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Hard Questions and Intelligent Choices

by

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Wouldn't it be great if we could say, "Data, give me a reading on your tricorder," and get an immediate reading of the molecular structure or the spectrum analysis of any substances? Oh, for the capabilities of Star Trek technology! Wouldn't it be great to be able to look automatically for specific substance transiting seaports, airports, highways, and train and bus stations? And to be able to do this regardless of how the substance is packaged or concealed? Isn't that what we are ultimately hoping for?

Are we at that point yet? Is this science fiction? Yes, at this stage in our technology development, it is. Should we give up that approach? Not at all.

We will never know if we can build the ultimate substance discriminator unless we continue our efforts and expand our research and development programs. We must maintain our optimism that we will ultimately be able to reach this goal. In the interim, we have to make do with what existing technology can accomplish.

Our international drug problem will not go away in the foreseeable future for many reasons:

- Simply too much "easy" money available with perceived minimal risk.
- Entire segments of societies now totally dependent on the drug trade.
- Some societies view their involvement as helping to redistribute wealth from the advanced to the less fortunate nations.
- Many producers feel they are simply filling a demand they didn't create.

This symposium is focused on technology. Technology, as I have already inferred, is inadequate to the task that is currently facing us. True, our scientists and research institutions, frequently supported by federal money infusions, have made great strides towards giving us tools for drug detection. Whether these new tools are practicable or not remains to be seen. Meanwhile, our principal means of detecting drugs remains the human side, aided by dogs and whatever assistance technology can provide, in the absence of any significant overall technology breakthrough. At the risk of being labeled a pessimist, I do not anticipate this status changing dramatically in the foreseeable future.

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One of the purposes of this symposium is to work to change that fact in future years. I commend the organizers and sponsors of this symposium for their foresight in this regard.

The magnitude of the problem facing law enforcement agencies in the drug producing, refining, transporting, and using nations defies description. There is no neutral ground. Some national law enforcement agencies, and even the upper structure of governments, have tried to ignore the problem only to become caught in its all-encompassing tentacles. Some drug producing, refining, transporting, and transshipping nations have realized belatedly that the drug infrastructure totally corrupts their society.

Elements associated with cultivation, refining, and transshipment of drugs overwhelm the legitimate domestic product of entire nations. Likewise, refinement and transport of drugs to primary user nations becomes the most corrupting influence of all. Colombia's recent history with narco-terrorists drives this point home—judges, legislators, police, and even a presidential candidate were assassinated. Lastly, the distribution of drugs in the user nations involves all criminal elements from organized crime networks to the disadvantaged level of society at the street-level distribution point.

We are the ultimate example of the damage done within user nations.

We provide the money to make the drug nightmare possible. Billions and billions of dollars are removed from our economy and the gross national product. The impact on our society is incalculable. Loss of the billions of dollars from the economy pales in comparison to the destroyed lives, wrecked families, addicted children, overburdened treatment facilities, outrageous hospital expenses, lost work time, criminal acts to support addictions, killings, and corrupted citizens and officials.

All these factors have an impact on law enforcement. On the international scene, we see the laundering of drug proceeds through the international banking system. On the national scene, we see our law enforcement system overwhelmed. On the state and local level, we see our law enforcement systems overwhelmed by criminal acts. My daughter is a policewoman in one of our major metropolitan areas. She informs that virtually all arrests that she makes are involved in some way with drugs. The level of violence has markedly increased because of drug sales and use, threatening citizen and law enforcement lives alike.

This monster is literally destroying the very fabric of some sectors of our society. Drug use is an extraordinary, all-pervading cancer, e.g., Americans spent nearly \$52 billion on illegal drugs in

1988.¹ Its eradication demands extraordinary measures. The U.S. Government spent over \$10 billion in 1991, expects to spend approximately \$12 billion this year, and has asked for almost \$13 billion in 1993 for the war on drugs. This does not include the added billions that are spent on the adverse consequences of drugs being used in our society. This has to total in the hundreds of billions yearly.

My purpose this morning is to look at some of the things we can do and some of the things that we cannot do from a national and international law enforcement standpoint. I will not deal with the legal aspects of the problem, rather the practical aspects of getting on with the job of drug detection and interdiction.

The White House document, *National Drug Control Strategy*, states that "the Administration crafted and Congress funded a Strategy acknowledging that no single tactic pursued alone or to the detriment of other possible and valuable initiatives would be sufficient."² While I believe that to be true, for the next two and one-half days we will be focusing on contraband and cargo inspection technology. I will confine my remarks to this general area. In order to properly set the stage, I will deal with the problem of drug interdiction on a global scale.

¹ National Drug Control Strategy, A Nation Responds to Drug Use, ONDCP Jan. 1992, pg. 1.

² Ibid., pg. 3.

According to 1991 border crossing statistics³ compiled by the U.S. Customs Service (USCS), our seaports handled 101,009 ships, 187,994 pleasure craft, 6,797,456 persons, and 3,585,867 cargo containers. Our airports accommodated 46,436,247 persons, 560,428 commercial flights and 158,035 general aviation and corporate flights. Our land borders with Mexico and Canada saw the movement of 374,169,602 persons, 121,672,997 vehicles and 4,468,876 cargo containers.

We have finite national, state, and local law enforcement resources to deal with drug interdiction. Our law enforcement agencies must always respect the constitutional rights of the individual U.S. citizen. The U.S. Customs Service, with its exceptional inspection, seizure, and arrest powers cannot cope alone with the enormity of the drug smuggling problem at our ports of entry. Neither can DEA, the FBI, or DoD. In fact, the collective federal, state, and local law enforcement capability to deal with the problem is in question.

Approximately 8 million containers were imported into the U.S. last year.⁴ It can take as much as 16 hours of work by several people to properly examine one large ocean-going container for drugs or other contraband. Which of the 8 million containers should be selected for

³ Ibid., pg. 100.

⁴ Ibid.

examination? The payoff for selecting only the most likely to contain contraband is enormous. Last year, the U.S. Customs Service, Assisted by the California National Guard, discovered 1,080 pounds of heroin with an estimated street value of \$2 billion in an ocean-going container.⁵ Air cargo containers pose less of an inspection task, but resources are just not available to inspect every air cargo container arriving at U.S. airports. In addition to the number of containers, the perishability of some imports imposes a time limit for inspection. Technology, provided it is effective and efficient, and not cost prohibitive, can provide great assistance in these inspections.

With over 420 million persons crossing our borders in 1991,⁶ how do we determine which ones to examine? What sort of technology can be applied here?

Our trade with Mexico and Canada is likely to increase with the signing of the North American Free Trade Agreement, providing additional opportunities to the imaginative smuggler. Our DoD, USCS, DEA, INS, USCG, FBI, and state and local resources will continue to be stretched to the limit with these increased opportunities for smuggling.

The problem is one of hard questions and intelligent choices.

⁵ Ibid., pp. 107 & 170.

⁶ Ibid., pg. 100.

First is the problem of intelligence. Good intelligence is invaluable to law enforcement in drug interdiction. As noted in National Drug Control Strategy, "Most interdiction operations are intelligence driven. In fact, over 75 percent of cocaine seized by Customs, and over 70 percent of cocaine seized by the Coast Guard in Fiscal Year 1991 were a result of prior information. Improved intelligence capabilities increase the odds of successful interdiction operations by ensuring that interdiction forces are concentrated in areas where traffickers are expected to be."⁷ Unless we know what is happening, we cannot maximize the use of our resources. This is true from both a macro and micro standpoint. As a nation, we must collect strategic as well as tactical intelligence on what the drug cartels and other major smugglers are doing. We must also know what is happening within our borders. On the national, state, and local level, we must collect, distribute, and use tactical intelligence.

We cannot expect to be consistent in drug interdiction until we acquire and use data that enables us to make effective use of our law enforcement resources. Any technology that improves our intelligence collection and analysis capabilities is a force multiplier. DoD, the U.S. intelligence community, and agencies involved in the war on drugs are working

⁷ Ibid., pg. 102.

to apply the latest technology to the collection and use of strategic and tactical intelligence on illegal drug activities.

We currently have a number of agency-specific, or shared intelligence systems, such as TECS, EPIC, EMERALD, JAMIE, NADDIS, and JTFs. Some of these provide shared data. Only two are devoted strictly to narcotics intelligence. The rest are multi-subject systems, or single agency systems that have some drug intelligence data. The Counter Narcotics Center (CNC) at the CIA is devoted to counter-narcotics activities as its name implies, but there is no discrete system-wide shared database associated with the CNC that other agencies can readily access. USCS and USCG have built C3I centers, and DoD has established Joint Task Forces (JTFs) to coordinate and share intelligence that supports interdiction along our southern border. These centers do not have a shared database but are sharing data—a step in the right direction.

Unfortunately, there is no all-encompassing shared intelligence data network for drug intelligence. Until such a multi-agency shared database is established for drugs, our ability to make fully intelligent choices will be inhibited.

The technology to build such a shared database has existed for several years. Then why have we not established a nationwide shared database on drugs? The answer is a bureaucratic one that can be attributed to a number of reasons. Agency

databases were created to serve the objective of the respective agency. These databases were created without any expectation that the information would have to be directly accessed by other agencies. These databases contain very sensitive data on individuals, organizations, and agency operations. Access to such data can sometimes be used to determine the source or method of obtaining the information. Compromising a source can be fatal to the source and eliminate it from the intelligence pool. Also, allowing access to the database by other agency personnel or organizations may not be legal because of its content, e.g., on-going criminal investigations. And yes, there is, no doubt, the agency bureaucrat who simply does not want to cooperate with other federal agencies and state or local law enforcement organizations by releasing intelligence data collected by that agency. Finally, it takes time to develop a shared database of the magnitude we need. That's the bad news.

The good news is that a shared database, i.e., EMERALD, is being developed. The DIA-funded EMERALD system, supported by the other federal agencies involved in the war on drugs, is progressing slowly towards a shared drug database. Under the auspices of the ONDCP and the sponsorship of DoD, the Anti-Drug Network (ADNET), e.g., CIA, USCS, USCG, DEA, FBI, etc., are well along to establishing a communications vehicle for sharing narcotics intelligence.

In ADNET, ". . . participating law enforcement agencies are able to rapidly share tactical information and to access various databases on a secure network." Work is under way ". . . to develop an architecture that will allow the sharing of information from separate and incompatible databases."⁸ This network interface system will enable an individual to access a database, or several databases, from a single terminal. "The number of ADNET sites rose from 46 to 88 in 1991, and 129 operational units are projected for this year."⁹ With the ADNET progressing as a communications network, we must now accelerate the development of the EMERALD database.

Let's turn to the problem of money laundering. If drug lords cannot finance their operations, e.g., growing, collecting, refining, and distributing, they cannot exist. The drug cartels' problem is what to do with the surplus billions they have available. Financing their drug operations and putting these surplus billions to work requires the assistance of the international banking community. Interrupting or destroying this international banking activity would have the single greatest impact on the ability of the major drug czars to operate their multi-national drug systems. This would considerably reduce the amount of drug flow into the U.S. and

commensurably reduce the interdiction load on U.S. federal, state, and local law enforcement agencies.

I am well aware of the considerable U.S. law enforcement efforts to disrupt and destroy the illegal movement and use of drug proceeds. I recall conversations with Mr. Seymour Bolton from the Treasury Department in 1982 when I first became involved with the drug problem regarding his investigation of drug money laundering in the Panamanian banking system. Mr. Bolton was adamant at that time that interrupting the illegal proceeds moving through the international banking system was crucial to the war on drugs. Our law enforcement agencies have won some of those battles, as in the case of BCCI, but they have, for the most part, lost this aspect of the drug war as it relates to the large drug cartels. I hasten to add that our losing was not for want of effort applied, but was caused by national decisions to exercise the sovereign right of nations to hold their banking activities in secrecy.

Would technology improvements help in interdicting money laundering? It undoubtedly would, but monitoring the movement of money in the international banking system can be accomplished with existing technology. The real problem is not the detection capability. It is a problem of gaining access to the banking processes whereby money is moved within the international banking system. Law

⁸ Ibid., pg. 171.

⁹ Ibid.,

enforcement does not have the access it needs to effectively combat this problem.

Damaging or removing the major drug cartels from their illegal drug activities would not mean that we could have a drug-free society. We would still have to deal with the middle level refiners, smugglers, and their distribution system. Neither would it deal with the internal U.S. growth, manufacturing, and distribution of drugs. Amphetamines, LSD, PCP, marijuana, and other illegal substances would remain a problem even with the removal of the drug cartels from the international market.

So, where does this leave us? We are back to detection and interdiction at our ports of entry, at our borders between ports of entry, and internal points within the U.S. While detection and interdiction has to be done in any event, the overall drug problem could better be attacked through confiscation of drug proceeds. Accepting this as given, law enforcement is then at the mercy of the considerable resources of the international drug cartels. To make the best of a bad situation, law enforcement is in desperate need of effective and efficient detection technology.

Technology for drug detection and analysis has to be usable, that is, practical. It must be durable and responsive. It must have an extended mean time between failure (MTBF), be simple to use, and very reliable. A high false alarm rate will render a technology totally ineffective. An

example of the impact of false alarms would be the unnecessary inspection of a high percentage of cargo containers. Psychologically, this is more wasteful of law enforcement resources than the current random searches because one is expecting to find something that is not there. In random searches, one does not necessarily expect to find anything every time and is not totally disappointed if nothing is found. Imagine the disappointment and frustration with the struggle to search a large container that technology has shown is contaminated with drugs and then discovering that it was a futile effort. Moreover, this wasted effort could have been better used elsewhere.

I see the need for a variety of federal drug detection systems. State and local law enforcement officials, and some federal agencies, need detectors that are highly portable and mobile, e.g., that operate from the trunk of a car or from a van. Mobile or portable detection equipment must be sturdy as well as effective and efficient. State and local law enforcement need to be able to quickly examine vehicles transiting their roads for drug contraband. Ideally, the detection equipment to examine vehicles would be the same portable systems used for other drug detection purposes. These mobile drug detection systems must be relatively inexpensive because they should be widely available.

Detection devices used by federal law enforcement at ports of entry can be less mobile, larger, and because of their use to examine large ocean-going shipping containers, more expensive per unit than mobile systems. They must be able to be used effectively in large container examination facilities and be able to process containers quickly.

Any drug detection system must accommodate the method of containment used in the particular shipment mode.

Seaports and airports operated by municipal and state authorities need detection equipment capable of examining large containers. A few of these large container examination systems are currently being marketed by manufacturers in Europe, but their effectiveness, efficiency, and utility remain in question. Moreover, their cost runs in the millions of dollars. Making this sort of investment demands assurances that the system serves the needs of the buyer. One Middle Eastern country found to its dismay in the mid-1980s that the large container examination system they purchased simply did not work. This resulted in the country rejecting the system, and the equipment supplier's reputation was adversely affected.

While most air cargo never reaches the size of ship and truck container cargo, its effective and efficient examination is no less important than that of sea-borne container cargo. An LD-3 or LD-6 air cargo container is still a fairly large article,

and some palletized cargo is even larger. Moreover, the perishability of some air shipments requires quick examination. This time element places additional demands on the limited law enforcement resources available.

Perhaps the biggest problem facing law enforcement on the federal as well as the state and local level is how to pay for drug detection technology. One way to pay for these detection aids, at least in part, can be from confiscated drug proceeds. This should prove to be particularly helpful to state and local law enforcement agencies. The ". . . Federal asset forfeiture statute allows proceeds from Federal asset forfeitures to be shared with State and local agencies if they assisted in the investigation leading to the seizure. In the past two years, nearly \$630 million has been shared among cooperating State and local law enforcement offices in all 50 States and the District of Columbia."¹⁰ Regardless of the method of payment, one is struck with the minuscule cost of equipment to detect illegal drugs versus the cost of repairing the damage to society from the distribution and use of illegal drugs. There is simply no comparison between the two.

Reviewing the integration of the human system with available detection technology brings some interesting insights. Discussing the subject with equipment suppliers, I was struck by the need to keep

¹⁰ Ibid., pg. 86.

all elements of the existing human system while integrating new technology. One element that needs to be integrated into the use of any new technology is dogs. Dog handlers frequently have a dim view of the new vapor drug detectors.¹¹ Most of us are reasonably familiar with the olfactory capabilities of dogs. They are quite extraordinary. We do not yet understand how the process works, but we do know that it does work. Dogs have consistently demonstrated their capability to detect drugs and explosives. Unfortunately, sometimes we do not realize when the dog has taken a vacation, i.e., stopped work. Nonetheless, dogs have faithfully served law enforcement in a number of capacities.

Detection equipment manufacturers and suppliers are sometimes critical of drug-sniffing dogs. Dog handlers frequently view new technology as a threat to the continued use of dogs. This need not be the case at all. Even if vapor detectors become widely used in drug detection, dogs will still have a useful role to fulfill. As an example, once it is determined that a container of checked baggage may contain drugs; the use of dogs can immediately isolate the specific bag, or bags, that contain the drugs. Likewise, a vapor detector could indicate that a cargo container contains drugs. A dog could be used to isolate the actual location of the

drugs. In these instances, dogs could do the final discrimination much better than sampling each bag or article separately with the vapor detector or making a time-consuming physical search. There are numerous other examples where dogs and vapor detectors can complement each other in the detection effort.

Unfortunately, too little attention is usually given to integrating the human factor, and in this case, dogs, into a system that begins to use new technology. There are legitimate and valid reasons for some of this delay. When a new technology is perfected, the study of its integration into a human/biological system takes several months to years. In our current situation, X-ray¹² and some drug detection technology¹³ are already being used in field conditions. Under these circumstances, the human/biological integration factors are accomplished simultaneously with the deployment of the equipment. While this is perhaps not the ideal scientific method, it nevertheless makes the best of the current situation.

Given these circumstances, it is best to get the equipment in the field for hands-on experience. We need to find out what the environment imposes on the equipment's operating parameters. Don't do as the explosives detection community has done with the vapor detectors—research

¹¹ For simplicity's sake, I have chosen to use the term "vapor" detectors, which the reader should understand includes "particle" detectors as well.

¹² USCS use of AS&E 101 X-ray systems.

¹³ FBI field research with vapor/particle detectors.

the problem to death. Select several units from promising technology, get it into the field, and learn what it can do. Find out what problems law enforcement has with operating the equipment. In some instances, it imposes an additional burden on law enforcement, e.g., equipment not suited to the purpose, etc.; but in the long run, it is the prudent course of action.

Permit me to make one final observation regarding the cost of funding drug detection research and development activities. Over the past decade and a half, more than \$100 million has been spent by the U.S. Government in explosives detection research and development. Most of this research is directly transferable to drug detection technology. We ought to be able to focus rapidly and accelerate our R&D efforts to produce technology that can assist us relatively quickly in our war on drugs. Again, intelligent choices.

In closing, let me once again thank ONDCP's Counterdrug Technology Assessment Center (CTAC) and the National Institute of Justice for taking this significant step in advancing drug detection technology by sponsoring this symposium.