



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
DEPARTMENT OF HOMELAND SECURITY**

REGARDING A HEARING ON

**“COMBATING BORDER VIOLENCE: THE ROLE OF INTERAGENCY
COORDINATION IN INVESTIGATIONS”**

BEFORE THE

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON BORDER, MARITIME, AND GLOBAL
COUNTERTERRORISM**

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INTRODUCTION

Chairwoman Sanchez, Ranking Member Souder, and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano and Assistant Secretary Morton, thank you for the opportunity to discuss U.S. Immigration and Customs Enforcement's (ICE) role in combating border violence through robust interagency coordination. First and foremost, ICE uses its broad federal authorities to conduct intelligence-driven investigations through collaboration with the intelligence community, and other federal, state, local and foreign partners. These multi-agency investigations are enabled by robust, cross-border coordination and information sharing. ICE has the largest force of investigators in the Department of Homeland Security (DHS), and we protect our borders—north and south—by investigating groups who exploit weaknesses in our legitimate trade, travel, and financial systems. More than 6,500 ICE special agents detect, disrupt, and dismantle cross-border criminal networks engaged in the smuggling of people, narcotics, bulk cash, and weapons across our borders. ICE is focused on countering the illicit activities that occur along our shared border with Mexico.

IMPLEMENTATION OF THE SOUTHWEST BORDER INITIATIVES

The public announcement of the Administration's major Southwest Border (SWB) Initiative on March 24th—and the details outlined by the Secretary on April 15—called for strategic redeployments of DHS personnel totaling more than 360 additional officers and agents. ICE doubled assignments to ICE Border Enforcement Security Task Forces (BESTs); tripled the number of intelligence analysts working at the border; and quadrupled the number of agents

designated as Border Liaison Officers to work in close cooperation with Mexican law enforcement. Within Mexico, ICE increased its investigative workforce by 50 percent.

On June 5, Secretary Napolitano, Attorney General Holder, and Office of National Drug Control Policy (ONDCP) Director Kerlikowske released the 2009 National Southwest Border Counternarcotics Strategy, which details the Administration's collective approach to stem the flow of illegal drugs and their illicit proceeds across the SWB, and reduce associated crime and violence in the region.

ICE's efforts, along with the broader U.S. Government response to Mexican drug cartel violence, require effective operational collaboration and expanded information sharing with the Government of Mexico (GoM), and domestic and other foreign law enforcement agencies. ICE facilitates these objectives through unique initiatives such as Operations Armas Cruzadas and Firewall, the Border Enforcement Security Task Forces or BESTs, the Law Enforcement Information Sharing Service (LEISS) and the Border Enforcement Coordination Cell (BECC). We also partner with Federal, state and local law enforcement partners, including the Organized Crime Drug Enforcement Task Forces (OCDETF), in national and regional deconfliction and coordination centers. And just last month, we re-negotiated formal interagency agreements with the Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to facilitate even closer coordination and expanded information sharing.

COLLABORATION WITH THE GOVERNMENT OF MEXICO

Cooperation among ICE and its domestic partners is a critical piece to effective law enforcement along the Southwest Border. Of equal import, however, is ICE's coordination with its Mexican counterparts. Indeed, earlier this year, President Calderón of Mexico identified the

illegal flow of weapons from the United States as one of the biggest security threats to his country. On April 1, Secretary Napolitano traveled to Cuernavaca, Mexico with Attorney General Holder to attend a joint U.S.-Mexican conference on arms trafficking. At the conference, the Secretary and Attorney General discussed with their counterparts, including the Attorney General of Mexico, future joint efforts to prevent firearms from being smuggled from the United States into Mexico. Interagency collaboration with the Mexican government is a part of a broader theme of co-responsibility that Attorney General Holder and Secretary Napolitano agree is central to our strategic effort to secure the SWB. Stopping the flow of firearms and bulk cash into Mexico is an important component of the larger strategy to secure our borders from the criminal organizations that use those resources to traffic contraband and perpetrate violence.

Operation Armas Cruzadas. ICE and U.S. Customs and Border Protection (CBP) have stepped up their efforts to interdict southbound weapons smuggling, pursuant to DHS authority to enforce export provisions of the Arms Export Control Act (AECA) as specifically designated within 22 C.F.R. § 127.4 of the International Traffic in Arms Regulations (ITAR) and to prevent smuggling of weapons in violation of 18 U.S.C. 554. ICE has intensively deployed resources for Operation Armas Cruzadas, which is a comprehensive, collaborative effort with the GoM to identify, disrupt, and dismantle the criminal networks that illicitly transport arms across the border. Under Operation Armas Cruzadas, ICE has implemented numerous activities that promote an intelligence-driven, systematic approach to arms trafficking investigations. Since its inception in June 2008, Operation Armas Cruzadas has resulted in the seizure of 1,600 weapons, more than \$6.4 million, and 182,668 rounds of ammunition, and the arrests of 395 individuals on criminal charges, resulting in 124 criminal indictments and 74 convictions.

A recent case out of El Paso, Texas, demonstrates the significant impact of our proactive efforts at penetrating Mexican weapons trafficking networks. A joint investigation between ICE, ATF, and the El Paso Police Department led to the indictment of four individuals attempting to purchase and illegally export weapons and ammunition out of the United States. The weapons they attempted to purchase and smuggle included 300 AR-15/AR-16 rifles, 300 short-barrel .223 rifles, 10 Barrett .50 caliber rifles, two 40 millimeter grenade machine guns, 20 handguns with silencers and a large amount of ammunition. The firearms would have had a total street value of over \$500,000.

Operation Firewall. In addition to addressing weapons smuggling, ICE partners with CBP to combat the illegal movement of cash across the SWB. One reason drug cartels pose such a dangerous threat is their extensive monetary resources. The United States must interrupt that illegal flow of money. ICE's Operation Firewall counters bulk cash smuggling through capacity building and close operational collaboration with foreign partners such as Mexico. On the first day of operations in 2005, at the Benito Juárez International Airport in Mexico City, Mexican authorities seized \$7.8 million en route to Cali, Colombia concealed inside deep fryers, rotisseries and voltage regulators. Other notable seizures include \$7.3 million seized inside rolls of fabric and plastic and \$4.7 million concealed inside air conditioning equipment and metal piping destined for Colombia. Since its inception, Operation Firewall has resulted in 475 arrests and the seizure of over \$210 million, including over \$65 million seized overseas.

COORDINATION OF FOREIGN AND DOMESTIC INTERAGENCY OPERATIONS

Vetted Investigative Units. ICE Attaché personnel are working closely with their Mexican counterparts to build a specialized, vetted investigative unit (SIU) consisting of

Mexican prosecutors and law enforcement personnel. This SIU will focus on bilateral weapons smuggling investigations and provide an immediate investigative response to weapons seizures within Mexico. These SIU investigative responses will address an information requirement gap in tracing weapons and exploiting investigative leads. With the establishment of the SIU, weapon serial numbers will be more consistently obtained and traced within ATF's e-Trace database prior to the weapons being turned over to the Mexican military. More comprehensive weapons trace data will facilitate better identification of U.S. sources of weapons. The SIU will better probe the seizures through interviews, telephone data/record analysis and other investigative tools, with the goal of identifying cross-border weapons smuggling networks. Overall, such a robust information-sharing platform will facilitate exchange of leads for coordinated investigation of U.S. leads by U.S. agencies, and Mexican leads by GoM agencies.

Border Enforcement Security Task Force. More than a DHS program, the Border Enforcement Security Task Force (BEST) is a law enforcement model which recognizes that confronting the multifaceted threat of border violence requires sharing resources, information, and expertise. BESTs serve as a platform from which interagency—and international—partners can work together to address cross-border crime. The BESTs operating on our land borders and in major maritime port cities incorporate personnel from ICE, CBP, DEA, ATF, the Federal Bureau of Investigation (FBI), U.S. Coast Guard (USCG), and respective U.S. Attorney's Offices, along with other key federal, state, local, tribal, and foreign law enforcement agencies. The Mexican Secretaria de Seguridad Publica (SSP) currently participates in BESTs, and the GoM has agreed to provide representatives to every BEST team on the SWB. Additionally, other GoM agencies and foreign partners are negotiating with ICE to expand their participation in the BESTs, thus enhancing the international scope and participation of the initiative. Since the

SWB announcement on March 24, ICE has established two new BESTs in Las Cruces and Deming, New Mexico, resulting in a total of 15 BESTs covering high-threat smuggling corridors.

The BEST model has been very successful. ICE, with the help of our partners, has cracked down on arms trafficking, human smuggling, bulk cash smuggling and narcotics smuggling organizations. These efforts have disrupted cartel operations in both the United States and Mexico. Since July 2005, the efforts of BEST teams, working in conjunction with the Department of Justice (DOJ) and other law enforcement agencies, have been responsible for 4,240 criminal arrests, 3,531 administrative arrests, 1,901 indictments and 1,292 convictions. In addition, BESTs have seized approximately 10,348 pounds of cocaine, 187,843 pounds of marijuana, 829 pounds of methamphetamine, 103 pounds of crystal methamphetamine, 1,257 pounds of ecstasy, 255 pounds of heroin, 97 pounds of hashish, 22 pounds of opium, 2,580 weapons, 870 vehicles, seven properties and \$26.3 million in U.S. currency and monetary instruments.

Just a few of our successes include the El Paso BEST's discovery and repatriation of one of Mexico's top ten most wanted fugitives; the Laredo BEST's arrest of a weapons trafficker supplying cartels with assault rifles used to murder Mexican police officer Navarro Rincon and others; the Laredo BEST's arrest of a member of the Mexican Mafia gang in possession of approximately 897 pounds of smuggled marijuana after he attempted to run over a Texas Department of Public Safety officer; and the Los Angeles Seaport BEST's arrest of an arms trafficker and seizure of 38 military style weapons.

Law Enforcement Information Sharing Service. ICE complements the innovative operational coordination facilitated by the BESTs through aggressively sharing information with

an even broader array of federal, state and local law enforcement agencies. The Law Enforcement Information Sharing (LEIS) Service is a Web-based data exchange platform designed to aid investigations by allowing DHS and other law enforcement agencies to share pertinent case information, to the extent permitted by law, more rapidly and extensively. Beginning in FY 2008, the LEIS Service was deployed on a regional basis to law enforcement consortiums at SWB locations within California and Arizona. Additionally, the Service was expanded to DOJ's repository for shared law enforcement information, OneDOJ. During the current fiscal year, we are in the process of extending LEIS the Service to Texas, and anticipate connecting to a law enforcement consortium in New Mexico, as well as to national and international consortiums such as Interpol and Europol.

LEIS currently provides approximately 250 federal, state, local, and tribal law enforcement agencies access to more than 2.5 million subject records related to persons of interest, including suspects in child pornography, drug smuggling, immigration fraud, alien smuggling, and other immigration and customs cases. Approximately 65-70 of those agencies are located along the SWB. LEIS offers investigators a more efficient, automated system for obtaining information and helps to more quickly and appropriately identify relationships, patterns and connections between individuals and organizations that may not be immediately obvious. Since January 2009, the program has received nearly 20,000 queries for information. The LEIS Service is compliant with all existing privacy and security requirements as it relates to the safeguarding of personal information and user authentication and access.

Border Violence Intelligence Cell. The Border Violence Intelligence Cell (BVIC) supports the national effort to combat weapons smuggling and stem the surge in violence along the United States-Mexico Border. This unit facilitates timely information sharing with state,

tribal, local, foreign, and other federal law enforcement agencies, and serves as the focal point for analyzing all-source intelligence in support of the BESTs and ICE Attaché Mexico offices. Through the BVIC, the BESTs, ICE Attaché offices, and the U.S.-vetted GoM Arms Trafficking Group exchange cross-border weapons-related intelligence through a virtual intelligence network, creating a seamless investigation of the criminal networks that span the SWB. The BVIC, in cooperation with the ATF weapons desk at EPIC, serves as the central point for analyzing all-source intelligence and trends in firearms smuggling. Since March 30, 2009, analysts working with the BESTs, in coordination with the BVIC, have produced 213 intelligence reports, over 60 comprehensive target folders, and 114 investigative leads relating to suspected weapons traffickers operating along the SWB.

Weapons Virtual Task Force. The Weapons Virtual Task Force (WVTF) is a community of interest within the Homeland Security Information Network, a secure, unclassified web-based platform. The community was created to assist information exchange between ICE and its Mexican law enforcement counterparts under the Armas Cruzadas initiative. Using the WVTF, law enforcement on both sides of the border can upload and share information pertinent to law enforcement actions along the SWB. While currently in its infancy, it is anticipated that the WVTF system will incorporate any GoM enforcement action results or intelligence developed by Mexican law enforcement related to Armas Cruzadas. The information will then be available for ICE investigators and analysts to view and analyze. Last month, ICE sent a team to Mexico to train Mexican law enforcement on the use of the system. This training is a strong step toward a closer relationship and better information exchange, and will continue as additional users on both sides of the border are added.

FORMAL INTERAGENCY AGREEMENTS

The successes of the BESTs, as well as Operations Armas Cruzadas and Firewall, illustrate how co-located taskforces and multi-agency initiatives can stem the flow of cross-border criminal activity. Interagency roles, responsibilities, and coordination are guided by numerous statutes, presidential directives and formal, interagency agreements. Given the extent of ICE authorities in enforcing the nation's customs and immigration laws, ICE has cooperation agreements with federal, state, local, and foreign law enforcement agencies in order to more effectively leverage our combined resources. I would like to highlight two of the more recent partnerships entered into by ICE. These are the June 18, 2009, Interagency Cooperation Agreement between ICE and DEA and the June 30, 2009, Memorandum of Understanding between ICE and ATF.

Interagency Cooperation Agreement between ICE and DEA. Recognizing the importance of implementing the recommendations made by the Government Accountability Office (GAO) in its March 2009 report, on June 18, 2009, ICE and DEA announced an Interagency Cooperation Agreement Regarding Investigative Functions Related to the Controlled Substances Act. The agreement addressed many of the recommendations outlined in the GAO report. Specifically, the June 18, 2009, agreement provides the following: 1) outlined a commitment by both ICE and DEA to share information through mechanisms including the Special Operations Division, the OCDETF Fusion Center and EPIC; 2) authorized the ICE Assistant Secretary to select an unlimited number of ICE agents for cross-designation by the Administrator of DEA; 3) delineated ICE authority to investigate narcotics smuggling with a clearly articulable nexus to the U.S. border, including related transportation and staging activities within the United States; and 4) procedures for deconfliction and operational coordination in

both the domestic and foreign counternarcotics environments. The agreement took immediate effect and will be reviewed one year after its initial effective date. In addition, after the one-year review, the agreement will be reviewed thereafter every two years, or at any time, upon written request by either party.

Memorandum of Understanding between ICE and ATF. ICE and ATF recognize and respect each other's complementary authorities. When ICE and ATF join forces through joint investigations or via the BEST teams, both agencies bring complimentary authorities to any investigation. The June 30, 2009, Memorandum of Understanding between ICE and ATF established the clear roles that both agencies have over domestic and international trafficking of firearms, ammunition, explosives, weapons, and munitions. The agreement recognized that both law enforcement agencies are actively engaged in the fight against persons and criminal organizations involved in violent crime and gun trafficking.

The agreement requires that ATF report to ICE any information relating to attempted or planned violations of federal law within the jurisdiction of ICE. The agreement imposes a reciprocal requirement upon ICE to report to ATF any information relating to attempted or planned violations of federal law within the jurisdiction of ATF. The agencies also agree to coordinate information concerning firearms and explosives investigations that involve each other's investigative jurisdiction.

Moreover, ATF and ICE will invite each other's participation in any investigations within the jurisdiction of the other agency. In addition, the agreement sets forth important policies concerning the shared use of human confidential sources of information and the control of intelligence. The agencies agreed to coordinate efforts as they relate to activities at Federal

Firearms Licensees, Federal Explosives Licensees, gun shows, international borders and Ports of Entry.

CONCLUSION

The coordination and information sharing initiatives I have discussed today portray the extensive cooperation currently underway between ICE and our counterparts in state and local governments, the Federal Government, and the Government of Mexico. Taken together, all of these initiatives represent a substantial advancement towards operating in a truly complementary fashion, by harnessing each agency's particular authorities and expertise more efficiently.

I would like to thank the Subcommittee for its continued support of ICE and our law enforcement mission. I would be pleased to answer any questions you may have.