

THE USE OF THE DRUG ENFORCEMENT ADMINISTRATION SENSITIVE
INVESTIGATIVE UNIT PROGRAM AS A POLICY TOOL TO IMPROVE RULE OF LAW IN
MEXICO AND CENTRAL AMERICA.

by
Kevin M. Jeram

A capstone project submitted to Johns Hopkins University in conformity with the
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MEMORANDUM

TO: Director Shaun Donovan, Office of Management and Budget

FROM: Administrator Michelle Leonhart, Drug Enforcement Administration

CC: Attorney General Erick Holder, Department of Justice

CC: Acting Director Michael Botticelli, Office of National Drug Control Policy

DATE: September 9, 2014.

TOPIC: Request for Increased Appropriations for Expansion of the Drug Enforcement Administration, Sensitive Investigative Unit Program in Mexico and Central America.

ACTION FORCING EVENT:

A recent spike in violence in Mexico and Central America has weakened the already precarious rule of law and further destabilized the region. Ongoing drug-fueled violence is cited as one of the underlying causes of the recent influx of illegal immigration to the United States.¹ Since 2008, the US Congress has appropriated \$2.1 billion in support of the Merida Initiative and over \$350 million for the Central American Regional Security Initiative (CARSI) but corrupt law enforcement

¹Gonzalez-Barrera, Ana, Krogstad, Jens Manuel, Lopez, Mark Hugo, "DHS: Violence, poverty, is driving children to flee Central America to U.S." *Pew Research Center*, July 1, 2014.

institutions in Mexico and Central American as well as a lack of coordination by US agencies have limited the success of these programs.²

STATEMENT OF THE PROBLEM:

Security is a pre-condition for sustainable development. U.S. foreign assistance and training programs targeted at reforming and professionalizing Mexican and Central American law enforcement institutions in order to improve security in the region have been largely ineffective. Merida Initiative and CARSI funding utilized to purchase equipment and provide training and technical assistance has had a questionable return on investment as these initiatives are being undermined by pervasive corruption. In addition, the implementation of these training programs have been uncoordinated and confused by the US government. A myriad of government agencies with varying levels of experience and many lacking long-term commitment and sustainable goals are working independently to provide equipment and training in a jumbled effort to reform and increase the capabilities of Mexican and Central American law enforcement institutions.³

The need for training in the region is unquestionable. Transparency International's 2013 corruption perception index ranks Mexico as 106th out of 177 ranked countries, Guatemala 123rd, El Salvador 83rd, Honduras 140th, compared to

² US Department of State Website, "Merida Initiative." <http://www.state.gov/j/inl/merida/>. Accessed 9/08/14.

³ Government Accounting Office, Report to the Ranking Member, Subcommittee on National Security, Homeland Defense and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives, "FOREIGN POLICE ASSISTANCE, Defined Roles and Improved Information Sharing Could Enhance Interagency Collaboration" GAO-12-534, May 2012

the U.S. which was ranked 19th.⁴ In Mexico, only 13% of all crimes are reported because of the citizenry's fear of police corruption.⁵ This is understandable since over 80% of all homicides are never solved.⁶ In much of Central America the situation is even worse.

The Northern Triangle countries of Central America, El Salvador, Guatemala and Honduras, are experiencing an explosion in homicide rates. A 2012 U.N. Office on Drugs and Crime (UNODC) study estimated that in 2012 Mexico had a homicide rate of 21.5 deaths per 100,000 habitants. This was overshadowed by El Salvador's rate of 41.2, Guatemala's rate of 39.9 and Honduras' rate of 90.4.⁷

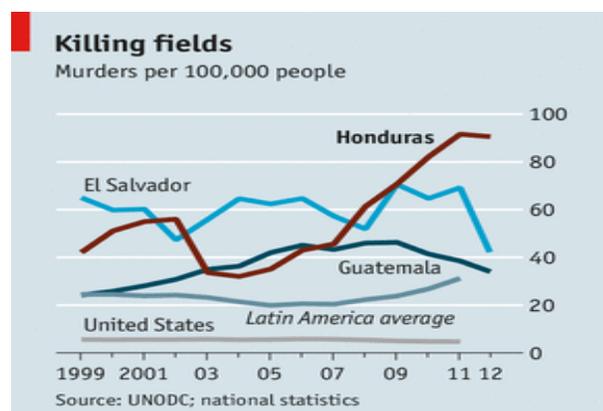


Figure 1.⁸

The universal corruption in all of these countries' law enforcement organizations combined with structural weaknesses and lack of capacity in criminal

⁴Transparency International Website, "Corruption Perceptions Index 2013." <http://cpi.transparency.org/cpi2013/results/>. Accessed 9/27/2014.

⁵ Gobierno Federal de México, Instituto Nacional de Estadísticas y Geografía (INEGI), "2012 Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública."

⁶ Zepeda, Guillermo, "Seguridad y Justicia Penal en los Estados: 25 Indicadores de Nuestra Debilidad Institucional" *México Evalúa*, March 2012.

⁷ U.N. Office on Drugs and Crime (UNODC), "Global Study on Homicide 2013: Trends, Contexts, Data." March 2014.

⁸ "Central America, Out of control", *The Economist*, March 9th, 2013.

justice institutions makes solving homicides nearly impossible and severely impacts any U.S. assistance and training initiatives.

As of May 2013, over 19,000 police officers were trained under the Merida and CARSI Initiatives.⁹ The success or failure of these training programs is difficult to measure as metrics used by the U.S. State Department to judge the Merida Initiative and CARSI merely cite the quantity of officers trained and make no qualitative assessments. Currently, there is no requirement to follow up with officers to determine if the training received has been retained and implemented.¹⁰ In most U.S. training initiatives there is no further interaction with U.S. officials after an officer completes a training program.

Another critical issue is the lack of continuity in U.S. sponsored training programs. Officials in the State Department's Bureau of International Narcotics and Law Enforcement (INL) normally serve a two-year term before rotating to a new position and rarely have an opportunity to properly brief their replacement. This frequently leads to a duplication of effort and a repeat of past errors due to lack of continuity in personnel.¹¹

To exacerbate the problem, INL frequently utilizes contractors to implement training programs in Mexico and Central America whose motives are profit and whose previous experience in a municipal police department does not translate well

⁹U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, "U.S.-Mexico Security Cooperation: An Overview of the Merida Initiative 2008–Present." 113th Congress, 1st session, CQ Congressional Transcripts, May 23, 2013.

¹⁰ State Department, Office of Inspector General, "Inspection of the Bureau of International Narcotics and Law Enforcement Affairs." ISP-I-14-24. September 2014.

¹¹ *Ibid.*

to the Latin American environment. Contract companies also frequently utilize ex-military officers whose training methods may not be appropriate for civilian police especially in critical areas such as the use of lethal force or evidence collection. Even successful training initiatives such as the Mexican Federal Law Enforcement training center in San Luis de Potosi, where U.S. federal agents as well as state and local officers trained new Mexican Federal police recruits can be frustrated by a lack of support by the host nation government. Many of the new officers trained in this program were not subsequently offered positions by the Mexican government due to a lack of funding or were purged during the change of administration in 2012.

HISTORY:

Police corruption in Mexico and Central America is not a new phenomenon. In fact, its roots can be traced back to Spanish colonial rule where officials in the new world paid the Crown for their position of colonial authority and then extracted a salary from the population in the form of bribes. This tradition continues today in Mexico and Central America where poorly paid police officers supplement their salary in a similar manner.¹²

Until recent history, endemic police corruption in Latin America was of little concern to the U.S. government. This changed after World War II and the onset of the Cold War. The U.S. government first began police training initiatives in Latin

¹² Lomnitz, Claudio, "Understanding history of corruption in Mexico." *The University of Chicago Chronicle*, Nov. 27, 1995, Vol. 15, No. 6.

America in 1954 with the founding of the Overseas Internal Security Program. This organization's function was later moved into the U.S. Agency for International Development (USAID) and named the Office of Public Safety (OPS) where it trained numerous Latin American police officers at locations in Panama and in Washington, DC.¹³

The OPS training program was criticized as being an extension of the Central Intelligence Agency (CIA), whose primary focus at the time was to train police officers to fight communist insurgents in their respective countries.¹⁴ This anti-communist emphasis led to allegations of misconduct and human rights abuses by OPS officials and resulted in Congress adding Section 660 to the 1961 Foreign Assistance Act. Section 660 prohibited the use of foreign aid to support training programs for police, prisons or other institutions of justice.¹⁵ The unintended consequences of this law can arguably be seen in Latin America today. Due to this prohibitive legislation, Congress must specifically authorize funding for every foreign police training activity on a case-by-case basis.

The "War on Drugs" was arguably started under President Nixon in the 1970's; it was in the 1980's and early 1990's when large amounts of foreign aid were approved for the training and equipping of our foreign law enforcement partners. One of the first major appropriations was H.R. 3611, the International Narcotics Control Act of 1989. This bill provided \$115 million for international

¹³Sylvan, David and Majeski, Stephen, *"U.S. Foreign Policy in Perspective: Clients, Enemies, and Empire."* New York: Routledge, 2009

¹⁴ *Ibid.*

¹⁵ 22 US Code § 2420

narcotics control assistance and an additional \$125 million for military and law enforcement assistance to Colombia, Peru, and Bolivia.¹⁶

The initial focus of the war on drugs was on the Andean Region as it is the only area of the world where large-scale cocaine production is possible. This is due to the unique stable climate and high altitude. Aid to the region continued for years but changed significantly on March 9, 2000, when the 106th Congress, House Appropriations Committee, approved an emergency supplemental appropriations bill that included \$1.4 billion in funding for counter-narcotics efforts in Colombia.¹⁷ This funding commitment has continued to the present and is commonly referred to as Plan Colombia. It is arguably the U.S. government's most successful recent foreign assistance program and it is credited with bringing Colombia back from the brink of anarchy.¹⁸ In 2000, Colombia was faced with a situation similar to that of Mexico and Central America today with weak rule of law and rising homicide rates, much greater in per capita terms than what Mexico has experienced in recent years. A combination of political will by the Uribe Administration and U.S. foreign assistance, to include numerous training initiatives, allowed Colombia to bring down its notoriously high murder and kidnapping rates as well as reform its corrupt law enforcement institutions.¹⁹

Despite not receiving direct funding in the Plan Colombia appropriations, the U.S. Drug Enforcement Administration (DEA) played a crucial role in the success of

¹⁶Public Law 101-231

¹⁷ Public Law. 106-246

¹⁸ O'Hanlon, Michael E., Petraeus, David, "The Success Story in Colombia", *Brookings Institution*, September 24, 2013.

¹⁹ *Ibid.*

this initiative. Since 2000, the DEA more than doubled the amount of Special Agents working in country with Colombian security forces and more importantly it tripled the size of the Sensitive Investigative Unit (SIU) Program.²⁰

The SIU program formally began in 1997 but the underlying concept was born in the hunt for the notorious drug kingpin, Pablo Escobar. The Colombian National Police, with the assistance and direction of the DEA, formed a special police unit to hunt Escobar called the Search Block (*Bloque de Búsqueda*). In an effort to root out the pervasive corruption that was thwarting efforts to capture Escobar, officers assigned to this special unit were required to pass a U.S. administered polygraph examination and background check. This vetting provided the DEA a reliable partner with whom they could share sensitive intelligence and conduct joint operations. The program worked and Escobar was gunned down on a rooftop while attempting to escape capture in 1993.²¹ The Colombian Search Block continued to demonstrate the success of this operational model and quickly tracked down and captured Gilberto and Miguel Rodriguez-Orejuela, the undisputed leaders of the Cali Cartel in 1995.

The success of the program did not go unnoticed and in 1997 Congress appropriated \$20 million for the formation of similar special police units in Mexico, Bolivia, Peru as well as Colombia and formally named the program the SIU.²² Today, despite no augmentation in funding, the DEA-SIU program operates in thirteen

²⁰ Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

²¹ Bowden, Mark, *Killing Pablo: The Hunt for the World's Greatest Outlaw* New York: Atlantic Monthly Press, 2001

²² U.S. Department Of Justice, Office Of The Inspector General Audit Division, "The Drug Enforcement Administration's International Operations", Audit Report 07-19, February 2007.

different countries; Mexico, Colombia, Peru, Ecuador, Paraguay, Dominican Republic, Panama, Guatemala, Honduras, Thailand, Afghanistan, Ghana and Nigeria.²³

While Plan Colombia never directly appropriated funding for the DEA-SIU program, some money trickled down through INL and assisted in financially supporting these specialized units. Today, Colombia boasts eight SIU units and over 300 officers in the program. Two of the top eight police generals in Colombia are SIU veterans and alumni of the mandatory five-week training program held at the DEA Academy in Quantico.²⁴

Despite being formed in 1997, the Mexican SIU program is only just recently beginning to show results similar to those achieved in Colombia. The relationship between the U.S. and Mexican governments is significantly different. The secession of Texas and the U.S.-Mexican War of 1846 still looms large in the psyche of Mexican officials. The kidnapping, torture and murder of DEA Special Agent Enrique Camarena in 1985, is still fresh in the memory of DEA and other U.S. law enforcement officials. Special Agent Camarena was kidnapped by his Mexican police counterparts and turned over to drug traffickers after spearheading a successful investigation that led to the seizure and destruction of a massive marijuana plantation in Mexico. When the Mexican government refused to assist in efforts to capture the responsible parties, the DEA took decisive action and forcibly produced several of the perpetrators of Agent Camarena's murder in U.S. court.

²³ Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

²⁴ *Ibid.*

While this action is credited with making the work of DEA agents abroad safer, it damaged the DEA and the U.S. government's relationship with Mexico for many years. The close collaboration enjoyed between DEA agents and Colombian National Police officers that made the SIU program so successful in Colombia does not exist in Mexico. Presently, all US federal law enforcement officers working in Mexico are prohibited by the Mexican Government from carrying firearms, a privilege which is enjoyed by U.S. federal law enforcement officers in most Latin American countries.

Despite this complex history, there has been a vast improvement in the U.S. government's relationship with Mexican law enforcement authorities. The change slowly began in 2000 when Vicente Fox of the Partido de Acción Nacional (PAN) won the presidency and broke the Partido Revolucionario Institucional's (PRI) seventy-one year strangle hold on power. His successor, President Felipe Calderon, also of the PAN, took a very aggressive stance against narco-traffickers and made use of Mexican military commandos to conduct high value target capture operations with great success. There was some trepidation with the 2012 return to power of the PRI but, President Enrique Peña Nieto has maintained the close collaboration of Mexican and U.S. security officials. This has resulted in a string of high value targets being captured, the most significant being the recent capture of Joaquin "Chapo" Guzman on February 22, 2014.²⁵

²⁵ DEA Website Press Release," Dept. of Justice Statement on the Arrest of Joaquin "El Chapo" Guzman Loera" February 22, 2014. <http://www.justice.gov/dea/divisions/hq/2014/hq022214.shtml>. Accessed 11/05/2014.

Until recently, scant attention had been paid to Central America since the fall of the Iron Curtain. Guatemala and El Salvador suffered through horrible civil wars in the 1980's where the U.S. backed anti-communist government forces. During this era, El Salvador received more U.S. foreign aid than any other country in Latin American as it fought against the leftist, Farabundo Marti National Liberation Front (FMLN).²⁶ Although Honduras did not experience an outright civil war, it shared with its neighbors years of military dictatorship followed by fledgling democracies in the mid-1990s that were heavily influenced by powerful military leaders. Instead of promoting and fostering these new democratic neighbors, the U.S. largely ignored them.

The attention of the U.S. was drawn again to the northern triangle of Central America as successful anti-narcotics efforts in the Caribbean as well as in Colombia, Peru and Mexico pushed cocaine trafficking routes into Central America and caused the rapid escalation of homicide rates in the region. This "balloon effect" resulted in one particularly heavily exploited route where traffickers dispatched small aircraft loaded with cocaine from Venezuela to the remote eastern coast of Honduras. In response, the DEA and its newly formed Honduran SIU unit, with support from U.S. State Department helicopters stationed in Guatemala, initiated Operation Anvil. Under Operation Anvil, intelligence regarding suspected flights gathered from U.S. and Colombian radar stations was provided to Honduran security officials in order to coordinate and assist Honduran narcotics interdiction efforts.

²⁶ Ribando Seelke, Clare, "El Salvador: Political and Economic Conditions and U.S. Relations", *Congressional Research Service*, April 5, 2013.

The program was successful and resulted in over 4.7 tons of cocaine being seized and a vast reduction in suspect flights to Honduras.²⁷ However, significant problems with the program arose as Honduran pilots began shooting down uncooperative aircraft in violation of their official protocols and international law. In addition to the unauthorized shooting of civilian aircraft, a DEA led Honduran interdiction team was involved in a highly publicized shoot out with narcotics traffickers during an Operation Anvil mission on May 11th, 2012, in which four civilians were killed. These events led Senator Patrick Leahy to sponsor an effort to partially suspend foreign aid to Honduras and cancel further Operation Anvil missions.²⁸

While Guatemala has not received the recent intense scrutiny of Honduras, the government did also make headlines in May of 2013 when they authorized the extradition of former president Alfonso Portillo to the Southern District of New York for narcotics related money laundering charges.²⁹ Guatemala formed a small SIU unit of approximately 50 members in 2005, which was credited with assisting in the investigation of former President Portillo. El Salvador does not currently have a DEA-SIU team and only recently passed legislation authorizing wiretaps. It does host the US State Department's International Law Enforcement Academy (ILEA) that provides advanced law enforcement training to officers through out all of Latin

²⁷ Damien Cave and Ginger Thompson, "U.S. Rethinks a Drug War After Deaths in Honduras," *New York Times*, October 12, 2012.

²⁸ *Ibid.*

²⁹ Archibold, Randal, "Ex-Guatemalan President Extradited to U.S. in Corruption Case." *New York Times*, May 24, 2013.

America. It was established in 2005 and has trained almost 6,000 officers since that time.³⁰

BACKGROUND:

The DEA-SIU program currently provides equipment, training and investigative collaboration and oversight to over 1,000 officers located in 13 different countries. The program in each country continues to grow as each SIU unit continues to slowly increase the number of vetted SIU officers. This increase in personnel has only been possible because INL offices in each SIU participant country have financially assisted the DEA with the ever-growing operational costs to administer these units.³¹

The repercussions of the government sequester and subsequent budget cuts are still being felt government wide. These spending cuts forced the DEA to reduce allocations to all of its programs and the SIU program was no exception. Despite these budgetary reductions, the DEA continued to expand the SIU program and in FY 2014 a new DEA-SIU unit was formed in Nigeria. West Africa has become of critical strategic importance not only because of the increasing threat of radical Islam in the region but, it also has become the preferred transit point for Colombian cocaine entering European markets. Weak governments and pliable law enforcement institutions have attracted drug traffickers who exploit the region's instability. One

³⁰ ILEA website, "ILEA San Salvador: Statistics" <http://www.ileass.org.sv/page.php?id=16>. Accessed 10/04/2014

³¹ Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

of the U.S. government's responses to this rule of law crisis was to form a DEA-SIU unit. This policy option was only fiscally possible because the Department of Defense (DOD) provided the initial startup costs for the unit, which are estimated at \$800,000 to \$1 million dollars. These expenses include everything from the purchase of vehicles and office equipment to the costs of U.S. administered polygraphs to vet members of the unit.³²

The Department of State and the Department of Defense have the vast majority of funding allocated to them for worldwide counter-narcotics training and assistance. In fiscal years 2010 and 2011, these two departments provided 98% of all funding for foreign police assistance and training programs.³³ Funding to support overseas training programs for both INL and DOD has steadily decreased in recent years. In FY 2013, INL received 1.9 billion and only 1.4 billion in FY 2104. For FY 2015, the State Department has only requested 1.1 billion.³⁴ DOD was allocated 1.5 billion in FY 2014 for international counterdrug activities and is also expected to reduce its expenditures in FY 2015.³⁵

The example of Nigeria is demonstrative of how the DEA has managed to expand the SIU program despite zero increases in appropriations. With the exception of the SIU program, chemical diversion, and asset forfeiture training, the DEA receives no allocation to conduct overseas training. The Department of State or the Department of Defense must choose to utilize the DEA to fulfill a training

³² Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

³³ GAO Report to the Ranking Member, Subcommittee on National Security, Homeland Defense and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives, "FOREGIEN POLICE ASSISTANCE; Defined Roles and Improved Information Sharing Could Enhance Interagency Collaboration." May 2012

³⁴ State Department, Office of Inspector General, "Inspection of the Bureau of International Narcotics and Law Enforcement Affairs." ISP-I-14-24. September 2014.

³⁵ Office of National Drug Control Policy, National Drug Control Budget, FY 2015 Funding Highlights, March 2014.

objective and then transfer funding through an Inter-Agency Agreement (IAA) or a Memorandum of Understanding (MOU).³⁶ These inefficient and cumbersome mechanisms to transfer funding between agencies can take nine months to execute and have caused multiple training events to be postponed or canceled because funding was not transferred in sufficient time. Because of this unwieldy system, INL de-obligated \$503 million and returned \$58 million to the U.S. Department of the Treasury in FY 2013.³⁷

Another issue with funding for law enforcement and counter-narcotics training being provided to the DOD and State Department is that it can misalign agency priorities. What the DOD sees as a strategic priority may not be of the same concern to the DEA or INL. The example of Nigeria was a rare example of when all three agencies agreed upon the need for a DEA-SIU unit and provided funding for the corresponding training and infrastructure. However, the DOD frequently utilizes counter-narcotics training programs as a means to gain access into countries that for political reasons would not accept military assistance and training but are willing to accept law enforcement, counter-narcotics training. As a current example, the U.S. Embassy in Hanoi is working with the DEA International Training Section in Quantico, Virginia, to host and train a group of Vietnamese narcotics police officers.³⁸ Given the history of U.S.-Vietnamese relations, this training initiative would not be politically acceptable if sponsored by the DOD. DEA's international

³⁶ Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

³⁷ State Department, Office of Inspector General, "Inspection of the Bureau of International Narcotics and Law Enforcement Affairs." ISP-I-14-24. September 2014.

³⁸ Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

training program is frequently used by DOD to establish a beachhead in burgeoning security relationships with nations. While this is not an unproductive use of agency resources, it does stretch the DEA's limited training capacity to non-source and non-transit countries of U.S. bound narcotics.

A prime example of this is Afghanistan; a country that is a major international supplier of heroin but that has arguably a limited impact on the U.S. market. Yet, since the inception of the war, DOD has spent over \$2 billion on counter-narcotics efforts in Afghanistan.³⁹ Through DOD funding, the DEA has become heavily invested in Afghanistan. There are currently more than 40 DEA Special Agents permanently assigned to Afghanistan in addition to the Foreign Deployed Advisory and Assistance Team (FAST), which performs joint counter-narcotics operations with DOD forces. The DOD funds the FAST as well as other DEA operations in Afghanistan to include a massive counter-narcotics training program. The program utilizes contract instructors to run training programs for the Afghan National Police. The main focus of this training initiative is two specialized units that work daily with the DEA, the Narcotics Interdiction Unit (NIU) and the Afghan SIU unit. The NIU and SIU as well as the training facility are all physically located on the same compound as the DEA Kabul Country Office. This creates increased interaction between DEA and NIU/SIU personnel and allows DEA to better assess the need and impact of training programs.⁴⁰ A Special Agent from the DEA Office of International Training supervises the contract instructors, many of

³⁹Statement for the Record, Erin Logan, Principal Director for Counter-Narcotics and Global Threats, Office of the Secretary of Defense, Before the Senate Caucus on International Narcotics Control "Future U.S. Counter-Narcotics Efforts in Afghanistan". January 15, 2014.

⁴⁰ Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

who are former DEA Special Agents or state and local officers who have experience working on a DEA task force. Since its inception, over 20,000 Afghans officers have been trained and DOD considers the program a success.⁴¹

The DEA's Office of International Training (TRI) is located within the DEA's Training Academy, which shares the same grounds as the FBI Academy in Quantico, Virginia. Three dedicated teams of Special Agent Instructors are solely responsible for conducting international training programs. The DEA has the largest overseas presence of any federal law enforcement agency with approximately ten percent of its workforce or over 500 Special Agents stationed in U.S. Embassies and Consulates worldwide. With the exceptions of marijuana and methamphetamine, narcotics are mainly produced abroad and smuggled into the United States. Since the Agency's inception in 1973, the DEA has always maintained a strong overseas presence in drug producer and principal transit nations. Because of this emphasis, Mexico is one of the DEA's largest foreign posts with over 60 Special Agents assigned to 10 different offices. El Salvador is the smallest office with only 3 assigned Special Agents. Guatemala currently has 6 Special Agents and 4 are assigned to the US Embassy in Tegucigalpa, Honduras.⁴²

The DEA's relationship with INL and DOD in each of these offices is complex and varies greatly by Embassy. The DEA, as all other U.S. agencies located in an embassy, are not allowed to perform any procurement and must rely upon the State Department to process government purchase orders. In order to administer an SIU

⁴¹Statement for the Record, Erin Logan, Principal Director for Counter-Narcotics and Global Threats, Office of the Secretary of Defense, Before the Senate Caucus on International Narcotics Control "Future U.S. Counter-Narcotics Efforts in Afghanistan", January 15, 2014.

⁴²Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

unit overseas, the DEA transfers the majority of its funding to the State Department, usually the INL office, who then holds the money in a reimbursable account (RA). This can lead to confusion as INL frequently provides DEA additional funding for certain other State Department initiatives. As personnel in DEA and INL rotate in and out of country, confusion can occur and INL officials sometimes commingle accounts and/or assume that the DEA-SIU funding is their own. INL officials sometimes then require DEA Special Agents to write lengthy proposals to justify “grants” in order to spend DEA-SIU money because it is located in an INL account. All too often strong personalities in both agencies exacerbate this problem.⁴³

Unlike Afghanistan, where the DOD provides funding for the DEA to independently administer counter-narcotics training initiatives, INL maintains control of all police training activities in Mexico and Central America. For FY 2015, State Department has requested \$115 million for the Merida Initiative and \$130 million for the CARSI.⁴⁴ INL offices in Mexico and Central America will sometimes utilize this funding to sponsor DEA training programs but it is on an ad hoc basis. INL prefers to utilize contract companies in order to perform the majority of its training initiatives.⁴⁵

The preference for contractors to fulfill training obligations is not unique to INL. The Department of Justice, International Criminal Investigative Training Assistance Program (ICITAP) utilizes contract instructors to conduct the majority of

⁴³ Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

⁴⁴ US Department of State Website. “Merida Initiative.” <http://www.state.gov/j/inl/merida/>. Accessed 9/08/14

⁴⁵ Government Accounting Office, Report to the Ranking Member, Subcommittee on National Security, Homeland Defense and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives, “FOREIGN POLICE ASSISTANCE, Defined Roles and Improved Information Sharing Could Enhance Interagency Collaboration” GAO-12-534, May 2012.

its training worldwide.⁴⁶ The quality of training provided by contract companies differs greatly and the success of any contract company varies by the level of government oversight, feedback and input. The DOD counter-narcotics training program that the DEA oversees in Afghanistan utilizes contract instructors but there is constant interaction and supervision since the contractors are co-located on a base with the DEA country office. In addition, the NIU and SIU officers who receive the majority of the training are co-located on the same compound, which allows for constant interaction with DEA agents and a continuous albeit informal review of the effectiveness of the training program.⁴⁷

Under the Merida and CARSI initiatives in Mexico and Central America, INL has utilized the DEA to participate in several training initiatives such as the Mexican Federal Law Enforcement training center in San Luis de Potosi. The DEA also continues to support the State Department's International Law Enforcement Academy (ILEA) in El Salvador. However, neither the DEA nor any other U.S. federal law enforcement agency has been tasked by INL to run a long term, sustained, training initiative in the region. In order to utilize Merida Initiative or CARSI funding, the DEA and INL must author a lengthy and complicated IAA or MOU for every individual training event. The result is that the DEA as well as other federal law enforcement agencies rarely utilize Merida or CARSI funding for training and INL continues to use contractors to accomplish training initiatives.

⁴⁶ Department of Justice, ICITAP website, "ICITAP: Current Vacancies". <http://www.justice.gov/criminal/icitap/vacancies>. Accessed 10/22/14.

⁴⁷ Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

POLICY PROPOSAL:

In order to support the Administration's stated goal of providing partner nations with assistance to build sustainable capacity to address justice sector security challenges, the DEA is proposing an increase for its FY 2016 discretionary budget authority request to fund the expansion of the SIU program and a dedicated, DEA led counter-narcotics training program in Mexico and Central America.⁴⁸

An increase in the DEA's appropriation in the 2016, Commerce, Justice, Science, and Related Agencies Appropriations Bill would allow the DEA to augment existing SIU programs in Mexico, Honduras and Guatemala and to establish a new SIU unit in El Salvador. In FY 2014, the DEA was appropriated approximately \$2 billion of which \$417 million supported foreign operations to include the SIU program; for FY 2105, there has been no requested change in funding.⁴⁹ An increase to the DEA's budget in the 2016 appropriations bill of \$40 million, dedicated for foreign operations, would allow the DEA to double funding for the SIU program from \$20 million to \$40 million, add \$10 million for independent training initiatives in Mexico and Central America and \$10 million to support corresponding infrastructure to include equipment and an increase in personnel costs for additional Special Agents assigned to the region.

⁴⁸ The White House, Office of the Press Secretary, "Fact Sheet: U.S. Security Sector Assistance Policy," April 05, 2013.

⁴⁹ Office of National Drug Control Policy, National Drug Control Budget, FY 2015 Highlights, March 2014.

POLICY ANALYSIS:

An augmentation to the DEA's baseline budget in order to expand the SIU program and to conduct independent training initiatives in Mexico and Central America has several advantages and disadvantages as an approach to help resolve the rule of law crisis in the region. Addressing rule of law concerns is a very long-term proposition. The best example of the positive, long-term, effects of the SIU program is the example of the Colombian National Police. The progress made in Colombia is palpable but it took 20 years to achieve the limited successes attained today. The Colombian government reported that between 2000 and 2007 the number of murders and kidnappings were reduced by at least one-third.⁵⁰ However, as the Government Accounting Office (GAO) cites in their report "PLAN COLOMBIA; Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance", it is difficult to accurately assess justice sector reform efforts in Colombia.

Advantages:

The SIU program has a 20-year proven track record and is considered by Congress to be the gold standard in vetted police units.⁵¹ The principal reason for the success of the program is the oversight of DEA Agent Advisors who live in

⁵⁰ Government Accounting Office, Report to the Honorable Joseph R. Biden, Jr., Chairman, Committee on Foreign Relations, U.S. Senate, "PLAN COLOMBIA Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance." GAO-09-71, October 2008.

⁵¹ U.S. Senate Caucus On International Narcotics Control Report, "Preventing A Security Crisis In The Caribbean", 112, Congress, 2nd Session, September 2012.

country and work with SIU officers on a daily basis. The DEA maintains a 15 to 1 ratio of SIU officers to DEA Agent Advisors.⁵² This restricts SIU units to a manageable size, which allows DEA Agents to more easily interact and mentor officers in their unit.

After graduating the mandatory 5-week, SIU Basic Training program in Quantico, Virginia, officers continue to build upon that knowledge as they work in the field with DEA Agents assigned to U.S. Embassies and consulates in program sponsor countries. This relationship provides continuous reinforcement of the professional investigative skill set SIU officers acquired in Quantico as well as a strong anti-corruption measure. Oversight, combined with the mandatory polygraph requirement have been the key to keeping corruption in the SIU program to a level far lower than what is typically found in each participant country's non-SIU narcotics units.⁵³

After a 5-year tour of duty in an SIU, a host nation officer is subsequently required to rotate out to a different assignment.⁵⁴ At this point, they are professionally developed and capable of taking on a management role and sharing their training and experience with police colleagues in other divisions. The USAID cites this positive effect in "A Field Guide for USAID Democracy and Governance

⁵² U.S. Department Of Justice, Office of the Inspector General Audit Division, "The Drug Enforcement Administration's International Operations", Audit Report 07-19, February 2007.

⁵³ Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

⁵⁴ U.S. Department Of Justice, Office Of The Inspector General Audit Division, "The Drug Enforcement Administration's International Operations", Audit Report 07-19, February 2007.

Officers: Assistance to Civilian Law Enforcement in Developing Countries” training manual:

“From the national security perspective, the FBI or DEA may intend to improve host-country investigative skill in narcotics or human trafficking cases. Often, high quality training and other support are provided. From the developmental perspective, those newly acquired skills can become part of an integrated program that reforms civilian police supervision, management, policy/procedure and other institutional elements. Only through this coordinated country approach way can host country civilian police absorb new skills and build capability to, not just investigate but, effectively manage the investigative function as part of a comprehensive reform plan. Improved management increases the likelihood that sustained change, new knowledge and new skills will be disseminated throughout the agency.”⁵⁵

The DEA has witnessed several ex-SIU officers rise to the rank of Colonel and General in their respective National Police forces. Trusted and experienced SIU officers have been utilized as police trainers who augment DEA staff in training programs in Latin America. This could potentially be a very effective and sustainable model that could be replicated in future training efforts to improve rule of law throughout Latin America.

The SIU program also provides other positive knock on effects. As former SIU officers spread across their countries acting in their new post-SIU assignments they informally act as intelligence assets and report back to former colleagues in the SIU or directly to DEA agents about potential narcotics investigative leads or other relevant law enforcement concerns.

⁵⁵ USAID publication, “A Field Guide for USAID Democracy and Governance Officers: Assistance To Civilian Law Enforcement In Developing Countries”, January, 2011. http://pdf.usaid.gov/pdf_docs/PNADU808.pdf. Accessed 10/28/2014.

In addition, SIU units become not only the DEA's but the whole U.S. government's "go to" unit for any sensitive law enforcement issues such as the kidnapping or murder of a U.S. diplomat. SIU officers quickly respond to U.S. government concerns and bring to bear their advanced investigative skills. The recent example of the capture, extradition and prosecution of the taxicab robbers who killed DEA Special Agent Terry Watson in Bogota, Colombia, is demonstrative.⁵⁶

DEA agents stationed abroad do not exclusively interact with SIU officers but maintain relationships with other relevant law enforcement or military entities. This on the ground engagement allows the DEA to appropriately select units and personnel who would most benefit from U.S. sponsored training. Though there isn't the formal relationship as with the SIU program, the officers selected and trained by DEA frequently maintain continued interaction with Special Agents stationed in their country. This provides a level of oversight and sustainability that is a crucial element to the success of any training initiative. DEA Agents in country are better able to design and implement effective training programs as they know their audience more intimately than their INL or DOD counterparts. DEA Agents are also able to follow up training by directly providing agency funding to support newly trained officers in their investigative efforts. DEA Agents can then monitor subsequent investigative activity and ensure that officers are implementing the training they have received.

⁵⁶ DEA Press Release, "Colombian National Pleads Guilty to Kidnapping and Murder of DEA Agent Terry Watson", September 14, 2014. <http://www.dea.gov/divisions/hq/2014/hq090414.shtml>. Accessed 11/04/2014.

The other major advantage of direct engagement of the DEA in Mexican and Central American training is the relevant experience of DEA personnel. Since DEA has the largest foreign presence of any other federal law enforcement agency, it also has the largest cadre of Special Agents with experience working overseas. This understanding of other cultures as well as foreign legal systems is critical when developing and implementing overseas police training programs. The experience of working investigations in Latin American criminal justice systems is almost unique to DEA and is a by-product of the agency's strong overseas presence.

Contract companies that provide foreign police instruction frequently hire ex-US state and local officers or military officers whose experience and teaching methods don't always translate well into the Latin American environment. Poor quality of instruction can also be an issue. INL officers frequently are not present during training programs and if they are in attendance, most lack the expertise to recognize when a contract police instructor is teaching a tactic incorrectly.⁵⁷

Motivation is also quite different for contractors versus DEA agents. While contractor's motives are mercenary in nature, DEA agent instructors tend to care more about the results of their training programs because of professional pride and the reality that they or a colleague may be relying on these newly trained officers in a tactical or investigative situation in the very near future. While some of these concerns can be alleviated by proper oversight and selection of contract companies,

⁵⁷ Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

the overutilization of contractors by State Department and DOD in Iraq and Afghanistan is already an issue currently under scrutiny by Congress.⁵⁸

Disadvantages:

Utilizing the DEA to deliver these training programs is not without its drawbacks. A problem that is inherent in many justice sector reform proposals is the inability to create an accurate performance metric. Like many other rule of law policy proposals, the SIU program also lacks an accurate system to measure success. This deficiency was addressed in a 2007 Department of Justice, Office of the Inspector General Report that stated the following:

“We found that the DEA was unable to empirically demonstrate the accomplishments of its SIU program as a whole. For example, the DEA does not collect and analyze activity statistics attributable to its SIU Program, such as arrests, the number of surveillance operations, or efforts tied to a CPOT or a PTO investigation. Additionally, the DEA has not evaluated the collective effect of the SIU Program. While we recognize that the investigative activities of the SIUs are often run by the host country, we believe the DEA should collect and analyze appropriate empirical data relating to the accomplishments of the SIUs.”⁵⁹

Measuring the impact of this proposal could therefore also prove problematic, especially in the short-run, as the positive effects on rule of law of the

⁵⁸ Government Accounting Office, Report to Congressional Committees, “CONTINGENCY CONTRACTING: State and USAID Made Progress Assessing and Implementing Changes, but Further Actions Needed” GAO-14-229, February 2014.

⁵⁹ U.S. Department Of Justice, Office Of The Inspector General Audit Division, “The Drug Enforcement Administration’s International Operations”, Audit Report 07-19, February 2007.

SIU program are even more difficult to properly measure and take years to become visible.

Another principal limitation to this proposal is the size of the DEA and its limited training capacity. The international training section only has 15 Special Agents and drawing from the domestic instructor staff is not a feasible option. The DEA Academy currently can barely keep pace with the demand to train new DEA personnel.⁶⁰ The already challenging staffing issues that the DEA is suffering would be compounded by an expanded requirement to station more agents overseas and to increase the international training section.

The Mexican Federal Police is a massive law enforcement institution with over 37,000 officers. As stated, time is needed for the beneficial influences of the SIU program to have an effect on a whole police institution. Increasing the size of the SIU program would of course speed up the process but only to a limited extent. The issue remains of the almost 500,000 state and local police agents in Mexico that are in desperate need of training and rule of law reform.⁶¹ The magnitude of the training initiative needed is beyond the scale that the DEA could independently provide.

Another drawback is that while the DEA can provide instructors who are experts in narcotics investigations, tactics, informant handling, evidence collection and other related topics such as money laundering, weapons trafficking and terrorism, the organization lacks appropriate instructors for subjects such as anti-

⁶⁰ Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

⁶¹ Meyer, Maureen, "Mexico's Police Reform: Many Reforms, Little Progress." *Washington Office on Latin America*, May 2014.

riot or community policing techniques. Therefore, the DEA's participation and impact on a major police training initiatives is limited to counter-narcotics and related subjects.⁶²

As previously stated, the key to the SIU program's success is the oversight provided by DEA Special Agents stationed abroad. If the SIU was expanded in Mexico and Central America, the DEA would be required to post more agents overseas in order to maintain the 15 to 1 ratio of SIU members to Special Agent Advisors. Not only does the DEA currently lack the personnel but this new staffing requirement would carry significant reoccurring costs. Special Agents assigned to diplomatic posts require increased Department of State, International Cooperative Administrative Support Service (ICASS) charges, as well as housing and schooling allowances. This request for an increase in FY 2016 appropriations would therefore cause the DEA to require more discretionary spending in future budgets.

Another concern is that as a primarily domestic law enforcement institution, international training could be considered a secondary concern and not made a priority by future senior management. Allocations made directly to the DEA's discretionary budget run the risk of being re-tasked to support other initiatives. While funds remain in INL or DOD control, there is no risk of them being utilized to support domestic DEA programs.⁶³

The chief disadvantage of providing the DEA funding to run independent training initiatives in Mexico and Central America is that it could potentially violate

⁶² Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

⁶³ Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2015.

the purpose statute (31 U.S. Code § 1301).⁶⁴ This law assists Congress in tracking and assessing how effectively taxpayer dollars are utilized. Since Congress has already provided funding under the Merida and CARSI initiatives for law enforcement training programs in Mexico and Central America, the existing funds should be transferred from the Department of State to the DEA instead of a new appropriation being committed for the same purpose.

POLITICAL ANALYSIS:

The idea of expanding the DEA-SIU program in Mexico and Central America is not new and was suggested by the United States Senate Caucus On International Narcotics Control in 2011 and received bi-partisan support:

“Recommendation: To counter the threat of Mexican drug trafficking organizations in Central America, the current Sensitive Investigative Unit programs in Central America – currently in Guatemala and Panama – should be expanded to additional countries.”⁶⁵

The Senate Drug Caucus reiterated its support for the SIU program in 2012 when it suggested the program’s expansion into the Caribbean:

“The Caucus believes that some of DEA’s best work worldwide is done through its Sensitive Investigative Units (SIUs). This has been the case in Central America, Mexico and

⁶⁴ 31 U.S. Code § 1301

⁶⁵ Report By The United States Senate Caucus On International Narcotics Control, “U.S. and Mexican Responses to Mexican Drug Trafficking Organizations”, 112th Congress, 1st Session, September 2011.

Afghanistan. The Caucus believes that the SIU model that has been effective in other parts of the world should be replicated in the Caribbean.”⁶⁶

Both Republicans and Democrats have recognized the need to support rule of law programs in Mexico and Central America. The Merida Initiative initially passed the House in 2008 with 311 votes, 203 Democratic and 108 Republicans supporting the bill.⁶⁷ It has continued to be funded to the present under a Democratic Administration and a Republican controlled House of Representatives.

This budget request avoids the sensitive issue of state marijuana legalization and federal enforcement of the Controlled Substances Act. The DEA’s ability to provide oversight of U.S. training programs due to its existing “boots on the ground” and expertise in the region would likely gain bi-partisan support given the current regional crisis and previous support for the SIU program.

With the impending retirement of Attorney General Holder, there is the potential for upheaval in the Department of Justice and a change in priorities. However, a new Attorney General should support this proposal as it falls within the White House’s stated U.S. Security Sector Assistance Policy. This policy has four stated goals:

“1. Help partner nations build sustainable capacity to address common security challenges, specifically to: disrupt and defeat transnational threats; sustain legitimate and effective public safety, security, and justice sector institutions; support legitimate self-defense; contribute to U.S. or partner military operations which may have urgent requirements; maintain control of their territory and jurisdiction waters including air, land, and sea

⁶⁶ Report By The United States Senate Caucus On International Narcotics Control “Preventing a Security Crisis In The Caribbean” 112 Congress, 2nd Session, September 2012.

⁶⁷ House of Representatives Roll Call 393, On Motion to Suspend the Rules and Pass as Amended, Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act, H R 6028, 10-Jun-2008.

borders; and help indigenous forces assume greater responsibility for operations where U.S. military forces are present.

2. Promote partner support for U.S. interests, through cooperation on national, regional, and global priorities, including, but not limited to, such areas as: military access to airspace and basing rights; improved interoperability and training opportunities; and cooperation on law enforcement, counterterrorism, counter-narcotics, combating organized crime and arms trafficking, countering Weapons of Mass Destruction proliferation, and terrorism, intelligence, peacekeeping, and humanitarian efforts.

3. Promote universal values, such as good governance, transparent and accountable oversight of security forces, rule of law, transparency, accountability, delivery of fair and effective justice, and respect for human rights.

4. Strengthen collective security and multinational defense arrangements and organizations, including by helping to build the capacity of troop- and police-contributing nations to United Nations and other multilateral peacekeeping missions, as well as through regional exercises, expert exchanges, and coordination of regional intelligence and law enforcement information exchanges.”⁶⁸

An expansion of the DEA-SIU program in Mexico and Central America as well as DEA led training initiatives in the region satisfies these policy goals and would likely receive support from any new incoming Attorney General.

The greater possibilities for political hurdles are those potentially imposed by the larger, more influential, federal agencies, namely the Department of State and the DOD. The prospect of the DOD opposing the expansion of the SIU or impeding DEA led training initiatives in Mexico and Central America is unlikely. The DOD currently funds a group of contract instructors that work with the DEA’s International Training Section. This unit, called the Global Training Team, is currently tasked with providing counter-narcotics training programs in Africa and Central Asia.⁶⁹ The DOD has a history of partnering with the DEA as evidenced by the Department’s support for the FAST teams and the massive training program in Afghanistan. The DOD’s legacy in Mexico and Central America is quite complex and

⁶⁸ The White House, Office of the Press Secretary, “Fact Sheet: U.S. Security Sector Assistance Policy.” April 05, 2013.

⁶⁹ Assistant Special Agent in Charge James Farnsworth, DEA Office of International Training, interviewed by author, Quantico, VA, November 4, 2014.

any potential increase in U.S. influence as well as professionalization of police forces accomplished by the DEA would benefit the DOD's regional objectives.

The Department of State, INL Bureau, is tasked with the distribution, allocation, and expenditure of all Merida Initiative and CARSI funding. Given the Bureau's long-standing support for existing SIU units, they would probably support an expansion of the program in the region. However, they would almost certainly oppose independent DEA training activities. Part of the Department of State's mandate is to perform foreign training activities. They view themselves as the experts in development, capacity building and rule of law initiatives. While the INL Bureau is willing to provide funds for one-time, specific, counter-narcotics training events, they would not provide a significant amount of funding for the DEA to manage a large scale, regional security sector training initiative. This topic was addressed in a 2012, GAO Report; "Foreign Police Assistance: Defined Roles and Improved Information Sharing Could Enhance Interagency Collaboration."

"According to the DOJ officials, DOJ should have a greater role in this process. Such a role is consistent with the Quadrennial Diplomacy and Development Review which directs State to look first to DOJ, DHS, and DOD to implement State programs involving counterterrorism capacity building, foreign law enforcement, or strengthening justice and interior ministries, according to the DOJ officials. However, the DOJ officials said the issue was not resolved and committee discussions primarily concerned the responsibilities and authorities of State and DOD. According to a DHS official, DHS also asserts that State should consider DHS when allocating security sector assistance funding rather than relying on contractors to provide that assistance. According to a State official,

State is reluctant to expand the authorities of other agencies to administer security sector assistance activities.”⁷⁰

The US Agency for International Aid (USAID), a related but technically independent agency that follows State Department policy guidelines ⁷¹, literally wrote a book on training foreign police: *A Field Guide For USAID Democracy And Governance Officers: Assistance To Civilian Law Enforcement In Developing Countries*.⁷² It was USAID that was originally tasked with foreign police training in the 60’s and continues to do so today.⁷³ Their own publication cites the need and benefits of leveraging the experience of other federal agencies.

“It is important to develop and maintain strong collaborative relationships with those USG agencies engaged in civilian police assistance. Much can be learned from their experience. Opportunities to integrate projects will often present themselves. Sometimes, all that is needed is a bit of creative thinking to coordinate or even integrate financial and programming resources to achieve a country team coordinated approach that can save money and improve results.”⁷⁴

The relationship between State Department and the DEA is complex. While there is little interaction between USAID and the DEA, there is a very close relationship between the DEA and INL. The DEA requires INL support to process and perform procurement for any DEA led training programs in Mexico and Central

⁷⁰ Government Accounting Office, Report to the Ranking Member, Subcommittee on National Security, Homeland Defense and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives, “FOREIGN POLICE ASSISTANCE, Defined Roles and Improved Information Sharing Could Enhance Interagency Collaboration” GAO-12-534, May 2012.

⁷¹ U.S. Department of State website, “Department Organization.” <http://www.state.gov/r/pa/ei/rls/dos/436.htm>. Accessed 10/28/2014

⁷² USAID publication, *A Field Guide For USAID Democracy And Governance Officers: Assistance To Civilian Law Enforcement In Developing Countries*, January, 2011. http://pdf.usaid.gov/pdf_docs/PNADU808.pdf. Accessed 10/28/2014.

⁷³ Sylvan, David and Majeski, Stephen, “*U.S. Foreign Policy in Perspective: Clients, Enemies, and Empire*.” New York: Routledge, 2009.

⁷⁴ USAID publication, *A Field Guide For USAID Democracy And Governance Officers: Assistance To Civilian Law Enforcement In Developing Countries*, January, 2011. http://pdf.usaid.gov/pdf_docs/PNADU808.pdf. Accessed 10/28/2014.

America. Therefore, an expansion of the SIU program would also require “buy in” by INL as they perform key functions to administer the SIU program. State Department support for an expansion of the SIU program is also critical as they would be required to go through the difficult, bureaucratic, process of requesting authorization for additional DEA Special Agents to be stationed as diplomats from the host nation government. The host nation government would also be required to supply additional national police officers to staff an expanded or new SIU program.⁷⁵

An expansion of the existing SIU programs would likely be authorized in Guatemala. The Senate Drug Caucus suggested this very action.⁷⁶ The Guatemalan government is already very supportive of the program and given the difficulties it is facing from domestic as well as Colombian and Mexican organized crime groups, it likely would welcome additional DEA agents. Honduras faces similar problems and is in perhaps even more dire need of assistance than Guatemala however, the addition of more DEA agents to the Tegucigalpa Office may face significant opposition from Senator Patrick Leahy of Vermont. His position on the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies would make this proposal very difficult to pass without his support. He has spearheaded the oversight committee investigation into Operation Anvil and partially suspended foreign assistance to Honduras pending a full investigation into

⁷⁵ Section Chief Valerie Nickerson, DEA Office of Global Enforcement, interviewed by author, Arlington, VA, December 1, 2014.

⁷⁶ Report By The United States Senate Caucus On International Narcotics Control, “U.S. and Mexican Responses to Mexican Drug Trafficking Organizations”, 112th Congress, 1st Session, September 2011.

the DEA's participation in this operation.⁷⁷ The Department of Justice, Office of the Inspector General is currently still investigating the matter.⁷⁸

It is difficult to determine the current mindset of the Peña-Nieto Administration and how they would receive the proposal to expand the SIU program. The Mexican government has never visibly supported the U.S. playing a large role in their domestic law enforcement programs. In contrast to their rhetoric, the previous PAN and the current PRI Administration have quietly allowed the DEA to operate one of its largest SIU units. Albeit with less access and direct participation enjoyed by the DEA in other Latin American countries.

The Mexican SIU program has recently demonstrated very promising results as evidenced by the recent capture of Joaquin "Chapo" Guzman on February 22, 2014.⁷⁹ Though the Navy executed the capture operation, the SIU played a crucial role in the development of intelligence and debilitating his organization with the death of Gonzalo Inzunza Inzunza, aka "Macho Prieto", Chapo Guzman's head of security who was killed in an SIU led operation.⁸⁰ Given these successes and the problems Mexico is currently facing, it would seem in the Mexican government's interests to expand the SIU program. However, the requirement to have more DEA agents stationed and operating on Mexican soil touches a sensitive political nerve and is a contentious issue.

⁷⁷ Wisner, Daniel, "U.S. Lawmakers have Reduced Security Assistance to Central America." *Washington Free Beacon*, July 11, 2014.

⁷⁸ Department of Justice Website; Office of the Inspector General; Ongoing Investigations: "Post-Incident Responses to Missions in Honduras Involving the Use of Deadly Force." <http://www.justice.gov/oig/ongoing/dea.htm>. Accessed 11/29/2014.

⁷⁹ DEA Website Press Release, "Dept. of Justice Statement on the Arrest of Joaquin "El Chapo" Guzman Loera" February 22, 2014. <http://www.justice.gov/dea/divisions/hq/2014/hq022214.shtml>. Accessed 11/05/2014.

⁸⁰ "Cartel boss dies in gun-battle at Mexican resort." *USA Today*, December 20, 2013.

Given the recent government sequestration, there is little appetite in Washington for agencies to increase their base line funding. The DEA complied with this sentiment and submitted their FY 2015 budget request and asked for no additional funding. However, the response from the House of Representatives was indicative of their strong support for the efforts of the DEA overseas.

“DRUG ENFORCEMENT ADMINISTRATION SALARIES AND EXPENSES:

The Committee recommends total budget authority of \$2,420,000,000 for salaries and expenses, of which \$366,680,000 is derived from fees deposited in the Diversion Control Fund, and \$2,053,320,000 is provided by direct appropriation. **The recommended direct appropriation is \$35,320,000 above fiscal year 2014 and the request.** This increase is intended to help DEA offset its necessary pay and non-pay base costs, which the President’s budget had proposed be fully absorbed using unspecified administrative offsets. **The increase is also expected to support DEA’s growing enforcement workload, including supporting its challenges in its overseas programs,** as well as continuing support of State and local partners.”⁸¹

RECOMMENDATION:

Based on the evidence presented in this proposal, it is recommended that the DEA receive an additional \$20 million in discretionary funding to support the expansion of the SIU program and associated operational costs. However, funding for the DEA to conduct independent training should be denied since Congress has already allocated money for police training in the CARSI and Merida Initiatives. The

⁸¹ Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2015, 113th Congress, 2nd Session, Report 113-448.

Department of State should be directed to utilize the DEA for its counter-narcotics training initiatives in order to better utilize the agency's experience and regional footprint.

The DEA began the SIU program out of an operational need to have a reliable, uncorrupted, partner to work with in Latin America. By training, equipping and working side-by-side with officers in the SIU program, the DEA not only created an international law enforcement and intelligence capacity, it inadvertently created a sustainable development and justice sector reform program that positively impacts rule of law. The key to this success is the working relationship and oversight that DEA Special Agents stationed overseas provide. While metrics to better measure the long-term impact of the SIU still need to be further developed, it is a sustainable, practical, policy initiative to assist justice sector reform in Mexico and Central America.

While the scope of the SIU program is clearly limited and a much larger training initiative is needed to address the rule of law crisis in Mexico and Central America, expansion of the SIU program is a proven policy tool that should be integrated as an important part of a larger initiative. While this proposal will create reoccurring costs that will require a permanent expansion of the DEA's discretionary budget authority, it is a small amount when compared to the DOD's

counter-narcotics budget and would be less than the amount of unexpended funding INL returned to the U.S. Treasury in FY 2013.⁸²

Training is an invaluable tool to reduce corruption and improve rule of law but it requires a continuing relationship and oversight of trained officers to be truly effective and have a long-term impact. The DEA is uniquely positioned to provide this critical oversight in Mexico and Central America. Additional funding to station more DEA agents abroad and to expand the SIU program will enhance this capacity, reduce corruption and improve training results. The expansion of the SIU model as a policy option has already been suggested by congressional committees and only needs to be implemented by approving this budget request.

⁸² State Department, Office of Inspector General, "Inspection of the Bureau of International Narcotics and Law Enforcement Affairs." ISP-I-14-24. September 2014.

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CURRICULUM VITAE

Kevin Jeram was born in 1974 in Schenectady, New York and graduated in 1997 with a Bachelor of Arts in Latin American Studies from the Pennsylvania State University, Schreyer's College Honors Program, where he authored a thesis on Narco-Terrorism and the expansion of the Drug War in the Andean Region. He was subsequently hired by the Drug Enforcement Administration as a Special Agent in 1998 and began his career assigned to New York City. In 2003, Special Agent Jeram was transferred to the Bogota Country office where he supervised a Colombian National Police, Sensitive Investigative Unit in Cali, Colombia. Special Agent Jeram and the SIU focused their investigative efforts into the activities of the Cali and North Valle Cartels. Special Agent Jeram left the U.S. Embassy in Bogota, Colombia, and reported to the DEA Office of Training, International Training Section in 2009. There he was originally placed in charge of the Department of Justice, International Asset Forfeiture and Money Laundering Program. In 2012, he was re-assigned and currently directs the SIU training program, worldwide.