



U. S. Department of Justice

Criminal Division

Washington, D.C. 20530

February 13, 1995

MEMORANDUM

TO: Jo Ann Harris
Assistant Attorney General

FROM: Robert K. Bratt *RBK*
Executive Officer

SUBJECT: Management and Organizational Review of the
International Criminal Investigative Training
Assistance Program (ICITAP) FOIA(b) (6)

In mid-January 1995, you asked me to undertake a review of ICITAP's proposed reorganization plan and provide assistance to ICITAP in obtaining additional full time equivalent (FTE) workyears to support its projects in Haiti and the Ukraine. Shortly thereafter, as a result of your being advised of several significant allegations against [redacted] you directed that we expand the scope and intensity of our review to investigate these allegations.

We limited the timeframe for completion of our review based on the critical and sensitive nature of these allegations. In less than three weeks we have interviewed, either in person or by telephone, all of the ICITAP managers and many of the ICITAP staff, as well as two contractors, and two Department of State employees. For the most part we had to rely on the personal recollections and sometimes the written documentation of staff. Based on their reports, it is no surprise that these employees are professionally and personally frustrated by their own observations or third-part accounts of [redacted] inappropriate behaviors, and by their sense of being ill-appreciated or professionally disadvantaged because they were not a part of [redacted] "inner circle."

Under the constraints of this timeframe, we have been unable to do an in-depth investigation of many of the allegations. However, the pattern that has emerged within the context of our interviews and the documentation that we were able to collect paints a fairly consistent picture of (1) [redacted] management style, which seems to have proven ineffective within ICITAP (2) the unhealthy and unproductive work environment that

has developed and worsened as a result of that style, and (3) the perception of favoritism and possibly inappropriate and detrimental contractor practices that [redacted] fostered either through ignorance or intent.

We are providing two attachments. The first is a report of the allegations, accusations, and problems gathered during our interviews. The second is the organizational assessment that addresses the structure and staffing issues that were the basis for our initial review. We have summarized our recommendations below.

RECOMMENDATIONS:

We propose that the following actions be taken immediately to resolve the management issues and address the tense and dysfunctional work environment that exists within the ICITAP organization.

We strongly urge you to act upon our recommendations quickly to avoid seriously jeopardizing and possibly derailing the ICITAP project ongoing in Haiti. Although ICITAP activities on the Haiti project are being maintained, it is being heavily supported by the intervention of four of ICITAP's headquarters managers. Failure to provide competent in-country management and to remedy staff shortages there beyond a 30-60 day timeframe may result in compromising the project and damaging the credibility of other ICITAP projects.

1. Eliminate the Dysfunctional Family

ICITAP has become an organization that has two separate camps, with [redacted] in one and most of the managers and staff in another. The incident with [redacted] has touched off tremendous in-fighting which has polarized the office even further. In the next few months, without external intervention, there will be serious harm to the entire program. These issues will not go away without direct and specific action from Criminal Division.

The solution is to either:

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Clearly, there are various and often extreme conflicts in the management styles, professional conduct, organizational

culture, and personalities of the members of the ICITAP team. As one would expect, neither side seems "blameless." Neither solution represents a panacea for the management, administrative, and operational ills that presently exist in ICITAP. Regardless of the solution, the organization and the program will have to be closely managed and monitored to ensure their restoration to "normalcy."

Having acknowledged this, there are reasons why we believe that removal of [redacted] represents the better option. First, he hasn't shown the ability to manage [redacted]

Secondly, many people in the office feel that there is a subtle discrimination against women and minorities which is fed by observations and reports that [redacted] has made derogatory remarks, of both a personal and professional nature, against [redacted] personnel who fall in these groups.

Lastly, there have been many criticisms about [redacted] personal and professional behavior both on travel and around the office. While there could be some dispute about the severity of the accusations and the motives of those making them, there is enough credible evidence to indicate that there is a problem.

2. The Job Selection Process

Two changes need to be implemented immediately. First, everyone should be able to compete for all positions in the office. Presently, most of the higher graded positions have been designated as "FBI detailee" only. This has prevented ICITAP staff from being allowed to compete for these positions, even when their experience and expertise would have listed them among the best qualified.

The final sign off on these positions should be the Assistant Attorney General of the Criminal Division. The FBI should no longer be given an opportunity to overrule the selections made by the ICITAP Career Board and substitute another candidate for the position.

3. Expand the Authority for the In-Country Managers

One of the major problems for the managers who are working in-country is the lack of specific authority necessary for responsible performance of their duties.

At the top of the list is the Contract Officers Technical Representative (COTR) responsibility. A COTR is a person who acts as the liaison between the Government and the contractor providing the required services. Among the COTR's duties is the responsibility to provide direction to the contractor on services to be provided, what procedures they must follow to procure services, what items can they pay for, etc. This responsibility presently rests with an individual in the Administrative Division in headquarters.

In-country managers presently give the day-to-day direction to the contractors in the field, but when any procurement of supplies, equipment, services is required, the paperwork and final approval must come from headquarters. COTR authority and responsibility for projects under their jurisdiction should be transferred to the Operations Unit Chiefs. This authority and responsibility could be further delegated to the in-country managers based on the type of appointment under which they are working (FTP, detail, IPA) and their ability to assume these functions. This process would greatly empower the operational managers and would streamline a procurement process which currently makes little sense and causes unnecessary delays.

In addition to the possible delegation of COTR responsibilities, more emphasis should be placed on giving the in-country managers sufficient financial information and authority to manage their projects. The system envisioned is very similar to the present method of budgeting used for Criminal Division Section Chiefs/Office Directors. These Criminal Division managers are presently given budgets for controllable items such as travel, supplies, and training. Each month they are given reports which advise them of the status of their funding availability and expenditures. ICITAP should immediately begin to explore what items can be budgeted for and released to the field as a means of streamlining the process.

4. Develop a Management Plan

There have been more studies of ICITAP in the last year than almost any organization. All have different emphases and all conclude that there is a lot that needs to be addressed both in the short run and over the long term. However, there hasn't been any implementation plan formulated nor any priority given to the various suggestions. A plan needs to be created that breaks down goals for a 90-day timetable. At the end of the time, another plan would be developed for the next 90 days.

The management plan should focus of the following areas:

- Empowering in-country managers,
- Increasing employee accountability,
- Improving office systems,
- Developing standardized country training plans, and
- Developing in-house training programs.

One of the key aspects in formulating these plans is the involvement of the ICITAP staff. From the onset, ICITAP employees should be involved in the discussions of what, when,

and how these goals are going to be achieved. Employee participation, from the beginning, will foster a good environment to ensure success of these initiatives.

We are confident that implementation of sound management practices and a team approach to project activities will ensure continuation of ICITAP's internationally visible and highly valued work in assisting foreign governments to establish and maintain law enforcement infrastructures.

If you would like to discuss these issues further, please let me know.

Attachments

Attachment A

Previous Documentation of ICITAP Organizational Problems

In April 1994, allegations of possible misconduct, mismanagement, and various areas of waste and inefficiency within ICITAP were referred to the Office of Inspector General (OIG) for review. As a result, the OIG issued a report to the Assistant Attorney General/Criminal Division (AAG/CRM) on July 28, 1994. The OIG "did not substantiate any allegations of misconduct involving ICITAP personnel," but did "note some wasteful and questionable practices as well as areas where better planning and communication should have occurred." On August 11, 1994, the OIG issued a second report to address separately the management issues concerning ICITAP. The report cited:

- lack of communications and necessary cooperation between the two major organizational components;
- lack of clear written policies and procedures leading to wasteful practices;
- excess reliance on service contractors to perform administrative functions that could be performed in-house;
- appearance of excessive pay rates to consultants;
- several internal control weaknesses related to goods and service delivery verification; and
- coordination and cooperation of project managers in areas of financial management and accountability.

Internally, John Theriault (who was then Deputy Director) conducted a management review beginning in May 1994 by circulating an employee survey soliciting "constructive observations about ICITAP's mission, culture, core values, strengths, weaknesses, and suggestions for improvement." In his own evaluation report, Mr. Theriault states that the responses reveal a "profound indictment of the management, leadership, and culture of ICITAP," describing an organization that:

- lacks mission definition and vision
- lacks strategic planning and clearly defined objectives
- lacks effective communication and teamwork

ICITAP ORGANIZATION REVIEW

Management Issues

- is resistant to change.
- has a very low morale
- is dysfunctional primarily because of lack of leadership and intolerably bad management
- personalizes all issues, and
- faces the rise of "tribes" competing for dominance.

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Another internal review was undertaken in December 1994 by

[redacted] published his "observations" in a five page list of management, administrative, and operational recommendations to improve ICITAP's internal and external activities and interactions.

We have specifically itemized these findings because they provide clear evidence that areas of management weakness and deficiency have been well-documented, both internally and externally, over the last 12 months. However, the majority of these problems remain unresolved today [redacted]

Scope of the Criminal Division Office of Administration Review

In mid-January 1995, the Assistant Attorney General/Criminal Division directed that the Executive Officer and his staff review ICITAP's proposed reorganization plan and provide assistance to ICITAP in obtaining additional full-time equivalent (FTE) workyears to support its projects in Haiti and the Ukraine. Shortly thereafter, several significant management issues came to light that expanded the scope and intensity of the ICITAP review:

- January 13, 1995: the referral of a complaint to the Department's Equal Employment Opportunity Staff citing

February 13, 1995

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transfer of an employee from one project to another

The Office of Administration interviews with ICITAP, Department of State, and contractor staff have revealed the following allegations, accusations, and problems:

Current Environment

1. The heavy reliance on the use of FBI detailees within ICITAP has resulted in a number of organizational weaknesses and contributed to staff divisiveness, both of which underscore many of the problems cited by ICITAP staff.

- The use of a large contingent of FBI detailees was initiated at the beginning of the program to provide law enforcement expertise. The continuation and expansion of this practice has been justified by citing the limitation on FTE that was available to hire permanent ICITAP staff. However, this practice seems to have adversely impacted efficient operation of the ICITAP organization and the morale of ICITAP staff.
- Certain specific positions have become institutionalized as "FBI detailee" positions. Competition for these positions has been limited to the FBI. Therefore, ICITAP staff have been prevented from competing for these positions, even in situations where their experience and expertise would have enabled them to be considered among the "best qualified."
- Selection of FBI detailees for ICITAP positions is inappropriately and excessively influenced by the FBI Career Board. In making vacancy selections, ICITAP convenes its internal selection panel to review the list of qualified applicants and to recommend selection of the best qualified candidate. For "FBI detailee" positions, the ICITAP panel chooses from among the FBI employees that have applied for the position and then refers their choice to the FBI Career Board for concurrence. If the FBI Career Board does not concur with the ICITAP choice, it offers a substitute FBI candidate.

In three of the last four referrals that ICITAP has made, the FBI Career Board has rejected the ICITAP candidate of choice and substituted another candidate for the position. In two of these cases, ICITAP ignored the recommendation of its Career Board in favor of the FBI's substitution. In the case of the third substitution, ICITAP has not taken any action to act on the FBI's "selection." In the fourth circumstance, there was only one FBI applicant for the position; that individual was referred to and approved by the FBI for selection.

- During one of our interviews with Director Theriault (himself an FBI detailee), he expressed specific concern that the FBI uses ICITAP as a dumping ground. The Director also referred to this issue in his July 7, 1994, memorandum to the AAG/CRM on "ICITAP Management Issues." The memorandum states that "internal exigencies within the FBI periodically prohibit . . . the selection/or retention of the most qualified candidates." Director Theriault's recommendation to resolve this concern was "expansion of the agencies from which agent staff can be drawn, to include other Federal, as well as state and local law enforcement agencies."
- ICITAP staff view many FBI detailees as less qualified than themselves for certain positions historically labeled "FBI detailee"--certainly having less ICITAP program experience and often lacking the country-specific skills that are often necessary for understanding and interacting with in-country nationals.
- FBI detailee entitlement to availability pay of 25 percent of base salary (even while detailed to ICITAP) results in different pay scales for FBI detailees and ICITAP staff who are expected to function at the same grade levels.

2. Lines of authority and communication have been blurred and are loosely regarded by [redacted] many of the ICITAP staff. This situation has been [redacted] exacerbated by the frequent shifting of managers' responsibilities (particularly in the Haiti project). This has led to staff confusion, uncertainty, miscommunication, misunderstanding, and resentment.

- During the time of the proposed reassignment of [redacted] [redacted] (who was in travel status to Haiti)

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refused to take phone calls from the Operations Manager, [redacted] who wanted to discuss this critical and time-sensitive issue [redacted]. Initially, [redacted] relayed messages on this matter through [redacted]. [redacted] is specifically named in the EEO referral as having made reference to [redacted] as the basis for recommending that [redacted] take [redacted] off the Ukraine project. Later, [redacted] instructed one of [redacted]'s subordinate managers, [redacted], to take her call and handle the matter.

[redacted] has developed a close personal relationship with two of the contractor staff, [redacted] assigned to the Haiti project. (Specific findings relating to this are provided under later in this report.) This relationship seems to have "empowered" [redacted] and [redacted] to step beyond the legitimate limits of their contract. Several staff reported being given specific instructions by [redacted] and [redacted] on how to carry out their staff activities. These instructions were transmitted to employees as though having the weight of management authority and with an expectation that they would be acted upon. Sometimes these instructions were to carry out routine clerical tasks for the contractors.

Lines of authority and communication among FBI detailees have created a shadow organization that excludes ICITAP staff. This is particularly apparent where an FBI detailee has operational and management disagreements within the established ICITAP chain of command. In these instances, the FBI detailee manager is likely to circumvent that chain of command to take his grievance directly to the Director.

3. ICITAP staff believe that their advice and input is often disregarded or minimized [redacted]. ICITAP managers report that [redacted] often makes decisions based on his discussion with them, but later changes or reverses his decisions without notice and without explanation for the changes.

These changes of mind [redacted] are believed to be the result of [redacted] heavy reliance on the advice of his Special Assistant, [redacted].

[redacted] and two contractors, [redacted]. It should be noted that none of these individuals has been with ICITAP for more than 12 months. In fact, [redacted] [redacted] has been with ICITAP less than 90 days and has no direct operation experience with ICITAP programs.

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- In September 1994, shortly after the ICITAP team went into Haiti, the head of the Haiti Project team, Mike Berkow, notified the Operations Manager, Jan Stromsen, that he was considering resignation. Ms. Stromsen, [redacted] immediately began her search for a qualified replacement candidate. As a result Ms. Stromsen was able to set a recruitment interview with a highly qualified candidate from the Los Angeles Police Department (LAPD). [redacted] [redacted] However, during this candidate's visit to Haiti to discuss the Program Manager's position there, [redacted]

[redacted]

As a result, the LAPD candidate withdrew himself from consideration for any of the Haiti positions.

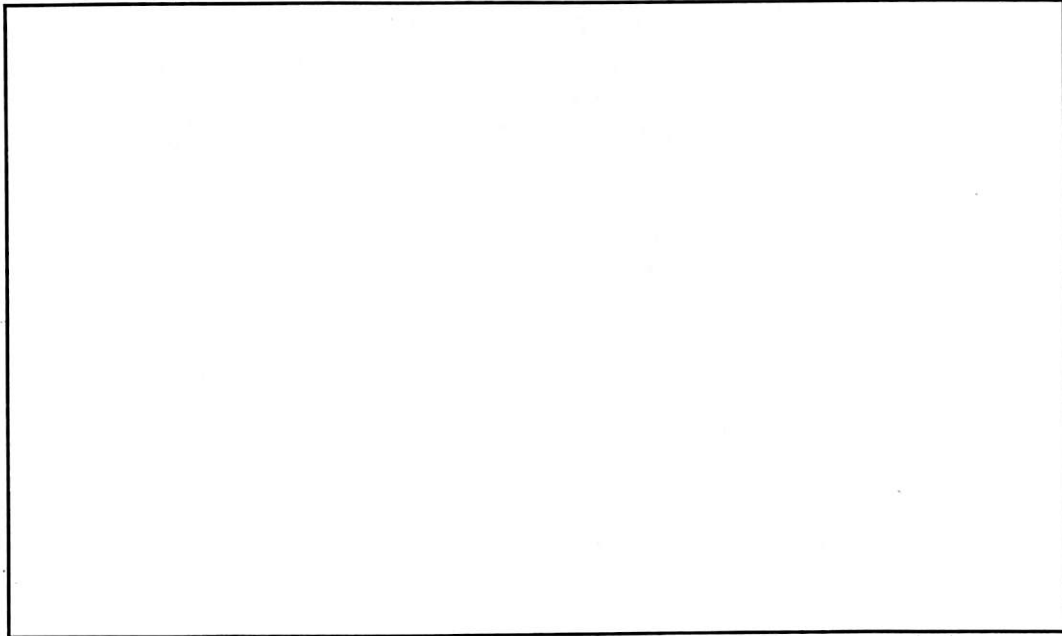
[redacted]

- The Operations Manager, Jan Stromsen, has on numerous occasions expressed her concerns about the selection of personnel for other major in-country projects.

Ms. Stromsen had grave concerns about the ability of an Assistant Manager (an FBI detailee) in Panama to assume the role of Project Manager for that project. Having expressed her concerns [redacted] and recommending that the vacancy be announced Government-wide, Ms. Stromsen was later asked to be a member of the ICITAP Career Board and was "directed" to give her official consent to the selection of this individual. Subsequently, the FBI Career Board determined that another candidate should be selected for this position. No personnel action has been initiated to name either the ICITAP or the FBI choice to the Panama Project Manager position.

4. Many ICITAP staff describe the office environment as hostile, tense, and unproductive. They feel that they are held as second class citizens, and that their few chances for recognition and advancement are hampered by unfair competition with FBI detailees whom staff believe, in most cases, to be less qualified and experienced for positions.

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- The tension among staff has been exacerbated by [redacted] [redacted] being judged and given assignments based on non-professional, clearly personal criteria such as gender and sexual preference (addressed in following section).
- [redacted] such actions are observed as further evidence of the demeaning and demoralizing manner in which they are regarded, and are shared and commented on with emotional fervor.
- As a result of their frustrations, many staff have resorted to documentation of personal and professional conversations, both those of which they are directly a part and those that they have overheard, creating an information network that focuses on accusation, innuendo, and name-calling.

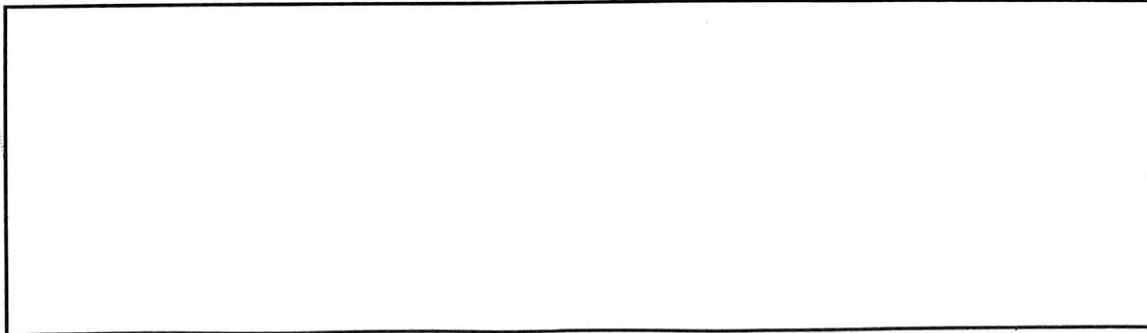
Questionable Practices [REDACTED]

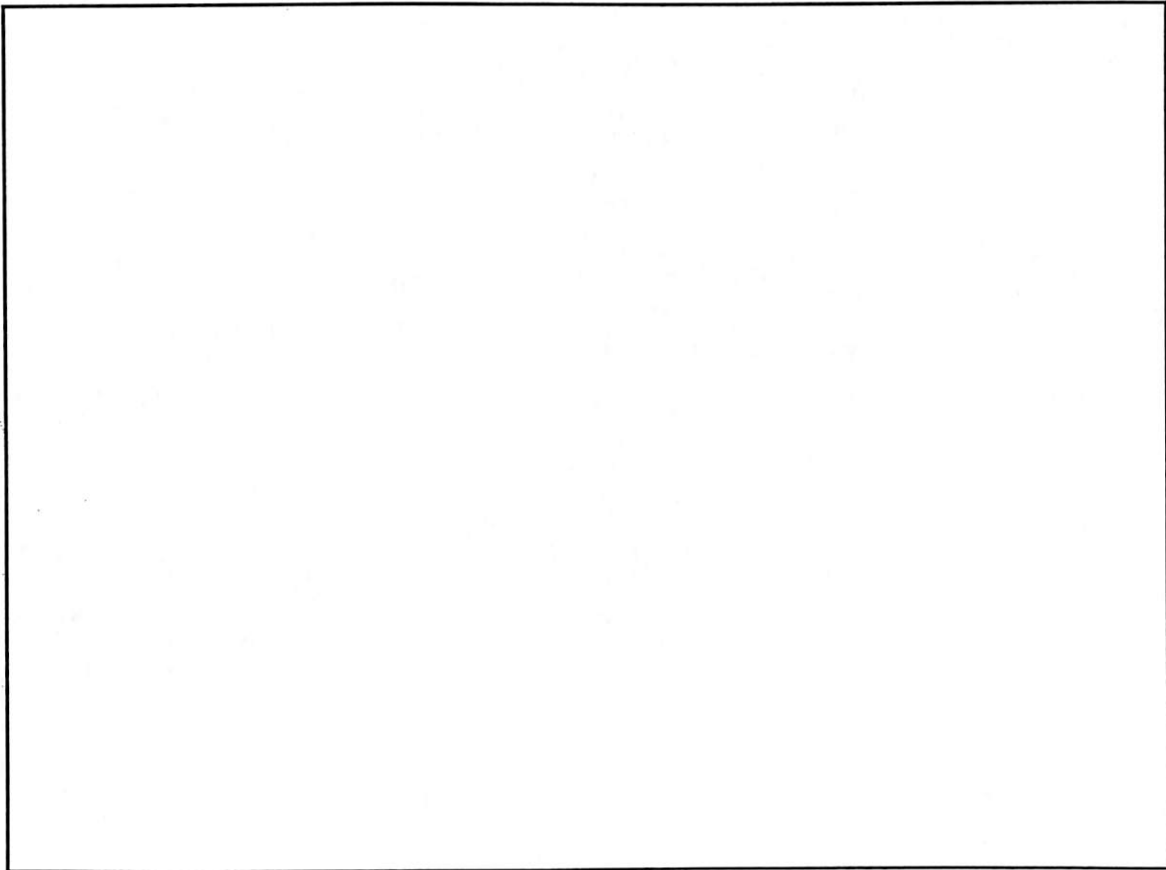
- The EEO referral alleges reassignment of an employee, [REDACTED] from one project [REDACTED] to another [REDACTED] based on [REDACTED] personal sexual preference. This action seems to have occurred without regard for [REDACTED] previous involvement and clear professional expertise in the [REDACTED] arena. [REDACTED] the employee who was to have replaced [REDACTED] on the [REDACTED] project, had been assigned to support the [REDACTED] project and had no expertise in the [REDACTED].

- Staff reports that [REDACTED] had established a scenario under which they would entrap one of the female managers, [REDACTED] into failing to obey a directive from the Director. [REDACTED]

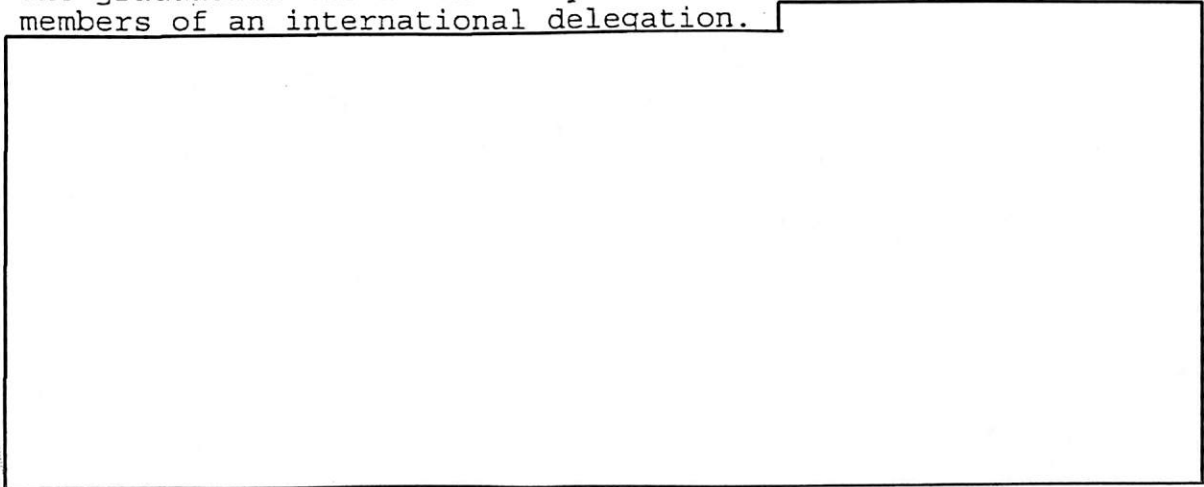
[REDACTED] This "insubordination" would then be used as justification for her removal.

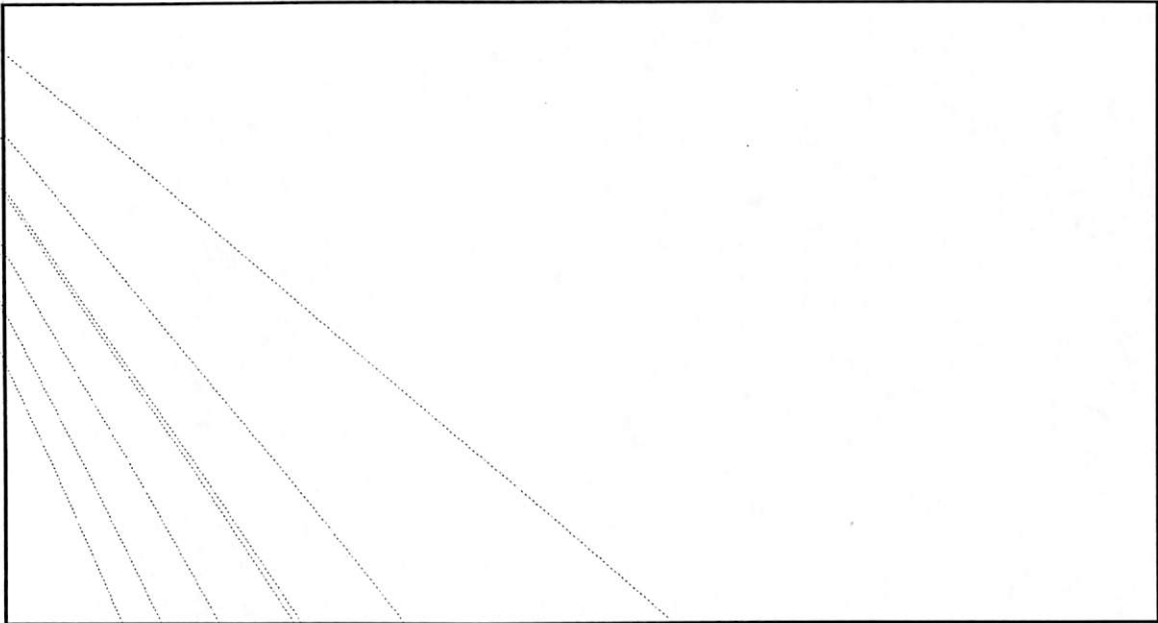
- While on visits to Port Au Prince, Haiti, several ICITAP employees regularly witnessed [REDACTED] having loud and boisterous discussions with [REDACTED]. All reported incidents occurred in a public setting, often at the hotel bar/restaurant where [REDACTED] had been drinking. At the time, [REDACTED] were clearly identified as ICITAP representatives by their ICITAP hats and jackets. On these occasions, [REDACTED] made openly critical and derogatory remarks about other ICITAP staff, the staff of [REDACTED] ICITAP contractor, and members of the Embassy. These conversations are also reported to have contained obscenities, off-color jokes and humor, and reference to gender and sexual preference of specific ICITAP staff.





On November 5, 1994, the first two classes of Haitians participating in the Transition Course for Interim Public Safety Officers graduated from the National Policy Academy. The graduation was attended by President Aristide and members of an international delegation.





- Also during this same visit to Haiti, Wandra Mitchell, the General Counsel of AID, and Annette Adams, the Assistant General Counsel for Latin American Affairs of AID, approached [redacted] to introduce themselves and to request a meeting. The quoted response from [redacted] was "What for?" Then [redacted] told them that he was too busy, and that they could meet with Ms. Stromsen instead.
- In their observations of [redacted] over the course of the next hour and a half (as he had his breakfast with several men), Ms. Mitchell and Ms. Adams reported much the same behavior, language, and posturing as has been reported by members of the ICITAP staff. They specifically report that [redacted] was loudly critical of the Haitian nationals.
- The overall impressions of [redacted] expressed by Ms. Mitchell and Ms. Adams is that he was unpleasant, rude, insensitive, isolated with his group, standoffish, and "very much the ugly American."
- Employees report that [redacted] regularly leaves the office at mid-afternoon. Sometimes he notifies [redacted] and/or [redacted] of his departure and his whereabouts, but often does not. (Sometimes he just says he's on his beeper.)

Staff perception is that [redacted] spent many afternoons over the summer playing tennis [redacted] [redacted] is often heard discussing the actions and results of these games giving credibility to these stories.

We were unable to verify [redacted] use of leave during these frequent early departures [redacted]

[redacted] assured us that if he left the office early in the afternoons to play tennis he would have taken leave to do so. Also, he arrived in the office at 6:30 every morning.

Questionable Activities Related to ICITAP Contractual Services

• In October 1994 it is reported that [redacted]

[redacted] This action [redacted] is cited as one of the bases for the OIG referral made in January 1995. Although we are advised that this action in and of itself does not constitute a prohibited personnel practice, it does alarm the staff and further contribute to their belief that they are prevented from participating in fair and open competition for ICITAP jobs for which they may be appropriately qualified. It also reflects an insensitivity [redacted] to the feelings of ICITAP staff and an ignorance of the merit selection and promotion process.

[REDACTED]

[REDACTED] was an SAIC employee under contract to ICITAP on the Haiti project until January 20, 1995, when he resigned his position.

Although [REDACTED] connections as a retired military officer were instrumental in obtaining valuable equipment and services from the U.S. military for the project in Haiti, his methods of obtaining this equipment and services have resulted in criticism and possibly unanticipated expense to the Haiti project. [REDACTED] indicated that the equipment and services he obtained were being provided without cost to ICITAP based on their availability through the military. This was later determined to be untrue.

At least a month ago (probably early January), Colonel Larry Saunders, Multinational Forces Liaison on Police Matters, directed [REDACTED] to discontinue his "scavaging" of equipment and services directly from the U.S. ground forces and to coordinate his logistical operations through Colonel Saunder's office. [REDACTED] angered both Colonel Saunders and the Embassy by ignoring this directive and continuing to solicit and accept military services for ICITAP in Haiti. [REDACTED] never reported Colonel Saunder's directive to Ms. Stromsen or to Tom Forgas, the Headquarters Unit Chief responsible for the Haiti project.

Colonel Saunders and the Embassy staff raised this issue regarding [REDACTED] activities with Ms. Stromsen and Ms. Mann during their visit to Haiti in early February. Otherwise, Ms. Stromsen may never have become aware of it.

Although the discussions with Colonel Saunders seemed to indicate that the direction given to [REDACTED] was also communicated to Dennis Pierce, the in-country Assistant Manager for the Haiti Project, this information has not been verified.

It is unknown whether [REDACTED] had been apprised of this directive, and [REDACTED] ignoring of it, [REDACTED]

[REDACTED] However, it appears that Mr.

[redacted] did not want to relay this directive from Colonel Saunders because it may have rendered him ineffective for any ICITAP project activities in Haiti.

[redacted]

- On January 11, 1995, [redacted] planned a trip to Haiti to attend the ceremonies surrounding the transfer of U.S. military command from the 10th Mountain Division to the 25th Infantry. During this visit the Director planned to present an ICITAP plaque to General Mead.

In order to officially authorize the travel of the two contractors, Statements of Work (SOWs) were prepared by the contractors. The Unit Chief, Tom Forgas; the Operations AD, Ms. Stromsen; and the Administrative AD, Raquel Mann, all refused to sign the SOWs because they did not provide adequate program justification for the official travel of these contractors. As a result, Ms. Stromsen was instructed [redacted] to "fix it" so that it could be done. Ms. Stromsen developed specific tasks that were to be accomplished on the visit so that the two contractors' travel could be justifiable to the ICITAP project in Haiti.

To date, Ms. Mann reports that she has not received from [redacted] any of the deliverables that were called for in the SOWs that were prepared for this trip to Haiti.

- Although [redacted] left the employ of SAIC on January 20, 1995, and [redacted] has not been covered under an SOW to perform work for ICITAP since his trip to Haiti January 11, 1995, both continued to have access to ICITAP offices into early February. [redacted] is reported to have been in a 7 a.m. meeting with [redacted] and [redacted] as recently as February 10 or 13, based on the ICITAP visitor sign-in sheet.)
- At present and without benefit of a SOW for contractual services, [redacted] still has possession of an ICITAP laptop computer that was provided to him at the direction of [redacted].

FOIA(b) (7) - (C)

On February 7, 1995, ICITAP Contractor Officer Technical Representative (COTR), Patrick Whelan received for processing a SOW for services performed by [redacted] in December 1994 under the ICITAP contract with Ebon Research Systems. [redacted] is working on the Haiti project as a consultant under contract to Ebon. To the knowledge of Mr. Whelan, Ms. Stromsen, or Ms. Mann, no one from ICITAP requested that [redacted] provide these services. Ebon had prepared a SOW for [redacted] work based on the limited information that they had. However, Ebon was requesting guidance because they were unable to process [redacted] voucher for this period without a delivery order from ICITAP. The consultant fee voucher was in the amount of \$1,444.43 to include 13 hours of administrative report preparation and 16 hours of travel to Norfolk, VA and participation in an update briefing for General Sheehan, CINC, ACOM.

In a note [redacted], Mr. Whelan was seeking advice on this matter. His specific concerns were that this SOW covers services provided by [redacted] "retroactive to a period 30 days before it was prepared"; that "it shows a single day of work, but authorizes 18 fee days (the number that [redacted] vouchered)"; and "it shows a single work duty but, again, authorizes payment for 18 fee days." What also seems at issue is who directed [redacted] to perform these services, and how and why [redacted] was directed perform these services outside the mechanism of the normal SOW process, without the knowledge and consent of the COTR, Ms. Stromsen, or Ms. Mann.

Ebon was selected as the logistical contractor in Haiti for a combination of reasons: (1) their in-country manager was a Haitian-American; (2) they had a low overhead rate for their services; and (3) their work was previously known to ICITAP. Although both Ms. Stromsen and Ms. Mann report that Ebon's work has not been perfect, the problems with Ebon are resolvable and probably result from the rapidly blossoming and evolving nature of the Haiti project.

As a matter of fact, Ms. Mann reports that Ebon has met, and in some cases exceeded the requirements of their contract.

with ICITAP for work in Haiti. However, the interference and duplication of efforts by contractors, [REDACTED] [REDACTED] has led to confusion on the part of Ebon as to the specific nature of their role in the project.

There is a perception that Ebon is being set up for termination of its ICITAP contract in Haiti. Ebon's termination would result in the contract for services in Haiti falling to SAIC. Ms. Stromsen and Ms. Mann have advised [REDACTED] that this could give the appearance of favoritism, [REDACTED]

[REDACTED] Ms. Stromsen and Ms. Mann believe that termination of the Ebon contract without adequate cause could be the basis for a lawsuit.

ICITAP's Project in Haiti

As noted throughout our listing of findings, there are a variety of issues and problems that have significantly impacted ICITAP's handling of the project in Haiti.

If these practices are allowed to continue, the Haiti project may be seriously jeopardized and possibly derailed. Although ICITAP activities on the Haiti project are being maintained, they are being heavily supported by the intervention of four of ICITAP's headquarters managers (excluding Director Theriault). Failure to provide competent in-country management and to remedy staff shortages there beyond a 30-60 day time frame may result in compromising the project and damaging the credibility of other ICITAP projects.

Attachment B

CURRENT ORGANIZATIONAL STRUCTURE

ICITAP's mission has evolved, since its inception in 1986, from basic police training to developing institutions and infrastructures to allow for administration of justice predicated on principles of civilian policing in a democratic society. Currently, ICITAP's organizational structure (see attached chart) includes a Director and Deputy Director (currently vacant) supervising two Associate Directors and the Chief of the Policy and Planning Section. The Associate Directors oversee ICITAP's Operations and Administrative Divisions.

- The Operations Division is responsible for the implementation of ICITAP's mission of development and training "in-country." ICITAP's developmental efforts are implemented by contractors, paid by ICITAP, whose activities are coordinated by the Operations Division.
- The Administrative Division coordinates the program's budget, procurement, personnel, and all other administrative issues. Responsibility for the management and oversight of all contracts (COTR responsibility) is handled by the Administrative Division.
- The Policy and Planning Section coordinates the development of curricula and conducts audits and reviews of ICITAP's projects and policies.

FUNDING

ICITAP does not have any base funding to support its operations and, therefore, is not a part of the Department's formal budget submission to the Congress each year. Funding for ICITAP's activities is transferred to the Department of Justice from the Agency for International Development (AID), through the State Department. The funding that is transferred to ICITAP is designated for specific projects/programs and must be used within a specified period of time.

However, there are instances when up-front planning requires ICITAP resources prior to the receipt of funding for the project. When this occurs, resources are "borrowed" from other projects until funding is received. These realities, in addition to the complexity of tracking multi-project funding of varying lengths, make ICITAP's funding issues unique.

ICITAP tracks project/program funding through the use of two working accounts (the A Fund and the V Fund):

- Monies in the **A Fund** cover the costs associated with the salaries, benefits, and related expenses of ICITAP staff including Foreign Affairs Administrative Support Agreements (FAAS) for Embassy support in-country. The amount diverted from each project fund is based on the amount of time that is dedicated to a particular project.
- Resources in the **V Fund** are used for project development and implementation services provided through ICITAP's contractors.

Since August 1994, the Administrative Division has published regular reports for program managers, outlining their project's current financial status. These reports are currently being refined and further explained to managers in order to be an effective management tool.

TYPES OF PERSONNEL

ICITAP employs a variety of categories of employees due to the ever-changing nature of its mission and the uniqueness of its funding.

- **FBI Details**

Since its inception, ICITAP's Director has traditionally been detailed from the FBI. Other positions historically labelled "FBI detailee" are located in the Operations Division serving as: the two Unit Chiefs; all of the "in-country" project managers; some of the assistant project managers; and the forensic specialist. These positions have been traditionally labeled as "FBI detailee" due to constraints on full time permanent (FTP) hiring and, therefore, were not open to occupancy by FTP staff.

- **FTP Staff**

FTP staff are used at headquarters because they were more permanent in nature. However, there are also some FTP employees within the field projects.

- **Non-Permanent Staff**

Non-permanent staff give ICITAP the flexibility to staff up quickly to meet new project requirements and also to downsize if necessitated by a reduction in funding or workload.

- ICITAP utilizes some "Term" employees in the Operations Division to staff positions. These employees are hired and utilized for specified timeframes.
- Recently ICITAP has developed programs to bring Federal, state and local law enforcement officials to work "in-country" on ICITAP projects for specified timeframes. These employees, brought in through Fellowships and Intergovernmental Personnel Agreements (IPAs), have been invaluable to the organization by bringing specialized expertise to project work at a reasonable cost.

REORGANIZATION CHANGES

The Criminal Division's Office of Professional Development and Training (OPDAT) is proposed to be merged with ICITAP as a part of the Division's pending reorganization. This will create an organization focusing on designing, implementing and coordinating administration of justice projects (law enforcement, forensic and prosecutorial) internationally.

In addition, as a result of the transfer of ICITAP to the Division, the potential exists for the realization of operational efficiencies by consolidating functions of ICITAP's Administrative Division with those performed by the Criminal Division's Office of Administration (ADMIN).

REQUESTED STAFFING INCREASES

The following staffing increases are included in a proposal that has been developed by ICITAP management:

- Office of the Director (3 position increase)
- Office of Professional Development and Training (OPDAT) (1 position increase)

Request includes an increase of one position from OPDAT's current on-board level of 9 positions.

- **Operations Division (19 position increase)**

The requested increase would enable the Operations Division to staff up as new projects come on-line (e.g. Georgia/Ukraine, Russia, South Africa, etc.).

- **Administrative Division (5 position increase)**

The requested increase would provide records management functions and additional lower-graded clerical positions.

- **Policy and Planning Section (8 position increase)**

The requested increase would be used to implement:

- an operations center to handle after hours cables and requests from the field;
- a security unit for collection and analysis of intelligence and information on the countries where projects are being planned/implemented; and
- logistics and field support to address the logistical requirements of growing projects.

RECOMMENDATIONSORGANIZATION STRUCTURE

- Recommend that ICITAP's structure remain as depicted on the attached organization chart. Management should undertake a full assessment of the organization, based on priorities and needs, to determine any changes that may be necessary in the future. (Because of time constraints imposed on this review, the ADMIN team could not conduct the in-depth assessment that is necessary.)

TYPES OF PERSONNEL UTILIZED

- Recommend the Director position be designated as a FTP position encumbered by a career SES manager. Further, recommend the Director have a career Deputy to focus on operational and managerial issues within the organization.
 - Recommend that more accountability regarding program activity be placed with the Unit Chiefs in the Operations Division.
 - Recommend that the two Unit Chiefs in the Operations Division be FTP employees. Currently, these positions are staffed with detailees from the FBI. Use of FTP employees with project management experience will ensure continuity in how the field programs are developed and managed.
 - Recommend that responsibility for the oversight of contractor services (COTR responsibility) for projects be transferred from the Administrative Division to the Unit Chiefs in the Operations Division. This recommendation is contingent on the Unit Chiefs being FTP employees and being properly trained in contract management. If this recommendation is adopted, the position that is currently performing the COTR function in the Administrative Division should focus on audit/oversight of the contracts and COTR's.
- Further recommend that Unit Chiefs delegate COTR responsibilities to Program Managers in-country when appropriate/possible. This responsibility can only be delegated when the Program Manager is a government employee.

- ICITAP should expand the use of Intergovernmental Personnel Agreements (IPAs) to attract a pool of qualified active Federal, state and local law enforcement officials to meet future temporary staffing and/or teaching requirements for its in-country projects. ICITAP should aggressively recruit IPA candidates from all appropriate sources to provide a broad range of candidates, make the selection process more competitive, and employ only highly qualified applicants.
- ICITAP should also expand the use of Fellowships to bring qualified instructors to in-country projects for specified periods of time. Utilizing "Fellows" is more cost-effective than using contract instructors.

REQUESTED STAFFING INCREASES

- Recommend no staff increases in the Office of the Director and OPDAT, pending further management review.
- Recommend no staff increase in the Administrative Division. With the merger of ICITAP into the Criminal Division, the Office of Administration should be able to assist ICITAP when needed. This should include any assistance ICITAP requires with its efforts to automate functions.
- Staffing for the Operations Division should only increase as new projects and associated funding are acquired. However, where appropriate, the use of non-permanent staff (term government, IPA and fellowships) should continue to be expanded for emerging in-country projects.
- Recommend no staff increase in the Policy and Planning Unit at this time. The proposed new functions should not be implemented without further management review.

USE OF CONTRACTORS

- As recommended in the Inspector General's memorandum to the Assistant Attorney General, Criminal Division, dated August 11, 1994, regarding ICITAP, management of ICITAP should thoroughly study the current use of contractors to complete necessary functions. ICITAP should explore and determine whether it would be more cost-effective to use ICITAP personnel to complete some functions currently done by contractors. A study on this issue has been proposed by the Administrative Division, but currently remains pending.

OPDAT'S ROLE

- With its pending merger with ICITAP, OPDAT should be reflected as a separate box on the organization chart. However, OPDAT personnel should be integrated, to the extent possible, into the functions performed by the Operations Division. This merger of organizations should, in effect, create an umbrella organization focusing on developing law enforcement, forensic and prosecutorial institutions and infrastructures.

CENTRALIZING ADMINISTRATIVE SUPPORT

- The Administrative Division of ICITAP should remain independent from the Office of Administration in the Criminal Division. The differences in the administrative requirements (i.e., the types of positions that they recruit, the differences in their funding, etc.) and the need to track expenses separately, appear sufficient to negate any potential efficiencies that could be realized.

FINANCIAL REPORTS

- ICITAP should continue to develop and refine the financial reports provided to "in-country" managers. These reports should be tailored so that managers in the field can understand and use these reports to better manage their resources and operations.

INTERNATIONAL CRIMINAL INVESTIGATIVE
TRAINING ASSISTANCE PROGRAM

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AG & DAG ICITAP BRIEFING

June 7, 1995, 1 p.m.

Material Prepared by Jo Ann Harris

Material Prepared by Mylan L. Denerstein

AAG Harris telephone: 514-2602

Ms. Denerstein telephone: 616-6690

I. PURPOSE

A meeting has been scheduled on June 7 at 1 pm to discuss the Criminal Division's response to the FBI proposal to take over ICITAP (see Exhibits A and B).

II. BACKGROUND

From the initiation of the ICITAP program within the Department in 1986 until March 1, 1995, the ICITAP Director position was held by an FBI detailee. The FBI has acknowledged that ICITAP did not receive the attention warranted under the Bureau.

In April 1994, ICITAP authority was delegated from the Office of the Deputy Attorney General to the Criminal Division.

In August 1994, the Criminal Division proposed the establishment of a new office within the Criminal Division to coordinate and provide administration of justice training in a comprehensive fashion. The office would assimilate ICITAP and combine it with the Division's Office of Professional Development and Training (OPDAT), which had long been training foreign prosecutors and judges (Exhibit D). The outline of this proposal was briefed to DEA and FBI. Both organizations concurred.

In December 1994, the Attorney General approved the Criminal Division's proposed reorganization plan, including the merging of ICITAP and OPDAT to establish an Office of International Criminal Justice Training and Assistance (OICJTA) (Exhibit E).

In January 1995, the proposal regarding ICITAP was part of the reorganization plan submitted to Congress (Exhibit F).

In January 1995, the Criminal Division began administrative review of ICITAP. As a result, severe managerial problems were discovered.

[Redacted]

[Redacted]

entire community concerned with Haitian affairs was notified, including the FBI and the State Department.

[REDACTED]

Sometime in March 1995, Director Freeh sent the Deputy Attorney General a letter requesting that ICITAP be transferred back to the FBI (Exhibit C).

[REDACTED]

[REDACTED]

In June 1995, Acting Director Bratt reports that ICITAP has come a long way. The ICITAP project in Haiti is stabilized, [REDACTED] (Exhibit B).

Further, Bratt has instituted good management practices ranging from contracting control to morale building programs. Weekly staff meetings have been instituted, internal working groups have been formed to assess ICITAP's organizational, operational, and procedural effectiveness. Communications with the concerned community have never been better.

From his intense experience with ICITAP during the last quarter, Bratt has proposed a completely new structure for OICJTA (Exhibit G).

We believe that all members of the international community concerned with the effectiveness of ICITAP will give high marks for the Criminal Division's stewardship.

In June 1995, representatives of the Criminal Division and the Attorney General and Deputy Attorney General are scheduled to meet to discuss the Criminal Division's response to the FBI proposal.

III. PARTICIPANTS

The Attorney General
The Deputy Attorney General
Jo Ann Harris, Assistant Attorney General, CRM. Div.
Seth Waxman, Associate Deputy Attorney General
Mark Steinberg, Director Executive Office of National Security
Mark Richard, Deputy Assistant Attorney General, CRM. Div.
Robert Bratt, Acting Director ICITAP; Exec Officer, CRM. Div.
Molly Warlow, Counsel on National Security, CRM. Div.
Mylan Denerstein, Special Assistant to AAG, CRM. Div.

V. ATTACHMENTS

- A. Memorandum for the Deputy Attorney General dated June 4, 1995, Re: Criminal Division's Response to FBI Proposal to take over ICITAP
- B. Memorandum for the Assistant Attorney General dated June 1, 1995, Re: Summary of ICITAP Issues and Activities
- C. Letter to Deputy Attorney General (undated file copy)
Re: FBI Proposal to Take Over ICITAP
- D. Memorandum for the Deputy Attorney General dated August 9, 1994, Attachment 1, Re: Reorganization Proposal: Office for International Criminal Justice Training and Assistance
- E. Memorandum for the Assistant Attorney General dated December 12, 1995, Re: Approval of Proposed Reorganization of the Criminal Division
- F. Letter to Chairman Harold Rogers, Subcommittee on the Departments of Justice and State, the Judiciary and Related Agencies, Committee on Appropriations, House of Representatives, dated January 11, 1995, Re: Criminal Division reorganization
- G. Memorandum for the Assistant Attorney General dated May 15, 1995, Re: ICITAP and OPDAT Merger and Organizational Structure

TAB A



U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

June 5, 1995

EXECUTIVE SUMMARY

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Jo Ann Harris
Assistant Attorney General

SUBJECT: FBI Proposal to Take Over ICITAP

I. Introduction

FBI Director Louis Freeh has written to you proposing the placement of the International Criminal Investigative Training Assistance Program (ICITAP) within the Federal Bureau of Investigation (FBI) (See Exhibit C appended to briefing memorandum).¹

I have evaluated the FBI's proposal, and strongly oppose the placement of ICITAP within the FBI for the following reasons:

A. Done should be done.

The Criminal Division proposed, in a memo dated August 9, 1994, to create an Office for International Criminal Justice Training and Assistance within the Criminal Division by transferring ICITAP to the Criminal Division and combining it with our existing Office of Professional Development and Training (OPDAT) (Exhibit D, Attachment 1). This proposal eventually became part of the Criminal Division reorganization plan approved by the Attorney General on December 12, 1994 (Exhibit E), and submitted to Congress on January 11, 1995 (Exhibit F).

The Criminal Division is awaiting approval from Congress of the reorganization plan. Removing ICITAP from the Criminal Division, at this juncture, would require us to repudiate an important part of the Division's realignment of

¹ I received a file copy of this letter a couple of week's ago. I understand that it was sent in March sometime, without a copy, or even notice, to the Criminal Division.

resources dedicated to meeting the growing international challenge to law enforcement in this country.

Although I recognize that nothing is ever final in this town, the fall 1994 decision to move ICITAP to the Criminal Division was the result of a careful review of management and policy factors, and in consultation with all affected agencies, including the FBI.

B. The different, complementary current training missions of the FBI and the Criminal Division justified the move of ICITAP to the Criminal Division.

1. Rule of law and administration of justice institution-building concepts are an important part of our long-term international law enforcement efforts. The Criminal Division's OPDAT has extensive experience in rule of law programs involving prosecutors and judges. The FBI has none.

2. ICITAP's role is closely aligned with rule of law programs, in that it is in the business of delivering basic democracy training for local police and as such is delivering a necessary component of the entire criminal justice institution, of which prosecutors and judges are an integral part.

3. On the other hand, in the words of Director Freeh: "[T]he FBI has undertaken a major international training program as a tool to facilitate its international needs for evidence and case-related information...."

4. Thus, the training missions of the FBI and ICITAP, while complementary, are not redundant or interchangeable. Although both ICITAP's and the FBI's international training efforts will in the long run benefit domestic law enforcement, the focus of each is very different.

a) The FBI's international activities advance operational objectives;

b) ICITAP's assistance focuses on infrastructure development to enhance not only host-country law enforcement skills in specific areas, but also their long-term sustainable capabilities as democracies.

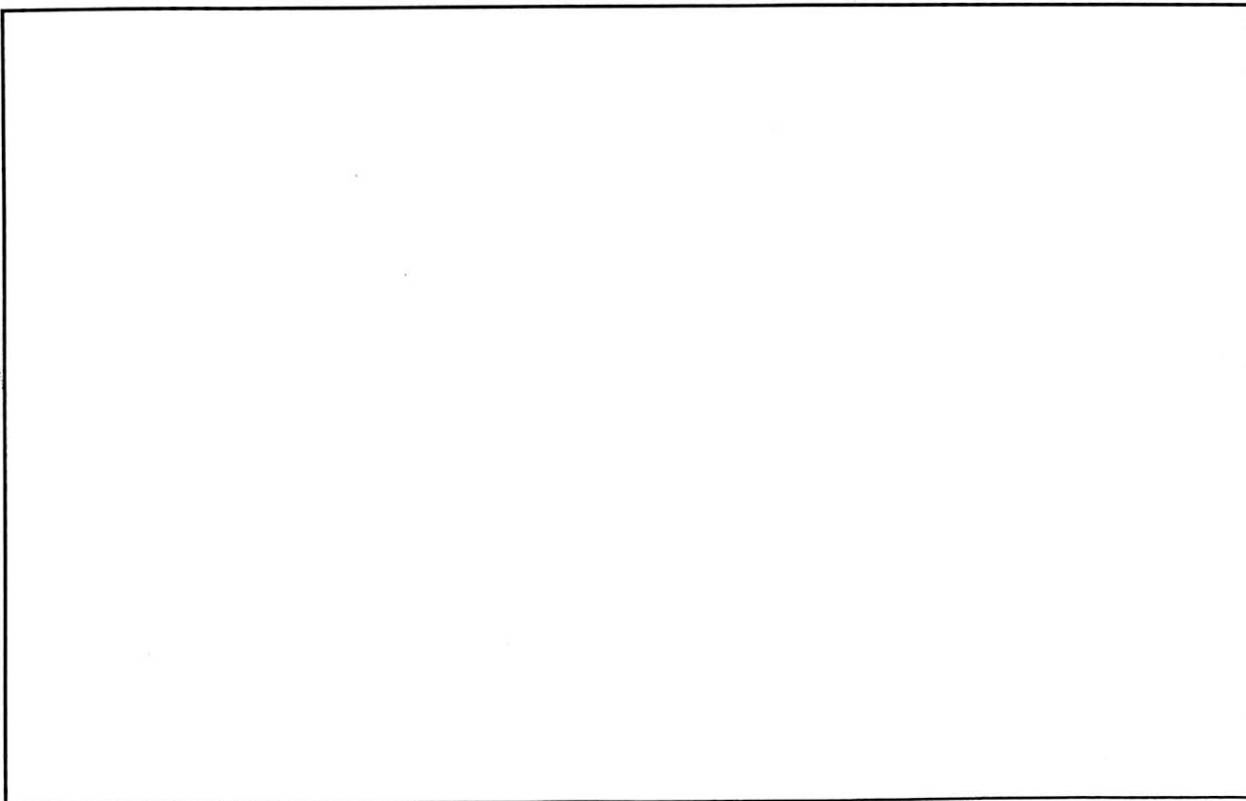
5. We proposed that ICITAP be combined with OPDAT because we envisioned a Criminal Division Program able to coordinate all of the different rule of law and institution building programs now offered by our various components and deliver "full-service" administration of justice programs which would not carry the risks inherent in the operational mission of

the FBI.²

6. However, we also envision working with the FBI where appropriate in joint efforts to train foreign prosecutors, and agents in sophisticated investigative techniques.

7. In this connection, the FBI's desire to build relationships with key foreign government officials through training law enforcement personnel will not be undercut by ICITAP's placement in the Criminal Division. To the extent the FBI is concerned about losing the networking it seeks with foreign officials, we expect that the FBI will continue to detail agents to work with ICITAP, providing the Bureau does not use ICITAP as a dumping ground as some say it has in the past.

C. The fragile condition of ICITAP is visibly improving under the direct management of the Criminal Division. To change direction would raise serious questions about ICITAP's credibility and viability.

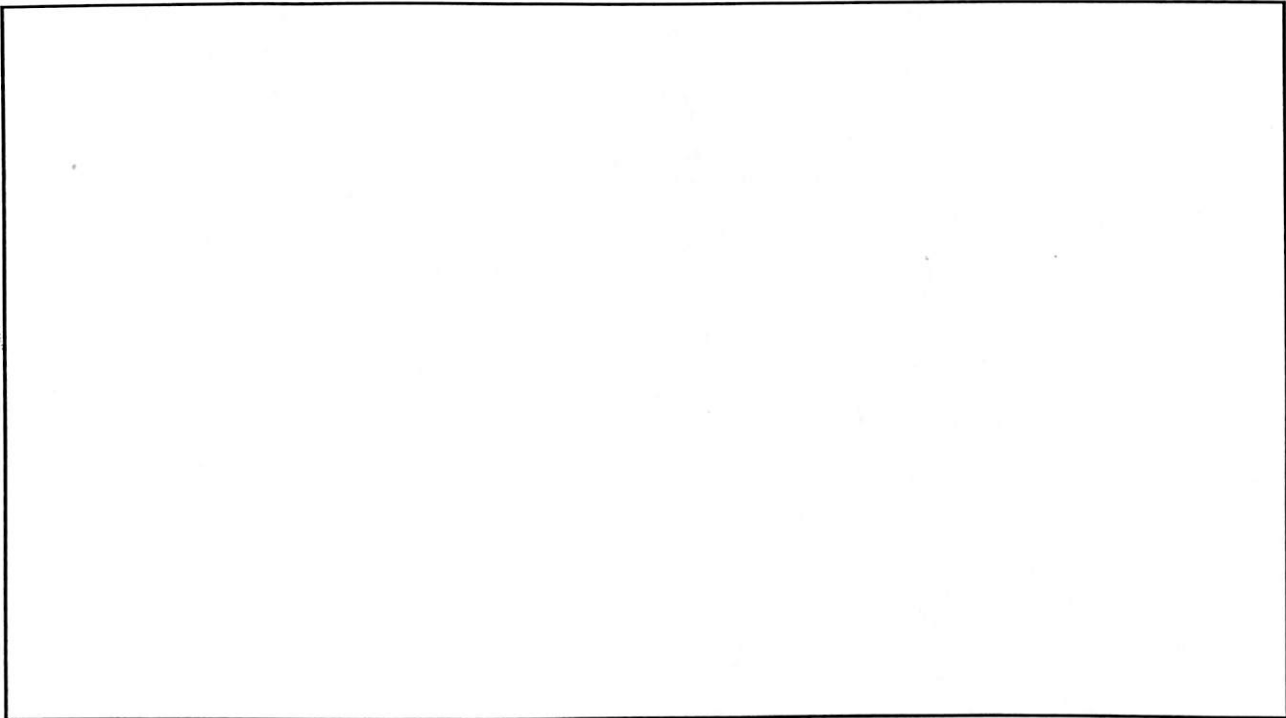


² See, a very brief history of the resistance to United States training efforts overseas in our memo to you regarding international training, dated December 16, 1994, in which we described the origins of ICITAP, at p. 2-3.

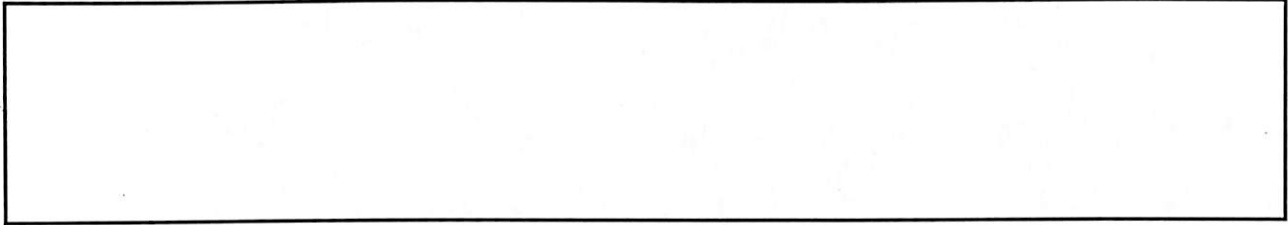
affected by ICITAP.³

D. The Criminal Division is in the best position to provide the overall administrative support and oversight necessary to ensure the success of the ICITAP mission.

1. If the situation in Haiti has taught us anything, it is that the mission of ICITAP requires an organization that is on the one hand flexible and entrepreneurial, and on the other hand, because of the impact of its activities on foreign affairs, requires very tight control.



³ In spite of the representations made about Bob Gelbard's position in the FBI's memo, Bob called me on May 22, 1995, to assure me that he did not want to be in the middle of this; that any contrary view was based on conversations before his agreement of last fall -- concurred in by the FBI -- that the Criminal Division was an appropriate place for ICITAP. It is fair to say at this time State and AID are very impressed with the way we are running ICITAP and structuring it for the future.



DECISION:

**REAFFIRM DECISION TO
MOVE ICITAP TO CRIMINAL DIVISION
AND FORM OFFICE OF INTERNATIONAL
CRIMINAL JUSTICE TRAINING AND
ADMINISTRATION**

MOVE ICITAP TO FBI

OTHER



U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

June 5, 1995

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Jo Ann Harris
Assistant Attorney General

SUBJECT: FBI Proposal to Take Over ICITAP

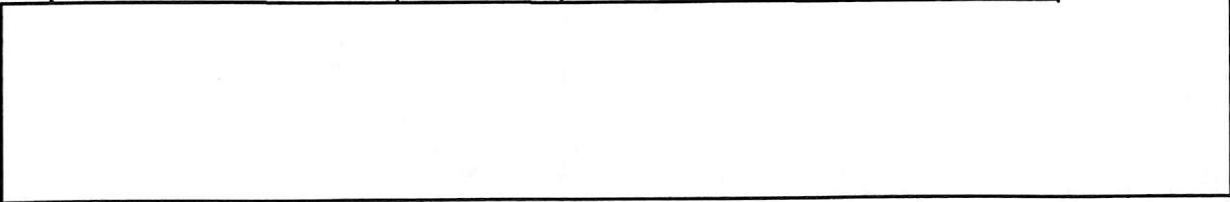
FBI Director Louis Freeh has written to you proposing the placement of the International Criminal Investigative Training Assistance Program (ICITAP) within the Federal Bureau of Investigation (FBI).

I have evaluated the FBI's proposal, and strongly oppose the placement of ICITAP within the FBI for the following reasons:

The FBI's Proposal

I appreciate the FBI's frank assessment and agree that the FBI has not paid sufficient attention to its employees detailed to ICITAP, the assignments they have received, their reintegration into the Bureau's domestic programs, or their posting in foreign operational assignments, such as in legal attaché posts.

Former ICITAP Director R. John Theriault frequently complained that the FBI seemed intent on "dumping" second-tier personnel on the program. While I do not agree with that assessment, certain FBI appointments to ICITAP during the period September 1994 through January 1995 were inappropriate.



Regardless of whether ICITAP remains a part of the Criminal Division or not, all of the issues raised by Director Freeh must be addressed. However, the FBI's past inability to support ICITAP effectively and its desire for a second chance are not reasons to place ICITAP under the FBI's direction. But more important, even if the FBI could correct -- on its own -- the

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historical problems of ICITAP, I do not believe Bureau management can outweigh the benefits to be gained by the Criminal Division's reorganization plan that integrates ICITAP and with the Division's existing Office of Professional Development and Training (OPDAT), which has considerable experience with international training of prosecutors and judges.

Sound Principles of Administration of Justice Programs Dictate that ICITAP Remain within the Criminal Division.

From experience, the Division has found that in order for ICITAP to be truly effective, its approach must be holistic. ICITAP must consider foreign criminal justice systems in their entirety. While ICITAP's assistance is directed primarily at police agencies, true administration of justice programs must integrate training of judges and prosecutors, as well. An important focus of institution-building must be the relationship between police and the other criminal justice entities. The Criminal Division is the best suited to provide institutional support for all of the various aspects of criminal justice systems. Frankly, the FBI is not well positioned to address more than the police component.

This was the very rationale presented to Congress to justify the transfer of ICITAP and the planned formation of the Office of International Criminal Justice Training and Assistance (OICJTA) in the Division's reorganization. Currently, OPDAT coordinates the training of judges and prosecutors abroad through various government agencies and U.S. embassies.

Integrating ICITAP and OPDAT will be synergistic; enhancing the effectiveness of each organization by enabling each of these very important components to address the entire criminal justice spectrum.

The Different Missions of ICITAP and the FBI

The training missions of the FBI and ICITAP, while complementary, are not duplicative or interchangeable. The FBI's international activities advance operational objectives; ICITAP's assistance focuses on infrastructure development to enhance host-country law enforcement skills in the context of their long-term sustainable capabilities as democracies. Neither ICITAP nor OPDAT purport to engage in specialized training currently provided by the FBI, or the DEA.

While I agree with the FBI that law enforcement training abroad provides a platform for developing significant relationships with key players in the criminal justice systems in foreign countries, I believe we must take care not to over-involve our institution-building efforts with our networking desires.

ICITAP's non-operational, developmental mission has kept it away from the type of controversies that characterized U.S. police training efforts during the 1960s and 1970s, while at the same time enhancing the United States Government's entree and impact in a variety of countries and situations. I am concerned that placing ICITAP under the FBI's direction for the FBI's short-term benefit could jeopardize this country's long-term law enforcement goals.

Furthermore, we fully expect the FBI to continue to be involved in the work of our new OICJTA. Not only do we expect that the Bureau will continue to detail special agents to the ICITAP arm of OICJTA, we hope the Bureau will detail much more productive people. These agents will be actively involved in the ICITAP arm of OICJTA, and will -- by simply doing their jobs well -- build good relationships with officials overseas.

Unquestionably, ICITAP's ability to draw on personnel from the FBI will add significantly to the Program's credibility. Thus, in geographic areas that are particularly important to the Bureau, the Bureau's desire to build relationships with key foreign government officials through training law enforcement personnel will not be undercut by the Criminal Division.

Finally, I believe we have an solid understanding with the Bureau that the Criminal Division's OICJTA will frequently work together with the Bureau to develop and sponsor joint training programs for prosecutors and police, focusing on integrated sophisticated investigative techniques when the audience is ready to handle these types of programs.

ICITAP's Current Status

On March 1, 1995, given a leadership crisis, I appointed the Criminal Division's Executive Officer Bob Bratt as Acting Director of ICITAP. This was compelled, in large part, by some of the management issues acknowledged by the FBI.

During the past three months, the Criminal Division has loaned some of its best people to ICITAP. Since then, at great personal cost, many have worked 16 hour days, here and in Haiti, to stabilize the organization and the Haiti project. Because of their efforts, we have been able to initiate or fully implement a number of changes that address the management issues and integrate the Program within the Criminal Division management parameters. Mr. Bratt has prepared a report on these improvements. See, Exhibit B, appended to the briefing papers.

Conclusion

For these reasons, I am opposed to the transfer of ICITAP to the FBI.

TAB B



U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

June 1, 1995

MEMORANDUM

TO: Jo Ann Harris
Assistant Attorney General

FROM: Robert K. Bratt
Acting Director

SUBJECT: Summary of ICITAP Issues and Activities

At the time of our original management review in January 1995, we were able to identify a significant number of issues that were undermining the effective operation of the ICITAP organization and its projects, most notably the project in Haiti.

In the three months since my appointment as Acting Director, we have been able to initiate or fully implement a number of remedies to address these issues. We have also undertaken a more in-depth assessment of these issues, their underlying cause, and the extent of their impact on immediate day-to-day and long-term operations. For example, we are still discovering many problems that must be acted upon with all speed and intensity to order to keep pace with providing the most basic services for the students, instructors, and staff at the Haitian National Police Training Center.

The purpose of this memorandum is to provide a broader perspective of the issues facing ICITAP and summarize our response to the most immediate and challenging of these issues. Several of the larger issues are discussed in greater detail in separate memorandums that have been forwarded for your review; e.g., the proposed merger/organization of ICITAP and OPDAT (sent May 15) and the referral of potentially fraudulent activities by the contractor in Haiti (sent May 16).

As you are well aware, and as we will point out in specific instances in this memorandum, we have been hamstrung by many of the decisions and actions of [redacted]. As a result, since our arrival, we have spent an inordinate amount of energy "digging out," and in functioning in a reactive rather than a proactive stance. While we are making progress toward a healthy,

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fully functional program, our progress has been slower than anticipated and desired.

The good news is that we are turning the corner and are beginning to see the fruits of our endeavors. We have every confidence that the decisions we have made, the actions that we are taking, and the changes we propose will set the stage for the smooth integration of the ICITAP and OPDAT missions, and will enable the new Director to move forward quickly in undertaking the management of these combined programs.

In carrying out our initial mandate, we focused on two specific areas:

- The organizational health and operational effectiveness of ICITAP in achieving its mission. This was a very broad based agenda, primarily directed toward restoring confidence in ICITAP's leadership; positioning ICITAP for meeting the challenges of an evolving law enforcement mission and integration with a developing judicial administration mission; and improving communications and administrative functioning to provide more effective support of ICITAP's projects.
- The health, progress and continuing operation of the project in Haiti, including the design, development, staffing, renovation/construction, and provisioning of a National Police Training Center that would recruit, accommodate, train, and deploy a force of 4,000 civilian police by April 1996.

Organizational Health and Operational Effectiveness

1. Structure and staffing of ICITAP components at headquarters.

In January, you requested that ADMIN perform a review within ICITAP based on John Theriault's request for approval of a new ICITAP headquarters organization that included significant increases in staffing levels.

Because of the nature and severity of the management issues and allegations that surfaced shortly after the initiation of that review, we were diverted from our original assignment. Since our arrival in early March, however, we have recognized the importance of proceeding with the development and definition of ICITAP's structure. We have discovered that a number of significant problems within ICITAP stemmed from inappropriate, insufficient, and sometimes haphazard staffing, complicated by blurred lines of authority.

For example, formerly ICITAP had one full-time employee responsible for three of ICITAP's four major multiyear contracts,

with combined funding commitment of \$46.846 million and crossing nine projects. Although this person was considered to be extremely competent, he accepted a job elsewhere because of the demands and frustrations of his contract administration responsibilities, and because of the contract interference and irregularities imposed by [redacted]. His departure created a critical void within the staff and added to the tremendous pressures that remaining staff had to contend with in managing these contracts with regard to the Haiti project in particular.

These examples highlight two specific results of insufficient or inappropriate staffing: the understaffing of critical areas of responsibility that eventually leads to frustration, loss of productivity, and burnout; and the effect of not sufficiently providing depth and backup support for critical areas as a contingency for loss of staff due to illness, emergency, or departure.

To address this particular issue, we are training, accrediting, and transferring Assistant COTR authority to headquarters and in-country project managers. ICITAP's primary COTR will maintain oversight and auditing responsibilities for the extensive contracting activities that support the projects.

On May 15, we submitted for your review a memorandum that outlines our proposal for ICITAP's structure and staffing composite, and does not result in any significant increase in ICITAP headquarters staffing. It was developed following a process of internal assessment and observation that included consideration of:

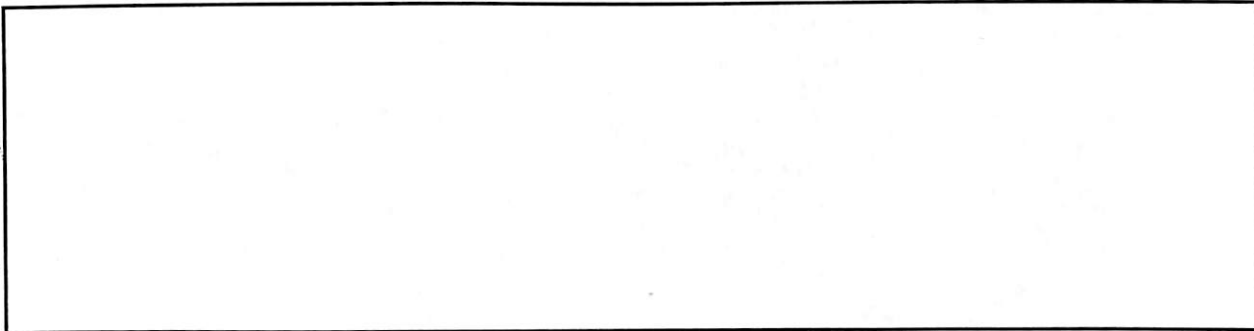
- the evolution of ICITAP from an organization that provided off-the-shelf law enforcement training to one that provides overall technical assistance in developing national policing and investigative infrastructures in countries that have previously been policed by more repressive military forces; and
- the integration of these policing and investigative programs with development and support of judicial and corrections programs and infrastructures, in countries where the U.S. Government has determined to undertake a joint Administration of Justice mission.

The proposed organization reflects an operational orientation that (1) transfers more authority and accountability to field managers, (2) strengthens coordination and oversight responsibilities in headquarters, (3) establishes an Executive Secretariat to manage the flow of internal and external information, and (4) transfers the program evaluation and some of

the duplicative administrative functions to the Criminal Division's Office of Administration (ADMIN). Items (1) and (2) will instill the notion of headquarters as a servicing arm for Project Managers who are responsible for accomplishing the Program's mission.

Other than understaffing of the Haiti project which is addressed below, there has been no indication, either during our initial review or since our arrival, that staffing for other in-country projects is inadequate or inappropriate.

2. Organizational environment.



Staff were immediately informed that teamwork was critical to the success of ICITAP's projects, that no discriminatory practices or preferential treatment would be tolerated, that an incentive awards program would be instituted to recognize the quality performance contributions by the staff, and that more flexibility in work schedules would be considered where employee circumstances warranted.

3. Internal and external communications.

There were several simple, yet direct actions taken to improve communications. Internally, we instituted weekly staff meetings for all headquarters employees and onsite contractor staff. We established internal working groups to assess ICITAP's organizational, operational, and procedural effectiveness and to solicit staff input for developing courses of action to address identified weaknesses. We established a direct computer link between ICITAP/HQ and other Justice organizations by giving ICITAP staff access to EAGLE. (Before this could actually be accomplished, we had to upgrade most of the staff's computer equipment, train personnel in computer network security and use of the EAGLE network, and provide significant MIS onsite support.)

We are also working to establish EAGLE communications with in-country staff, starting with Haiti, then moving to the other

larger in-country offices. We reduced the paperwork burden on in-country project managers by eliminating the daily reports, and substituting a weekly reporting requirement that provided a more structured focus for information that would be included.

Externally, we made immediate contacts with key State Department officials and with U.S. Embassy and U.S. and U.N. military personnel in Haiti, with subsequent visits to Embassy officials in Panama and El Salvador. To provide ongoing information regarding ICITAP project activities, we initiated two reports (one specifically related to Haiti, the other for all other projects) based on headquarters and in-country Project Managers' weekly reports (mentioned above); these reports are distributed throughout ICITAP and to ICITAP's working partners at the Departments of Justice, State, and Defense, both at headquarters and in-country.

We continue to be sensitive to maintaining contacts and open communications with any U.S. or international components that are involved or interested in ICITAP's program. For example, a few weeks ago, during a visit from a Canadian delegation, we became aware of the Royal Canadian Mounted Police's concerns about their level of participation and some operational issues at the Haitian National Police Training Center. Because of the credible working relationship that ICITAP has with the Canadians, we were able to defuse a potentially divisive situation before it became an "international" issue.

Ensuring the Success of ICITAP's Project in Haiti

Without question, management and "recovery" of the Haiti project has been the most frustrating and, perhaps, troubling aspects of this assignment over the past 12 weeks. As you know, there is a complex web of inherent factors that contributes to the logistical problems that face us in carrying out the ICITAP mission in Haiti.

Many of these factors are obvious: political visibility and sensitivity; a cast of multi-agency and international players; health and safety of in-country staff; physical logistics and lack of basic services and infrastructures; and lack of reliable direct communications. We thought it important to document several critical factors that characterize and complicate ICITAP's project in Haiti.

- Government of Haiti (GOH) Involvement:

There is an absence of a tangible commitment by the GOH to the long-term and ongoing ownership of the Haitian National Police training and deployment program. Although the GOH has

taken a few steps to show support, their investments to date have been very limited in scope, such as the purchase of weapons.

This lack of ownership commitment by the GOH is demonstrated in three ways: (1) reluctance to commit competent and qualified staff resources at the Haitian National Police Training Center (HNPTC); (2) reluctance to plan for the ongoing operation and maintenance of the HNPTC facilities and equipment; and (3) failure to provide financial support and to plan for future funding for the Haitian National Police. Although ICITAP has encountered this lack of commitment in other countries, the degree of non-involvement by the Government of Haiti (GOH) has contributed directly to the extreme level, extent, and intensity to which ICITAP has had to commit itself in Haiti.

The remedy in Haiti lies in providing realistic and appropriate incentives for the GOH to accept responsibility for its own public security and the protection of its citizenry. The United States and the international community have been thwarted thusfar in their efforts to discover and establish such incentives. On May 18, I forwarded a memorandum, "Police Reform and Political Will in Haiti," to advise you of the significance and ramifications of the GOH's lack of ownership and involvement in the development and deployment of its National Police.

- Actions resulting from decisions made by [redacted]

[redacted]

This resulted in having only two full-time ICITAP employees permanently assigned on the ground in Haiti during the first four months of the project. This led to two other problems having long-term impact: 1) inordinate in-country support from headquarters and other in-country staff that were rotated to Haiti for extended periods and 2) excessive reliance on contractor staff to carry out functions more appropriately handled by ICITAP staff.

[redacted]

This added to the confusion that was building

both in Haiti and in Washington, DC, regarding the credibility and rationality of ICITAP's leadership.

You will recall that this occurred at the same time as the incident in which [redacted] after being named as the ICITAP representative, was suddenly and without legitimate explanation pulled from a State Department trip [redacted] and reassigned [redacted]

Since February we have been working to recruit qualified personnel for Haiti, but are still attempting to recover from staff shortages that were allowed to continue under [redacted]

[redacted] Part of this process has been an assessment of the qualifications and performance of ICITAP staff on the ground. This has been complicated by the level of chaos that has existed as a result of prior decisions and the other contributing factors in Haiti.

But we are now implementing a workable organizational structure for the Haiti Project, and have filled the in-country positions with a cast of international personnel that includes representatives from Canada and France, U.S. citizens of Haitian and Dominican Republic decent, and one Haitian appointee.

On the face of it, ICITAP's overall approach toward construction of the HNPTC appears to be piecemeal and chaotic, critically lacking a comprehensive plan for any single aspect or for the project as a whole. There seems to have been insufficient or complete lack of attention to basic logistical requirements that are critical to providing minimal support and operation for a training facility that must accommodate a student body of 1,600, their instructors and other management and operational staff.

In reality many decisions made by [redacted] and by [redacted]

[redacted] were made without appropriate regard or consideration for their long-term impact. Because these decisions were passed on to and acted upon by the staff and contractor personnel, many have been attributed to the in-country staff and to contractor personnel. We are still untangling these issues to determine their origins and our most appropriate response.

Many of [redacted] decisions lack sufficient documentation for us to actually reconstruct them. This makes it difficult for us to countermand, particularly where they relate to directions that were given to contractors either verbally or

without appropriate paperwork, or to assess accountability for certain actions that have been taken.

In the attached example of logistical issues/problems in Haiti, item 2 deals with the design, construction, and delivery of modular buildings. A decision made under [redacted] watch has resulted in the delivery of classrooms that are poorly designed for the tropical climate and conditions in Haiti. That is, the buildings were designed for use with air conditioning units. However, [redacted] gave verbal instructions that air conditioning was not to be provided for classroom units, but the design was never changed. We have not been able to locate any written orders for this change, but have two contractor personnel who claim that they were given such directions. This decision has resulted in modular buildings being constructed for use as classroom units with only two small windows and that provide inadequate ventilation and little natural light.

In another example, we are currently reviewing an invoice submitted by [redacted] who claims that he performed services for ICITAP's Haiti project during December 1994, at the request of [redacted]. ICITAP is unable to substantiate [redacted] claims because ICITAP cannot locate Statements of Work for performance of these services. [redacted] invoices amount to \$13,000. We are conducting an audit of our records to determine an appropriate course of action for responding to [redacted] claims.

- EBON Research Systems issues:

Although the responsible EBON contract manager is Haitian and was initially viewed as an advantage to ICITAP in navigating the maze of problems that we expected to encounter in accomplishing our mission in Haiti, it may instead have resulted in questionable practices such as nepotism, favoritism, kickbacks; overpricing of services and supplies by EBON, and the loss or misappropriation of Government property.

My May 16 memorandum to you on "Possible Fraudulent Activity by ICITAP Contractor" outlines our concerns in some detail and recommends that these concerns be referred to the Office of the Inspector General for investigation.

As I also pointed out in that May 16 memo, [redacted], [redacted] in Haiti, has become involved through referral of allegations of non-payment for services against EBON. [redacted] involvement subjects ICITAP and EBON to scrutiny outside the Department of Justice, and may again raise concerns about ICITAP's and the Department's ability to manage the Haiti project.

EBON admittedly has no experience in the management or operation of a major construction project. As a result, it appears not to have been sufficiently prepared for anticipating the logistical pitfalls that it would face in overseeing the project. It did subcontract with a large construction contractor, but was completely reliant on that subcontractor to plan for and take action to address all of the necessary difficulties that would be encountered.

Acknowledging the difficulty of establishing the HNPTC in Port-au-Prince, and the often mixed messages that were coming from ICITAP senior management prior to March 1, EBON has not demonstrated the level of management flexibility necessary to keep pace with the extremely "fluid" nature of the project in Haiti. Its internal decision-making process is highly centralized and rigid. All approval authority for EBON activities resides in Washington, DC. Given the nature of communications between Haiti and the United States, this often slows the flow of activities or the resolution of problems requiring EBON's intervention.

Potential for Criticism of ICITAP's Handling of the Haiti Project

At any point where there is a nexus of two or more of these categories of factors, the level of difficulty in resolving problems increases exponentially. When viewed in hindsight, the pattern of decisions and actions that emerges could be construed as insufficiencies, mismanagement, and questionable practices by ICITAP in the establishment, construction, staffing, and administrative and logistical operations of the HNPTC.

Because many of the initiating decisions and actions were undertaken very early in the HNPTC development process and under prior management in ICITAP headquarters and in-country, there was little or no opportunity to alter or reverse their course.

Therefore, we are left with cleaning up and making the best of what we have available to accomplish our stated objectives, at the expense of tremendous staff and dollar resources. The attached list provides examples of problems that could be misrepresented without an understanding of the circumstances surrounding the Haiti project.

FBI Lobbying to Assume the ICITAP Mission

I want to comment briefly on the FBI's March memorandum to the Deputy Attorney General regarding their desire to take over the ICITAP mission. This additional information supplements what you are providing to the Deputy Attorney General in your memorandum to her addressing the FBI's proposal.

From the start of the ICITAP program within the Department

in 1986 until March 1, 1995, the ICITAP Director position was held by an FBI detailee. During that time, nearly half of the ICITAP managers, including all in-country project managers, were detailees from the FBI. In fact, specific positions, both at headquarters and in-country, were designated as FBI positions and were not advertised or recruited outside the FBI. All FBI selections were made or approved by the FBI Career Board, sometimes over the recommendations made by the ICITAP Career Board and the ICITAP Director.

The FBI did very little to encourage or recruit experienced, well-qualified agents, or to screen the applicants who did apply to ensure that the best possible candidates were identified for ICITAP's selections. By their own admission in Louis Freeh's memorandum to Jamie Gorelick, "the FBI paid scant attention to their assignment, or to their reintegration into domestic assignments or assignments to our Legat program." Mr. Freeh states that the logical manner for changing this is "to take over the overall management of ICITAP, and to more fully define the manner in which the FBI staffs it."

Although the FBI agreed to meet with ICITAP to develop a memorandum of understanding to resolve some these issues of recruitment and selection of Special Agents, the FBI named [redacted] as their negotiator. Regardless of [redacted] previous experience, he is new to the FBI and during our discussions could offer no information or clarification regarding the FBI processes, procedures, intentions, or interests in improving their staffing commitment to ICITAP.

Although [redacted] was to go back to the FBI and return with further information, a month later, he admitted that he had done nothing and delayed our follow-up meeting for several weeks during which time he promised to have someone research ICITAP's draft MOU. I am attaching a copy of our working draft of the MOU that has been submitted to the FBI for comment. In the meantime, the FBI has refused to circulate any of the ICITAP vacancy announcements until such time as an MOU is executed. After reading the FBI's memo to the Deputy Attorney General, I am further convinced that the FBI has not held a "good faith" position on this matter.

In light of the FBI's "control" of the ICITAP program over the past 10 years, it seems somewhat disingenuous for the FBI to suddenly cast aspersions on the Department's placement of ICITAP within the Criminal Division. Many of the management and operational issues/problems that we have discovered are the result of decisions and actions taken by the special agents that the FBI has assigned to ICITAP, most of whom are no longer with the program. This does not speak well of the FBI's management of the ICITAP program.

Let me say that I do not want to disparage all of ICITAP's FBI Special Agent detailees. Many of our current FBI employees are valuable and responsible managers, making significant contributions to the projects with which they are involved. However, most of them came to ICITAP "green"; i.e., with little or no management or international programs experience, to be relocated to Central or South American countries and placed in charge of multimillion dollar projects. This circumstance could be rectified with the cooperation of the FBI and our draft of the MOU represents our attempt to accomplish this.

EXAMPLES OF
LOGISTICAL ISSUES/PROBLEMS ARISING FROM
COMBINATION OF CIRCUMSTANCES
PECULIAR TO ICITAP'S PROJECT IN HAITI

1. Potential Allegation

Lack of planning, preparation, upgrades, and maintenance/continuation of utilities necessary to support student population and staff:

• Issue/Problems

Water: two secondary water mains feed the HNPTC.
insufficient volume or pressure to support population.
origin of water supply unknown.
supplemental water supply from commercial vendor required, and expensive.
no contingency planning for shortage or interruption of water supply

Explanation of Circumstances

The issue of water in Haiti is problematic for non-Haitians who are accustomed to having a reliable, consistent, clean, and safe supply of water at their fingertips for drinking, bathing, or other purposes with little thought of its origins or its continued availability. For most Haitians, this would be an utter luxury. The two secondary water mains (1 1/2 inch pipes) to the HNPTC would be sufficient by Haitian standards and its source would be irrelevant.

Recruits would not expect to take showers daily, and it appears that provisions were not made early on to make daily showers a part of the students' regime at the HNPTC. (Instructors and staff are housed offsite, and are often living with bottled water for cooking and drinking, and intermittent supplies of tap water for bathing and other purposes.) When it was determined that an additional water supply was required to meet "upgraded" hygiene requirements, several alternatives were considered all of which resulted in long-term solutions such as ordering and installing an in-ground reservoir where water could accumulate during non-peak hours.

No assistance for improving the availability of water to the HNPTC was offered by the GOH.

Proposed Solution

Two options are currently being considered: One entails the drilling of an artesian well on the grounds of the HNPTC that will supplement the secondary water main supply. The second relies on finding and tapping into a five-inch water main that supplies water to a residential development adjacent to the Training Center. This second option is preferred as the volume of water from this size pipe would be sufficient to meet the needs of the HNPTC. However, it is contingent on the construction contractor's ability to locate the main.

- Issue/Problem

Electricity: insufficient power supply throughout to meet lighting, pumping, and air conditioning requirements.

no contingency planning for switching power to where it is most needed in the event of an emergency or equipment failure.

no plan for electricity to modular student housing.

Explanation

At no time was an engineering assessment made of the electrical requirements of the HNPTC. Without an understanding of the complex problems associated with electrical grid development for a complex of more than 100 buildings and more than 2,000 students and instructors, ICITAP reacted to service requirements on a building-by-building basis. The result was generator redundancy, power shortages, service reductions, and cost escalations. This was the probable cause of ICITAP's decision to abandon air conditioning for the modular units.

In addition, we have only recently discovered that there was no electrical service planned to the large complex of modular buildings that would be used for housing students as well as a large restroom. This also includes the absence of evacuation and street lighting.

Proposed Solution

Electrical requirements have to be assessed, a comprehensive power grid system has to be designed and implemented, and new or more powerful generators have to be acquired in order to correct this planning shortfall.

Issue/Problem

Security: inadequate physical security resulting, or at least contributing to a loss of Government property, including weapons.

little thought given to physical protection of staff and students in the event of local economic or political disturbance.

no thought given to proper disposal of ICITAP documents and other sensitive materials.

lack of comprehensive security planning.

Explanation

The HNPTC is a 100-acre, walled compound on the outskirts of Port au Prince. Over the years, Haitian nationals have constructed small clusters of homes and gardens along three sides of the compound. Residents have ingeniously constructed ladders to scale the walls or bored holes through the jungle-infested walls. With the lack of adequate perimeter guards or lighting, local Haitians have entered the compound after dark and made off with building supplies, tools, and more, at will.

Furthermore, there was no commercial trash removal, nor was there a means to shred or otherwise dispose of documents or other sensitive materials at the HNPTC. All trash was dumped in piles near the wall, occasionally burned, and later buried.

Proposed Solution

The following activities have been taken or are underway: Vegetation has been cleared from walls; the walls have been reinforced with barbed wire and glass on top; and security lights are being installed along the walls. The GOH has provided guards for the existing six towers and two more guard towers are being constructed. A UHF/VHF radio network will soon link the Administration Building with the towers and the instructors' residences. A shredder has been installed, and an incinerator is being built.

2. Potential Allegation

Supply/procurement of inappropriately designed and constructed modular buildings used for classrooms, dormitories, residences, kitchen and dining:

Issue/Problems

Unsuitable for tropical climate--lacking air conditioning, sufficient windows to provide adequate ventilation, dark interior walls--literally "ovens" and wood and aluminum construction subject to termite infestation and effects of extreme heat and high humidity, and requiring additional investment of funds to termite-proof and pressure treat the lumber. Quality of construction fails to withstand transport of buildings across primitive roads or airlift via helicopter for delivery from port to HNPTC

Explanation of Circumstances

Shortly after ICITAP's arrival on the ground in Haiti last September, it was decided to use modular buildings to serve as student dormitories, staff residences, classrooms, kitchen and dining facilities, offices, and other support buildings for the HNPTC. At that time, bids were solicited to provide these modular buildings. The design of the buildings and the pricing quotes received from Morgan Buildings provided for air conditioning in all modular buildings delivered. Following Morgan's selection as the vendor of choice, a decision was made by ICITAP's Haiti Project Manager not to provide air conditioning for modular buildings used as classrooms.

Proposed Solution

The contractor was asked to identify the means by which the modular classroom and student dormitory buildings could be better ventilated without the use of air conditioning. Their plan calls for two and sometimes four additional windows per modular unit, screen doors, eight to ten ceiling fans per unit, and ventilating fans in the ceiling and floor to circulate the air. The kitchen and dining room, as well as the instructor housing units will be air conditioned through the use of the enhanced electrical system supporting these areas.

3. Potential Allegation

Incurring additional costs associated with lack of sufficient buildings to comfortably house instructors and staff:

Issue/Problems

Long-term rental of offsite residences

Maintenance, repair, and availability of utilities

Communications

Physical security of residences

Personal safety of instructors and staff residing offsite
Vehicles to transport instructors and staff between
residences and HNPTC

Explanation of Circumstances

It appears that the former ICITAP managers made their decisions on the acquisition of Morgan modular buildings without undertaking appropriate oversight of the process: They did not review the blueprints for the structures or visit the manufacturer's plant to inspect the prototype. They established a deflated project schedule and received installation costs estimates for the modular units based on port-to-port delivery; both the schedule and the estimated costs ignored the rough, rain-damaged road between the port and the HNPTC that has resulted in significantly delaying the delivery of construction materials and escalating associated costs.

In recent weeks, a thorough inspection was made of a typical instructors' residence module. It was discovered that the living space for two people was about 10 by 12 feet, with a not-so-private bathroom measuring approximately 6 by 4 1/2 feet. These quarters have one small window, a single unit door, and a wall-mounted air conditioner. The room is so small that two single beds along side one another would occupy two-thirds of the floor space. Two people in this living space would have no privacy at all. Obviously, at this late date, the Government will be left with no options but retention of some off-post housing or acquisition of additional housing modules.

In addition, we have recently discovered that the common dayroom meant to be used as a recreational area for instructors and staff is nothing more than a large, hot, rectangular-shaped, darkly panelled room. It is uninviting, if usable at all in the tropical environment of Haiti.

Proposed Solution

The only reasonable approach, at this time, is to reduce the number of instructors housed per housing module from four to two, or one on each side of the duplex units. The reduction in available on-post housing will mean that about six of the eleven off-post houses must be retained for instructors/interpreters. Their personal safety and security will be addressed by the new UHF/VHF radio network operated by the HNPTC. Furthermore, the contractor is preparing plans to add a covered and screened deck area to the dayroom module, as well as other small improvements to make it a usable and inviting building for the instructor staff and others.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE INTERNATIONAL CRIMINAL INVESTIGATIVE
TRAINING ASSISTANCE PROGRAM (ICITAP)
AND
THE FEDERAL BUREAU OF INVESTIGATIONS (FBI)

SUBJECT

Detail of FBI Special Agents to ICITAP

BACKGROUND

ICITAP positions will be advertised competitively throughout the Department of Justice (including the FBI), other Federal agencies, and State and local law enforcement organizations and associations. ICITAP, with the concurrence of the Assistant Attorney General for the Criminal Division, reserves the sole prerogative of selecting the best qualified candidate for any of its positions.

PURPOSE

This memorandum of understanding addresses guidelines for integrating FBI Special Agent candidates into the overall ICITAP screening and selection process, for managing the assignment of Special Agents who are selected for term appointment to ICITAP, and for returning Special Agents to the FBI upon termination of their ICITAP assignments.

TERMS AND CONDITIONS

1. Term of initial appointment for Special Agents is two (2) years. Extensions may be provided in one year increments, upon agreement of all parties.
2. The FBI will develop a Special Agent career path that recognizes and defines the level and value of ICITAP experience in meeting requirements for management and executive level positions within the FBI. The FBI shall make such information available to Special Agents upon request. ICITAP would also request that the FBI incorporate into its curriculum for new agents information about ICITAP, its programs, and the nature of and opportunity for term assignments for Special Agents.
3. At the discretion of the FBI, the FBI Career Board will screen Special Agent applicants to ensure that referred candidates meet minimum requirements established by the FBI for ICITAP detailees. The FBI Career Board may provide the

Director of ICITAP with a list of FBI candidates that it deems "best qualified" for the advertised position(s). ICITAP will consider this list of FBI-referred candidates along with all other qualified applicants in making its selection for the vacant position.

4. Once an FBI Special Agent is selected for an ICITAP position, ICITAP will have the authority to reassign that agent to any position (at headquarters or in-country) of comparable level to effectively manage its staff resources in accomplishing its mission. When circumstances warrant, ICITAP also may select a Special Agent for temporary promotion to a higher grade, subject to that Special Agent competing for and meeting position qualification and performance requirements. In either case, the FBI Career Board will be advised in writing of the action taken and the reasons for selecting the Special Agent for the particular change in position, grade, or location.
5. ICITAP will reimburse the FBI for all costs associated with a Special Agent's assignment, including salary, availability pay, benefits, travel, relocation, training, etc.
6. During the term of Special Agents' assignments, ICITAP will provide annual performance appraisals for detailees. Copies of these appraisals will be provided to the FBI Career Board and given appropriate consideration in determining a Special Agent's qualifications and suitability for other FBI assignments.
7. Special Agents assigned to ICITAP must follow DOJ/ICITAP regulations and procedures governing employee conduct. Failure to adhere to appropriate standards of conduct may be addressed by ICITAP management in the same manner as that applied to other ICITAP staff under the same circumstances. Misconduct that requires application of severe penalties will be dealt with in consultation with the FBI Career Board. Allegations of possible criminal misconduct or activity will be referred to the FBI's Office of Professional Responsibility for investigation.
8. If circumstances warrant, ICITAP may terminate a Special Agent's assignment. Such circumstances may include withdrawal of project funding or termination of a project, or other reason deemed appropriate by management. In the event of a termination, ICITAP will advise the FBI Career Board of the circumstances of the termination, providing as much leadtime as is possible, and working with the FBI to accommodate the needs of the Special Agents in reporting to their next assignment.

9. In limited and extreme situations, ICITAP will have the ability to effect an immediate and temporary termination of a detail, to accommodate the assignment of Special Agents to law enforcement activities that require immediate attention and serve the national interests of the United States Government and its citizenry.
10. Upon completion of Special Agents' assignments with ICITAP, the FBI Career Board will provide assistance to detailees in returning to the same or similar position, grade level, and duty station as occupied by the Special Agents at the time of their assignment to ICITAP.

TAB C

cc: Townsend
Richard
Bratt
Warlow

Honorable Jamie S. Gorelick
Deputy Attorney General
Department of Justice
Washington, D.C.

Dear Ms. Gorelick:

You will recall a recent conversation in which you proposed to me the FBI taking over the International Criminal Investigative Training Program (ICITAP). In view of the recent events concerning ICITAP, I have had my staff review ICITAP as an agency, the FBI's relationship to ICITAP, and the relevance of ICITAP to the FBI's international responsibilities. I have concluded that it would be in the best interest of ICITAP as an organization and of the FBI to fully integrate ICITAP into the FBI.

I seek your support in this proposal. My reasoning in reaching this decision is based on numerous factors which I would like to enumerate:

The FBI has undertaken a major international training program as a tool to facilitate its international needs for evidence and case-related information. This training program currently is focused on Russia, the Newly Independent States, and Eastern Europe, but is destined to expand rapidly into other parts of the world. Latin America is an area in which our liaison relationships demand that we actively train our partners to get them to a level where we can conduct meaningful liaison. ICITAP has an excellent structure and reputation in Latin America. The program managers for ICITAP throughout Latin America are FBI Agents, and are recognized as such by the agencies they are training. To officialize the FBI's relationship to ICITAP seems the next logical step.

1 - Mr. Potts
1 - Mr. Esposito
1 - Mr. Ringgold
1 - Mr. R. Bucknam
1 - Mr. H. Shapiro
AGR

1 - Mr. J. Bucknam
1 - Miss Gawley
1 - Ms. Siford/Mrs. Leeper
1 - Mr. Shapiro
1 - Mr. Bejarano
(SEE NOTE PAGE FOUR)

Honorable Jamie S. Gorelick

At the present time, ICITAP has ongoing programs in Haiti, Panama, Guatemala, El Salvador and Bolivia. Each program is managed by an FBI Agent, and is clearly the essence of police training in the individual countries. You are well aware of the magnitude of the Haiti project. On a lesser scale the ICITAP program has contributed immensely to the law and order situation in the other countries. ICITAP has effectively built law enforcement infrastructures in that region in countries which otherwise has little hope.

Our review disclosed FBI Agents assigned to ICITAP have had little or no direction from ICITAP Headquarters. The nature of their assignment has been that they are released by the FBI and detailed to ICITAP for specific term periods. The FBI paid scant attention to their assignments, or to their reintegration into domestic assignments or assignments to our Legat program. I find this situation not very effective, and I aim to change it. The logical manner of accomplishing this is to take over the overall management of ICITAP, and to more fully define the manner in which the FBI staffs it. It is my intention to make the career-related effect of service in ICITAP similar to that of serving in Legal Attaches, encouraging participants to rotate back to managerial positions within the FBI.

ICITAP has begun to be funded for training in the former Soviet States. Given the enormous effort that the FBI is expending in that region, it is logical and cost effective for ICITAP and the FBI to carry out these efforts in concert with one another with a fully integrated management of effort.

One of the keynotes of our international training program has been the formation of an International Law Enforcement Academy in Budapest. The thrust of this academy is an attempt to build up the infrastructure of the law enforcement agencies in those countries, helping them deal with their domestic problems and encouraging them to rise to a level where they can deal squarely with the law enforcement agencies of this country. If this is successful, the next logical step in this process is the establishment of another such academy, somewhere in the Americas. Secretary Christopher clearly agreed with my view of this expansion when he questioned me as to why we were restricting our efforts to an academy in Budapest. He asked why we did not pursue similar initiatives in Latin America and the Far East. I agree with him. I intend to move in that direction, and I consider ICITAP the logical tool with which to accomplish this goal.

Honorable Jamie S. Gorelick

ICITAP today is a Justice Department agency, staffed by FBI Agents, professionals from the Department of Justice, and outside contractors. It is funded by the State Department and by the Agency for International Development (AID). In fact, it is a very powerful foreign policy tool, and the State Department insists that they retain the authority to directionalize this tool as they see appropriate. I agree with this, and am fully prepared to have my staff work with Ambassador Gelbard to ensure that all foreign policy objectives are considered. Ambassador Gelbard and my staff have conferred regularly concerning ICITAP, and all along he has espoused ICITAP be controlled by the FBI with the understanding that we would coordinate fully with his office.

In summary, I see international training as a crucial tool for American law enforcement. Its importance dictates it be integrated and forcefully directed. Integrating ICITAP into the FBI and consolidating these two major efforts seems to me to be an intelligent move, and I recommend the Department move toward this goal.

Please understand there are a number of issues to be resolved if you agree to this merger. I would like to immediately place FBI executives with extensive international experience as the Director and Assistant Director of ICITAP. I would like to give them the authority to fully review the personnel and programs of ICITAP, and to recommend the reconfiguration of ICITAP in whatever manner we deem the most effective. After the requisite reflection by our managers, I will propose retaining the Justice employees at ICITAP who are considered productive and essential, and asking you to return the remainder to the Department. I would like the latitude of working out cooperative arrangements with the Department of State and AID in appropriate Memoranda of Understanding. I see no reason to effect any changes in the financing mechanism which exists. I also see no reason why ICITAP would change its system of hiring outside contractors to perform functions which cannot be staffed by FBI Agents or other U.S. government employees.

Honorable Jamie S. Gorelick

I would be very happy to discuss this matter with you personally at your convenience. It is my hope that you will agree with the proposal, and that we be given the opportunity to undertake this merger as rapidly and efficiently as possible.

Sincerely yours,

Louis J. Freeh

TAB D



Office of the
Assistant Attorney General

8/21/54

URGENT

From

It is your line
Margolis has
intercepted the
original not
knowing the
background.

Please get
this furnished for
appropriate action
JAH

ROUTING AND TRANSMITTAL SLIP

Date 8-13-94

| TO: (Name, office symbol, room number, building, Agency/Post) | | Initials | Date |
|---|----------------|----------|------|
| 1. | JAS - AAAG CEM | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

| Action | File | Note and Return |
|--------------|----------------------|------------------|
| Approval | For Clearance | Per Conversation |
| As Requested | For Correction | Prepare Reply |
| Circulate | For Your Information | See Me |
| Comment | Investigate | Signature |
| Coordination | Justify | |

REMARKS I like this proposal. I suggest showing it to the Bureau right now and getting them on the record as to the specifics - what do you say?

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

| | |
|---|----------------|
| FROM: (Name, org. symbol, Agency/Post) David Margolis Associate Deputy Attorney General | Room No.—Bldg. |
| | Phone No. |

5041-102
 ☆ U.S.G.P.O.: 1993 342-198/80007
 OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
 FPMR (41 CFR) 101-11.206

440030519

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: HARRIS, JO ANN, AAG, CRM
To: DAG
Date Received: 08-09-94 Date Due: NONE ODD: NONE Control #: X94080921916
Subject & Date
08-09-94 MEMO ATTACHING A PROPOSAL FOR THE CREATION OF AN INTERNATIONAL CRIMINAL JUSTICE ASSISTANCE UNIT IN CRM, WITH ATTACHMENTS.

| | | | | | | |
|-----|---------------|----------|-----|----------------|-------|-------|
| | Referred To: | Date: | | Referred To: | Date: | |
| (1) | DAG;GORELICK | 08-09-94 | (5) | | | W/IN: |
| (2) | CRM;HARRIS | 08-15-94 | (6) | | | PRTY: |
| (3) | | | (7) | | | 1 |
| (4) | | | (8) | | | OPR: |
| | INTERIM BY: | | | DATE: | | KIM |
| | Sig. For: DAG | | | Date Released: | | |

Remarks

(1) FOR APPROPRIATE HANDLING.
(2) W/NOTE FROM ODAG/MARGOLIS TO CRM DATED 08-13-94, PROVIDING COMMENTS. TO CRM FOR APPROPRIATE HANDLING. KGM

Other Remarks:

FILE:

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

August 9, 1994

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Jo Ann Harris
Assistant Attorney General
Criminal Division

SUBJECT: DOJ Administration of Justice Assistance
to Eastern Europe, Russia and other New
Independent States

The Department of Justice should be in a position to provide coordinated and comprehensive international Administration of Justice programs which include technical assistance, training and institution building efforts for all sectors of foreign criminal justice systems. To this end, we have prepared a proposal for the creation of an International Criminal Justice Assistance Unit in the Criminal Division, which would incorporate existing components currently performing these functions, including ICITAP. This proposal is attached at Tab 1.

With specific reference to Eastern Europe, Russia, and the other New Independent States, we met with Director Freeh yesterday to discuss his proposals for law enforcement training in the region which resulted from his recent trip there. Director Freeh believes that we must quickly seize the opportunity presented by his trip to begin training in the countries he visited. We concur, but we have modified his recommendations to allow for a comprehensive approach to improve the entire criminal justice systems of these nations, rather than merely provide police training. Director Freeh agrees with this concept, as long as it does not delay the prompt provision of training and assistance. The recommendations as modified are attached at Tab 2. (Underlined text represents our additions; text stricken through represents our deletions.)

A T T A C H M E N T 1



U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Jo Ann Harris
Assistant Attorney General
Criminal Division

SUBJECT: Reorganization Proposal: Office for International
Criminal Justice Training and Assistance (ICJTA)

Attached is a proposal for the establishment of a new office within the Criminal Division to coordinate and provide, in a comprehensive, integrated fashion, Administration of Justice training and assistance to criminal investigators, prosecutors, defense counsel, judges and corrections officials in selected foreign countries throughout the world that seek to adopt or strengthen democratic law enforcement institutions.

This office would assimilate the International Criminal Justice Training Assistance Program (ICITAP) and international elements of the Office of Professional Development and Training (OPDAT). It would be the centerpiece of the Department's efforts to provide meaningful assistance to law enforcement authorities in Eastern Europe, using the model you recently approved for submission to the Department of State. It would also address the pressing needs of the Russian Federation and selected other former Soviet Republics, in a manner that also serves U.S. law enforcement and foreign policy interests.

Significantly, this proposed new office would not seek to replicate specialized forms of training conducted by other Justice components, nor compete with such activities. The emphasis would be upon ensuring overall program continuity and optimum allocation of available resources.

The basic outlines and concept of this proposal were briefed to the Departmental working group, attended by DEA, FBI, BOP, ICITAP, and OPDAT. There was general agreement that coordination is a problem and our proposed organization should not become involved in providing the kind of specialized training conducted by FBI, DEA and similar agencies. No commitments were made as to agency participation, and FBI deferred any judgments until Director Freeh's trip report is completed.

1 Attachment/Criminal Division Proposal

PROPOSAL

I. New Office

Move ICITAP to the Criminal Division, combining it with the international component of the Criminal Division's Office of Professional Development and Training (OPDAT). Assign this new office the role of coordinating all DOJ international criminal justice training and assistance activities, and relating those activities to those undertaken by other DOJ components, other USG agencies, and non-governmental organizations (NGOs).

Instead of continuing the current relatively uncoordinated efforts of separate offices and agencies to assist different elements of foreign criminal justice systems, mandate a systems approach that includes criminal investigators, prosecutors, defense counsel, judges and corrections officials in a single integrated effort.

The proposed new office would not compete with federal law enforcement agencies in respect to the kinds of specialized training they provide, but would seek detailees from such agencies who would help ensure proper coordination of the overall effort. The mission would include institution building, drafting and assessing legislative proposals, and basic training in the administration of justice under democratic models.

Prosecutors would be detailed to selected countries to serve as Program Site Coordinators and to be the focal point for all DOJ training and assistance programs in country, assessing needs, making recommendations for various forms of training and coordinating all necessary in-country arrangements. The proposed new office would manage this program and support the day to day activities of these prosecutors.

II. International Training Assistance Council

Establish a Department-wide International Training Assistance Council, composed of senior DOJ officials and invite participation by senior officials from other agencies (eg., State, Treasury, DOD). This Council would meet quarterly, oversee the program, sign off on priorities and provide general policy and fiscal direction.

As the attached diagram depicts, this new office would be composed of three units.

The Administration of Criminal Justice unit would be responsible for coordinating assistance and training for prosecutors, defense counsel and judges. It would also have the institution building and legislative assistance mission with respect to administration of justice issues. This unit would assimilate OPDAT's international staff and programs it administers under AID-funded agreements (PASAs) with the

Department of State. It would also perform OPDAT's current mission of conducting briefings and training for visiting foreign law enforcement officials.

The Investigations and Corrections unit would seek to improve two critical components of foreign criminal justice systems consistent with the Administration's concern for human rights. In the last eight years, ICITAP received about \$76 million to develop professional and responsible police and investigative institutions in Latin America. These programs would continue under existing agreements with, and using funds provided by, the Department of State.

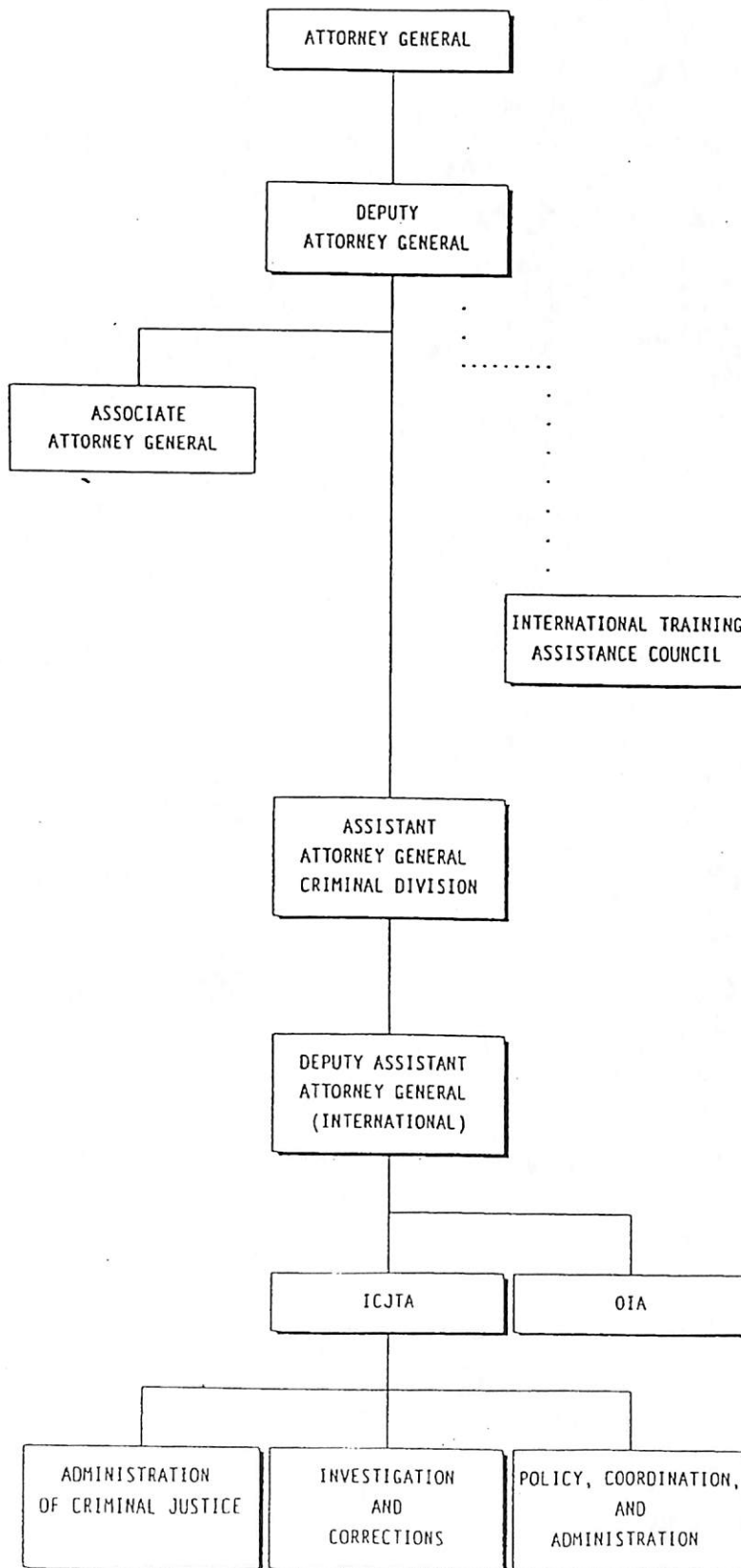
The Senate version of the Foreign Assistance Appropriation for FY 1995 provides \$15 million for ICITAP to undertake a program to improve the professional capabilities of Russian policy and criminal justice officials, based on democratic principles, respect for human rights and rule of law. ICITAP's substantive functions would be incorporated into this unit. Moreover, the unit would also draw on expertise within the Bureau of Prisons to improve foreign correctional systems, using approaches modeled on those of ICITAP.

The Policy, Coordination, and Administration unit would analyze the Department's foreign training and assistance priorities by country and subject matter, taking into account the objectives of all relevant components. It would define program objectives for selected countries and oversee program execution by the responsible sister unit.

This unit would coordinate with other departments (eg., State and Treasury), international organizations, U.S. non-governmental organizations (NGOs), and foreign training agencies to avoid redundant or counterproductive efforts and ensure optimal allocation of available resources.

Congress and the GAO have recently criticized the patchwork, uncoordinated nature of the limited amount of law enforcement training and assistance U.S. agencies have provided to emerging democratic republics in Eastern Europe and the former Soviet Union. This proposal represents a vehicle for ensuring a greater degree of program integration, strategic coherence, and optimal use of scarce budgetary resources. It will also place Justice in the forefront of the overall effort, and help ensure that the AID contractor community is not in a position to assume a significant role in the critical area of law enforcement training and assistance.

Organizational chart and a resource overview are attached.



INTERNATIONAL CRIMINAL JUSTICE TRAINING AND ASSISTANCE

Resource Overview

International Criminal Justice Training Assistance Program
(ICITAP)

- ◆ Receives multi-year funding via Memoranda of Understanding (MOUs) for each country in which the State Department requests technical assistance and training associated with long-term criminal justice development.
- ◆ Each MOU is unique as it may be issued for one-year, two-year or no-year (use until expended) funds and has special accounting requirements.
- ◆ Currently has \$20 million to support the Central America and Caribbean Regional Program and country-specific projects in El Salvador, Haiti, Panama, Bolivia, Colombia, and Somalia.
- ◆ 100% reimbursable to the Department as it receives no direct appropriated funding.
- ◆ Has authority for 38 reimbursable workyears. This does not include personnel detailed from the FBI, which has its own reimbursable authority.
- ◆ Currently, there are 30 personnel on board (exclusive of FBI detailees); however, as many as eight additional personnel are expected within the next month.

Office of Professional Development and Training
(OPDAT)

- ◆ AID issues multi-year funding to OPDAT via Participating Agency Service Agreements (PASAs) for each country in which AID requests prosecutorial training support.
- ◆ The funding type and the accounting requirements for each PASA are unique.
- ◆ Has PASAs for Bolivia and Colombia totalling \$5.2 million.
- ◆ Has a staff of eight employees, of which three are funded on a reimbursable basis through the PASAs; the other five are funded from the Division's direct appropriation. OPDAT is currently looking for an attorney to work in-country on the Colombia PASA, which would bring the staffing level to nine.

Office for International Criminal Justice Training and Assistance
(ICJTA)

◆ OPERATIONAL FUNDING

- ▶ It is proposed that the operations of the ICJTA continue to be reimbursably funded from MOUs and PASAs from the State Department and AID.
- ▶ At this time, we can find nothing to preclude continuing the manner in which these operations are funded under the proposed restructuring.

◆ ADMINISTRATION

- ▶ The monitoring of the many different types of reimbursable resources requires elaborate accounting procedures and the qualified administrative staff to oversee these operations.
- ▶ It is expected that the administrative staff can be drawn from the experienced, existing personnel in ICITAP and OPDAT.
- ▶ Additional research will be required to determine if the administrative staff will be able to be fully-funded from:
 - (1) taking a percentage of the funds provided by the MOUs and PASAs (as is done currently in ICITAP),
 - (2) or, if a mixture of appropriated funds and a percentage of the reimbursable PASA and MOU funding (as is done currently in OPDAT) will be used.

◆ SUMMARY OF RESOURCES

- ▶ Staff: Approximately 47 personnel
 - ▶ Nine from OPDAT and 38 from ICITAP
 - ▶ Excludes any detailees from the FBI or BOP
- ▶ Funding: Approximately \$25.7 million
 - ▶ \$20.0 million from the State Department
 - ▶ \$ 5.2 million from AID
 - ▶ \$.5 million from the Division's appropriation

A T T A C H M E N T 2

RECOMMENDATIONS

Based upon the urgency and magnitude of the grave crime problems confronting the democratic nations of Eastern Europe, and the NIS we are convinced that immediate action is essential. Indeed, we believe that the United States Government's commitment will be measured in terms of the actions undertaken in light of the delegation's meetings there and not merely in terms of the words uttered during those meetings.

We believe that the United States Government can provide coordinated and focused [] training to those nations as soon as September 15, 1994. In order to accomplish this worthy goal, we urge the prompt adoption of the following recommendations:

1. We recommend the formation of an executive coordinating group, the purpose of which will be to oversee coordinate criminal justice institution building, including training and technical assistance for law enforcement officials, prosecutors, judges and criminal justice policy makers ~~the law enforcement [and prosecutorial] training [, as well as] technical assistance [,]~~ provided to the nations of Eastern Europe and the NIS. The executive coordinating group should be chaired by the Deputy Attorney General Assistant Secretary of State for International Narcotics Matters. Membership in the executive coordinating group should consist of: the Under Secretary of the Treasury (Enforcement) and a designated bureau head from the Department of the Treasury; the Assistant Secretary of State for International Narcotics Matters, [an appropriate representative from the Department of Justice;] the Assistant Attorney General, Criminal Division, the head of the international criminal justice assistance unit in the Criminal Division, the Director of the FBI and the head of its training unit; the Administrator of the DEA and the head of its training unit; and, an appropriate representative from [] the National Security Council.

2. The executive coordinating group should ensure that: (a) [] training and technical assistance provided to the nations of Eastern Europe and the NIS is responsive to both the articulated needs of the intended recipient nation and to the needs of the United States law enforcement community; (b) there is no duplication of efforts among and between the United States Government agencies providing the aforementioned [] training and technical assistance; (c) the appropriate United States Government agency, or combination of agencies, provides the requested [] training or technical assistance, consistent with the agencies' authority and jurisdiction; (d) appropriate and adequate funding is obtained; and, (e) its activities are conducted within the foreign policy and security mandates governing United States Government relationships with the recipient nations.

Further, the executive coordinating group should have complete coordinating responsibility ~~oversight~~ of the Administration's international law enforcement and prosecutorial training activities, in the region, including the ability to allocate resources, interact with Congress, and designate components ~~representatives~~ from each agency to administer the overall effort.

Additionally, the executive coordinating group should work in conjunction with the police forces [~~and prosecuting authorities~~] and other entities in ~~of~~ other nations that, likewise, are providing [] training and technical assistance to the nations of Eastern Europe and the NIS, thereby preventing duplication of efforts, waste, and confusion.

3. We also recommend the creation of a managerial group, comprised of senior members from each agency represented in the executive coordinating group, and chaired by the Assistant Attorney General, Criminal Division, to assist the efforts of and report to the executive coordinating group, as well as administer the programs established by the executive coordinating group. Specifically, the managerial group will review requests for training, coordinate assessments of training needs, and identify priorities.

4. We further recommend that the managerial group establish and implement procedures for providing the training, including: assessing the feasibility of establishing a training academy in Europe; providing investigative [~~and prosecutorial~~] and judicial training in the countries where the training is needed; identifying and utilizing instructors from outside the United States Government, such as the International Association of Chiefs of Police [,] the National Sheriffs Association, [the National District Attorneys Association, the National Association of Attorneys General,] the ABA, the Administrative Office of the U.S. Courts and retired representatives of the agencies involved; and, inviting selected trainees to attend specialized training initiatives at the FBI Academy, the Attorney General's Advocacy Institute, or academies available to the other participating agencies.

5. In order for this effort to flourish and have a meaningful effect on the urgent needs of the nations of Eastern Europe and the NIS, we recommend that the effort be funded at a significant level. Given our assessment of the magnitude of the problems faced by these nations, the actual level of funding must be developed as soon as interaction with those nations generates sufficient factual data to support funding requests.

6. The International Criminal Investigative Training Assistance Program ("ICITAP") has earned substantial credibility and admiration for its law enforcement training and assistance efforts in various parts of the world. The Freedom Support Act mandates that ICITAP be involved in training in Russia and the Newly Independent States; thus, it is entirely appropriate that ICITAP be included in the planning and execution of training and technical assistance activities in Eastern Europe. To enhance coordination and efficiency in operational and administrative matters, it is recommended that ICITAP report jointly to the coordinating group as directed by the Deputy Attorney General. ~~Assistant Secretary of State for International Narcotics Matters,~~ and to the ~~Deputy Director of the FBI,~~ because ~~ICITAP managers and many of its instructors are FBI Special Agents.~~

[7. We recommend that the United States Government consider the negotiation of ~~negotiate~~ Mutual Legal Assistance Treaties ("MLAT's") and updated Extradition Treaties with the countries of Eastern Europe and the NIS on an expedited and priority basis. Until those MLAT's can be fully ratified and implemented, we recommend that the United States Government enter into Executive Agreements with those countries in order to permit and facilitate the exchange of evidence and criminal investigative information.]

TAB E



Office of the Attorney General
Washington, D. C. 20530

December 12, 1994

MEMORANDUM FOR JO ANN HARRIS
Assistant Attorney General
Criminal Division

FROM: THE ATTORNEY GENERAL

SUBJECT: Proposed Reorganization of the
Criminal Division

I approve the organizational changes proposed by the Criminal Division to establish the Violent Crime Section; establish the Office for International Criminal Justice Training; realign functions and resources from the Office of Enforcement Operations, Internal Security Section, Terrorism and Violent Crime Section, and the General Litigation and Legal Advice Section; create the Office of Prosecution and Investigation Support; establish the National Security Section; consolidate the Asset Forfeiture Office and the Money Laundering Section into one separate section; create the Office of Policy and Legislation; transfer the International Criminal Investigative Training Assistance Program to the Criminal Division; and make other minor changes to enhance the operational effectiveness and efficiency in the Division.

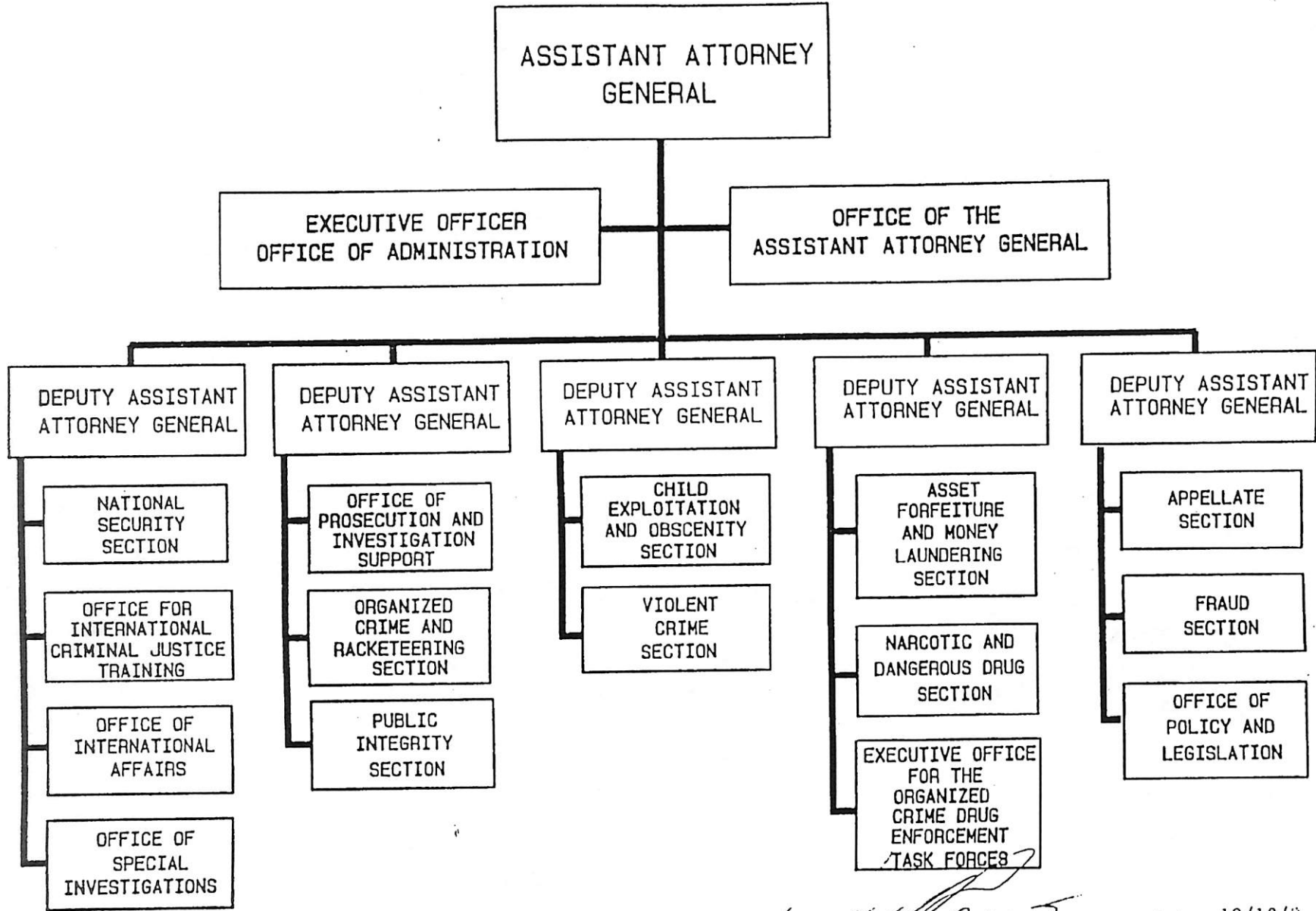
I have instructed the Assistant Attorney General for Administration (AAG/A) to notify the Office of Management and Budget and the appropriate Congressional committees of the organizational changes. He will advise you when the notification period has lapsed so that you may implement this reorganization.

If the organizational changes that I have approved necessitate revisions to the Code of Federal Regulations, I ask that you submit to the AAG/A, within 20 working days from the date of this letter, an appropriate order for my signature that implements the necessary revisions. A signed copy of the new official organization chart of the Criminal Division is attached.

Attachment

cc: Stephen R. Colgate
Assistant Attorney General
for Administration

CRIMINAL DIVISION



Approved: 
 JANET RENO
 Attorney General

Date: 12/12/9..

ANALYSIS OF THE CRIMINAL DIVISION
PROPOSED REORGANIZATION

The Criminal Division is proposing to change its organizational structure to:

- Establish a new Violent Crime Section by utilizing resources and expertise associated with violent crime that now reside in the Division's Terrorism and Violent Crime Section.
- Establish the Office for International Criminal Justice Training by transferring resources from the Division's Office of Professional Development and Training which has been operating within the Litigation Support decision unit, and from the International Criminal Investigative Training Assistance Program (ICITAP) which has been operating within the Office of the Deputy Attorney General.
- Realign resources from the General Litigation and Legal Advice Section (GLLA). Combine the legal advice functions from GLLA with functions from the current Office of Enforcement Operations and create the Office of Prosecution and Investigation Support. Transfer the Computer Crime Unit from GLLA to the Fraud Section. The remaining litigators from GLLA will be moved into areas of Attorney General priority in the future.
- Establish a new National Security Section by merging the resources and expertise associated with terrorism (residing in the Terrorism and Violent Crime Section) with those of the current Internal Security Section.
- Consolidate the functions and resources of the current Asset Forfeiture Office and the Money Laundering Section to create the Asset Forfeiture and Money Laundering Section. As a part of this action, three positions will also be transferred from the Money Laundering Section to the Narcotic and Dangerous Drug Section.
- Consolidate resources and realign functions of the current Office of Legislation and the Office of Policy and Management Analysis to create the new Office of Policy and Legislation.
- Realign the administrative functions of the Division's Freedom of Information/Privacy Act Unit from the Office of Enforcement Operations to the current Office of Administration.

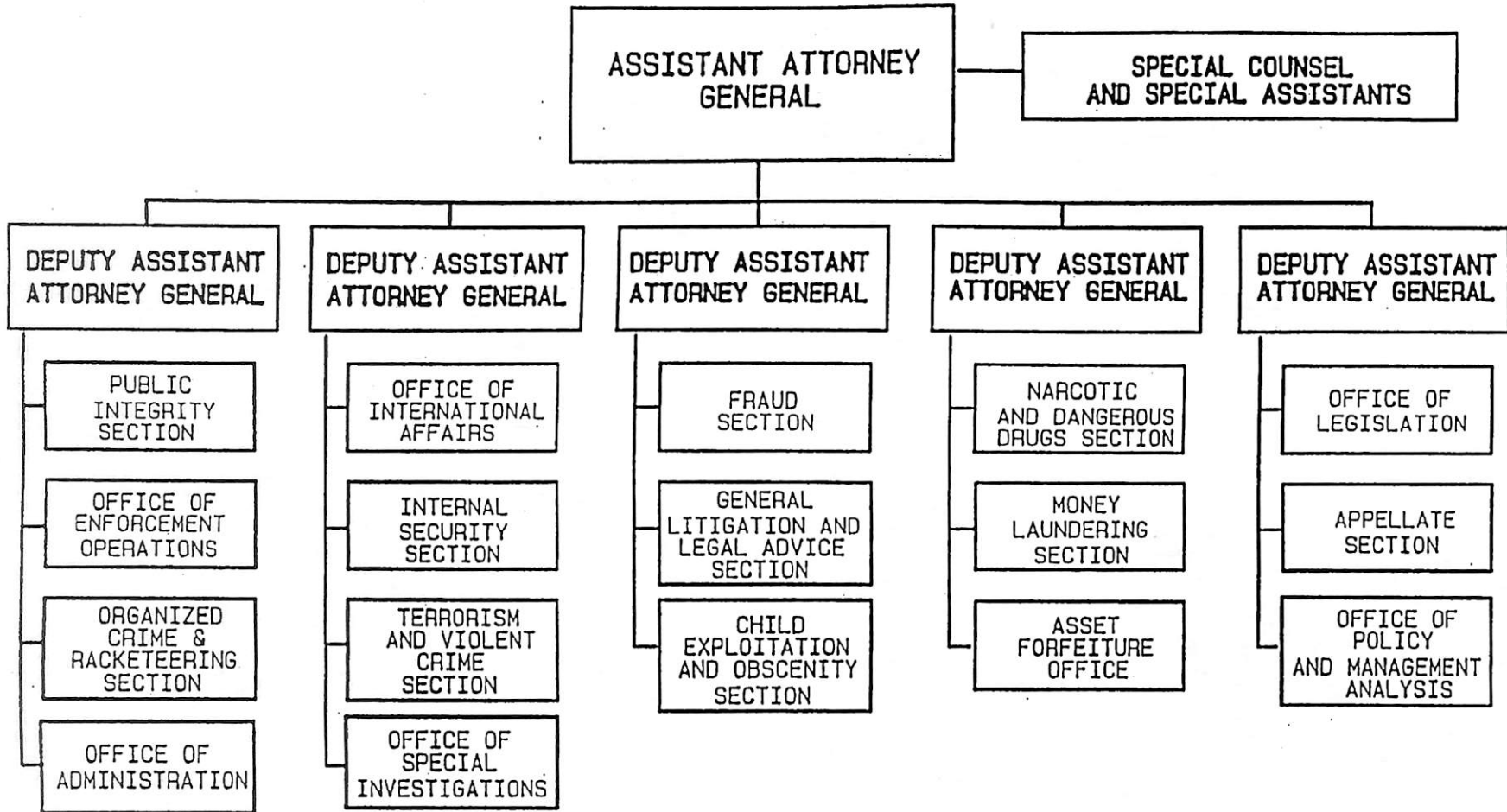
- Show the Executive Office for Organized Crime Drug Enforcement Task Forces on the Criminal Division organization chart to accurately reflect what is already in place.


This request is to put in place the organizational structure desired by the Assistant Attorney General of the Criminal Division. This proposal's streamlining objectives are consistent with the goals of the National Performance Review Program. Referenced shifts of positions will occur within current resource levels. The Criminal Division will do everything possible to minimize the impact of these changes on the personnel involved. This reorganization will require a reprogramming. A copy of the reprogramming request is attached for your review.

Criminal Division
Salaries and Expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

| Activity Program | 1995 Appropriation Anticipated | | | Reprogrammings | | | 1995 Appropriation As Reprogrammed | | |
|--|--------------------------------|-----|----------|----------------|------|---------|------------------------------------|-----|--------|
| | Pos. | WY | Amount* | Pos. | WY | Amount | Pos. | WY | Amount |
| Violent Crime, Organized Crime and Narcotics | 114 | 115 | \$11,983 | (1) | (1) | (145) | 113 | 114 | 11,838 |
| White Collar Crime | 240 | 241 | 24,934 | (29) | (28) | (2,832) | 211 | 213 | 22,102 |
| International | 137 | 139 | 14,333 | 2 | 1 | 95 | 139 | 140 | 14,428 |
| Litigation Support | 145 | 149 | 15,286 | 26 | 25 | 2,607 | 171 | 174 | 17,893 |
| Management and Administration | 101 | 110 | 10,707 | 2 | 3 | 275 | 103 | 113 | 10,982 |
| Total..... | 737 | 754 | \$77,243 | ... | ... | ... | 737 | 754 | 77,243 |
| Reimbursable Workyears | | | | | | | | | |
| OCDETF Allocation | | 6 | | | ... | | | 6 | |
| Executive Office for OCDETF | | 13 | | | ... | | | 13 | |
| ICITAP | | ... | | | 38 | | | 38 | |
| Total Reimbursable Workyears | | 19 | | | 38 | | | 57 | |
| Total Workyears | | 773 | | | 38 | | | 811 | |

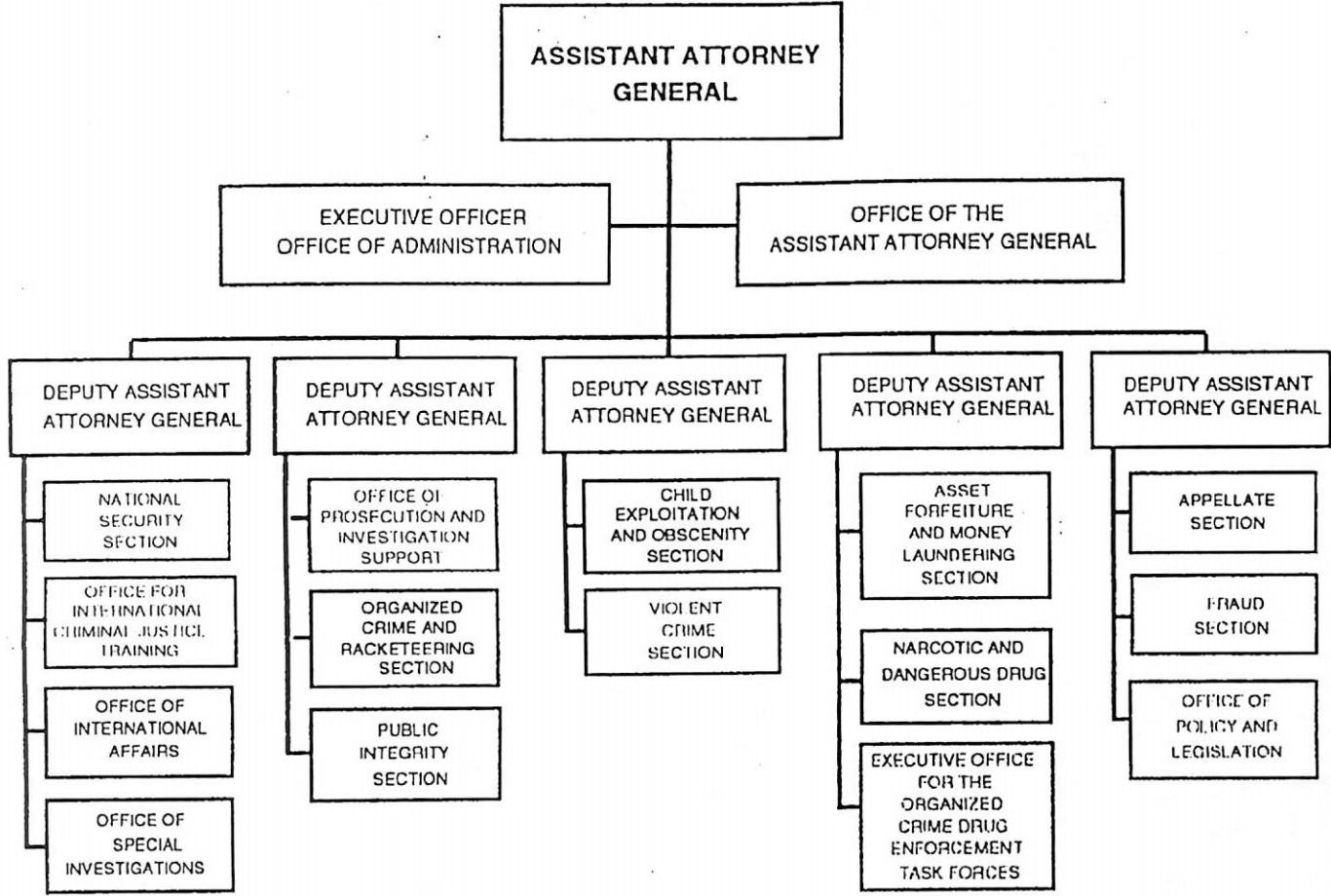
CRIMINAL DIVISION



Approved:  Date: 1-12-91

DICK THORNBURGH
Attorney General

CRIMINAL DIVISION



Key:

- New Offices:
The current Office of Enforcement Operations, Internal Security Section, General Litigation and Legal Advice Section, and Terrorism and Violent Crime Section are eliminated from the organization chart and functions realigned to one of the new offices that are highlighted in red.
- Affected Offices: Realignment of the Computer Crime Unit to the current Fraud Section and the realignment of certain administrative functions to the current Office of Administration.
- The Executive Office for Organized Crime Drug Enforcement Task Forces is being shown on the organization chart to accurately reflect what is already in place.
- The current Money Laundering Section and the Asset Forfeiture Office consolidated into one separate section (Asset Forfeiture and Money Laundering Section).
- The current Office of Legislation and the Office of Policy and Management Analysis resources are consolidated to create the Office of Policy and Legislation.

TAB F



U.S. Department of Justice

JAN 11 1995

Washington, D.C. 20530

The Honorable Harold Rogers
Chairman
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is to notify you of a reorganization within the Criminal Division. The reorganization will: establish the Violent Crime Section; establish the Office for International Criminal Justice Training; create the Office of Prosecution and Investigation Support; establish the National Security Section; consolidate the Asset Forfeiture Office and the Money Laundering Section into one separate section; and create the Office of Policy and Legislation. In addition, the reorganization will transfer the International Criminal Investigative Training Assistance Program from the Office of the Deputy Attorney General to the Criminal Division.

The Violent Crime Section will be established by utilizing resources and expertise associated with violent crime that now reside in the Division's Terrorism and Violent Crime Section. The Attorney General mandated that the Criminal Division will create a new Violent Crime Section so that the Division is better situated to coordinate the national anti-violent crime strategy effort, and to provide strong support to the United States Attorneys.

The Office for International Criminal Justice Training (OICJT) will be established by transferring resources from the Division's Office of Professional Development and Training which has been operating within the Litigation Support decision unit, and transferring the International Criminal Investigative Training Assistance Program which has been operating within the Office of the Deputy Attorney General. The primary function of OICJT would be the responsibility for all international training coordinated and sponsored by the Division. The Division is currently receiving significant funding from the Agency for International Development for international training efforts. The goal will be to make this new training operation almost fully funded with reimbursements from other agencies. The use of the Division's appropriated money would be very limited. The enhancement of the Division's international training would be consistent with the President's new drug policy.

The Office of Prosecution and Investigation Support (OPIS) will be created by realigning functions and resources from the current General Litigation and Legal Advice Section and the Office of Enforcement Operations. The new OPIS will fulfill the expressed wish of Department and Division managers to create a "single-stop" source of direct assistance to the United States Attorneys' Offices (USAOs). This new office would support client efforts by processing Title III's, staffing the Witness Protection Program, and providing direct, high-level litigation support. By bringing together the Office of Enforcement Operations with the legal advice functions will provide one source of direct assistance to the USAOs and field components.

The National Security Section will be established by merging the resources and expertise associated with terrorism (residing in the Terrorism and Violent Crime Section) with those of the current Internal Security Section. The functions of espionage, export control, and Graymail decision-making currently performed by the Internal Security Section are so closely related to the anti-terrorism function in the operational world of intelligence services and law enforcement agencies (domestic and worldwide), that the staff and functions can be appropriately combined in the new National Security Section. This new Section will become the focal point for interagency coordination and development in cases which are by their very nature usually international; tied together by elements of espionage, export/import violations, and terrorist groups; and because of the types of information developed in these cases, almost always subject to Graymail policy and litigation issues.


This reorganization will consolidate the functions and resources of the current Asset Forfeiture Office and the Money Laundering Section to create the new Asset Forfeiture and Money Laundering Section. In addition, the policy oversight functions, as they pertain to activities of the asset forfeiture programs will be transferred from the Executive Office of Asset Forfeiture to the new Section consistent with a previously approved reprogramming by the Office of Management and Budget and Congress. The integration of these two Offices is consistent with a continuing Division initiative to develop effective procedures for combatting sophisticated financial crime. The Division has identified the need for a centralized Asset Forfeiture and Money Laundering Section with Division-wide responsibility for these areas. The new Section will develop, coordinate, and implement, through litigation, nationwide policies and programs regarding the seizure and forfeiture of the assets and profits of criminals and criminal groups. This Section will coordinate, on a national level, the simultaneous investigation of money laundering organizations with the goal of dismantling the organizations, prosecuting the principals, and seizing their assets.

Finally, this reorganization will establish the Office of Policy and Legislation by consolidating resources and realigning the functions of the current Office of Legislation and the Office of Policy and Management Analysis. The merger of the Office of Legislation and the Office of Policy and Management Analysis will provide users with a "one-stop" policy and legislation body. This new Office, designed to support the Division's litigative activities, will produce, review, store, and retrieve documentation on criminal justice policy and legislation issues. In addition, by merging the Office of Legislation with the Office of Policy and Management Analysis, the Division is creating a central Office where policy, legislation, and policy review are routinely conducted to support the Division's activities.

This request is to put in place the organizational structure desired by the new Assistant Attorney General of the Criminal Division. This proposal's streamlining objectives are consistent with the goals of the National Performance Review Program. The reorganization will enhance the operational effectiveness and efficiency in the Division. Referenced shifts of positions will occur within current resource levels. The Criminal Division will do everything possible to minimize the impact of these changes on the personnel involved. This proposal will require a reprogramming. Enclosed for your review is the reprogramming request. Copies of the Criminal Division current and new proposed organizational charts are also enclosed for your information.

If I do not hear from you within 15 working days from the date of this letter, I will assume there are no questions concerning the proposal and will proceed with its implementation. If you have any questions or wish to make any comments on the reorganization, please contact me.

Sincerely,

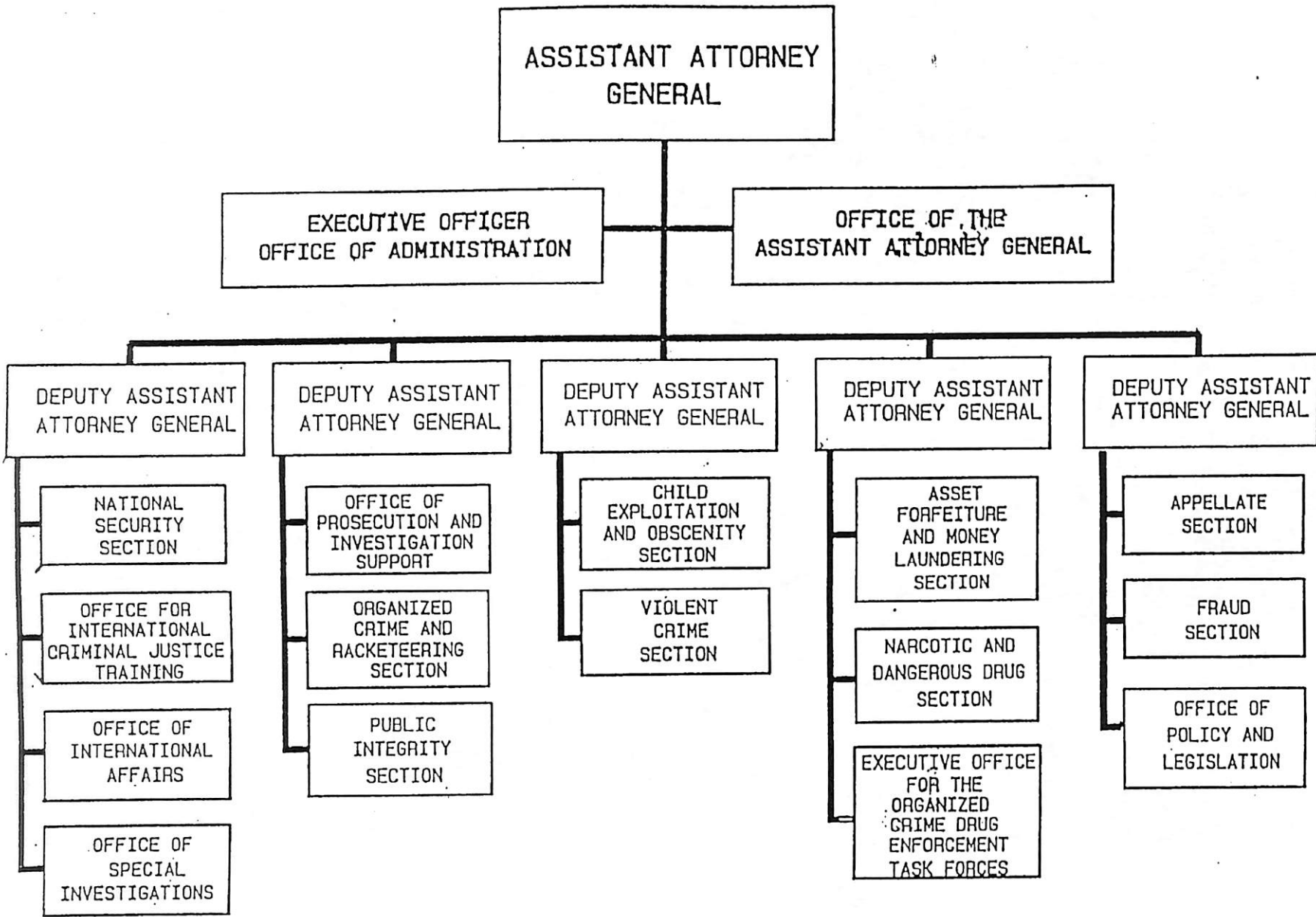

Stephen R. Colgate
Assistant Attorney General
for Administration

Enclosures

Criminal Division
Salaries and Expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

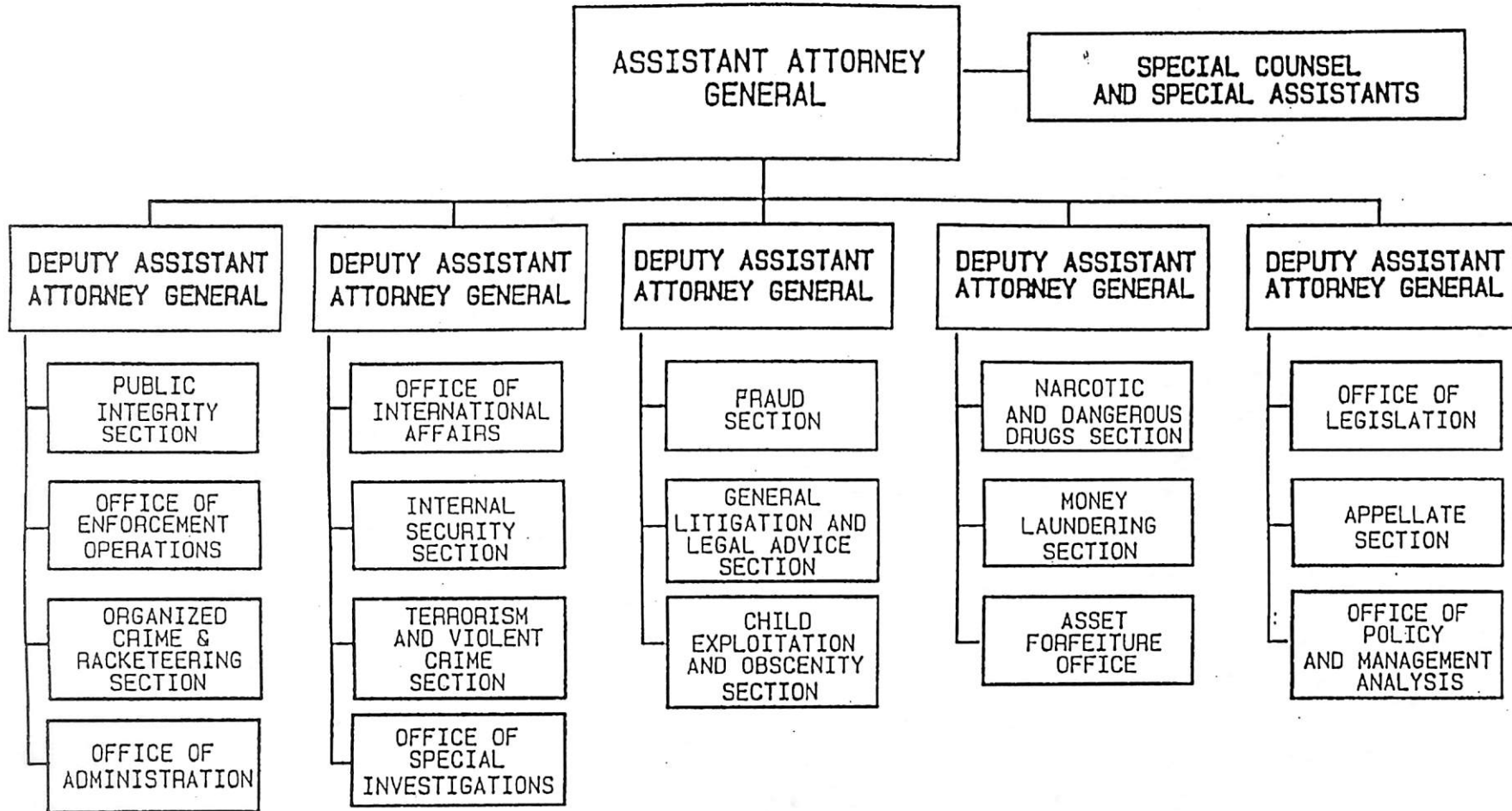
| | 1995 Appropriation Anticipated | | | Reprogrammings | | | 1995 Appropriation As Reprogrammed | | |
|--|-----------------------------------|-----|----------|----------------|------|---------|---------------------------------------|-----|--------|
| | Pos. | WY | Amount* | Pos. | WY | Amount | Pos. | WY | Amount |
| Activity Program | | | | | | | | | |
| Violent Crime, Organized Crime and Narcotics | 114 | 115 | \$11,983 | (1) | (1) | (145) | 113 | 114 | 11,838 |
| White Collar Crime | 240 | 241 | 24,934 | (29) | (28) | (2,832) | 211 | 213 | 22,102 |
| International | 137 | 139 | 14,333 | 2 | 1 | 95 | 139 | 140 | 14,428 |
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| Executive Office for OCDETF | | 13 | | | ... | | | 13 | |
| ICITAP | | ... | | | 38 | | | 38 | |
| Total Reimbursable Workyears | | 19 | | | 38 | | | 57 | |
| Total Workyears | | 773 | | | 38 | | | 811 | |


CRIMINAL DIVISION



PROPOSED DECEMBER 12, 1994

CRIMINAL DIVISION



Approved:  Date: 1-12-91

DICK THORNBURGH
Attorney General

Identical Letters Sent to:

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Harold Rogers
Chairman
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Joseph P. Biden
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Orrin C. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Ernest F. Hollings
Ranking Minority Member
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Phil Gramm
Chairman
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Alan B. Mollohan
Ranking Minority Member
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

TAB G



U.S. Department of Justice

Office of the Deputy Attorney General

*International Criminal Investigative Training
Assistance Program*

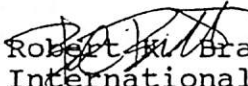
Office of the Director

Washington, D.C. 20530

MAY 15 1995

MEMORANDUM

TO: Jo Ann Harris
Assistant Attorney General

FROM:  Robert M. Bratt, Acting Director
International Criminal Investigative
Training Assistance Program

SUBJECT: RECOMMENDATION FOR THE ICITAP AND OPDAT MERGER AND
ORGANIZATIONAL STRUCTURE

On March 1, 1995, I assumed the helm of the International Criminal Investigative Training Assistance Program (ICITAP) as you directed. My mission had several objectives:

- to determine the overall state and effectiveness of the Program;
- to institute both short-term and long-term corrective action to restore internal morale and external credibility; and,
- to ensure the success of ICITAP's project in Haiti, as well as similar projects of this magnitude in the future.

At this point in my tenure as Acting Director, it is clear to me that ICITAP needs to be restructured in a major way. The organization needs to be expanded to facilitate the efficient delivery of services, technical assistance, training, and equipment needed to support the development of effective criminal justice systems in emerging democracies. I am pleased to submit for your review an organizational chart (attached) for the new entity as a component of the Criminal Division. This new component will be an integrated program that encompasses long-range institutional development objectives--judicial efficiency and accountability, effective criminal investigation and prosecution and, eventually, alternative dispute resolution--with an awareness of U.S. law enforcement objectives. The successful administration of justice program in Bolivia serves as a model for future projects. The implementation team includes representatives from AID, ICITAP and OPDAT and is achieving the stated goal of improving the administration of justice in Bolivia.

The new organization will provide a forum within the Division for reviewing specific country needs and the political will, both within the United States and the target country, to implement legal reforms, balancing trade-offs between conflicting objectives, and considering how best to coordinate the development of assistance programs undertaken by the Department.

ICITAP and OPDAT

For ten years ICITAP programs have provided high-quality and relevant law enforcement training and technical assistance, which have resulted in an improved capacity to investigate crimes. ICITAP has a well-developed mechanism for the procurement and delivery of its services. This expertise enables the Program to quickly launch multi-million dollar initiatives; and has been one of the significant factors in the growing reliance upon ICITAP by the National Security Council and the Departments of State and Defense to execute foreign policy objectives - many of which are articulated, at least in part, by ICITAP's highly credentialed personnel. OPDAT efforts, while more limited in years and field of operations, are yielding significant benefits to the Department through the placement of prosecutors in South America and the Russian Federation to assist host governments migrate to new legal procedures and methods.

In order to maximize the economies of scale and efficiencies of both OPDAT and ICITAP, we have sought to identify the commonalities in the two programs without mingling or diluting each one's unique abilities.

The Reorganization

The proposed re-organization plan flows from the need to create processes that are simple and rational. As part of the reorganization, I propose:

- the elimination of ICITAP's current troika system of Associate Directors for Operations, Administration, and Planning; and
- the establishment of two Deputy Directors--one to handle the legal programs intrinsic to OPDAT coupled with Administration and the other responsible for Operations and Technical Services, exploiting ICITAP's current strengths in instructional design, forensic sciences and project design.

In this manner, the new agency becomes truly a mirror of its stated purpose: a vehicle for the design and delivery of comprehensive legal reform and law enforcement development packages overseas. Placing the agency's administration unit within the purview of the Deputy Director for Legal Programs would enable the OPDAT function to reach full efficiency by providing it access to the rapid response mechanisms that ICITAP

has emplaced in procurement and contract administration; and to exploit ICITAP's sophistication in the intricacies of Embassy management and support.

Four Assistant Director positions are proposed to address the specific, day-to-day needs of the agency: Legal Programs, Administration, Law Enforcement Programs, and, Operations Support. It is implicit that no one unit would function without significant interaction with the other units under the policy guidance and oversight of the two Deputies and of the Director. The separation of the two programmatic components, legal and law enforcement, maintains the balance in programmatic activities and seeks to minimize potential conflicts in programmatic objectives while allowing each one to mature in its area of expertise.

Under the proposed reorganization, in-country Assistant Project Managers would serve both in the field and at the Washington headquarters. This rotation of service would enable them to experience the Program from both sides, providing essential hands-on and administrative oversight training. It would also more closely link headquarters to field operations, ensuring that headquarters is truly sensitive and responsive in its support and oversight of in-country projects.

In addition, Training Coordinators would play a more central and proactive role in this new organization than they currently do. First, Training Coordinators would be directly involved in designing activities and procedures in support of police development objectives that are reflective of the cultural, political, and legal climate of the country they are intended to support. And second, they would be truly "coordinators" in that they would be analyzing and assessing programs across countries and across projects, monitoring progress towards stated objectives, making recommendations that will improve service delivery, and ensuring that "lessons learned" in one ICITAP project are appropriately applied in others.

More Service Oriented Approach from Headquarters

At the headquarters level, I hope to foster a more service oriented approach towards assisting the field components in accomplishing the organization's mission. The new Operations Support component will support each of the programmatic units with a variety of discrete operations-related services such as forensic sciences; instructional design; and resource development, both physical and human, in terms of identifying and certifying instructors, site surveys for training and/or academy development.

Additional Functions

Evaluations of the operational aspects of the combined ICITAP/OPDAT Program will be conducted by the Executive Office,

Criminal Division. This will enable the Division to maintain intimate familiarity with Program objectives, strengths, and vulnerabilities. With such firsthand knowledge, the Division can more accurately measure and monitor Program performance and impact and determine--and address--additional resource needs. At the same time, locating the evaluation function in the Criminal Division ensures independent and objective oversight of the Program. Finally, because of its familiarity with the Program, the Division will be in a position to supplement resources, both in terms of personnel and services.

An Executive Secretariat will be created to monitor and track the flow of the many items that require immediate attention by senior managers from classified cable traffic to inquiries from the Executive and Legislative Branches, Non-Governmental Organizations, the United Nations and private citizens.

Positions and Current Personnel

While we have developed an operating structure for the new organization, we are still working out the number of positions for each area and how existing staff will fit into these roles. However, I do not envision adding a large number of staff to ICITAP. My goal is to enfuse a different mix of skills within the organization. As we prepare a detailed listing of positions for each component of the organization, I will forward it to you for your approval.

The following bullets outline my ideas for staffing the new management structure:

- As you know, we are currently interviewing for the Director and one Deputy Director position. The additional Deputy Director included in this package should be picked by the new Director once he/she is named.
- I recommend the four Assistant Director positions be filled with current ICITAP and OPDAT staff as follows:

| | |
|--------------------------|---------------|
| Legal Programs | Tom Schrup |
| Administration | Raquel Mann |
| Law Enforcement Programs | Jan Stromsen |
| Operations Support | Joe Spooner * |

- * Joe Spooner would be the new senior manager in this group. Joe is an experienced ICITAP program manager with extensive in-country field experience. The Operations Support section of the new organization, which he would head, will focus on supporting the field. I believe Joe's experience makes him well suited for this role. I also believe it would send a good signal to the organization to promote a well respected manager from within ICITAP.

** Joe Trincellito, who is currently part of ICITAP's senior management, would not be an Assistant Director in this new structure. His expertise would be utilized elsewhere in the organization. I am available to discuss this issue in depth further if you wish.

Recommendation

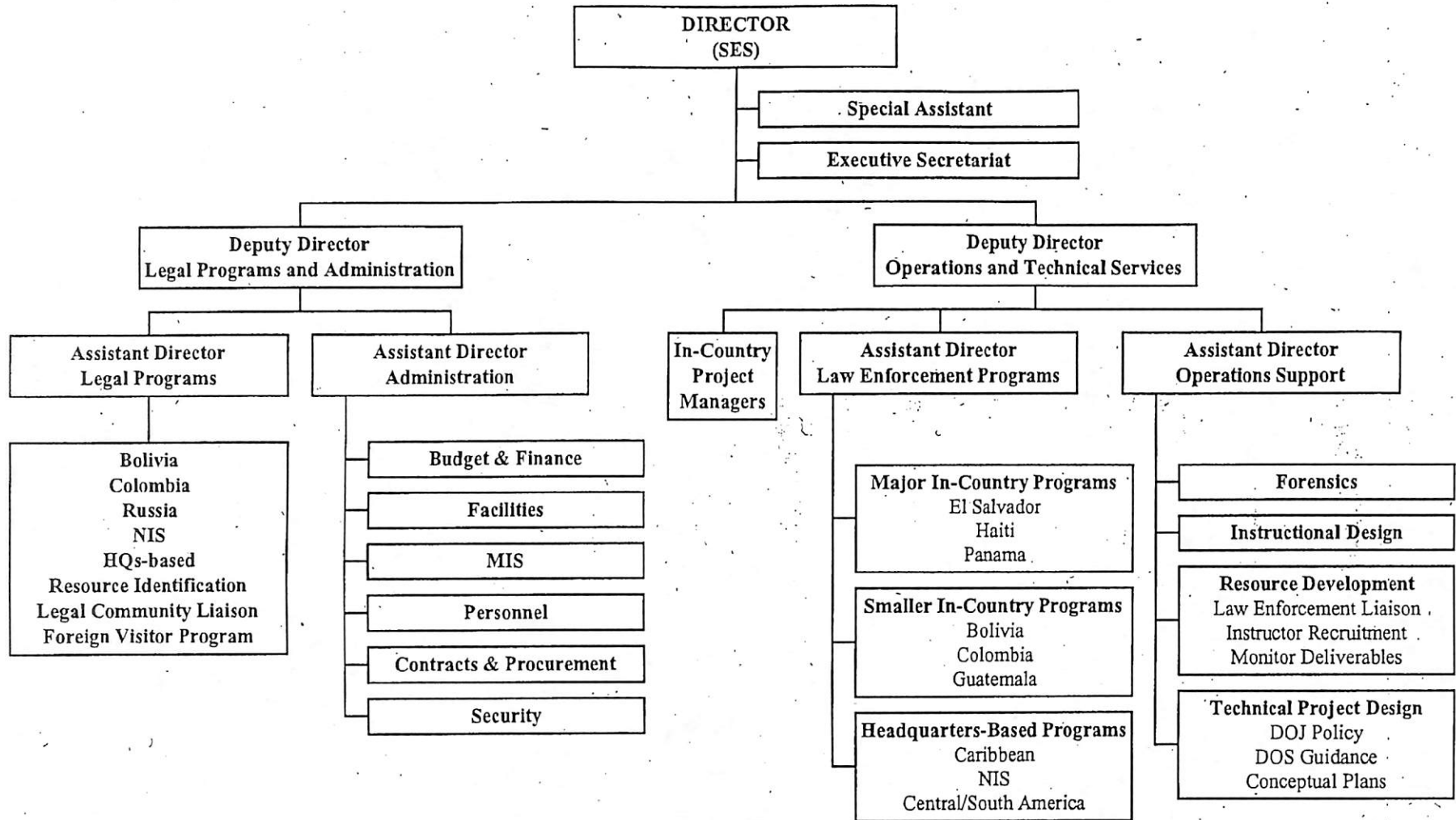
Your consideration and approval is sought for the proposed merger/re-organization plan for the Office of Professional Development and Training (OPDAT) and the International Criminal Investigative Training Assistance Program (ICITAP). Please understand how important it is that your decision regarding the proposed re-organization plan be made as promptly as possible. Currently, both agencies have numerous personnel vacancies that must be filled as well as significant logistical and contractual actions that must be taken. Until a decision is reached about the proposed merger, no resolution of these matters can occur.

Approve: _____

Disapprove: _____

Jo Ann Harris
Assistant Attorney General

PROPOSED MERGER OF ICITAP & OPDAT



APPROVED:

Jo Ann Harris, Assistant Attorney General
Criminal Division