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Prepared Remarks of
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"Police in Conflict: Lessons from the U.S. Experience in Afghanistan"
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Thank you for your kind introduction. I appreciate the invitation from Dr. Hussey to speak today and the work of my good friend, Colonel Giuseppe De Magistris for helping to organize this event to discuss SIGAR's recently released lessons learned report entitled "Police in Conflict: Lessons from the U.S. Experience in Afghanistan."

SIGAR 101

Before I turn to the report let me briefly take this opportunity to introduce myself and my agency, for both of us bring a rather unique background to the issue of policing.

I have been involved in law enforcement for almost my entire professional career since graduating from law school in 1977. I started as a state prosecutor and later joined the U.S. Department of Justice Organized Crime and Racketeering Section as a trial attorney. I had the rare opportunity of leading the investigation and first successful prosecution of the entire leadership of an American Mafia crime family under the Racketeer Influenced and Corrupt Organization Act – otherwise known as the RICO statute – which established new avenues to prosecute organized crime in the United States.

Between my career as a prosecutor and subsequent decades conducting investigations for Congress, I thought I had seen everything imaginable in the way of organized crime and corruption. But what I witnessed in Afghanistan was on an entirely different level.

In 2008, Congress created SIGAR to combat waste, fraud, and abuse in the U.S. reconstruction effort in Afghanistan. Why? Because the U.S. taxpayer was spending more money in Afghanistan on reconstruction than we spent under the Marshall Plan to

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rebuild Europe after World War II and Congress felt they needed a dedicated and specialized agency to protect that investment, which now totals over $146 billion. And despite the military and diplomatic withdrawal, hundreds of millions of dollars continue to be spent by the United States to help the Afghan people.

In 2012 I was selected by President Obama to lead SIGAR and have continued in that role under both the Trump and Biden administrations. Like all other federal Inspectors General, SIGAR has both auditing and law enforcement responsibilities, but unlike the over 70 other federal inspectors general, SIGAR is not housed within any government agency – we are independent. This means we have the ability to conduct oversight on any federal agency that plays any role in the Afghanistan reconstruction effort. Our cross-agency jurisdiction is critical as too often operations like what we saw in Afghanistan and what we see in the Ukraine today involve multiple U.S. agencies as well as multiple nations – literally such operations involve the "whole-of-government and "whole of governments" that require oversight agencies with similarly broad jurisdictions. Otherwise, the word "jurisdiction" becomes a polite bureaucratic way of telling someone that something is none of their business.

To date, SIGAR has published more than 700 audits and other reports and made over 1,200 recommendations to federal agencies and identified $2.3 billion in potential savings to U.S. taxpayers. In addition, SIGAR's law enforcement agents have conducted over 1,100 investigations into crimes against the U.S. taxpayer, produced over $1.65 billion in criminal fines, forfeitures, civil settlements, restitutions, and other cost savings to the government, and secured over 160 guilty pleas and/or convictions.

SIGAR's Lessons Learned Program

That work is all critically important, and I believe has brought significant results for the U.S. government and the American people. But the report we are here to discuss today was produced by SIGAR's lessons learned program, which I believe may be the longest lasting legacy of the agency.

It has often been said that the war in Afghanistan was not one 20-year war, but rather 20 one-year wars as most military and civilian personnel rotated out of the country annually. The resultant lack of institutional memory inhibited the warfighting and reconstruction efforts. I created SIGAR's lessons learned program to develop and immortalize that institutional memory, for as many times as we hear that we will never undertake a similar mission again, we know it is very likely that we will. And if we do not

learn the lessons from Afghanistan, we are, of course, almost certain to repeat the mistakes that were made there.

Policing in Conflict: Lessons from the U.S. Experience

This is especially true about the report which we are discussing today – SIGAR's lessons learned report on policing in conflict. The horrors taking place in Ukraine remind us how quickly stability can disappear in even the most modern-looking countries. And experiences in places such as Afghanistan remind us how difficult it is to reconstruct a viable police force in the aftermath of military operations that have destroyed homes, businesses, and critical infrastructure; where civilians have taken up arms; and conditions are ripe for criminal behavior.

While we all hope the terror in Ukraine ends as quickly and positively as possible, we know that some of the hardest work will begin once the bloodletting stops. And, lest we forget, it was less than a decade ago that Ukraine disbanded its police force due to persistent corruption issues and predatory behavior. My point is this – we must use what we learned from the experience in Afghanistan in future endeavors to build police forces in post-conflict environments – whether it's in Ukraine, the Horn of Africa, or a conflict that hasn't even yet come to our attention.

For nearly 20 years, the United States and international community provided assistance to the Afghanistan National Police, or ANP, with the goal of creating a legitimate, accountable, and effective civilian police force that could protect Afghans from criminals and uphold the rule of law. Without such a civilian law enforcement authority, the odds were greater that the country would remain unstable or revert back to active conflict. Yet – except for some specialized police forces – community policing and law enforcement capabilities in Afghanistan were weak or nonexistent, despite receiving more than $21 billion in U.S. and international financial support.

Overall, the ANP proved incapable of enforcing the law, protecting Afghan citizens from criminals and attacks by the Taliban and the Islamic State, or ensuring that Afghanistan did not become another safe haven for terrorism. And as we all saw live last year on our televisions, the ANP quickly collapsed following the U.S. and NATO military withdrawal, paving the way for the Taliban takeover.

One of the report's critical findings is that the U.S. and its international partners failed to fully understand the history of policing in Afghanistan, which has never had an

effective nationwide police force dedicated to protecting its citizens. Primarily, its police have existed to protect government power, often through corrupt or abusive means. As one member of the ANP stated, "while the world knows how hated the Taliban had become by the time of the U.S. invasion in 2001, most forget that all police forces before the Taliban had been similarly hated."

The U.S. and international community also missed an opportunity in the early days following the invasion. The United States and United Nations largely ignored the need to rapidly deploy police and rule of law advisors to stabilize what was, at least at that moment, a post-conflict country. This was opposite to the approach taken in Kosovo just a few years prior. Instead, the United States implemented a "light footprint" strategy of maintaining a small troop presence, and the international community followed suit. With the U.S. focused on pursuing al-Qaeda and its Taliban sponsors, senior Afghan government officials seized the opportunity to reestablish a police force beholden only to them.

For decades, the newly constituted Afghan police force operated with near-total impunity. The Afghan government and international community did not hold Afghan police officers – particularly those with political connections – accountable for numerous acts of corruption and human rights abuses, including extortion, arbitrary detention, torture, and extrajudicial killings. This rapidly eroded any hope the population may have had that the new Afghan government would serve their interests, and the Taliban exploited that lack of trust to reestablish itself in Afghanistan.

By mid-2002, the international community belatedly recognized the depleted state of the Afghan police and the need to increase international support. Germany took the lead, but by 2003, the U.S. Department of State created its own police reform program in Afghanistan.

Even though establishing law and order in a post-conflict environment is critical, the U.S. and international community unfortunately do not have a deployable police assistance unit that has the required resources AND required specialized expertise.

Although the State Department is the lead U.S. agency for police assistance, it does not have a dedicated team of deployable police development experts. Instead, it was forced to contract out its entire police development mission with little to no oversight. From the start, the program struggled, in no small part because the training program assumed that Afghanistan remained a post-conflict state and that they had

years to implement a professional police training program. But as the Taliban regained strength, security deteriorated – as did freedom of movement for Department of State personnel – limiting U.S. personnel to bases and the U.S. Embassy in Kabul.

The State Department also failed to implement the best practice of embedding experienced police advisors with newly trained officers to provide follow-up training in the field. In short, despite having the legal authority and the budget, the State Department was ill-prepared to operate in a high-threat environment like Afghanistan.

Given the State Department's difficulties, the U.S. Department of Defense began advocating to take over the police assistance mission. The Defense Department made a compelling case – they knew that the ANP were short over three million basic items, including cold weather uniforms and sleeping bags, and had only 15 percent of the weapons and communications equipment they needed. By 2005 all police assistance and training programs were transferred from the State Department to the Defense Department because they seemed better resourced for the mission.

But, as I found many times in Afghanistan, more resources did not lead to better results. Despite a 2006 study that concluded that the U.S. military was ill-equipped to train foreign police forces, the U.S. military rapidly deployed advisors to partner with police forces in Afghanistan and moved embedded training teams originally deployed to partner with the Afghan National Army to ANP units. Because the Defense Department had more people, more money, and the ability to operate in non-permissive environments unlike the State Department, the U.S. police assistance mission became, in effect, an extension of the military training mission.

But just because the Defense Department had more personnel and more money than the State Department did not mean that the Defense Department had the *right* personnel. The police mentoring teams continued to be staffed mostly by soldiers who lacked a basic understanding of law enforcement, community policing, or criminal investigations. Rather, they had experience in infantry, combat aviation, or other military specializations. They were trying their best, but these soldiers did not have the skillsets necessary to build a civilian police force the Afghan people could have faith in.

Things were so bad that SIGAR found that some Blackhawk helicopter pilots were assigned to train the ANP, and other soldiers used videos of popular American TV crime dramas as training materials.

Compounding the problem, at various points, U.S. police assistance prioritized rapidly increasing the quantity of police officers in the ANP over the quality and sustainability of police training, resulting in poorly trained police being sent into communities. For example, the Defense Department pushed to increase the ANP force strength from 62,000 to over 120,000 police. But, in this case, more did not equal better.

Meanwhile, the Taliban insurgency grew stronger. In response, under the Defense Department's leadership, the mission and focus of the Afghan police came to reflect the U.S. military's counterinsurgency strategy. Instead of focusing on rule of law or community policing, most Afghan police units focused on security and support to Afghan National Army operations. By focusing on the growing violence throughout the country, the Afghan police failed to develop the basic law enforcement and community policing capabilities required to prevent and respond to criminal activities that plagued Afghan citizens.

This, in turn, undermined what legitimacy the central government may have had and turned some Afghans towards more traditional justice mechanisms, whether Taliban or tribal.

Afghan police officers struggled to deliver law and order to local communities, and in many cases contributed to crime by engaging in extortion, assault, and human rights abuses, eroding the legitimacy of the police and the Afghan government. The widespread use of illegal detention and torture of suspected insurgents, for example, led some communities to welcome back the Taliban as liberators.

The U.S. military's approach to police training preserved Afghanistan's pervasive culture of police impunity by funding and providing technical assistance to Afghan police units that faced credible reports of committing gross human rights abuses. Afghanistan illustrated a key dilemma for U.S. advisors – was U.S. cooperation with brutal but militarily capable security forces worthwhile if it restored security – or did such cooperation create more conflict in the long run by undermining good governance and the rule of law?

Conclusion

The collapse of the Afghan government and the Afghan security forces in August

2021 highlights the importance of establishing a trusted and effective police service in stabilizing post-conflict and fragile states. Countries that lack a trusted police service to enforce laws and protect its citizens risk instability and reversion back to conflict.

For the United States and donor community, police assistance remains a weak link in the development of a partner nation's security sector and rule of law. After 20 years and over $20 billion in U.S.-provided police assistance, the U.S. government failed to construct a capable Afghan national police force. The Taliban took Kabul with no resistance from the Afghan security forces.

As a result, the Minister of Interior today is a member of the Taliban and on the FBI's most wanted list, and police in Afghanistan have reverted back to lashing Afghan women in the streets and are suspected of extrajudicial killings of former Afghan government officials.

Our report identifies 11 key findings, 10 key lessons, and 10 recommendations. Let me just highlight two lessons as I conclude:

First, the U.S. and donor community lack an expeditionary police assistance capability with enough qualified and trained police assistance experts required for most stabilization and reconstruction missions in nations suffering from high levels of violence. Foreign police assistance is often a civilian-led task, but civilian agencies lack the force protection and mobility to operate in areas of significant violence, and most civilian-led agencies do not have experts on standby who can rapidly deploy. This often results in the military being asked to step in; yet militaries usually lack the technical expertise to develop a civilian police force and associated ministries. And since advisors are likely to train the police on what they know best, this increases the risk of overly militarizing the police.

Our report notes that the United States could consider using its relationships with allies who have unique police assistance capabilities such as Italy and its internationally respected Carabinieri. In addition to Italy, a number of other European countries have police forces with military status – gendarmeries. Although gendarmeries provide a unique capability better suited for high threat environments, they are also responsible for core police tasks in their home country.

The second key lesson of the report is that pre-deployment training and education for police advisors should include an understanding of a host nation's legal

traditions, the historical relationship between police and population, the extent of police corruption, the "command and control" organization of the host nation's police forces, frameworks to hold the police accountable to the rule of law, and the host nation's policy and planning documents for police operations.

The experience in Afghanistan makes clear that international advisors who are familiar with the history and current practices of the host nation's police forces and their governing institutions will be better equipped to advocate for training and reforms that align with the host nation's needs. This knowledge will also help advisors avoid interjecting police concepts that may run counter to the host nation's criminal justice system – as, for example, when U.S. advisors tried to import common law concepts to Afghanistan, where the legal system is based on civil law traditions entwined with religious and customary law.

Whatever policymakers say, it is highly likely that the United States, NATO, the EU and the international community will be called upon to undertake a police advising effort again in the future. After all, according to the RAND Corporation, "nearly one-half of societies [since World War II] recovering from one civil war have relapsed [into another civil war] within five years, and nearly one-fifth returned to war within a single year."

If we truly want a different outcome than that experienced in Afghanistan, policymakers must learn from our 20-year experience there and make the hard choices necessary to invest in police assistance and undertake necessary reforms required to increase the odds for future success. If policymakers want better results, they must be willing to make the requisite investments in planning and preparation.

As Winston Churchill once said, "He who fails to plan, is planning to fail." I believe this report and the lessons it gleaned from 20 years in Afghanistan must be used to better plan for the future.

Thank you very much and I look forward to the forthcoming discussion.