



## OFFICE OF THE GOVERNOR

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### EXECUTIVE ORDER NO. 04 - 2004

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**AN ORDER REORGANIZATING THE OFFICE OF TERRITORIAL AND INTERNATIONAL CRIMINAL INTELLIGENCE AND DRUG ENFORCEMENT (OTICIDE) AS THE LEADING INVESTIGATIVE AGENCY FOR ILLEGAL DRUG TRAFFICKING AND HUMAN TRAFFICKING.**

#### **Section 1. Authority.**

This Executive Order is issued under the authority of Section 6, Article IV, of the Revised Constitution of American Samoa, and Section 4.0111(b) of the American Samoa Code Annotated.

#### **Section 1. Preamble.**

Illegal drug trafficking has reached epidemic proportions in the United States and the Pacific Region and has inundated law enforcement agencies and their capacities. Drug trafficking is a multi-jurisdictional problem which requires utilization of coordinated activity by federal, state, territorial and local law enforcement authorities in the form of a task force to disrupt this criminal activity in the Territory.

Likewise, the incidence of illegal human trafficking appear to be rising at an alarming rate, not only in the Territory, but in the United States and Pacific Region. This shameful activity is most harmful to the mental and physical welfare of countless individuals, many of whom are minors, and best efforts must be directed to its elimination.

Given that American Samoa has been approved by members of the South Pacific Islands Criminal Intelligence Network (SPICIN) and the U.S. Interpol Pacific Sub-Bureau as the Communications Control Center for these enforcement programs in the Pacific and given the respective missions of SPICIN and INTERPOL, it is appropriate to establish an agency that will coordinate law enforcement activities in these areas. The Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE) exists as a multi-agency or multi-jurisdictional task force for the purpose of enhancing interagency coordination and intelligence gathering to facilitate interagency or multi-jurisdictional investigations. In this regard, the collection, sharing and dissemination of criminal information is a necessary element of crime

prevention through coordinated efforts with federal, state, territorial and local law enforcement authorities.

**Section 2. Purpose.**

The purpose of this Executive Order is to reorganize and designate the Office of Territorial and International Criminal Intelligence and Drug Enforcement (OTICIDE) as the leading investigative agency for illegal drug trafficking and human trafficking affecting the Territory.

**Section 3. Establishment and Reorganization.**

OTICIDE has been established within the Executive Branch as a component of the American Samoa Government Criminal Justice System and is hereby reorganized as an independent agency within the Executive Branch of the American Samoa Government. OTICIDE shall be headed by a Director and shall include an Assistant Director and such professional and technical staff as necessary for the performance of its functions.

**Section 4. Participating Law Enforcement Agencies.**

The participating law enforcement agencies are ASG Treasury (Customs), Department of Public Safety (Police), Department of Marine and Wildlife Resources (Enforcement Unit), Department of Port Administration (Security), Office of the Attorney General (Immigration), Department of Agriculture (Quarantine) and other governmental agencies with a law enforcement interest as the need arises. The U.S. Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), U.S. Coast Guard, and U.S. Postal Inspection Service have agreed to participate as liaison agencies to OTICIDE. The U.S. State Department (Passport Agency and Bureau of Diplomatic Security) and other federal agencies represented at the U.S. Interpol National Central Bureau in Washington, D.C., are also participants of OTICIDE through the Interpol Pacific Sub-Bureau.

**Section 5. Functions.**

The functions of OTICIDE are to:

A. Execute the duties and responsibilities necessary to fulfill the American Samoa Government's obligations and commitments to the South Pacific Islands Criminal Intelligence Network (SPICIN), International Criminal Police Organization (INTERPOL), Federal Bureau of Investigation's National Crime Information Center (FBI-NCIC), El Paso Intelligence Center (EPIC), National Law Enforcement Telecommunications System (NLETS), and other regional and international law enforcement programs insofar as they are related to drug trafficking and human trafficking criminal activities and act as the designated point of contact between ASG and these aforementioned agencies pursuant to respective agreements;

B. Gather and analyze intelligence information regarding drug trafficking and human trafficking affecting the Territory and provide access to and disseminate this information to law enforcement officers with a legitimate law enforcement need;

C. Coordinate control of enforcement activities regarding drug trafficking and human trafficking with federal, state, territorial and local law enforcement agencies which have similarly provided for coordination of enhanced intelligence sharing, investigative efforts, training, and the increase competence and proficiency of law enforcement officers;

D. Develop a computerized automated information database network for the ASG criminal justice agencies, which would allow access to existing criminal information and intelligence networks in the United States and Pacific Region;

E. Coordinate intelligence information with investigators from local, international and U.S. federal law enforcement for the benefit of their investigations, and coordinate the flow of information between participating agencies on criminal investigations involving drug trafficking and human trafficking;

F. Provide technical assistance as requested by the participating agencies in facilitating law enforcement investigations, training, equipment procurement, and automation activities related to drug trafficking and human trafficking;

G. Perform other law enforcement functions and conduct investigations as designated by the Governor in accordance with the existing and/or future law; and

H. Participate as a member of the Integrated Substance Abuse Council (ISAC) established by Executive Order No. 03-2004.

#### **Section 6. Advisory Policy Board.**

A. There is established an OTICIDE Advisory Policy Board. The Board shall be responsible for developing policies, and programs for improving the coordination, administration and effectiveness of OTICIDE in the Territory.

B. The Board shall meet quarterly to evaluate the operation and the effectiveness of the programs to combat illegal drug trafficking and human trafficking in the Territory and recommend future actions.

Special meetings may be called from time to time to address urgent matters.

C. The OTICIDE Advisory Policy Board shall be composed of the Commissioner of Public Safety, Attorney General, Treasurer, Director of Marine and Wildlife, Director of Port Administration, Department of Agriculture, Director of Human and Social Services, Director of Criminal Justice Planning Agency, and other members as designated by the Governor.

D. The Policy Board shall select its own chairperson.

E. The Director of OTICIDE and U.S. Federal liaisons shall serve on the Board as ex-officio members.

**Section 7. Director.**

A. The Director shall be a sworn law enforcement officer having career service status, shall have the rank of Deputy Commissioner within the Department of Public Safety, shall have a minimum of 10 years of progressively responsible law enforcement supervisory and management experience and shall have a college degree in law enforcement, criminal justice, public administration or a related field from an accredited college. The Director must have leadership and executive ability, and strong human and public relations skills. The Director must have a working knowledge of federal and local criminal, civil and administrative law procedures and practices, and a background in investigative and criminal intelligence management.

B. The Director of OTICIDE shall report to the Governor and OTICIDE Policy Board. The Director shall submit an annual report to the Governor on drug trafficking and human trafficking activities in or related to the Territory.

C. The Director, jointly with the Board, shall develop policies and guidelines with regard to worldwide criminal intelligence affecting individual privacy and rights of citizens. Further, the Director shall coordinate policies and guidelines with authorized representatives of the local and federal agencies referred to Section 4.

**Section 8. Budget and Personnel.**

A. In carrying out the functions of this agency, certain personnel shall be designated from American Samoa Government participating law enforcement agencies by the Governor and shall be transferred and detailed to OTICIDE as special agents and/or investigators. The office shall be adequately staffed with professional, competent investigators of unquestioned integrity, who must pass background investigations and drug testing.

B. The Director of Program Planning and Budget Development, Treasurer and Director of Criminal Justice Planning Agency shall determine means to allocate funds in support of this law enforcement program.

**Section 9. Effect.**

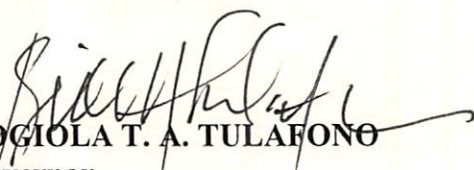
All previously issued executive orders, general memoranda, and/or directives pertaining to OTICIDE are superseded and hereby revoked. Any memoranda of understanding in conflict with this Executive Order are likewise superseded insofar as they conflict with this Order. Any agreement and/or memorandum of understanding between the American Samoa Government law enforcement

agencies and other law enforcement agencies involved in illegal drug trafficking and human trafficking and the sharing of information are subject to amendment consistent with this Executive Order and in order to effect its intent.

**Section 10. Effective Date.**

This Executive Order is effective immediately upon signing.

Dated: March 12, 2004.

  
**TOGIOLA T. A. TULAFONO**  
Governor