

Congress of the United States
House of Representatives
Washington, DC 20515-5401

July 27, 2010

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

I am concerned about the high murder rate in Puerto Rico and the amount of funding, personnel and other resources that the federal government—particularly the Department of Justice and the Department of Homeland Security—has devoted to this problem. I write to respectfully request that the level of federal resources allocated to Puerto Rico be made commensurate with the Island's needs in this area. I have sent a similar letter to Secretary Napolitano.

Puerto Rico, a U.S. territory, is home to nearly four million American citizens. While the overall U.S. homicide rate has declined substantially in recent decades, the number of murders committed in Puerto Rico has increased steadily. According to the FBI's 2008 Uniform Crime Report, 807 homicides were committed in Puerto Rico in 2008. That number rivals the 835 murders committed in New York State during the same time period, even though New York has five times the population and is more than 13 times the size of Puerto Rico. The Island's 2008 per capita murder rate—measured as the number of homicides per 100,000 residents—was 20.4, which is more than twice the rate of any U.S. state. Likewise, the 2008 homicide rate in the Island's largest municipality, San Juan, was the second-highest of any major metropolitan area in the nation. In 2009, the number of murders in Puerto Rico rose even higher, from 807 to 894—and the 2010 total is on pace to exceed the 2009 total.

The Puerto Rico Police Department has estimated that more than 75% of the murders in Puerto Rico are linked to the trade in illegal drugs, and anecdotal evidence suggests this figure may be a conservative estimate. Drug consumption in Puerto Rico, as in many U.S. jurisdictions, is a serious and growing problem. But the consistently high level of drug-related violence in Puerto Rico is primarily attributable to the unfortunate fact that the Island serves as a key transit point for drugs produced in South America and Central America and destined for consumption in the 50 states, with South Florida often serving as the gateway. Drugs enter Puerto Rico by many means, including via container ships from multiple countries in the region, via "go-fast" and other boats from locations in the eastern Caribbean, and via passengers and crew on cruise ships docking at the Port of San Juan.

It stands to reason that the recent upsurge in (already-high levels of) drug-related violence in Puerto Rico may be an unintended consequence of worthy federal efforts like the Mérida Initiative, designed to curb the flow of drugs entering the U.S. through the Central America-

Mexico corridor. As the primary Central America-Mexico drug route becomes more difficult for drug trafficking organizations to exploit, those organizations are increasingly turning to the alternate Caribbean-South Florida pathway. A 2009 analysis prepared by the Department of Justice's National Drug Intelligence Center observed how these organizations tear at Puerto Rico's social fabric, using "intimidation, violence and murder to gain and retain control of retail drug markets in the region."

Just as most murders in Puerto Rico are tied to the illegal drug trade, nearly all are committed with guns by individuals who are not legally authorized to own those guns. In 2009, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) traced over 1,700 firearms unlawfully possessed or used in Puerto Rico. Of the 1,100 guns ATF could trace to their source, about two-thirds had been purchased from one of the 26 dealers in Puerto Rico licensed by the federal government to sell firearms, one-fifth had originally been purchased in Florida and transported to the Island via air or sea, and the balance had been purchased in about a dozen other states. The fact that most of these guns were traced back to Puerto Rico dealers is particularly noteworthy. Puerto Rico imposes strict but sensible limits on the ability of residents to purchase and possess firearms, as well as on the number of firearms that a resident may own. Therefore, it is fair to surmise that drug gangs may be successfully employing methods, such as the use of straw purchasers, to illegally obtain firearms. Clearly, better enforcement of existing laws by local and federal authorities is needed.

In short, Puerto Rico has an extraordinarily high murder rate—one that is inextricably linked to illegal drugs bound for the mainland United States and to guns illegally purchased in Puerto Rico or the states. I have no doubt you share my view that, from the federal government's perspective, the violent death of an American citizen from Puerto Rico is of no less consequence than—and is just as unacceptable as—the violent death of an American citizen from New York, Florida, or any state. However, the federal resources being brought to bear against the confluence of homicide, drugs and guns in Puerto Rico are inadequate. According to the most recent data from the Bureau of Justice Statistics, 1,192 federal law enforcement officers (personnel authorized to make arrests and carry firearms) are assigned to Puerto Rico. This translates to 31 federal officers per 100,000 residents, which is well below the national average of 36. For example, Florida, California and New York, whose homicide rates are on the higher end relative to other states but are low compared to Puerto Rico, nevertheless have significantly more federal officers per capita than the Island. So too do Hawaii and Alaska, non-contiguous jurisdictions (like Puerto Rico) that have relatively low murder rates (unlike Puerto Rico). Both Kentucky (34 per 100,000) and Louisiana (32 per 100,000) have been assigned more federal officers than Puerto Rico, even though their *combined* murder rate is less than two-thirds the rate in Puerto Rico.

Over the past several months, my office has conducted meetings and phone calls with representatives from various component agencies within DOJ, including the Drug Enforcement Agency (DEA) and ATF. These sessions have highlighted the terrific—indeed, often heroic—work being performed by DOJ employees, underscored the gravity of the challenges presented in Puerto Rico, and helped me identify specific areas where I believe the Department's presence on the Island should be strengthened.

Above all else, it is clear there are not enough federal law enforcement agents in Puerto Rico given the extraordinarily high level of drug-related violence on the Island. For example, of the

total number of agents that ATF is authorized to employ in Puerto Rico, less than half those positions are currently filled. This is woefully insufficient by any objective metric. Likewise, I am concerned that the number of special agents authorized to be employed at the DEA's San Juan Field Office, the headquarters of the agency's Caribbean Division, is too low in light of the agency's high level of work volume in Puerto Rico. (The Miami Field Division, for example, has approximately three times as many authorized special agent positions.) Of even greater concern, a substantial number of these authorized positions are not presently filled. I have been informed that the DEA has had difficulty recruiting agents to work in Puerto Rico and even greater trouble retaining agents beyond their standard three-year commitment. I am further advised that the level of pay and other benefits available to a Puerto Rico-based DEA employee does not create an adequate incentive for agents to seek employment at the San Juan office in the first instance, or—if they do accept employment on the Island—to extend their stay beyond this three-year period. If an agency as critical as DEA is having trouble recruiting and retaining experienced personnel in Puerto Rico, we must take immediate action at both the federal and local level to address this problem.

The government of Puerto Rico is completely committed to working in partnership with the federal government to combat violent crime and drug trafficking on the Island. Governor Fortuño, who wrote you a letter on this subject on February 1, 2010, has taken bold and decisive action on this front. Among many other steps, he has deployed soldiers from the Puerto Rico National Guard to accompany law enforcement officers on patrols in high-crime areas. Recently, there have been notable successes in the fight against drug-fueled violence in Puerto Rico, all the result of close federal-state cooperation. For example, in early July, federal agents and Puerto Rico police conducted what has been described as the largest anti-drug operation in the Island's history, culminating in the arrest of scores of alleged traffickers residing on Puerto Rico's western coast. In addition, just ten days ago, joint efforts by Puerto Rico officials and agents from the FBI, DEA and U.S. Marshal's Service led to the arrest of Jose Figueroa Agosto, reputed to be one of the Caribbean's biggest drug lords.

These arrests, while remarkable achievements, underscore the urgency of the problem in Puerto Rico and the need for additional federal resources to address it. It is beyond question that the federal government must do more to coordinate inter-agency efforts to combat drug-related violence in Puerto Rico and to ensure that the level of federal resources allocated to the Island is sufficient given the severity and scope of the problem. I look forward to meeting with you soon to discuss the various ways in which the federal government, working side-by-side with the government of Puerto Rico, can more effectively confront drug-related violence on the Island.

Sincerely,



Pedro R. Pierluisi
Member of Congress

cc: Michelle M. Leonhart, Acting Administrator, Drug Enforcement Agency
Kenneth E. Melson, Acting Director, Bureau of Alcohol, Tobacco, Firearms and Explosives
Robert S. Mueller, Director, Federal Bureau of Investigation
Tom Perrelli, President's Task Force on Puerto Rico's Status (Department of Justice)