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May 24, 2017

## DOJ OIG and State OIG Release Joint Report on Responses by DEA and State Department to Three Deadly Force Incidents in Honduras

Department of Justice (DOJ) Inspector General Michael E. Horowitz and Department of State (State) Inspector General Steve A. Linick announced today the release of a report examining the responses of the Drug Enforcement Administration (DEA) and State to three drug interdiction missions in Honduras that resulted in deaths and injuries. The three missions, which took place on May 11, June 23, and July 3, 2012, were conducted jointly by the State Department, DEA, and the Government of Honduras (GOH) pursuant to a program known as “Operation Anvil.”

In the May 11 incident, three U.S. and Honduran law enforcement officers aboard a disabled canoe-like boat carrying large amounts of seized cocaine directed gunfire towards a larger passenger boat. This was followed by additional gunfire from a helicopter carrying U.S. and Honduran law enforcement officers. Four people from the passenger boat were killed, and four were injured. The incident received substantial public attention, and engendered concern among Justice Department leadership and Members of Congress, after reports surfaced that the killed and injured individuals were innocent civilians, and that officers had abused residents in a nearby village.

As described in today’s report, the DOJ Office of the Inspector General (DOJ OIG) found that DEA’s insistence to Justice Department leadership and to Congress that there had been an exchange of gunfire between Honduran officers and individuals in the passenger boat was unsupported by the available evidence. Not only did the DOJ OIG find no credible evidence that individuals in the passenger boat fired first, but the available evidence, which was available to DEA at the time, places into serious question whether there was any gunfire from the passenger boat at any time.

Figure 3.2: Video Footage of Passenger Boat Approaching Disabled Pipante at 2:19 a.m.



Figure 3.3: Muzzle Flashes at Moment of Contact



Today’s report by the DOJ OIG and the State Department Office of Inspector General (State OIG) identifies significant issues and challenges in each of the review’s four primary areas of focus: the pre-incident planning and the rules governing the use of deadly force; the post-incident investigative and review efforts by State and DEA; the cooperation by State and DEA personnel with post-incident shooting reviews; and the accuracy of the information State and DEA provided to Congress and the public regarding the incidents. Specifically:

- **DEA did not adequately plan for Operation Anvil:** DEA and Honduran personnel who participated in the operation had unclear understandings of what each other's deadly force policies permitted, and the plan for responding to critical incidents was almost nonexistent. These deficiencies had several negative consequences for the operation, including confusion and disagreements between DEA, State, and GOH officials over investigative jurisdiction and information sharing following each of the shooting incidents.
- **DEA's role in the operation was not solely supportive or advisory, as DEA officials had represented.** After the events of May 11, DEA consistently maintained in information provided to DOJ leadership, Congress, and the public that the Hondurans led and executed the operation, and that DEA acted solely in a support role as mentors and advisors. DOJ OIG concluded this was inaccurate and that DEA personnel maintained substantial control over the conduct of the operation.
- **DEA's post-incident review of the May 11 incident was significantly flawed.** DEA's post-shooting incident procedures and decision-making failed to ensure that DEA initiated a timely internal review and thoroughly investigated the May 11 incident. In the immediate aftermath of the May 11 incident, senior DEA officials decided against conducting a formal shooting review because no DEA agent fired a weapon and because the Hondurans who fired were foreign law enforcement officers. Weeks later, after allegations of civilian deaths were reported publicly and pressure had mounted from DOJ leadership and Congressional inquiries, DEA changed its position, but the DOJ OIG found that the resulting DEA investigation was little more than a paper exercise. DEA's post-incident reviews of the June 23 and July 3 shootings were more thorough, though certain inadequacies remained.
- **DEA inappropriately and unjustifiably withheld information from the U.S. Ambassador to Honduras.** Despite the Ambassador's repeated requests for information about the three deadly force incidents, DEA Headquarters instructed its personnel not to provide information about the incidents to those outside DEA, including the Ambassador, during the pendency of DEA's own shooting reviews. After the reviews were completed, DEA provided the Ambassador with only summaries of DEA's findings. By failing and refusing to provide the Ambassador with the information she requested about an operation she herself had personally authorized, DEA failed to comply with the authority granted to the Ambassador as Chief of Mission to Honduras.
- **State's Bureau of International Narcotics and Law Enforcement Affairs (INL) failed to comply with, and undermined, the Ambassador's Chief of Mission authority.** After DEA failed to comply with the Ambassador's requests for information, senior INL officials repeatedly refused to support the investigations the Ambassador authorized into the three deadly force incidents or to comply with the investigator's requests for access to relevant evidence and witnesses.
- **DEA provided inaccurate and incomplete information to DOJ leadership and Congress.** DEA's failure to conduct a thorough post-incident investigation resulted in DEA making several factual representations to the Attorney General, the Deputy Attorney General, and Congress that were inaccurate, incomplete, or based upon unreliable and insufficient information. The inaccurate representations included DEA's insistence that drug traffickers,

or people working for drug traffickers, had initiated the shooting incident with the U.S. and Honduran law enforcement officers on May 11, which the DOJ OIG concluded was unsupported by any credible evidence. The review also found that DEA officials described information favorable to DEA's positions while omitting unfavorable information, such as video evidence of Honduran law enforcement officers shooting at people who had fallen or jumped into the water.

- **State provided inaccurate and incomplete information to Congress and the public.** In statements made to Congress and the public, State officials represented that Operation Anvil was a "Honduran-led" operation, which these officials knew to be inconsistent with how the operation actually proceeded. In addition, State officials never informed Congress of an investigation conducted by State's Bureau of Diplomatic Security into the May 11 incident, despite numerous questions from Congress about whether the United States would conduct an investigation of the deadly force incident.

Today's report makes eight recommendations. Seven recommendations are directed to DEA to improve deficiencies identified in its post-shooting incident procedures and protocols and pre-operational planning. DEA agreed with all seven of these recommendations. The remaining recommendation is for the Deputy Attorney General to determine whether revisions to post-shooting incident procedures should be made across DOJ law enforcement components to ensure that shooting incidents similar to those that occurred during Operation Anvil are handled in a consistent and appropriate manner. The Office of the Deputy Attorney General agreed with the recommendation.

***A note about the DOJ OIG's access to information necessary to this review:*** During 2014 and early 2015 DEA failed to timely produce numerous responsive e-mails of certain senior DEA officials connected to Operation Anvil, without justification. Some of those e-mails were not produced for as much as 11 months. DEA also initially failed to produce during this period certain highly relevant reports and statements related to specific issues of our review. These delayed productions necessitated additional interviews with witnesses and caused an entirely avoidable delay in the production of this report. We note that DEA's current leadership has taken action since mid-2015 to ensure that the DOJ OIG receives timely access to information.

**Report:** Today's report is available on the websites of both the DOJ OIG and the State OIG, and at the following link: <https://oig.justice.gov/reports/2017/o1702.pdf>.

**Video and Pictures:** To accompany today's report, the DOJ OIG has released a 3-minute video featuring Inspector General Horowitz, as well as several downloadable pictures from the report. The video (with a transcript) and downloadable pictures are available at <https://oig.justice.gov/multimedia/>.

If you would like any additional information, please contact:

DOJ OIG: John Lavinsky, (202) 514-3435  
State OIG: Doug Welty, (202) 663-0377