UNITED STATES INTERDICTION COORDINATOR
750 17th Street NW
Washington, D.C. 20503
March 20, 2009

The Honorable Ricardo H. Hinojosa
Chairman
United States Sentencing Commission
One Columbus Circle N.E.
Suite 2-500 South Lobby
Washington, DC 20002-8002

Dear Mr. Chairman:

As you establish sentencing guidelines for the Drug Trafficking Vessel Interdiction Act of 2008, I request that you carefully consider setting the base offense level at 34 due to the serious threat posed by self propelled semi-submersible vessels (SPSS) and their crews, not only from the large amount of narcotics that they transport, but also the hazard to human life inherent in the design characteristics of the vessels that make them so appealing as a conveyance for illicit cargo. The legislation recognizes that unregistered SPSS vessels have no legitimate use on international voyages and present an inherent threat to the safety of maritime navigation and the security of the United States, regardless of the presence or type of contraband carried. I strongly support setting a base offense level of 34, as it will result in sentences that properly reflect the criminality of the conduct and remain within prescribed statutory limits.

The Drug Trafficking Vessel Interdiction Act of 2008 was passed with the specific intent of bringing these skilled, highly paid crews to justice despite their proclivity to destroy the vessels and all other evidence of their criminal intent. Their nefarious activities are characterized by a wanton disregard for the lives threatened by their illicit cargo and particularly for the lives of the law enforcement officials who attempt to prevent them from delivering their poison. These vessels are inherently dangerous. They are designed to be rapidly scuttled or sunk in response to any approach by law enforcement officials. This poses an unacceptable risk, not only to the criminal crews who operate them, but also to the law enforcement personnel who place themselves at considerable risk to rescue or detain the crews. These interdiction efforts take place on the high seas, often in near-total darkness, thereby exacerbating the risk to law enforcement officials. The fact that these crews are willing to risk their own lives (as well as others) to avoid prosecution for their offenses makes it perfectly clear that they are fully cognizant of the insidious nature of their cargo and the consequences of their actions if brought to justice.

Virtually unknown prior to 2005, the self propelled semi-submersible vessels described in the legislation have quickly become a major conveyance of illicit drugs. The first known use of an SPSS vessel for drug trafficking occurred in 2006. In FY 2007, we had information supporting 19 known events. In FY 2008, data from the Consolidated Counterdrug Data Base (CCDB) indicate that SPSS vessels were used for 74 known events to transport more than 421 metric tons of cocaine from South America, over 30 percent of all the cocaine movement toward the United States. Despite significant law enforcement efforts, the clandestine nature of the SPSS vessels resulted in successful tracking and interdiction of only 11 of those 74 known events. Therefore, an estimated 344 metric tons of cocaine was successfully delivered by SPSS crews. According to CCDB estimates, each SPSS typically carries over five and one half metric tons (5.5 MT) of cocaine. This means that only one

successful SPSS event could have supplied over six grams of cocaine to each of the 906,000 persons in the United States (age 12 and older) who used cocaine for the first time in 2007. Out of these new users each year, at least one out of every four will become addicted to cocaine within four years. That same average SPSS load translates into about $94,000,000 for a typical drug trafficking organization.

In our hemisphere, SPSS technology is only known to have been used for the transportation of cocaine thus far. However, similar technology has been employed by the Tamil Tiger Rebels to support terrorist operations in Sri Lanka. A Sri Lankan engineer was detained aboard the first SPSS that was interdicted, and a second Sri Lankan was detained aboard another recent seizure. This lends significant credence to the linkage between the drug trafficking organizations and other worldwide terrorist groups, as well as the potential employment of these vessels to support other forms of terrorism directed against our nation, our allies and other legitimate governments worldwide, and our hemispheric partner nations. Although no evidence currently exists, scuttling these vessels at sea may someday (perhaps already) be a tactic employed to conceal the transportation of a much broader spectrum of deadly cargoes.

The crews who scuttle the SPSS vessels do so with wanton disregard of the environmental impact of their actions, allowing their multi-ton cargoes of narcotic drugs and chemicals to dissolve into the oceanic environment. Recognizing these environmental concerns, United States and partner nation law enforcement agencies no longer dispose of seized contraband at sea.

I cannot stress enough the urgent need to establish the base offense level at 34 to combat the dangerous trend among transnational drug trafficking organizations (DTOs) of employing SPSS vessels to transport cocaine and other illicit cargo to the United States. Operating or embarking in a submersible or semi-submersible vessel without nationality on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking and terrorism, and presents a specific threat to the safety of maritime navigation and to the security of the United States.

I strongly urge you to establish a base offense level of 34 for all those who perpetrate this dangerous conveyance of massive amounts of illicit contraband while demonstrating complete disregard for human lives.

Sincerely,

Patrick M. Ward

Patrick M. Ward
U. S. Interdiction Coordinator