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# Transnational Crime Issues: ICPO-INTERPOL

## Introduction

The International Criminal Police Organization (ICPO)-INTERPOL is the world's largest international police organization, whose purpose is to enable cooperation on crime fighting and prevention matters worldwide. In 1938, Congress authorized the United States to be an INTERPOL member (22 U.S.C. 263a). The United States is the largest contributor to INTERPOL's regular budget. In addition to funding, Congress has long maintained interest in several aspects of INTERPOL's activities, including its governance and membership, the scope of its policing authorities, and the potential exploitation of its notice system through which members share critical information.

## Structure and Governance

INTERPOL is headquartered in Lyon, France, and a total of 194 countries are INTERPOL members, including the United States. New members are accepted into INTERPOL by majority vote. Countries interface with INTERPOL headquarters through National Central Bureaus (NCBs). INTERPOL Washington, which is the primary NCB for the United States, is organizationally a component of the U.S. Department of Justice (DOJ) and is co-managed with the U.S. Department of Homeland Security (DHS).

INTERPOL's activities are governed by the decisions of its General Assembly, which meets annually, and by a 13-member panel of elected delegates, called the Executive Committee. The current President of the Executive Committee, Kim Jong Yang of South Korea, was elected in November 2018 after the previous President (Meng Hongwei of China) was detained in China on charges of corruption; none of the current delegates represent the United States. The General Secretariat serves as the permanent administrative body of the organization and is led by the Secretary General. The current Secretary General is Jürgen Stock of Germany. In addition, the Executive Committee may appoint technical advisors of international renown, upon confirmation by the General Assembly.

Oversight and monitoring of INTERPOL's activities is conducted by the Commission for the Control of Files (CCF). Its primary task is to ensure that the processing of personal data (e.g., names, fingerprints, and DNA profiles—including data contained in INTERPOL notices) is in compliance with applicable INTERPOL rules, which are intended to protect fundamental rights of individuals, including those enshrined in the Universal Declaration of Human Rights (Article 2 of INTERPOL's constitution). The CCF also ensures that INTERPOL data are consistent with Article 3 of its constitution, which stipulates that "it is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character."

## INTERPOL's System of Notices

INTERPOL facilitates member state requests to share critical crime-related information through a system of international lookouts or advisories. Notice requests are reviewed by INTERPOL's General Secretariat prior to final publication. There are several types of notices, including

- **Red Notices**, which seek the location and arrest of wanted persons with a view to extradition or similar action;
- **Yellow Notices**, which seek help in locating missing persons, including minors;
- **Blue Notices**, which seek additional information about a person's identity, location, or activities in relation to a crime;
- **Green Notices**, which provide warnings about criminals who are likely to repeat crimes in other countries;
- **Black Notices**, which seek information on unidentified bodies;
- **Orange Notices**, which warn of a serious and imminent threat to public safety;
- **Purple Notices**, which seek information or provide information on methods, technologies, and modus operandi used by criminals; and
- **INTERPOL-U.N. Security Council Special Notices**, which identify targets of U.N. Security Council Sanctions Committees.

**Table 1. INTERPOL Notices Issued, Selected Years**

	2001	2006	2011	2016
<b>Red</b>	1,490	2,804	7,678	12,878
<b>Yellow</b>	142	316	1,059	2,675
<b>Blue</b>	62	359	705	4,129
<b>Green</b>	9	676	1,132	930
<b>Black</b>	71	114	104	123
<b>Orange</b>	0	9	31	48
<b>Purple</b>	0	0	8	106
<b>INTERPOL-UN</b>	0	278	30	33

**Source:** INTERPOL annual reports and website.

**Notes:** According to INTERPOL's 2017 annual report, 13,048 red notices were issued in 2017, amounting to a total of 52,103 valid red notices in circulation; this includes 6,620 public red notices.

Similar to notices, diffusions are standardized requests for cooperation and alerts on specific law enforcement matters. Unlike notices, which are disseminated to the entire

INTERPOL membership, diffusions may be circulated directly by an NCB to another member country or set of countries. The issuance and circulation of INTERPOL notices and diffusions has increased in the past decade—an uptick most apparent since 2009, when INTERPOL began allowing members to electronically submit international alerts for wanted persons. With the advent of digital publication, each NCB bears more responsibility to ensure lawful use and quality of information and requests shared on INTERPOL’s network.

**Table 2. INTERPOL Diffusions Issued, Selected Years**

	2001	2006	2011	2016
<b>Diffusions</b>	15,895	12,212	15,640	26,645

**Source:** INTERPOL annual reports and website.

## Policing Authorities

Although INTERPOL’s General Secretariat is staffed in part by law enforcement personnel on loan from national police entities, INTERPOL does not retain or globally deploy its own police force with autonomous authority to arrest or detain anybody in any country. Its primary functions center on law enforcement information sharing through its worldwide encrypted communications platform, and maintenance of its criminal databases on dangerous criminals, fugitives, missing persons, and other transnational threats. INTERPOL also facilitates police capacity building and training, as well as technical assistance in specialized areas such as forensics and criminal intelligence analysis.

At the request of member countries, INTERPOL can send “response teams” composed of specialized staff to support national police during a crisis situation, such as a disaster or major crime, or in preparation for a major event, such as a high-profile conference or sporting event. With the cooperation of international partners, INTERPOL can also coordinate and support law enforcement operations. Whether through response teams or operations support, INTERPOL’s role in such activities is to promote international cooperation by facilitating access to INTERPOL’s tools and services.

## Selected Issues for Congress

As Congress continues its oversight of U.S. participation in INTERPOL, possible issues of interest may include INTERPOL membership, use of notices and diffusions, and costs of participation in INTERPOL.

### Use and Potential Abuse of INTERPOL’s Notices

INTERPOL’s notice system, particularly the issuance of Red Notices and diffusions, has been criticized by human rights activists for allegedly allowing governments to abuse it and for insufficient protections against such abuse. Some groups allege that some governments are issuing red notices and diffusions to target political opponents, as well as refugees and asylum seekers. In the latter case, asylum status may be protected from disclosure by domestic confidentiality laws, limiting INTERPOL’s ability to identify problematic notices. To this end, CCF adopted a new governing statute in November 2016, which updated its mandate and sought to improve the process for

accessing, correcting, and/or deleting data processed by INTERPOL. The CCF Statute entered into force in March 2017, when new CCF Operating Rules were adopted.

Still, international and congressional scrutiny over the use and potential abuse of INTERPOL’s system of notices continues. A key related issue is how to balance protections of individual rights in the accumulation and dissemination of accurate criminal information while also serving the international law enforcement community with a modern and timely platform to request and respond to global criminal issues.

### Congressional Spotlight: Russian Abuse of INTERPOL’s Notice System

Some policymakers and observers are exploring options to address purported misuse of INTERPOL’s system of notices. In the 115<sup>th</sup> Congress, S. 3336 (introduced by Sen. Lindsey Graham) included a provision targeting Russia. If enacted, the bill would have sought to limit Russia’s ability to issue red notices and diffusions and prevent them from having an effect on U.S. or foreign persons’ access to U.S. government services or programs, including requests for asylum and visas.

### Membership and Observer Status

In recent years, the United States has expressed views on membership and participation in INTERPOL, with respect to Taiwan (P.L. 114-139 instructed the Secretary of State to develop a strategy to obtain observer status for Taiwan in INTERPOL), Palestine (despite U.S. opposition, members admitted the “State of Palestine” into the organization in 2017), and Kosovo (not universally recognized as an independent state, its most recent bid in 2018 to join INTERPOL failed, despite U.S. support).

### U.S. Membership Dues

Resources required for U.S. participation in INTERPOL may rise, as INTERPOL’s assessed dues on the United States increase. For FY2019, INTERPOL Washington requested \$34.403 million in Commerce, Justice, Science, and Related Agencies appropriations. The request takes into account \$16.9 million in estimated INTERPOL membership dues for 2019—up from approximately \$1.7 million in dues for 2001 (in FY2016, U.S. membership dues totaled \$10.96 million). Additional U.S. foreign aid contributions to specific INTERPOL programs and activities are provided through Department of State, Foreign Operations, and Related Programs appropriations.

In light of the decision to allow Palestinian membership, some in Congress may seek to further scrutinize U.S. funding for INTERPOL. According to INTERPOL Washington, resource pressure is also driven in part by “the unprecedented growth of transnational criminal and terrorist organizations” and “corresponding demand for international law enforcement cooperation and timely access to law enforcement intelligence worldwide.”

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