

INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM**(ICITAP)****COLOMBIA PROJECT DESCRIPTION AND BUDGET****I. INTRODUCTION**

While studies for the restructuring of the Colombian judicial system are currently underway by both Colombian government and private institutions, a general consensus has emerged from those same institutions that the success of any legislative and administrative reforms rests in strengthening the criminal investigative process. In concrete terms this means establishing a comprehensive forensic capability in areas such as crime scene protection, evidence recognition and collection, submission and analysis; interviewing techniques; investigative techniques; case management; and the preparation of sound prosecutive reporting. This paper will identify areas in need of assistance within Colombian criminal investigative agencies and describe specific plans which the International Criminal Investigative Training Assistance Program (ICITAP) proposes to develop to address those needs.

Since mid-January, 1991, Specialized Jurisdictions for Public Order have been implemented throughout Colombia. They concentrate the forces of the criminal justice system, utilizing judges and investigators, to combat drug trafficking and terrorism. It places investigative authority on judicial police investigators. These investigators are members of the three law enforcement agencies: Administrative Department of Security (DAS), Judicial Police Branch of the National Police (DJIN) and, Judicial Police Technical Corps (Cuerpo Técnico). While the initiative may or may not be long lasting, the creation of the Specialized Jurisdiction is evidence of Colombia's commitment to reforming its judicial process and sets up the transition to an accusatorial criminal justice system. However, regardless of the eventual outcome of judicial reform, the need to strengthen Colombian investigative capabilities will remain.

II. SUMMARY

This proposal outlines a four year project consisting of an initial implementation phase 18 months in duration (under FY-91) followed by a second phase (FY-92, 93, 94) for the remaining 30 months of the life of the project (L.O.P). The objective is to assist the Government of Colombia in the development of honest, effective, secure, and professional investigative and prosecutive capabilities in order to significantly improve the Administration of Justice.

ICITAP, in conjunction with officials from Colombia's Ministry of Justice, has identified requirements necessary to accomplish this goal. These include:

- 1) The development of training academy capabilities for the Cuerpo Técnico de Policía Judicial (Cuerpo Técnico) and the National Police's Dirección de Policía Judicial e Investigativa (DIJIN). The GOC has identified both agencies as crucial to the effectiveness of the criminal justice system.
- 2) The strengthening of the investigative capabilities of the Public Ministry, the agency responsible for investigating allegations of corruption and human rights abuse by government personnel. An integral part of this effort lies in the establishment of standards of ethical behavior and their implementation throughout the ranks of law enforcement agencies.
- 3) The development of uniform, effective and compatible forensic practices, providing internships, technical assistance in basic and universal forensic methods, and the donation of selected equipment. This effort would be undertaken following a comprehensive needs assessment and in conjunction with other foreign donors.
- 4) The establishment of a model investigative task force to improve coordination and communication among the various agencies involved in the investigative process. The task force will be established in one urban center and staffed by investigators, judges, forensic experts, and public ministry representatives. The purpose of the task force is to test the empirical evidence of the failure of current inter-agency communication, isolate the causes, determine and implement solutions.
- 5) A comprehensive Judicial Protection Program includes the development of threat assessment and investigation capabilities to strengthen responsiveness to judges and other government officials in security concerns. This includes determining and monitoring the threat level, threat analysis, and investigation and prosecution of professional assassins.
- 6) The development of a financial crimes investigation capability within the criminal justice system from among qualified and competent personnel who will be trained in recognizing and reacting to a variety of illegal financial activity.

III. CRIMINAL JUSTICE SYSTEM

An Overview of the Investigative Process

In any Criminal Justice System, whether accusatorial (common law) or inquisitorial (Roman law), the transition of evidence from its source to a courtroom requires a complex series of understandings, maneuvers, and communication between the respective justice institutions which play a part in the process.

The timely and efficient dissemination of information is a major component of successful criminal investigation. The process begins with the first indication that a crime has occurred or is likely to occur. The initial phase of investigation would generally be the responsibility of the police communications network, designed to receive reports of criminal acts (usually via telephone) and dispatch the information to patrol units who will respond. This phase can occur before overt acts are committed in situations where information is obtained concerning (1) a specific crime which is being planned or (2) when individuals are involved in ongoing criminal acts.

The latter type of information, or "intelligence", is an effective tool in uncovering and combating organized crime. In the current Colombian situation, where organized crime is a major problem, intelligence is critical. However, it is not a panacea and may not be admissible. Basic criminal investigation techniques are still required to prove a case in court.

Intelligence, as collected by an intelligence agency, is done under a different set of rules than those used by an investigative unit of a law enforcement agency. The collection of information is, in itself, the goal of the intelligence agency. It is generally gathered covertly and not designed to be held up to scrutiny by legal entities. The sources and the methods used are rarely willingly divulged. Hearsay and innuendo may be acceptable. Intelligence of this type, is generally not considered admissible evidence in court.

Admissible evidence must be obtained within the rules delineated by a code of criminal procedure, the rule of law. Physical evidence must be submitted using a proper chain of custody, and testimonial evidence must be deemed credible and reliable by a court before it can be admitted. Any evidence submitted will invariably be held up to scrutiny by defense attorneys, judges, and, as is the case in Colombia, by the Public Ministry - the autonomous agency responsible for investigating allegations of misconduct by public employees.

The crime scene phase is the critical component in the investigation and prosecution of most crimes. It is a paradox that the crime scene is time sensitive, yet it has a permanent impact on the investigation. In the investigative process, the crime scene is a window that provides the investigator an opportunity to obtain evidence and clues which will serve as the basis for the investigation and prosecution of the case. However, it is affected by factors such as weather, biological decay, and human manipulation. Once these factors take their toll, the window closes, and the investigator does not have a second chance at any evidence which may have been overlooked.

A crime scene yields a wealth of information to the trained investigator. Successful prosecution of the perpetrators of a crime can be correlated to the quality of the crime scene investigation and the evidence discovered therein. Investigators should not look to a confession by the accused to make this crucial link. Confessions are a valuable tool when they are obtained freely and voluntarily. However, admissibility in court and human rights violations can become issues, especially when confessions are used as the basis for the solution of crime.

Confessions, informant and wiretap information, evidence obtained elsewhere, and circumstantial evidence may make a case stronger; however, it must still be proved that the accused committed a specific act. It is similar to the difference between information indicating that a suspect committed a murder, and evidence that proves a suspect committed the murder under investigation.

Uniformed police, investigators, investigative judges and forensic specialists, play specific roles in conducting proper investigations at a crime scene. These roles involve the scientific, legalistic, and systematic recording, processing and analysis of physical evidence recovered. Evidence serves as the basis for the closest and most reliable representation of the facts. Facts serve the investigator as he or she fits in other pieces of the puzzle and looks for new leads. They serve the investigative judge as he or she presents the case in a hearing, and it serves the higher courts should they become involved. Even evidence which is testimonial in nature is likely to be more accurate if taken at the scene of the crime rather than at a later time when faulty memory may influence a witness statement, or hindsight enables a suspect to concoct an alibi.

Once the physical evidence is recovered and recorded, it must be processed and stored for trial. This transition from crime scene to courtroom is called the "chain of custody", and it must not be broken. In a trial, the reliability of evidence becomes a legal issue and thus, must withstand close scrutiny. The integrity of the chain of custody has to be guaranteed since it ensures that the facts present at the crime scene are the same facts which are presented in the courtroom. This responsibility is the burden of the government.

The results of an investigation should be properly recorded and submitted in a single comprehensive report, with the exception of reports of laboratory analyses. The comprehensive report must conform to the legal system and trial process for which it was designed. It serves as a précis or synopsis which expedites the transfer of real information to the prosecutive bodies, thus saving valuable time. The report's design or format should not be left to the sole discretion of the investigator but must meet criteria, such as the rules of evidence, under which the prosecutive unit works. Generally speaking, laboratory reports should be submitted in toto and should not be paraphrased, since these reports contain detailed scientific analyses relevant to the case.

Investigation from the crime scene to the courtroom implicitly means taking a case through an interpersonal labyrinth. The human elements of individual and group dynamics become involved at every step of the process. An individual investigator is a component of a unit of investigators working under parameters defined by some chief or leader who influences the investigation according to the parameters under which he or she works. Interpersonal dynamics apply to each of the organizations involved in the investigative process. Combined, they create a complex system of vested interests. The end result is that an investigation which should be developed solely upon the strength or merits of the evidence is, in reality, shaped by the various agendas of the agencies involved in the investigative process. The success or failure of an investigation is dependent upon these human interactions. At a minimum, this may lead to fingerprinting or attributing blame if things go wrong, at worse it may leave the

investigative process open to omission, manipulation or corruption.

The Specialized Jurisdiction for Public Order

The implementation of the Specialized Jurisdiction for Public Order signals the beginning of an accusatorial (common law) system. The Specialized Jurisdiction concentrates the forces of the criminal justice system to combat drug trafficking and terrorism. Its jurisdiction encompasses a panorama of acts which are known to have been committed by drug traffickers and terrorists including unlawful enrichment, murder, kidnaping, drug trafficking, possession of explosive devices, possession of firearms, and many other crimes.

Pursuant to the Presidential Decree creating the Specialized Jurisdictions, the objectives are twofold:

- 1) The investigation and prosecution of major drug traffickers and terrorists.
- 2) The protection of the judges assigned to the Specialized Jurisdiction.

Utilizing a total of 82 investigative and trial level judges, 100 representatives from the Public Ministry, and approximately 2800 investigators drawn from the three major investigative services, the Specialized Jurisdiction divides Colombia into five (5) regions, headquartered in: Bogotá, Medellín, Cali, Barranquilla, and Cúcuta.

Each regional office will be headed by a Regional Director, who assigns cases to judges. Regional Directors are professional administrators, not judges. Investigators will be assigned from the three judicial police agencies as follows: The investigative branch of the National Police, DIJIN (2500); the Administrative Department of Security, DAS (108); and the Cuerpo Técnico (150). With the exception of Cuerpo Técnico, these investigators will remain housed in their respective agencies.

The investigators supporting the Specialized Jurisdiction have been given special powers which traditionally had been reserved for investigative judges. These include provisions that evidence collected by the Specialized Jurisdiction investigators will have the same probative value as evidence collected by judges. Sworn statements taken by the investigators will be considered testimony according to the Code of Criminal Procedure. Investigators may conduct searches without the consent of a judge if exigent circumstances regarding the preservation of evidence are present. Investigators will have the authority to conduct wire intercepts upon the authorization of the Regional Director.

The Specialized Jurisdiction's main component to ensure the protection of the judges lies in the anonymity of the judges who are trying the cases. Ostensibly, only the judge and the Regional Director (who assigns a case) will know which judge will be trying a particular case. A complex system using fingerprints in lieu of signatures will authenticate documentation of findings by judges and statements made by certain witnesses. Standard protection safeguards will be implemented as deemed necessary. A

chief of security has been designated at each regional office to coordinate threat analysis and assessments with DAS and the DIJIN.

The decree implementing the Specialized Jurisdiction identifies that the Public Ministry is charged with inspector-general functions and human rights advocacy. A total of 100 representatives have been assigned to perform oversight functions in the investigative process, safeguard the rights of the accused, and to be responsible for ensuring that the legal provisions of the new decree are followed.

The Public Ministry

The Public Ministry, or "Procuraduría" as it known in Colombia, is an independent agency from both the judicial and executive branches of government. It performs the duties of an Inspectorate General. Its mandate is to ensure that all public officials (including military personnel) execute their duties according to the laws and the constitution. The head of this agency, the "Procurador General" (not equivalent in function to the United States Attorney General), is elected by the House of Representatives from a list of three nominees provided by the president. Once elected, he cannot be removed by the congress or the president during his four year term. The Procurador General can fine, suspend, or dismiss any public official except the president, ministers, and magistrates of the supreme court and the council of state. The Public Ministry can also ensure that criminal proceedings are brought against accused officials. The Procurador General accomplishes this mission using fourteen "delegates" and a staff of approximately 500 investigators assigned nationwide.

The Public Ministry also has an Office of Special Investigations consisting of 50 lawyers, accountants, engineers, economists, and other professionals in addition to technicians. This office answers directly to the Procurador General and investigates the nation's most sensitive corruption and human rights abuse cases either in conjunction with the Public Ministry unit which normally handles the specific infraction or by assuming the investigation altogether.

The Ministry of Justice and Instrucción Criminal

In Colombia, the Ministry of Justice provides support and guidance to the National Directorate for Criminal Affairs (Dirección Nacional de Instrucción Criminal or simply, "Instrucción Criminal") and other agencies such as the Bureau of Prisons. The Director of Instrucción Criminal is named by a three-member National Council for Criminal Affairs, comprised of the Minister of Justice, the Procurador General, and the president of the criminal chamber of the Supreme Court.

The Director oversees the newly created National Deputy Director for Public Order, who, in turn supervises the Regional Directors of the Specialized Jurisdictions for Public Order. These Regional Directors administer the judges, who retain autonomy in judicial decisions.

The Three Principal Colombian Investigative Agencies

The National Police and DIJIN

The Colombian National Police is comprised of approximately 80,000 members and is a component of the Ministry of Defense. The organizational makeup of the National Police mirrors standard military structure. The National Police has three rank classes: 1) "Oficiales" or officers, 2) "Sub-oficiales" or non-commissioned officers (NCO's), and 3) "Agentes" or agents. Agents who have distinguished themselves in career endeavors are designated "Dragoneantes".

The investigative branch of the National Police (Dirección de Policía Judicial e Investigativa) is known by the acronym DIJIN. It is the most powerful of the three judicial police agencies and is comprised of approximately 5,000 National Police personnel from all three rank classes. The DIJIN has assigned approximately 2,500 investigators and technicians to the new Specialized Jurisdiction, and has submitted plans to increase this figure to 3,000. DIJIN personnel must have three years of field experience in a uniformed police capacity and complete a five (5) month long course at the DIJIN Academy in Bogotá. The academy was founded in 1985.

Headquartered in Bogota, the DIJIN is also referred to as the "SIJIN" (the "S" is for "Seccional") in the 31 field offices located throughout the country, including a Bogota field office. They are, however, the same entity. One of DIJIN's greatest strengths is its nationwide coverage.

The Administrative Department of Security (DAS)

This agency answers directly to the president. Its mission is to preserve the National Security. DAS is responsible for protection functions (similar to those of the U.S. Secret Service), foreign counter-intelligence functions (much like those performed by the FBI), and the monitoring of aliens (routinely done by the U.S. Immigration and Naturalization Service). It is made up of approximately 8,000 agents and is headed by an active duty National Police general. Most of its six (6) directorates and approximately twenty (20) divisions are headed by retired military and national police officers. One of the DAS directorates, the "Dirección de Investigación y Seguridad Rural", contains a Judicial Police Division, a Forensic Laboratory and an Identification Division. DAS has assigned 108 investigators to the Specialized Jurisdiction nationwide.

The Judicial Police Technical Corps (Cuerpo Técnico)

Cuerpo Técnico, as it is commonly referred to, was created in a 1987 Presidential decree which established a new code of criminal procedure. Although this agency is the newest, smallest, and weakest of the three investigative agencies, it is, by Presidential decree, the principal investigative agency in Colombia. This agency will assign 150 investigators to the Specialized Jurisdiction.

Cuerpo Técnico was designed to address two basic needs in the criminal justice system:

- 1) The application of scientific methods to investigation.
- 2) The need for investigators who are responsive to the investigative judges.

Accordingly, Cuerpo Técnico was placed under the auspices of Instrucción Criminal. The judges assigned to it are called "investigative judges", which (in addition to other functions within the inquisitorial system of law) perform duties similar to those of a prosecutor.

Cuerpo Técnico currently has 1,000 investigators and technicians on staff. Cuerpo Técnico has two classes of agents: the investigative agent and the auxiliary technician. While a high school diploma was required of the current group of investigators and technicians, a more selective approach is feasible now that staffing levels have been reached. A new prerequisite of 2 years of university studies is required of agents hired after January 1, 1991.

Both investigators and technicians must successfully complete the 10 month academy curriculum and one month practicum. The curriculum involves study in five basic subjects including criminal law. The legal instructors are Instrucción Criminal professors with extensive experience in criminal law. After five months attending basic studies together, the investigators and technicians split up into their respective specializations. The final 3 months of the 10 month academic training include Friday night assignments accompanying investigative judges as observers at crime scenes such as a "levantamiento", which is the crime scene processing and recovery of a cadaver.

Upon graduation, Cuerpo Técnico agents and technicians are assigned to one of the 27 sectional offices of Instrucción Criminal throughout the country. The agents and technicians are assigned to assist the investigative judges, and all three pursue investigations together.

IV. DYSFUNCTION OF THE COLOMBIAN INVESTIGATIVE APPARATUS

The coca plant, used in the production of cocaine, is indigenous to the special climate of the eastern slopes of the Peruvian and Bolivian Andes. The consumer markets for the processed cocaine are mostly in the United States and Europe. The trans-shipment points for processed cocaine and paste are in México, Central America, and islands in the Caribbean. The question arises: Why are the world's most powerful cocaine cartels and kingpins Colombian? Although there are many social, economic, and cultural factors involved in the evolution of the Colombian drug cartels, a major factor has been the existence of a "special climate" of institutional weakness that has allowed the drug cartels to take root, grow, prosper, and consequently overrun the host.

A major component in the slide of organized governmental institutions has been the ineffectual administration of justice in criminal matters.

An inordinately low murder solution rate is evidence of the failure of the criminal investigative process to obtain results. In a high level justice sector workshop, the Minister of Justice pointed out that 86% of criminal cases became "lost" in the investigative phase while only 14% went before a trial level judge.

Communication between investigators and investigative judges should be established and continued throughout the investigative process to ensure that the evidence collected is admissible evidence. In some cases, investigative judges will not accept a telephone call from an judicial police investigator. In other cases, the rules and regulations of the investigative agency prohibit the call. By way of example, such a call can only be placed by a colonel or a person of similar status to the judge. The new Specialized Jurisdiction calls for all communication between the judges and the investigators to be done through the Regional Director. A typical region will contain twenty investigative judges, five-hundred investigators, and one Regional Director with his assistant and two secretaries. Centralizing communications into one representative will only hamper and delay the flow of information.

Effective communication implies that the parties involved are competent in the field of criminal investigation and prosecution. The Colombian universities produce the country's judges but have no practical criminal investigation programs in their curricula. Judges must acknowledge this fact and the liabilities they face as a result. The investigators, although experienced in criminal investigation, often do not know how to ensure that the evidence they recover is admissible in court. Under these circumstances, it is incumbent upon the judge to be educated, either formally or ad-hoc, in the techniques of investigation; as it is incumbent upon the investigator to learn the rules of admissibility of evidence.

Although it is not the purpose of this paper to analyze Colombian forensic capabilities, it should be noted that three distinct forensic laboratories exist in Bogotá. These facilities perform some of the same functions, but in some instances use incompatible systems. DAS has a facility, National Police has a facility and the Legal Medicine branch of the Ministry of Justice has a facility. There is no administrative procedure in place to guide investigators and judges in determining the most appropriate facility for the type of work required.

Lastly, the specter of corruption within the ranks of the criminal justice system cannot easily be ignored, minimized or dismissed as an aberration. Corruption in Colombia is a compelling factor in the paralysis of the criminal justice system and must be addressed. Corruption is often an underlying factor in situations where major drug suspects are not investigated, where adequate investigations are not prosecuted, where suspects are released inexplicably, and where confidential information is obtained by drug traffickers enabling them to elude capture and facilitate the bombing of government buildings and the kidnaping and assassination of honest government officials.

V. TRAINING AND TECHNICAL ASSISTANCE CONDUCTED TO DATE

In response to USG and GOC recognition of systemic shortcomings in the Colombian justice system, ICITAP initiated activities in Colombia using FY-88 Administration of Justice funds. An Overview of Investigative Techniques course was presented at the Judicial School for 40 judges and newly named Cuerpo Técnico supervisors in May, 1988. Remaining FY-88 funds were utilized to sponsor a Judicial Protection Conference in April, 1989 with participants from Colombia, Italy, Spain, the United Kingdom and the United States. Although ICITAP did not receive FY-89 funds for Colombia under the Administration of Justice program, funds were provided under the Judicial Protection Program.

From September 5, 1989 through February 15, 1991 a total of 1057 persons were trained in protection related courses under the Judicial Protection Program. Additional training activities were postponed due to the presidential elections and transition of authority, followed by the decision to concentrate all assistance on the Specialized Jurisdiction.

Eight (8) Personal Security Awareness courses and five one-day seminars resulted in the training of 435 judges, administrators, and high government officials (including 2 supreme court associate justices). The remaining 622 participants were from the DAS, Cuerpo Técnico, and the National Police's POVIJ branch (responsible for physical protection at justice buildings).

These law enforcement personnel were provided with nine (9) courses in Techniques of Protection, two (2) courses on Building Security Surveys, three (3) courses in Management of Protective Operations, and one (1) course in Threat Evaluation and Investigation. In addition, ICITAP provided technical assistance in the form of building security surveys and security deployment procedures at nine (9) justice buildings in Colombia including the Palace of Justice, under construction.

Remaining FY-89 judicial protection funds will be utilized for courses and technical assistance for the five Specialized Jurisdictions in personal security awareness, techniques of protection, and security deployment procedures. This training and assistance has been discussed with the five regional security chiefs and the national security chief of the Specialized Jurisdiction, and will be conducted in an "on-the-job" format. This arrangement has been agreed to by the Secretary General of the Ministry of Justice (who coordinates foreign assistance to the justice sector) and the National Assistant Director of the Specialized Jurisdiction for Public Order who administers all five regional offices.

VI. PLANS

Initial Requirements of Activity Descriptions

ICITAP is committed to assisting the government of Colombia in the development of effective and professional investigative and prosecutive abilities. ICITAP has continued to assess training needs and capabilities throughout the implementation of the Judicial Protection Program which began in September, 1989 and is ongoing. During this period, ICITAP utilized the training academies of the National Police, Cuerpo Técnico, and DAS for the presentation of 31 courses and seminars in which 1057 students were trained. Much insight regarding current capabilities and needs has been obtained through interviews with a broad spectrum of members of the law enforcement and judicial communities. As a result, a comparative study was conducted. The ICITAP activity descriptions are based on this comparative study; on dialogue with the three academy directors; on negotiations with Ministry of Justice officials who are in policy making roles; on other key GOC officials including the Procurador General; on the experience of career FBI Agents who administer the ICITAP program; and, on the invaluable experience ICITAP has obtained while implementing criminal investigative training programs throughout the Western Hemisphere.

A comprehensive criminal investigative development program includes technical assistance and training police, investigators, forensic technicians, investigative judges, and trial level judges (jueces de conocimiento and tribunal magistrates). It has been noted that law schools in Colombia do not provide practical criminal investigative training. Consequently, judges do not have a full appreciation for the value of physical evidence and investigative techniques. The fledgling Rodrigo Lara Bonilla Judicial School offers only theoretical criminal law training for judges. Any proposed training program at the school must consider security factors related to the building's design, location, deployment of security personnel, and emergency response capabilities. In addition to the security factor, logistical concerns related to the availability of an appropriate classroom make the Lara Bonilla School questionable as the site for a comprehensive training program. These concerns are shared by the former director of the school and are partly responsible for the school's reliance on correspondence courses.

ICITAP will encourage judges to attend courses designed for investigators in order to promote coordination and cooperation between them. These courses will be held in a secure and comfortable location. In addition, ICITAP will present Overview of Investigative Techniques (OIT) courses which are specifically designed for judges and will include selected judicial police representatives.

A major factor in the success of ICITAP's training and development project is the selection of qualified candidates for instruction and a commitment on the part of the agencies whose members are recipients of such training to continue to deploy trained personnel in a job description which is consistent with the training having been received. Memoranda of understanding and/or contracts between the students and their parent agency addressing these concerns will be utilized.

OUTPUTS:

-Facilities and workspace which will be required are outlined in the specific activity descriptions of this document.

-By August 1, 1991, the signing memoranda of understanding or a similar contract describing prerequisites for attendance at ICITAP courses and a commitment by the respective GOC agencies that personnel trained by ICITAP will continue in a job description which is commensurate with the subject matter of the training received for a minimum of two (2) years, absent any disciplinary factors.

-The designation by Instrucción Criminal of investigative judges who are likely to become prosecutors under an accusatory system to attend selected ICITAP criminal investigative courses. Provisions should be made for the adjustment of caseload while the judge attends the course.

-The authorization by Carrera Judicial (or the appropriate authority) to allow trial level judges to attend selected ICITAP criminal investigative courses. Such authorization should include provisions for the adjustment of caseload responsibilities while the judge or magistrate attends the course.

INPUTS:

-In courses which are designed for investigators, ICITAP will reserve 20% of the slots for instruction and trial level judges provided that notice of intent to attend is given to ICITAP at least one week prior to the course.

-ICITAP uses a variety of methods to accomplish criminal investigative development. ICITAP provides the required instructors, consultants, equipment and training. Consultants provide in-country assistance in the creation of operations procedures, manuals, and forms; the design of facilities and work space; and the care and maintenance of equipment. Consultants provide in-country hands-on training in such areas as crime scene protection, chain of custody (of evidence), overview of investigative techniques, coordination of the investigative process, case management, and sound prosecutive report preparation, all to be conducted within existing Colombian rules of evidence. In addition, ICITAP will provide in-depth forensic laboratory development activities. ICITAP has developed a number of participating crime laboratories, medical examiners and police agencies who are willing to host and train interns in forensic science, forensic pathology, and crime scene processing. ICITAP funds all travel, subsistence and training costs of the internship and monitors progress in completing training goals. Intern training goals are sized to be completed within a three month internship.

Specific Activity Descriptions

1) Developing Training Academy Capabilities

Effective criminal investigation involves a synthesis of investigative techniques, forensic activities, and coordinated administration all grounded in legal procedure, which produce results that serve the investigative judges. This requires existing academies to design and adopt comprehensive training curricula which inculcates techniques and guidelines on trainees which are consistent with this methodology. It is this criteria that determines the topics which are covered in the ICITAP instructor development courses.

OUTPUTS:

-The specific designation of the Cuerpo Técnico Academy auditorium and a suitable DIJIN Academy classroom as sites for ICITAP courses by August 1, 1991.

-The designation of current and prospective academy instructors as attendees in ICITAP instructor development courses.

-By September 23, 1991, the design and implementation by Instrucción Criminal of a specific course for investigators concerning current legal aspects of criminal investigation including rules of evidence, the preparation of search warrants and arrest warrants, and legal considerations in the preparation of reports.

INPUTS:

-ICITAP consultants will furnish technical assistance to the Cuerpo Técnico and DIJIN Academies towards the development of curricula which emphasize requirements for conducting criminal investigations under an accusatorial system. ICITAP consultants will also assist Cuerpo Técnico and DIJIN staff in designing and developing a continuing education program through in-service training and use of a law enforcement periodical to be developed. In-service training could be dictated by need for responsiveness in specific crime and/or by administrative factors such as remedial training for investigators trained under an different requirements. The periodical will serve to keep police, investigators, and judges abreast of current laws, guidelines, and investigative techniques as they apply to criminal investigation. This periodical will begin distribution on a monthly basis beginning on or before October 4, 1991. It is anticipated that four (4) person-months over the first eighteen months of the project would be required to accomplish these goals. Subsequent technical assistance over the life of the project will require two (2) additional person-months.

-ICITAP would provide necessary educational, audio-visual, and other classroom equipment and materials for the Cuerpo Técnico and DIJIN Academies which will be utilized for the ICITAP training. Since a classroom for lecture and forensics training will be necessary, sufficient desks, tables, and chairs must be procured. The academies are currently operating with considerably limited resources and are

unable to provide this equipment.

-ICITAP would sponsor one candidate to the FBI National Academy within the initial 18 months of the project.

-Training:

<u>Course</u>	<u>Courses</u> <u>18 months</u>	<u>Courses</u> <u>L.O.P.</u>	<u>Students</u> <u>Per Course</u>
Instructor Development	2	3	15
Case Management for Instructors	2	3	15
Overview of Inves- tigative Techniques for Instructors	2	3	15
Totals =	6	9	

END OF PROJECT STATUS:

-The curricula of the Cuerpo Técnico and DIJIN Academies will include sound and effective investigative, forensic, administrative, and legal components which produce investigators who are responsive to the needs of investigative judges thereby increasing the conviction of offenders. According to the Minister of Justice, only 14% of all criminal cases make it to the trial level judge (conocimiento stage). The Minister pointed out that the rest of the cases become "lost" in the investigative phase. An increase in the 14% figure by the end of the project would also serve to measure the impact of this development project.

-A permanent in-service training capability will be functional in providing for the continued development of investigators as institutional requirements dictate.

-A periodical which supplies information regarding changes and innovations in laws and criminal investigative techniques will be distributed on a monthly basis.

2) Strengthening the Investigative Capability of the Public Ministry

In a Democracy, the rule of law must be followed if its institutions are to be just and human rights are to be preserved. Employees of the justice sector are tasked with applying justice within the rule of law. An effective system of checks must be in place if the public trust is to be valued. In Colombia, the Public Ministry is the independent agency charged with the responsibility of investigating allegations of misconduct by government employees.

ICITAP has been involved in numerous meetings with the Procurador, the chief of the Office of Special Investigations, the delegate in charge of human rights, and the delegate in charge of investigating allegations of misconduct by the Judicial Police. Based on these meetings, ICITAP will present practical criminal investigative training, provide technical assistance, and furnish selected equipment to the Public Ministry's Office of Special Investigations.

OUTPUTS:

-The designation of Public Ministry investigators to attend ICITAP training courses. The candidates should be investigators who are assigned to the Office of Special Investigations, Judicial Police Unit, the National Police Unit, or attorneys who are likely to become prosecutors under the proposed accusatory system.

-By August 23, 1991, the designation of a secure workspace within the Office of Special Investigations for use by ICITAP consultants in the design and implementation of administrative components.

INPUTS:

-This assistance would include the development of administrative, operational and investigative policies; procedures and manuals; administrative controls; as well as rules, and regulations all of which would be designed and implemented in conjunction with the Public Ministry. Two (2) person-months over the initial eighteen months of the project are required for the proper implementation of the Office of Professional Responsibility. One (1) additional person-month would be required over the subsequent period.

-Supplies such as paper, pencils, pens, notebooks, and paper clips are scarce or non-existent and must be provided. Safes are necessary for the security of confidential reports. Word Processors, photocopiers, and office furniture are also needed. ICITAP will absorb the cost of necessary office equipment for the OSI facilities, and will also work with the Public Ministry in setting budgetary priorities in order for the Colombian government to provide for the maintenance of donated equipment.

-Training:

<u>Course</u>	<u>Courses 18 months</u>	<u>Courses L.O.P.</u>	<u>Students Per Course</u>
Introduction to Professional Responsibility Investigation	2	5	25

<u>Course</u>	<u>Course 18 months</u>	<u>Courses L.O.P.</u>	<u>Students Per Course</u>
Professional Responsibility and Integrity	2	5	25
Money Laundering & Financial Crimes	2	5	25
Totals =	6	15	

END OF PROJECT STATUS:

-Public Ministry investigators (all of whom are professionals in areas such as law, engineering, accounting, etc....) will be familiar with professional investigative techniques which enable them to be more effective in the investigation of corruption and human rights abuse.

-Guidelines, procedures, and policies, manuals, will be in place which systemize the various types of investigations and serve to increase efficiency.

3) Forensics

The overall objective of ICITAP's forensic science development is to create full service crime laboratories, effective fingerprint repositories, competent forensic pathology, and equipped and knowledgeable crime scene processing to support criminal investigations.

ICITAP uses a variety of methods to accomplish forensic science development. Consultants provide in-country assistance in the creation of forensic operations procedures, manuals, and forms; the design of laboratory buildings and work space; and the care and maintenance of forensic equipment. Forensic consultants provide in-country hands-on training in such areas as firearms identification, questioned document examinations, fingerprint classification, and latent fingerprint techniques. Training is contracted from the manufacturers of forensic equipment and instruments. Subscription to a forensic proficiency testing service is provided to measure capabilities, detect problems and promote laboratory management's practice of quality control. Attendance at meetings of professional forensic science organizations in the United States and FBI seminars and training courses are funded. One of the primary methods of forensic development is the use of internships.

Donations of forensic equipment and supplies are made with the understanding that the receiving government will maintain the equipment in good working order, apply the donated materials to the investigations of crimes and make the materials available

for forensic training. Some materials are donated in hands-on courses (such as latent fingerprint and crime scene processing courses) where students use the materials during the course and keep the remaining materials to maintain proficiency and apply to their investigations.

ICITAP's forensic development approach is to divide the problem into four parts; the staff, the facility, the equipment, and the training. The host country is encouraged to participate in the development initiative by providing any necessary staff or facility enhancements while ICITAP provides the required equipment and training. The ability of the host country to sustain a development step is of primary importance in determining which capabilities are addressed first and in setting the development pace.

The first step of the forensic science development process is an assessment of forensic capabilities and needs of the host country. The assessment is used to set development goals and priorities and is periodically updated by progress review visits and proficiency tests. The pace of development is determined by the coordination of the completion of all four development parts (staff, facility, equipment, and training). Training cannot begin until there is appropriate staff. Equipment cannot be installed until there is an adequate facility. The completion of training and the installation of equipment should coincide so that training will not be forgotten because of lack of equipment and so that equipment is not left idle or damaged because of lack of training.

One of the primary methods of forensic development is the use of internships. ICITAP has developed a number of participating crime laboratories, medical examiners and police agencies who are willing to host and train interns in forensic science, forensic pathology, and crime scene processing. Host laboratories are now located in the United States, Puerto Rico, and shortly in Costa Rica. Some of the U.S. laboratories have bilingual staff which permit the training of Spanish speaking interns. Interns are carefully selected to assure appropriate education, experience and motivation for a successful internship. Interns sign a statement of intent to remain in their present employment for at least three years following the internship. Host laboratories are selected to match the training needs of the intern. ICITAP funds all travel, subsistence and training costs of the internship and monitors progress in completing training goals. Intern training goals are sized to be completed within a three month internship.

Full service crime laboratories include: firearms identification to associate fired bullets and cartridge cases with suspect weapons; forensic chemistry to analyze drugs and other chemicals used in crimes; forensic serology to relate blood, semen, and other body fluid stains to victims and suspects; trace evidence analysis of paint and glass particles, hairs, and fibers; questioned documents to analyze handwriting, forgeries and counterfeit currency and documents; as well as a variety of other related forensic analyses.

An effective fingerprint repository system includes capabilities to record, classify and file fingerprints to establish the true identity of persons and special fingerprint files to identify latent fingerprints relating to crimes.

Adequately equipped and knowledgeable crime scene processing includes: the ability to recognize, collect and preserve various types of physical evidence; the development of latent fingerprints at crime scenes and on items of evidence; and the detailed recording of crime scenes using photography and diagrams.

Competent forensic pathology relates to the ability of the medical doctor conducting a forensic autopsy to determine the cause and manner of death. This includes laboratory support in such areas as toxicology and histology.

4) Model Investigative Task Force

A coordinated administrative approach to law enforcement requires a commitment by the various components in achieving the same goals. The manner in which these goals are to be achieved and the roles which the various components will undertake requires sound management skills and inter-agency cooperation. In recognition of this need, the Model Investigative Task Force is an initiative which the Ministry of Justice supports. It is ICITAP's vision that the task force may also serve as the prototype for a modern Criminal Justice Management Development Institute. ICITAP will provide training and technical assistance for one (1) Model Investigative Task Force for the initial 18 month period and will continue assistance under the management development institute concept.

OUTPUTS:

-The designation of a Bogotá site for weekly or bi-weekly meetings of the initial Model Investigative Task Force.

-The designation of first-line and/or mid-level supervisors from the National Police, DIJIN, DAS, Cuerpo Técnico, Instrucción Criminal (Judges), Legal Medicine, and Public Ministry representatives as members of the task force.

-A commitment by the parent agencies of the task force members to implement findings by the task force as they apply to investigations on a working level. Problematic areas include but are not limited to proper notification of major crime scenes, the roles of the various agencies at the crime scene, collection of evidence, use of forensic laboratories, and submission of prosecutive reports.

-The designation of a Criminal Justice Management Development Institute by January 1, 1993.

INPUTS:

-ICITAP will assist in the design, coordination, and implementation of policies and procedures between the various agencies involved in the investigative process. Two (2) person months over the 18 month period will be required for this initiative, with two (2) addition months in the outgoing phase.

-Training:

<u>Course</u>	<u>Courses</u> <u>18 months</u>	<u>Courses</u> <u>L.O.P.</u>	<u>Students</u> <u>Per Course</u>
The Art of Negotiation	1	2	25
Police Management	1	2	25
Seminar for Agency Cooperation	1	1	25
Coordination in Criminal Investigation	1	2	25
TOTAL =	4	7	

END OF PROJECT STATUS:

-The formulation and implementation of a national administrative strategy on working level inter-agency cooperation among investigative agencies.

-Administrative and budgetary authorization by the GOC for a permanent Criminal Justice Management Development Institute under the auspices of either Instrucción Criminal or the proposed Fiscalía General.

5) Judicial Protection

Many resources have been committed in the purchase of armored cars and sophisticated equipment to provide safe, secure work environments. These expenditures are important and necessary. The training of bodyguards has also been a positive step towards the protection of judges and other government officials. However, little has been done in the area of threat level analysis and the development of an offensive strategy towards arresting threats to personnel and the workplace. The GOC has recognized this need and ICITAP will assist in the development of threat assessment and investigation capability. This initiative enables investigators to be more responsive to the security concerns of the judges by collating and providing much needed information not only as it applies to the investigation of threats, but also to assist in determining the proper assignment of armored cars and protective teams.

OUTPUTS:

-The designation by August 16, 1991 of a Bogotá based unit of the Departamento Administrativo de Seguridad (DAS) to work with ICITAP in fulfilling the objectives of this initiative. Selected Agents assigned to other cities should be designated to coordinate regional aspects with the central Bogotá unit, and should also attend ICITAP courses.

-The designation by August 16, 1991, of a Ministry of Justice coordinator to serve as liaison with DAS. The coordinator should be a university graduate in statistics, public administration, or a similar field and should attend all ICITAP courses related to threat assessment and investigation.

INPUTS:

-ICITAP would provide technical assistance, training, and limited supplies. The application of training to a given work situation is a crucial step towards achieving an effective Threat Assessment and Investigations Unit. ICITAP would assist in this transition by periodically assigning advisors to provide necessary technical support. These advisors would assist in administrative and operational areas and would monitor the development of the unit. The consultants will assist the DAS unit in establishing a central clearing house for the collection and processing of threatening letters and audio cassette tapes. Telephonic threats will be systematized by modus operandi and caller profile. These efforts will be designed to anticipate threats, focus on individual groups in efforts to prevent the assault. Three (3) person-months over the initial 18 months period of this project would be required, with two (2) additional person-months for the remaining period.

-Training:

<u>Course</u>	<u>Courses</u> <u>18 months</u>	<u>Courses</u> <u>L.O.P.</u>	<u>Students</u> <u>Per Course</u>
Threat Evaluation and Investigation	2	4	25
Violent Personal Crimes Investigation	2	4	25
Coordination in Criminal Investigation	2	4	25
Totals =	6	12	

-Such a unit would establish files concerning known suspects, modus operandi, handwriting and other investigative methods. The use of Identikits when interviewing witness would be beneficial to the investigative process. Personnel in rover-cars would be deployed when judges and protective personnel report about suspicious persons, thus requiring binoculars hand-held cassette tape recorders for field note taking, and point-and-shoot 35mm cameras. A description of equipment which will be provided by ICITAP is as follows:

<u>Item</u>	<u>Amount</u>
Identikits:	2
Filing cabinets:	5
Binoculars:	5
Cassette Recorders (and tapes):	5
Cameras:	5
Office Supplies:	(For approximately 25 employees)

Physical Protection for the Judges

OUTPUTS:

-By October 4, 1991, the identification and designation by the GOC of current protective service agents who have not received training to attend ICITAP courses in transportation security, management of protective operations, and security deployment procedures. Initial requirements pertaining continuity have already been addressed.

INPUTS:

-The application of training to a given situation is crucial to the success of the overall objectives. ICITAP consultants will provide technical assistance to the protective agencies in the development of policies, procedures, and manuals concerning protective services. Two (2) person-months over this 18 month initiative is required.

-Training:

<u>Course</u>	<u>Courses 18 months</u>	<u>Courses L.O.P.</u>	<u>Students Per Course</u>
Techniques of Protection	1	1	25
Security Deployment Procedures	1	1	25
Management of Protective Operations	1	1	25
Totals =	3	3	

-Equipment and Supplies:

Because they have no holsters, plainclothes agents who provide transportation security for the judges tuck their firearms in their waistbands or simply lay them on the seat of the car as they drive. Nor do the agents have clearly identifiable apparel which distinguish them law enforcement agents. The question of authority is crucial to the avoidance of dangerous confrontations with uniformed National Police and other protection teams who are likewise providing security for judges and government officials. Incidents of protection teams "drawing down" on each other (pointing firearms at each other) and actual shootouts have occurred in the past. Plainclothes agents should be properly equipped with holsters for their firearms, pouches for reloading ammunition, and clearly marked windbreaker-type jackets:

<u>Item</u>	<u>Amount</u>
Holsters:	200
Windbreaker Jackets:	200
Bullet or Magazine Pouches:	200

END OF PROJECT STATUS:

-The Threat Assessment and Investigations Unit will have made significant cases leading to the arrest and prosecution of individuals and members of organizations who threaten judges.

-Continuity and professionalism in the protective services through training, technical assistance, and term contracts for trainees.

6) The Development of Financial Crimes Investigations Capability

High-tech criminals combined with organized crime create a new and difficult challenge to criminal investigation. Embezzlement schemes now include the use of computers and wire transfers to appropriate large sums of money. The movement of money by using financial institutions and ghost corporations in various countries to conceal the source of ill-gotten gains is difficult to unravel. An integral part of the GOC judicial reform strategy is the development of a financial crimes investigation capability. ICITAP will furnish technical assistance and training to the GOC based on their submission of a needs assessment and capability study.

OUTPUTS:

-Submission by October 4, 1991, of a financial crimes investigation needs and capability assessment by the GOC which includes an analysis of current criminal laws, a statistical analysis of Colombian financial crime activity, and pertinent Colombian bank secrecy laws.

-By October 4, 1991, the identification of candidates from the Public Ministry, Superintendencia Bancaria, the Banco de la República, the Administración de Impuestos, along with selected judges who are likely to become prosecutors under an accusatorial system, who satisfy minimum educational and professional prerequisites for training and internships.

INPUTS:

-ICITAP consultants will provide technical assistance in developing procedures for case management necessary to understand the labyrinth of financial transactions common in these types of investigations. Both investigators and judges who would try such cases will be included in this activity. It is anticipated that two (2) person-months would be required over the initial 18 months of the project, with two (2) person-months over the remaining life of the project.

-Training:

<u>Course</u>	<u>Courses</u> <u>18 months</u>	<u>Courses</u> <u>L.O.P.</u>	<u>Students</u> <u>Per Course</u>
Money Laundering and Financial Crimes	3	6	25
Case Management	3	6	25

<u>Course</u>	<u>Courses 18 months</u>	<u>Courses L.O.P.</u>	<u>Students Per Course</u>
Coordination in Criminal Investigation	3	6	25
Totals =	9	18	

END OF PROJECT STATUS:

-Colombian investigators will be capable of successfully undertaking complex investigations related to money laundering, fraud, embezzlement, and other financial crimes.

-The establishment of a comprehensive manual for the investigation of financial crimes including the roles of the investigator and the prosecutor.

-The accomplished implementation of a network investigators and prosecutors (investigative judges) who cooperate and coordinate with both national and international law enforcement agencies towards the prosecution of financial crimes organizations which are known to rely on jurisdictional limitations to circumvent effective prosecution.

VIII. ADMINISTRATIVE SUPPORT ACTIVITIES

In addition to Washington D.C. based direction and program oversight, the ICITAP Colombia Program staff will consist of a Project Manager, an Assistant Manager (or a Training Coordinator) and a local hire secretary in Bogotá, Colombia. Other ICITAP Washington, D.C. based resources, including one administrative officer dedicated full-time to this project, will provide support in the areas of forensic laboratory development, program evaluation, and accounting of funds. ICITAP Colombia staff will work out of offices at the U.S. Embassy, the cost of which will be borne by ICITAP. Since their assignment in this project will require a Permanent Change of Station, ICITAP will also bear the expense of relocating its employees and their families to and from Colombia, and any fringe benefits such as medical, educational, and housing allowances incidental to an overseas assignment. Initial assignments will be two years in duration. The Bogotá staff will be responsible for developing task orders and managing long term and short term contracting of consultants and instructors, as well as the logistical and administrative support functions of the consulting firm Miranda Associates, Inc.

Miranda Associates, Inc. supports ICITAP throughout the hemisphere and will assign personnel to this project who will travel to Bogotá on a TDY basis in order to perform their logistical support activities.