

RESPONDING TO TRANSNATIONAL CRIME

Article

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According to Louise Shelly, Director of Transnational Crime and Corruption Center, at American University “Transnational organized crime will be one of the major problems facing policy makers in the 21st century. It will be a defining issue of the 21st century as the Cold War was for the 20th and Colonialism was for the 19th. No area of international affairs will remain untouched as political and economic systems and the social fabric of many countries will deteriorate under the increasing financial power of international organized criminal groups.”¹ Ms. Shelly is not alone in her assessment of this threat. Law enforcement and government officials worldwide are expressing concern over the growth of transnational crime.

Transnational crime is defined by the United Nations as “offenses whose inception, prevention, and/or direct or indirect effects involve more than one country.”² The United Nations goes on to identify eighteen specific categories of transnational crime:

- Money laundering
- Terrorist activities
- Theft of art and cultural objects
- Theft of intellectual property
- Illicit trafficking in arms/weapons
- Aircraft hijacking
- Sea piracy
- Land hijacking
- Insurance fraud
- Computer crime

- Environmental crime
- Trafficking in human beings
- Trade in human body parts
- Illicit drug trafficking
- Fraudulent bankruptcy
- Infiltration of legal businesses for illegal purposes
- Corruption and bribery of public officials or elected representatives
- Offenses committed by organized criminal groups in the furtherance of their activities.

Viewing the scope of this definition, it is likely that, in one form or another, transnational crime touches every corner of our nation.

While certain conditions and circumstances exist in the modern world that offers tremendous growth opportunities to transnational crime, it is difficult to make a case that this is a new phenomenon. Crossing international borders for the purpose of furthering criminal endeavors is arguably a practice as old as the existence of international borders. Smuggling, still high on the list of significant transnational crimes is well documented throughout history.

In recent years though transnational crime has grown as never before. According to the United Nations 1999 Global Report on Crime and Justice, “Al Capone was a small-time hoodlum with restricted horizons, limited ambitions and merely a local fiefdom.”³ Pino Arlacchi, the executive director of the United Nations Office for Drug Control and Crime Prevention (ODCCP) flatly states that, “Never before has there been so much economic opportunity for so many people. And never before has there been so much opportunity for criminal organizations to exploit the system.”⁴

What has created all of this opportunity? Why is transnational crime operating in more fertile ground now than previously?

Jim Finckenauer, the director of International Studies at the National Institute of Justice, identifies globalization of the economy, increasing immigration and improved communications technology as key to the growth of transnational crime.⁵ Mr. Finckenauer reports that political, economic and technological advances that have benefited the business community relevant to international travel, the erosion of political borders, and the opening up of economic markets have also worked to the benefit of criminals in their efforts to commit crimes that cross international borders.

The United Nations agrees with Mr. Finckenauer that increased migration is an important factor in transnational crime. In a 1995 report, the UN stated that a renewed sense of ethnic loyalty in many countries and the hostility and general low status awaiting newly arrived immigrants creates a fertile breeding ground for tight knit and difficult to penetrate crime groups which span the borders between their new and old homelands.⁶

That same UN report goes on to identify the lack of cooperation between law enforcement on the international level as another contributing factor to the growth of transnational crime. The report points out that international criminal syndicates often take advantage of centuries old obstacles to international law enforcement cooperation such as language and cultural differences, differences in criminal law and prosecution practices, the desire to protect national sovereignty, and an overall reluctance to share information.

The fall of the former Soviet Union and other communist regimes creating new democracies that have been left in economic ruin has also been a significant factor in the growth of transnational crime. The lack of economic opportunity has often been associated

with an increase in crime, but joblessness in former communist countries has even more ominous overtones. Thousands of scientist and technicians have been left unemployed leaving them open to selling their knowledge to the highest bidder. This theory doesn't appear to be doomsday thinking. In September, 2000 in Facatativa, Colombia, officials discovered a state of the art, one hundred foot submarine over seven thousand feet high in the Andes mountains and two hundred miles from the nearest port. It was determined from documents seized with the vessel that it had been built for Colombian drug cartels either in conjunction with, or contracted out to Russian organized criminal groups. This submarine was capable of carrying two hundred tons of cocaine to the western coast of the United States.⁷

This story underscores yet another trend in the evolution of transnational crime. Criminal syndicates worldwide are showing a growing tendency to conglomerate or merge their varied enterprises toward a common goal. In Vera Cruz, Mexico, for example, a stolen car ring run by French organized criminals linked to Italian organized crime contracted with Mexican gangs in Mexico and Cambodian gangs in the United States to steal luxury cars. The cars were shipped to France with newly registered Mexican documentation.⁸

Transnational crime is growing in leaps and bounds nationwide, but Southern California, as it does with many trends, seems to be leading the way because:

- The region is the most ethnically diverse in the United States. The metropolitan area encompassing Los Angeles, Orange and Riverside counties are home to nearly five million foreign born individuals.⁹
- The large concentrated population of Southern California provides a huge consumer base and target rich environment.

- Southern California is a major financial center.
- Southern California has a vast coastline with several international harbors and airports.
- Southern California has a close proximity to the Mexican border.
- Southern California has a large concentration of criminal street gangs eager to broaden their criminal enterprises.

Indeed, Southern California has already experienced, to some degree, nearly every type of transnational crime identified by the United Nations and the problem seems to be growing. For example, the South Bay Daily Breeze reports that the Los Angeles metropolitan area experience a fifteen percent increase in auto thefts in year 2000.¹⁰ U.S. Customs officials attribute a significant part of that rise to the increase in international auto theft rings.

Auto theft isn't the only area of transnational crime to be found in Southern California. Street gangs throughout the region are known to provide contract services to various international criminal organizations. The Daily Breeze recently reported "LA Ethnic Gangs Form Global Threat."¹¹ The subsequent article told of how local ethnic street gangs have affiliated with transnational organized crime groups. The growth in this trend has prompted the LA District Attorney's Office to draw plans increasing their Organized Crime Division to focus on ethnic criminal syndicates. Further evidence of the global character of LA area street gangs can be found in a report from the Bureau of Alcohol, Tobacco and Firearms (ATF) entitled "Marasalvatrucha, The Transnational Gang."¹² In that report the ATF reports that the El Salvadoran criminal gang, "Marasalvatrucha", has between three and five thousand. In the Little Saigon section of Westminster in Orange County the FBI identified activity by a number of members of the Wah Ching, a three hundred year old criminal society that originated in Hong Kong.¹³ Investigators have established information that local

Vietnamese and Chinese gangs maintain international ties to help launder money and traffic in counterfeit clothing, stolen property and narcotics.

All too often, these gang members and other criminals from within their own community victimize new immigrants and dealing with crime in these communities is often made more difficult by cultural perceptions about law enforcement.

To overcome just such a problem, the Northern California community of Hillsborough, with a Taiwanese Chinese population of twenty five percent, initiated a program where Hillsborough police officers were sent to Taiwan to develop cultural awareness and working relationships with Taiwanese police. According to Chief Bob McNichol of the Hillsborough Police Department, the Taiwanese community was impressed at the lengths to which the local police went to better their relationships and the level of trust for the police department has increased dramatically. Chief McNichol added that he is so impressed with the results of this experiment that he believes an international peace officer exchange program is essential for any California community that has a significant population of foreign born individuals. Similar programs have been conducted in Garden Grove, Glendale, Long Beach, San Francisco, Riverside County and other jurisdictions nationwide all with favorable results. Federal law enforcement too has found that this approach, the exchange of training and networking between law enforcement personnel is effective in combating transnational crime. The FBI's International Law Enforcement Academy and the Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) are two such programs that have produced favorable results. Beyond these government efforts there are several private organizations and nonprofit groups that engage in the international exchange of police officers and international training. Some of these groups, such as Project Harmony, a Vermont based non-profit group, and the International Association

of Chiefs of Police, have partnered with the State Department in these programs which have involved hundreds of officers from dozens of countries.

There seems to be little argument that transnational crime is present throughout Southern California, despite this, there is little research discussing the relationship of transnational crime on mid-sized law enforcement agencies in the region. At first blush, that might appear to be the jurisdiction of the FBI and other federal agencies. A look back at the explosion in drug trafficking in the region during the 1980's and 1990's though may contradict that thought.

In the early 1980's it was the opinion of most in local law enforcement in Southern California that international drug smuggling networks were the purview of the DEA. All that changed with the tremendous growth of narcotics trafficking in the region that resulted from:

- The explosion in the “Crack” cocaine market.
- The connection between local street gangs and Colombian and other South American drug smugglers.
- The crackdown of smuggling routes into southern Florida via the Caribbean, which resulted in, increased overland smuggling through Mexico and into Southern California.

The resulting influx of narcotics into Southern California severely taxed federal law enforcement resources and resulted in the creation of a vast system of task forces and intelligence networking systems comprised of police officers from local agencies throughout the region. These task forces and intelligence systems have proven extremely capable and have seized thousands of pounds of illicit drugs and millions of dollars from international criminal enterprises.

As part of research on the topic of transnational crime in a project for the California Peace Officers Standards of Training (POST), Command College a survey was conducted of

thirty mid sized law enforcement agencies throughout Southern California. This survey asked Investigations Division Lieutenants and Sergeants a series of questions about transnational crime and related resources such as INTERPOL, FBI Legal Attaché Offices and the California Department of Justice Foreign Prosecution Unit.

After being given the UN definition of transnational crime all jurisdictions reported at least three to five occurrences of transnational crime annually with ten cities reporting fifteen or more specific cases each year. This included drug smuggling, international auto theft, identity theft, Internet crime, fraud, prostitution and the smuggling of humans. Only nineteen of those surveyed could give an accurate definition of INTERPOL and only twelve individuals knew how to contact INTERPOL. Of the persons interviewed only two had any idea of what an FBI Legal Attaché Office was or what resources they provided. Seventeen of those interviewed were not aware that the Department of Justice maintained a Foreign Prosecution Unit. Every person interviewed felt there was a great need for training in the area of transnational crime.

This survey underscores the fact that transnational crime affects communities throughout Southern California. It also indicates that many experienced investigators do not possess, but do desire, the basic knowledge to effectively deal with crime that crosses international boundaries.

Law enforcement leaders in Southern California need to prepare to meet the challenge of transnational crime and acknowledge the following:

- Transnational crime presents a significant potential for growth in Southern California in the near future.
- Transnational crime is present in communities throughout Southern California.

- Southern Californian local law enforcement officers are often ignorant of the resources already in place that can assist them in the investigation of transnational crime.
- Federal law enforcement resources may not be sufficient to deal with the problem.
- Southern California local law enforcement through its experience in dealing with international narcotics smuggling has developed a functional operational strategy that is transferable to other types of transnational crime.
- Operational activities, training and the development of democratic policing practices in emerging democracies are widely accepted methods of dealing with transnational crime.
- Agencies that have participated in international exchange programs have found them to be beneficial from an operational, career enhancement and cultural diversity standpoint.

By examining and addressing these issues, Southern California law enforcement executives can begin to build a strategy that can help them to meet the challenges that transnational crime will hold in the future. This strategy can be built upon the two pronged approach utilized in both the international and federal response to transnational crime. That response centers around operational activities and international involvement which includes training and development in emerging democracies.

Operational Activity

There are dozens of well-trained, well-equipped and effective law enforcement agencies throughout Southern California at the federal, state, and local level. This region has a long history of inter-agency cooperation and should capitalize upon it. All of these law enforcement agencies need to utilize the structure that has already been developed for major narcotics investigations and build upon and modify that to deal with all types of transnational crime and international criminal groups. Many of the associated problems are virtually identical as are

many of the solutions and many of those solutions are already in place. The task forces, intelligence centers, and resource sharing practices that resulted from the drug wars of the 1990's are valuable tools that should not have to be re-invented.

Southern California law enforcement should also capitalize upon the expertise that is already in place in the region in the development of training. POST certified training in transnational crime needs to be developed to include international organized criminal groups, types of transnational crime, local street gang involvement, fugitive extradition processes, and resources such as INTERPOL, LEGATS, and foreign prosecution offices. This training shouldn't be limited to law enforcement officers. Prosecutors and others in the justice system need to be aware of the transnational crime situation in Southern California.

A statewide "Transnational Criminal Investigators Association" should be created to further the cause of improving the training, education, investigation and enforcement relative to transnational crime. Similar institutions exist for organized crime, narcotics investigation, homicide investigation and virtually every other type of crime.

Every mid-sized law enforcement agency in Southern California needs to designate one investigator as the resident transnational crime expert. The need for a full time assignment, and the degree of expertise required would be dependent upon the amount of transnational crime in the community. At a minimum the investigator should have some awareness of various international organized criminal groups, types of transnational crime, and the ability to readily get in contact with appropriate resources such as INTERPOL, foreign prosecution offices, and appropriate task forces.

International Involvement and Training in Emerging Democracies

Local agencies need to work on their own, as Hillsborough PD did or with the federal government in programs such as ICITAP, or with private organizations such as Project Harmony to participate in international law enforcement exchanges and training. These efforts have proven valuable to all whom have been so involved. Benefits have been realized in operational effectiveness, cultural diversity, international good will, and the general career enhancement of officers involved in the exchanges. The idea that the exportation of democratic policing practices is an effective long term weapon against the development of transnational crime in emerging democracies should not be lost on our political and law enforcement leaders.

Cultural diversity programs should be important parts of any coordinated effort to eliminate transnational crime. Local law enforcement agencies that police communities with high ethnic populations, especially populations that are concentrated, should remember that the ethnic street gangs that form in those communities are often an important resource for organized criminal groups. Any efforts toward improving relations between the police and the ethnic community are efforts against transnational crime taking hold and growing.

This is not a one-size fits all plan. As the survey points out, some agencies in Southern California experience more transnational crime than do others. Most phases of this strategy can be implemented at varying degrees. For example, it seems reasonable that every agency could and should identify at least one investigator and provide a minimal amount of training regarding how to contact and utilize the various resources that are available in the investigation of transnational crime. Some agencies however may have significant instances of transnational crime to train two or more investigators or appoint a full time investigator to this position.

Another example of varying applications of this plan would be international police exchanges. While the benefits of this such programs can be said to have long term benefits for our country, state and region as a whole, a community with an extremely high ethnic population (like Hillsborough) might find greater benefits or easier justification in such ventures than less diverse communities.

Based on the evidence of the growth, and potential continued growth for transnational crime it appears that every mid-sized law enforcement agency in Southern California should implement each phase of this plan to some degree. Some phases, such as training and education, will have broader and easier application than will membership in task forces or international exchanges. The level of implementation for each agency should be something decided upon by that agency dependent upon the needs of the community.

Southern California law enforcement has proven in the past that through inter-agency coordination and cooperation it can meet the many and varied challenges it faces in maintaining law and order in the region. Those lessons should not be ignored or forgotten as we face the looming challenge of transnational crime.

Endnotes

¹ Testimony before the House Committee on International Relations (October 1, 1997).

² Results of the supplement to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, on Transnational Crime (Interim report by the Secretariat). United Nations (April 4, 1995)

³ R.L. Paynter, “Uniting Under One Flag”, Law Enforcement Technology, (August, 2000): 61

⁴ Ibid.

⁵ J. O. Finckenaer, “Meeting the Challenge of Transnational Crime”, National Institute of Justice Journal, (July, 2000): 3.

⁶ “The United Nations vs. Transnational Crime”, The United Nations Department of Public Information (Online), (April, 1995); available at <http://www.un.org/ecosocdev/genifo/crime/dpi1644e.htm>.

⁷ A. Selsky, “Russian Sub”, The Daily Breeze, (September 8, 2000), A3.

⁸ J. Robinson, The Merger (Woodstock, New York: The Overlook Press, 2000), 31.

⁹ M. Healy, “State Leads as Home to Immigrants”, The Los Angeles Times, October 5, 2000, A3.

¹⁰ T. Anderson, “LA Area Auto Thefts Up 15% for 2000”, The Daily Breeze, January 30, 2001, A3

¹¹ T. Anderson, “LA Ethnic Gangs Form Global Threat”, The Daily Breeze, March 18, 2001, A1.

¹² “Marasalvatrucha, The Transnational Gang”, Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, (2000). 3.

¹³ J. Leonard, “Agents Target Little Saigon Crime Groups”, The Orange County Register, October 7, 2000, A1.

BIBLIOGRAPHY

- Anderson, T. "LA Area Auto Thefts Up 15% for 2000". The Daily Breeze. 30 January 2001.
- Anderson, T. "LA Ethnic Gangs Form Global Threat". The Daily Breeze. 18 March 2001.
- Babovic, B. "An International Police, Would it be Appropriate and Possible?", A paper for the Fourth Biennial Conference on International Perspectives. 1998.
- Berkow, M. Chief of Police, South Pasadena, California, interview with author February, 2001.
- Charles, D. "U.S. In on War Crimes Court", The Orange County Register. 1 January 2001.
- Clark, W. The California Cauldron, New York, New York, The Guilford Press, 1998.
- Crossette, B. "Overhaul Urged for UN Peace Operations". The San Diego Union Tribune. 17 May 2000.
- Demoy, J. Los Angeles County Sheriffs Department Sergeant, telephone interview by author, February, 2001.
- Finckenauer, J. "Meeting the Challenge of Transnational Crime". The National Institute of Justice Journal. 17 September 2000.
- Healy, M. "State Leads as Home to Immigrants". Los Angeles Times. 5 October 2000.
- International "International News". Law and Order. 10 July 2000.
- Legrand, J. Chronicle of American History. Mount Kisco, New York, Chronicle Press. 1988.
- Leonard, J. "Agents Target Little Saigon Crime Groups". The Orange County Register. 7 October 2000.

BIBLIOGRAPHY

- Muth, M. "INTERPOL, Your Best Resource for International Investigations". Unpublished paper. 2000.
- Muth, M. INTERPOL State Liaison, National Central Bureau, telephone interview with author, December, 2000.
- Natsios, A. U.S. Foreign Policy and the Four Horsemen of the Apocolypse. Westport, Ct., Praeger Publishers. 1999.
- Paynter, R. "Uniting Under One Flag". Law Enforcement Technology. 9 July 2000.
- Robinson, J. The Merger. Woodstock, New York, The Overlook Press. 2000.
- RCMP Royal Canadian Mounted Police Peacekeeping Review. 1999-2000.
- Selsky, A. "Russian Sub". The Daily Breeze. 8 September 2000.
- United Nations "Survey of Crime Trends and Operations of Criminal Justice Systems, on Transnational Crime". 1995. available from <http://www.un.org/ecosocdev/genifo/crime>.
- United Nations "The United Nations vs. Transnational Crime". available from <http://www.un.org/ecosocdev/genifo/crime>.
- United States "International Operations and Legal Atache Program". U.S. Department of Justice, Federal Bureau of Investigation. 2000.
- United States "Marasalvatrucha, The Transnational Gang". Department of Treasury, Bureau of Alcohol, Tobacco and Firearms. 2000.
- Encarta Online Encyclopedia <http://encarta.msn.com>