

Written Testimony of

Ambassador David T. Johnson, Assistant Secretary of State

For International Narcotics and Law Enforcement Affairs

Before the Senate Caucus on International Narcotics Control

Hearing on “Drug Trafficking Violence in Mexico: Implications for the U.S.”

May 5, 2010

**Written Testimony of
Ambassador David T. Johnson, Assistant Secretary of State
Before the Senate Caucus on International Narcotics Control Hearing on
“Drug Trafficking Violence in Mexico: Implications for the U.S.”
May 5, 2010**

Chairman Feinstein, Co-Chairman Grassley, and other distinguished Senators, thank you for the opportunity to appear before you today.

I appreciate the opportunity to testify, along with my interagency partners from the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Customs Enforcement, on how drug trafficking violence in Mexico affects the United States, and about the foreign assistance programs we administer to support the Government of Mexico in its campaign to dismantle the drug trafficking organizations that impact both sides of our shared border. As the State Department’s Assistant Secretary for International Narcotics and Law Enforcement Affairs, I have the responsibility for the Department’s foreign assistance programs that help our partners strengthen their own criminal justice sectors and their organic capacity for security under the rule of law.

Our efforts are crafted to address the unique conditions on the ground in each of our program countries, where there is a demonstrated need and want for security and justice sector reform. INL provides custom-solutions to meet very specific challenges identified by our program nation partners. In Mexico, our collaboration with President Calderon resulted in the Merida Initiative, which has supported the growth of the federal police force, part of the Secretariat of Public Security (SSP), and its efforts to interdict illicit drugs and counter drug violence. With our support, the Government of Mexico is building capacity and credibility in its federal police force and working to further extend its reach far outside of Mexico City. Merida programs have also provided technological assistance such as non-intrusive inspection equipment and K-9 training, both of which are critical to Mexico’s developing narcotics search and seizure operations along our shared border. Each of INL’s assistance programs in Mexico responds to specific requirements defined within letters of agreement between our two countries for each fiscal year, which ensures that we are both striving toward shared

programmatic objectives and that we share an understanding of the timing for program implementation or deliverables.

The Current Situation

Since late 2006, Mexico has seen unprecedented levels of violence, especially along the shared border with the United States. Recent numbers indicate that over 22,000 people have been brutally murdered, and countless others wounded, kidnapped, extorted, or threatened. Fear is palpable. In Juarez, businesses have closed and people, who can, have moved away and to other parts of Mexico. In Monterrey, the local government has begun using Twitter to warn citizens of military road blocks, and areas where there are open skirmishes. Further south, in Cuernavaca, a drug trafficking organization reportedly sent out an e-mail warning that a recent weekend would be one of the bloodiest on record; citizens should stay off the streets and they should not wear dark clothing. Their warnings were heeded.

While explanations of the extreme brutality vary, it is clear that some of the former “cartels” have splintered into multiple, fiercely competitive drug trafficking and criminal organizations, which are expanding their criminal interests and fiercely fighting for territory in the face of a new resolve by the Mexican government. In Tamaulipas and Nuevo Leon, the formerly allied organizations, Los Zetas and the Gulf Cartel, now battle for primacy with other organizations like La Familia Michoacána and the Sinaloa Cartel, who are forming alliances against the Zetas. In Cuernavaca, rivals battle it out for control of the former Beltran Llevya organization. In Michoacán, the cult-like La Familia continues to wage a brutal war against their rivals and the government.

We are seeing new and well-organized battle tactics with the criminals using stolen cars, transit buses and tractor-trailers to block roads and streets to prevent government reinforcements from arriving. In Ciudad Juarez, the Juarez drug trafficking organization has taken to hiring the violent and erratic Barrio Azteca gang to conduct its contract killings. Media think that gang members may have been involved in over half of the 2,660 killings in Juarez last year, including the three murders of individuals connected to the U.S. Consulate there. Just last

month, in one of the most brazen acts of terror, a dozen gunmen stormed a Holiday Inn in Monterrey, an important business hub, and ransacked one floor of the hotel, taking 7 people.

Historically, efforts to thwart the unhindered operation of criminal organizations have sometimes resulted in increased violence and brutality. This happened in Italy when the government went full force after the Italian mafia in the 1980s and 1990s, as well as in Medellin, Colombia in the 1990's. The U.S. and Mexico both consider the current unstable situation urgent and critical and both our governments are taking significant measures to counter the threat together in Mexico.

The Mexican Strategy

Since late 2006, the Mexican Government has been on a mission directly to confront drug trafficking organizations and the accompanying corruption that has been pervasive in Mexican institutions and society for far too long. In a strategy which has consistently maintained high levels of public support and incorporates all of the tools available to him, President Calderon deployed 45,000 soldiers to the eight Mexican states with the highest levels of drug-related violence. Using the military, one of the most respected institutions in Mexico, is designed to maintain presence and control while building up new and improved civilian law enforcement institutions. One Mexican official said that their reform efforts were akin to building an airplane while flying.

Since President Calderon took office in December 2006, Mexico has spent between \$3 and \$6 billion each year on its justice sector. The government has arrested scores of criminals, including some of the top members of the most notorious criminal organizations. Mexican forces have confiscated more weapons, drugs and cash than ever before – but more remains to be done. Reforming a justice system and creating effective and sustainable institutions is a difficult and long-term endeavor.

In 2008, President Calderon signed a constitutional amendment approved by the legislature/Mexican Congress and the majority of states that paved the way to

transition from its old inquisitorial judicial system to an accusatory system that uses transparent oral trials and relies more heavily on physical evidence. The new system, which by law must be implemented by 2016, should make it more difficult to corrupt or disrupt the judicial process. While the federal government and parliament has been slow to make the changes necessary to implement the accusatory system – for example, developing and passing a new criminal procedures code and a new penal code, fifteen Mexican states have begun reforming their own judicial systems in this direction. Six states are already using oral trials, one of which is Chihuahua.

In order to tackle the pervasive corruption, the Government of Mexico began systematically removing from duty thousands of corrupt policemen, customs officials, law enforcement officials and prosecutors, including high level officials. In re-building these institutions, the Government of Mexico is working towards developing extensive internal controls which should mitigate systemic corruption. They are developing career tracks, with increased salaries, building an esprit de corps, enhancing management skills and integrating offices of professional responsibility and/or internal affairs, into each and every justice institution. To prevent corrupt police from being hired in another state or municipality, the government has developed a National Police Registry, which will include sophisticated biometric technology. In the Attorney General's office, or PGR, the Government of Mexico has developed a modern, computerized case management system with sophisticated checks and balances to make it much more difficult for prosecutors to lose case files, or improperly influence a case. The system is to be online and operational across most parts of the country in 2011, with country-wide operability in 2012.

In 2000, the Mexican government established the Federal Police under the Public Security Secretariat. The Calderon administration set enhanced standards for recruitment and professional integrity. This new approach is yielding results. For the first time, the government attracted a new caliber of police professionals. The new recruits are college graduates, some with advanced degrees, who went through background checks, drug testing and who passed polygraph tests. They were given months of training, on a wide range of topics and skills, and once deployed to the field, were provided with mentors to ease the transition. The SSP

is providing them with sophisticated equipment – both forensics labs and command centers that are outfitted with the newest technology. There will also be extensive continuing education and specialized training. The SSP is also developing an extensive internal controls system. One group of new recruits, during their first month on the job after training, rooted out their corrupt supervisors by reporting suspicious behavior to a trusted mentor, a positive sign. The SSP has hired and trained over 4,000 new recruits in the past year, and has plans to augment the force by another 6,000 in the coming year.

Within the SSP resides another innovation of structural reform – Plataforma Mexico. Plataforma Mexico is a sophisticated computer system which has automated and consolidated much of the public information records in Mexico to conduct more effective investigations, track criminals and prevent corruption. Some of the information contained in Plataforma Mexico includes property records, vehicle registrations, fingerprint records, criminal records, arrest warrants, telephone records, and national identification numbers. The system has also integrated the thousands of closed circuit television cameras which are deployed throughout Mexican cities. When fully operational, the system will include all of the criminal information recorded by police across the country, using common and automated forms and terminology.

Mexican Customs is also in the process of reforming its structure, adding an enforcement arm, much like our Immigration and Customs Enforcement (ICE). Like the SSP, Mexican Customs is restructuring its career paths, instituting more effective internal controls, getting rid of corrupt contract workers and recruiting and training a higher caliber of officer. They are also building a new academy to train and maintain high quality Customs officials. ICE plans to provide basic investigator training to over twenty Mexican Customs officers in the summer of 2010.

Mexico has a federal system of government somewhat like the U.S., with 31 states, a federal district, and thousands of municipalities. There are over 400,000 police officials in Mexico – of which only about 40,000 are Federal police (SSP). Bills proposing the consolidation of 2,000 or more municipal police departments -- and forming larger police forces to work more closely with the Federal police are

currently pending in the Mexican Congress. Key decisions on these complex structural issues are pending, but overall progress on police reform has been significant, even in the face of unprecedented violence and efforts by the criminals to turn the public against the government.

In Ciudad Juarez, President Calderon recently installed one of his top advisors to develop and implement a plan, called Todos Somos Juarez or “We Are All Juarez.” The plan calls for new socio-economic opportunities providing choices for the beleaguered youth and citizens of the city. The plan has extensive programs in education, drug demand reduction, health and security. It is designed to restore citizen security and renew the vibrant social and economic fiber of Juarez.

In a long awaited move, the Mexican Federal Police officially took control of public safety in Juarez on April 8. The Mexican Army’s presence in the city will be gradually replaced by the SSP (federal police), with the Army moving into more traditional roles such as securing critical ports of entry, airports and other transportation nodes. The Army will maintain control of check points and access routes leading into and out of the city.

The new Federal Police strategy in Juarez will focus on seven areas:

1. Maintaining and increasing police presence,
2. Securing the main roads and commercial areas with increased surveillance,
3. Increasing inspections of bars, nightclubs and commercial areas to prevent illicit activities, detect stolen good and fight extortion,
4. Using specialized units for crisis management and negotiation, tactical analysis and field investigations,
5. Managing the City of Juarez’s Center for Emergency and Rapid Response (CERI), to enhance the management of surveillance cameras and emergency calls, and improving collaboration with the Federal Police Intelligence Center in Mexico City. (This will not only allow police forces to be deployed and react more swiftly, but will

guarantee the adequate flow of intelligence and information in real time.)

6. Placing greater emphasis on law enforcement intelligence gathering through field operations and data analysis, and
7. Providing security for facilities included in the Safe School and New Life Health Centers programs.

We are assisting the Mexican government in addressing this challenge. Our joint planning is identifying ways in which the U.S. could constructively engage in Juarez.

The Merida Initiative

The strategy that we are pushing with the Government of Mexico is an effective long-term program, but it is not a temporary “quick-fix”. It is an ambitious effort that will address long-lasting problems. Since the advent of the Merida Initiative in 2007, the U.S.-Mexican relationship has developed, matured and evolved. We have moved away from strict deliveries of equipment and have moved more into institution and capacity building. As partners we have developed a framework for our cooperation that has four key objectives.

The first is deterring drug trafficking organizations. The Government of Mexico is now targeting entire criminal organizations, from drivers to financiers, and hit men to middle-managers. The joint U.S. Government-Government of Mexico High Value Target List is still an important element, but is not the only focus. U.S. assistance is providing critical air support to ensure the rapid deployment of the police and military forces to sites and locations where the Government of Mexico determines they are needed. The United States is supporting Mexico’s specialized units with training, equipment, and technical advice. We are working on complex money laundering investigations, asset forfeiture issues and weapons trafficking. We are building mechanisms to share information vital to the investigation and arrest of Mexican criminals. U.S. assistance has also successfully expanded Plataforma Mexico, which provides sophisticated information technology equipment to law enforcement entities, and contributes equipment to enhance the security of law enforcement and judicial

officials throughout Mexico. Finally, the record number of extraditions from Mexico to the United States during the last three years has demonstrated Mexico's efforts to bring serious violent offenders to justice.

The second objective is building strong and effective institutions to sustain the rule of law and protect human rights. The United States is supporting Mexico's reform of its criminal justice sector – from the police, to prosecutors, customs, corrections and the judiciary. For example, U.S. Federal, State, and local law enforcement officers were instrumental in training over 4,300 new Federal Police investigators in investigative techniques, including securing a crime scene, interviewing suspects and witnesses, surveillance, evidence collection, and testifying in oral trials. We are providing expertise and funding for prosecutorial training in all 31 Mexican states and the federal district this year, focusing on the new judicial reforms. We are currently working with Mexican Customs to provide assistance for their new academy, and we have provided training for law enforcement canine programs and their handlers. In one of the more innovative programs, we are working with the U.S. states of Colorado and New Mexico to provide training and technical assistance for corrections officers, not only from Mexico, but also from Central America. We are working with the Government of Mexico now to determine how best to engage with their State and local institutions. We know that State and local entities are key to the long-term effectiveness and sustainability of our cooperative justice sector reform efforts in Mexico.

The Department of State is also committed to helping Mexico improve and develop its border security capabilities, improving and modernizing their inspection efforts in line with 21st century practices. The U.S. and Mexican governments have launched a range of initiatives that challenge the traditional view and are developing a framework for a new vision of 21st century border management. In the short term, U.S. assistance is contributing non-intrusive inspection equipment and canine programs to detect drugs and other contraband moving north, and guns and cash moving south. Many of my U.S. interagency colleagues here today are working with the Department of State to help build new capabilities within Mexico's border forces, as well as enhancing our information sharing and better coordinating our operations on the U.S. side of the border.

Finally, we are working to build strong and resilient communities in Mexico. We know that communities are key to deterring the influence of criminal organizations, whether through anonymous tips, socio-economic alternatives, and educational opportunities. State Department assistance in this area will work on helping to build a culture of lawfulness through continued engagement and education with schools, the media, law enforcement officials and civil society. Our assistance will also be expanded to devote increased resources to the prevention and treatment of substance use and its consequences – goals reflected in our National Drug Control Strategy. The Office of National Drug Control Policy and the Department of State recently hosted a delegation from Mexico at a Bi-national Demand reduction conference to share information and develop next steps for reducing illicit drug consumption on both sides of our shared border – consumption that is fueling the violence. The State Department is also working closely with the Government of Mexico to enhance tip lines and emergency call centers so that the police will be more accountable and responsive to the communities they serve and foster greater public confidence.

We have also agreed with the Government of Mexico to work together in several of the most affected Mexican communities, like Ciudad Juarez. In February, our governments held a bilateral planning session in El Paso, Texas to discuss options for improving the situation in Juarez. Our discussions spanned various topics including: 1) improving information collection and analysis and using it to lead law enforcement operations and investigations; 2) developing law enforcement task forces to best utilize resources for patrols, investigations, and visible policing; 3) promoting enhanced cooperation in investigations between Federal, State, and local police officers and the military; 4) augmenting expert prosecutors in Juarez and developing procedures for cooperation between Federal and State prosecutions; 5) developing standard procedures for securing a crime scene and collecting evidence; 6) elaborating a plan for safe, secure and humane detention facilities; and 7) establishing procedures to vet active state and local police officers and weed out corrupt actors.

We are working closely with Mexican officials to direct U.S. assistance where it can best be applied in Juarez. The range of assistance being offered

includes, measures to reform State and local police, internal controls, assistance to prosecutors and judges, corrections training, equipment, including complex IT and communications equipment, as well as technical assistance and advice on running task forces, sharing information, and developing actionable law enforcement information. One of the many complicating factors in Ciudad Juarez, is that State and municipal elections are scheduled for July 4 and many of our key interlocutors will be replaced. Additionally, because Chihuahua has already converted to an accusatory system, State police and judicial officials in Juarez, begin their work with a presumption of innocence, and are relying on evidence for their cases, while Federal officials are still working in the old inquisitorial system. These examples are not deterrents to working in Juarez, but they do provide a sense of how complex the situation is and how there are conflicting systems that require time-consuming coordination.

Professional integrity projects are a key component of every Merida Initiative institution-building project. These projects are a critical piece of the strategy, and the foundation for strong, effective institutions which will be able to detect corruption and have transparent systems to deter it over the long-term. The programs vary with each institution, but generally consist of vetting at the recruitment phase, with background checks, financial disclosures, drug testing, and polygraphs. The programs then also build systems within each organization to continue to vet personnel throughout their careers, provide a secure system and transparent procedures for reporting corruption, and develop operations to ensure the personnel are not engaging in corrupt activities. These programs are not quick fixes: they take sustained effort, commitment, refinement, and persistence. But they are a very solid start at developing a Mexican criminal justice sector committed to the rule of law and professional integrity.

Conclusion

There is no single answer to ending the barbaric violence that we are seeing now in Mexico, especially along our shared border.

The path that we are on now – helping the Government of Mexico to systematically attack the drug trafficking organizations and their infrastructure,

finances, weapons and personnel, and arresting, prosecuting and extraditing them – is an important objective for our foreign assistance programs.

The courageous parallel efforts by President Calderon to reform his justice sector are also absolutely necessary and critical. Neither effort is swift or absolute. They are difficult, complex and dangerous enterprises. The drug trafficking organizations are reacting to the pressure being applied by the Governments of Mexico and the U.S.

We will continue our work with the Government of Mexico, modifying our tactics as necessary, and adapting to new trends. But our commitment to rooting out criminal organizations, their corrupting influences, and ending the impunity to which they have become accustomed, will not change.

Thank you, Chairman Feinstein, Co-Chairman Grassley, and other distinguished Senators for your time. I will do my best to address your questions.