



# U.S. Immigration and Customs Enforcement

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**STATEMENT**

**OF**

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DEPARTMENT OF HOMELAND SECURITY**

**REGARDING A HEARING ON**

**“BORDER SECURITY AND ENFORCEMENT - DEPARTMENT OF  
HOMELAND SECURITY’S COOPERATION WITH STATE AND  
LOCAL LAW ENFORCEMENT STAKEHOLDERS”**

**BEFORE THE**

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON HOMELAND SECURITY**

**SUBCOMMITTEE ON BORDER AND MARITIME SECURITY**

**Tuesday, May, 3, 2011 - 10:00 a.m.  
311 Cannon House Office Building**

## **INTRODUCTION**

Chairman Miller, Ranking Member Cuellar, and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano and Director Morton, I would like to thank you for the opportunity to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) to coordinate with our state, local, and tribal law enforcement stakeholders to protect national security and uphold public safety by targeting transnational criminal networks and terrorist organizations that seek to exploit our borders and America's legitimate trade, travel, and financial systems.

Terrorism and criminal activity are most effectively combated through a collaborative multi-agency/multi-authority approach that encompasses federal, state, local, and tribal resources, skills, and expertise. State, local, and tribal law enforcement partners and fusion centers play a critical role in the Department of Homeland Security's (DHS) overall strategy to protect our homeland.

Recognizing that partnerships are essential, ICE works closely with our law enforcement stakeholders at all levels of government to create a seamless, united front to disrupt and dismantle transnational criminal organizations. We also work closely with state and local law enforcement agencies to prioritize the identification and removal of criminal aliens upon completion of their penal sentences. More than half of those we removed last year – upwards of 195,000 – were convicted criminals, the most ever removed from our country in a single year. That's a more than 70 percent increase in the removal of criminal aliens as compared to 2008.

ICE protects America and upholds public safety by identifying and dismantling criminal organizations that exploit our nation's borders in furtherance of their illegal activity. Fostering partnerships with ICE's state, local, and tribal law enforcement counterparts is essential to our nation's safety and security and we will continue to forge these important strategic relationships.

### **Targeting Transnational Criminal Organizations**

#### ***Operation Fallen Hero***

In late February, two of our special agents were shot in the line of duty while on mission in central Mexico. ICE Special Agent Jaime J. Zapata lost his life, and Special Agent Victor Avila was seriously injured in the service of our country. Sadly, this tragedy is a stark reminder of the dangers confronted and the sacrifices made every day by our nation's law enforcement officers. Our hearts and prayers continue to go out to the victims, our colleagues and their families. Special Agent Zapata will forever be remembered as a man of courage and honor. ICE is committed to continuing to assist the ongoing Mexican investigation as well as multilateral enforcement efforts here in the United States to ensure that the perpetrators of this crime are brought to justice.

I want to stress that our working relationship with fellow law enforcement and civilian agencies in Mexico remains extremely positive and well-coordinated. The investigation determined that the attack was conducted by members of the Los Zetas drug trafficking organization (DTO). In response to this attack, ICE and its law enforcement

partners initiated nationwide U.S. enforcement activities under Operation Fallen Hero, also widely recognized as “Operation Bombardier,” coordinated by the Drug Enforcement Administration (DEA)-led multi-agency Special Operations Division (SOD).

During February 23-25, 2011, agents from the DEA, ICE, Federal Bureau of Investigation (FBI), along with law enforcement officers from numerous other federal, state, and local agencies, arrested 676 individuals, resulting in the disruption of the operations and financing of Mexican DTOs in the United States, Mexico, and elsewhere throughout the world. Operation Bombardier was designed to put pressure on Mexican cartels and Mexican poly-drug organizations as a response to the murder of ICE Special Agent Jaime Zapata and wounding of ICE Special Agent Victor Avila in Mexico. In addition to the arrests, Operation Bombardier resulted in the seizure of 467 kilograms of cocaine, 21 pounds of heroin, 84 pounds of methamphetamine, 39,363 pounds of marijuana, \$12.1 million in U.S. currency, and 282 firearms. This SOD-supported operation included participation by DEA, Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Customs and Border Protection, FBI, ICE, and the U.S. Marshals Service, and state and local law enforcement officers--approximately 3,000 federal, state, and local law enforcement officers in total.

Operation Fallen Hero is a multilateral enforcement effort targeting the criminal activity perpetrated by Mexican DTOs in the United States, with the goal of disrupting and dismantling the DTOs from the top down. To date, the first phase of the operation, which includes the results of Operation Bombardier, has resulted in 1,416 arrests, including 782 criminal and 634 non-criminal immigration arrests. The 782 criminal arrests consisted of 239 arrests for narcotics violations, 213 for gang-related violations, 133 for criminal immigration violations, 51 for weapons charges, 40 for financial crimes, and 106 for other miscellaneous criminal violations. Operation Fallen Hero also resulted in seizures totaling over \$12.1 million in U.S. currency; 53,814 pounds of marijuana; 688 kilograms of cocaine; 64 pounds of heroin; 372 weapons; and 83 vehicles. Special agents and officers also initiated 157 new investigations, conducted over 3,500 interviews, and developed 285 investigative leads.

ICE’s state and local partners have actively participated in major enforcement actions and investigations supporting Operation Fallen Hero. This is exemplified by a March 1, 2011 enforcement action in the Chicago area. The Lake County Sheriff’s Office and the Chicago, Joliet, Elgin, and Aurora police departments collaborated with ICE in the arrest of 12 subjects, including nine violent gang members. In addition, on April 1, 2011, the Cameron County Sheriff’s Department and the Brownsville Police Department assisted ICE special agents in Harlingen, Texas, in an operation targeting known members of Los Zetas DTO. During this enforcement action there were seven criminal arrests, 25 administrative arrests for immigration violations, and the seizure of \$4,500 and one AK-47 rifle. The continuing participation of state and local partners will be vital to ensuring the future success of this operation.

### ***Border Enforcement Security Task Force***

ICE’s most significant interagency partnership is the ICE-led Border Enforcement Security Task Force (BEST) initiative. ICE works with state and local law enforcement agencies participating in the BEST initiative on a daily basis. DHS formally adopted the

BEST initiative in 2006 to leverage federal, state, local, tribal, and foreign law enforcement and intelligence resources in an effort to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities along our borders and threaten the overall safety and security of the American public.

As of fiscal year (FY) 2011, the BEST initiative is comprised of approximately 355 members representing various federal, state, local, and foreign law enforcement agencies who work jointly in a variety of capacities to investigate transnational criminal activity along our shared land borders and in major seaports. Currently there are over 55 state and local law enforcement agencies participating in the 21 BEST task forces along the Southwest and Northern borders, at seaports, and in Mexico City.

The success of BEST is evident in the investigations and arrests it has produced. In January 2011, for example, three Canadian citizens attempted to enter the United States at the Detroit Windsor Tunnel. During a secondary inspection, U.S. Customs and Border Protection (CBP) officers discovered approximately 10,773 ecstasy pills. ICE agents worked with Canadian BEST partners from the Windsor Police Service (WPS) and Ontario Provincial Police on the initial response at the Port of Entry. These efforts led to the prosecution of one of the subjects. Then, based on information developed during the interviews and an attempted controlled delivery, BEST partners from the WPS issued arrest warrants for two subjects in Canada, one of whom is already under indictment in the United States and is currently facing extradition.

### ***Transnational Gangs***

Operation Community Shield, an ICE-led anti-gang program, combines ICE's expansive statutory and administrative enforcement authorities with our law enforcement partnerships at all levels. Community Shield increases public safety by combating the growth and proliferation of transnational gangs in communities throughout the United States. ICE conducts targeted enforcement operations using criminal arrest and administrative removal authorities against gang members, thereby disrupting the ability of gangs to operate. In addition, these targeted enforcement operations lead to the development of information critical to the successful prosecution of transnational gang members for conspiracy- and racketeering-related violations.

Through Community Shield, ICE partners with state and local law enforcement agencies in both formal and informal arrangements. ICE currently has seven domestic Operation Community Shield Task Forces, with 48 state and local law enforcement agencies participating. ICE Homeland Security Investigations (HSI) also works with hundreds of state and local law enforcement agencies on a more informal basis. ICE HSI National Gang Unit agents partner with state and local agencies to conduct Operation Community Shield Surge Operations, local gang suppression operations, and by providing mutual assistance on investigations.

Since its inception in 2005, Operation Community Shield has led to the arrest of more than 20,000 gang members and associates, 7,699 of whom had violent criminal histories. In addition, 249 gang leaders have been arrested and 1,646 weapons have been seized.

### ***National Bulk Cash Smuggling Center***

On August 11, 2009, ICE officially launched the National Bulk Cash Smuggling Center (BCSC), a 24/7 investigative support and operations facility co-located with the Law Enforcement Support Center (LESC) in Williston, Vermont. Since its launch, the BCSC has undertaken a full assessment of the bulk cash smuggling threat and has developed a strategic plan to address the problem.

The BCSC utilizes a systematic approach to identify vulnerabilities and disrupt the flow of illicit bulk cash at the Southwest Border and beyond. By analyzing the movement of bulk cash as a systematic process, ICE develops enforcement operations to defeat the various smuggling methodologies currently employed by trafficking organizations, as well as anticipate future tactics. This approach allows us to more efficiently and effectively utilize our interdiction and investigative resources.

To date, the BCSC has initiated 348 investigations, which have resulted in more than 89 arrests and more than 77 seizures. In July and August 2010, ICE Special Agents working in conjunction with state and local law enforcement officers seized more than 4,000 pounds of narcotics stemming from a BCSC investigation into a criminal organization based in New York City and Philadelphia that was responsible for the movement of bulk cash across the Southwest Border. This investigation has resulted in four arrests and the seizure of more than \$3 million in proceeds connected to narcotics. ICE continues to work with its partners in Arizona, Maryland, Texas and New York to identify additional associates of this trafficking organization.

ICE is further cooperating with both foreign and domestic law enforcement partners to disrupt the criminal organizations that are smuggling narcotics into the United States and smuggling bulk cash shipments out. The expanding relationship between ICE's BCSC, the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC), state and major urban area fusion centers, and the High Intensity Drug Trafficking Areas (HIDTAs) program are a key component of these efforts. In addition ICE'S BCSC is partnering with the National Drug Intelligence Center and the Organized Crime Drug Enforcement Task Force of the Department of Justice to produce a National Bulk Cash Threat Assessment that will provide a clear and comprehensive strategic picture of bulk cash smuggling in the United States.

Recognizing each entity's distinct, but complementary roles, the BCSC is currently coordinating the establishment of the Bulk Cash Smuggling Center Intake & Analysis Section (BCSC I&A) with our law enforcement counterparts at EPIC. The BCSC I&A will function as a single point of contact for state and local law enforcement entities to report bulk currency interdictions and receive immediate real-time analysis and support. In addition, the broader BCSC will focus its expertise in financial investigations on DHS-driven bulk cash smuggling investigations and initiatives to further strengthen the relationship between the two centers.

### ***Fraud in the Visa and Labor Certification Process***

ICE's efforts to uphold public safety also include identifying, investigating, and penalizing employers who engage in visa or labor certification fraud. Perpetrators of document and benefit fraud usually receive documents, whether counterfeit or legitimately issued through fraud, that could be used to open bank accounts, enter public buildings and obtain employment. Unchecked, one benefit fraud facilitator can be responsible for hundreds of aliens obtaining benefits and jobs to which they are not

legally entitled. Since the start of FY 2009, ICE has initiated 694 cases involving the H and L non-immigrant employment based visa categories, made 106 criminal arrests and 190 administrative arrests, obtained 116 convictions, and seized a total of \$14,083,080.

In one recent case conducted by ICE in Norfolk, Virginia, agents targeted a vast interstate criminal organization with international ties involved in the production and distribution of fraudulent immigration and identification documents. While Operation Phalanx initially focused on the organization's activities in the Norfolk area, agents ultimately uncovered definitive links to several other cells located in Tennessee, Kentucky, Arkansas, Rhode Island, Missouri, Connecticut, Massachusetts, Ohio, Indiana, and North Carolina.

Over the course of the investigation, with the considerable support of the Virginia State Police, Chesterfield County (VA) Police Department, and the Little Rock (AR) Police Department, ICE determined that the Fraudulent Document Organization (FDO) structured its operations through an intricate business-type model. Agents determined that the command and control apparatus of the organization was based in Mexico and that it maintained strict control over the pricing and quality of the documents being produced by each cell.

In November 2010, ICE coordinated the nationwide simultaneous takedown of the FDO. As a result, 17 HSI offices executed a total of 18 search warrants, arrested 25 members of the FDO based on criminal charges presented in the indictment, arrested six additional individuals via criminal complaint, and arrested 36 individuals for administrative immigration violations. To date, 10 of the 27 defendants being prosecuted in the Eastern District of Virginia have pled guilty. Eight have pled guilty to violations of Title 18 USC 1028(f), Conspiracy to Produce and Distribute Counterfeit Identity Documents; two have pled guilty to violations of Title 18 USC 1962(d), Racketeering and Title 18 USC 1956(h), Money Laundering. The remaining four defendants are pending prosecution in other Federal judicial districts for charges deemed outside of the Operation Phalanx conspiracy.

### ***Use of Forfeited Proceeds***

ICE uses asset forfeiture to disrupt and dismantle criminal organizations and to support law enforcement operations through the sharing of assets with state, local and international law enforcement.

Equitable sharing allows ICE to provide a portion of forfeited proceeds to agencies that directly participated in ICE forfeiture, and serves to encourage further cooperation between the recipient agency and ICE. The amount shared must reflect the degree of direct participation of the law enforcement agency in the investigation resulting in the forfeiture. All property shared with a participating agency, and any income generated by this property, must be used for law enforcement purposes. In FY 2010 ICE shared \$99,051,318 with its law enforcement partners.

### ***Joint Operations/State and Local Overtime***

The Joint Operations/State and Local Overtime (SLOT) program allows the Treasury Forfeiture Fund (TFF) to reimburse state and local agencies up to \$15,000 for overtime paid per officer (annually) for joint investigations and operations with ICE. These funds allow ICE to draw on the knowledge and experience of local, county, and

state law enforcement officers to act as a force multiplier. Currently, more than 900 agencies participate in the ICE Joint Operations/SLOT program. In FY 2010, the SLOT program paid out \$6,299,000.

### **Partnerships to Improve Public Safety**

#### ***Office of State, Local, and Tribal Coordination***

ICE has formed the Office of State, Local, and Tribal Coordination (OSLTC) to build and improve relationships, coordinate activities and provide support to state, local, and tribal law enforcement agencies. The ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) program was developed to promote the various programs or tools that ICE offers to assist state, local, and tribal law enforcement agencies.

ICE has made great strides in FY 2011 to sustain and expand its outreach efforts to strengthen and build relationships with state and local officials and law enforcement agencies to enhance public safety. In this fiscal year alone, ICE OSLTC has participated in more than 100 meetings and conferences with state, local, and tribal government law enforcement organizations.

An example of ICE's recent outreach efforts is the *ICE Tool Kit for Prosecutors*. This resource was developed to help prosecutors navigate situations where important witnesses, victims, or defendants may face removal because they are illegally present in the United States. ICE is committed to supporting the efforts of prosecutors to bring criminals to justice. The *ICE Tool Kit for Prosecutors* is being distributed through our HSI Special Agent in Charge Offices, Enforcement and Removal Operations (ERO) Field Offices, and Offices of the Chief Counsel. Our prosecutorial partners are encouraged to engage ICE officers, special agents, and attorneys as well as seek their assistance and expertise.

#### ***Law Enforcement Information Sharing Service***

DHS has also expanded its partnership with state, local, and tribal law enforcement through the Law Enforcement Information Sharing (LEIS) Service. LEIS is a web-based data exchange platform, hosted by DHS, that supports state and urban area fusion centers and law enforcement agencies at all levels to rapidly share and access data related to criminal and national security investigations. The automated LEIS Service offers a more efficient system for requesting and sharing investigative information, helping investigators to more quickly identify patterns, connections and relationships between individuals and criminal organizations. Approximately 26.7 million plus records from DHS data sources are available for sharing with LEIS Service users. The service has been successfully deployed on a regional basis in San Diego, Los Angeles, Seattle, Arizona, and Texas.

#### ***Cooperative Immigration-Related Programs***

ICE also receives cooperation from state and local partners in various aspects of immigration enforcement. This cooperation has enabled ICE to increase the number of convicted criminal removals.

First, through the Secure Communities program, when state and local law enforcement agencies make an arrest and book a subject into custody, the fingerprints they submit to the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS) are checked against the biometrics-based immigration and law enforcement records in DHS' Automated Biometric Identification System. If the fingerprints match those of someone in DHS's biometric system, the system automatically sends this information to ICE's LESC, where officers research and determine the individual's status. The LESC then forwards the status information to the ICE field office, which determines appropriate enforcement action.

Second, ICE's Criminal Alien Program (CAP) ensures that those criminal aliens identified in jails and prisons are placed into removal proceedings or otherwise processed for immediate removal from the United States. Enforcement and Removal Operations (ERO) officers and agents assigned to CAP in federal, state and local prisons and jails throughout the country screen inmates and place detainers on criminal aliens to process them for removal before they are released to the general public.

Third, the 287(g) Program allows a state or local law enforcement entity to enter into a partnership with ICE under a joint Memorandum of Agreement (MOA) which authorizes them to perform certain immigration functions otherwise reserved for federal officials. In 2009, ICE fundamentally reformed the 287(g) Program, renegotiated and issued a standardized MOA, strengthening public safety and ensuring consistency in immigration enforcement across the country by prioritizing the arrest and detention of criminal aliens. ICE now requires 287(g) officers to maintain comprehensive alien arrest, detention, and removal data in order to ensure operations focused on criminal aliens, who pose the greatest risk to public safety and community. ICE also strengthened the 287(g) basic training course and created a refresher training course, providing detailed instruction on the terms of the new MOA and the responsibilities of a 287(g) officer.

Fourth, ICE works with local jurisdictions through direct government-to-government agreements known as intergovernmental service agreements (IGSAs), under which local jurisdictions detain and provide services to ICE's civil detainee population while ICE works to process their removals. Cooperation with local partners under IGSAs allows ICE efficient and flexible use of available detention space around the United States to meet ICE enforcement needs. ICE is able to ensure high standards for detainee care and detainee access to services by working with local governments.

## **CONCLUSION**

I thank the Committee for its support of ICE and our law enforcement mission. Your support is vital to our work. Your continued interest in and oversight of our actions is important to the men and women at ICE, who work each day to ensure the safety and security of the United States. I would be pleased to answer any questions you have at this time.