DIRECTOR
JOINT INTERAGENCY TASK FORCE SOUTH
KEY WEST, FLORIDA 33040

March 27, 2009

Dear Judge Hinojosa:

In response to the U.S. Sentencing Commission's request for public comment on the proposed sentencing guidelines for the Drug Trafficking Vessel Interdiction Act of 2008 (DTVIA), I urge the Commission to set the highest possible base offense level due to the serious threat posed by these self-propelled semi-submersible vessels (SPSS) and their crews who transport multi-ton loads of cocaine, and potentially other illicit cargo, bound for the United States. Operating a semi-submersible vessel without nationality on an international voyage is a serious international problem that facilitates transnational crime, including drug trafficking and terrorism, and presents a threat to the safety of maritime navigation and the security of the United States. Of grave concern is the rapid increase in the use of the SPSS.

The Department of Defense is the lead federal agency in efforts to detect and monitor aerial and maritime transit of illegal drugs towards the United States. The Joint Interagency Task Force South (JIATF South) is responsible for the detection and monitoring of suspect air and maritime drug activity in the Caribbean Sea, western Atlantic, Gulf of Mexico, and the eastern Pacific. Every department and agency with counter narcoterrorism responsibilities participates in making JIATF South an extremely effective and efficient organization. JIATF South integrates and synchronizes interagency counterdrug operations, and also collects, processes, and disseminates counterdrug intelligence to support interagency and partner nation operations. JIATF South also utilizes foreign liaison officers from 11 different countries to facilitate transnational cooperative counterdrug efforts. Last year, JIATF South stopped more than 228 metric tons of cocaine from entering the United States or from reaching foreign markets and helped facilitate the capture by law enforcement or partner nations of 317 drug traffickers.

Each year, cocaine from the Andean region directly contributes to the deaths of thousands of U.S. citizens, and has spread its toxic effects to many countries in this hemisphere and abroad. Narcotraffickers are intrinsically transnational, and they continue to develop fresh markets, explore alternative routes, and refine current tactics. They are highly innovative and keep investing in relatively low cost and unique conveyance and concealment technologies to counter our detection systems. A vivid example of this is the SPSS -- one of the most significant threats we face in maritime law enforcement today.

The SPSS vessels are stateless vessels built in the jungles of South America with no legitimate use. They are built for stealth and the capability to rapidly scuttle. SPSS vessels are watercraft of unorthodox construction capable of putting much of their bulk under the surface of the water, making them extremely difficult to detect. SPSSs are typically less than 80 feet in length and carry up to five crew and 12 metric tons of illicit cargo at speeds of up to twelve knots. SPSS vessels can travel from the Pacific coast of Colombia to Mexico without refueling.

Prior to the passage of the DTVIA, their crews typically would abandon and sink the vessels and contraband when detected by law enforcement in order to evade U.S. prosecution for drug trafficking. Although U.S. interdiction forces nearly always capture imagery of detected SPSS and the crews abandoning them before they sink, attempting to access and recover contraband before a scuttled SPSS sinks was very dangerous and often impossible. The passage of the DTVIA significantly aided law enforcement efforts to deliver consequences to those who put to sea in these conveyances by eliminating

the need to recover contraband evidence, and reduced the hazard to the boarding teams who were attempting to recover contraband prior to the destruction of the SPSS.

Because of their successful ability to transport illicit cargo nearly undetected – SPSS trafficking accounts for approximately 30 percent of cocaine movement in the drug trafficking transit zones – their use is on a rapid rise. Since 2006, the interagency community has documented over 115 SPSS maritime drug smuggling events. In 2008 alone, an estimated 68 SPSS maritime events were documented at sea on their way to market of which 11 were disrupted with 18.5 Mts cocaine seized and another estimated 38.6 Mts cocaine scuttled. Alarmingly, we anticipate roughly 70 similar vessels in 2009 will ply the waters of our region – with a potential cargo capacity of over 380 metric tons of cocaine, or other illicit and dangerous material. Setting a base offense level lower than the present recommendation of 34 may result in the continued increase in the use of these conveyances, often called "cocaine coffins," and a shift away from the more easily interdicted fishing vessels due to the disparity in sentences with cases brought under the Maritime Drug Law Enforcement Act (46 U.S.C. §70501, *et. seq.*) A base offense level of 34 would provide the deterrent effect necessary to combat the use of these dangerous and innovative crafts.

I thank the Commission and its staff for its efforts following the passage of the DTVIA and urge the Commission to set the highest possible base offense level as a means of deterring the use of this dangerous method for transporting illicit cargo bound for the United States, and to reflect the serious nature of the threat posed by the SPSS to our national security.

Very Respectfully,

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The Honorable Ricardo H. Hinojosa
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