



U. S. Fish and Wildlife Service  
Office of Law Enforcement  
Region 2 - Southwest



Report on the Mongolian National Police Agency's Visit to the Southwest  
*After-Action Assessment*



September 16, 2007 through September 21, 2007



Resident Agent in Charge NM/WTX  
Thomas J. Karabanoff  
November 15, 2007

## **Background Information**

**In November 2006** (FY 07), the Resident Agent in Charge (RAC), Thomas Karabanoff of New Mexico, participated as a lead instructor in the country of Mongolia for wildlife law enforcement training for Mongolian Customs, the Mongolian National Police Agency, Mongolian Border Patrol, Agriculture Departments, and the Mongolian National Prosecutor's Office.

**In September 2007**, the Mongolian National Police Agency (MNPA) sent Colonel Miga and Lt. Colonel Bayar, of their Environmental Crimes Unit, to the United States for further training, insight and guidance. RAC Karabanoff hosted their trip involving training and visits to the National Eagle and Property Repository in Denver, Colorado, Region 2 Offices, the Forest Service LE Office and Legislative contacts on environmental issues. These trips and training were sponsored by USFWS, WWF, WCS, Traffic/East Asia, and the U.S. State Department. WWF arranged and paid for the translator expenses while the Mongolian delegation was in the United States.

### **U.S. Delegation to Mongolia**

#### **November 30, 2006 – Meeting with the Mongolian National Police Agency**

The U.S. Delegation met with the Mongolian National Police Agency, Criminal Case Registration Department. Present at this meeting were the Colonel in Charge (Chief of Division), a Lt. Colonel in Charge of Environmental Crimes, and the Colonel in Charge of the Department of Inquiry. After introductions were made, the Colonel gave us some background information. He stated that under the environmental crimes unit he had 13 officers, including the above Lt. Colonel. This unit has criminal jurisdiction over crimes involving timber theft, illegal take of natural resources, and illegal mining. The office was established in 2002 under Article 23 which gives the Mongolian National Police Agency authority to enforce and investigate criminal environmental activity. The Colonel stated that last month he had meetings with the State inspection Agency and the Mongolian National Prosecutor's Office. He has also had meetings with other entities, like WWF and other NGOs, regarding joint funding. He stated that some issues involve authority and jurisdictional problems, as to what agency can prosecute for wildlife crime. Under Mongolian Law, natural resources are owned by the state/public, this falls under the Mongolian constitution. Laws for protected areas are more clear, and give specific agencies authority and jurisdiction over natural resource crimes. There are no laws or specific jurisdiction direction for overall natural resources on private and open lands.

The Police Office investigates these cases, but they can be difficult due to a lack of representation. The question is, who represents the state, who is the victim? The victim would be the state or public, but who would be the representative? This is the major prosecutorial problem or issue. They have tried to get the units under the Ministry of Environment or the local authority to present the case, but this does not always happen due to funding and legal issues. Another issue is assessing damage to natural resources, such as land damage by illegal mining. They have no tools or formulas to calculate assessments for restoration. They have no economic assessment mechanisms to determine costs and damage to natural resources and wildlife and fish. The values of such resources are non-existent. They have no agency

with the expertise to make a determination that can be held up in court or by law. They need assistance with the victim and value determinations. The State Inspection Agency can at times determine values for animals and timber, but not for land, air, and water.

The MNPA also have investigated complaints involving illegal mining and damages to the land and rivers due to legal mining. Determining land restoration costs can be difficult. Cases involving cyanide, mercury, and other chemicals and pollutants that damage land and water can be difficult due to lack of resources and expertise. The wide use of mercury poses a great challenge. They have no lab to conduct analysis on how much these chemicals are used. The question of funding is ever prevalent, expenses for the field, costs for investigators taking analysis can add up. There is no mechanism to collect funds, fines, or penalties.

The office has 58 staff members/officers under the division dedicated to wildlife, fires, timber, and mining investigations. They have 7 investigators for crimes against soldiers, fires, and the environment. They have investigated 16 criminal cases involving destruction of woods, illegal take of animals, chemical killings of livestock, and contaminated rivers involving mercury. The biggest violators are Chinese companies that are allowed to mine by the Ministry of Environment. Even the illegal poaching/take of timber and cutting of trees at certain markets is flagrant, but they have no legal right to seize them. The fines are small and these cases when completed normally involve the seizure/confiscation of products.

In cases involving timber theft, the court makes the decision for forfeiture of goods, property and tools used by poachers or thieves. Most criminal elements are organized networks of criminals. The National Police also needs funding for outreach and education. These are the major issues with wildlife enforcement as observed by the National Police Agency.

During this meeting in 2006, Colonel Miga and Lt. Colonel Bayar expressed an interest in coming to the United States and learning more about our agency and wildlife law enforcement. They were also very interested in the National Repository in Colorado and how property and seizures were disposed of and stored.

### **Visit to the USFWS Office of Law Enforcement National Repository**

**Objectives of visit and training:** Colonel Miga of the Mongolian National Police Agency (MNPA) explained to RAC Karabanoff that his mission objective for this trip was to gain further insight and guidance into the Service's OLE National Repository Program and how OLE deals with the issues of seized property disposition, storage and auction/sales of such property. What laws and regulations are used and what policies and procedures are instituted for such a program. The Mongolian Delegation also wanted more insight into timber theft issues, mining regulatory legislation and big game commercial poaching investigations, as well as the laws/regulations utilized to fight wildlife crime and seize property.

**September 16, 2007 (Approximately 11PM)** - Colonel Miga and Lt. Colonel Bayar were picked up at the Denver International Airport by RAC Karabanoff, and SA Riley and translator Orgiltuya Dashzevge.

**September 17, 2007 (8 AM)** - The Mongolia Delegation visited the National Repository and met with SWI Burnadette Atencio and her staff. SWI Atencio put on a power point presentation and lecture on the repository and how important it is to the overall law enforcement mission, outreach and education and to the preservation of natural resources. The staff also gave the delegation a tour of the repository and demonstrated how items are identified, processed, catalogued and stored. The key topics discussed were the inner workings and functions of the repository and its operating procedures and programmatic policies and guidelines. The staff was extremely hospitable and professional. SWI Atencio and her staff did an outstanding job with this presentation. The Mongolian Delegation were extremely impressed and advised that they had learned much about the value and importance of seized property disposition and storage.

**September 18, 2007 (8AM)** - The Mongolian Delegation was also presented with a power point and lecture on the Eagle aspect of the National Repository. The presentation covered, eagle in-take processing, the lab, storage and the value and importance of the program to our Native American tribes. The trust responsibilities our agency has to the Native American tribes was highlighted and explained to the Mongolian Delegation with regard to eagles and other natural resources. Cultural issues were discussed as was the importance of religious tribal ceremonial dance was covered during the lecture and presentation.

SWI Atencio did an outstanding job with this presentation as well.

**September 19, 2007 (9AM)** - The Mongolian Delegation traveled to Albuquerque, New Mexico, from Denver, Colorado to prepare for several scheduled meetings. RAC Gary Young was key in scheduling meetings with Acting SAC Scully and the Regional OLE Staff, Regional Director Dr. Tuggle, Deputy Regional Director Jones and the SAC U.S. Forest Service, Law Enforcement Division.

**September 20, 2007 (9AM)**

**Meeting with Regional Director Dr. B. Tuggle and Deputy RD Todd Jones:**

The Mongolian Delegation met with the RD and DRD, together with Acting SAC Julie Scully, Acting ASAC Gary Young, and RAC T. Karabanoff. Colonel expressed to the RD his gratitude and described his mission objective and the purpose of his visit. The Colonel discussed the issues with illegal wildlife crime and trafficking in his country, timber theft and other law enforcement issues. He also detailed the problems with the mining industry and the lack of regulatory legislation, and the lack of a cohesive agency or department to handle such matters. The RD suggested setting up a meeting with Senator Bingaman's Office to obtain more insight into mining legislation and natural resource legislative matters. This meeting was later set up by External Affairs.

**Meeting with Acting SAC Scully and OLE Regional Staff:**

The Mongolian Delegation then met with Acting SAC Scully to discuss training issues, field operations, law enforcement related issues and the administrative functions of the regional office. Acting SAC Scully and RAC Karabanoff gave the Mongolian Delegation a tour of each office and each staff member described their duties and what their function was as it related to the field and our overall enforcement mission as a regional office.

### **Meeting with RAC Karabanoff and Field Office Staff:**

RAC Karabanoff met with the Colonel and Lt. Colonel to discuss the functions of the field office and reviewed the priorities of the field office operation. A power point presentation on the Valles Caldera case investigation was reviewed and dissected as to how field offices and special agents approach and succeed with such casework. RAC Karabanoff discussed the National Strategic Plan and the National and Regional Workforce Plans for the Office of Law Enforcement.

National and Regional priorities were also discussed and cases involving contaminants and smuggling were also reviewed. Copies of the OLE Organizational Chart were given to them, as well as copies of regulations, policies, laws, and other materials to assist them in their endeavor to create and/or better organize their agency/division. The goal was to review our operations and priorities in order for the Colonel to gain a better perspective and closer insight as to how the United States, the Service does business.

Organizational Charts for Interior, EPA, USDA/Forest Service, DOJ/USMS/FBI, and the National Park Service were also copied for them. Matters regarding organizational structure, MOA/MOUs and joint operations and task forces were also covered. Federal and State interaction were also studied and discussed.

After this meeting, Colonel Miga presented RAC Karabanoff with statue of the first Mongolian Police Officer, representing the law enforcement brotherhood and spirit of cooperation.

Other key points of discussion also included firearms training, forensics/lab applications to investigations, OLE specialty wildlife crime issues, recruitment, air pollution, MNPA expansion for a wildlife enforcement unit and it's development, and timber theft enforcement. Case prosecutions involving civil, administrative and criminal matters and authority were also assessed and evaluated as was our Violation Notice and CVB process.

**September 21, 2007 (8AM)**

### **Meeting with the U.S. Forest Service, SAC Law Enforcement Office:**

During this meeting, the Mongolian Delegation met with USFS SAC Glen Pickett and Regional Commander (Patrol/Uniform Division) John Smith and Special Agent Terry Magaha for the NM/AZ Region. During this meeting MNPA Colonel Miga explained his objective and mission for the trip, emphasizing that his country needed more timber theft enforcement and timber regulation for commercial purposes. He was especially interested in the laws and regulations used to enforce timber harvesting and unlawful take issues. SAC Pickett reviewed the USFS Organizational Chart, explaining the uniform/patrol division and the investigative/plains clothes division of their law enforcement office. He further explained the different functions, their authorities, and the mission of the USFS law enforcement under USDA. He touched on commercial timber issues, illegal timber take/theft, disposition of timber/evidence, storage issues, and some mining issues on forest service lands. Also discussed were issues of the re-sale/auction of confiscated timber/wood, the guidelines and regulations and the monies involved. Within the scope of this conference the MNPA Officers gained a better understanding and

insight into the process and procedures involving commercial timber theft investigations and the issues surrounding such a similar problematic crime in Mongolia. The authorities and jurisdictions were also discussed for administrative, civil, and criminal matters and investigations. Also reviewed were the USFS Violation Notices, the CVB process, the forfeiture of collateral schedule and the value schedule utilized. The legal concept of felony violations, vs. misdemeanors (and Classes) vs. petty offenses was also reviewed within the scope of the U.S. Criminal Justice System.

USDA also discussed and/or presented Colonel Miga with the following:

- Laws governing wood/timber harvests and regulations
- Organizational Structure – CFRs/Regulations
- USDA – Law Enforcement Organizational Chart
- Case Management/ Case samples
- Permit regulation information
- Permit administrative processes and protocols
- Storage of evidence, sale and disposition of evidence/seizures
- Explained 3 Pronged approach:
  - \*Uniformed Officers (High Profile)
  - \*Special Agents (Detectives/Investigations)
  - \*Education and Outreach – Enforcement and Engineering

The Mongolian Delegation explained to USDA/FS staff that in Mongolia timber theft was a complex and difficult issue in the sense that the very poor communities depend on this timber to keep warm and for fuel during the harsh winters. On the other hand, large corporations steal large harvests of timber for the growing construction needs within the cities, towns and villages. The rate of growth for businesses, residences and the population boom has placed a large burden on natural resources with no end in sight.

#### **Meeting at Senator Bingaman’s Office:**

##### ***Legislative Chairman of the Energy and Natural Resource Committee***

The MNPA Delegation met with Danny Milo, the Field Representative (FR) for the Senator’s Albuquerque, NM Office. RAC Karabanoff and Colonel Miga upon formal introductions explained to FR Milo the purpose of their visit and their mission objective. The key talking points evolved around environmental protection, laws and crimes related to the mining industry, pollution, wildlife, timber and plants. Colonel Miga explained that Mongolia is rich in natural resources such as copper, silver, zinc, and other precious minerals. The problems are with the use of chemicals (such as cyanide) and the lack of cleaning up damaged areas and the habitat destruction involved. FR Milo discussed the Federal Mining Act and the “essence of what that legislation encapsulates”. Also discussed were EPA standards, summary of mining legislation, authorizing language, environmental protections, safety standards and the effects of mining on climate change. FR Milo advised that his office would be going through new processes on related legislation within the next few months and would obtain more information and materials to the MNPA Delegation. FR Milo further advised that given the current safety issues and recent problems that the Senator’s Office would be re-evaluating the mining industry laws and regulations. FR Milo agreed to touch base with External Affairs Officer Jose Miravontes

Travel back to Denver, Colorado

### **Discussion notes with Colonel Miga and Lt. Colonel Bayar –**

Intimate discussions with the Mongolian Delegation involved a series of broad topical subjects with regard to the Mongolian Law Enforcement Training Academy. The topics included specialized training, certifications, education, upward mobility, retirement, investigative tools, defensive tactics, firearms use, special units and upcoming changes in policies and procedures. In Mongolia, officers train at the national police academy for up to nine (9) months to become patrol officers. Once in, they can then take a series of tests for promotional purposes. If these tests are passed, they have the option of entering another educational program for four (4) years, in order to obtain a B.A. in Criminal Justice from this specific Police College. All expenses are paid for by the MNPA. Upon graduation, commissioned officers become second lieutenants and continue on with their designated career ladder. Assignments come by way of specialized training and interests by the commissioned officers, or by field assignments, abilities and expertise. The career ladder has a twenty-five (25) year retirement system similar to most U.S. police retirements.

The MNPA Delegation explained that their training in police techniques is very satisfactory as they have worked with the Russians for training purposes as well. Their needs are within the realm of more specialized training for the uncommon types of crimes that are increasing, hence, environmental crimes, commercial poaching, and smuggling of wildlife, illegal mining, increased narcotics usage and some organized crime. The MNPA used to be co-located with the Mongolian Border Patrol Academy, but with the new government changes both enforcement academies have separated into two distinct entities with different missions. However, both academies still remain paramilitary with respective ranking systems.

Colonel Miga and Lt. Colonel Bayar command and supervise a team/unit of thirteen (13) officers and detectives. Field assignments are both overt and covert operations. Currently, this unit also includes Military Crimes, a CID Unit specific to crimes committed by military personnel or crimes committed on military installations.

Other topics discussed included organizational structure, goals and objectives, law enforcement doctrine, tactics, logistics, leadership development, technology, fitness programs, medical care, use of force/rules of engagement and discipline.

On leadership, subjects such as unit cohesion, personnel turbulence, assignment continuity, skill performance, loyalty, trust and commitment were visited and discussed.

### **Train the Trainer Theory and Techniques**

Lt. Colonel Bayar has implemented a series of training programs for six (6) provinces along the border with China. The training programs are based on the original training program presented to them by the USFWS/OLE Delegation in Mongolia. Lt. Colonel Bayar states that these trainings have been extremely helpful and productive in educating and training field personnel that are critical to their mission. The Lt.

Colonel also stated that he has implemented a train the trainer program, in which he has trained numerous officers from different provinces and sent them out to train more officers.

These trainings are being based on the USFWS/OLE model and powerpoints handed out to the MNPA, Mongolian Customs and Border Patrol Administrations during 2006 in Mongolia. Through this training and educating of provincial officers and their staff, the smaller units in the field will report directly to the MNPA Environmental Crimes Unit, this reporting system will be implemented and solidified with the pending new legislation and policy changes being made within this next year. By 2008, over twenty-one (21) Mongolian Provinces will have been trained because of the MNPA Delegation and USFWS/OLE efforts based on their international partnership and cooperation. One key goal for the visit is to consolidate seizures and property/evidence to safeguard against endangered species products from being sold in the open markets, increase awareness, conduct outreach and education and increase enforcement efforts through successful criminal and/or civil prosecutions. As of August 9, 2007 new criminal laws have passed through the Mongolian Parliament and will be implemented, including much needed environmental legislation and regulations for natural resources and increases to criminal penalties of such violations. New legislation would also include an ambitious change to the MNPA organizational structure to meet the new challenges ahead. (see attached org chart)

### **Joint Operations and Use of Force**

Also discussed were joint investigative efforts between agencies, the task force theory, and task force operations regarding environmental crimes. RAC Karabanoff discussed the topics and the importance of working with state partners, sister federal agencies and local law enforcement departments. Several case scenarios were discussed and used as examples of how critical liaison, sharing intelligence and informant sources are to the wildlife crime enforcement mission. The MNPA Delegation expressed their interest in this arena and the use of informants, special funds and rewards. The MNPA Delegation were also interested in the USFWS/OLE firearms policies and procedures, and the use of force. More and more, field officers are encountering armed poachers, and armed encounters continue to rise in Mongolia. The firearms current policies in Mongolia are basic, to prevent physical attacks, most wanted criminals (right to shoot), and to stop vehicles. Most poaching encounters involve the subject shooting at or above officers in order to escape, as officers stand down and wait to approach, due to this outdated use of force policy.

### **Needed Equipment and Future Training Requests**

#### **Equipment:**

1. GPS Systems
2. Radio Communications (mobile radios, handheld radios, satellite phones)
3. Undercover surveillance equipment and GPS Trackers
4. Digital Recorders (for interviews) and phone recording devices
5. Laptops and IT equipment
6. Software (Flash drives, discs, thumb drives)

7. Digital cameras, and video cameras
8. Optics, binoculars, spotting scopes, range finders, night vision
9. Decoys, (anti-poaching robotic decoys)
10. Evidence collection tools, forms, and misc. equipment

**Future Training Needs:**

Advanced Training, Field and Operational Practicals, and Best Practices

- \*Technical Training – GPS, IT and Surveillance equipment
- \*Undercover Operations, intelligence and liaison, informant development
- \*Crime Scene Investigation, photography and best practices
- \*Report Writing, Forms, Case Presentation for Prosecution
- \*Surveillance and Interviewing techniques
- \*Mining and Contaminants investigative training, best practices/case presentation
- \*Wildlife Identification techniques
- \*Smuggling Interdiction, Patrol Operations, Anti-Poaching Operations

**Police Techniques Training (if possible):**

Best Practices only

- \*Defensive Tactics and arrest techniques
- \*Handcuffing/Speed cuffing
- \*Felony stops and mobile surveillance
- \*Firearms tactics: entry tactics, patrol/tracking tactics, use of force theory
- \*Vehicle tactics: vehicle stops, patrol tactics, police driving techniques

In discussing a future program evaluation, advanced training and related topics with the MNPA Delegation, Colonel Miga inquired as to the possibility of formally requesting RAC Karabanoff and a hand picked team of agents in areas of expertise to return to Mongolia in order to further their enforcement mission and progress towards a more updated/contemporary and enhanced environmental crimes unit due to the challenges faced now in protecting wildlife and natural resources. RAC Karabanoff also discussed possible training programs at the Federal Law Enforcement Training Center (FLETC), NCTC and other training options. RAC Karabanoff advised Colonel Miga that he would send this request up the Chain of Command through this report and would make every effort to continue to harvest and reap a lasting friendship, and brotherhood in the spirit of international cooperation and mutual respect for our parallel mission and organizational priorities. This international effort would bring about a more solidified and close relationship with mutual benefits in enforcing CITES and fighting wildlife crime on a world wide basis. The development of such close international networks within the European front and through S.E. Asia is critical to the enforcement efforts now in play in North America. During both the visit abroad by the U.S. Delegation and the recent visit of the Mongolian Delegation to Region 2, much was discussed and extrapolated regarding the efforts of the Trilateral (U.S., Mexico and Canada) and the North American Wildlife Enforcement Group (NAWEG/Law Enforcement). The issues and challenges faced by the Trilateral are very similar to those shared by Mongolia, Russia and China. The

NAWEG, based on mutual respect, diplomacy, close ties and enforcement efforts, has reaped many successes along both fronts of the northern and southwest borders of the United States. It is with this experience, expertise and professionalism that our efforts must continue to assist those countries in need with training, tools, and materials critical to their efforts to “fight the good fight” in combating wildlife crime.

*Like the story of the five arrows told by Chinggis Khan to his five sons during the Mongol Empire, individually and separate an arrow can be broken, but together the five arrows could not be broken. A lesson to be learned, that together, as a united front, we can succeed in saving those precious natural resources that we have been sworn to protect for generations to come.*