



WASHINGTON OFFICE ON LATIN AMERICA

US Law Enforcement Involvement in Counternarcotics Operations in Latin America

Research Memo for WOLA
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Table of Contents

Preliminary Note on US Law/Policy on Assistance to Foreign Police	2
1. Drug Enforcement Administration.....	3
1.1 External Oversight.....	3
1.2 History/Budget/Bureaucratic Structure	4
1.3 Overseas Presence	5
1.4 Strategy and Planning.....	6
1.4 Overseas Operations.....	7
1.6 Sensitive Investigative Units	9
2. Federal Bureau of Investigation.....	10
2.1 Overseas Investigations	11
2.2 International Training	13
2.3 Budget/Oversight.....	14
3. Customs	15
3.1 Overseas Presence	16
3.2 International Training.....	17
3.3 Air and Marine Interdiction Division	17
4. International Narcotics and Law Enforcement	19
5. ICITAP and OPDAT—Administration of Justice Programs	22
6. US Coast Guard	23
6.1 Budget, Bureaucracy and Oversight.....	24
6.2 International Cooperation.....	24
6.3 Plans for 2002.....	27
7. Bureau of Alcohol, Tobacco and Firearms	28

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by Lora Lumpe

US government assistance to foreign law enforcement agencies to curb drug trafficking into the United States began in 1949. At that time, two agents of the Federal Bureau of Narcotics were sent to Turkey and France to try and interdict the flow of heroin. By the 1960s and 70s, federal drug law enforcement agents were conducting major international operations aimed at cutting marijuana importation across the Mexican border and curbing heroin trafficking into the US by the French mafia (the “French connection”).

In 1973 the DEA was created, in what was billed as an effort to consolidate drug control functions of several offices and agencies. However, US Customs overseas enforcement operations and investigations, which date back several decades, continued. Meanwhile, the US Coast Guard became involved in overseas counterdrug enforcement and investigation, State Department-backed counternarcotics assistance to foreign police agencies began in 1978 and FBI involvement in international counternarcotics programs began in earnest the 1980s and escalated in the mid-1990s. (The September 11th attacks and the resultant shift toward a focus on countering terrorist threats to the United States have affected the role and scope of most agencies with foreign counternarcotics responsibilities.)

This memo covers each of these agencies’ involvement in general terms, including their mission, methods of international operation, budgetary and bureaucratic history, and oversight mechanisms. An appendix relates specific details available about these agencies’ activities in WOLA’s priority countries. The information is drawn largely from government documentation (wherein the various agencies self describe their operations and motivation), congressional hearings, oversight reports and investigative journalistic accounts. The intent of the document is threefold:

- to provide leads or questions that in-country researchers can follow up on to discover as much as possible about the reality and local impact of these agencies’ overseas operations;
- to identify places where Congress’ help is needed in order to force basic information on these agencies’ operations into the public domain and where work by WOLA will result in greater oversight of US counternarcotics policy; and
- to lay the groundwork for an overview chapter on the non-military (ie, law enforcement) aspects of the US-backed war on drugs in Latin America.

Preliminary Note on US Law/Policy on Assistance to Foreign Police

Since the 1950s, the Central Intelligence Agency and Department of Defense have trained foreign police forces, previously for counter-insurgency missions and now primarily for counter-drug operations. The level of US government assistance to foreign police expanded greatly in the early 1960s, when the Kennedy administration created the civilian Office of Public Safety at the Agency for International Development. By 1968 the US government was spending \$60 million a year to train police in 34 countries in criminal investigation, patrolling, interrogation and counterinsurgency techniques, riot control and weapon use.¹ During its 13 years of operation, the program trained over a million police and sent approximately \$325 million in equipment overseas.²

In the face of mounting evidence that training and equipment provided under the Public Safety program were directly supporting repressive regimes and the conduct of torture, particularly in Latin America, in 1973 Congress prohibited the use of foreign assistance funds for police training in all foreign countries. The following year, Congress passed section 660 to the Foreign Assistance Act, which terminated AID's Public Security program and stated that:

On or after July 1, 1975, none of the funds made available to carry out this Act, and none of the local currencies generated under this Act shall be used to provide training or advice, or provide any financial support for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

This provision applied only to activities funded through the annual foreign assistance budget passed by Congress; it never affected the use of funds by agencies such as the Departments of Justice, Treasury or Transportation for training or otherwise assisting foreign law enforcement officials, since their activities were authorized and funded out of other budgets. The Drug Enforcement Agency and FBI have always considered their foreign training activities exempt from this restriction. In addition, a series of amendments beginning in 1981 created a long list of exemptions, allowing US police training in Haiti during the regime of Jean-Claude Duvalier, counter-narcotics related police training, anti-terror related police training and so on. By 1990, the US General Accounting Office was able to identify 125 countries that received police training financed by US taxpayers, despite the legislative "ban."³

In the past decade, police and military training have become increasingly intertwined, mainly in counternarcotics programs. Foreign police now receive training in a number of military institutions in the United States, including at the School of the Americas (which has been renamed the Western Hemisphere Institute for Security Cooperation), as well as in their home countries.

¹ General Accounting Office, *Foreign Aid: Police Training and Assistance*, GAO/NSIAD-92-118, March 1992.

² Charles T. Call, "Institutional Learning within ICITAP," in Robert B. Oakley et al., eds. *Policing the New World Disorder: Peace Operations and Public Security* (Washington, DC: National Defense University, 1999), p. 2 of [Internet version](#)

³ US General Accounting Office, *Foreign Aid: Police Training and Assistance*, GAO/NSIAD-92-118.

1. Drug Enforcement Administration

The DEA's overall mission is to enforce the United States' drug laws and to bring narco-traffickers to justice—either in the United States or abroad. The DEA is the principal federal agency responsible for coordinating drug enforcement intelligence overseas and conducting drug law enforcement operations, but it shares jurisdiction in several cases with the FBI and/or CIA. Of all the US law enforcement agencies, the DEA is the only one that has an exclusive focus on drugs.⁴

The bulk of DEA's activities are domestic; about ten percent of its budget and staff are devoted to international operations. DEA's international objectives are to:

- reduce the flow of drugs into the United States through bilateral criminal investigations;
- collect intelligence on organizations involved in trafficking drugs to the United States; and
- support narcotics investigations around the world covering such areas as money laundering, control of chemicals used in the production of cocaine and heroin, and other financial operations related to illegal drug activities.

DEA also coordinates and cooperates in programs designed to reduce the availability of illicit drugs in the United States through non-enforcement methods, such as crop eradication/substitution and training of foreign officials.⁵ Brief descriptions of each of these international activities are provided below.

1.1 External Oversight

Responsibility for all programs associated with drug law enforcement counterparts in other countries is under the policy guidance of the Secretary of State and the relevant US Ambassador (or head of diplomatic mission).

Within Congress many bodies claim some jurisdiction over DEA funding and operations. The House and Senate Judiciary committees bear primary responsibility for oversight of DEA programs (both domestic and international). The House International Relations Committee and Senate Foreign Relations Committee have responsibility for traditional US military and police

⁴ Following the September 11 attacks, DEA shifted some of its emphasis toward “narco-terrorism,” which the DEA Administrator defines as “terrorist groups, or associated individuals, participat[ing] directly or indirectly in the cultivation, manufacture, transportation or distribution of controlled substances and the monies derived from these activities. Further, narco-terrorism may be characterized by the participation of groups or associated individuals in taxing, providing security for, or otherwise aiding or abetting drug trafficking endeavors in an effort to further, or fund, terrorist activities. . . . While DEA does not specifically target terrorists, we will target and track down drug traffickers and drug trafficking organizations involved in terrorist acts.”—Statement of DEA Administrator Asa Hutchinson before the Senate Judiciary Committee, Subcommittee on Technology, Terrorism and Government Information, 13 March 2002.

⁵ US Department of Justice, Drug Enforcement Administration, “DEA Mission Statement,” at www.usdoj.gov/dea/agency/mission.htm, (accessed on 15 May 2002); and US General Accounting Office, *Drug Control: Long-Standing Problems Hinder US International Efforts*, GAO/NSIAD-97-75.

foreign assistance programs, and their Latin American subcommittees have held several hearings on US counternarcotics policy in Latin America. The House and Senate Appropriations Committee, Subcommittees on Commerce, Justice, State and Judiciary and on Foreign Operations are responsible for actual fiscal allocations and, therefore, have the greatest potential for oversight enforcement. In addition, the Senate Caucus on International Narcotics Control, the House Speaker's Task Force on Drug Policy and the House Government Reform Committee's Subcommittee on Drug Policy and Criminal Justice have staked out some jurisdiction.

However, none of these committees, subcommittees or taskforces has conducted thorough hearings on the *international* aspects of DEA operations in the past 20 years. A hearing in July 1999 was the first oversight hearing on DEA's overall operations held in a decade by either the House or Senate Judiciary Committee.⁶ Most international counternarcotics hearings have focused in recent year(s) on Plan Colombia, through which the DEA received relatively little funding or oversight.

While Congressional oversight has not been particularly diligent or stringent, several committee staff have been on delegations to visit DEA missions—in Colombia and Mexico, in particular.⁷ In addition, GAO has issued some fairly detailed reports.⁸ There are no apparent Justice Department internal audits or IG reports on the international operations of the DEA.

1.2 History/Budget/Bureaucratic Structure

The DEA was created on 1 July 1973 as part of reorganization of federal drug enforcement programs by the Nixon Administration.⁹ It is part of the Department of Justice, and is headed by an Administrator (currently Asa Hutchinson), who is appointed by the President and confirmed by the Senate.

DEA has five operational divisions: Inspection, Operations, Human Resources, Intelligence, and Operational Support. Most of the foreign counternarcotics programs are run through the Office of International Operations, the Office of Aviation Operations and/or the Special Operations Division. All of these fall under the Operations Division (currently headed by Joseph D. Keefe).¹⁰

The Special Operations Division targets the communication systems of Mexico and Colombia-based trafficking groups that transport and distribute drugs into the United States—the so-called “Kingpin Strategy,” which evolved in 1992.

⁶ “Drug Enforcement Administration,” hearing before the Subcommittee on Crime of the House Committee on the Judiciary, 29 July 1999, published as Serial No. 65 by the Committee.

⁷ Brian McKeon, Marcia Lee (see Congressional contact sheet).

⁸ See, in particular, US General Accounting Office, *Drug Control: DEA's Strategies and Operations in the 1990s*, July 1999, GAO/GGD-99-108.

⁹ See draft for WOLA by Peter Zimite, “Under Fire: The Drug Enforcement Administration in Latin America,” January 1998, pp. 6-7 for full history on the “Birth of a Super Agency”

¹⁰ This information is drawn from an organizational chart in the 1996 *DEA Briefing Book*. A 2001 version of the book was pulled from the Internet and would not be released, as it was being ‘updated.’

The Office of Aviation Operations consists of 106 aircraft and 124 special agents/pilots. These assets are used to carry out air-to-ground surveillance, overflights, photographic reconnaissance, and rapid deployment of personnel and equipment. Since February 1994 the Aviation Operations Center has been headquartered at Alliance Airport in Ft. Worth, Texas. This base provides maintenance for the fleet, as well as a home for supervisory and administrative personnel and contractors.¹¹

The Bush Administration's request for the DEA for FY 2003 is \$1.7 billion—a six percent budget increase over FY 2002. This funding level would support 8,500 Special Agent and support staff positions.¹² Supplementary funding from other agencies (principally State Department's INL) would increase the overall DEA budget for FY 2003 to \$1.9 billion and support more than 9,600 personnel.¹³

In 1996 Congress appropriated nearly \$60 million dollars to expand DEA efforts primarily in Latin America for DEA to investigate drug-related crime.¹⁴ [Latin America and by country breakdowns forthcoming.]

1.3 Overseas Presence

During the 1990s the DEA expanded its overseas presence in terms of the number of offices it staffed and the number of countries in which it had a presence. As of 2002, DEA maintains public offices in 58 countries throughout the world. In Latin America and the Caribbean, 38 offices are located in 24 countries.¹⁵

A document from February 1996 said that DEA then maintained 71 overseas offices in 50 countries. At that time, those offices were staffed by 307 Special Agents, 33 Intelligence Analysts, and 100 support positions.¹⁶ [Updated staffing breakdown, by Latin American countries, forthcoming.]

The DEA Country Attaché is head of DEA offices in foreign countries.

¹¹ US Department of Justice, Drug Enforcement Administration, "Aviation" on the web at www.usdoj.gov/dea/programs/aviation.htm (accessed 14 May 2002)

¹² Statement of DEA Administrator Asa Hutchinson before the House Committee on Appropriations, Subcommittee for Commerce, Justice, State and the Judiciary, 20 March 2002.

¹³ US Department of Justice, Drug Enforcement Administration, "Budget and Staffing," on the web at www.usdoj.gov/dea/agency/staffing.htm (accessed 15 May 2002)

¹⁴ Statement by James Milford, Deputy Administrator, Drug Enforcement Administration, before the House International Relations Committee, Subcommittee on the Western Hemisphere, 16 July 1997.

¹⁵ US Department of Justice, Drug Enforcement Administration, "Domestic and Foreign Offices," on the web at www.usdoj.gov/dea/agency/domestic.htm (accessed 14 May 2002). Testimony by Hutchinson in March 2002 said DEA was requesting \$7 million for anti-terrorism upgrades at foreign facilities, "such as in Cartagena, Colombia ..." This office is not named in the official listing of DEA overseas offices.

¹⁶ US Department of Justice, Drug Enforcement Administration, Public Affairs Section, "Factsheet: DEA Data," February 1996 (CP-150)

Latin America/Caribbean DEA Offices

SOUTH AMERICA		CENTRAL AMERICA		CARIBBEAN	
Argentina	Buenos Aires	Belize	Belize City	Bahamas	Freeport Nassau
Bolivia	Cochabamba La Paz Santa Cruz Trinidad	Costa Rica	San Jose	Barbados	Bridgetown
Brazil	Brasilia Sao Paulo	El Salvador	San Salvador	Dom Rep	Santo Domingo
Chile	Santiago	Guatemala	Guatemala City	Haiti	Port-au-Prince
Colombia	Barranquilla Bogota	Honduras	Tegucigalpa	Jamaica	Kingston
Ecuador	Guayaquil Quito	Mexico	Ciudad Juarez Guadalajara Hermosillo Mazatlan Merida Mexico City Monterrey Tijuana	Neth Antilles	Curacao
Paraguay	Asuncion	Nicaragua	Managua	Trin & Tob	Port of Spain
Peru	Lima	Panama	Panama City		
Venezuela	Caracas				

1.4 Strategy and Planning

The most recent DEA five-year strategic plan for FY 2001-2006 gives prominence to interdicting international drug trafficking activity. This focus area is comprised of trafficking organizations based overseas that are the primary supply source for the distribution of illegal drugs within the United States. The DEA's International Operations program, Special Operations Division and field divisions carry out this work.¹⁷

DEA's Operations Division oversees the development of a regional plan (updated periodically) for each the Caribbean, Central America, South America, Mexico, Europe, the Far East, the Middle East and Africa. The plan establishes operational priorities and provides guidance to our Country Attaches in the region for implementation. Country Attaches, following the guidance provided, develop an annual Country Office Work Plan that presents specific programs and operations required to accomplish the objectives set forth in the regional plans.

¹⁷ Statement of Asa Hutchinson before the House Committee on Appropriations, Subcommittee for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies, 20 March 2002.

The September 1997 South America Regional Plan reportedly listed out seven objectives:¹⁸

- identify, investigate and dismantle major drug trafficking organizations;
- support US domestic investigations;
- enhance host nation counterdrug capabilities;
- develop a host country counternarcotics intelligence program;
- control essential chemicals;
- conduct financial investigations; and
- promote regional counterdrug cooperation.

Within each country mission, the DEA Country Attaché prepares a semi-annual foreign situation report, laying out drug law enforcement problems and resource needs. This report goes to DEA headquarters and also to the Country Team within the embassy that brings the various relevant agencies in the mission together. The Country Team puts together a plan—the Mission Performance Plan (MPP) that goes to the State Department (INL) and sets forth the goals and objectives that various counternarcotics components of the embassy will try to meet in a given year.¹⁹

1.4 Overseas Operations

DEA personnel are engaged in several types of activities in support of the goals outlined in the regional plan, including assisting bilateral investigations. DEA special agents in overseas Country Offices assist their foreign counterparts in investigating activities with the aim of leading to indictments and prosecutions in either the host country, the United States or a third nation. As part of this activity, DEA develops sources of information and interviews witnesses. Agents work undercover and assist in surveillance efforts on cases that involve drug traffic affecting the United States. They provide information about drug traffickers to their counterparts and pursue investigative leads by checking hotel, airport, shipping, and passport records. In addition, when host country authorities want to know the origin of seized illicit drugs, DEA agents ship them back to DEA facilities in the United States for laboratory analysis. The DEA also seeks US indictments against major foreign traffickers who have committed crimes against American citizens.²⁰

DEA agents are prohibited by US law from taking part in arrests or conducting electronic surveillance in any foreign country, nor can they be present during foreign police enforcement operations without a waiver from the Ambassador.²¹

¹⁸ US General Accounting Office, *Drug Control: Long-Standing Problems Hinder US International Efforts*, February 1997, GAO/NSIAD-97-75, p. 136.

¹⁹ Letter from Donnie R. Marshall, Acting Administrator, DEA to Cong. Bill McCollum—published in “Drug Enforcement Administration,” hearing of the Subcommittee on Crime of the House Committee on the Judiciary, 29 July 1999, published as Serial No. 65 [USGPO: 2000].

²⁰ US Department of Justice, Drug Enforcement Administration, “Foreign Cooperative Investigations,” on the web at www.usdoj.gov/dea/programs/fci.htm (accessed 15 May 2002).

²¹ See section 481c of the Foreign Assistance Act, added in 1976, known as the “Mansfield Amendment,” after its Senate sponsor—Mike Mansfield.

In FY 1997, the DEA ran 587 international investigations; in FY 1998 it ran 599 international investigations (about nine percent of the total number of DEA investigations each year).²²

Counternarcotics related intelligence gathering is another core international function of the DEA. The number of intelligence analysts worldwide is now over 680.²³ Special Agents carry out three types of intelligence missions:

- tactical intelligence—information on which immediate enforcement action (arrests, seizures, interdictions) can be based;
- investigative intelligence—provides analytical support to investigations and prosecutions to dismantle criminal organizations and gain resources; and
- strategic intelligence—current picture of drug trafficking from cultivation to distribution that can be used for management decision making, resource deployment and policy planning.

The DEA coordinates US intelligence worldwide on cultivation and manufacture of illicit substances, sale of precursors and transport routes for drugs into the US. DEA also runs the Joint Information Coordination Centers program, which provides computer hardware, software and training to 20 host country nationals overseas—primarily in Central and South America and the Caribbean. This program seeks to enable those countries to establish intelligence-gathering centers of their own and is modeled after the DEA's El Paso Intelligence Center.²⁴

Air interdiction is a third area of DEA overseas activity. The Office of Aviation Operations has posts of duty in Peru, Colombia, Bolivia, Mexico, Puerto Rico and the Bahamas. “These country offices, as well as other offices in Central and South America, are supported in operations involving enforcement and logistical missions to include air-to-ground surveillance, overflights, photographic reconnaissance, diplomatic missions, rapid deployment of personnel and equipment, expeditious removal of fugitives from foreign countries, over-water surveillance and search for suspect vessel activity, and medical evacuation.”²⁵

The DEA also spends considerable time and resources in seeking to develop reliable, non-corrupt law enforcement institutions. The DEA cites successful operations with the Colombian National Police (CNP) as an outgrowth of its long-term commitment to institution building.

²² US General Accounting Office, *Drug Control: DEA's Strategies and Operations in the 1990s*, July 1999, GAO/GGD-99-108, p. 37. See INCSR 2001, pp. iii-7-9 for some examples of recent investigations in Latin America.

²³ US Department of Justice, Drug Enforcement Administration, “Intelligence” on the web at www.usdoj.gov/dea/programs/intelligence.htm, (accessed 14 May 2002)

²⁴ See INCSR 2001, pp. iii-9-10 for examples of overseas intelligence gathering operations in 2001.

²⁵ US Department of Justice, Drug Enforcement Administration, “Aviation” on the web at www.usdoj.gov/dea/programs/aviation.htm, (accessed 14 May 2002)

To help develop effective law enforcement partners, DEA conducts extensive international training. The DEA's International Training Section, located at Camp Upshur in Quantico, VA consists of 16 Special Agent instructors and five support personnel. Three teams of instructors from this group travel around the world, providing drug law enforcement training to foreign law enforcement officials. Foreign counternarcotics police also come to Quantico to attend training at the DEA's Justice Training Center.

The training curriculum includes enforcement techniques, including surveillance methods, drug field-testing, intelligence collection and law enforcement management principles and skills. According to the DEA website, "since 1969 the DEA and its predecessor agencies have trained more than 40,000 foreign officers and officials. In 1998 alone, the DEA trained over 3,000."²⁶

This training activity is funded 'almost fully' by the State Department's INL account and by the Justice Department's Asset Forfeiture Fund. Training is done in collaboration with DEA's Office of International Operations, DEA Country Offices and the State Department (INL).²⁷

**DEA Counternarcotics Training in Host Countries,
Funded by INL in FY 2001, by Subject**

	Number of Participants	Number of Programs
In-Country Drug Enforcement Seminar	396	13
Advanced Drug Enforcement Seminar	265	14
Int'l Asset Forfeiture Seminar	35	3
Airport Operations	31	3
Specialized	229	159
Total	965	192

Source: INCSR 2001, p. iii-6

1.6 Sensitive Investigative Units

In an effort to improve its effectiveness in key foreign countries, DEA began to screen and train special foreign police units, known as Sensitive Investigative Units. The intent of this effort is both to improve the capabilities of foreign police and to build trustworthy and reliable foreign antidrug units with which the DEA can safely share information.

The vetted unit program initially began in Mexico in May 1996. After the Government of Mexico approved the concept, 21 Mexican police were screened and then trained by DEA. The vetting process was completed in November 1996, and the Mexico National Sensitive Investigative Unit became operational in January 1997.²⁸

²⁶ US Department of Justice, Drug Enforcement Administration, "Training," on the web at <http://www.usdoj.gov/dea/programs/training.htm> (accessed on 14 May 2002)

²⁷ DEA/CPP, "DEA Training Program," fax dated 23 May 1996

²⁸ US General Accounting Office, *Drug Control: DEA's Strategies and Operations in the 1990s*, July 1999, GAO/GGD-99-108. p. 56.

During October 1996, Congress approved \$20 million for FY 1997 to expand and support the vetted unit program in Mexico, Colombia, Peru and Bolivia.²⁹ According to 2002 testimony, DEA has now established vetted units of anti-narcotics law enforcement officers in Mexico, Colombia, Ecuador, Peru, Bolivia, Brazil and Dominican Republic.³⁰

Number of Vetted Units and Officers by Country, as of 30 September 1998

Country	Number of Vetted Units	Number of Vetted Officers
Bolivia	4	172
Colombia	4	112
Mexico	3	232
Peru	2	135
Total	13	651

Source: GAO/GGD-99-108, table 2.11, p. 57

All foreign police participating in the vetted unit program must pass a computerized criminal background investigation, a security questionnaire and background interview, medical and psychological screening, polygraph testing and urinalysis (drug) testing. They then attend a four to five week DEA investigative training course in Virginia. After they are screened and trained, the vetted foreign police receive ongoing training as well as random polygraph and urinalysis testing. According to a DEA official, it takes an average of about six months to complete the screening and training of the foreign police from the time they are identified to the DEA as candidates selected by the host governments for the program.³¹

2. Federal Bureau of Investigation

Founded in 1908 as the Bureau of Investigation, the FBI has had an overseas presence for more than sixty years. Historically, however, the FBI’s foreign presence has been restricted to a few counties in which embassy-bound agents (Legal Attaches—or LEGATs) function largely as facilitators of investigative inquiries between the US and the host country. Constraints on overseas FBI operations arise from the dual nature and structure of the FBI. While it is the United States’ primary federal law enforcement agency, the FBI is also responsible under US law for all US counterintelligence operations. Consequently, foreign governments often have not permitted FBI personnel to work in their country with local law enforcement personnel because they regard them as intelligence agents.³²

²⁹ “Drug Enforcement Administration,” hearing of the Subcommittee on Crime of the House Committee on the Judiciary, 29 July 1999, published as Serial No. 65 (USGPO: 2000), p. 9.

³⁰ Statement of DEA Administrator Asa Hutchinson before the Senate Judiciary Committee, Subcommittee on Technology, Terrorism and Government Information, 13 March 2002.

³¹ US General Accounting Office, *Drug Control: DEA’s Strategies and Operations in the 1990s*, July 1999, GAO/GGD-99-108, pp. 56-7.

³² Press Release, 26 Aug 1993, Association of Former Federal Narcotics Agents, in “FBI and DEA: Merger or Enhanced Cooperation?,” hearing of the House Judiciary Committee, 29 September 1993, published as Serial No. 60 (USGPO: 1994), p. 158.

Nevertheless, the FBI staked out a role in drug trafficking investigations and has concurrent status with the DEA because of its responsibility for traditional organized crime groups.³³ FBI involvement in counternarcotics cases mushroomed in the 1980s-90s. In January 1981 no FBI agents were assigned to anti-drug investigations; by August 1993 1,700 agents and 1,900 support personnel were conducting anti-drug work (both domestically and internationally).³⁴ This increased counternarcotics activity resulted in suggestions by some in the Executive Branch and in Congress that the DEA should be folded into the FBI.

In conducting drug investigations, the FBI unilaterally selects the cases it wants to pursue, identifying many of them through its regular perusal of DEA files and intelligence reports. The FBI has placed agents in several DEA offices overseas and is involved in joint US-Mexican law enforcement initiatives (primarily the Southwest Border Initiative). The FBI also supports international drug law enforcement training by either conducting or facilitating courses in drug-related topics in the United States and abroad.

According to the former head of the FBI, Louis Freeh, the goal of the FBI's counter-drug program has been to identify, disrupt and dismantle core trafficking organizations by attacking their command and control structures.³⁵ In May 2002, in the wake of criticism over the FBI's failure to act on intelligence related to the September 11th attacks, the FBI announced reorganization plans that would divert more than 400 agents currently assigned to narcotics investigations to counterterrorism activities.

2.1 Overseas Investigations

Today the FBI is working not only in the United States, but in 52 other countries.³⁶ The FBI's overseas role was made more active by the passage of the Comprehensive Crime Control Act of 1984 and the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. Both established extra-territorial investigative jurisdiction for the FBI in instances of hostage taking, murder, manslaughter or serious bodily injury of US citizens abroad. From passage of these laws until 1997, the FBI opened more than 300 extraterritorial investigations, and these cases required the FBI to establish extensive liaison with foreign police.³⁷ As of 1991 the FBI reported carrying out

³³ The FBI's mandate, which is the broadest of all federal investigative agencies, authorizes it to investigate all federal criminal violations that have not been specifically assigned by Congress to another federal agency. The FBI's investigative functions fall into the categories of civil rights; counterterrorism; foreign counterintelligence; organized crime/drugs; violent crimes and major offenders; and financial crime.

³⁴ Hearing of the House Judiciary Committee, 29 September 1993, published as Serial No. 60 (USGPO: 1994), p. 159.

³⁵ Statement for the Record of Louis J. Freeh, Director Federal Bureau of Investigation, on Threats to U. S. National Security, before the Senate Select Committee on Intelligence, 28 January 1998.

³⁶ US Department of Justice, FBI, "LEGATS," on the web at <http://www.fbi.gov/archive/docs/contact/legat/legat1.htm> (accessed 24 June 2002)

³⁷ "The FBI Investigation into the Saudi Arabia Bombing and Foreign FBI Investigations," hearing of the Subcommittee on Crime of the House Judiciary Committee, 12 February 1997, published as Serial No. 44 (USGPO: 1997), p. 5.

extraterritorial investigations of terrorist activities against Americans in Latin America in conjunction with local law enforcement agencies in Bolivia, Panama, Ecuador and El Salvador.³⁸

Prior to conducting an international criminal investigation, the FBI must obtain permission from the host country and coordinate with US Department of State. In country, the FBI acts under the authority of the Chief of Mission and coordinates closely with the CIA. The FBI's Special Agent representatives abroad carry the titles of Legal Attache (LEGAT), Deputy Legal Attache, or Assistant Legal Attache. LEGATs play a key role in facilitating international investigations.³⁹

In 1996 FBI presented to Congress and Congress approved a four-year plan for doubling the number of FBI LEGAT offices from 23 to 46. Currently there are 44 LEGATS and four LEGAT sub-offices.⁴⁰ Most of this expansion was aimed at supporting American law enforcement and counter terror missions—rather than intelligence or counternarcotics missions. Mexico is the only LEGAT in Latin America that was explicitly established on counternarcotics grounds. Usually these overseas postings are driven by white-collar crime, organized crime, fugitive work or counter terrorism.

In Latin America, LEGATS are based in the American Embassy or Consulate at the following locations:

American Embassy Bogota, Colombia	+57-1-315-0811
American Embassy Brasilia, Brazil	+55-61-321-7272
American Embassy Bridgetown, Barbados	+246-436-4950
American Embassy Buenos Aires, Argentina	+54-114-777-4533
American Embassy Caracas, Venezuela	+58-212-975-6411
American Embassy Mexico City, Mexico	+52-5-209-9100
(Sub-office) American Embassy Guadalajara, Mexico	+52-3-825-2998
(Sub-office) American Embassy Monterrey, Mexico	+52-8-345-2120
American Embassy Panama City, Panama	+50-7-207-7000
American Embassy Santiago, Chile	+56-2-232-2600 (ask for Marines)
American Embassy Santo Domingo, Dominican Republic	+809-221-2171

As of February 1997 there was an agreement with the DEA that the DEA would be the single point of contact for foreign governments overseas in drug matters. However, there were three areas of the world where the FBI was undertaking international investigations in drug matters in its own right. One is Mexico, where there is an FBI agent in the DEA office working for the DEA Country Attaché and responding to FBI drug leads. There is a similar set up in Bogota (and

³⁸ Statement of William Sessions, in “FBI Oversight and Authorization Request for FY 1992,” hearings before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, 13 and 21 March 1991, published as Serial No. 24 (USGPO: 1992), p. 91.

³⁹ “The FBI Investigation into the Saudi Arabia Bombing and Foreign FBI Investigations,” hearing of the Subcommittee on Crime of the House Judiciary Committee, 12 February 1997, published as Serial No. 44 (USGPO: 1997), p. 13.

⁴⁰ US Department of Justice, FBI web page, “LEGATS,” available at <http://www.fbi.gov/archive/docs/contact/legat/legat1.htm> (accessed 24 June 2002).

also in Bangkok), where an FBI agent who is not a LEGAT is working for the DEA country office.⁴¹

Explaining the FBI's new emphasis on counterterrorism, FBI Director Robert Mueller testified in June 2002 that as a result of the realignment of 400 FBI Special Agents away from counternarcotics work, the FBI will "be more deliberate in opening cases involving drug cartels and drug trafficking organizations, making sure our efforts do not overlap or duplicate those of the DEA"⁴²

The FBI's Legal Attache Program is overseen by the International Operations Branch of the Investigative Services Division at FBI Headquarters in Washington, DC.⁴³

2.2 International Training

The FBI is also involved in training foreign police and paramilitary forces. This training is justified primarily as part of its efforts to counter drug trafficking, terrorism and organized crime in violation of US law. According to the FBI, "If these organized criminal enterprises with roots elsewhere in the world are allowed to grow and mitigate beyond their borders, they will inevitably invade the United States."⁴⁴

The Bureau's international training initiatives include country evaluations and/or needs analyses and training of foreign law enforcement officials both within the United States and abroad. No annual report provides public information on all FBI foreign training programs; however, a European criminal justice group reported that in a recent (unnamed) fiscal year, the FBI provided training to approximately 1,200 international students through thirty-two separate international training initiatives. Of these students, the vast majority—approximately 900—received training from FBI instructors who traveled abroad.⁴⁵ The remainder came to the FBI Academy at Quantico, Virginia.⁴⁶

Since the opening of the FBI National Academy in 1935 through March 1999, there have been 1,860 foreign graduates from 128 countries and 305 graduates from American territories—including 291 from Latin America and the Caribbean and 196 from Puerto Rico).

⁴¹ "The FBI Investigation into the Saudi Arabia Bombing and Foreign FBI Investigations," hearing of the Subcommittee on Crime of the House Judiciary Committee, 12 February 1997, published as Serial No. 44 (USGPO: 1997), p.19.

⁴² Statement of Robert S. Mueller, III, Director, Federal Bureau of Investigation, before the Subcommittee for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies of the House Appropriations Committee, 21 June 2002.

⁴³ US Department of Justice, Federal Bureau of Investigation, "LEGATS," on the web at <http://www.fbi.gov/archive/docs/contact/legat/legat1.htm> (accessed 24 June 2002)

⁴⁴ US Department of Justice, Federal Bureau of Investigation, "International Training Program," on the web at <http://www.fbi.gov/hq/td/academy/itp/itp.htm> (accessed 24 June 2002).

⁴⁵ Cooperative Law Enforcement Services, "FBI," <http://www.ping.be/chaosium/FBI.htm>

⁴⁶ The FBI's Training Division manages this complex of twenty-one dormitories, classrooms, research, and ancillary training facilities. One of the most recent additions is "Hogan's Alley," a mock town where practical hostage rescue and anti-terror training exercises are conducted.

**Latin American and Caribbean Graduates of the FBI National Academy,
through March 1999**

Country	No. Graduates	Country	No. Graduates
Antigua	3	Ecuador	6
Argentina	19	El Salvador	3
Aruba	4	Grenada	4
Bahama Islands	20	Guadeloupe	1
Barbados	20	Guatemala	3
Belize	5	Guyana	12
Bermuda	4	Honduras	2
Bolivia	2	Jamaica	8
Brazil	15	Mexico	25
British Virgin Islands	2	Neth. Antilles	10
Cayman Islands	1	Paraguay	2
Chile	40	Peru	7
Colombia	30	St. Vincent	3
Costa Rica	8	St. Kitts	1
Cuba	2	St Lucia	4
Curacao	3	St. Maarten	1
Dominica	1	Uruguay	6
Dom Republic	8	Venezuela	6

Source: US Department of Justice, Federal Bureau of Investigation, "FBI Academy Graduate Statistics," on the web at <http://www.fbi.gov/hq/td/academy/na/na2.htm> (accessed 24 June 2002)

In addition, the FBI cosponsors and trains foreign troops at International Law Enforcement Academies (ILEA) in Budapest and Bangkok. A new ILEA has just been developed in Gabarone, Botswana for African officers, and an ILEA for Latin America has been discussed in previous years, but it dropped out of the current year funding request. Previous plans would place the academy in either Panama or Costa Rica.

While few details are available about specific Latin American training programs, a former director of the FBI testified in 1991 that FBI special Agents were "working with US military and Panamanian officials to restructure the Panamanian police force, and FBI laboratory, polygraph and investigative assistance was provided to El Salvador following the killing of six Jesuit priests [in 1989]."⁴⁷

2.3 Budget/Oversight

Thus far it has not proven possible to get detailed budgetary information from the FBI on its overseas counternarcotics work. The FBI is the principal investigative arm of the US Department of Justice, and the FBI's international police training and counternarcotics programs are funded

⁴⁷ Statement of William Sessions, in "FBI Oversight and Authorization Request for FY 1992," hearings before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, 13 and 21 March 1991, published as Serial No. 24 (USGPO: 1992), p. 91.

at least in part out of the annual appropriation for Justice Department operations. This fact makes them technically exempt from the Leahy Law human rights vetting requirements, which currently cover only programs funded by the foreign aid and Defense Department appropriations.

Within Congress the House and Senate Judiciary committees bear primary responsibility for oversight of FBI programs (both domestic and international). The House International Relations Committee and Senate Foreign Relations Committee have responsibility for traditional US military and police foreign assistance programs, and they have legislated some effective restrictions on FBI overseas police/paramilitary training and assistance programs in Ireland.⁴⁸

The House and Senate Appropriations Committee, Subcommittees on Commerce, Justice, State and Judiciary and on Foreign Operations are responsible for actual fiscal allocations and, therefore, have the greatest potential for oversight enforcement.

In 1993 the House Judiciary Committee held a hearing to explore the idea of merging the FBI and DEA counterdrug operations, as had been suggested by then Vice President Gore's "reinventing government" initiative.⁴⁹

While Congress passed law greatly expanding the FBI's overseas investigative role in 1996 (through the Effective Death Penalty and Anti-Terrorism Act of 1996), none of these committees has held extensive hearings on the international counternarcotics law enforcement role played by the FBI.

3. Customs

Part of the US Department of Treasury, the US Customs Service is the nation's oldest law enforcement arm (founded in 1789). The law enforcement jurisdiction of US Customs covers any commodity, vessel or person that crosses the border (into or out of the United States), including the mail, in violation of US law. Customs is the primary agency responsible for preventing contraband from entering or exiting the United States, and through this mandate it has long played a key role in interdicting illegal drugs.

⁴⁸ One of the most controversial international programs of the FBI has been the training of the paramilitary Royal Ulster Constabulary (RUC) in Northern Ireland. In 1999, Congress barred the FBI and any other federal law enforcement agency from using federal funds to provide training for or conduct exchange programs with the RUC or any successor organization until the President certified that certain requirements had been met. The ban was motivated by concerns that the FBI had trained forces that committed or condoned the murder of several defense attorneys in Northern Ireland.

In December 2001, President Bush approved the resumption of FBI training of the RUC. In doing so, he: 1) submitted a required report on training and exchange programs conducted by the FBI for the RUC or its members from 1994-99, 2) certified that any new training programs will include a significant human rights component, and 3) certified that vetting procedures were in place to ensure that resumed training or exchange programs will not include RUC members who appear to have committed or condoned violations of internationally recognized human rights.

⁴⁹ "FBI and DEA: Merger or Enhanced Cooperation?," joint hearing of two Subcommittees of the House Judiciary Committee, 29 September 1993, published as Serial No. 60 (USGPO: 1994).

In support of this effort, the Customs Service has a border inspection force, an extensive air program and a variety of sea going vessels.

The Customs Service also investigates drug-smuggling organizations overseas and assists foreign border agencies in interdiction efforts—through training, intelligence cooperation and the provision of equipment. The US Customs Service’s international counternarcotics work is supported by an interagency agreement with the State Department Bureau for International Narcotics and Law Enforcement Affairs. Under the agreement, the latter provides funding for the US Customs Service to train and provide assistance and technologies for combating transnational crime to border agencies of other countries. Customs also plays a major role in federal anti-money laundering efforts.

According to Robert C. Bonner, the current Commissioner of US Customs Service, as of March 2002 Customs had 1,475 agents cross-designated by the DEA to conduct narcotics investigations. This number had not diminished following the September 11 terror attacks and subsequent Presidential directive that Customs make the defense against terrorism its highest priority. The Commissioner stated that he had no intention of pulling back from drug investigation and interdiction efforts.⁵⁰

3.1 Overseas Presence

Customs Attaches are based in embassies in source or transit countries of priority concern. Their primary mission is investigative. In Latin America, Customs Attaches are currently based in Caracas, Venezuela; Bogota, Colombia; Hermosillo, Mexico City, Monterrey and Tijuana, Mexico; Montevideo, Uruguay; and Panama City, Panama.⁵¹ Each attaché office usually has responsibility for several countries in the region in which it is based.

Customs Attaches work closely with host government Customs Services and other law enforcement agencies to develop evidence of crimes committed in the United States and in foreign countries. These joint investigations are developed through mutual cooperation and are consistent with Mutual Legal Assistance Treaties, Extradition Treaties, Customs Mutual Assistance Agreements and established working relationships.

Customs Mutual Assistance Agreements negotiations are currently on-going with the governments of Brazil, Chile, India, Kuwait and Paraguay. These agreements provide for mutual assistance in the enforcement of customs-related laws, and US Customs Service utilizes them to assist in evidence collection for criminal cases involving narcotics smuggling and money laundering. US courts have ruled that evidence gathered via these executive agreements is fully admissible in US court cases.⁵²

⁵⁰ Statement by US Customs Commissioner Robert C. Bonner, hearing on US Customs FY 2003 Budget Request, House Appropriations Committee, Subcommittee on Treasury, Postal Services and General Government, 27 February 2002.

⁵¹ US Dept of Treasury, Customs Service, “Attache Locations,” at <http://www.customs.treas.gov/top/office.htm> (accessed on 24 June 2002)

⁵² INCSR 2001, p. iii-23.

3.2 International Training

US Customs has developed and conducted specialized training, including on “International Controlled Deliveries and Drug Investigation” (conducted jointly with the DEA) and “Complex Financial Investigations” (conducted jointly with the IRS).⁵³

Training takes place both within the United States and abroad. In 2001, 850 people from 124 countries came to the United States as part of the International Visitors Program, consulting with high-level managers in US Customs Headquarters and conducting on-site tours of ports and field operations. The focus included narcotics enforcement policies, port security issues, counterterrorism programs and intelligence operations.⁵⁴

The majority of Customs’ counternarcotics training takes place in host countries. In 2001 more than 2,300 people received counternarcotics-related training from Customs, with funds provided by the State Department (INL).

**US Customs Service Counternarcotics Training in Host Countries (whole world),
Funded by INL in FY 2001, by Subject**

	Number of participants	Number of Programs
Specialized Training	1,596	30
Overseas Enforcement Training	55	2
Regional Overseas Enforcement Training	225	6
Train-the-Trainer Workshop	22	2
Short Term Advisory	117	2
Contraband Enforcement Team	162	6
Integrity/Anti-Corruption	186	10
Total	2,363	58

Source: INCSR 2001, p iii-6

3.3 Air and Marine Interdiction Division

Congress established the US Customs Air Program in 1969 in response to an increase in drug smuggling via light, private aircraft. This program became operational in 1971 with a small fleet of confiscated aircraft. In 1973 the Customs Marine Program became operational with the acquisition of five vessels. The Air and Marine Programs integrated into the Air and Marine Interdiction Division in 1999.

⁵³ INCSR 2001, p. iii-21.

⁵⁴ INCSR 2001, p. iii-23.

US Customs Service air and marine crews work in conjunction with the law enforcement agencies and military forces of other nations in support of their counternarcotics programs. The Air and Marine Interdiction Division provides detection and monitoring, interceptor support and coordinated training for military and law enforcement personnel of other countries.

As of 1999 the Division had 114 aircraft deployed throughout the drug source and transit zones.⁵⁵ These include P-3 AEW airborne early warning (AEW) aircraft that provide radar coverage over the jungles and mountainous regions of Central and South America. They also patrol the vast Southwest Border and international waters to monitor shipping lanes and air routes in search of smuggling activities. P-3 interceptor aircraft often augment the AEW aircraft to identify and track suspect targets.⁵⁶ The Division also uses C-550 interceptor jets, Black Hawk helicopters “for the end-game phase of an air operation” (presumably shoot down), light enforcement helicopters for aerial and photo surveillance, long-range radar platform boats and high-speed interceptor boats.⁵⁷

US Customs has been responsible for the vast majority of flights that ensure continuous airborne surveillance over the Andean Mountains. The US Customs Service has been the lead agency responsible for the surveillance and interdiction program in Colombia, while the CIA was responsible for the program in Peru. P-3 AEW are the mainstay of the Source Zone surveillance flights. The Air and Marine Division deploy out of forward operating locations in Manta, Ecuador and Aruba, Dutch Antilles. In addition, Citation jet aircraft from the Division are now stationed in Hermosillo and Monterrey, Mexico [and possibly Merida, Mexico].⁵⁸

Following the mistaken shoot down in Peru of a civilian plane in April 2001, Customs’ AEW flights—and all others conducted by US agencies in the Source Zone—were suspended. Following the September 11 attacks, the planes were redirected toward monitoring of US airspace and borders.⁵⁹

⁵⁵ Comments of Commissioner Raymond Kelly, 1999 National HIDTA Conference, Capital Hilton Hotel, Washington, DC, 14 December 1999, at <http://www.customs.gov/about/speeches/hidta2.htm> (accessed on 26 June 2002).

⁵⁶ US Department of the Treasury, Customs Service, “Air and Marine Interdiction Program,” at <http://www.customs.treas.gov/enforcem/air1.htm> (accessed on 26 June 2002)

⁵⁷ Comments of Commissioner Raymond Kelly, 1999 National HIDTA Conference, Capital Hilton Hotel, Washington, DC, 14 December 1999, at <http://www.customs.gov/about/speeches/hidta2.htm> (accessed on 26 June 2002).

⁵⁸ Hermosillo and Monterrey are mentioned in Testimony of Acting Commissioner of Customs Charles Winwood, Hearing on the Counterdrug Activities of the US Customs Service before the House Committee on Appropriations, Treasury, Postal Service and General Government Subcommittee, 29 March 2001. Merida is mentioned in the Comments of Commissioner Raymond Kelly.

⁵⁹ Statement by US Customs Commissioner Robert C. Bonner, hearing on US Customs FY 2003 Budget Request, House Appropriations Committee, Subcommittee on Treasury, Postal Services and General Government, 27 February 2002.

4. International Narcotics and Law Enforcement

INL is responsible for formulating and implementing the international narcotics control policy at the State Department and for coordinating the narcotics control activities of all US agencies overseas. The Assistant Secretary for INL also manages the International Narcotics Control Program, authorized by section 481 of the Foreign Assistance Act of 1961, which permits aid to law enforcement agencies involved in anti-drug activities.

The Bureau of International Narcotics Matters was created in 1978 (INM changed to INL in 1995). Since its creation, INM/INL has conducted the International Narcotics Control part of the foreign assistance program, with operations in more than 95 countries. INL funds DEA, Customs, Coast Guard and other agencies to train foreign nationals, to inspect vehicles or cargo or to serve as drug investigators.

Each US Mission has a coordinator for narcotics affairs—often the DCM—who oversees INL assistance and coordinates US drug law enforcement, diplomatic or other relevant activities. In a few countries of major concern, separate Narcotics Affairs Sections (NAS) run big-ticket INL programs. As of 1997, separate NAS existed in Latin America in the Bahamas, Barbados, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Mexico, Panama, Peru and Venezuela. The section's mission is generally to provide equipment and training, operational support, technical assistance and coordination to host country agencies involved in counternarcotics.

The smallest NAS may comprise only one narcotics control specialist or a generalist assigned to an INL slot and a few host country nationals. In the primary source and transit countries, NAS directors supervise dozens of foreign service officers, contract employees, DOD aviators working for INL and local nationals.

Since 1988 INL has run the State Department's only aviation unit. Today it has more than 100 helicopters and fixed wing aircraft.⁶⁰ As of 1997 most of the fleet was operated by local authorities in Bolivia and Peru.⁶¹ In the past two years, as part of Plan Colombia, INL aviation has increased aerial eradication flights in Colombia dramatically. An INL regional aviation support office at Patrick AFB in Melbourne, FL supervises a corporate contractor (DynCorp) that provides logistics support, training, maintenance and pilots for spray aircraft (crop eradication) and interdiction missions.⁶² The budget request by the administration for this regional counterdrug air force is \$65 million for FY 2003.

INL also provides a good deal of law enforcement training to police officers, judges, investigators, prosecutors and customs and border officials. The training focuses on how to

⁶⁰ US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, "Factsheet: The Aviation Program," 17 May 2002 at <http://www.state.gov/g/inl/rls/fs/10318.htm>

⁶¹ Sherman Hinson, "On the Front Lines: International Narcotics and Law Enforcement Affairs," *State Magazine*, May 1997 at www.state.gov/www/publications/statemag

⁶² INL signed its most recent five-year contract with DynCorp in January 1998. DynCorp's bid for \$170 million to carry out the five-year contract. US General Accounting Office, *State's Aviation Program Contract*, 28 February 2001, GAO-01-435R.

prevent, investigate and prosecute drug related crimes. In 1999 this training activity totaled more than \$30 million and involved 696 courses in more than 95 countries worldwide. INL funds and manages the training, but the actual training is carried out by personnel from over 20 US government agencies, including the FBI, DEA, US Coast Guard and US Customs.⁶³ In FY 2001, INL sponsored training for more than 3,600 counternarcotics law enforcement personnel.⁶⁴

In its FY 2003 Budget Justification for the Bureau of International Narcotics and Law Enforcement Affairs, the Bush Administration reiterated that the goals of INL are to:

- Reduce drug crop cultivation through bilateral enforcement, eradication and alternative development;
- Strengthen the ability of foreign law enforcement and judicial institutions to investigate and prosecute major drug trafficking organizations; and
- Improve the capacity of host nation police and military forces to attack drug production and trafficking.⁶⁵

To achieve these goals in FY 2003, the administration is seeking \$860 million in counterdrug assistance for Latin American/Caribbean countries in FY 2003. Of this, more than half (\$524 million) is law enforcement assistance.

Department of State Counternarcotics Budget by Program, Latin America
(in \$thousands)

	FY 2000 SUPP	FY 2001 Actual	FY 2002 Estimate	FY 2003 Request
Andean Counterdrug Initiative (ACI)				
Bolivia: Interdiction & Eradication	25,000	35,000	48,000	49,000
Alt Dev/Institution Building	85,000	17,000	33,000	42,000
Colombia: Interdiction & Eradication	635,500	48,000	243,500	275,000
Alt Dev/Institution Building	203,000	—	137,000	164,000
Ecuador: Interdiction & Eradication	12,000	2,200	15,000	21,000
Alt Dev/Institution	8,000	—	10,000	16,000
Peru: Interdiction & Eradication	32,000	21,000	75,000	66,000
Alt Dev/Institution	—	27,000	67,500	69,000
Brazil	3,500	2,000	6,000	12,000
Venezuela	3,500	1,200	5,000	8,000
Panama	4,000	1,363	5,000	9,000
Latin America Andean Regional	7,000	—	—	—
Total for ACI	1,018,500	154,763	645,000	731,000
Other International Narcotics and Law Enforcement (INCLE) for Latin America				
Bahamas	—	1,200	1,200	1,200
Guatemala	—	3,000	3,500	3,400
Jamaica	—	257	1,550	1,300

⁶³ Julie Shinnick, "Bureau for International Narcotics and Law Enforcement Affairs," *State Magazine*, December 1999 at www.state.gov/www/publications/statemag

⁶⁴ INCSR 2001, p. iii-6.

⁶⁵ US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *FY 2003 Budget Congressional Justification*, p. 5.

Mexico	—	10,000	12,000	12,000
Latin America Regional	—	8,537	10,000	9,500
Interregional Aviation Support	—	50,000	60,000	65,000
International Organizations*	—	12,000	16,000	13,000
Drug Awareness/Demand Reduction*	—	4,500	5,000	5,000
Systems Support/Upgrades*	—	4,000	6,000	4,000
Program Development & Support*	—	12,187	13,703	14,563
Total Latin American Counternarcotics Programs	1,018,500	260,444	773,953	859,963

Source: Source: US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *FY 2003 Budget Congressional Justification*, p. 14 at <http://www.state.gov/g/inl/rls/nrcrpt/2001/rpt/8476.htm> Notes for the table: *A significant portion, but perhaps not all of these funds, are directed toward activities in Latin America.

Department of State Counternarcotics Budget, by Function
(in \$thousands)

	FY 2001 Actual	% of Total	FY 2002 Estimate	% of Total	FY 2003 Request	% of Total
Counternarcotics Programs						
Law Enforcement Assistance and Institution Development	115,126	35.5	542,171	59.2	524,321	56.5
Eradication, Crop Control and Alternative Development	105,270	32.4	258,585	28.3	286,905	30.9
International Organizations	12,000	3.7	16,000	1.8	13,000	1.4
Drug Awareness and Demand Reduction ¹	8,309	2.5	9,630	1.0	11,820	1.3
Program Development and Support ²	33,767	10.4	39,317	4.2	42,167	4.5
Total Counternarcotics Programs	274,472	84.5	865,703	94.5	878,213	94.6

Source: US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *FY 2003 Budget Congressional Justification*, p. 16 at <http://www.state.gov/g/inl/rls/nrcrpt/2001/rpt/8476.htm>

INL manages and funds international counternarcotics training programs, which are carried out by the DEA, US Customs and US Coast Guard. The major goals of this training activity are:

- contributing to basic national infrastructure for carrying out counternarcotics law enforcement activities in countries that are considered key to US narcotics control efforts;
- improving technical skills of drug law enforcement personnel in these countries; and
- increasing cooperation between US and foreign law enforcement personnel.

More than 3,600 persons worldwide participated in this international narcotics training program in FY 2001.⁶⁶

⁶⁶ INCSR 2001, p. iii-5.

5. ICITAP and OPDAT—Administration of Justice Programs

In 1986 the Agency for International Development transferred funds to the Department of Justice to design, develop and implement projects to improve and enhance the investigative capabilities of law enforcement agencies in Latin America and the Caribbean. The Department of Justice created the International Criminal Investigative Training Assistance Program (ICITAP) to carry out this mission.

The first major ICITAP program occurred in Panama beginning in 1989, following the US invasion to capture Manuel Noriega. Subsequently ICITAP has been involved in re-building police forces following the end of civil conflicts or some other major political transition. Training programs now span the globe. Overall, in 1999 ICITAP trained 8,000 foreign law enforcement officials, with a budget of \$35 million.

Located in the Criminal Division of the Department of Justice, ICITAP projects are developed under the policy direction of the Departments of Justice and State, with funding from the annual foreign aid budget. Its mission is “to support US policy by providing law enforcement development assistance, based on internationally recognized principles of human rights and the rule of law, to foreign criminal justice systems.”⁶⁷ Projects are implemented with the consent of the National Security Council, Department of State and Justice, and at the request—or with the consent of—host governments.

There are two principle types of projects. Some seek the wholesale transformation of the institutional orientation—“away from a police agency that functions in service to the state to one that adheres to the democratic principles of policing as a service and protection of the people.” ICITAP projects in Panama, El Salvador, Haiti, Guatemala, Albania, Kosovo, and Bosnia are examples of these types of projects.

In other cases, ICITAP provides technical assistance and training to one or more discrete aspects of a country’s existing law enforcement organization, such as enhancement of forensic capabilities, expansion of criminal investigation skills and techniques and development of internal discipline mechanics. ICITAP programs in Bolivia, Colombia and Honduras fall into this category.⁶⁸ These latter programs are usually funded under the INL’s “Administration of Justice” programs and work closely with the Office of Professional Development and Training (OPDAT), also based in the Department of Justice’s Criminal Division.

ICITAP and OPDAT’s rule of law assistance projects are funded from various parts of the annual foreign aid budget appropriation, and “Leahy Law” background vetting requirements apply. In addition, a “human dignity” course, developed jointly with the John Jay College of Criminal Justice in New York, was imbedded in ICITAP programs in the early 1990s. The course begins with police officers’ own personal experiences and observations, requires them to

⁶⁷US Department of Justice, ICITAP Internet web page at www.usdoj.gov/criminal/icitap.html

⁶⁸ *Interagency Working Group on US Government Sponsored International Exchanges and Training*, FY 1999 Annual report, inventory of Dept of Justice programs
www.iawg.gov/info/reports/fy98exrpt/appendices/inventory/agencies/doj.htm

develop their own definitions of rights, and takes them through numerous role playing scenarios. The human dignity course has been given in most Latin American countries.⁶⁹

6. US Coast Guard

The US Coast Guard is the United States' principal maritime law enforcement agency, with jurisdiction for enforcing US laws on and over the high seas, as well as in US territorial waters. The Coast Guard has five roles today: maritime safety, maritime mobility, maritime security, national defense and protection of natural resources. USGC's counter-drug efforts fall under the maritime security mission.

Created in 1790 to assist in the collection of customs duties, in 1973 the Coast Guard made its first drug seizure, capturing more than a ton of marijuana on board a 38-foot sports fishing boat. Since then, tracking, interdicting and apprehending vessels and aircraft smuggling cocaine and marijuana into the United States via maritime routes, including from source and transit countries, has become a significant area of Coast Guard operations. The USCG is the lead federal agency for maritime drug interdiction and shares lead responsibility for air interdiction of maritime routes with the US Customs Service.⁷⁰

The US Coast Guard has the unique distinction of being both a military service and a law enforcement agency.⁷¹ It is also a formal member of the national foreign intelligence community. While technically the fifth US military service and headed by a Commandant (currently Admiral Thomas H Collins), the US Coast Guard has been part of the US Department of Transportation for the past 35 years. The Bush Administration has proposed moving the Coast Guard into a new Department of Homeland Security.⁷²

⁶⁹ Call, "Institutional Learning within ICITAP," p. 13 (Internet version of chapter).

⁷⁰ US Department of Transportation, US Coast Guard, "Drug Interdiction," on the web at <http://www.uscg.mil/hq/g-o/g-opl/mle/drugs.htm> (accessed 28 June 2002).

⁷¹ Section 89 of Title 49 of the US Code provides broad authority for at-sea law enforcement, including drug interdiction. Title 14 of the US Code specifies that the Coast Guard is a military service and a branch of the Armed Forces of the United States.

⁷² In Congressional testimony on the proposed bureaucratic rearrangement, Collins stated that "It is also important to note that the threats to the security of our homeland extend beyond overt terrorism. Countering illegal drug smuggling and other contraband in the transit zones, preventing illegal immigration via maritime routes, preserving living marine resources from foreign encroachment, preventing environmental damage and responding to spills of oil and hazardous substances, and maintaining an effective marine transportation system can all be included as critical elements of Homeland Security... they are all Coast Guard responsibilities. This mission set was recognized and validated as recently as 1999 by the Presidential Interagency Task Force on CG Roles and Missions. Our full range of missions, all critical to the nation, would continue to serve America in a robust way under President Bush's proposal." Prepared Testimony of Admiral Thomas H. Collins, Commandant of the US Coast Guard, before the House Government Reform Committee, Hearing on Homeland Security, 11 June 2002 at <http://www.uscg.mil/Commandant/Congressional%20Statement%20HLS%20061102.htm> (accessed 24 June 2002).

6.1 Budget, Bureaucracy and Oversight

While technically part of the Department of Transportation, the US Coast Guard's counterdrug functions apparently are authorized by the House and Senate International Relations Committees of Congress.

Finding an annual budget for USCG international counternarcotics work has not been possible. However, according to congressional testimony, the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 included approximately \$260 million for the Coast Guard's counterdrug operations and equipment for FY 2000.⁷³ Additional funding for the Coast Guard's international maritime law enforcement training is provided by INL, the Department of Defense's counternarcotics budget and IMET/FMF grant foreign military aid funds.

6.2 International Cooperation

The Coast Guard's counternarcotics mission is to reduce the supply of drugs from the source by denying smugglers the use of air and maritime routes in the Transit Zone, a six million square mile area, including the Caribbean, Gulf of Mexico and Eastern Pacific. In meeting the challenge of patrolling this vast area, the Coast Guard coordinates closely with other federal agencies and countries within the region to disrupt and deter the flow of illegal drugs. For more than two decades, the US Coast Guard has deployed cutters and aircraft of South America and in the Caribbean and Pacific transit zones in support of its counternarcotics role.⁷⁴

The Coast Guard conducts frequent combined operations with military and law enforcement organizations from many of the countries in the Caribbean, including:

- Frontier Saber (with Bahamian Defense Forces);
- Operation Bahamas/Turk and Caicos (OPBAT);
- Operation Gulf Shield (Texas/Mexico border) and Operation Border Shield (off Southern California) with the Mexican Navy;
- Operation Frontier Shield (sustained surge operation around Puerto Rico);
- Operation Caribe Venture (in 2001, with France, Netherlands, UK, Trinidad and Tobago, Grenada, Barbados, St. Vincent, St. Lucia, Dominica, St. Kitts and Nevis, Dominican Republic and Antigua/Barbuda);
- Operation Rip Tide (in 2001, with Jamaica and Grand Caymans);
- Operation Mayan Jaguar (in 2001, with Guatemala); and
- Operations Chokehold (in 2001, with Costa Rica).

Coast Guard officers also take part in Department of State-led interagency teams that have negotiated a series of bilateral maritime counternarcotics agreements with foreign

⁷³ Testimony of Rear Admiral Ernest R. Riutta, US Coast Guard, before the House International Relations Committee, on Anti-Narcotics Efforts in the Western Hemisphere, 3 March 1999.

⁷⁴ US Coast Guard, *Coast Guard Publication 1: US Coast Guard—America's Maritime Guardian*, 1 January 2002, p. 6.

governments.⁷⁵ By 1999, the US government had signed and implemented bilateral maritime counterdrug agreements with the 19 drug transit zone governments—among them Barbados, Haiti and Jamaica, and 14 other agreements in various states of negotiation. These agreements reduce the time that USCG cutters must spend waiting for authorization to either board suspect vessels or enter the territorial seas of these nations in pursuit of suspect vessels.⁷⁶

The United States has a model agreement that it proposes to states in the transit zone. The comprehensive model includes standing authority to take several enforcement actions, including boarding and searching vessels claiming the flag of a signatory nation; pursuit of suspect vessels into sovereign coastal waters with permission to stop, board and search; entry into sovereign waters to investigate suspect vessels and aircraft, with permission to stop, board and search; and overflight by aircraft of sovereign airspace in support of counterdrug operations. Not all states are willing to relinquish their sovereignty in all of these areas, and in such cases more limited bilateral agreements are achieved.⁷⁷

In addition, the Coast Guard assists in the development of local maritime law enforcement. For example, it worked with the Canadian Coast Guard since 1996 to develop the Haitian Coast Guard, under the Haitian National Police, and it conducted a long-term training effort in Panama to strengthen the operational capability of the National Maritime Service. In 1999 the USCG transferred two excess patrol boats to the Panamanian Maritime Service.⁷⁸

With funding from the INL, the US Coast Guard trained more than 300 foreign law enforcement agents in maritime law enforcement in 2001.⁷⁹ Additional training was supported by other sources of funding. See the table below for a breakdown of courses taken by officials of various Latin American/Caribbean agencies.

USCG Technical Assistance Carried out in FY 2001

Country	Course Title	Start Date	Finish Date	Funding Source
Antigua	Operational Information Management Mobile Training Team	23 Oct 00	3 Nov 00	Embassy
Antigua	Operational Information Management Mobile Training Team	24 Jun 01	7 Jul 01	Embassy
Antigua (RSSTU)	Maritime Commerce Control, Infrastructure Development Mobile Training Team	01 Oct 00	30 Sep 01	INL
Bahamas	Advanced Counter Narcotics Maritime	8 Jan 01	26 Jan 01	IMET

⁷⁵ Article 17 of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances requires states parties to “cooperate to the fullest extent possible to suppress illicit traffic by sea, in conformity with the international law of the sea.” This provision is the basis for the US bilateral maritime counterdrug agreements.

⁷⁶ US Department of Transportation, US Coast Guard, Statement of Rear Admiral Ernest R. Riutta, Assistant Commandant for Operations, testimony before the House Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, on Maritime Bilateral Counterdrug Agreements, 13 May 1999.

⁷⁷ Ibid.

⁷⁸ US Department of Transportation, US Coast Guard, Testimony of Rear Admiral Ernest R. Riutta, before the House International Relations Committee, on Anti-Narcotics Efforts in the Western Hemisphere, 3 March 1999.

⁷⁹ INCSR 2001, p. iii-6.

Country	Course Title	Start Date	Finish Date	Funding Source
	Law Enforcement Boarding Officer and Interdiction Planning Mobile Training Team			
Bermuda	Assessment Team	10 Sep 01	14 Sep 01	DOD
Bolivia	Maritime Commerce Control, Infrastructure Development Mobile Training Team	01 Oct 00	30 Sep 01	Embassy
Colombia	Advanced Port Security/ Port Vulnerability Mobile training team	29 Jan 01	9 Feb 01	FMS
Colombia	Counter Narcotics Maritime Law Enforcement Boarding Officer Mobile Training Team	22 Apr 01	5 May 01	INL
Costa Rica	Counter Narcotics Maritime Law Enforcement Boarding Officer Mobile Training Team	19 Feb 01	2 Mar 01	INL
Costa Rica	Operational Training Program Development Mobile Training Team	4 Dec 00	8 Dec 00	IMET
Costa Rica	Maritime Commerce Control, Infrastructure Development Mobile Training Team	1 May 01	7 Dec 01	IMET
Ecuador	Counter Drug Training Support Mission	24 Sep 01	6 Oct 01	DOD
Ecuador	Advanced Counter Narcotics Maritime Law Enforcement Boarding Officer Mobile Training Team	24 Jun 01	6 Jul 01	IMET
El Salvador	Counter Narcotics Maritime Law Enforcement Boarding Officer Mobile Training Team	8 Jan 01	19 Jan 01	IMET
Guyana	Small Boat Operations Mobile Training Team	20 Aug 01	31 Aug 01	
Haiti	Maritime Commerce Control, Infrastructure Development Mobile Training Team	01 Oct 00	3 Dec 00	IMET
Jamaica	Maritime Law Enforcement Mobile Training Team	14 May 01	25 May 01	IMET
Mexico	IONSCAN – Crime Scene Management Mobile Training Team	5 Nov 00	11 Nov 00	INL
Mexico	IONSCAN – Legal Aspects Mobile Training Team	18 Feb 01	24 Feb 01	INL
Mexico	IONSCAN – Mobile Training Team	17 Sep 01	5 Oct 01	INL
Mexico	IONSCAN – Mobile Training Team	19 Mar 01	23 Mar 01	INL
Mexico	Port Security/ Port Vulnerability Mobile training team	15 Apr 01	21 Apr 01	INL
Netherland Antilles	Counter Narcotics Maritime Law Enforcement Boarding Officer Mobile Training Team	19 Mar 01	24 Mar 01	FMS
Netherland Antilles	Counter Narcotics Maritime Law Enforcement Boarding Officer Mobile Training Team	26 Mar 01	30 Mar 01	FMS
Nicaragua	MLE Interdiction Planning, Advanced	7 May 01	26 May	IMET

Country	Course Title	Start Date	Finish Date	Funding Source
	Counter Narcotics Law Enforcement Boarding Officer Mobile Training Team		01	
Panama	Maritime Commerce Control, Infrastructure Development Mobile Training Team	01 Oct 00	30 Sep 01	INL
Peru	Port Security Subject Matter Expert Exchange	27 Nov 00	1 Dec 00	TCA
Peru	Maritime Commerce Control, Infrastructure Development Mobile Training Team	01 Oct 00	30 Sep 01	INL
Uruguay	Pre-Training Survey	1 Apr 01	7 Apr 01	IMET
Uruguay	Incident Command System Mobile Training Team	16 Jul 01	20 Jul 01	IMET
Uruguay	Small Boat Maintenance Subject Matter Expert Exchange	24 Jun 01	30 Jun 01	TCA
Venezuela	Assessment	10 Feb 01	16 Feb 01	TCA

6.3 Plans for 2002

USCG strategic goals for 2002 include “strengthening ties with source and transit zone nations to increase their capabilities in maritime law enforcement, reduce drug-related activities and enhance legitimate commerce within their territorial limits.... Pursuit of international engagement opportunities is also necessary and will be coordinated by the Coast Guard International Affairs department.⁸⁰ The following table lists the training courses planned for FY 2002.

USCG Technical Assistance Proposed for FY 2002

Country	Course Title	Funding
Antigua and Barbuda	Maritime Commerce Control, Infrastructure Development Mobile Training Team	INL
Aruba	Instructor Course, Counter-Narcotics Maritime Law Enforcement Mobile Training Team	FMS
Bahamas	Counternarcotics Maritime Law Enforcement Mobile Training Team	IMET
Bahamas	Counternarcotics Maritime Law Enforcement, Instructor Course, Mobile Training Team	IMET
Belize	Counternarcotics Maritime Law Enforcement Mobile Training Team	IMET
Bolivia	Maritime Commerce Control, Infrastructure Development Mobile Training Team	
Colombia	Joint Boarding Officer Course, Counter-Narcotics Maritime Law Enforcement Mobile Training Team	IMET
Costa Rica	Engineering Mobile Training Team	INL
Costa Rica	Smallboat Operations Mobile Training Team	INL

⁸⁰ INCSR 2001, p. iii-13

Country	Course Title	Funding
Costa Rica	Interdiction Planning, Counternarcotics Maritime Law Enforcement Mobile Training Team	INL
Costa Rica	Small Boat Operational Training Program Development Mobile Training Team	IMET
Costa Rica	Maritime Commerce Control, Infrastructure Development Mobile Training Team	INL
Curacao	Instructor Course, Counter-Narcotics Maritime Law Enforcement Mobile Training Team	FMS
Ecuador	Assessment	TCA
Ecuador	Boarding Officer, Counter-Narcotics Maritime Law Enforcement Mobile Training Team	FMS
El Salvador	Boarding Officer, Counter-Narcotics Maritime Law Enforcement Mobile Training Team	IMET
El Salvador	Interdiction Planning, Counternarcotics Maritime Law Enforcement Mobile Training Team	IMET
El Salvador	Joint Boarding Officer, Counternarcotics Maritime Law Enforcement Mobile Training Team	IMET
Honduras	Smallboat Assessment	TCA
Honduras	Smallboat Operations Mobile Training Team	INL
Jamaica	Boarding Officer, Counter-Narcotics Maritime Law Enforcement Mobile Training Team	IMET
Jamaica	Interdiction Planning, Counternarcotics Maritime Law Enforcement Mobile Training Team	IMET
Mexico	Boarding Officer, Advanced, Counternarcotics Maritime Law Enforcement Mobile Training Team	DOD
Mexico	Interdiction Planning, Counternarcotics Maritime Law Enforcement Mobile Training Team	DOD
Mexico	Riverine Small boat Operations Mobile Training Team	DOD
Nicaragua	Assessment	DOD
Nicaragua	Boarding Officer, Advanced, Counternarcotics Maritime Law Enforcement Mobile Training Team	IMET
Nicaragua	Interdiction Planning, Counternarcotics Maritime Law Enforcement Mobile Training Team	IMET
Panama	Joint Counternarcotics Maritime Law Enforcement Boarding Officer Mobile Training Team	INL
Panama	Maritime Commerce Control, Infrastructure Development Mobile Training Team	Embassy
Panama	Small Boat Operations Mobile Training Team	INL
Peru	Maritime Commerce Control, Infrastructure Development Mobile Training Team	DOS

Source: INCSR 2001, p. iii-15-20

7. Bureau of Alcohol, Tobacco and Firearms

The BATF, a part of the US Department of the Treasury, was mandated by the 1968 Omnibus Crime Control and Safe Streets Act to pursue and enforce federal statutes involving the international trafficking in arms. This mandate includes both the illegal importation into the United States of firearms and the illegal exportation out of the United States of firearms.

In 1974 ATF began an International Traffic in Arms (ITAR) initiative, when it became apparent that firearms originating from the United States were being recovered often in acts of narcotrafficking and terrorism. Government leaders throughout the world, but particularly in Latin America, began asking the US government to halt the flow of US-origin firearms being trafficked illegally into their countries.⁸¹

Since 1974 the BATF's ITAR program has instituted close cooperation with foreign governments to enforce US federal firearms laws, to gather intelligence regarding the dynamics of international firearm trafficking and to offer assistance to foreign law enforcement regarding US illegal trafficking of US origin weapons. In so doing, BATF has established country offices in Mexico City (in March 1992) and in Bogota (in December 1990). Special Agents assigned to these offices provide assistance in identifying the sources of firearms being illegally trafficked into their countries, in particular for US origin guns. They are also providing training to establish or increase the capacity of local law enforcement officials to trace the source of illicit firearms.

For example, in February 1993 ATF conducted a firearms trafficking workshop in Honduras for senior law enforcement officers and military personnel from 13 Central American countries. And in July 1993, reps from the International Enforcement Branch, Tactical Intelligence Branch and the Special Programs Branch traveled to Jamaica to assist in the establishment of a Jamaican National Firearms and Drug Intelligence Center.⁸²

ATF works closely with INL in furthering the work of the OAS commission on drug control (CICAD), which includes a focus on curbing the illicit gun trafficking that supports narcotrafficking.

[Note: A FOIA request for up-to-date information on BATF's Latin American activities was filed months ago. It should yield some information shortly.]

⁸¹ According to a 1994 State Department bulletin, governments in Latin America requested that the United States be more careful in licensing small arms and ammunition for export. Concerned about the quantity of firearms entering their countries, and the possibility for diversion to terrorists, drug-traffickers and criminals, they requested that the US government demand more extensive documentation for firearms export license applications to protect against fraud and diversion. US Department of State, *Defense Trade News*, Vol. 5, No. 3 (July and October 1994), p. 6.

⁸² US Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *ITAR: International Traffic in Arms Annual Report FY 93*.