

# Homeland Joint Interagency Task Force

## Can It Better Deliver Planning, Coordination, and Information Sharing Protocols to Counter Transnational Criminal Threats?

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According to the U.S. National Security Council, the transnational criminal organization (TCO) Los Zetas freely operated over the span of eight years using drug kingpin Ayman Joumaa to launder illicit drugs and cash into the United States.<sup>1</sup> Joumaa successfully coordinated the movement of large amounts of cocaine from Colombia through Mexico to the United States. In another elaborate scheme to conceal drug revenues, Joumaa paid Hezbollah to transport and launder cash from Lebanon to the United States for the purchase of preowned vehicles.<sup>2</sup> The purchased vehicles were subsequently shipped and sold to West Africa.<sup>3</sup> Following the sales, the cash was transferred back to Hezbollah in Lebanon.<sup>4</sup> Los Zetas's protracted freedom of maneuver, collaboration with known terrorist organizations, and operational reach into the United States demonstrates one example of the significant threat TCOs pose to U.S. national security. More importantly, it exposes the problem that the U.S. government (USG) engenders by implementing a flawed strategy to combat TCOs. A review of U.S. policy and associated communications on the topic of TCOs reveals that the USG has not

issued an overarching mandate to combat TCOs in the United States.<sup>5</sup> Consequently, a U.S. piecemeal strategy has developed that fails to provide required unity of command. Defense and law enforcement organizations do not collaborate or share information toward the common objective of combating TCOs in the United States. Inadequate resources and tools preclude successful eradication of TCOs.<sup>6</sup>

The Department of Defense (DOD) created an overarching authority in Joint Interagency Task Force (JIATF) South to lead the fight against TCOs in the Caribbean Sea, the Gulf of Mexico, and the eastern Pacific. JIATF South serves as a fusion center to detect and monitor narcotic trafficking and threats across a forty-two million square-mile area. It is primarily a consolidated information brokerage house that coordinates efforts among the Coast Guard, the U.S. Drug Enforcement Agency, the FBI, and Colombian and Costa Rican law enforcement. Its mission is not to go after drugs per se but to go after the organizations perpetuating the drug trade. The JIATF South organization—a multiservice, multiagency task force in conjunction with Partner Nations—leverages



Air Force Lt. Col. Yadira Greeson, the Joint Interagency Task Force (JIATF) South air component coordination element liaison officer, explains the process of tracking illicit traffickers at the JIATF South joint operations center at Naval Air Station Key West, Florida, 13 July 2018. (Photo by Staff Sgt. Marianique Santos, U.S. Air Force)

all-domain capabilities to promote an environment of peace and stability in their areas of responsibility.<sup>7</sup> The JIATF is responsible for detecting targets, monitoring their efforts, and then interdicting these with a host of resources. Although primarily focused on the illegal drug trade, it also covers other TCO operations. JIATF South is credited with 50 percent of all drug interdictions in the world.<sup>8</sup> Based on the success of JIATF South, the DOD should form a JIATF North to combat the growing threat imposed by TCOs in the United States.<sup>9</sup>

## Transnational Criminal Organizations

Transnational criminal organizations are self-perpetuating associations operating across national borders that use violence and corruption and exploit transnational commerce and communications to protect and disguise their illicit, profit-driven activities.<sup>10</sup> Similarly,

in his 2011 strategy to combat TCOs, then-President Barack Obama defined them as “those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms.”<sup>11</sup> Although TCOs commit a number of crimes, most common are cybercrime, human smuggling, and money laundering, in addition to the trafficking of body parts, drugs, endangered species, humans, nuclear material, and weapons.<sup>12</sup> Other transnational organized crime (TOC) includes counterfeit goods, cultural and wildlife property smuggling, extortion, and illegal gambling.<sup>13</sup> The kidnappings associated with illicit trafficking, murder, and violence of these criminal organizations have challenged the





personal security of citizens and regional security as well as the legitimacy, sovereignty, and stability of key U.S. partner states.<sup>14</sup> The most common illicit activities in the United States are drug trafficking and the trafficking of illegal weapons, which are sometimes used to conduct terrorist acts.<sup>15</sup>

Yurri A. Voronin, a professor of criminal law at Urals State Law Academy in Yekaterinburg, Russia, proclaimed that transnational crime rings are not only becoming more universal but are also becoming more powerful as their mobility expands and transcends across states and other countries.<sup>16</sup> As a result, the threats imposed by TCOs tend to cross diplomatic, intelligence, law enforcement, and military jurisdictions, making them a significant problem in the United States.<sup>17</sup> The advent and expansion of TOC penetrates state institutions, corrupting and threatening governance and national security.<sup>18</sup> Moreover, TCO networks pose threats to the overall economy, which affects strategic markets and U.S. competitiveness.

Furthermore, serious threats such as the nexus of crime, terror, and insurgency; trafficking and transportation of individuals against their will; and weapons trafficking have also been identified.<sup>19</sup> U.S.-based TCOs

The crew of the Coast Guard Cutter *James* poses with more than 33,200 pounds of cocaine and 12,400 pounds of marijuana worth approximately \$448 million in Port Everglades, Florida, on 27 October 2023. The offloaded drugs were interdicted during thirteen separate cases in the international waters of the Eastern Pacific Ocean and the Caribbean Sea. U.S. agencies from the Departments of Defense, Justice, and Homeland Security cooperated in the effort to combat transnational organized crime. The Coast Guard, Navy, Customs and Border Protection, the Federal Bureau of Investigation, the Drug Enforcement Administration, and Immigration and Customs Enforcement, along with allied militaries and international partner agencies, play a role in counterdrug operations. (Photo by Petty Officer 3rd Class Eric Rodriguez, U.S. Coast Guard)

and networks contribute to significant increases in illicit criminal activities and therefore “threaten U.S. interests by forging alliances with corrupt elements of national governments and using the power and influence of those elements to further their criminal activities. In some cases, national governments exploit these relationships to further their interests to the detriment of the United States.”<sup>20</sup> Janice Ayala, Department of Homeland Security director of the Joint Task Force for Investigations, reported in an April 2017 congressional hearing that TCOs are located in every city in the United States.<sup>21</sup>

U.S. business leaders fear that firms and large corporations are placed at a competitive disadvantage by TCOs. These illicit organizations cost legitimate U.S. businesses billions of dollars annually.<sup>22</sup> TCOs target some regions of the country more than others. For example, research indicates that they are more prevalent among bordering states, commonly referred to as partner states.<sup>23</sup> In accordance with research findings conducted by the National Institute of Justice, organized crime groups in the United States have increased their involvement and participation in human smuggling and drug trafficking through Mexico.<sup>24</sup> Furthermore, despite increased border security, TCOs operate using the most sophisticated measures of counter-detection along border states, significantly decreasing and/or eliminating their risk of detection in the United States.<sup>25</sup>

## Ineffective Piecemeal Strategy Against TCOs

Clearly, U.S. piecemeal strategy over time has had a limited effect on the ability of TCOs to successfully operate and grow. As early as the nineteenth century, the USG began its fight against TCOs as it sought to develop a strategy to limit the Sicilian Mafia from doing business with Italian American organized criminals.<sup>26</sup> Between 1960 and 1990, Presidents Richard Nixon and Ronald Reagan, respectively, recognized international drug trafficking as the number one enemy to the United States and developed strategic initiatives to deal with it. In 2000, President Bill Clinton published the *International Crime Threat Assessment*, and in 2008, President George W. Bush implemented codified strategy to combat TCO.<sup>27</sup> In a 2011 publication titled *The Strategy to Combat TCO: Addressing Converging Threats to National Security*, the USG identified TCO as a problem and developed a strategy to address it.<sup>28</sup>

Unfortunately, the DOD released two of its own strategic documents in 2011, both of which largely failed to build upon the 2011 strategy against TCOs. The document *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* fails to reference TCOs while the *Capstone Concept for Joint Operations: Joint Force 2020* only acknowledges TCO as a feature of such a strategic environment.<sup>29</sup> The DOD's strategy failed by not adequately driving authorities in the right direction to effectively counter TCO, not providing detailed information of how the department would reach its desired end state,

and failing to identify specific implementation information.<sup>30</sup> In February 2017, President Donald Trump signed an executive order titled "Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking," which focuses on increasing resources to combat TCOs, enhancing law enforcement's capability to share information, and increasing cooperation with global partners.<sup>31</sup>

## No Overarching Authority to Combat TCOs

JIATF South serves as the overarching authority to combat TCOs in its area of operations, but the USG has no similar mandate for a single overarching authority to counter TCOs in the United States. Because it has failed to mandate such authority, gaps in responsibility or unnecessary redundancy in application of capabilities exist. For example, the fiscal year 2013 National Defense Authorization Act designates law enforcement agencies as the lead in counter-narcotic-related activities and permits joint task force commanders to provide support to them.<sup>32</sup> On the contrary, Title 10 authority contains the provision for the DOD to act as the sole lead agency responsible for detecting and monitoring the transit (maritime and aerial) of varying illegal drugs into the United States when actions are in alignment with local, federal, and state law enforcement.<sup>33</sup> Moreover, Title 10 grants the DOD the authority to capture, divert, intercept, or seize any aircraft or vessels that are considered beyond U.S. geographic limits.<sup>34</sup> In some cases, overlapping authorities mandate multiple agencies to lead the fight against TCOs and their associated criminal activities such as counternarcotics, counterterrorism, and cybercrime. This overlap may be justifiably predicated on the notion that counternarcotics and counterterrorism authorities are critical activities mitigating TCO crime; however, overlapping authorities such as these result in highly disjointed efforts and a lack of coordination and unity of effort, and they contribute to the continuation of successful TCO operations.<sup>35</sup>

## Lack of Collaboration Toward a Common Objective

Another result from a lack of a centralized authority is a lack of collaboration among governmental agencies in the fight against TCOs. Renee Novakoff suggests



that the consequences of their unbridled criminal activity are so severe that they warrant a federal fusion center to lead all counter TCO agency efforts currently employed.<sup>36</sup> A mechanism does not exist as it does in the JIATF South area of operations, which serves like such a fusion center and effectively incentivizes coordination among various government agencies. Under the current configuration, U.S.-based organizations like the FBI, Drug Enforcement Agency, and the National Guard are more inclined to act autonomously and less inclined to join efforts, knowledge, and resources.

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United we stand, and divided we fall.

## Resources or Tools to Counter TCOs

Although not unlimited, the federal government has a vast array of budgetary funding within its agencies to address TCOs. Moreover, there are tools, resources, and capabilities either under discussion or currently available that can defeat or mitigate the impact of TCOs. For example, presidential executive orders or laws can impose sanctions that block the ownership of property or prohibit transactions by TCOs. Seizing or blocking the property or bank accounts of TCOs and associated personnel at every opportunity could choke them off financially. Additionally, legislation that expands the authority of law enforcement to investigate, interdict, and prosecute TCO networks can step up the

pressure on these organizations. Giving law enforcement more tools and sharing information, such as that gained from military spy satellites or eavesdropping on TCO communications, can better allow situational awareness of the threats. Another tool may include changes to the Immigration and Nationality Act to deny TCO criminals or associated members entry into the United States. If TCOs are not physically on the ground within our borders, there is an additional dimension of distance that allows for more opportunity to discover illegal activity, or it simply keeps them at distance. Also, rewards programs that incentivize the international community to turn on TCOs so that arrests and convictions can be made have proven themselves for decades.<sup>37</sup> Money is a great motivator. Although not an all-encompassing list of options, all the avenues discussed here can be utilized to counter TCOs.

A footnote that must be addressed is the content of Title 10. Although Title 10 allows the DOD to provide training opportunities and to share equipment and facilities with law enforcement agencies, the military is excluded from partaking in law enforcement actions. Furthermore, Title 10 guides the DOD to enhance the provision of information gathered and collected in both training and operations that are of relevance to any federal or state law violations within a given jurisdiction.<sup>38</sup>

In accordance with Title 32, state governors who have a secretary of defense-approved plan pertaining to counternarcotics are permitted to receive funding from the DOD.<sup>39</sup> This funding enables state governors to employ National Guard units to conduct counternarcotics-related activities. Due to the array of resources and global presence, these authorities rely on the DOD to significantly contribute to countering TOC.<sup>40</sup>

## Recommendations

Gangs, organized crime groups and networks, and terrorists must fund their efforts and therefore actively engage in illicit activities, further contributing to domestic TCOs. Since these entities are persistent and growing, it is recommended that one policy and organization be generated that can allow for information sharing so that the TCO threat can be properly managed. The best current example of such a successful organization is JIATF South. A similar JIATF North organization would be able to focus on the exploitation of organizational boundaries to ensure that TCOs aren't operating in the space

between DOD and civil law enforcement authorities within the United States. The interconnection inherent between narcotics or terrorism and other criminally based activities allows the DOD the opportunity to counter TOC under these authorities.<sup>41</sup>

The development of a JIATF North against TOC will synchronize governmental authorities with counternarcotics and counterterrorism organizations against TCOs. A JIATF North would enhance the effectiveness of governance, civil support, and security as well as improve cooperation to counter state actors that threaten U.S. interests. As this article indicates, the JIATF South played an important role in U.S. strategy and offered some good lessons learned to help with a model for JIATF North. First, a mandate from higher authority is needed. The secretary of defense or equivalent should initiate these efforts.<sup>42</sup> Second, a strategy is needed that provides required unity of command; the USG has not assigned a distinct, clearly defined mission statement on how to address TCOs. Third, a partnership of organizations is needed to be built that can share strengths and close gaps in weaknesses toward a common objective. Last, the resources or tools of the USG are needed to provide the necessary reinforcement and sustenance for sustained operations. This is more than financial; it would also include the capabilities, personnel, and the time required to make an impact on TOCs.<sup>43</sup> Within the domestic JIATF, the U.S. Northern Command should delegate command to law enforcement agencies that focus on counternarcotics. Including military capabilities in support of counternarcotics and counterterrorism activities would enhance the endeavors of domestic law enforcement

agencies. The JIATF should work in partnerships with the DOD, law enforcement agencies, the National Guard Bureau, and U.S. Special Operations Command to enhance their acquisition of intelligence and information sharing on local, state, and federal levels. This would lead to a better understanding of TOC, and it would provide one distinct yet clearly defined operational commander to ensure a whole-of-government approach to combating TOC.

## Conclusion

Domestic TOC is a growing challenge in the United States. TCOs and other crime groups based in the United States participate in illicit activities that threaten the economy, governance, strategic markets, and U.S. competitiveness, and their efforts are further amplified by expanding economic, information, and transportation networks. To combat the increased prevalence of TCOs, Obama signed a strategy for the USG to combat TCOs. The current USG counter-TOC strategy is measured in accordance with a few key objectives that aim to mitigate such crime. USG agencies currently conducting counternarcotics and counterterrorism operations provide the DOD with an opportunity to help counter TOC. It is imperative for a JIATF to enhance the provision and integration of planning, coordination and information sharing among agencies; collaboration with domestic partners is needed to ensure adherence to a whole-of-government approach to combat TCOs. One distinct yet clearly defined operational commander—a geographic combatant command—should focus on disparate agencies and their alignment with authorities and capabilities to combat asymmetric threats from TCOs. ■

## Notes

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