

MID TERM EVALUATION REPORT

AD/KYR/G64

Drug Control Agency – Kyrgyz DCA

Kyrgyzstan

Report of the Evaluator

Robert Packham, QPM

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LIST OF ACRONYMS USED

UNODC	United Nations Office on Drugs and Crime
DCA	Drug Control Agency
UNOPS	United Nations Office for Project Services
UNDP	United Nations Development Programme
NGO	Non-Governmental Organisation
IAU	Internal Affairs Unit
CARICC	Central Asian Regional Information and Coordination Centre
POLINT	Police Intelligence (European Commission Project)
INL	US Bureau for International Narcotics and Law Enforcement Affairs
UN	United Nations

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DRUG CONTROL AGENCY IN THE KYRGYZ REPUBLIC – MID-TERM EVALUATION REPORT

EXECUTIVE SUMMARY

Summary table of findings, supporting evidence and recommendations

<i>Findings: identified problems/issues</i>	<i>Supporting evidence/examples</i>	<i>Recommendations</i>
1. The DCA is established within Kyrgyz laws. However there are legislative and regulatory changes that would enhance its operational capability.	Money laundering, access to telephone billing, use of polygraph examinations and informant protection are not covered by legislation. Decriminalising some aspects of drug abuse to support addict's treatment is needed.	The DCA to seek external legal assistance to develop proposals, make appropriate representations and gain support for new or amended legislation/regulations in relation to money laundering; access to telephone billing; the polygraph vetting process; decriminalising some aspects of drug abuse and informant protection. Such assistance might be found through the Government or Donor community.
2. Job applications handed in to the DCA are not formally recorded or acknowledged	It is possible for applications to be lost in the system.	A transparent job application system is devised for potential recruits to the DCA to ensure that all applications are acknowledged and accounted for.
3. The credibility of the annual polygraph examination is in jeopardy.	Of 23 DCA officers who have failed the polygraph examination none have been subject of any enduring negative outcome.	Employed staff who fail a polygraph examination be subject to rigorous investigation by Internal Affairs and proportionate action taken to ensure credibility of the process.
4. The polygraph process is one aspect of an overall vetting process. Other techniques can be used.	Financial and asset declaration and drug testing are effective in other jurisdictions	The staff vetting process is enhanced by including financial and asset declarations and random drug testing.
5. The Internal Affairs Unit has limited capacity to conduct proactive operations.	Staff numbers are very small (but are doubling in the near future) and technical capacity is limited.	When resources become available the capability of Internal Affairs is enhanced to enable proactive investigation of alleged or suspected inappropriate behaviour or wrongdoing.
6. To enhance recruitment and integrity an additional allowance is provided. This allowance, paid by the project is time limited currently to 2 to 3 years.	The allowance can treble or quadruple the basic state salary so an equitable and phased exit strategy is needed.	An exit strategy for the additional allowance is negotiated with the Government. This should form part of any project extension. Negotiations with the Government should seek a phased transfer of this financial responsibility and consider the practicalities of a phased reduction in the level of allowance as a percentage of basic salary. Continued Donor support will be needed into the medium term.
7. Much of the original training budget has been re-	The intelligence and analysis functions and covert policing	An assessment of training needs for the intelligence and analysis function and covert policing

<i>Findings: identified problems/issues</i>	<i>Supporting evidence/examples</i>	<i>Recommendations</i>
<p>allocated to support other budget overspends, mainly the building renovation budget. Inexperienced officers need a wide range of technical training.</p>	<p>techniques all require expert training provision.</p>	<p>techniques be undertaken and followed by training design and implementation to take advantage of any available funding. Opportunities for training conducted by bilateral partners should be explored.</p>
<p>8. Information sharing between law enforcement agencies is being supported by UN project F23. Law enforcement agencies are aware of the need for joint work to develop working protocols.</p>	<p>Standardisation is not yet achieved.</p>	<p>The ongoing work under UN Project F23 is progressed to develop standardised systems and agreed protocols for information sharing between law enforcement agencies.</p>
<p>9. The DCA has limited internal mechanisms to ensure effective working practices.</p>	<p>Internal oversight can give early warning of problems and allow appropriate intervention.</p>	<p>Internal Inspectorate and Audit functions are enhanced within the DCA.</p>
<p>10. The DCA are developing modern forensic services. There might be capacity available to offer services to other law enforcement agencies.</p>	<p>Equipment and staffing cost of this service are high. Marketing the service externally might recover some of the costs.</p>	<p>Research be undertaken to establish the feasibility of the DCA Forensic Services being marketed to other law enforcement agencies.</p>
<p>11. Operational effectiveness has been affected by a number of equipment issues.</p>	<p>Vehicle purchase, radio equipment, mobile phone interception and satellite phones all have issues to be resolved.</p>	<p>Equipment issues relating to vehicles, radios, mobile phone interception and satellite phones are progressed.</p>
<p>12. The DCA collaborates in international operations for controlled delivery of drugs but receive no credit for this work.</p>	<p>Several operations have been successful resulting in substantial seizures abroad.</p>	<p>Research be undertaken to develop performance measures that give credit for international joint operations.</p>
<p>13. The DCA performance outcomes are discussed in the report. Seizure of drugs and other areas of operational performance are critical to organisational success.</p>	<p>Seizures of drugs by the DCA appear to be on the low side given the estimated scale of drug trafficking in Kyrgyzstan.</p>	<p>Performance targets are set for the DCA in respect of arrests, drug seizures, controlled deliveries, drug networks disrupted and prosecutions. The targets should be challenging and be a substantial increase on current levels to reflect a young but maturing Agency.</p>

EXECUTIVE SUMMARY

Project Description and objectives

The geographical location of the Kyrgyz Republic offers a transit route for opiates originating from Afghanistan. It is also a destination for illicit drugs and suffers a rising population of addicts with related problems such as HIV/AIDS. Drug trafficking operates in an environment of organized crime, violence and corruption.

Against this background, in 2001 the President of Kyrgyzstan requested UNODC to support the creation of a national drug control agency. The project was implemented in June 2003 with the Drug Control Agency (DCA) becoming fully operational in May 2004. The project was designed to run for 3 years and was funded at \$6.29m by a single donor – the United States of America – with UNODC as executing agency.

The DCA reports to the President's Office and has been established under Kyrgyz law as an armed law enforcement body tasked to bring drug traffickers to justice; to coordinate relevant state Ministries and Agencies who continue to have a drug enforcement role; to undertake drug prevention work; to establish a system for licensing legal drugs and coordinate international activity related to drug trafficking. In essence it is a new organization superimposed on existing state organizations.

To achieve the aim of the project three core objectives were set, namely:

- To establish the Drug Control Agency, as an integral and fully sustainable part of the legal and institutional framework of Kyrgyzstan
- To support DCA in the recruitment process of the DCA staff, and in the monitoring of this process.
- To provide the Drug Control Agency with the necessary structures, equipment and training to ensure adequate start of effective operations.

Major Findings

The DCA is seeking to use a variety of sensitive and covert law enforcement techniques to interdict the drug trafficking activities of organised crime groups. Such techniques are often high risk and need experience, training and above all close supervision and oversight.

The overall performance assessment of the Drug Control Agency is that whilst much has been achieved to establish it as a functional law enforcement agency it is still early days in its development towards being a highly effective organisation to combat organised drug traffickers. This is not surprising given that the DCA is only nearing the end of its second year of work and there has been considerable disruption caused by the March 2005 Revolution, the replacement of the Director in August 2005 and key staff changes both within the DCA and also the supporting project team at UNODC and the Donor. There have also been issues related to the supply of equipment and the relative inexperience of operational officers recruited to undertake the mission and their extensive training needs many of which are yet to be met.

The three main parties to the project – the DCA, The Donor and the UNODC – have worked together and delivered on the numerous activities to establish the DCA. The major findings in relation to each objective are summarised below:

Establishing the DCA within Kyrgyz law – Objective 1

National legislation and regulations are in place to establish the DCA's legal position. There are some outstanding legal issues which need to be progressed to develop the effectiveness of its operational activity and function. These include Money Laundering legislation (currently in Parliament); access to telephone billing; regularising the Polygraph vetting system; decriminalising some aspects of drug abuse and providing protection to informants in the Courts. However, actual drafting of legislation is beyond the capacity of the DCA so external legal assistance would be required.

Support to the DCA in the recruitment of staff – Objective 2

With a target of recruiting about 200 staff, three core activities were implemented to deliver this objective. 1) The International Interview Panel with DCA, Donor and UNODC membership has conducted the staff selection process. 2) The Polygraph vetting system has been introduced and is designed as the bedrock of the recruitment vetting and ongoing integrity system. 3) The payment of substantial allowances to staff above basic salary has assisted the recruitment process and is designed to reduce the likelihood of corruption.

The annual random Polygraph examination of staff is in danger of losing credibility. There is a failure rate approaching 25% and those who 'fail' are referred to Internal Affairs for investigation but none have resulted in negative consequences for the individual. The payment of allowances can treble or quadruple the basic salary but is time limited for 2 to 3 years. A phased but equitable exit strategy must be negotiated with the Kyrgyz Government. It is understood, however, that the Government is not in a position economically at this time – and possibly not in the near future – to absorb these costs. Substantial reduction or elimination of the allowances would imperil this key pillar of the DCA and potentially undermine its very foundation. Notwithstanding the initial project proposal for donor funding for the additional allowances to be time limited to 2 to 3 years, it seems likely that the only practical course of action is for continued Donor support into the medium term. Negotiations with the Government should seek a phased transfer of this financial responsibility and consider the practicalities of a phased reduction the level of allowance as a percentage of basic salary.

Provide structures, equipment and training – Objective 3

Buildings in Bishkek and Osh have been refurbished, organisational structures established; equipment supplied and limited training undertaken

The building refurbishment ran up a considerable overspend which had an adverse affect on other budget heads, especially that allocated for training. However the original budget allocation for the renovation of the Bishkek and Osh buildings was unrealistic and fell short of initial estimates. Supplementary funds were also needed for adding prisoner holding cells, drug storage and forensic facilities. Initially the project had envisaged using Ministry of Interior facilities however the international working group determined that this would compromise the DCA's independence and integrity.

The DCA has received a wide range of equipment to assist with its operational role. However there have been issues associated with vehicles, communication equipment and lack of ability to intercept mobile phones.

Some basic training was delivered but specialist training for covert activity and

intelligence work has not been delivered due in the main to a reduction in the training budget. However, there was also reluctance by project staff to start widespread training activities while the question of staff retention for those who failed the polygraph examination remained unresolved.

Performance assessment

The assessment of DCA performance is somewhat disappointing if based on seizure figures alone. It is still a young and relatively inexperienced law enforcement organisation and there are some added factors to consider. Firstly, the successful controlled delivery operations where the DCA gets no credit for seizures abroad. Secondly, there is a declared strategy to develop longer term operations against trafficking networks. Thirdly, as with all law enforcement working in this high risk arena there will be corruption that results in operational compromise and failure.

Lesson Learned and Best Practices

The Polygraph vetting process was developed as part of the 'modern systems and techniques for candidate screening/evaluation' as set out in the Project Document¹. It was designed to become the bedrock of the recruitment vetting and ongoing staff integrity system. Polygraphing was not explicitly identified in the Project Document due to a number of uncertainties at that time and consequently the available funding (\$70,000) was far from adequate. This caused considerable implementation problems including delays due to the difficulty of identifying and recruiting a qualified polygraph examiner (to USA standards) However, the US Bureau for International Narcotics and Law Enforcement Affairs (INL) offered to cover the estimated shortfall in budget which was about \$400,000.

Introduction of the enhanced pay allowance might have been better served if an equitable, phased 'end of project' exit strategy could have been devised at the same time. However, it is understood that the Government of the Kyrgyz Republic is not financially capable to take over the enhanced allowances at this time or in the near future. Reducing or eliminating the allowances would imperil a key pillar of the DCA Human Resource and Integrity strategy and potentially undermine its very foundation.

¹ Project Document - Drug Control Agency in Kyrgyz Republic - Appendix 1.

Effective use of covert law enforcement techniques requires skilful officers with adequate experience coupled with strong supervision. This is a time consuming process requiring good training. The evaluation found that the general skill levels and experience of many DCA officers is currently at a level below what is ideally needed for the task. There was a shortfall in the training provided caused by budget problems and uncertainty about which staff would be retained after full implementation of polygraph vetting...

The evaluation found some problems with equipment procurement that had reduced operational effectiveness.

The evaluator believes the use of polygraph examinations, as one element of the vetting system for recruits and serving officers, is promising practice despite the difficulties experienced with its initial implementation and ongoing operation.

Recommendation and Conclusions

The Kyrgyz Drug Control Agency has been created through the hard work of the main players involved – the DCA, the Donor and the UNODC – coupled with good support from the Government. Much has been achieved and the recommendations of this evaluation are found in the summary table above.

There have been considerable disruptions during the life of the project, not least the March 2005 Revolution, the replacement of the Director in August 2005 and less than ideal continuity of UNODC and Donor project staff.

The DCA is still relatively young in its development. The project still has much to offer in bringing it to organisational maturity. The DCA Director is taking a new direction with the recruitment of more experienced staff and investing in longer term operations. The recommendations made are intended to help the DCA but it is important that they are accompanied by improved operational outcomes in the coming 12 months and the medium term.

DRUG CONTROL AGENCY IN THE KYRGYZ REPUBLIC – MID-TERM EVALUATION REPORT

1. INTRODUCTION

1.1 Background and Context

The geographical location of the Kyrgyz Republic offers a transit route for opiates originating from Afghanistan. It is also a destination for illicit drugs and suffers a rising population of addicts with related problems such as HIV/AIDS. Highly profitable drug trafficking activity inevitably operates within an environment of organized crime, violence and corruption which impacts on the socio-economic fabric of the country. Most Kyrgyz people, including public servants, face economic hardship. When this is balanced against the substantial sums of money available to drug traffickers there must be a high risk to the integrity of those tasked with combating the drug trafficking problem.

Against this background, in 2001 the President of Kyrgyzstan requested UNODC to support the creation of a national drug control agency. In response to this request, following joint assessment work, the Drug Control Agency (DCA) project was implemented in June 2003 with the Agency becoming fully operational in May 2004. The project was designed to run for 3 years and was funded at \$6.29m by a single donor – the United States of America – with UNODC as executing agency.

The DCA is established under Kyrgyz law as an armed law enforcement body tasked to bring drug traffickers to justice; to co-ordinate relevant state Ministries and Agencies who continue to have a drug enforcement role; to undertake drug prevention work; to establish system for licensing legal drugs and coordinate international activity related to drug trafficking. The DCA reporting line is direct to the President's Office. In essence it is a new organization superimposed on existing state organizations.

The project strategy is to create a functioning Agency through achieving three objectives namely: - 1) establishing the DCA within Kyrgyz law; 2) recruiting staff; and 3) setting up structures, delivering equipment and training. This strategy has

been effective in creating a functioning agency. However, the planned timescales and project resources have been affected by the impact of the March 2005 revolutionary events in Kyrgyzstan, the replacement of the first DCA Director in August 2005 and the movement or replacement of many senior and junior DCA staff in the last six months. In addition there have been a number of changes of key project staff from both UNODC and the Donor which has adversely affected the project continuity.

The Project Document (Appendix 1) clearly sets out the context and justification for the project.

1.2 Purpose and Objective of the Evaluation

This mid-term evaluation is designed to assess the progress of the project implementation in relation to the objectives and outputs as set out in the Project Document (Appendix 1). It should provide findings, lessons learned, and recommendations in relation to efficiency, effectiveness, appropriateness, relevance, impact and sustainability of the project. It should also assess the added value of UNODC's actions. The findings and recommendations can be used to adjust the project strategy to maximize the outputs derived from project inputs.

Although close to three years from project inception in June 2003 this evaluation is being conducted towards the end of the second year of the DCA becoming fully operational. Terms of reference for the evaluation are at Appendix 2.

1.3 Project Executing Modality/Management Arrangements

The detail of execution modality is set out in the Project Document (Appendix 1 - page 9). In brief, UNODC Regional Office in Tashkent, Uzbekistan is the Executing Agency with support from UNOPS (equipment) and UNDP (administration and finance). The Project Coordinator, Project Expert, National Project Officer and support team are based in the Bishkek Sub-Office for in-country delivery.

A key feature of the management arrangements for the project has been the tripartite nature of the Project Working Group and the International Interview Panel. The three parties to this arrangement are the DCA, the Donor (USA) and the UNODC. The

Project Working Group produced project work plans and benchmarks and met on a regular basis. The International Interview Panel conducts all recruitment interviews and performs a key role in seeking to recruit people with integrity and commitment, possessing the skills to achieve the mission of the DCA.

1.4 Scope of the Evaluation

This mid-term evaluation covers project activity from inception in June 2003 to February 2006. The full scope of the evaluation is set out in the Evaluation Terms of Reference (Appendix 2 – page 7). In summary, the evaluation covers the effectiveness of the project design, strategy and approach in achieving project objectives; the transition of objectives over time; progress towards implementation; results achieved and factors helping or impeding the outcomes. In addition, the relationship and co-ordination of the project with other UNODC projects, Kyrgyz government activity and work of other donors and stakeholders is examined. The critical area of sustainability after project completion as well as unintended outcomes and the effectiveness of project management and monitoring arrangements by all parties involved complete the scope of this work.

1.5 Methodology

Significant project documentation and background material was studied prior to the evaluation fieldwork. This included the DCA project document, annual progress reports and legal texts setting out the law and regulations relating to the DCA. An initial briefing was received at UNODC, Vienna, followed by a further briefing by UNODC staff in the Regional Office for Central Asia, Tashkent. There was also opportunity to obtain a briefing from the coordinator of the Tajikistan DCA Project which has been operating for six years and was the model for the Kyrgyz DCA. Further meetings were held with UNODC staff and the Donor on arrival in Bishkek, Kyrgyzstan.

The principle evaluation methodology involved structured interviews with a range of DCA senior staff, national officials and others representing partner agencies engaged in tackling the Kyrgyz drug problem. These meetings took place in the capital, Bishkek and in Osh, which is a focal point of drug trafficking activity in the south of the country. The newly refurbished DCA premises in Bishkek and Osh were

examined and the opportunity was taken to discuss work with various members of staff. During the fieldwork in Kyrgyzstan further documents and statistics were obtained to assist the factual basis for the evaluation.

Subsequent to the evaluation mission a debriefing was held with UNODC, Vienna. A full list of organizations visited and meetings held during the evaluation are in Appendix 3. A list of key documents consulted is at Appendix 4.

2. ANALYSIS AND MAJOR FINDINGS

2.1 Overall Performance Assessment

Prior to the inception of this project the law enforcement response to drug trafficking in Kyrgyzstan comprised a number of agencies – Police, National Security Service, Customs and Border Guards – where unhelpful competition and inadequate coordination were often the norm. It must be said that such a dysfunctional response to this transnational problem is found in many jurisdictions worldwide.

When one combines this disparate law enforcement response with the high risk of corruption in tackling drug traffickers, the aim of creating a Drug Control Agency staffed by people with high integrity (based on the promising Tajikistan DCA model) was a timely and appropriate action to take in seeking to tackle the problem.

The goal at the end of this project is to have a fully operational Agency that is integrated into the national law enforcement system and is coordinating and taking the lead in enforcement and prevention activity against illicit drugs. To achieve this the DCA had to be created within the laws of Kyrgyzstan and the staff had to be selected and vetted, trained and equipped to conduct highly specialized enforcement tasks from information/intelligence development and analysis to operational activity such as gathering evidence, making arrests and seizing drugs and preparing cases to take to the prosecutor and courts. In addition they needed the skills to develop inter-agency coordination, engage with drug abuse prevention work and the licensing of licit drug activity.

International good practice dictates that a variety of sensitive and covert law enforcement techniques are required to interdict the drug trafficking activities of

organised crime groups. Such techniques require the use of informants and undercover operations which are often high risk activities and need experience, training and above all close supervision and oversight. Covert surveillance which ranges from static observation, foot and mobile surveillance, technical surveillance with audio and video equipment though to telephone interception are important for effective gathering of intelligence and evidence. Above all, a secure intelligence system with strong analytical support is crucial to directing and driving this operational activity. Covert activity will inevitably breach the human right for privacy and depending on the degree of intrusion will usually require authorisation at senior level within the organisation or externally from the prosecutor's office.

The Kyrgyz DCA is seeking to employ this complete range of covert techniques. The overall assessment of the project needs to test the DCA's capacity to use these techniques effectively against organised crime groups in the Kyrgyz environment and then monitor how this activity translates into arrests, seizures, disruption and successful prosecution of major drug traffickers. The evaluation will also need to consider the effectiveness of inter-agency and international co-operation.

The overall performance assessment of the Drug Control Agency is that whilst much has been achieved to establish it as a functional law enforcement agency it is still early days in its development towards being a highly effective organisation to combat organised drug traffickers. This is not surprising given that the DCA is only nearing the end of its second year of work and there has been considerable disruption caused by the March 2005 revolution, the replacement of the Director in August 2005 and key staff changes both within the DCA and also the supporting project team at UNODC and the Donor. There have also been issues related to the supply of equipment and the relative inexperience of operational officers recruited to undertake the mission and their extensive training needs many of which are yet to be met. These factors will be discussed later in the report.

2.2 Attainment of the Objectives and achievement of Project Results

'This project aims at a significant improvement of interdiction capacities against illicit drug trafficking and related other crime in Kyrgyzstan, and a related increase of drug enforcement operations resulting in major seizures and dismantling of organized

trafficking and criminal networks through the creation of a specialized and progressively self-sustainable drug control agency.’²

To achieve this overarching aim project activity is focused on achieving the following three objectives:

Immediate Objective 1:

To establish the Drug Control Agency, as an integral and fully sustainable part of the legal and institutional framework of Kyrgyzstan

Immediate Objective 2:

To support DCA in the recruitment process of the DCA staff, and in the monitoring of this process.

Immediate Objective 3:

To provide the Drug Control Agency with the necessary structures, equipment and training to ensure adequate start of effective operations.

Progress on each objective is well documented in the two Annual Project Progress Reports (Jan-Dec 2004 and Jan-Dec 2005). The interviews conducted during this evaluation sought to test progress towards achieving each objective.

Objective 1

To establish the Drug Control Agency, as an integral and fully sustainable part of the legal and institutional framework of Kyrgyzstan

National legislation establishing structure, mandate, law enforcement power, staff numbers and organisational structure was developed and duly approved by the Kyrgyz Parliament between January and April 2004. A range of internal regulations were developed during this time. The project benchmarks set by the Working Group (DCA, UNODC and Donor) were achieved which triggered payments of grant by instalment. During 2005 additional by-law regulations were developed for conditions of service and various amendments to the law to enhance the DCA’s legal position. A national working group of government and non-government organisations (NGOs) was established to develop improved drug control and drug abuse prevention policies

² Project Document – Drug Control Agency in Kyrgyz Republic – Appendix 1.

for the country.

During the evaluation, meetings were held with the Prosecutor General and chief officers of partner law enforcement organisations, local authority officials and an NGO concerned with supporting drug abusers. All reported that cooperation was developing and that the DCA was functioning well its coordinating role for national enforcement and prevention action to combat illicit drugs.

The DCA is now well established and is fully integrated into the legal and institutional framework of Kyrgyzstan. Objective 1 has therefore been achieved.

However there are some legal issues relating to the DCA that need to be progressed in order to develop the effectiveness of its operational activity:-

Money laundering legislation is currently under consideration by Parliament. This type of legislation is an important tool in tackling organised crime because it can create systems that flag up suspicious financial transactions and allows for confiscation of assets gained through crime.

An added factor for the DCA with its future funding is the ability within its own legislation to receive 30% of money and the cost of property seized by the Agency and translated into public revenue by a court sentence. Experience internationally shows the benefit of such arrangements but the inconsistency of such awards can create danger if such money is relied upon for regular revenue funding.

Analysis of telephone billing (telephone numbers called etc) is an important tool in the investigation of organised crime. It was reported by the DCA that telephone companies in Kyrgyzstan are reluctant to part with such information quoting privacy laws that prevent them from doing so. It would enhance DCA capability if this issue could be resolved with appropriate regulations to require disclosure where there is justification and appropriate authority is produced.

The Polygraph vetting system is at the heart of the DCA initial recruitment and annual vetting process. This technique is discussed in detail under Objective 2 below however it has no legal status in Kyrgyzstan. Developing a legal basis for its use, especially for annual vetting, is important for the credibility of the polygraph process. This will have added importance should the use of polygraph testing be extended to other Government Agencies who have expressed interest in the process as part of their own vetting systems.

The decriminalisation of some aspects of drug abuse to enable an administrative approach involving treatment for the addiction as an alternative to punishment is under discussion. This type of approach is acknowledged as good practice internationally.

Protection of an informant's identity by the courts, where the interests of the public and justice are served, is part of an effective informant handling system. There have been instances where courts have disclosed an informant's identity to the defence thus creating a high risk situation for the individual and related family. Procedures can be developed that protect informant identities whilst serving the interests of justice and fairness to the defence.

However, the actual drafting of legislation is beyond the capacity of the DCA which might need to seek expert legal assistance from the Government or Donor Community.

Objective 2

To support DCA in the recruitment process of the DCA staff, and in the monitoring of this process.

The expected 'end of project situation' was for the 'DCA to recruit about 200 thoroughly selected and security screened staff'.³ At the time of the evaluation in March 2006 the authorised establishment was reported to be 203 officers with a further 53 recently approved by the President making the officer total 256. With

³ Project Document - Drug Control Agency in Kyrgyz Republic - Appendix 1.

support staff this increases to 296.

Three core activities have been implemented to achieve the recruitment objective. The first was to establish the International Interview Panel to select staff on the basis of demonstrated ability and personal integrity. The second was to use polygraph testing as part of the recruitment vetting process and thereafter for existing staff to be tested on a yearly basis. The third was to pay additional allowances at an appropriate level over and above the basic salaries paid by the Government to attract quality staff and minimise the risk of corruption. Dealing with each of these in turn:

The International Interview Panel membership consisted of representatives from the DCA, the UNODC and the Donor, the United States of America. All candidates for the DCA are interviewed by the panel. In 2004, the main year for initial recruitment, the panel reviewed over 1200 applications and interviewed 706 short listed applicants

Some aspects of the recruitment process have now been devolved to the DCA. This includes the initial receipt and administration of applications. It was noted that applicants were required to deliver their applications to DCA offices but at no stage were they either given a receipt for their application or asked to sign a register. If they are not called for interview there is no further communication with them. Applications are considered by the International Panel and paper-sifted but it is possible that applications could be 'lost' prior to reaching the Panel. One solution would be to notify applicants on their application forms that a receipt will be issued when the application is handed in and they would sign a recruitment application register.

As noted earlier, interdicting the drug trafficking activities of organised crime groups demands the full range of covert law enforcement techniques – surveillance, informants, undercover and interception of telephone calls. Deploying these techniques operationally requires a high level of skill and experience usually gained over a number of years. A number of the officers recruited to the DCA do not have that level of experience however a number recruited from other law enforcement agencies do have relevant experience and skills. During the evaluation interviews

with the Director and his First Deputy it was noted that a number of inexperienced operational officers had been removed and they were in the process of replacing them with more experienced people. At the time of the evaluation in March 2006 seven officers had been dismissed or had resigned in the first 3 months of the year and a further ten officers left the DCA in 2005. A number of other officers had been moved from operational roles to other functions in the organisation.

The Polygraph vetting process was developed as part of the ‘modern systems and techniques for candidate screening/evaluation’ as set out in the Project Document⁴. It was designed to become the bedrock of the recruitment vetting and ongoing staff integrity system. Polygraphing was not explicitly identified in the Project Document due to a number of uncertainties at that time and consequently the available funding (\$70,000) was far from adequate. However the US Bureau for International Narcotics and Law Enforcement Affairs (INL) offered to cover the estimated shortfall in budget which was about \$400,000.

The introduction of polygraph testing was delayed by the difficulty of identifying and recruiting a qualified polygraph examiner (to USA standards) and the time required for expert training of the polygraph team which was undertaken in America and of course the budget issue described above.

There is also the ongoing issue of the polygraph staff being employed by the DCA and the testing facility being located at the Bishkek UNODC office. At the time of the evaluation a freestanding and independent polygraph facility was being considered and if implemented would be available to other Government Departments.

The retrospective testing of staff who had already been appointed, some of whom failed the test, caused serious difficulties for the UNODC, the Donor and the DCA. This was in part due to the initial members of staff being recruited on a permanent civil service basis rather than for a temporary ‘probationary’ basis pending the polygraph outcomes. The net result of this caused considerable disruption to the project; expended a great deal of management time and ultimately resulted in the

⁴ Project Document – Drug Control Agency in Kyrgyz Republic – Appendix 1.

dismissal of some incumbent senior staff.

The Polygraph test is a “lie detection/deception indicator” technique used in a number of countries but rejected by others. It is a scientific approach with high probability of accuracy but with a small potential of false positives or negatives.

Within the Kyrgyz DCA project there is support from all parties for the technique as a vetting/screening method at the initial recruitment stage. There is also support for the use of polygraph tests as a technique within specific internal investigations. This position was confirmed in interviews with the DCA Director and his senior staff.

However the challenging issue is the use of polygraph tests for all staff as part of an annual integrity vetting process. The annual polygraph test is seen as a key pillar of the integrity environment for the DCA and is strongly driven by the UNODC and the Donor. However its efficacy was questioned by the DCA director and his senior staff during evaluation interviews.

The problem arises when members of the DCA “fail” their annual test. Such a failure will indicate “deception indicated” for one or more very specific questions relating to their integrity. Such questions will focus, for example, on involvement in or knowledge of bribe taking or some personal involvement in or protection of drug trafficking by the subject or another member of the DCA.

Such failures are referred to the DCA Head of Internal Affairs Unit who instigates an investigation. During the evaluation the Head of Internal Affairs described the internal investigation of each failure which involved an interview with the subject, lifestyle examination and questioning of colleagues.

However, a total of 23 ‘deception indicated’ failures had been referred to the DCA for investigation between June 2005 and March 2006 but none of these had resulted in action being taken against any officer. During the investigation there is an agreed process for the suspension of the individual’s additional pay allowance which is then re-instituted, with back pay, at the conclusion of an investigation, which typically takes 2/3 months, if no finding is made against the officer.

The DCA Director made the point that a negative polygraph finding is insufficient grounds for dismissal under the current Kyrgyz labour laws. Without further evidence 'his hands are tied'.

Between June 2005 and March 2006 the DCA Polygraph team conducted 222 Polygraph examinations.

Table 1

Showing results of Polygraph examinations June 2005 – March 2006

	Total number of tests	No Deception Indicated	Deception Indicated	Inconclusive or distortion
Pre-Employment Screening	127	102	24 (18.8%)	1
Periodic – annual test of officers	95	59	23 (24.2%)	13

A Polygraph system that results in superficial or negligible consequences when a deception is indicated during a test will bring the credibility of the whole system into disrepute. A 'failure' rate approaching 25% of those undertaking the annual test is a worrying statistic. So what is to be done?

Legislative change of the labour laws, as previously discussed, acknowledging the use of Polygraph tests and consequences for failure would be helpful.

Withdrawing the monthly additional allowance for officers of the DCA is the only action within the gift of the UNODC and Donor. Details of the system are discussed below however withdrawal of some or part of this allowance on a more permanent basis, perhaps via the International Panel, and this position maintained until a positive polygraph is achieved, would demonstrate consequences for a failed test. However this still leaves a continued risk to the DCA with the officer concerned having access to

sensitive information and a potential risk to individual DCA officers with whom the officer works.

The vetting process itself relies heavily on the Polygraph test and this is seen as a cost effective method of vetting. However there are other aspects of vetting used in numerous jurisdictions around the world that provide valuable information to assist a vetting clearance decision. A detailed financial/asset declaration/questionnaire will indicate if an individual's debts and assets are in line with their income and whether they might be susceptible to financial inducement or their lifestyle is above their predicted income and means. In the longer term an Internal Affairs investigation can then use the initial financial declaration as a benchmark for their investigation into lifestyle and finances. Another technique used in some jurisdictions is the use of drug testing for recruits and the random testing of serving officers each year.

The capability of an Internal Affairs Unit (IAU) is critical to ensuring the ethical health, integrity and security of an organisation. Such a unit must operate in a proactive manner and not just wait to respond to reports and problems. The IAU must have access to the whole range of covert law enforcement techniques and be able to use them without raising suspicion – something that is acknowledged as being difficult within a small organisation. The DCA Internal Affairs Unit is small, consisting of the Head of Unit and one other officer. However, two additional officers are currently being recruited which should enhance the IAU's capacity to operate proactively but it might need more resources.

The payment of additional allowances on top of the Government salary was designed to give the Government time to implement national measures to develop salaries to an appropriate level to attract quality officers and minimise the risk of corruption. The allowance was predicated upon the 2003 economic situation in the country not being strong enough to support enhanced salaries. The Project Document (Appendix 1 pg 8) clearly states that the donor funding for the additional allowances are time limited to 2 to 3 years.

The allowance represents a dominating proportion of an officer's monthly remuneration. Depending upon performance and attendance it can treble or

quadruple the basic government salary. It is therefore a major factor for recruitment, retention and integrity within the DCA.

During the evaluation the importance of the additional allowance for staff retention and integrity was stressed by the Director and other senior staff. It is also held to be very important by Project Staff and the Donor. The evaluation found the allowance to be a key pillar of the of the Human Resource and Integrity strategy. Therefore, either the Government or continued donor support in the short to medium term will be important to sustain it. A project exit strategy to resolve the additional allowance will need to be negotiated with the Government in the very near future.

However it is understood that the Government is not in a position economically at this time – and possibly not in the near future – to absorb these costs. . Substantial reduction or elimination of the allowances would imperil this key pillar of the DCA and potentially undermine its very foundation. Notwithstanding the initial project proposal for donor funding for the additional allowances to be time limited to 2 to 3 years, it seems likely that the only practical course of action is for continued Donor support into the medium term. Negotiations with the Government should seek a phased transfer of this financial responsibility and consider the practicalities of a phased reduction the level of allowance as a percentage of basic salary.

Part of the allowance (35%) is performance related and is based on monthly assessments by a meeting of senior managers. The impact of this allowance has made the DCA an attractive organisation to join but during evaluation interviews with other law enforcement agencies it had undoubtedly created some jealousy and disruption to those organisations who are paid less and lost good staff to the DCA. A possible consequence might be to reduce co-operation and information sharing with the DCA in its coordinating role.

Objective 3

To provide the Drug Control Agency with the necessary structures, equipment and training to ensure adequate start of effective operations.

The structures component provides for buildings and organisational structure of the DCA.

Buildings

The DCA has its headquarters in Bishkek where both HQ functional and operational posts are based in the refurbished HQ building. The Southern Branch is based in Osh in a refurbished building first occupied in August 2005. There is a small Eastern Region Branch office. However the refurbishment of the Bishkek and Osh buildings has come at a price – the budget was overspent by \$645,000 – which has had a negative impact on other project budget heads. However the original budget allocation for the renovation of the Bishkek and Osh buildings was unrealistic and fell short of estimates initially made. Supplementary funds were also needed for adding prisoner holding cells, drug storage and forensics facilities – all costly items. Initially the project had envisaged using Ministry of Interior facilities however the international working group determined that this would compromise the DCA's independence and integrity. The evaluation noted the good quality of secure prisoner detention and forensic facilities and supports the rationale of developing these independent of other law enforcement agencies.

Overall the DCA buildings in both Bishkek and Osh have been refurbished to a good standard and have been equipped with essential facilities to enable the DCA to operate effectively. The evaluation cannot judge the value for money of the refurbishment work, however given the initial estimates, the additional requirements and the scale of what has been achieved the budget re-allocation to meet the overspend was necessary.

Establishment and Strength

The planned disposition of established officer posts is 162 at Bishkek, 80 at Osh Southern Branch and 12 for Eastern Branch office. The current strength is 136 at Bishkek, 66 at Osh and 5 in the Eastern Region making a total of 207 officers. Some amendments to organisational structure have taken place since the DCA started operational work in 2004. For example the Southern Branch has moved from teams based geographically in Osh, Batken and Jalalbad to more functionally based teams.

Intelligence and Analysis

'Intelligence – led – policing' is an important tool to combat organised crime

and is used in many jurisdictions worldwide. Kyrgyzstan has benefited from the joint UNODC/European Commission project F23 - 'Drug law enforcement systems for criminal intelligence, information and data collection, analysis and exchange.'⁵ The Information and Analytical Unit within the DCA has the POLINT intelligence system supplied by project F23 as do the other drug law enforcement agencies. During the evaluation interviews with other Kyrgyz drug enforcement agencies intelligence sharing was discussed and the need to develop standardised systems and agree protocols for information sharing was raised as an issue. Formal agreements are needed and this will have added importance as the Central Asian region develops the UN Project H22 - Establishment of the Central Asia Regional Information and Coordination Centre (CARICC).

Within the DCA the analytical capability is limited but the Project Team are aware of positive reports on intelligence handling and analysis being developed by the longer standing Tajik DCA. A study visit to see these developments followed by an analysis of training needs and their delivery would assist this important function.

Surveillance Teams

The DCA surveillance teams in Bishkek and Osh are based away from the HQ buildings for security reasons. The surveillance operatives are not known to other DCA officers which is good practice. However it was noted that their location and identity is not known to the most senior staff, other than the Unit Head, which could be a potential problem for oversight and supervision in the longer term. If their covert location were compromised there are some contingency plans in place that are designed to nullify the compromise, however relocation was not considered an option at this time.

Internal Inspectorate and Audit

Whilst good leadership, management and supervision will provide regular oversight of DCA operations and activity, the work of a dedicated internal inspectorate and audit unit can be a valuable asset and give senior management confidence about the effective working of the organisation and allow early intervention if things are going wrong. A recommendation to

⁵ Source: UNODC Project Portfolio in Central Asia

develop this function was contained in a report by an internal affairs expert advisor in July 2005.⁶

Forensic Science

Forensic capability of the DCA was seen during the evaluation visits in Bishkek and Osh. The equipment and scientific staff of both units were impressive. The evaluation was not able to establish the overall forensic capability available to Kyrgyz law enforcement but speculates that the development of a centre of excellence within the DCA, which is available for use by other agencies, might assist cooperation and provide economies of scale across law enforcement generally.

The equipment component of the project amounts to expenditure of \$1.96m and the evaluation found the procurement activity was virtually complete. The equipment needs of the DCA were generally well researched and included everything from basic office to specialist surveillance equipment. The Bishkek and Osh offices are functioning and the operational teams are able to conduct their investigations.

During interviews with DCA officers a number of issues were raised about equipment which had affected operational effectiveness.

Vehicles

The majority of vehicles purchased were new and of a single make and colour which immediately identified them on the street as 'official' cars. This is counter productive for mobile surveillance where a mix of vehicles is essential for covert work. Apparently UN rules made it very difficult to purchase second-hand vehicles. Surveillance vehicles must blend in with the operational environment and ideally be able to match the performance of a target vehicle. In addition, static observation vans can be effective in developing surveillance capacity. The DCA has the basis to develop this capacity but needs further equipment to make it effective.

Radios

The encrypted radios supplied for surveillance work were delivered without the software to manage the frequencies or encryption. They had no harnesses

⁶ Report to the Drug Control Agency - 'The 28 Investigation' by Dennis W LaDucer, Internal Affairs Expert Advisor, US Embassy, .

and no wireless earphones which are essential for covert surveillance. This caused 3 months delay in bringing them into use and whilst the DCA has resolved the software and harness issues through its own means, it still requires the wireless earphones. It was not possible to establish if this was a specification or supply problem.

Mobile phone interception

Telephone interception (wiretapping) is an essential tool for combating organised crime. The DCA has a fixed line intercept capability however it has been unable to acquire an interception capability for mobile phones. Other agencies in Kyrgyzstan have a mobile intercept capability but access to this is not available to the DCA at the present time. The lack of this facility means the DCA is missing an important tool in its covert law enforcement toolkit – a major handicap. It is understood that the supply of this equipment is denied by the Donor as a matter of principle due to concerns about DCA management issues, and limited funding availability. The DCA has a key coordinating role across law enforcement for tackling drug traffickers. In that capacity it should either have its own mobile phone intercept capability or have access to the capacity available nationally.

Satellite Phones

Communication by telephone or radio is problematic away from the populated areas of the country especially in the mountain regions which make up about 75% of the Kyrgyz landmass. Drug trafficking routes from Afghanistan via Tajikistan inevitably run through the mountain passes into Kyrgyzstan. The traffickers are known to use satellite phones to control their operations however the DCA have no satellite phones to control their own operations in the mountains which represents a considerable tactical disadvantage. Satellite phones are expensive to purchase and call costs are high so tight controls would be required.

The Training component of the project was allocated a budget of \$288,000 and subdivided into a small study tours component and more substantial ‘training the trainers’ element. Officers initially recruited, who had no or limited drug law enforcement experience, received 3 day training courses conducted by senior staff who had earlier attended ‘train the trainers’ courses funded outside this project. A total of 38

operational and investigative staff received this training.

However the initial training budget allocated a total of \$235,000 for specialist 'train the trainers' training in a range of covert techniques including, surveillance, wiretapping, money laundering and intelligence handling. To date this training has not taken place. There are a number of reasons for this including the various disruptions to DCA business due to the 2005 Revolution and change of leadership, however, the single most important factor is the overspend on other budgets such as the refurbishment of Bishkek and Osh buildings. The bottom line is that the training budget has been exhausted through supporting other budget heads.

At the time of the evaluation the Russian Federal Drug Control Service had agreed to train DCA operational staff at their Moscow academy without charging tuition fees or accommodation costs. The plan is to send up to 25 DCA officers for a two week intensive course in June/July 2006. The Project and/or the US Embassy intend to cover travel costs.

The specialist training for 'training the trainers' proposed in the original Project Document (Appendix 1) would have met important training needs of the DCA. It is regrettable that this has not taken place and whilst the planned training in Russia will address some of the training needs a substantial training gap is likely to persist. A comprehensive training needs analysis would help to identify priority areas for action.

2.3 Implementation

This section of the report summarises briefly how the project has been implemented and draws conclusions from the previous sections of the report. The operational plan was implemented on a joint basis by the DCA, Donor and UNODC. That relationship has been crucial to the implementation process and in principle it has been successful notwithstanding some major disruptions along the way. Implementation was monitored jointly through a series of benchmarks covering operational, institutional and financial activity.

The budgets, especially for building refurbishment were heavily overspent in the early phase of the project and this had a negative impact on other budgets such as training.

The planning and project management of the building project was problematic, however it should be noted that the renovation budget was unrealistic from the beginning and that the additional cost of adding prisoner holding cells, drug storage and forensics facilities was not planned for because the project envisaged using Ministry of Interior facilities. However the international working group determined that this would compromise the DCA's independence and integrity.

Almost inevitably it took a year from inception before the necessary legislative components; structure, people and equipment were in place. The late addition of the polygraph vetting procedure, with its subsequent delays, caused problems.

Many of the officers initially recruited to the DCA had limited experience of law enforcement activity to combat drug trafficking. Developing officers for this type of complex covert work requires time, training and assistance from experienced colleagues. It also requires good leadership and supervision at all levels in the organisation. It is still early days for the personal skill development for some of the inexperienced officers and in addition a substantial number have changed roles or left the DCA. On top of this the overall training programme has been less than ideal. Project implementation has been affected by these important human resource issues.

2.4 Institutional and Management arrangements

A major constraint to implementation was the disruptive political events of the March 2005 revolution, which caused a hiatus for several months. Following that the DCA Director was replaced in August 2005 and a number of senior officers interviewed during the evaluation had only been in post for a few months. Further disruption was caused by changes to key UNODC and Donor project staff. The UN National Project Officer is the only senior person who has remained in post during the life of the project thus far. Corporate memory and continuity are important aspects of project management.

The UNODC Annual Project Progress Reports covering the two years to December 2005 have set out project progress for the years in question and described major problems encountered and how they have been addressed.

One of the management arrangements that needs comment is the inappropriate use of UNODC issued fuel coupons by the DCA. A random inspection of five DCA vehicles by UN staff in December 2005 discovered misreporting of 2300 litres of fuel together with false vehicle log book entries. This finding was forwarded to the DCA for investigation and the DCA reported that the fuel had been used in other operational vehicles and not those stated in the records. One person was disciplined as a result but the incident demonstrates the need for good records management and an effective internal audit capacity. Such incidents, whilst not necessarily impacting on the DCA's effectiveness, inevitably lead to a reduction in trust between the project partners and the DCA.

Overall the coordination and co-operation arrangements between the parties involved have worked well as has the support role and backstopping provided by the UN Regional Office for Central Asia, Tashkent and UNODC headquarters, Vienna.

3. OUTCOMES, IMPACTS AND SUSTAINABILITY

3.1 Outcomes

The creation of a specialized and progressively self-sustainable Kyrgyz Drug Control Agency aims to:

- Improve significantly the interdiction capacities against illicit drug trafficking and related other crime;

- Increase related drug enforcement operations resulting in major seizures and dismantling of organized trafficking and criminal networks.

The creation of the DCA has certainly improved the interdiction capacity against illicit drug trafficking in Kyrgyzstan which is a major outcome for the project. The real test is how well this capacity has been translated into tangible results.

When judging the outcomes of enforcement operations one has to rely on statistics for seizures, arrests and the number of networks dismantled or disrupted. The latter are always difficult to judge however the seizures are a matter of record and full details can be seen in the Table below.

Table showing comparative statistics for Drug seizures for 2005 and 2006 (2 months)

2005

No	Agency	Revealed drug related crimes	Seized drugs in kg		
			Total	Opium	Heroin
1	Police Forces	2325 (90.6%)	4200 kg (94.1%)	54.1 kg (46.4%)	124.0 kg (61.2%)
2	DCA	160 (6.2%)	184.8 kg (4.1%)	62.3 kg (53%)	40.8 kg (20.1%)
3	NSS	12 (0.5%)	29.5 kg (0.6%)		27.4 kg (13.5%)
4	Customs	21 (0.8%)	26.1 kg (0.5%)	5 g	268 g
5	Prosecutors' Office	29 (1.1%)	19.8 kg (0.4%)	2 g	10.0 kg (4.9%)
6	Penitentiary Dept	16 (0.6%)	0.114 g (0.002%)	2 g	4 g
	TOTAL:	2565	4461 kg	116.4 kg	202.5 kg

2006 (2 months)

No	Agency	Revealed drug related crimes	Seized drugs in kg		
			Total	Opium	Heroin
1	Police Forces	312 (93.4%)	132.0 kg (96%)	30.0 g (99%)	23.3 kg (92%)
2	DCA	14 (4.2%)	3.8 kg (2.8%)		3.3 kg (7.7%)
3	Customs	4 (1.1%)	1.5 kg (1.1%)		1 g
4	Penitentiary Dept	2 (0.5%)	2 g (0.001%)	1 g	
5	Prosecutors' Office	3 (0.8%)	8 g (0.005%)		8 g
	TOTAL:	334	137.4 kg	30.0 g	26.6 kg

Source: Ministry of Internal Affairs, Bishkek, Kyrgyzstan

The assessment of DCA performance is somewhat disappointing if based on the seizure figures alone. However one cause could be the number of disruptions to the DCA's operational capacity in the last 2 years which has been discussed earlier in this report. There are some additional factors to consider.

Controlled Deliveries

Firstly, a major tactic used to dismantle drug networks is to work

internationally with other jurisdictions to allow controlled deliveries of drugs through the country for subsequent seizure and arrests of wider networks in the destination country. This is particularly relevant in Kyrgyzstan which sits on a major trafficking route for opiates. A number of these operations have been conducted successfully however the drug seizures and arrests made in other countries are not credited to the DCA in any way other than 'letters of appreciation' from countries involved. Senior DCA officers reported 10 such operations working mainly with Kazakhstan and Russia where 45kgs of heroin and 94kgs of opium were seized and some major networks dismantled including traffickers in Kyrgyzstan. Central Asian drug control strategy encourages such operations but it will be important to establish performance measures whereby the DCA and similar agencies can receive credit for successful international joint operations.

Longer term operations

Secondly, the DCA has a declared strategy to develop longer term investigations into trafficking networks. Such a move was urged by the Prosecutor General during the evaluation and the Director made the point that only one substantial operation was ongoing when he took office in August 2005. Twenty such operations are now in progress. The test will come in the coming months as these operations move to their conclusion but the right judgement and leadership is required to balance the desire for quick results with the potential for more substantial longer term gains – not an easy task when being driven politically for results. The Director has also been engaged in the process of recruiting more experienced officers for the operational roles in order to deliver improved outcomes. This process was ongoing at the time of the evaluation and will take time to deliver results.

Impact of Corruption

Thirdly, all parties involved in the evaluation acknowledged that corruption is an ever present factor in the country. This extends to all Kyrgyz law enforcement organisations and is undoubtedly present within the DCA. This is a problem common to law enforcement organisations worldwide who work in a high risk environment. If the polygraph examination results are valid and reliable, with only a small percentage error rate, then it indicates that there are some substantial integrity issues within the Agency. These issues will need to

be tackled in a robust manner to prevent a lack of integrity and professional standards adversely affecting performance outcomes through operational compromise and not least the credibility of the DCA itself.

3.2 Impacts

The DCA has had an impact as a new Agency combating drug trafficking and co-ordinating national law enforcement effort to tackle the drug problem. In addition the DCA has the lead for developing drug prevention work and the licensing role for licit drugs. The evaluation mission had the opportunity to talk with leaders of partner law enforcement agencies and generally found a positive response. 'Healthy rivalry' between agencies was the term often used but it was accepted that there is some jealousy within established law enforcement circles as a result of the enhanced pay received by DCA officers.

3.3 Sustainability

The DCA is sustainable beyond the programme assistance funding. It has the legal basis for its operations as well as the staff, buildings and equipment to continue operations. However it has attracted recruits on the basis of additional allowances paid for 2 to 3 years from project funds. As previously discussed this funding is a pillar of the integrity system and the recruitment and retention of officers. An equitable and phased exit strategy will need to be negotiated with the Government but will not be easy.

In addition, any project revision to enhance sustainability will need to take account of the recommendations made below but will also require active support and commitment from the Government in a number of areas which are set out in the Table at Appendix 6. Not least will be improved performance outcomes in key operational areas that reflect a young but maturing Agency.

4. LESSONS LEARNED AND BEST PRACTICES

4.1 Lessons

The polygraph procedure for vetting of recruits was introduced late in the project. It was not contained in the Project Document and therefore was not funded and caused considerable implementation problems. The polygraph examinations for the annual

vetting of officers are in danger of losing credibility having a failure rate approaching 25% whilst none of the failures has resulted in any serious consequences for the persons concerned.

The use of additional allowances to raise pay to a good living wage and thereby prevent corruption has been discussed in detail earlier in this report. Introduction of this allowance might have been better served if an equitable and phased 'end of project' exit strategy could have been devised at the same time.

The DCA in undertaking its task to tackle drug traffickers needs to deploy the full range of covert law enforcement techniques. Effective use of these techniques requires skilful officers with adequate experience coupled with strong supervision. This is a time consuming process requiring good training. The evaluation found that the general skill levels and experience of many DCA officers is currently at a level below what is ideally needed for the task. There was a shortfall in the training provided caused in the main by budget problems.

The evaluation found some problems with equipment procurement that had reduced operational effectiveness. As discussed elsewhere these involved vehicle purchase for surveillance, radio communications and telephone interception equipment.

4.2 Best Practices

The evaluation believes the use of polygraph examinations, as one element of the vetting system for recruits and serving officers, is promising practice despite the difficulties experienced with its initial implementation and ongoing operation.

4.3 Constraints

A variety of constraints have been discussed in this report. The March 2005 Revolution had a major impact as did the replacement of the first Director in August the same year.

Project continuity was constrained by the change of UNODC project staff as well as those involved on behalf of the Donor.

Exhaustion of the training budget resulting from other overspends and has constrained the ability to deliver adequate and effective training for DCA officers.

5. RECOMMENDATIONS

1. The DCA to seek external legal assistance to develop proposals, make appropriate representations and gain support for new or amended legislation/regulations in relation to money laundering; access to telephone billing; the polygraph vetting process; decriminalising some aspects of drug abuse and informant protection. Such legal assistance might be found through the Government or Donor Community.
2. A transparent job application system is devised for potential recruits to the DCA to ensure that all applications are acknowledged and accounted for.
3. Employed staff who fail a polygraph examination be subject to rigorous investigation by Internal Affairs and proportionate action taken to ensure credibility of the process.
4. The staff vetting process is enhanced by including financial and asset declarations and random drug testing.
5. When resources become available the capability of Internal Affairs is enhanced to enable proactive investigation of alleged or suspected inappropriate behaviour or wrongdoing.
6. An exit strategy for the additional allowance is negotiated with the Government. This should form part of any project extension. Negotiations with the Government should seek a phased transfer of this financial responsibility and consider the practicalities of a phased reduction in the level of allowance as a percentage of basic salary. Continued Donor support will be needed into the medium term.
7. An assessment of training needs for the intelligence and analysis function and

covert policing techniques be undertaken and followed by training design and implementation to take advantage of any available funding. Opportunities for training conducted by bilateral partners should be explored.

8. The ongoing work under UN Project F23 is progressed to develop standardised systems and agreed protocols for information sharing between law enforcement agencies.
9. Internal Inspectorate and Audit functions are enhanced within the DCA.
10. Research be undertaken to establish the feasibility of the DCA Forensic Services being marketed to other law enforcement agencies.
11. Equipment issues relating to vehicles, radios, mobile phone interception and satellite phones are progressed.
12. Research be undertaken to develop performance measures that give credit for international joint operations.
13. Performance targets are set for the DCA in respect of arrests, drug seizures, controlled deliveries, drug networks disrupted and prosecutions. The targets should be challenging and be a substantial increase on current levels to reflect a young but maturing Agency.

OVERALL CONCLUSIONS

The Kyrgyz Drug Control Agency has been created through the hard work of the main players involved – the DCA, the Donor and the UNODC – coupled with good support from the Government. As described earlier in this evaluation report there have been considerable disruptions along the way, not least the March 2005 Revolution, the replacement of the Director in August 2005 and less than ideal continuity of UNODC and Donor project staff.

Radical action was taken to safeguard the integrity of the Agency and its staff in an environment where drug traffickers seek to corrupt law enforcement and corruption

has a strong hold across public services. This action included polygraph examinations and enhanced pay allowances. The efficacy of these actions has been considered and although both have had their problems they have the potential to become the pillars of the DCA integrity system. However, as with most systems there are opportunities for improvement and recommendations have been made.

The three main project objectives – establish the agency; recruit the staff and provide structures, equipment and training – have with some exceptions been achieved. However the transition of the new staff into skilled and experienced law enforcement officers, equipped to tackle organised criminal networks, is not likely to happen overnight. There have been seizures and arrests but given the estimated volume of drugs trafficked into the country the outcomes appear disappointing. The possible reasons have been discussed and range from inexperienced staff with a shortfall in their training to the possibility of compromised operations due to corruption.

The DCA is still relatively young in its development. The project still has much to offer in bringing it to organisational maturity. The DCA Director is taking a new direction with the recruitment of more experienced staff and investing in longer term operations. The recommendations made above are intended to help develop the DCA but it is important that they are accompanied by improved outcomes in the coming 12 months and into the medium term.

Ends....