the maritime regions we patrol are so vast, the Coast Guard depends on interagency intelligence support. Timely and actionable intelligence, both human and technical, is crucial to our interdiction efforts in the transit and arrival zones. Intelligence tells us where and when to look. Without it, we cannot optimize our efforts. If we are to use our scarce patrol hours optimally, we need improved intelligence capabilities. To achieve this goal, we need increased support from the interagency community. The maritime smuggling threat needs to be given a top priority in the National Foreign Intelligence Program (NFIP). In the local area, Activities San Diego has gained three Special Agents and one intelligence analyst in the past two years as a result of funding provided in fiscal year 1998.

Technology is yet another way to increase the effectiveness and employment of our assets. Sensors required for effective action include night vision goggles (NVG), forward-looking infrared (FLIR) systems, improved radars, faster boats, increased fixed-wing assets, and drug detection devices similar to the IONSCAN system. The ability to monitor maritime activity covertly is absolutely essential in stemming the flow of illegal drugs through the transit zones of the eastern Pacific.

Sadly, technology assists both law enforcement and smugglers. The threat of illegal drugs to America will become more difficult to counter as leading-edge equipment and technology are increasingly acquired by global and regional drug cartels and employed immediately after the technology becomes available. Capabilities such as hard-to-detect low-profile boats and aircraft, high endurance go-fast boats, Global Positioning System (GPS) equipment, satellite communications, cellular phones, world-wide paging, E-mail, and sophisticated counter-information technologies enable drug cartels to challenge law enforcement organizations with greater daring and boldness. We must continue investing in research and development in order to keep up with the pace of drug smugglers.

#### **Conclusion**

Recent record cocaine seizures in the eastern Pacific indicate that drug traffickers are increasingly targeting southern California and the southwest border. This region will continue to be affected by the "pendulum swing" of drug trafficking from the Caribbean due to the smugglers' ability to adapt smuggling routes in response to law enforcement presence. This requires the Coast Guard to maintain a robust, fast, mobile force and proactive strategy for transit and arrival zone interdiction.

Today, Coast Guard resources also cover the vast and varied narcotrafficking routes in the eastern Pacific. Due to the multifission nature of Coast Guard operations, our air and ship assets can be diverted from counterdrug operations to perform other critical national security and safety missions. Interagency cooperation and improved intelligence gathering and dissemination are essential to increasing effectiveness. We are making progress in these areas through initiatives such as participation in the California Border Alliance Group and Marine Task Force, operating with JIATF-West and JIATF-East, and deploying Coast Guard law enforcement detachments aboard U.S. Navy ships as well as the ships of other friendly nations.

The Coast Guard's Deepwater project will address our operational capital asset requirements for the future. If success is desired in the maritime drug war, we must have the right tools to fight this war while continuing to perform our many other required missions. Operational enhancements and readiness-related budget initiatives within the President's budget will provide us with additional capabilities, will begin to reverse disturbing downward trends, and will allow the most effective use of resources, both for counterdrug interdiction and other missions.

Thank you for the opportunity to appear before you this morning to discuss the Coast Guard's efforts to stem the flow of drugs into southern California and the southwestern United States. I would like to recognize your support, oversight, and commitment to the national counterdrug effort. I will be happy to answer any questions you may have.



Mr. MICA. Thank you.

I have a couple of questions, first for Undersheriff Jack Drown. What is the total dollar figure spent on this HIDTA?

Mr. DROWN. For year 2000 our dollar amount here is \$10,407, excuse me, \$10 million.

Mr. SOUDER. A lot of accomplishments.

Mr. DROWN. A lot of accomplishments for \$10,000. We get a good bang for your buck here in San Diego let me tell you. \$10,407,701, out of the total Southwest Border HIDTA funding of \$46 million.

Mr. MICA. So you get \$10 million out of the—

Mr. DROWN. Out of the \$46 million.

Mr. MICA. So the entire Southwest Border HIDTA, we are spending \$46 million which is basically almost 30 percent of the whole HIDTA budget, the national budget, is it not?

Mr. DROWN. Yes.

Mr. MICA. Because we are looking at trying to go \$200 million.

Mr. BILBRAY. Remember 58 percent.

Mr. DROWN. We have close to 60 percent of course for the population and I would suggest with the business land port.

Mr. MICA. But I come from Florida, and Florida will tell me they are catching all the drugs, if you look at the seizures. Folks on the East Coast say they are catching all the drugs. And I just had the Border Patrol head here testify that since 1995 his seizures are consistently down. And we went to Sacramento, and they said I-5 is like a direct conduit. I mean they are showing us buckets, literally buckets of meth and cocaine coming up through I-5, like you guys are not doing anything down here.

Mr. DROWN. I would say we are doing our best as we possibly can.

Mr. MICA. Is he right? His seizures are down. Your seizures are up.

Capt. ALLEN. Ours are up.

Mr. MICA. And Customs seizures are up.

Mr. BILBRAY. One of the things you have got to point out with the Border Patrol is that Operation Gatekeeper kicked in, as the fences were built, as we did—

Mr. MICA. There was less coming across that way. So now it is coming up not I-95 conveniently, or I-5. We have I-95, it is coming up I-95 in Florida.

Mr. LOGAN. We believe it created a deterrent effect at ports of entry and certainly in the marine environment and we have seen direct evidence of that and with our haystack, we cannot set the screen levels to a point where we would essentially stop traffic and international trade and we are certainly willing to put the levels of screens that Congress foresees and the U.S. Congress mandates, but—

Mr. MICA. The other thing that concerns me about the testimony I heard today is I have a HIDTA, one of the oldest HIDTA, one of the best funded HIDTAs, and the supervisor over here tells me that in 1995 they created their own Meth Task Force. That was not your initiative. That was the local initiative? Do you now support it?

Mr. DROWN. Oh no. Let me clarify. I am the co-chair of the Meth Strike Force.

Mr. MICA. OK.

Mr. DROWN. It has been in existence—

Mr. MICA. Is that a HIDTA-initiated or local?

Mr. DROWN. No, it was locally initiated.

Mr. MICA. Do you put money into it?

Mr. DROWN. And HIDTA does add some support to it. It is not a great deal of money.

Mr. MICA. How much? How much have you put into it since 1995?

Do you want to repeat that?

Mr. DROWN. Yes, I will, sir. About \$80,000 has gone into the Meth Strike Force. It is predominantly gone into support of the District Partners Program allowing for overtime for Deputy Sheriffs assigned to that program and to support the hotline that has been—

Mr. MICA. And your HIDTA also supports demand reduction?

Mr. DROWN. We do, about 6 percent of our money goes into demand reduction programs and you previously asked a question about perhaps what could be done somewhat differently. Let me make the statement that first of all I have been a local law enforcement officer for 30 years. The testimony that you received earlier from our Board Members, from Judge Dumanis, I think you would find the local law enforcement here is completely and 100 percent behind the efforts that are going on in terms of an equal balance between reduction and supply and I certainly feel that way.

Having said that I think it is very important that when we form these local coalitions and these cooperative efforts that we be allowed to have some degree of flexibility with the moneys obtained, to be able to look at our problems locally and to be able to distribute those moneys accordingly, we feel somewhat restricted in terms of the amount of moneys that we and the sanctions for supporting some demand reduction type efforts. We have been very, we have felt somewhat constrained in terms of our support for the drug courts. We would like to do more for the drug court. We would like to do more in some of our demand reduction programs, but our own DCPE regulations and direction are somewhat limiting in that regard.

Mr. MICA. Do you follow any of the missing persons related to drug cases?

Mr. DROWN. I am sorry?

Mr. MICA. Do you follow any of the missing persons related to drug cases?

Mr. DROWN. The ones down here in Tijuana and San Diego.

Mr. MICA. Are there many here? How many Americans are missing with the drug-related—10, 20, 100?

Mr. DROWN. I would not be able to give you a number on that.

Mr. MICA. Could you check that?

Mr. DROWN. Sure.

Mr. MICA. And which side of the border.

Mr. DROWN. And which side of the border. There is no question that the proximity to Mexico, particularly Tijuana creates major problems for us. We talked briefly about the violence and the violence, and how it spills over into this county and this region. Chicago of 1920's pales in comparison to Tijuana of 2000, no question

about it. And it has a definite significant impact on people living in this region.

Mr. MICA. Mr. Souder.

Mr. SOUDER. How many HIDTAs—it seems like every year we add new HIDTAs. Pretty soon everybody will be high intensity.

Mr. DROWN. If I am not mistaken, I believe there are now 31, but I can check very quickly.

Mr. SOUDER. And how many are on the Southwest Border?

Mr. DROWN. There is one HIDTA on the Southwest Border made up of five partnership HIDTAs, if you will. I went through them earlier, south Texas, west Texas, New Mexico, Arizona and California, but there are now 31 HIDTAs throughout the Nation.

Mr. SOUDER. And this counts as one?

Mr. DROWN. It is considered legally to be one HIDTA with five partnerships.

Mr. SOUDER. And 30 percent, you get \$10.7 million which means that the other four divide the other \$46 million?

Mr. DROWN. That is correct. And I have a figure if you would like it, sir.

Mr. SOUDER. Could you give it to me?

Mr. DROWN. Yes sir. Arizona receives \$11 million. CBAG, \$10,407,000. New Mexico, \$7,558,000.

Mr. SOUDER. What was that one again?

Mr. DROWN. \$7,558,000; south Texas, \$8 million; west Texas, \$7.5 million. And the Southwest Border administration, \$1.4 million.

Mr. SOUDER. And you are saying that 58 percent of the seizures are coming from your area?

Mr. DROWN. I think the figure I gave was—

Mr. LOGAN. I can testify to that, Congressman. It was 58 percent of all detected drug smuggling events through ports of entry from Brownsville to California are in California.

Mr. SOUDER. And that 58 percent, that is not necessarily volume, that is events?

Mr. LOGAN. That is correct. I have got figures and can provide that to the committee. It represents by volume in each of the drug categories, meth, cocaine, heroin and marijuana.

Mr. SOUDER. What is coming through California? Do you have more events of less volume?

Mr. LOGAN. We have actually more events of less volume although it is the shotgun effect in all the border areas and they do not want to repeat the Sylmar case of where there was 20 tons of cocaine in one warehouse. The smugglers are using shotgun techniques and also in heroin, cocaine and methamphetamine, that is smaller amounts, concealed in more vehicles.

Mr. SOUDER. I am trying to work off this 58 percent figure. Is that roughly what the volume is too in addition to the number of events?

Mr. LOGAN. Well, for example. In methamphetamine, California was responsible for seizing 984 pounds; Texas, 131; Arizona, 50 and we break it down by drug amount and—

Mr. SOUDER. What? May I ask the question?

Mr. LOGAN. Sure.

Mr. SOUDER. We have heard from the Sheriff in Eagle Pass where clearly coming in he is overwhelmed. He had two or three people there and we put more resources in because they have a different type of border. They do not have necessarily as much historic resources there, but why is there this disproportionate funding in the sense of California getting, in effect, less than 25 percent of the funding but having 58 percent of that?

Mr. LOGAN. I do not know the answer to that. I can cite that Eagle Pass was responsible, their port of entry now for 65 drug seizures last year. Now they have got a different border. Their border patrol—and I am not familiar with that sector. My assumption is that the border there may be more permeable outside the port of entry than it is inside the port of entry.

Mr. SOUDER. Yes, yes. I mean it is just all open.

Mr. LOGAN. Yes.

Mr. SOUDER. So it may cost a little bit more to try to stop even if it is a lesser amount of drugs?

Mr. LOGAN. We are the drug magnet. L.A., San Diego, as the committee acknowledged, this is the largest land border in the world and the haystack is enormous.

Mr. SOUDER. Sheriff Drown, I take it that these statistics based on what was in your written testimony are combined for all the affiliated agencies?

Mr. DROWN. That would be correct. All the affiliated agencies participating.

Mr. SOUDER. I am just kind of curious. How do you avoid double counting?

Mr. DROWN. Frankly, it is something we struggle with all the time. I mean it really is. I think that we constantly are checking and double checking to insure that we do not double count, but I would not appear before you and tell you that there is not some double counting that takes place and I would also not tell you that we get and record everything that is seized in the region. We are just now working on a program to insure that when seizures are made locally by local law enforcement officers that they get counted into these totals as well because frequently they are not.

Primarily, we guard against double counting by direct supervision and management systems to insure that the people know that we count only once. I think if there are mistakes being made in double counting they are mistakes of—they are errors, they are not intentional errors. No one is intentionally double counting.

Mr. SOUDER. I was not alleging that. I was just trying to sort out because when you have joint task forces and you see press releases of people claiming the different things, how do you sort that?

Mr. LOGAN. It is very easy. I mean you have a seizure in the back country. Perhaps it is made by a Border Patrol agent and for whatever reason it gets turned over to the local Deputy Sheriff or resident Deputy Sheriff and each one of them takes it as a seizure and reports it as a seizure. That should not happen and supervision should be there to ensure that it does not happen and I am confident it does not happen on a wholesale basis, but I cannot tell you that it does not happen on occasion for sure.

Mr. SOUDER. In the Camp Pendleton area, clearly there is a lot of fairly wild area there, just as a lay observer. You also see signs

about illegals moving through there and potential drug. Has that been with the Coast Guard or any of the others and more open areas and is the military doing anything to try to address that question? It would seem like a logical place for marine traffic.

Mr. LOGAN. We have seen, actually, we have seen people try to circumvent the Border Patrol checkpoint by using, obtaining access to Camp Pendleton through the back roads and then getting north to the checkpoint and then proceeding on. Unfortunately, we have actually arrested some members of the U.S. Marine Corps community involved in drug smuggling. NCIS, Naval Criminal Investigative Service works very closely with us. They are of course—I do not think—the Marines are aggressive in going after misconduct among their own, like any law enforcement agency would as well. And it is an attractive alternative because—it is a huge base.

Mr. SOUDER. Anything on the Marine side? I do not know the terrain enough to know. Is that a place where—

Mr. LOGAN. They will just continue on up the coast line and keep to the coast, basic 101 Navigation, keep the coastline on your right and proceed up to the southern Orange County area, Dana Point. First harbors of opportunity. Also, they can off-load it at the beach, very easily. And military members that are trained in the operation of small craft are formidable foes.

Mr. SOUDER. I would like to ask one other question which is there has been an obviously fair amount of publicity with the DEA case recently that ripples a lot through this area on use of informants.

Do you find that many informants are clean? In other words, part of the problem in the DEA was that the person had been arrested before and clearly had a number of problems. Do each of you presumably have funds for informants or is that mostly through DEA? I had trouble understanding the shock that was coming through the media that the informants had criminal records in the past.

Mr. LOGAN. We certainly maintain sources of information and I think the Undersheriff can speak for his agency, but certainly are the people that are sources of information potential criminals themselves? Yes, the answer is yes. Oftentimes, cooperators are people we have apprehended and then decide to cooperate with Federal law enforcement authorities. Have they gone bad on us? Yes. I mean it is risk management. In order to get to the people that we are targeting and have we had problems with informants? Yes. And we continue to exercise due diligence in trying to maintain that we have the proper control of them, the proper oversight and with all that, there are still occasions where they go bad.

Mr. DROWN. I agree completely. There is probably nothing more treacherous than managing informants. Our particular agency, we have very strict guidelines and policies regarding informant registration and the informant package that has to be put together, the background investigation that has to be done. Informants sign waivers relative to their knowledge that they are not to be committing criminal activities and so forth and so on and it is very closely monitored. But it would be very unrealistic to assume that we would be working informants who had not at some point in time in their life been involved in some degree of criminal activity.

Capt. ALLEN. The Coast Guard allocated a limited amount of money to pay confidential informants. We do tap in, definitely, to DEA and Customs information and intelligence.

Mr. SOUDER. And would you say that a big percentage given the fact that you have been talking about the needle in the haystack are based on informants' information, could you function without it?

Mr. LOGAN. No. Well, we have been successful without Humint. We are more successful with it. And because of our limited resources whatever agency you are with it allows us to put the resources on the pointy end of the sword where we need them and at a given date, place and time in a very large geographical area. So we rely on that.

Capt. ALLEN. Of the Coast Guard's large cocaine busts this year, almost all of them were driven by intelligence largely from confidential informants, so it definitely helps us out. We have to have that information.

Mr. MICA. Thank you. I would like to recognize Mr. Bilbray at this time.

Mr. BILBRAY. OK, we are all family here. We are the bad guys with the Federal Government, or at least we are working with them close enough so we can get blamed. Issue of small parcels of drugs being intercepted at the border. The issue of Mexican nationals who are apprehended with small quantities of drugs. Are we still releasing them, confiscating their documents and releasing them back into Mexico?

Mr. LOGAN. The short answer is yes, and may I provide an explanation.

Mr. BILBRAY. You better.

Mr. LOGAN. First of all, let me say this. It is the desire of every Customs Inspector, every Customs Special Agent and probably every Prosecutor that we have a fact pattern on each drug smuggling event that would allow us to prosecute those cases.

Over the past 4 or 5 years there has been a program called INS Referral Program, that is where we encounter a Mexican citizen who we have no prior information, but what I mean by that there is no—the name of the person is not in any criminal indices, that is, he is not of interest to Customs, to FBI, to DEA, to the San Diego P.D., the Sheriff's Office, that is, they are an unknown. That the fact pattern is such where the concealment methods, the statements made by the traveler or the driver are consistent with an innocent victim. Now obviously, we have been duped. We want to prosecute every case. This year so far I think we have had 56 deferrals, that is down—we had 237 last year; 302 the year before.

Now also contrary to belief, these people are arrested.

Mr. BILBRAY. Fifty-six so far this year?

Mr. LOGAN. This fiscal year 2000, through I believe around the first of March. These people are arrested. They are deferred back to Immigration for deportation to Mexico. They are advised that if they come back, they are not only prosecuted for the first event, but the secondary event. I do not have a figure on the recidivism or the numbers that return.

We also have a large number of cases and as the Undersheriff mentioned and as the city councilman represented, the DA has

taken about 2,000 of our cases which was—the original agreement thought that there may be 100. The requirements for prosecution in the San Diego District Attorney's Office is that there be a nexus to San Diego. Obviously, if they are Los Angeles-based—

Mr. BILBRAY. Do we reimburse them for those prosecutions?

Mr. LOGAN. I think—

Mr. DROWN. I have money that goes to support the cross designation. It was a program that I mentioned earlier.

Mr. BILBRAY. Do they get totally reimbursed for the incarceration?

Mr. DROWN. I am sure they do not get totally reimbursed.

Mr. BILBRAY. OK, go ahead.

Mr. LOGAN. What happens is there is very little expended. There is usually no court time because the people wind up pleading guilty and they are essentially processed through South Bay which is a large number and they wind up doing, for example, in marijuana, which is the usual scenario here, let us say it was 50 pounds, 50 days in jail.

Mr. BILBRAY. OK.

Mr. LOGAN. If they come back, the second time, of course, we take them federally and it is a matter of resource management, but not the decision. The decision on the deferral program is not resource management. It is a decision of the fact pattern that will drive us to that conclusion that we cannot get a conviction, that the evidence is not there, that they are not of interest or of prior interest to any law enforcement agency and there is certainly a strong likelihood if we took the case forward that we would lose it in court and therefore, needlessly expend U.S. taxpayers' resources.

Now are they all exactly cookie cutter, the same? No.

Are there errors of judgment made, perhaps by the defendants or perhaps the suspects where we think we might get a prosecution? Those issues go to prosecutorial merit and best addressed by the U.S. Attorney's Office and the DA.

Mr. BILBRAY. Mr. Logan, the previous Federal attorney clarified at least in the past and at that time that there were people that were apprehended who were in possession of drugs, either for whatever purposes, and based on their nationality being Mexico was not prosecuted. Now he indicated to me that if he had been a U.S. citizen in possession of a small quantity of drugs, that U.S. citizen would be prosecuted.

Now do we still have that situation existing along the border?

Mr. LOGAN. I would say they would be prosecuted if the facts and the evidence dictated it. There are still cases where there are U.S. citizens caught in possession of narcotics concealed in a way and a story presented consistent with an unwitting juvenile being asked by an uncle or an adult to transport a car across the border for one simple example where they are not prosecuted because we believe they were not the guilty party.

If we did believe they were guilty and we had the evidence, of course, we would take it forward. So there is still prosecutorial decision made on a U.S. citizen and it may be for prosecution and it may be—it would not be deferral because we would not be able to prosecute. We would essential, what we call kick them loose.

Mr. BILBRAY. Well, I am just trying to get back to this whole issue of what happened to the policy that specifically had a certain amount of pounds or kilos of drugs as being a threshold for certain prosecution?

Mr. LOGAN. Well, there is no particular threshold.

Mr. BILBRAY. Was there at one time?

Mr. LOGAN. Is John here? John may be able to answer this because he has dealt with it as well. He is a prosecuting attorney from the United States—

Mr. BILBRAY. Why do not you confer with him, and I will shift over. I would like to get this thing straightened out.

Mr. LOGAN. Right.

Mr. BILBRAY. I think it is a very serious issue.

Captain, we have had individuals along this coastline that keep finding empty boats parked on the beach. Now you are saying that the resources are just drawn to the point to where you cannot intercept those?

Capt. ALLEN. Some do slip through. There is no doubt. And we find them ourselves.

Mr. BILBRAY. Captain, they do not just slip through. You have got life guards arresting people in Mission Bay. That is pretty embarrassing for those of us in the Federal Government, right?

Capt. ALLEN. Sir, sometimes it is hard to tell the bad guys from the good guys, too. There are these small boats. They all look very similar. We do not always know whether they have aliens—

Mr. BILBRAY. Californians do not wear enough hats, I know.

Capt. ALLEN. That is the truth though, sir. It is hard to tell. With the limited resources we have, we investigate whichever vessels we think are dirty, but we do not always know who they are and they come through.

Mr. BILBRAY. I just hope my colleague hears the fact that while we are sending resources all over the world to defend other neighborhoods, that you do not have the resources here to defend our neighborhoods. This is the largest military complex in the world, San Diego County, more military installations here than anywhere else in the world, and the Captain who is in charge of defending these neighborhoods from drugs does not have the resources to stop the drug laden landing crafts from hitting our beaches.

Now in the positive side of it your cooperation with—is it Guatemala, Honduras about doing interception, deep interception? You want to explain that relationship of flagging, reflagging, having an officer on that?

Capt. ALLEN. I think you are referring to the military, being the largest military industrial area in the United States and the world, I think, but the Department of Defense forces cannot enforce laws and treaties. Only the Coast Guard can and we go on board their ships to be the law enforcement officials. So we have our law enforcement detachment over here at the Pacific Area Taclet over on MCRD. They go on board U.S. Navy ships and the ships of friendly nations and enforce our laws and treaties. So that is how that works and about a third of our cocaine busts last year were made by Taclet personnel.



Mr. BILBRAY. What about the cutter that we are posting south of Mexico and in cooperation with a Central American country there and being able to do interdiction to the coastline?

Capt. ALLEN. To the coastline? My 110-foot patrol boats here have operated down off the Gulf of Tehuan tepc off of Guatemala and we had set up with them where we could go in for refueling, logistics, and that sort of thing with Guatemala. That was last year.

Since then we haven't because of funding and other resource allocation uses we spent 10,000 man hours on the Alaska Air crash. It is liken the balloon: you squish it here, it gets bigger over here. We are not going to send them down this year because we do not have the funds and the time to do it, or the maritime air support to make it effective, but we did work with Guatemala.

Mr. BILBRAY. When you patrol of the Mexican coast, how far out?

Capt. ALLEN. Twelve miles.

Mr. BILBRAY. Twelve miles. You cannot come in any closer than that because it violates the sovereignty of Mexico?

Capt. ALLEN. Yes, sir.

Mr. BILBRAY. And the drug smugglers basically stay within those 12 miles and run up the coast?

Capt. ALLEN. That would be one method to do it, yes, sir.

Mr. BILBRAY. What if we had the ability to have Mexican authorities—

LOGAN. As previously discussed, the limit, or the—if it is an artificial one, 125 pounds below which a Mexican national would be deferred and there again, if it is not a readily approval case. It could be below 125 pounds and we have got a provable case, we will take it one.

Mr. SOUDER. You did not mean 125 pounds?

Mr. LOGAN. Of marijuana, right.

Mr. BILBRAY. This is why I wanted to hear. The challenge is this. You have got 125 pounds coming across. The drug cartels know the 125 pounds will set a threshold for them to shoot for, and I can imagine being the import agent for the cartels saying do not worry, Joe, we only have 115 pounds here. You know what the stupid Americans on the other side are doing. Let us run it under the bar.

Mr. LOGAN. They clearly brief their load drivers and we have found that to be true. Our challenge is to develop an evidentiary case where we can prosecute them too. This is not an automatic deferral of 125 pounds, like I say, these have to be folks that there is no prior indication. We have not tracked them to an organization. We do not think there is a likelihood that will get jail time or conviction and so we are making a judgment and the percentages we believe are consistent with declination rates in the DA's office or the U.S. attorney's office. So as much as we would like to prosecute everyone, if we feel there is over 125 pounds, the larger volume, the more prima facie case we think we have in terms of that person was knowledge, that it is harder to conceal in the vehicle and there have been some very innovative ways where they will and all four tires and unbelievable concealment shops. And they can actually operate the vehicles at high speed with those cars or bumper loads. And the higher the poundage, the more success we have in proving knowledge. Those are prosecutorial decisions and

we share the frustration of every inspector and agent where we cannot get a prosecution and we would love to have 100 percent to do that.

Mr. BILBRAY. Mr. Logan, I have supervised law enforcement agencies since 1976. I know resources are still and always have been a major determining factor in deciding when to prosecute and when not.

I just want to make sure my colleague wakes up to the fact, and then gets the message to Washington that certainly one of the determining factors with prosecuting somebody with 125 or less is do we have the money to prosecute them? Do we have the jails? Do we have the court space? And as we point at Mexico and say they are not doing enough, I hope those of us in Washington look at the facts that there are lines being drawn because Washington is not giving the people locally the resources to prosecute every single person who is caught smuggling drugs. That is the message that I wanted to get out is that there, which is a classic example of something we ought to be demanding and expecting, that everybody caught no matter what their nationality, because there is this issue of who is a United States citizen as opposed to a Mexican national. There might be a different determination, that every nationality should be prosecuted for smuggling drugs and I think that is all I wanted clarified.

Clarification on the opportunities and challenges for operations along the coast.

Capt. ALLEN. Yes sir. We had an operation called Mayan Jaguar, I think what you are referring to.

Mr. BILBRAY. Yes.

Capt. ALLEN. We went down, the same one I talked about, went to Guatemala. And we had a Guatemalan ship/rider on board. We had an agreement with them that so then we could go into their waters with the shiprider aboard and prosecute cases in their waters as well as international waters. So that is something we have done throughout the Coast Guard with different countries. They do it in an operation in the Bahamas, on the East Coast. One problem I have with that is that it takes about one-third of my annual operating hours for my 110 to go all the way down to Guatemala. But the concept works. However, this sort of coordination is done above my level as a Department of State sort of thing. So it does have promise.

Mr. BILBRAY. Captain, I appreciate you being briefed on this, whatever, and I understand the challenge with it.

I saw an opportunity there, the fact that there was an innovative approach that secured the national sovereignty of Guatemala by having the ship basically under the flag and command of Guatemala as it enters their waters.

Capt. ALLEN. Right.

Mr. BILBRAY. But still making the U.S. resources available to work that out. There is a challenge for a lot of us. Frankly, when I meet with the representatives of Mexico's delegation in Veracruz this year, I will basically be approaching them about the issue, Mexico trying to cooperate in the same kind of relationship. And national sovereignty is a very, very delicate issue there for good reason historically. But the fact is that between Cedral's Islands

and the Santentine or Ensenada is the most deserted portion of Mexico and the coastline. If we can develop a protocol to allow the same type of arrangement to occur between those two areas, about 300 miles, this close to San Diego, you will be able to use your resources more effectively. We will be able to be able to intercept more effectively and Mexico will be able to help curtail the flood of drugs that are killing their law enforcement officers in Tijuana.

So I guess that is my challenge as I point fingers at you.

Capt. ALLEN. If you can make progress there, sir, as an operational commander I would definitely point out that that would be helpful to me. It is obviously above my level, but my 110 were to go into Mexican waters with them on board as shipriders it would be beneficial.

Mr. BILBRAY. I want to say something in public and I would like you guys to respond to it because I think it is a good time to do it. Has anybody investigated the use of the oil transports to Rosarita refineries, Rosarita power plant? Do we have any hot data on the use of those tankers for transport of contraband?

Mr. LOGAN. No from me.

Mr. BILBRAY. Can you talk about it in public? Well, let me just say frankly as someone who grew up in this area, you have huge freighters that are traveling from the interior up to and within a few miles of the border, unloading and then turning back around. It just seems like a huge opportunity for mischief. And there is a problem we have in Mexico, and there is another issue that some of us have to talk about. Those ships are basically autonomous and to themselves to the skipper. Federal officials have very limited jurisdiction in Mexico over that shipping. But I think that we need to be aware of what is the obvious.

You have a comment?

Capt. ALLEN. I would just point out that those ships are controlled completely by PEMEX and delivered 100 percent to PEMEX so it is sort of a government controlled entity, so therefore there may be some implication there, I do not know.

Mr. BILBRAY. Captain, the Ambassador to the United States from Mexico is the ex-Secretary of Energy. And the Secretary of Energy did not have control. That is one big problem we had. He did not have control of those ships. So again, these are challenges we need to work on.

I would open up this can of worms basically to challenge all of us to try to think about how we can do better as part of the Federal strategy.

Thank you very much, Mr. Chairman.

Mr. SOUDER [presiding]. I would suggest to my colleague that one of the things I might do is attach these in the certification, possible things to look at the next year. We have done that. We have had a terrible time with the marine part in Mexico. We were down there in January. We were hearing in terms of progress, meaning instead of two arrests, they made six. This type of thing. But they do seem to be committed to trying to do some of that. They do not like us to be this heavy big brother type. At the same time, there are give and takes in all of our relationships whether it be immigration, trade or otherwise.

I had two followup questions I wanted to ask, one with Mr. Logan and whoever else might know this. In El Salvador last year, Guatemala this year, one thing when we deport people because of them being convicted in the United States or release them from prison if they are illegals who have been arrested and go into our prison systems, do you know whether we notify those governments that they are coming in?

Mr. LOGAN. I know from an immigration standpoint and I am assuming that when they deliver them back that the Mexican authorities are there.

Mr. SOUDER. One of the things in the record, and you might watch this, that both countries told us in separate years that we were deporting them and we did not know where they were and they are getting dumped in in huge numbers and that in Guatemala and El Salvador, particularly vis-a-vis probably more L.A. than San Diego and in Washington, DC, that now we have inadvertently developed drug trafficking networks and families that we did not have previously. In other words, when they first came in as illegals, they were not drug abusers. They came to the United States, became drug abusers and we kicked them out. Now they are realizing that they can sell because they were doing the street. They were the kind of carriers for the people we had deported.

Mr. DROWN. Franchised the problem, basically.

Mr. SOUDER. One last thing. I am perplexed a little on this 125 pounds. That I understand those are cases you thought you would not win, is that correct?

Mr. LOGAN. Yes.

Mr. SOUDER. And in that how many of those are over 50 pounds. Are there very many that we are talking about here?

Mr. LOGAN. Usually in the smaller amounts versus the higher, up to 125 pounds and if the fact pattern is there and it is a Mexican citizen and it is less than 125 pounds and if they are linked to something that we are interested in, we will prosecute them.

Mr. SOUDER. You had another "if they are linked to something." What if they are not linked to something?

Mr. LOGAN. Well, first of all, it has got to be a provable case.

Mr. SOUDER. OK, if it is provable, and it is under 125—

Mr. LOGAN. They are going. They are going to be prosecuted.

Mr. SOUDER. Even if they are not linked to anything else?

Mr. LOGAN. True, true, yes.

Mr. SOUDER. It is still a little disturbing because in most parts of the country 125 pounds, particularly by the time it gets watered down is possibly just in the history of that country.

Mr. LOGAN. Absolutely.

Mr. SOUDER. And it is a little disconcerting. Well, thank you very much for your testimony. As the chairman said earlier, we are going to leave the record open for 2 weeks. If there are other pieces of information you want to insert and with that I thank everyone who has been in attendance as well as the participants of the hearing and the Subcommittee on Criminal Justice stands adjourned.

[Whereupon, at 1:24 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

SUPERIOR COURT  
SAN DIEGO COUNTY



**THE**  
**Dependency Court**  
**RECOVERY**  
**PROJECT**

**PROJECT SUMMARY**  
**AND**  
**CURRENT HIGHLIGHTS**

JAMES R. MILLIKEN  
PRESIDING JUDGE  
JUVENILE COURT

JANUARY 2000

Thank you for your interest in THE Dependency Court RECOVERY PROJECT. The project emphasizes compliance with statutory time lines for decision making in all dependency cases. The eight major reform measures are designed to accomplish the ultimate goal of the dependency process, i.e., to achieve a timely and appropriate permanent placement for every child who enters County supervision.

The success of the project and the rapid pace at which it is being implemented is attributed to the commitment to this court reform by the key stakeholders in the dependency system: the County of San Diego Board of Supervisors, Judges, Court and County Administrators, Attorneys, Social Workers, Foster Parents, Social Service and Alcohol and Drug Treatment Providers, Parents and Juveniles. The willingness to communicate, coordinate and cooperate in changing the way we do business in San Diego County is the key to this partnership.

*For additional information, you may contact:*

*Presiding Judge of the Juvenile Court, James R. Milliken (858) 694 - 4543*  
*Superior Court Project Manager, Andrea Murphy (619) 515 - 8678*

#### San Diego County and Juvenile Court Description

San Diego County has 18 cities covering an area of 4260 square miles. With a population of 2.8 million, it is the second largest of the 58 counties in California. The City of San Diego is the sixth largest in the United States and has the sixteenth largest metropolitan area. Demographically, the San Diego population is 62% White, 23% Hispanic, 9% Asian and other, and 6% African-American. Approximately 25% of the population is under age 18. The median income in San Diego County is \$41, 443.

The Superior Court San Diego County Juvenile Division is a thirteen-department court with operations in four locations throughout the County. Seven of the thirteen courts are dedicated to handling dependency cases; five handle delinquency cases; and the presiding department handles delinquency settlement conferences, Dependency Drug Court, and Juvenile Drug Court. The presiding department also manages the administrative matters of the court.

THE Dependency Court RECOVERY PROJECT**PROJECT SUMMARY AND CURRENT HIGHLIGHTS  
JANUARY 2000*****The Need for Reform***

San Diego County receives approximately 90,000 reports of suspected child abuse or neglect each year. In child abuse and neglect cases (also known as dependency cases), the court protects children who are allegedly abused or neglected. In such cases, the court may remove supervisory authority or custody of the child from the family and transfer custody to the county child protection agency. There are approximately 7,000 children in the County's dependency system.

The ultimate goal of the juvenile dependency process is to achieve a timely and appropriate permanent placement for every child who enters County supervision. Traditionally, the Court as a whole had difficulty making timely placement decisions for children in conformity with statutory guidelines. Delay was a very substantial problem with most cases, as they were not resolved within the statutory guidelines. California statute requires case resolution at 6, 12 or 18 months. *As of June 1994, San Diego County case resolution averaged approximately 34 months.*

A major contributor to this delay problem was the lack of adequate access to and follow-through with drug and alcohol treatment services and other services for parents. A review of case files indicated that 80% of dependency cases involved alcohol and drug abuse by one or both of the children's parents. Parents did not get into effective and prompt treatment; therefore, dates for compliance with reunification case plans were extended. Rather than providing prompt and definitive intervention, the previous system allowed cases to drift for unacceptable time periods, discouraging parental change and reinforcing parent-child separations. Children and adolescents were spending significant amounts of time in foster care and more than 50% of these children in foster care had changes in placement three or more times, causing further trauma and psychological problems for the child.

***The Reform Proposals***

THE Dependency Court RECOVERY PROJECT emphasizes compliance with statutory time lines for decision making in all dependency cases. In order to accomplish this objective, several proposals have been instituted. The Court reform proposals include both a specific set of options to address the alcohol and drug abuse concerns and general Court reform measures as follow:

- Implementation of a Substance Abuse Recovery Management System (SARMS);
- Implementation of Dependency Drug Court;
- Availability of alcohol and drug treatment for this population on identification;
- Increased participation of CASA (Court Appointed Special Advocates);
- Redefinition of the roles of the key players within the dependency system;
- Utilization of settlement conferences;
- Utilization of family group conferences;
- Improvement of the automation tracking system.

Each of these measures requires the Court to collaborate with those agencies/individuals that are impacted by the changes. *The safety of the child is the primary consideration underlying all efforts.*

***The Commitment***

We expect THE Dependency Court RECOVERY PROJECT to **substantially** reduce the time children

THE Dependency Court RECOVERY PROJECT

in our jurisdiction spend in temporary foster care. This will have the effect of reunifying a greater number of our children with their parents. Those that cannot be reunified will be permanently placed, hopefully adopted, in conformity with statutory time frames.

The reform effort will improve the prognosis for dependency children. Substantial savings in foster care budgets will make funds available for drug and alcohol treatment programs for dependency parents and young people who are under Juvenile Court jurisdiction. Ultimately, we hope to make significant improvements in our programs for adolescent children. By better managing our cases, we hope to improve our programs for children and families while controlling costs.

***Expected Outcomes***

The changes accomplished through THE Dependency Court RECOVERY PROJECT will result in:

- Meeting all statutory case processing timelines;
- Expediting substance abuse assessment;
- Achieving "reasonable efforts";
- Reducing the frequency and length of removal of children from their homes for placement in foster care;
- Providing immediately available services, and "safe house" residences for the parent(s) with their child(ren) during recovery;
- Increasing personal responsibility and accountability of parents for progress of individual case plans;
- Providing a recovery management system to engage parents in appropriate treatment, monitor progress and increase judicial oversight;
- Reducing Court workload;
- Determining timely and appropriate placement for the children; and
- Accomplishing family preservation, reunification or early permanent placement.

***Implementation of a Substance Abuse Recovery Management System (SARMS)***

The cornerstone of THE Dependency Court RECOVERY PROJECT is the implementation of a Substance Abuse Recovery Management System (SARMS) to make alcohol and drug treatment immediately available for parents. SARMS is an extensive case management system contracted to Mental Health Systems, Inc., which began receiving referrals from the Dependency Court on April 13, 1998.

The social worker assigned to each case through the Health and Human Services Agency Children's Services remains the principal case manager and is responsible for the overall case management. The work of linking the Dependency parent(s) to required alcohol and drug services and the necessary follow up case management of the substance abuse issue is handled by the SARMS Recovery Specialist (RS).

The SARMS RS performs an assessment and when a need for substance abuse treatment is indicated, a Recovery Services Plan (RSP) is prepared. The RSP states all the requirements for substance abuse treatment and is incorporated into the Dependency Court reunification case plan. Parents attend counseling, therapy education sessions and recovery support groups through community-based treatment programs and submit to frequent alcohol and drug tests. SARMS monitors the parents' compliance with the RSP and provides twice-monthly reports to the Court, the assigned social worker and the parent's attorney. Random drug testing results are also a part of the report. Repeated failure to comply with the RSP may result in the Court exercising a number of sanctions.



THE Dependency Court RECOVERY PROJECT

***The Sanctions - Noncompliant Events/Consequences***

When the Court orders the reunification case plan, the Recovery Services Plan also becomes a court order. Violation of the order may result in sanctions: findings of contempt and the possibility of a fine and/or incarceration for up to five days.

EVENT*	SANCTION
First noncompliant	Judge reprimands
Second noncompliant	Court gives 3-5 days in jail, or possibly a monetary penalty or both.
Third noncompliant	Court may give 3-5 days in jail and/or offer of voluntary Dependency Drug Court. If noncompliance is determined at the next 6-month or 12-month review hearing, a permanency planning hearing may be scheduled.

\*Noncompliant events include: a "dirty test," a "no-show," failure to comply with SARMS or treatment program activities.

Through the use of contracted "Recovery Specialists," parents entering the dependency system requiring alcohol and drug treatment services receive *timely* and thorough alcohol and drug assessment, focused treatment case management and follow up. By providing targeted and effective alcohol and drug treatment services, the opportunity for recovery, family continuity and improved long term outcomes is maximized.

SARMS serves all seven Dependency Courts at the four Superior Court locations in the County, the three Dependency Courts at the Juvenile Court at Meadow Lark (San Diego) and each Dependency Court in East County (El Cajon) and South Bay (Chula Vista), as well as the two Dependency Courts in North County (Oceanside). All SARMS office locations are within immediate walking distance of the Courts.

***Implementation of Dependency Drug Court***

SARMS participants having difficulty meeting treatment goals may be eligible to participate in Dependency Drug Court. Participation is voluntary, subject to the approval of the Dependency Drug Court Judge. The Dependency Drug Court operates a three-phase program for nine months. If accepted, participants must make a commitment to follow their Recovery Services Plan and appear in Court at the following intervals:

- Phase 1 90 days Court appearance once a week
- Phase 2 90 days Court appearance once every two weeks
- Phase 3 90 days Court appearance once a month

The Dependency Drug Court may encourage the substance-abusing-parent(s) to more fully cooperate with the program because of the heightened supervision of the Court and the peer support. Parents receive praise for compliance and are given tokens for the number of days of sobriety maintained at certain intervals. Failure to comply with Court orders will result in sanctions.

*THE Dependency Court RECOVERY PROJECT*

EVENT*	SANCTION
First or Second noncompliant	Up to 5 days in custody
Third noncompliant	Court may dismiss from participation in Dependency Drug Court. If noncompliance is determined, at the next 6-month or 12-month review hearing, a permanency planning hearing may be scheduled.

\*Noncompliant events include: a "dirty test," a "no-show," failure to comply with SARMS or treatment program activities.

Approximately sixty parents are actively participating in the Dependency Drug Court and meet regularly with the Judge to assess individual progress and provide and receive peer support. It is expected that the number of participants will increase as the program grows and additional Dependency Drug Courts will be established. The initial Dependency Drug Court began September 1998. A second Dependency Drug Court began September 21, 1999. To date, ten dependency parents have completed drug court. One of the parents in the Dependency Drug Court recently gave birth to a baby girl, the third drug free baby born to a participant since the Court's inception.

***Availability of Alcohol and Drug Treatment***

Upon identification, SARMS utilizes the broad range of treatment services that will address the needs of parents entering the Dependency Court System. Through the County of San Diego Board of Supervisors funding support and the Health and Human Services Agency Alcohol and Drug Services activities, the County network of contract alcohol and drug treatment services providers has been expanded to meet the more immediate needs of the dependency population. In addition to the outpatient and inpatient alcohol and drug treatment services that are available through the County's current network of treatment providers, programs are sought which can house the parents (usually mothers) along with their children. Such facilities will provide a "safe house" environment for the complete care and well-being of the family as it progresses through the recovery process. When possible, many of the required services (e.g., parenting, employment, nursing, mental health etc.) will be within walking distance. The expectation is that the existence of a continuum of services and early intervention will result in strengthening the family and increasing the chances for overall success. The safe houses will provide a "sober living" family focused environment, with the needed continuum of support and treatment services readily available in the community.

The best interest of the child remains the paramount consideration in the placement decision. However, the establishment of "safe houses" and "sober living" residences will allow the family the opportunity to stay together, when appropriate, and avoid the use of out-of-home placement for the child. Of note here is the continued recognition of the value the foster parents have in making the dependency system work. The Court recognizes the continued need for the many qualified foster parents whose dedication to caring for the endangered children in the dependency system will always be necessary.

The goal is to develop 300 safe housing units throughout the County to provide transitional housing for the dependency parents and children during recovery. Each of the cities in the County which have their own Housing Authority will be asked to participate in the Safe Housing development plan for the County by contributing a portion of housing funds toward the development of safe houses within their communities. A special Safe Housing Task Group was formed to assist in the development and

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implementation of the strategic plan being designed to address safe housing development throughout the county. The Safe Housing Task Group recently completed the *County of San Diego Safe Housing Network Guidebook*, designed to provide information regarding the safe housing development initiative in the county and outline the basic requirements of participation in the Safe Housing Network.

A meeting with developers and treatment providers to determine developer interest was held on January 14, 1999 and a second meeting on February 5, 1999. To date, fourteen developers have expressed an interest in working with us to reach the goal of creating 300 safe house units in the county. After meeting with the Mayor of the City of San Diego and obtaining concurrence toward the development of up to 50 units of safe housing in the City area, the Presiding Judge of the Juvenile Court, James R. Milliken met with the Chairman of the City of San Diego Land Use and Housing Committee to obtain the City's support for use of available housing funds for the development of such projects. On March 10, 1999, the Presiding Judge made a presentation on safe housing to the City Council Committee which agreed to support this effort. As a result, with the concurrence of the City Housing Commission, the staff has developed a Notice of Funding Availability (NOFA) for safe housing soliciting developer response. The recent release of the NOFA (August 1999) marks the initial step toward development of safe housing in the city of San Diego for the dependency population.

The County of San Diego has taken the first step in actually securing a safe house development. Suitable property for purchase by the County of San Diego in the unincorporated area was identified by the County of San Diego Housing and Community Development Department. On April 27, 1999, a formal request and presentation were made at the meeting of the respective local community planning group, the Spring Valley Planning Committee, resulting in unanimous approval of the recommendation that the County of San Diego Board of Supervisors purchase the proposed 12-unit safe housing complex. On May 12, 1999, the Board of Supervisors approved the purchase of what will provide the model for safe house development throughout the county. Occupancy is expected to begin in early 2000.

At all of these junctures, the Presiding Judge of the Juvenile Court was present to lead the charge in presenting the reasons why the city and county should participate in this safe housing development process. Other cities will be approached and work will continue with interested developers in an effort to reach the goal of establishing 300 safe house units throughout the county. Recently, two groups within the faith community and two major community services agencies have expressed serious interest in developing safe housing units for the dependency population. Work continues with one of the local alcohol and drug services agencies to acquire a former boarding school for use as a safe housing residence for this population.

Although the housing issue and increased treatment capacity are major challenges, positive outcomes are being achieved. The City of Lemon Grove City Council overruled a local planning commission decision and granted the McAlister Institute a permit to operate an additional thirty residential treatment beds for the dependency parents. The County of San Diego Health and Human Services Agency will contract with the agency for these additional beds.

***Increased Participation of CASA (Court Appointed Special Advocates)***

CASA (Court Appointed Special Advocates) is a specially screened and trained volunteer appointed by the Court who conducts an independent investigation of child abuse, neglect or other dependency matters. The CASA reviews records, research information and talks to everyone involved in the

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child's case. A report offering advisory recommendations as to the best interests of the child is prepared for Court consideration and the case is monitored until it is resolved. The CASA may also be appointed as the guardian ad litem in dependency proceedings for incompetent parents or minors where a civil action is contemplated.

Voices For Children has done an excellent job of training and providing CASAs to the Court. There are just not enough! The need is to expand the program dramatically, especially in assigning CASAs to assist older foster children and some delinquents. The goal of increased participation has been defined as doubling the number of CASAs available to the Court over the next year. Emphasis will be placed on the development of an aggressive volunteer outreach program in order to increase Hispanic and African American participation as CASAs. The Court will continue to explore providing mentors for adolescents who are having trouble functioning or who will "age out" of the system.

As a result of added attention that is being given to adoption activities by the Recovery Project, an additional category of CASA volunteer has been created. The CASM (Court Appointed Special Monitors) was created to provide additional oversight and assistance to the adoption cases.

Redefinition of the Roles of the Key Players

THE Dependency Court RECOVERY PROJECT outcomes will have an impact on the present roles of the key players within the dependency system, i.e., Judges, Referees, Attorneys, Social Workers, etc. A change in the manner in which business is conducted in some areas is required. One process for addressing the design for change was through the establishment of a Policy Group. *The purpose of the Policy Group is to provide a forum for the discussion and development of policies on how dependency cases will be handled in the dependency system from beginning to end.*

The primary focus is determining common policy on such matters. The outcome is the documentation, for joint concurrence, of the appropriate policies, protocols, procedures, rules and/or memorandums of agreement or understanding. To date, ten Joint Policies have been developed and distributed throughout the dependency system: Voluntary Services, Paternity Testing, Family Search, Teen Services, Adoptions, Court Attendance by Foster Youth, Education Services for Dependent Children, Health Care for Children in Out-Of-Home Placement, Independent Living Services and Transition to Adult Life, and SARMS. These policies, generated by the Policy Group, outline improved ways of conducting business in the respective areas and reflect the interagency commitment to the changes.

As an adjunct to the Policy Group, the Chief Administrative Officer has appointed a Recovery Project "Tiger Team" to assist in the implementation of the project and the full operational integration of the reforms into the present County systems. Both the Policy Group and the Tiger Team meet regularly to "cut through the red tape" and keep the reform moving. Given the cooperation among the key players, both the Policy Group and the Tiger Team can designate additional Task Groups to give focused attention to whatever issue is under consideration. The Task Groups operate with members of the Policy Group and/or Tiger Team and garner the assistance of subject matter experts as identified within the County. In some instances, subject matter experts outside of the "immediate County family" have been asked and voluntarily agree to participate in the Task Groups. To date, the following Teams have been created and meet routinely to develop solutions to the reform implementation issues: SARMS Implementation Team, Adoptions Committee, Safe Housing Task Group, Family Unity Meeting Pilot Project Task Group, Evaluation (E) Team, Fiscal/Budget Group and the Independent Living/Transitional Housing Task Group (replaces the Teen Services Group and the Independent Living Skills (ILS) Task Group). These Task Groups will be terminated once the particular assignments are accomplished.

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Whereas the Policy Group and Tiger Team, along with the various Task Groups maintain the communication, coordination and collaboration necessary for the project implementation. From the inception of the program, the County Board of Supervisors agreed to establish a formal subcommittee to this project. Two of the Board members (Supervisors Cox and Roberts) meet when necessary, with the Health and Human Services Agency Director and the Presiding Judge of the Juvenile Court on project matters. Formal project reports and requests to the Board of Supervisors are channeled through the Board Subcommittee.

Utilization of Settlement Conferences

The use of settlement conferences within the dependency process can maximize the opportunity of reaching agreements that serve the best interest of the child and reduce the adversarial nature of the dependency process. There are two significant policy reasons for incorporating settlement conferences into the dependency process: reducing litigation and achieving agreement with plans which maximize the opportunities for success.

The Dependency Court initiated the Settlement Conferences (SCs) during November 1997. The Presiding Judge of the Juvenile Court issued a Protocol which stated:

*This policy is hereby adopted to maximize the opportunities for reaching agreements that serve the best interests of the children and reduce the adversarial nature of the dependency process. By conducting SCs, the court will encourage parties to view themselves more as allies than as opponents, and feel a stronger commitment to the success of the case plan. If a contested trial cannot be avoided, the SC should serve to narrow the issues to be litigated.*

The assigned judge conducts all SCs one morning a week at each of the four dependency court locations. The SCs permit the Court to settle cases that ought to be settled, while delineating those cases that ought to go to trial. The use of SCs also permits the Court to keep within the timelines and goals of having jurisdiction and disposition issues resolved so that dispositional orders can be made within 45 calendar days of filing the petition.

During the twelve-month period, January 1998 - December 1998, 1,034 Settlement Conferences were conducted. Initial data reflect that approximately 63% of the cases considered in the Settlement Conferences settle. Overall, approximately 75% of the cases filed at Juvenile Court settle prior to trial.

Utilization of Family Group Conferences

The use of Family Group Conferences (FGC) recognizes the value of allowing families to participate in the decision-making process concerning the protection and safety of their child. The family decision-making process involves not only the parents, but also extended family members (e.g., grandparents, aunts, uncles, cousins, etc.) and those considered by the family as support or resource people (e.g., neighbors, clergy, tribal elders, etc.). Based on the New Zealand model, the FGC model allows the family members to meet privately, formulate their plan and present it to the agency. This approach capitalizes on family strengths and allows for an expression of culturally appropriate processes and solutions, while actively engaging the family in providing supports to and sharing in the responsibility for vulnerable children and families.

In response to a request for proposals from the Center for Children and Courts Court Improvement Project, THE Dependency Court RECOVERY PROJECT was awarded a grant of \$85,000 to conduct

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a pilot study to establish Family Group Conferences as a routine part of the dependency process. The key staff to the project was selected. Rebecca Slade with the Health and Human Services Agency is the Family Unity Meeting Coordinator for the project. Ms. Slade is experienced in conducting Family Unity Meetings and will work very closely with the Court to complete the project. The pilot program began operations in conjunction with the three Dependency Courts at Meadow Lark (San Diego) in March 1999. Quarterly Progress Reports have been submitted to the Center for Children and Courts indicating the pilot project is underway. The emphasis is to try to utilize Family Unity Meetings early in the dependency process. The grant will cover the costs of the pilot project through January 2000. A final report which will address project outcomes will be prepared and available for distribution in February 2000.

Improvement of the Automation Tracking System.

One of the critical aspects of any reform effort is the ability to assess progress, measure change and evaluate the outcomes. The current case management system utilized by the Juvenile Court is REJIS (Regional Juvenile Information System). REJIS is a mainframe shared database system which was designed for use by all of the juvenile justice agencies. A more "user friendly," PC-based case management system, tailored to meet the specific automation requirements of the Court is necessary to support the reform efforts.

Some of the basic elements of the new system will include: improved calendar management, case processing, record keeping and order drafting. The PC application will allow the Court users maximum program flexibility. Future plans for the system expansion may entail electronic report filing, discovery case reporting and direct communication and interface with the other agencies and schools. Additional management information staff of the Superior Court has been assigned to assist in the development of the Juvenile Court automation system to replace REJIS. The delinquency component is in its testing phase since July 1, 1999. The dependency component is expected to be operational by Spring 2000.

Current Highlights

- As of December 15, 1999, **there were 808 dependency parents** actively participating in the SARMS program. Based on the review of the December 1-15, 1999 twice-monthly parent progress reports, preliminary SARMS statistics reflect overall, **79% compliance** with Recovery Services Plans (i.e., parents are completing the requirements of their treatment plans and testing negative for alcohol and/or drug usage).
- **Projections indicate that the countywide program will provide case management services to approximately 1,500 parents by July 2000.**
- Five of the seven dependency courts have passed their one-year mark with respect to the SARMS operations. The recent addition of a SARMS Coordinator to the Court staff will provide the additional support necessary to complete the documentation of the system's processes and procedures and establish periodic statistical reporting. A review of the project outcomes will be completed and prepared for distribution in April 2000.
- To date, ten graduates of Dependency Drug Court have completed drug court requirements. One of the parents in the Dependency Drug Court recently gave birth to a baby girl, the third drug free baby born to a participant since the Dependency Drug Courts inception.

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- A "CalWorks" social worker has been assigned to work with participants in the Dependency Drug Court in an effort to assist them in obtaining employment.
- Additional emphasis is being placed on improving services to teens in the dependency process who will "age out" of the system through the work of the Independent Living Skills/Transitional Housing (ILS) Task Group. This Task Group is helping to clarify the roles, responsibilities and activities of the three major participants in the ILS services program, i.e., the HHSA child case worker, the ILS case worker and the ILS contractors. Initial work has been completed on the review and input to the series of new ILS service contracts. The ILS contracts are operable. Recent decisions were made to require the ILS contractors to use an educational curriculum model developed in Massachusetts to assist in improving the quality of our ILS programs. A training session was conducted for the ILS staff by the Massachusetts trainers. The Task Group will continue to meet to coordinate a solid approach to providing services to this special teen population. Judge Yuri Hofmann chairs the Task Group.
- The Policy Group through its Adoption Committee continues to coordinate efforts to assure permanent placements can be obtained for every "adoptable child" coming through the dependency system. The Court and the Health and Human Services Agency - Children's Services defined a set of adoption goals to be achieved during the six-month period, January through June 1999. The added attention resulted in exceeding this year's State goals for the number of adoptions completed, which prior to this were thought to be out of reach. The Adoption Committee will continue to work with HHSA Adoptions staff in establishing an additional set of six month goals for the period September 1999 through February 2000 and monitor results. Another major event as a result of this focus on adoptions is an aggressive adoption campaign through the use of the media (newspaper, radio and television) currently underway in San Diego County. On January 13, 2000, the County of San Diego Health and Human Services Agency held an "Adoption Recruitment Calendar Unveiling" event, marking the collaboration with the Churches in the African American communities to assist in adoption recruitment. Judge Susan D. Huguenor chairs the Adoption Committee.
- In support of the adoption process, Voice's for Children has created another category of court appointed volunteers, CASM, Court Appointed Special Monitors. A CASM is assigned to monitor the progress of adoption cases.
- The safe housing development is underway. The County of San Diego Board of Supervisors approved the purchase of a 12-unit property in Spring Valley to serve as the first safe house complex in the county. Occupancy by dependency parents is expected by Spring 2000. The City of San Diego launched its safe housing development program with the release of a Notice Of Funding Availability (NOFA) for the construction, acquisition, and operation of Dependency Court "Safe Housing" for interested developers.
- Approval was granted to the McAlister Institute to increase residential treatment capacity for the dependency population by the City of Lemon Grove. Much of the success can be attributed to Judge Milliken's assistance in this effort. The additional 30 residential treatment beds will soon be online.
- Efforts are underway to obtain sustained funding for the reform. These include drawing upon the current federal and state funds that are appropriate and designing a system to maximize access to and usage of the resources. The Tiger Team will turn its attention to this effort during the next year. The Health and Human Services Agency has given Aurora Zepeda the

*THE Dependency Court RECOVERY PROJECT*

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lead within the agency in determining the strategies and resources that will accomplish this task.

Overall, we are very pleased with the progress of THE Dependency Court RECOVERY PROJECT and want to express appreciation to all who have assisted achieving the objectives obtained to date and continue to provide support. The Recovery Project could not operate without the continued support and concerted efforts of all participants.

*The Next Steps*

THE Dependency Court RECOVERY PROJECT is on plan. The major accomplishments over the past year have set the stage for action and established a high mark of achievements. In the coming months, the primary emphasis will be on:

- fully integrating SARMS into the County of San Diego's Alcohol and Drug Services funding network;
- creating the ongoing support system for SARMS maintenance;
- refining the Dependency Drug Court processes;
- securing the needed expansion of residential treatment, and developing safe housing throughout the county;
- increasing CASA participation;
- completing the Family Group Conference pilot study;
- continuing roles redefinition and refining and documenting policies, practices and protocols within the dependency system; and
- implementing the first component of the new automation system for the Juvenile Court.

While there is much reason to celebrate given the progress to date, this year offers increased challenges to the Policy Group, the Tiger Team and all those who support this court reform.



THE Dependency Court RECOVERY PROJECT**ACKNOWLEDGMENTS*****County of San Diego Board of Supervisors***

*Chairwoman Dianne Jacob, District 2  
Vice-Chair Ron Roberts, District 4  
Supervisor Gregory Cox, District 1  
Supervisor Pam Slater, District 3  
Supervisor Bill Horn, District 5*

*Note: Supervisors Cox and Roberts serve on the  
Board of Supervisors Recovery Project Subcommittee*

***County of San Diego Chief Administrative Office***

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Deputy Chief Administrative Officer, Rich Robinson*

***Health and Human Services Agency (HHSA)***

*Agency Director, Robert K. Ross, M.D.  
Alcohol and Drug Program Administrator, Al Medina*

***Superior Court San Diego County***

*Presiding Judge, Wayne L. Peterson  
Executive Officer, Stephen Thunberg*

***Superior Court San Diego County Dependency Bench***

*Presiding Judge Juvenile Court, James R. Milliken  
Supervising Dependency Judge, Susan D. Huguenor  
Judge Yuri Hofmann  
Judge Peter E. Riddle  
Judge Elizabeth A. Riggs  
Referee Gary Bubis  
Referee Hideo Chino  
Referee Michael J. Imhoff*

***Policy Group***

*San Diego County Superior Court Dependency Bench  
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Yvonne Campbell, Regional General Manager, HHSA-Children's Services  
Rosie Capobianco, Assistant Deputy Director, HHSA-Children's Services  
Tim Chandler, Alternate Public Defender  
Henry Coker, Chief Deputy, Public Defender  
Ana Espana, Supervising Attorney, Public Defender  
Rosalind Gibson, Supervising Deputy, Alternate Public Defender  
Joy Lazo, Research Attorney, Juvenile Court  
Lauren Lee, Program Specialist, HHSA-Children's Services  
Andrea Murphy, Project Manager, Superior Court  
Caroline Rodley, Director Court Operations, Juvenile Court  
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Alternate: John Phillips*

***Tiger Team***

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This information was prepared by



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-11- Project Summary and Current Highlights



# **SAN DIEGO COUNTY JUVENILE DRUG COURT**

March 2000



## SAN DIEGO COUNTY JUVENILE DRUG COURT

### I. INTRODUCTION

The San Diego Juvenile Court created the Juvenile Drug Court as a mechanism for intervening early in juvenile substance abuse problems and for making juveniles more accountable for their actions. The Juvenile Drug Court is designed for juveniles who have been repeatedly noncompliant in drug treatment and need increased monitoring and supervision by the Court.

The County of San Diego received a grant of \$374,539 from the California Department of Alcohol and Drug Services to fund the Juvenile Drug Court from April 1, 1998, through March 31, 2001. This grant enabled the County's Health and Human Services Agency/Alcohol and Drug Services to contract with a private agency, Phoenix House, to provide case management services for many of the juveniles who have been ordered into drug treatment and for all juveniles who are in Juvenile Drug Court. Phoenix House provides these services using Juvenile Recovery Specialists (JRS).

### II. BACKGROUND

Any juvenile with a substance abuse problem is referred to a JRS for substance abuse assessment. If drug abuse is verified and the juvenile is not in custody, he or she is court-ordered to attend drug treatment at a Teen Recovery Center or other adolescent treatment provider. The JRS monitors the juvenile's participation and progress in drug treatment, monitors random drug testing, attends Juvenile Drug Court, and acts as a liaison between the Court, probation and the drug treatment provider. The probation officer, however, remains the principal case manager and is responsible for the overall supervision of the juvenile.

If drug use is suspected but not verified by the JRS' assessment, the juvenile may be randomly drug tested by a contractor on-site at the Juvenile Court through the Juvenile Assessment and Mentoring Program (JAM). If the random drug test is positive, the juvenile is referred to an adolescent treatment provider.

There are 28 adolescent treatment providers in San Diego County, each serving 10-to-40 young people. Each adolescent treatment provider is required to conduct a minimum of nine hours of structured services with each youth, including individual and/or group counseling, education, and recreation. In addition, the adolescent treatment providers are required to randomly drug test each youth at least once a week.



The adolescent treatment providers are required to submit monthly reports to Probation regarding the juvenile's progress. If the juvenile has a noncompliant event ("NCE"), i.e., a positive drug test, failure to appear for drug testing, or failure to participate in the treatment program, the treatment provider is required to notify Probation within two court days.

The Probation Department has been given discretion to impose appropriate consequences for the first dirty drug test or other NCE. The probation officer is required to notify the Court in writing of the specific sanction he or she imposed. If the probation officer does not impose a sanction for the first offense or the juvenile does not comply with the sanction, the probation officer should immediately set a special hearing with the judge assigned to the case.

For the second and all subsequent NCE's, the probation officer must set a special hearing within three-to-five court days of being notified of the NCE by the treatment provider. The judge imposes sanctions for each NCE, which may include up to five days in Juvenile Hall. After the third NCE, the juvenile may be referred to Juvenile Drug Court.

### III. JUVENILE DRUG COURT

Juvenile Drug Court is designed for nonviolent first- or second-time juvenile offenders who have been repeatedly noncompliant in drug treatment. They do not have to be charged with a drug-related offense to be eligible for Juvenile Drug Court, only be out of custody and have drug treatment as one of their conditions of probation.

Juvenile Drug Court is a three-phase, nine-month program. As participants successfully complete each phase, they graduate to the next phase. Participants are randomly drug tested at least twice a week during Phase 1, at least once a week during Phase 2, and at least twice a month during Phase 3. Each phase is 90 days.

Prior to being accepted into Juvenile Drug Court, the juvenile will be required to observe a drug court session. The drug cases are heard en banc; therefore, the juvenile will be asked to sign the "Notice Regarding Confidentiality" at the start of the session. (See Attachment 1.) Judge Milliken meets with the juvenile after the first session and determines whether or not he or she is an appropriate candidate for Juvenile Drug Court. If so, the juvenile is ordered into Juvenile Drug Court and asked to sign the "Order to Participate in Juvenile Drug Court" and the "Acknowledgment of Juvenile Drug Court Procedures." (See Attachments 2 and 3.)

Participants are required to appear in Juvenile Drug Court once a week during Phase 1, once every two weeks during Phase 2, and once a month during Phase 3. Additionally, they must participate in a minimum of nine hours of day treatment per week in Phases 1 and 2 and a minimum of one hour per week of outpatient treatment in Phase 3.



For the first NCE while in Juvenile Drug Court, the juvenile is given sanctions which may include up to five days in Juvenile Hall. After a second NCE, the juvenile is given five days in Juvenile Hall or referred to one of our County's 24 juvenile detoxification beds for a stay of up to 21 days. After the third NCE, the juvenile may be dismissed from Juvenile Drug Court and a WIC 777(e) petition may be filed. As a result of the WIC 777(e) petition, the juvenile may be placed in an honor camp drug treatment dormitory or in a residential treatment program. The Juvenile Drug Court judge also has discretion to dismiss the juvenile from Juvenile Drug Court for other pertinent reasons, including making dishonest statements to the Court.

Juvenile Drug Court is held every Tuesday and Thursday at 4:00 p.m. Each session can accommodate up to 25 participants. If the Court receives additional funding, we will have two additional sessions of Juvenile Drug Court in 1999 and hire additional JRS staff to conduct assessment and monitoring. Judges Bonnie Dumanis and Susan Finlay will be assigned to these two additional drug courts.

#### **IV. BENEFITS OF PARTICIPATING IN JUVENILE DRUG COURT**

The goal of the Juvenile Drug Court is to help the juvenile break his or her pattern of addiction and the negative behaviors associated with it. The intense supervision of the Court, frequent drug testing, rewards and praise for compliant behavior, immediate consequences for noncompliant behavior, and the camaraderie of peers all contribute toward helping the juvenile remain clean and sober.

The immediate advantage of Juvenile Drug Court is that the juvenile may participate in Juvenile Drug Court in lieu of being placed in a custodial setting such as the Juvenile Ranch Facility. Also, if the juvenile successfully completes Juvenile Drug Court, the judge may terminate probation early.

## DRUG COURT FACT SHEET

This fact sheet provides answers to some of the most frequently asked questions about Drug Court.

### What is a Drug Court?

A Drug Court is a special court given the responsibility of select felony and misdemeanor cases involving non-violent drug-using offenders. The program includes frequent random drug testing, judicial and probation supervision, drug treatment counseling, educational and vocational opportunities, and the use of sanctions and incentives. The Judge is actively involved in supervising drug court offenders; rather than defendant's being placed unsupervised, in a probationary or diversionary program for drug treatment. There are over 600 drug courts in the nation, about 92 in our state, including several juvenile and four adult drug courts in San Diego County. Each is set up using the guidelines of the Federal Office of Drug Court Policy. After the successful completion of the criminal drug court program, which is a minimum of 12 months, the drug charge is dismissed.

### How many Drug Courts are in San Diego County?

San Diego County Drug Courts include:

- North County – implemented 1/97
- Central – implemented 3/97
- East County – implemented 8/97
- South County – implemented 10/97
- Juvenile Drug Court (both Delinquency and Dependency) – implemented in 1998

### Who pays for Drug Court and what does it cost?

San Diego Superior Court Drug Courts operate on Federal and State grant money plus "matching funds" from the County. In addition, local law enforcement agencies have contributed drug asset forfeiture money and Local Law Enforcement Block Grant funds. The efforts to obtain federal, state and local funding are now "regional in approach". The County, in collaboration with the San Diego Superior Court, has applied for and received funding for Drug Courts including Federal funding for a countywide drug court evaluation and State funding through the California Drug Court Partnership Act of 1998.

Depending on the treatment provider, the participant may pay a minimal fee each week to the provider to aid in the therapeutic aspect as well as to help off-set costs. Efforts are being made to standardize this fee. The program's total cost per person range from \$2,700 to \$3,700 per year. These costs include treatment and testing for the participant.

### Why Do We Need Drug Court?

The connection between drug addiction and crime is supported by numerous statistics. 60-85 percent of all crimes at the state and local level are drug-related, committed by individuals who test positive for drug use at the time of arrest. The cycle of drug use and criminality cannot be broken under the current revolving door system, where those arrested for drugs are continually going in and out of the criminal justice system, unexposed to treatment. This system is extremely expensive for the taxpayer and has been proven to not work since recidivism rates are quite high on these kinds of cases.

## DRUG COURT FACT SHEET

### How is Drug Court Training Provided?

Drug Court Training for Judges and members of the Drug Court Team, consisting of the prosecutor, Public Defender, Law Enforcement Representative, Treatment Provider, Probation Department and clerical staff, is offered throughout the year through numerous organizations, including:

- NADCP - National Association of Drug Court Professionals
- CADCP - California Association of Drug Court Professionals
- Health and Human Services Agency
- Office of Justice Programs, Department of Justice
- National Judicial College
- UCSD – Clinical Institute in Addiction Studies
- NDCI – National Drug Court Institute
- BJA – Bureau of Justice Assistance

Many of the grants that are available through the federal government require that the applicant allocate a large portion of their budget to training/travel. This helps to ensure that the grantee is well informed on all of the current issues involving drug court, willing to attend technical assistance conferences and is able to include the entire drug court team in the training process.

### Who is involved?

The Drug Court Team consists of the following representatives:

- Superior Court – Judge and staff
- Prosecutor (both District Attorney and City Attorney)
- Public Defender
- State and local law enforcement agencies
- Sheriff
- Probation
- Treatment Providers

### Are Violent and/or Serious Offenders Eligible for Drug Court?

The answer is "No". San Diego Superior Court Drug Courts exclude offenders charged with sales of drugs, possession for sale of drugs, or other serious offenses. Funding under the Crime Bill excludes participation by any offender that has been charged with a violent offense or who has a prior conviction for a violent crime, except domestic violence.

### Do Drug Courts Save Money?

Incarceration of drug-using offenders cost a minimum of \$25,000 per year (and as much as \$50,000). The capital costs to build a prison cell is \$80-\$90,000. In contrast, the most comprehensive Drug Court System costs an average of \$3,500 annually for treatment and testing for each offender. The savings to the community from a reduction of property crime and reduced public health costs are immense. The California Drug and Alcohol Treatment Assessment (CALDATA) estimated a cost of less than \$8 per day for outpatient treatment which compares with estimates of \$50 to \$70 per day associated with jail time. The outpatient treatment program utilized by drug court is relatively inexpensive when compared to incarceration costs.

## DRUG COURT FACT SHEET

### Will Drug Court Provide More Jail Space for Violent Criminals?

With "Three Strikes" statutes and long-term incarceration for serious offenders increasing, Drug Court programs are needed more than ever to free valuable prison and jail space for violent offenders.

### Are Drug Courts Another "Soft-on-Crime " Prevention Program?

Drug Courts across the country rely on sanctions, including terms of incarceration and increased drug testing and supervision, to respond to program failure. They provide comprehensive hands-on supervision and monitoring and require far more contact with the judicial personnel than any other case management approach. In addition, the programs require participation in drug testing, educational and rehabilitation classes (and often more time in custody) than have ever been required before. Drug Courts are tougher on offenders; it is hard work getting and staying clean and sober.

### Do Drug Courts Work?

Preliminary data has been very favorable. An evaluation of the Miami Drug Court by the National Institute of Justice shows a 60 percent reduction in recidivism over a four-year period. An in-house evaluation of the Oakland Drug Court showed a 44 percent reduction in felony recidivism after three years. Other studies in Portland, Oregon, Washington, D.C. and Chicago, Illinois have shown similar reductions in recidivism. The recent CALDATA study showed a significant reduction in criminal activity during and after treatment (-20%), in drug sales (-61%) and the use of a weapon or physical force (-71%).

The San Diego Superior Court, in partnership with the Health and Human Services Agency (Alcohol and Drug Services) and San Diego State University Foundation, is in the process of developing an evaluation system for the San Diego County Drug Courts. This project was made possible by a grant from the U.S. Department of Justice.

### What is the Treatment Program?

For the South County, North County and East County Drug Courts, the treatment provider is Mental Health Systems, Inc. For the Central Division, a variety of treatment providers are utilized for both residential and outpatient services. The courts and their treatment providers provide drug intervention programs designed to provide an early opportunity for treatment and a cost effective alternative to traditional criminal case processing. The criteria for program participation has been established cooperatively by the Court, the Public Defender's office, the District Attorney's Office, the City Attorney's Office, the Probation Department and local law enforcement officers. Local law enforcement officers participate as Drug Court Liaison Officers and members of the Drug Court's Law Enforcement Advisory Board. They help supervise the program participants in the community.

### What does Treatment entail?

Treatment services include:

- Group therapy
- Individual therapy
- Case Management - G.E.D., Health
- Job training and Employment assistance
- Urine Drug testing-on-site (quantitative and immediate results)
- Education
- Placement in residential treatment facilities



## DRUG COURT FACT SHEET

Clients are responsible for their development and participation in the treatment process. Regular status hearings are held with the Judge, and the Drug Court Team. Status hearings offer the client encouragement for continuing growth. Sanctions are imposed for relapses, use incidents, failure to attend, or if the client regresses.

Clients successfully completing the program will have broken the addiction cycle, maintained employment, and become active, productive members of society.

Chemical Dependency is treated as a primary, chronic, lifelong disease. Group therapy, education, individual counseling, and a community-based approach are the basic tools offered for behavioral changes. AA/NA involvement is stressed as the fundamental tool of lifelong recovery.

### **How often does Drug Court convene?**

Court status hearings are held weekly. A report of each defendant's progress is prepared and given to the judge before the hearings. The judge is notified of clean or dirty urinalysis tests, attendance at counseling and educational classes. Any special circumstances concerning the defendant are included in the judge's progress report. The Court may increase the frequency of urinalysis testing, order increased attendance or participation in a residential program as a requirement to stay in the program, and may order jail time as a sanction. Terminating the defendant from Drug Court of course, is the final sanction. The defendant can, at any time ask to be sentenced.

### **What is the Drug Court's mission?**

It is the mission of Drug Court to keep a defendant in the treatment program and drug/crime free, as long as possible while at the same time protecting public safety. The program imposes an assortment of obligations upon the defendant based upon his/her own particular needs. Some of the conditions that may be imposed are community service, urinalysis, treatment, GED requirement, job training and the obligation to seek and maintain gainful employment, among others. The goal is to graduate a clean and sober, responsible, productive and employed member of our community.

### **What happens at graduation?**

A defendant who successfully completes the Drug Court Program will have his or her criminal case dismissed. Graduation is a recognition of the participants' accomplishments. Post graduation activities include an alumni association, aftercare plans and mentoring projects. The arresting officers are invited to the graduations. This program is an excellent example of what cooperation between criminal justice agencies can achieve in establishing a swift and fair justice system that results in the most cost-effective adjudication of defendants at the least expense to the taxpayers.

