

Statement of
Larry D. Burnett – Director
Hawaii High Intensity Drug Trafficking Area

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Subcommittee on Criminal Justice, Drug Policy
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“The Poisoning of Paradise: Crystal Methamphetamine in Hawaii”

Executive Summary

The state of Hawaii and U.S. Territories of the Pacific are currently under attack from crystal methamphetamine, commonly called “ICE”.ⁱ The rampant abuse of crystal methamphetamine, along with the violence and dangers associated with the drug, is the single most significant drug problem afflicting the state, *a point that cannot be overemphasized*. This problem, which threatens the well-being of Hawaii’s citizens and challenges its law enforcement personnel, could not have reached such epidemic proportions if not for the constant pressure of Drug Traffickers supplying crystal methamphetamine, as well as other illicit drugs, to the region. This constant pressure fuels a market that generates larceny, theft, burglary, homicides, domestic abuse, and child endangerment.

To this end, based on the crystal methamphetamine epidemic and other criteria, Hawaii was designated a High Intensity Drug Trafficking Area (HIDTA) in 1999: “....to prioritize and focus national and local resources on Hawaii’s regional drug threats.”

HIDTA designation provides a catalyst for genuine law enforcement partnership, coordination, and cooperation among Hawaii’s counterdrug stakeholders. The Hawaii HIDTA functions through an Executive Board comprised of an equal number of (8) federal and (8) state/local law enforcement **agency heads that have decision-making authority for the department or agency**. This Executive Board provides direction and oversight. Membership is selected based on an agency’s committed resources and ability to have an effect on the regional drug threat. Three additional non-voting members provide an advisory function. The Chair and Vice-Chair alternate between state/local and federal law enforcement each year. The Executive Board provides a coordination umbrella for HIDTA task forces, the Investigative Support and Intelligence Center (ISC), and any single-agency task forces and narcotics units operating within the Hawaii HIDTA region.

By design, significant effort is made to collocate and commingle Hawaii HIDTA personnel and resources. These resources, donated by participating agencies, are formed into Task/Strike Forces, Interdiction Groups, Intelligence Gathering Subsystems, and Support/Administrative Initiatives.

By fostering interagency cooperation and sharing of strategic and tactical information, the Hawaii HIDTA provides a comprehensive response to illicit drug activity by bringing together all available law enforcement resources in a united front. Success of the Hawaii HIDTA is measured in part by its ability to facilitate greater efficiency, effectiveness and cooperation among external participating agencies, thereby yielding tangible, measurable results. This goal is supported by intelligence driven drug task forces aimed at eliminating or reducing domestic drug trafficking and its harmful consequences, through enhancement and coordination of drug trafficking control efforts among federal, state and local law enforcement agencies.

Introduction

High Intensity Drug Trafficking Areas (HIDTA) are regions in the country that have severe drug trafficking problems. HIDTA's receive their designation from the Executive Office of the President through the Office of National Drug Control Policy (ONDCP). The Anti-Drug Abuse Act of 1988 (P. L. 100-690), and the ONDCP Re-authorization Act of 1998 (P.L. 105-277) empower the Director of ONDCP, upon consultation with the Attorney General, Secretary of the Treasury, heads of national drug control agencies, and the Governor of each applicable state, to designate any specified area of the United States as a HIDTA.

Geographic Area of Responsibility:

State of Hawaii- Hawaii, Honolulu, Kauai & Maui counties

Mission Statement:

As the crossroad of the Pacific and gateway into the continental United States, the Hawaii HIDTA's participating agencies work together through enhanced coordination and integrated initiatives to disrupt and dismantle illicit drug distribution, production, money laundering, transportation, & trafficking within the region.

The Hawaii HIDTA is a partnership between Federal, State, and Local Law Enforcement that consists of the following member agencies:

Bureau of Alcohol, Tobacco and Firearms	Kauai Police Department
City and County of Honolulu Prosecutor	Maui Police Department
Drug Enforcement Administration	U. S. Attorney's Office
Federal Bureau of Investigation	U. S. Marshal's Service
Hawaii National Guard	U. S. Postal Inspection Service
Hawaii County Police Department	Western States Information Network
Hawaii State Department Public Safety	Bureau of Prisons*
Honolulu Police Department	U. S. Coast Guard*
Immigration and Customs Enforcement	Naval Criminal Investigative Service*
Internal Revenue Service	

(* indicates advisory non-voting Executive Board members.)

Threat

Hawaii and the U.S. Territories of the Pacific are beset with a myriad of illicit drug challenges. Illegal use and trafficking of crystal methamphetamine, commonly referred to as ICE, has reached

epidemic proportions straining resources to the breaking point. State Legislators are holding hearings to explore the problem. The Governor and Lieutenant Governor crisscrossed the state in a series of town hall meetings. Communities fed up with the problems, violence, and crime associated with crystal methamphetamine addiction waved signs and demonstrated.

A multitude of illicit drugs are available to varying degrees in Hawaii, as in any populated area; however, these drugs can be categorized in three tiers based on the severity of the problems they pose to Hawaii's law enforcement and citizens.

1. In the first tier are the two drugs causing the most serious problems—crystal methamphetamine and marijuana. Arrest and seizure data for both these drugs indicate that availability is high. Demand data suggest that use of both drugs, along with the consequences of that use, is high and increasing.

Nonetheless, the magnitude of the crystal methamphetamine problem in Hawaii—a far more socially disruptive problem—overshadows marijuana, which has seen an increase in associated violence, but not nearly to the same extent.

2. The second-tier drugs are cocaine (usually crack cocaine) and heroin which, although they remain problems in Hawaii, appear to rank well behind crystal methamphetamine and marijuana in contributing to the state's drug troubles. Cocaine-related arrests and seizures are on an upswing, but demand data suggest declining prevalence and consequences of use. At the same time, heroin distribution and abuse appear to be diminishing in light of indicators suggesting declines in arrests, seizures, reported use, and treatment.
3. In the third tier are drugs such as MDMA, GHB, steroids, and diverted pharmaceuticals, which are available and abused in Hawaii but to a much lesser extent. The focus of third tier drugs appears to be among young club goers and younger members of the military. While it is imperative to continue combating these drugs and thus preventing them from becoming a larger problem in the future, it is the trafficking and abuse of primarily crystal methamphetamine as well as marijuana, cocaine, and heroin that currently pose the most viable drug threats to Hawaii.

International and local DTOs have ample opportunity to traffic drugs to, through, and from the area because of Hawaii's high volume of international and domestic air and sea traffic including passengers, cargo, and mail. Hawaii is a destination for crystal methamphetamine, cocaine, and heroin supplied from the West Coast and Mexico by Mexican Consolidated Priority Organization Targets (CPOTs) and DTOs; for crystal methamphetamine and heroin transported from Asia, Canada, and the West Coast by Asian DTOs; and for marijuana transported from Canada and the Pacific Northwest by local DTOs. Hawaii is a trans-shipment point for methamphetamine transported from the West Coast to locations in the Pacific Basin, such as Guam, by local DTOs supplied by Mexican DTOs. It also is a transshipment point for methamphetamine transported from the West Coast or Asia to locations in the Pacific Basin by Asian DTOs. Finally, Hawaii

is the source of high potency marijuana transported to the U.S. mainland, Canada and, to a lesser extent, Mexico by local DTOs.

In addition to the threat posed by the presence of international and local DTOs, drug fugitives, armed violent drug offenders smuggling, money laundering, and the use of public lands for cannabis cultivation plague the counties. Because of the way Hawaii's drug laws are written, a significant number of drug traffickers are identified but not prosecuted.

Strategy

The Hawaii HIDTA's primary goal is to dismantle, disrupt, arrest, and prosecute drug trafficking organizations, drug gangs and organized crime groups involved in drug distribution, drug manufacturing, money laundering, and other drug related crimes. The team and task force concepts advance the National Drug Control Strategy and the National Gang Strategy, emphasize collocated/commingled, multi-agency investigations, and promote cooperative efforts among HIDTA participants.

The process utilized by the Executive Board to develop a counter strategy to illicit drug trafficking and abuse includes:

- 1) Identifying primary threats by geographic area;
- 2) Developing desired goals to counter the threats;
- 3) Assigning responsibility to accomplish the desired goals;
- 4) Evaluating effectiveness of the program's outcomes;
- 5) Providing oversight and implementing changes as necessary.

The Hawaii HIDTA strategy has each subsystem, intelligence/operational initiative, task force, and support group target one or more of the identified threats and needs that are listed in the current Hawaii HIDTA Threat Assessment Matrix. For FY2005 law enforcement organizations will contribute a total of 311 (full and/or part time) law enforcement personnel and support staff, organized into 12 initiatives. Two additional far reaching initiatives will be implemented should supplemental funding become available.

Each HIDTA initiative develops a mission statement to focus their efforts on one or more of the goals, which are designed to reduce drug availability and its harmful consequences. The initiatives work to accomplish these goals through a clearly defined strategy fostered by examination of the region's threats and needs.

Results

Through its initiatives the Hawaii HIDTA and its participating agencies are disrupting and dismantling the DTOs responsible for trafficking illicit drugs in Hawaii through the interdiction of crystal methamphetamine, marijuana, cocaine, heroin, and other illicit drugs as they are transported throughout the state and region. The Hawaii HIDTA is also disrupting these DTOs by seizing the money they use to operate and the assets they acquire with illicit drug proceeds.

The Hawaii HIDTA and its federal and state/local law enforcement partners are removing weapons from the street and bringing drug offenders and fugitives to justice in its effort to cripple the drug trade and reduce drug-related crime in Hawaii. The future impact of Hawaii HIDTA initiatives will be measured in the continuing and increasing seizures of illicit drugs and proceeds as well as the arrests and successful prosecutions of those responsible for transporting drugs and drug proceeds through Hawaii’s airports, parcel facilities, and ports.

The investigative subsystem consists of eight investigative groups, two interdiction groups, one fugitive task force, and one safe neighborhoods strike force. The investigative task forces are most closely aligned with law enforcement goals of impacting the crime rate through arrests, seizures, and reducing drug availability.

COMBINED HAWAII HIDTA GOALS	Investigation Results - Operations	Goal	Actual	%
	TARGET DRUG DISTRIBUTION ORGANIZATIONS AND DISMANTLE OR DISRUPT THOSE TARGETED	10	34	340%
	TARGET DRUG MANUFACTURING ORGANIZATIONS AND DISMANTLE OR DISRUPT THOSE TARGETED	4	4	100%
	CLEAR WARRANTS FOR DRUG CHARGES	100	290	290%
	ARREST ARMED VIOLENT OFFENDERS WITH A NARCOTICS NEXUS	45	95	211%
	ARREST INDIVIDUALS WHO SMUGGLE NARCOTICS THROUGH AIRPORTS	50	47	94%
	INSPECT PARCELS	1000	10,000	1000%
	SEIZE PARCELS	100	60	60%
	TARGET DTOs FOR MONEY LAUNDERING CHARGES	1	1	100%
	SEIZE ILLICIT DRUG RELATED ASSETS	\$1,000,000	2,510,906	251%
	ERADICATE MARIJUANA PLANTS	50,000	392,276	784.5%
	SEIZE FIREARMS	110	162	147.2%
	CLEAR WARRANTS FOR DRUG CHARGES	100	290	290%
	FORFEIT \$1,000,000 IN ILLICIT DRUG RELATED ASSETS	\$1,000,000	\$1,237,740	123.7%

Section 3 HIDTA Matrix – consolidated goals and outcomes for all Investigative Initiatives

COMBINED HAWAII HIDTA GOALS	Coordination Results	Goal	Actual	%
	ACHIEVE AND MAINTAIN 100% PARTICIPATION BY LAW ENFORCEMENT AGENCIES IN THE WSIN DECONFLICTION SERVICES	100%	100%	100%
	SUBMIT CASE/SUBJECT DECONFLICTIONS AMONG HIDTA INITIATIVES AND PARTICIPATING AGENCIES	9000	9393	104.3%
	SUBMIT EVENT DECONFLICTIONS AMONG HIDTA INITIATIVES AND PARTICIPATING AGENCIES	1400	1333	95.2%

Section 3 HIDTA Matrix- consolidated goals and outcomes for Oversight and Support Initiatives

COMBINED HAWAII HIDTA GOALS	Intelligence Results	Goal	Actual	%
	ACHIEVE AND MAINTAIN 100% PARTICIPATION BY LAW ENFORCEMENT AGENCIES IN THE WSIN DECONFLICTION SERVICES	100%	100%	100%
	SUBMIT CASE/SUBJECT DECONFLICTIONS AMONG HIDTA INITIATIVES AND PARTICIPATING AGENCIES	9000	9393	104.3%
	ISC TO CONDUCT DATABASE QUERIES	4000	3202	80%
	ISC TO PROVIDE INTELLIGENCE PROFILES	100	390	390%
	COMPLETE REQUESTS FOR CASE ASSISTANCE	20	24	120%
	PROVIDE ANALYTICAL PRODUCTS (TOLL ANALYSES, LINK ANALYSES, GRAPHS, CHARTS, PROFILES, ETC)	3,000	4030	134.3%
	DEVELOP AN ACTIVE MEANS OF COMMUNICATING WITH PACIFIC BASIN/RIM LAW ENFORCEMENT	100%	25%	25%
	PROVIDE ELECTRONIC LINK FROM ISC TO NEIGHBOR ISLANDS VIA WSIN SECURE INTRANET	100%	100%	100%
	SHARE INTELLIGENCE WITH HIDTAS/LEAS OUTSIDE OF HAWAII	*	*	*

Section 3 HIDTA Matrix – consolidated goals and outcomes for Intelligence Initiatives

Barriers to Effective Prosecution

Regrettably, there remain, at this time, legal and legislative barriers to the effective prosecution of drug offenders in Hawaii.

Hawaii state law sometimes impedes the ability of law enforcement to effectively combat drug offenders. For example, evidence obtained from federal wiretap and consensual encounters remain, at this time, inadmissible in Hawaii state courts. While evidence found during a federal investigation can be used in federal court, federal thresholds for drug possession are higher than at the state level, and arrested offenders not meeting federal thresholds are released without prosecution. As a result, many lower level drug distributors who do not meet federal thresholds go unprosecuted in state courts. It is not uncommon to find individuals with 30-plus arrests still free on city streets in Hawaii.

Two of the larger barriers to effective prosecution of drug offenders in the state involve the (1) “challenger provision” to Hawaii’s electronic surveillance law and (2) the state law governing consensual encounters.

The challenger provision, which is not in federal statutes, requires that an in-camera adversarial hearing be held before a judge. A defense attorney is appointed to the hearing and is provided with the application for the wiretap as well as all supporting documents. Moreover, at the hearing, the defense attorney has the right to cross-examine all witnesses. The requirements for dissemination of information regarding potential targets, witnesses, and evidence create many problems for local law enforcement. This not only increases the risk that the target of an investigation will find out about the investigation but also increases the potential danger to any informants and witnesses.

Consensual encounters commonly referred to as “walk and talks,” are not permitted under the Hawaii State Constitution. In 1996 the Hawaii Supreme Court ruled that simply approaching someone in the airport violated the state constitution. Even if an investigator

informs the person being approached that a drug investigation is being conducted, that he or she is talking to a police officer, and that he or she is free to leave at any time, that person cannot be prosecuted in Hawaii courts for any drugs discovered.

Despite the state law governing consensual encounters, they are conducted at Hawaii airports because local law enforcement officers are cross-designated with federal authority to conduct such encounters. Unfortunately, any evidence of an offense discovered through this technique can be used only in a federal court—evidence obtained from federal consensual encounters is inadmissible in Hawaii courts.

Outlook

Coordination and cooperation among Hawaii's law enforcement agencies is at an all time high. We believe in the integration of neighborhood activism, education/prevention, and effective treatment in our overall strategy. Recognition of the dangers crystal methamphetamine poses to public health and safety has caused many in Hawaii to realize that reducing the problems associated with crystal methamphetamine and other illicit drugs requires action by all members of our communities.

Hawaii remains a target rich environment. Seizures of methamphetamine laboratories will increase in Hawaii as training of law enforcement results in the identification of laboratories previously unrecognized as such.

Maritime seizures of illicit drugs will increase following the July 1, 2004, deadline given to U.S. and global ports to implement all measures required by the Maritime Transportation Security Act. Although the act is designed to counter terrorism, a collateral effect will be an increase in drug seizures in the near term as it will necessitate a rise in the rate inspections and help identify high-risk containers, thus facilitating seizures without the need for specific intelligence.

Successful prosecutions of drug distributors will increase provided that a proposed bill that would make it easier for law enforcement to use wiretaps against suspected criminals becomes law.

The Hawaii HIDTA and its participating member agencies will continue to devote resources to identify, investigate, and dismantle the organizations responsible for the spread of methamphetamine across Hawaii and our country.

Thank you for the opportunity to testify before the Subcommittee.

ⁱ Ice methamphetamine, also known as glass, shabu, or batu, is a pure, highly addictive form of methamphetamine resembling shards of ice. It is the product of the process of recrystallizing powdered methamphetamine in a solvent such as water, methanol, ethanol, isopropanol, or acetone to remove impurities. Ice typically is smoked using either a glass pipe, an empty aluminum can, a piece of aluminum foil, or a light bulb. NDIC, *National Drug Threat Assessment 2004*, April 2004. Definition supplied by the Drug Enforcement Administration.