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EXPLORING DRUG GANGS' EVER-EVOLVING TACTICS TO PENETRATE THE BORDER AND THE FEDERAL GOVERNMENT'S ABILITY TO STOP THEM

HEARING

BEFORE THE

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

OF THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

MARCH 31, 2011

Available via the World Wide Web: http://www.fdsys.gov/

Printed for the use of the Committee on Homeland Security and Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE

67 –124 PDF WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

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EXPLORING DRUG GANGS' EVER–EVOLVING TACTICS TO PENETRATE THE BORDER AND THE FEDERAL GOVERNMENT'S ABILITY TO STOP THEM

THURSDAY, MARCH 31, 2011

U.S. SENATE,
AD HOC SUBCOMMITTEE ON DISASTER RECOVERY
AND INTERGOVERNMENTAL AFFAIRS,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:08 a.m., in Room SD–342, Dirksen Senate Office Building, Hon. Mark L. Pryor, Chairman of the Subcommittee, presiding.

Present: Senators Pryor and Ensign.

OPENING STATEMENT OF SENATOR PRYOR

Senator PRYOR. I want to thank everybody for being here, and I certainly want to thank Senator Ensign for being here.

Before we begin, I want to offer my condolences to the Immigration and Customs Enforcement (ICE) and the family of ICE Agent Jaime J. Zapata. Agent Zapata was killed after he and Victor Avila were shot in the line of duty in February. These agents will always be remembered for their heroic service, and I extend my wishes for a speedy recovery to Agent Avila and pray that Agent Zapata's family is comforted through this very difficult time.

Today, this Subcommittee on Disaster Recovery and Intergovernmental Affairs will discuss methods drug gangs are using to penetrate the Southwest border in an effort to traffic drugs and people into the United States. We have asked witnesses from the Federal border protection and drug enforcement agencies to join us today, as well as officials from the States of Arkansas and Nevada.

I would like to extend a special thank you to Ms. Fran Flener for being here today and traveling from Arkansas. She is not only a dear friend, but she also happens to be a very knowledgeable expert and I am glad she is able to be here today.

The fight to secure the United States borders is a constant concern for the people living in the border States as well as the government officials who represent them. There are few threats as deadly and menacing as those posed by drug gangs, particularly Mexican drug gangs, operating near the border. Many Americans, and likewise, many lawmakers, may be inclined to believe that this problem is for the border States only and for the border States to

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solve, yet there can be no doubt that this is a problem for all Americans, North to South, Coast to Coast. An estimated 230 American cities, including three cities in Arkansas, have a presence of the Mexican drug cartels in their communities. We must do everything we can to disrupt their networks and to prevent them from moving product onto American soil.

News coming out of the Southwest is filled with stories detailing new and inventive tactics the drug gangs have employed in an effort to move greater quantities of drugs and people across the United States border. Drug gangs have begun to use bold tactics that include creating mock border patrol vehicles to bypass legitimate border officials, and modifying vehicles to look like Wal-Mart trucks or FedEx vans. Just last week, a white van pulled up to a border checkpoint along Interstate 8 in eastern San Diego County. The van appeared to be filled with Marines in uniforms. According to the Associated Press, a plainclothes Border Patrol Agent who had served in the Marine Corps became suspicious when the driver did not know the birthday of the Marine Corps. In the end, 13 fake Marines were actually illegal Mexican immigrants and two were suspected drug smugglers.

The efforts of drug gangs to smuggle people and goods range from the truly bizarre to the truly extraordinary. This past January, U.S. National Guard troops at the Naco Border Patrol station about 80 miles southwest of Tucson alerted the Mexican Army after a surveillance camera spotted several traffickers hurling bundles of marijuana over the border with a catapult. The catapult was found about 20 yards from the border on a flatbed platform towed by an SUV, according to the Associated Press.

Officials estimate that Mexican drug cartels smuggle up to $25 billion of illegal drugs, as well as people, into the United States. They also have begun to use small planes or ultralight aircraft to fly over the border and beneath radar detection. According to the U.S. Customs and Border Patrol Agency (CBP), from October 2009 to mid-April 2010, the agency detected 193 suspected airspace incursions and 135 confirmed incursions by ultralight aircraft. The U.S. Immigration and Customs Enforcement Agency believes the number of incursions over the border more than tripled between fiscal years 2009 and 2010, from 118 to 379. However, only 10 ultralights have been seized and only 27 people arrested for using them to smuggle drugs.

Drug gangs have also begun using drug submarines, mostly to transport cocaine from Colombia into Mexico, although more recently, they have been found closer to U.S. waters. While most drug submarines are unsophisticated, and unable to dive deep into the seas, and propelled by small diesel engines, some drug gangs are now spending money on more advanced submarines. According to a recent Homeland Security Today article that ran in July of last year, Ecuadorian counternarcotics officials working with the Drug Enforcement Agency (DEA) seized a fully operational submarine built for the primary purpose of transporting multi-ton quantities of cocaine. The submarine came equipped with a periscope and air conditioning system. DEA intelligence helped lead the seizure of the submarine, which was the first seizure of its kind.

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Another hard-to-detect tactic is the use of drug tunnels. While the use of these tunnels is known to be widespread, they continue to evolve in both number and sophistication. In 2006, CBP had discovered 75 smuggling tunnels along the U.S.-Mexican border. These tunnels range from unsophisticated just boar-holes stretching hundreds of feet in length, to far more sophisticated tunnels made with wood and cinderblock walls, rail systems, electricity, and ventilation. Last Thanksgiving, United States and Mexican authorities discovered a tunnel that started in the kitchen of a home in Tijuana, Mexico. The tunnel ran a half-mile, or about 7 football fields, into two Southern California warehouse. The tunnel was found when officials noticed a tractor trailer arriving at a warehouse in Southern California and the authorities found the truck stuffed with 27,000 600-pound packages of marijuana worth $20 million.

Tunnels dug into the warehouse present a particular problem because there are hundreds, if not thousands, of privately owned warehouses in cities along the border. Border security personnel have expressed frustration that they do not have the resources to adequately attack this problem.

These are just a few examples that may illustrate the scope and the scale of the problem, so the intent of this hearing is to, first, examine the strategies our Federal agencies are employing to stop drug gangs; second, the level of coordination between Federal agencies and between Federal agencies and State and local governments; and third, whether agencies have the resources and manpower to creatively respond to these new tactics. We will also hear from Arkansas and Nevada witnesses about the consequences that result when drug gangs succeed and their products reach our cities. Senator Ensign.

OPENING STATEMENT OF SENATOR ENSIGN

Senator ENSIGN. Thank you, Mr. Chairman. This is a very important hearing today and I want to thank all of our witnesses who have taken the time out of their schedules to testify, including Lieutenant Kent Bitsko, who has traveled here from Nevada.

I also want to thank all the men and women who work very hard 24–7 every day of the year to secure our borders. Those who work at our Nation's air, land, and seaports, those who are on foreign postings, those who work in our Nation's interior, whether in uniform or plainclothes, whether they are from ICE, CBP, DEA, or other Federal, State, or local agencies. They all deserve sincere appreciation for doing a very tough job and doing it very well.

Some of these officers have made the ultimate sacrifice. From decades past, we recall the service of DEA Special Agent Enrique "Kike" Camarena. In recent years, we mourned the loss of Border Patrol Agents Robert Rosas and Brian Terry, and now in just the past few months, we suffered the loss, as the Chairman said, of ICE Special Agent Jaime Zapata. All served their Nation well, and we can best honor them by taking up their fallen standard and continuing and ultimately finishing their work by securing our borders.

We will discuss today various tactics used by the drug and alien smugglers to achieve their goals, from disguising illegal aliens as

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U.S. Marines in uniform and traveling in vehicles masquerading as official U.S. Government transports, to using submarines and small boats to haul dope up our coasts, to crafting elaborate tunnels underneath our borders that bring illegal aliens and dangerous narcotics and other contraband into our country, the drug and alien smugglers will literally stop at nothing.

The situation at our southern border is, without a doubt, very critical to our current and our future security. According to the National Drug Intelligence Center (NDIC), in its 2010 study, the calendar year 2009 saw an increase in the availability of heroin, methamphetamines, and marijuana smuggled over our southern border. The insidious reach of the Mexican Drug Trafficking Organizations (DTO) across our southern border and into our communities is not limited strictly to the border area, through which they peddle their drugs with deadly results. Again, according to the NDIC, Mexican drug cartels are the only DTOs active in every region of the United States, including the States of every Member of this Subcommittee.

These drug cartels' reach has even arrived here in our Nation's capital. The Washington Post reported recently that the D.C. Metropolitan Police and special agents from Immigration and Customs Enforcement/Homeland Security investigations arrested 8 suspects believed to be connected with Mexico's La Familia drug cartel, whose objective was to expand their operation in this District and the surrounding area. This multi-city investigation netted over $5 million worth of crystal meth alone.

Just as ominous, the Mexican drug cartels, according to reports, have expanded their relationship with street and prison gangs in the United States and have increased their distribution of illegal drugs into more rural and suburban areas. This drug trade has brought enormous revenues to these cartels. Tens of billions of dollars are smuggled from the United States throughout the Southwest border into Mexico. This blood money helps the cartels tempt some of our officers on the border to forsake their oaths to uphold the law for private gain. We know, however, that these dirty few are just a small microcosm of the total workforce and the vast majority are truly the rule to the exception.

The end result is that innocent people are caught up in the violence. The Mexican government reported recently that over 34,000 people have been killed in their country in drug war-related deaths since 2007. Considering that last year's total of 15,273 marked almost a 59 percent increase in the numbers. Unfortunately, those numbers are still going up.

The violence has also occurred in our country. Drug and alien smugglers have kidnapped innocent people to further their objectives, have emboldened street gangs to become more violent, thus placing more of our brave law enforcement officers and ourselves in greater danger.

This is a battle that we must win. We must win it because the drugs and the violence threaten individuals and communities across our Nation. We must win it because we need secure borders to ensure our national security. And we must win it on behalf of those who already have made the ultimate sacrifice in this fight.

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Again, I want to thank our witnesses and you, Mr. Chairman, for holding this very important hearing.

Senator PRYOR. Thank you, Senator Ensign.

We have three very good witnesses in our first panel and I want to welcome each of you to the Subcommittee. What we are going to do is have you do your opening statement in about 5 minutes. But first, let me just run down the list and introduce each one of you very quickly and then I will open up with you, Ms. Bucella.

Our first witness today is Donna Bucella. She is the Assistant Commissioner of the Office of Intelligence and Operations at the U.S. Customs and Border Protection Agency.

Our next witness is James Dinkins. He is Executive Director of the Office of Homeland Security Investigations at U.S. Immigration and Customs Enforcement.

Our third witness is Thomas Harrigan. He is the Assistant Administrator and Chief of Operations at the Drug Enforcement Administration.

I want to thank all of you all for being here, and Ms. Bucella, if you would lead off. Thank you.

TESTIMONY OF DONNA BUCELLA,[1] ASSISTANT COMMISSIONER, OFFICE OF INTELLIGENCE AND OPERATIONS, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. BUCELLA. Good morning, Chairman Pryor, Ranking Member Ensign. It is a pleasure to appear before you today to discuss U.S. Customs and Border Protection's efforts to secure our Nation's borders. As America's front-line border agency, CBP is responsible for securing America's borders against threats while facilitating legal trade and travel.

I would like to begin by recognizing those at the Department of Homeland Security (DHS) who have given their lives in the service to our Nation. The loss of these brave agents is a stark reminder of the sacrifices made by the men and women of DHS every day. It also strengthens our resolve to continue to do everything in our power to protect against, mitigate, and respond to the threats and secure our border.

Over the past 2 years, DHS has dedicated historic levels of personnel, technology, and resources to the Southwest border. With funding providing by the enacted 2010 Border Security Supplement, we are continuing to add technology, manpower, and infrastructure to the Southwest border.

Nonetheless, CBP still faces significant challenges. We remain concerned about the drug cartel violence taking place in Mexico and continue to guard against spillover effects in the United States. We will continue to assess and support the investments in the manpower, technology, and resources that have proven to be effective over the last 2 years in order to keep our borders secure and the communities along it safe.

Our mission is complex and challenging. Vast open expanses of remote and rugged terrain between our ports of entry (POEs), coupled with the large volumes of legitimate trade and traffic at our

[1] The prepared statement of Ms. Bucella appears in the appendix on page 38.

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ports of entry, are regularly exploited by smugglers and other cross-border criminal organizations. To further complicate our interdiction efforts, smugglers use a wide range of ever-evolving methods to attempt to move their illicit goods into the United States, both at and between our ports of entry. In general, marijuana is the primary form of contraband encountered between the ports of entry, while smugglers attempt to move cocaine, heroin, and methamphetamine through the ports of entry. While the routes and smuggling techniques differ somewhat in these environments, the challenge for our front-line personnel remains the same.

Examples of concealment techniques in vehicles and commercial conveyances include the exploitation of natural factory voids in vehicles, airbag compartments, quarter panels, transmissions, nonfactory compartments in engine airtake manifolds, batteries, radiators, and gas tanks. These concealment techniques are used to illicitly move all manner of contraband, from narcotics, currency, firearms, and on some occasions people. To detect this contraband in vehicles and other conveyances, we employ a wide range of interdiction methods, to include officer intuition, behavioral observation, fiber optic scopes, and non-intrusive inspection technologies.

Even with the deployment of all this, in the real environment, drug trafficking organizations continue to use the rail cars to transport narcotics to and across the Southwest border. One of the most common techniques is the use of natural voids in the chassis systems of the various rail cars.

Due to the increased CBP land and air intradiction efforts against the U.S.-Mexico border, drug and human smuggling and trafficking organizations are increasingly turning to maritime smuggling routes to get their illegal cargo into the United States. Mexican smuggling organizations use a variety of methods to enter into the United States, including the use of small wooden vessels to evade detection. These organizations also use pleasure boats, shrimp boats, fishing boats in an attempt to blend into legitimate boat trafficking.

In the ravine environment, a primary method of crossing illegal goods and people through our borders are use of high-speed vessels that can come across the rivers in a matter of seconds. Other methods, such as the ultralight aircraft, which are attractive to smugglers because of their size and capability to fly extremely low. Detecting the tracking of ultralight aircraft is very difficult using standard radar technologies.

In addition, smuggling methods include use of tunnels. Tunnels have ranged from very sophisticated to very rudimentary. CBP works with ICE, DEA, and the Department of Homeland Security Science and Technology Directorate to test and ultimately deploy tunnel detection technology.

We also work with our foreign, State, local, Tribal, and Federal partners to address the problems of the Southwest border and combat transnational threats. CBP hosts a weekly Southwest State of the Border teleconference in which we share the different types of concealment techniques and methods with our partners. These teleconferences include up to 290 participants on a weekly basis.

Beyond this measure, in recent months, we announced the Arizona Joint Field Command at CBP. This brings together and aligns

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Border Patrol, air and marine field operations under a unified command structure to better, in a more comprehensive way, meet the unique challenges faced at our border, especially in Arizona.

Despite these many challenges we face in our operational areas of responsibility, we have, through collaboration and coordination with our partner, made great strides. With your continued assistance, we will continue to refine and further enhance our effectiveness in detection and interdiction capabilities.

Thank you for this opportunity for me to testify about the work at CBP. We are committed to providing our front-line agents and officers with the tools they need to effectively achieve the primary mission of securing our borders, and I look forward to answering any of your questions.

Senator PRYOR. Thank you. Mr. Dinkins.

TESTIMONY OF JAMES A. DINKINS,[1] EXECUTIVE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. DINKINS. Chairman Pryor and Ranking Member Ensign, on behalf of Secretary Napolitano and Assistant Secretary Morton, I would like to thank you for the opportunity to discuss ICE's efforts to investigate, disrupt, and dismantle transnational criminal organizations.

As you mentioned, we experienced a terrible tragedy within our agency last month involving two Special Agents assigned to our Mexico office. Special Agent Jaime Zapata lost his life, and Special Agent Victor Avila was seriously injured after being ambushed while driving in a U.S. Government vehicle. This senseless act of violence serves as a clear reminder of the dangers confronted and sacrifices made each and every day by our Nation's law enforcement officers. Our prayers remain with both the Zapata family for their loss and for Special Agent Victor Avila's speedy recovery.

Since the incident, ICE Special Agents have been working with our Federal law enforcement partners at DHS and the Department of Justice (DOJ) to support our Mexican partners in their efforts to track down the perpetrators of this heinous attack and to ensure those responsible for the murder of Special Agent Zapata are brought to justice.

As you know, the illicit flow of drugs, money, weapons, as well as human smuggling and trafficking are part of a complex interconnected system of illicit pathways and international criminal organizations that span the globe. ICE targets these criminal organizations at every critical phase in the illicit cycle—internationally with our foreign law enforcement partners, where the drugs are produced and the drugs originate, at our borders with CBP, where the transportation cells attempt to exploit America's legitimate trade, travel, and transportation systems, and throughout the United States with our Federal, State, and local, Tribal law enforcement partners in large and small communities where the criminal organizations earn substantial profits from the sale and distribution of their illicit cargo.

[1] The prepared statement of Mr. Dinkins appears in the appendix on page 49.

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To combat these transnational criminal organizations, ICE has 69 offices in 47 countries, as well as more than 200 offices located throughout the United States. This includes substantial resources along the Southwest border, where since March 2009, ICE has doubled the personnel assigned to the Border Enforcement Security Task Forces (BEST) program, increased the number of intelligence analysts, and have deployed nearly five times more border liaison officers to work with our Mexican counterparts. Indeed, ICE now has nearly one-quarter of our personnel assigned to the Southwest border, more Special Agents and officers than ever before.

I am pleased to report our efforts to dismantle transnational criminal organizations are producing results. For example, in November 2010, the San Diego Tunnel Task Force, which is part of the San Diego BEST, discovered two tunnels and seized more than 50 tons of marijuana. The first tunnel, discovered on November 2, 2010, was a 600-yard underground cross-border passageway equipped with rail, lighting, and ventilation systems. Solid investigative work in collaboration with our Mexican law enforcement partners led to the discovery and resulted in the seizure of 30 tons of marijuana.

The second tunnel, discovered on November 26, 2010, was even more sophisticated, included reinforced supports, advanced rail, and electrical and ventilation systems. This tunnel discovery resulted in the arrests of eight individuals and the seizure of more than 20 tons of marijuana.

We have also observed increasing collaboration between drug trafficking organizations and transnational gangs. To combat transnational gangs, in 2005, ICE launched Operation Community Shield, and since that time, we have arrested more than 20,000 gang members and associates. Seven-thousand-six-hundred-and-ninety-nine of those had prior violent criminal histories.

Just last month, ICE completed Project Southern Tempest, the largest ever ICE-led national initiative targeting gangs with ties to the Mexican drug trafficking organizations. Southern Tempest involved operations in over 160 U.S. cities, working side by side with more than 173 Federal, State, and local law enforcement agencies and led to the arrests of over 600 gang members and associates. This operation demonstrates the need to not only combat criminal organizations operating along the Southern border, but also targeting their operations throughout the United States and abroad.

I want to thank you again for the opportunity to be here today and appreciate all the support you have provided to ICE in our efforts to combat transnational smuggling, and I would be happy to answer any questions.

Senator PRYOR. Thank you. Mr. Harrigan.

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TESTIMONY OF THOMAS H. HARRIGAN,[1] ASSISTANT ADMINISTRATOR AND CHIEF OF OPERATIONS, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Mr. HARRIGAN. Good morning, Chairman Pryor, Ranking Member Ensign. On behalf of the men and women and the Administrator of the Drug Enforcement Administration, Michele Leonhart, I appreciate your invitation to testify today regarding the sophisticated methods that Mexican drug trafficking organizations use to move illegal drugs through Mexico and into the United States.

Please know, in carrying out its mission, the DEA and the border begins with the sources of supply in South America. DEA has the largest United States law enforcement presence overseas, and since 1973 has been assigned the global enforcement mission that extends far beyond our Nation's borders.

Our strategy in the Western Hemisphere is named the Drug Flow Attack Strategy. The Drug Flow Attack Strategy acts as a forward defense, a defense in debt, if you will, of the United States by interdicting the flow of illegal drugs and traffickers who smuggle them northward before they reach Mexico or the Southwest border. Stopping the drugs before they reach Mexico and the Southwest border impacts the United States drug supply, weakens the Mexican cartels, and helps reduce border violence.

The Southwest border and the security threat posed by drug trafficking along the border is not a new issue for the DEA. As the lead United States law enforcement agency responsible for enforcing the drug laws of the United States, DEA special agents have been on the front line of both sides of the Southwest border for decades, gathering intelligence and conducting enforcement operations to dismantle the most powerful and ruthless drug trafficking organizations. The operations of these organizations have destabilizing effects not only in the border region, but throughout Mexico.

The Southwest border is the principal arrival zone for most illegal drugs smuggled into the United States as well as being the predominant staging area for the drugs' subsequent distribution throughout the United States. This area is particularly vulnerable to drug smuggling because of the enormous volume of people and legitimate goods crossing the border between the two countries each day.

DEA's Concealment Trap Initiative (CTI), contracts the service providers who build concealed trap compartments or use natural voids in vehicles and other conveyances for drug trafficking organizations to conceal their drugs entering the United States and to conceal bulk currency destined for Mexico from the U.S. Drug traffickers recognize that bulk currency is subject to seizure and easily forfeited when discovered by law enforcement authorities. To counter this, they employ a myriad of techniques, including the use of concealment traps, to impede law enforcement efforts to discover and seize illicit drug proceeds. DEA seized just under $39 million in addition to drugs and weapons in 2010 under this program alone.

The DEA works vigorously in cooperation with its Federal, State, local, and foreign counterparts in mounting a sustained and ag-

[1] The prepared statement of Mr. Harrigan appears in the appendix on page 62.

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gressive organizational attack strategy against the Mexican drug trafficking organizations. The disruption and dismantlement of these organizations, the denial of proceeds, and the seizure of assets significantly impacts the organizations' ability to exercise influence and to further destabilize the region.

Project Reckoning, Operation Accelerator, Project Coronado, and most recently Operation Bombardier are all examples of this collaboration. While these collaborative operations are extended to break the power and impunity of the cartels in the short term, they also exacerbate the violence in Mexico. These efforts are directly supported by the DEA-led El Paso Intelligence Center (EPIC). EPIC is a multi-agency tactical and strategic intelligence center consisting of almost 30 law enforcement organizations, to include representatives from Mexico and Colombia.

There are several noteworthy interagency efforts being coordinated along the Southwest border, as well. The first of these is President Obama's National Southwest Border Counternarcotics Strategy that was introduced last year by Attorney General Holder, DHS Secretary Napolitano, and Director Kerlikowske from the Office of National Drug Control Policy. This strategy is designed to stem the flow of illegal drugs and their illicit proceeds across the Southwest border and reduce associated crime and violence in the region.

Another excellent example is the Southwest Border Initiative, which has been in operation since 1994. This multi-agency enforcement operation attacks Mexico-based drug trafficking organizations operating along the Southwest border. In a cooperative effort, DEA, the Federal Bureau of Investigations (FBI), ICE, CBP, and the U.S. Attorneys' Offices around the country conduct judicially approved electronic wire intercepts that ultimately identify all levels of these organizations.

In short, guided by intelligence, DEA is working diligently on both sides of the border to stem the flow of illegal drugs and assist our Mexican counterparts. DEA recognizes that interagency and international collaboration and coordination is fundamental to our success. DEA will continue to closely monitor the security situation in Mexico and ensure that the rampant violence does not spill over the border by continuing to lend assistance and support to the Calderon administration.

Again, Chairman Pryor, Ranking Member Ensign, I want to thank you for this opportunity to testify and we will be happy to address any questions you may have.

Senator PRYOR. Thank you all for your testimony and for being here today and all the things that you do.

Let me start with a general question really for the whole panel. Each of you in your agencies play a very important role in this. Just a general question. Are there overlaps where there should not be? Are there gaps where there should not be? How is the system working? If there are conflicts among the agencies, how are those resolved? So Ms. Bucella.

Ms. BUCELLA. Right now, we are embedded, literally, with ICE and their groups and with DEA, whether it is incident or Special Operations Division. We are also embedded with ICE and DEA at EPIC. Really, it is a collaborative. Many of us have been given the

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charter to do somewhat different. For us, it is protect the borders. We really are the interdictors.

But we can only do that and be successful by giving and sharing the information that we receive with our partners on the border. And so there is probably much more that we can do. We are finding it on a daily basis. We are working closely with ICE on the San Diego Tunnel Initiative and we have had over 130 tunnels that we have found. And as Mr. Dinkins said, it is very sophisticated and how we find it is either through technology and/or from cooperators and from intelligence.

And so I will defer to my partners here, but we, on a daily basis, our agencies are intertwined because of the roles and missions that we each have that might be a little bit unique.

Mr. DINKINS. Yes, sir. As she had mentioned, we do have distinctive roles in what we do, although there is a combined mission that we all share and that is protecting the border, stopping the flow of drugs, and so forth. And I can tell you, since I have been doing this job now 15 months, I thought one of the biggest challenges I would do is actually really with these two folks here is institutionalize that collaboration, and it has actually been a pleasure to do so.

Since DHS was created, I can tell you that we have never had a better working relationship where CBP and ICE are literally codependent upon each other to get our jobs done, from the interdiction to taking it under the investigations. And that has likewise been with the Drug Enforcement Administration. Since I have been around in 25 years, I do not think that we have a better, more collaborative working relationship with DEA. They have a distinctive mission when it comes to narcotics. We have the mission when it comes to the smuggling, and those missions blend together. But I would not call it overlap as much as a partnership.

Mr. HARRIGAN. Thank you very much, Senator. As Donna and Jim said, Senator, without question, I think the coordination and collaboration between the agencies, and not just the agencies represented here at the table but the interagency, as well, to include the Governments of Mexico, and as I mentioned in my opening statement, the Southwest border for DEA starts in Colombia. That is where we key our resources to target the organizations and the cartels that move the drugs through Central America and Mexico, as well.

So everything we do is intelligence-driven. We try to work smarter, obviously with less. And we que up ICE. We will que up the interdictive CBP, as well, based upon the information and the intelligence that we derive from our sources down—and our counterparts, as well—down in Colombia and Central America, because, again, when you measure seizures down along the isthmus of Central America or in Colombia, you typically count it by multi-tons. When seizures are made along the border, we typically count them in maybe pound or kilo quantities. So again, we direct our resources down south of the border but work extremely closely with ICE and CBP, because if not, we are going to fail.

Senator PRYOR. Mr. Dinkins, let me just ask you this, since you are in the middle of the table and you are talking about how well everything works together, and I am glad to hear that, but with

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multi-agencies involved, is the decisionmaking sometimes slow or cumbersome? I mean, can we streamline anything or does it need any streamlining?

Mr. DINKINS. Generally, our field commanders downrange, our Special Agents in Charge and Port Directors and the DFOs from CBP, they are the ones that are interacting on a daily basis, literally working side by side with each other. So those decisions are made instantaneously as those cases are developed and present themselves. So there is not a bottleneck where things are having to go up to a headquarters structure and so forth of being worked out. Most of these cases might be led by one agency or another agency, but there are joint decisions being made along that investigation, along the way.

Senator PRYOR. Right. So right here, we have a photo of, I guess this is the catapult[1] contraption that someone seized, I guess the Mexican Army seized this on the Mexican side of the border. And then I have a couple of others that I will show that are some vans[2] and trucks[3] that have been modified and painted and maybe stolen. I am not quite sure of the whole story of these. But these are examples of how the cartel has taken extraordinary measures to try to get things across the border.

It seems like their tactics are always changing and they just kind of have a kaleidoscope of options there and it is like they will try anything to get the drugs across. So how do we keep up with that? I can start with anyone, but why not you, Ms. Bucella, and tell us, how do we keep up with that? Is it a training matter, or how do we stay on top of this?

Ms. BUCELLA. It is imagination and innovation. The drug cartels are not hampered or limited by money. They have a business model and they will throw whatever they have at it.

In addition, I think what has been absolutely evident to us is this is not a Federal law enforcement response. This is Federal, State, and local. We are literally on the borders dealing with our State and local counterparts because they see people come into the community. They see some strange things happening. And if we can identify that person who is bringing drugs into the United States through ICE and DEA and then find out sort of where they are, what the routes, methods, manners, and means, how did it happen. I mean, we many times have seen busloads filled with millions of dollars of money leaving the United States.

So that is where our work begins. That is where we try to share all the information. It is no longer a matter of it is mine and my information not to share with one another. Because the drug cartels are so innovative and so quick and so adaptable, we have to work together.

Senator ENSIGN. Well, once again, thank you all for being here. I have a few questions—actually, I have a lot of questions, but some of them, we will submit for the record because of the limited time today.

But just to address the corruption problem, even though it may be limited, obviously, that is something that has to be addressed

[1] The photo referenced by Senator Pryor appears in the appendix on page 33.
[2] The photo referenced by Senator Pryor appears in the appendix on page 33.
[3] The photo referenced by Senator Pryor appears in the appendix on page 34.

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so that it does not spread. I know that there have been cases where the one woman who was found to be corrupt, hanging out at the bars with the drug dealers and things like that, can you describe basically for any of your organizations the methods that you use to try to detect whether there is potential corruption, whether an officer is being corrupted, and the preventative techniques? I know it is impossible to eliminate it completely. We are talking about a lot of money here and the potential is always going to be there. But can you just describe some of the things that you look for? We can just start and go down the table.

Ms. BUCELLA. On behalf of CBP, when we have insight into the corruption cases, because DHS IG really is the lead on that, for us, it is trying to figure out all the method, manners, and means, and then instill for training. Fortunately also for CBP, because we have technology using many different types of readers when people are coming through the entry, we can take a look and go back looking at the technology to figure out who was in what lane and when and how, and sometimes when there has been detection of drugs in a vehicle or something, we can go back and figure out who was on the line at that time. So a lot of it is training.

One of the challenges that we have is that we are not necessarily always aware of the number of corruption investigations, because as I said, it is usually led by DHS Inspector General and with the partnership at times with ICE.

Senator ENSIGN. Mr. Dinkins.

Mr. DINKINS. At ICE, in the hiring process, one thing is that we hire a lot of our Special Agents because the requirements—they are coming from other law enforcement agencies, so they actually even have a proven track record. So we are bringing them on after they have already had one background investigation. Now they are getting a second check and balance, as well. And if they have had any administrative issues with their previous agency, we can actually remove them from the process.

But in addition to that, while you are on the job, I still am amazed that we have over a 20-year-old case management system, but that case management system, every time you key a stroke into the system, it is recorded. So if you were to run my name, for example, it is going to be recorded, and those things get audited regularly, so that actually can tell you if somebody is actually searching outside of their lane where they should not be looking for cartels to see if somebody is under investigation and so forth.

As well as a good, healthy organization, to make sure that people realize that it is not tolerated at all is by having good checks and balances in your system just on everyday administrative things, ensuring that there are repercussions for the small things that might seem to be a technical, administrative violation, but in fact, that can perpetuate itself into an environment where people feel that it is OK to violate the rules. So it is really by having a whole, complete approach to integrity.

Mr. HARRIGAN. Senator, you are exactly right. I do not think we could ever obviously eliminate corruption, but we could certainly minimize it. What DEA does in Mexico, we partner up very closely. We have what we call our Sensitive Investigative Units (SIUs), and these police officers are hand picked, not only by DEA but by our

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counterparts, in this case, our Mexican counterparts, the Mexican Federal Police, the Mexican PGR, and the Attorney General's Office. These offices are vetted. They are Leahy-vetted. There is background investigations conducted, as well. They are trained by DEA down in our academy in Quantico. And they really are the best of the best, if you will. We have enormous confidence in them.

We have, like I said, since 1973, have had the largest U.S. Federal law enforcement presence overseas, and knock on wood, there has been very minimal corruption, not only in Mexico, but we have 13 of these SIUs around the world, whether it is Mexico, Colombia, Southwest Asia, Southeast Asia. So again, we attempt to minimize the corruption, and I think we have been—and the Mexicans lately have been extremely successful.

There was the arrest several years ago in Mexico of someone in the Deputy Attorney General's Office who was accepting bribes from one of the cartels to the tune of about $450,000 per month. So again, working very closely with our Mexican counterparts, especially through these SIUs, because that is where we bring our most significant investigations are conducted through the SIU in an attempt to, again, limit and minimize the effect of corruption.

Senator ENSIGN. If we could just try to take a larger view, we know, as all the testimony, the reports that we get, they are getting more and more sophisticated. They are kind of like the—they are very much like the terrorist organizations. We do one thing; they adjust to it. They are going to constantly adjust.

But the bigger picture item is do we have the resources, are we putting the kind of resources that we need to protect our country from drugs, from other types of illicit activities that could come across our borders, especially, obviously, the Southwest border—by the way, I want to compliment—I have been down there, and it is extraordinary what you all are doing. It really is, the professionalism. Many years ago, it was not looked at that way, but the law enforcement professionalism now on the border is really extraordinary.

But the other side of the border is continuing to get worse. The violence, obviously, we hear about is getting worse. And there is a great deal, because the money is getting larger and we have obviously a demand problem on this side. I think the Mexican government is exactly right, that we need to do a lot more about the demand problem. I have actually encouraged the President in his State of the Union Address, I wish that actually he would address that, basically, that if you are using drugs in the United States, kind of sending that message from the White House that if you are using drugs in the United States, that you are hurting our national security, that you are funding these incredibly violent drug cartels as well as other terrorists around the world.

But looking at the big picture, do we have the kind of resources that we need and what more can Congress do? Do we need the military down there or the National Guard or whatever? Do we need more agents in the various departments? Do we need more technology? Is it more of the fence? Is it more—obviously, between submarines, between tunnels, between everything that you have, you have huge challenges. So taking more of a 30,000-foot picture

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here, can you kind of describe, and I just want kind of each one of your perspective on that.

Ms. BUCELLA. Well, technology is always needed, but trying to figure out what kind of technology, as you said, they change all the time. The tunnel technology has been helpful, but you cannot use something just separately. We need to have intelligence in using that.

The submersibles and the semi-submersibles you could probably find, especially if you are up in the air, because they have to float at some point. But the totally submersibles, that is a whole different realm in the technology field.

It is a challenge. I think that one of the—as Tom Harrigan said and Mr. Dinkins, we really do rely and work very hard with our partners down South. That is integral. And actually with all of our military. Yesterday, I spent some time with the Joint Interagency Task Force (JIATF) North and our people that are down there, and they are down at EPIC and they are helping with us. Not that the Department of Defense (DOD) solution is the solution, but frankly, we can leverage some of the skill sets that they have.

For us, some of the topography in Arizona is much like Afghanistan. So we can look to our DOD partners to find out what technologies they are using that could be helpful for us. So it really is trying to identify what technologies are out there and then communicate with our partners to try to leverage the best technologies that are out there.

Senator ENSIGN. Mr. Dinkins.

Mr. DINKINS. Yes, I think both of you have actually recognized the fact, is this is not just a border issue. We just cannot put all of our resources on the border and expect that this is going to be the problem solver. We really have to look at where the root of the problem is, and as Mr. Harrigan mentioned with DEA, for example, in narcotics, the source of the narcotics can be as far away as Colombia and we have to ensure that we are working to deal with those threats actually before they hit our border. But also, we also have to make sure that those organizations that are operating within our communities are actually being held accountable for their illegal actions, because that is where a significant amount of the proceeds are actually being generated from.

I would say we are at all high levels at ICE. I mean, we have grown substantially. We have a lot of resources. There is still room to grow as far as technology goes. There are, overseas and deployment of overseas, it is not just—for example, if you can work in South and Central America at the pathways that are being exploited by alien smuggling organizations, bringing up the aliens, it is not just enough to wait for those aliens to hit our border, either. If we can change policy, work with our Federal and law enforcement partners to actually interdict those individuals before they get into Mexico and before they land on our Southwest border, we are going to be a lot better off.

So as Mr. Harrigan mentioned, they have SIU units. At ICE, we refer to ours as vetted units. We have nine of those located throughout the world. They are indispensable because their priorities become the priorities of what the United States law enforcement priorities are. They are there to work for you, and you can

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trust them because they have been polygraphed, vetted, and backgrounded. So there is never enough technology, and I think that we need to continue to push our borders out.

Senator ENSIGN. Mr. Harrigan, also, when you address this, just very briefly, does any of the, like, heroin and things coming from Afghanistan, how does that enter into the United States, as well?

Mr. HARRIGAN. Well, typically, sir, in Afghanistan, we see, despite Afghanistan being the most prolific producer of opium—it produces over 90 percent of the world's opium—in the United States, we see less than 3 percent of the heroin seized here comes from Southwest Asia, comes from Afghanistan. Although, interestingly enough, our neighbors to the north in Canada, most of the heroin they are seizing right now, the Royal Canadian Mounted Police, comes from Afghanistan, we have not seen it yet here in the United States. But the ones that we have seen, the seizures that have been made have been by couriers coming over, flights originating in Southwest Asia, transiting through Europe, and then on to the United States, primarily the New York area, JFK.

Relative to Mexico, sir, as Donna and Jim alluded to, technology obviously is the key. Every time it appears that we develop some sort of new technology to defeat something the traffickers have, they come up with something new. So again, technology is always key.

But I think what we need to keep in mind, as I mentioned earlier, is the continued developments of these SIUs, these Sensitive Investigative Units, and we cannot lose sight of the fact, whenever we talk about Mexico or the Southwest border, we need to keep Central America in the discussion, as well, because there is unprecedented stress, in my opinion, by the Mexicans, the government of Mexico, right now on these cartels, by the United States, by the Colombians from the south. So we are pushing these cartels, if you will, down south into Central America.

So DEA is continuing to buildup these SIUs, not only in Mexico. We have 11 offices right now in Mexico, but we also have an office in each of the Central America countries, as well. We are establishing vetted units, and the next degree up from a vetted unit would be an SIU, and that is what we need to do to have, I believe, any significant impact on these cartels.

Senator PRYOR. Thank you, Senator Ensign, and thank you for all of your responses.

I have several questions for the record, but what I would like to do is just ask three or four real quick ones to you, Ms. Bucella, and then we can followup with the panel in writing.

But let me ask about really the delivery mechanisms that we talk about. One of the things you talk about is the ultralight planes and how it is difficult to detect them. It seems to me that part of that is a technology issue, that you need to have the proper radars, or exactly how you do that, I am not sure, but you would have to have the proper detection equipment. But you also need the people there to respond quickly once you sense a plane coming or going, because they are not using traditional airports, I am guessing, in most cases. So what do we need to do there?

Ms. BUCELLA. Well, again, I cannot underestimate intelligence and the informant capability, because the ultralights end up going

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to a very remote, rural area, and as you know, even with some of our technologies, we are not able—they go to the remote, rural areas, with all due respect, I believe, knowing that we do not have coverage there. And trying to get someone in the middle of a desert in the middle of the night is difficult.

And so the technology part of being able to see overhead where it is—there are some areas where we know ultralights generally come in, but it is such a wide area. And so even if we had coverage up above that, you really have to, especially if they come in at night, and they do not exactly have lights on, so you have to really know where you are looking, and it is almost like looking through a straw, yet you want something with a higher visibility and much wider coverage.

So that has been a challenge for us, but we are working together to try to get some of the better technologies for radar, to be able to censor some of the changes in movement of the air so that we are able to identify an ultralight going in. But again, a huge challenge.

Senator PRYOR. OK. And also on the submarines, you mentioned those, and some are true submarines and some are, what did you call them, semi-submersibles?

Ms. BUCELLA. Semi-submersibles. In other words, they have to come up for air, sort of like a turtle.

Senator PRYOR. Right. And so where are you seeing these? In some of the things I read, some of these are not necessarily in U.S. waters, but they are coming from Latin American countries, maybe up to Mexico or whatever. So tell us where those are showing up, how many of those, and what trends you are seeing there.

Ms. BUCELLA. Sure. I think it really started from back in the 1990s when I was a U.S. Attorney in the Middle District of Florida. We knew that the drugs were coming up from Colombia and going through Panama, and so we are seeing much of it through the Caribbean, and some of these semi-submersibles, we are also finding in Central America, and they literally are made in parts, three or four large parts. I know Mr. Harrigan can talk to you a little bit more about that in detail, but that is what we are starting to see. First it was go-fast boats, the motherload, short boats, and then the semi-submersibles, and now the submersibles.

Senator PRYOR. Mr. Harrigan.

Mr. HARRIGAN. Donna brings up a great point. Obviously, as we spoke about technology before, these organizations just continue to evolve and to evade technology or develop new technology. The semi-submersibles, now we see the fully submersibles. You had alluded to earlier, sir, the fully submersible that was seized down in the Ecuadorian jungle. That was based upon collaborative efforts of the Ecuadorian police, the Colombian police, and the DEA.

The difficulty, it is an incredible difficulty for us and our counterparts down there. These fully submersibles, are being constructed in triple-canopy jungle. So it is very difficult to detect. That is where I had alluded to in my opening statement where we need sources down there that provide this information, because the bottom line is without those sources, there is no way we would have ever detected that fully submersible.

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And another question comes to mind. That particular fully submersible was getting ready to transport, to smuggle in drugs. What if it is not drugs? What if it is weapons of mass destruction? What if it is—you could let your imagination run wild. So it is not just drugs that they are transporting, and we have to keep that in mind when we deal with, whether it is a semi-submersible, or more alarmingly, these fully submersible vehicles, vessels, now.

Senator PRYOR. Thank you. And, Ms. Bucella, really the last question that I have before we turn it back over to Senator Ensign and then go to the second panel would be we have a couple of photographs here of the tunnels, and I think there are two different locations that we have photographs of. One is a location you can see that is a very sophisticated tunnel.[1] I do not know the whole story on that one. And then the second one shows by aerial photograph[2] what the tunnel looks like, 1,300 feet long.

So I think in your testimony or in an answer to a question, you said that I think we found 130 of these so far——

Ms. BUCELLA. Mm-hmm.

Senator PRYOR [continuing]. Or maybe more, and it sounds like you have some technology to detect, and there again, you rely on the intelligence to try to understand what is there. But how can we do better to locate and shut down these tunnels?

Ms. BUCELLA. Yes, sir. Actually, we have found most of our tunnels, and I know Mr. Dinkins can talk a little bit about this, most of our tunnels have been on the Southwest border. Again, as I said, sometimes we find it just by Border Patrol agents hearing something beneath them. These tunnels are not—some of them, frankly, I was down at the border a couple of weeks ago and it was 80 feet down, sophisticated, air conditioned units. You could put trains in them. So obviously they are not being made by somebody with a spoon. But there are many of them which are—quite frankly, I do not know why anybody would go down there. They are very, very narrow and they are able to push them through.

The technology, we are working with DOD and working with DHS science and technology just to figure out how you can tell if there is movement underground. The problem with some of these tunnels, though, is because on the border they have extensive drainage systems, and that is—some of those are just drainage systems and are not tunnels, but these cartel members and narcotics traffickers, they will not stop at anything, sir.

So, really, it is the technology coupled with behavioral intuition and informants and intelligence.

Senator PRYOR. Anybody else on that?

Mr. DINKINS. One thing is I think it is key to point out on these tunnels, is while we have increasingly seen them rise over the number that we have actually been able to detect in the last 2 years, they are also very costly. Some of these are very costly, like the picture you have up there. They could take 2 years to build. So there is nothing that gives us more pleasure than to have somebody take 2 years to build something, and then just as they are popping their head out of that rabbit hole, is to crush it back down

[1] The photo referenced by Senator Pryor appears in the appendix on page 34.
[2] The photo referenced by Senator Pryor appears in the appendix on page 35.

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on top of them. That is something that we have been successful doing with a lot of investigative work, too.

On the San Diego Tunnel Task Force, we have CBP, DEA, and ICE all working together. They developed a lot of good methodologies that now we are employing all the way over to Arizona. For example, with border communities that literally have warehouses and homes right there, they are doing outreach. They are educating the people, because these folks cannot work in a vacuum. There is going to be some type of suspicious activity. So in addition to the technology, good old fashioned police work and hitting the beat has actually been very effective, as well.

Senator PRYOR. Good. Senator Ensign, did you have any other questions?

Senator ENSIGN. Just very quickly, getting back to the subs issue, is this something that when we get to the fully submersibles, is this something that is going to take the Navy being involved with, as well?

Mr. HARRIGAN. Sir, yes, and as Donna had mentioned earlier, we work very closely with the Department of Defense. For DEA, it is the Deputy Assistant Secretary for Defense for Counternarcotics. But JIATF South is very much involved. SOUTHCOM is very much involved. Yes, we work extraordinarily closely with them, and also our foreign counterparts, the Colombian navy, primarily, the Ecuadorian navy, as well.

Senator ENSIGN. OK. And then, briefly, getting back to the ultralights and some of these more remote areas, I am very familiar with the, I like to call them remotely piloted vehicles instead of the drones, because they actually have a human flying them, and they do a lot of those actually out of my home State up at Creech Air Force Base. But is that some of the technology, more of that is needed with even the wider camera angles and the more sophistication that they are developing all the time with that, flying higher, being able to see more, see at night, the whole thing like that? Is that more of the technology you are talking about?

Ms. BUCELLA. Yes, sir. Absolutely. Those are invaluable to us for a whole host of reasons.

Senator ENSIGN. OK. Mr. Chairman, I have a lot of questions. We will just submit those for the record. But I want to thank the panel, also. It has been excellent testimony this morning.

Senator PRYOR. Thank you, and I do want to thank the panel, as well. I have some other questions for the record that we will submit. We will leave the record open for 2 weeks, and I am sure some of the other Subcommittee members who could not be here today may have questions for you, as well, so if you can work with the staff on getting those back to us. Thank you very much for being here, all three of you.

I will go ahead and introduce our second panel now, and as we are swapping out the desks there, I will go ahead and just say a few words about our two witnesses who will testify next.

Our first witness is Fran Flener. She is the Arkansas Drug Director. She has been there since 2007 and she will talk about drug distribution threats in Arkansas and what Arkansas is doing with the Federal Government and other States and local governments, et cetera.

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Our second witness is Kent Bitsko. He is the Director of the Nevada High Intensity Drug Trafficking Area (HIDTA), and I will turn this over to Senator Ensign to properly introduce him.

Senator ENSIGN. Thank you, Mr. Chairman.

Kent Bitsko is a long-time resident of Las Vegas, Executive Director of the Nevada High Intensity Drug Trafficking Area, a long-time law enforcement veteran, 30 years with the Las Vegas Metropolitan Police Department, assigned to vice, narcotics, training the canine units, helped form the forerunner of High Intensity Drug Trafficking Areas and the Drug Interdiction Crime Enforcement Task Force (DICE). He served 4 years in the canine program, and as a matter of fact, Las Vegas Metro named their canine training facility after Kent. It is now called the Lieutenant Kent Bitsko Canine Training Facility.

He retired. His retirement lasted all of one year and then he joined HIDTA in 2007 as their Executive Director, and under his leadership, HIDTA has grown to 12 enforcement task forces and 4 administrative initiatives.

So we welcome you and thanks for being here.

Senator PRYOR. Thank you very much.

Ms. Flener, do you want to go ahead.

TESTIMONY OF FRANCES FLENER,[1] ARKANSAS STATE DRUG DIRECTOR, STATE OF ARKANSAS

Ms. FLENER. Chairman Pryor, Ranking Member Ensign, and distinguished Members of the Subcommittee and honored guests, it is my distinct pleasure to testify before you today. My name is Fran Flener and I am the Arkansas State Drug Director. On behalf of Governor Mike Beebe and our State, I would like to thank this Subcommittee for its continued support for the coordination of counternarcotics enforcement at all levels.

Senator Pryor, we are grateful for your continuing support of the men and women in law enforcement. Throughout your career, you have been a champion for crime prevention and community engagement. A bulletproof vest program that you began years ago for the increased safety of rural law enforcement still continues today, and the Secure Our Schools Program has enabled our kids to have a safer environment in which to study and learn. For each of these and others, I would like to take this opportunity to thank you for your outstanding leadership that has supported law enforcement at all levels.

Arkansas is a predominately rural, agricultural State that for many reasons serves as an area in which drug trafficking organizations become established. Its relatively low population, rural areas, and small law enforcement presence in some remote regions provide the privacy required by those manufacturing and/or distributing drugs. Further, Arkansas's central location in the United States with its interstate highways provide primary corridors to transport those drugs to and through the State to the Midwest and the East Coast.

Small Arkansas towns are increasingly facing drug distribution activities similar to what has historically been limited to the more

[1] The prepared statement of Ms. Flener appears in the appendix on page 72.

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urban areas. DTOs have established themselves as the primary wholesale and mid-level distributors of methamphetamine, powder cocaine, marijuana, and heroin. As drug networks expand, cells are progressively being set up in rural areas to become supply hubs for the metropolitan areas of the State. This rural-to-urban distribution reflects a reversal from traditional patterns of the illicit drug trade.

The impact and scope of methamphetamine distribution in Arkansas is well illustrated by a collaborative investigation known as Operation Ice Princess. This DEA-led investigation included five additional Federal agencies, the Arkansas State Police, the Arkansas Highway Police, four drug task forces, four county sheriffs, five police departments, and the Arkansas National Guard. Operation Ice Princess dismantled a large scale ice methamphetamine distribution ring that was based in Jonesboro, with distribution cells in five counties. Investigators learned that these multi-pound quantities of methamphetamine ice originating in Mexico were regularly being distributed throughout the State through a network of distributions located in Jonesboro, Searcy, Kensett, Rose Bud, Batesville, and Little Rock.

The abuse and diversion of pharmaceuticals in the past 4 years has been an alarming and emerging threat. Many in the law enforcement community believe drug trafficking organizations, along with unaffiliated drug-seeking individuals, engage in robberies and burglaries of pharmacies, forge prescriptions, doctor shop, and steal from private residences in order to obtain pharmaceutical drugs to distribute.

Two weeks ago, Governor Beebe signed into law a prescription drug monitoring program that will address some of these diversion issues. The implementation of this system, however, is contingent upon receiving Federal funding through the National All Schedules Prescription Reporting and the Harold Rogers Prescription Drug Monitoring Programs.

The Gulf Coast HIDTA report that pharmaceuticals, in addition to being primarily locally diverted, also arrive in Arkansas via the Southwest border. Law enforcement agencies are increasingly reporting interdiction of prescription drugs with any arrests they make, regardless of it is a drug arrest or not.

The continuing expansion of drug trafficking groups and their distribution of narcotics through rural Arkansas areas result in tremendous strains on local criminal justice systems. Small Arkansas towns, such as Kensett and Rose Bud, with populations of 1,648 and 459, respectively, lack the necessary resources to effectively combat this drug problem alone.

Fortunately, Arkansas benefits from having outstanding relationships and collaboration among Federal, State, and local law enforcement. Arkansas's participation in federally funded drug enforcement initiatives serve to provide the means for greatly enhanced counterdrug efforts. Since joining the Gulf Coast HIDTA in 2008, Arkansas has gained many advantages in its capacity to attack the command and control of drug trafficking organizations. Specifically, it has provided for additional major case investigations, including complex conspiracy cases, increased criminal interdiction, enhanced information sharing and intelligence-based polic-

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ing, and invaluable drug training. HIDTA has been the key component in fostering those partnerships and collaboration among agencies that have led to a leveraging of resources and increased sharing of intelligence.

Thanks in part, also, to Federal funding through the U.S. Department of Homeland Security, our State's ability to combine intelligence has been bolstered by the launching of the State Fusion Center in 2009. The Fusion Center allows law enforcement agencies access to an array of intelligence databases. Arkansas's 19 Byrne/JAG funded drug task forces often initiate investigations which are later revealed to be components of a broader drug crime network. These DTFs have continually been reduced in funding since 2008.

Given the severity of the Nation's drug problems and the often tragic consequences which result from them, it is of vital importance that an adequate, sustained level of resources be devoted to prevention, treatment, and enforcement efforts that produce results. Federal, State, and local drug enforcement programs protect rural communities that are increasingly besieged by violent criminal drug organizations. Without a full array of law enforcement beginning at the very fundamental levels that feed intelligence up the chain into larger agencies, pieces of that puzzle that make up the complex and well-developed drug trafficking organizations will never be put together.

We recommend a restoration to the DEA funding for methamphetamine laboratory cleanup. Other enforcement operations in public health will suffer if this cleanup funding is not restored or if less expensive alternatives are not developed and funded. We also recommend continued funding and support of prescription monitoring programs across the country. Without Federal funding, Arkansas will not be able to develop and implement a PDMP.

Arkansas, while currently experiencing great benefits from its membership in the Gulf Coast HIDTA, would benefit even more by the expansion of counties with high drug activity.

Finally, we recommend that the Byrne/JAG Assistance Grants be funded at the 2002–2003 level. This will benefit programs nationwide, and in Arkansas, it will allow for an increase in the proactive development of drug cases.

In conclusion, the abuse, manufacturing, and distribution of illicit drugs in both Arkansas and the United States pose serious but not insurmountable challenges. To affect positive change, a complementary and multifaceted approach, including prevention, education, treatment, and enforcement is required. If we are to expect to make a difference in our efforts to combat drugs and their consequences, each of these components must remain a high priority and receive all necessary resources to achieve success.

Thank you again for the opportunity to testify today, and I will be happy to answer any questions at your convenience.

Senator PRYOR. Thank you, Ms. Flener. It is great for you to be here——

Ms. FLENER. Thank you.

Senator PRYOR [continuing]. And we appreciate your traveling up. Mr. Bitsko.

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TESTIMONY OF L. KENT BITSKO,[1] EXECUTIVE DIRECTOR, NEVADA HIGH INTENSITY DRUG TRAFFICKING AREA

Mr. BITSKO. Senator Pryor, Ranking Member Ensign, I appreciate the opportunity to come and address this Subcommittee. My testimony is going to address a few cases that we have experienced in Nevada that outline the impact that the cartels have directly on Southern Nevada.

The first one got a lot of media attention in 2008. It was the Cole Puffinburger kidnapping. Cole Puffinburger was a 6-year-old boy who had the misfortune of having Mr. Tinnemeyer as his grandfather. Mr. Tinnemeyer was transporting cocaine for the Sinaloa drug cartel and decided on his sixth trip transporting 247 kilos from the Southwest border to the East Coast that he would steal $4.5 million from the cartel. Well, the cartel contracted with a couple of local cell leaders in Nevada and kidnapped Cole to try and get his grandfather out of hiding and to recover the money that he had stolen from them. We were fortunate enough. Working our HIDTA Investigative Support Center (ISC) with the Fusion Center led to the recovery of Cole unharmed and the prosecution of the local cell head leaders. They were not convicted of the kidnapping, but they were convicted of drug trafficking.

The second case, we have some pictures, I believe, of a hidden compartment that was located in a trailer. It was the Sanchez case. Operatives from the local La Familia cell head met with undercover operatives at the Mandalay Bay Resort and Casino in Las Vegas. Over the subsequent couple of weeks, there were several narcotics undercover buys that transpired. When they took down Mr. Sanchez and his associates, intelligence led to his stash house, which was located in the Central Western part of Las Vegas. When they hit this house with a search warrant—well, it was a trailer, and the trailer was worth about $15,000, and the compartment that they found located under the bed, kind of a basement built under the trailer, they inadvertently found the button that activated the bed coming up, opened up the compartment, found automatic weapons, a drug stash, and they spent $20,000 on the compartment in a trailer that was not worth $15,000. So it gives you an idea of the level of commitment that they have in hiding their narcotics and preventing both the police and their competitive drug trafficking organizations from getting to their stash.

The third and fourth case that I want to talk a little bit about, it is a case that the Southern Nevada Drug Task Force, a part of HIDTA, has been working since 2007. This case started with a one-ounce cocaine purchase from just a local Mexican national, did not really know what they had when they started running this person's name through all the databases that they had available to them. They discovered that he was very involved with the La Familia drug cartel, and over the following 2½ years this investigation has been going on, it has resulted in the recovery of $1.1 million in bulk cash, 42 kilos of cocaine, 150 kilos of methamphetamine, 42 search warrants served, 114 different telephone intercepts, and 65 arrests, dismantled several cartel cells across the Nation. They

[1] The prepared statement of Mr. Bitsko appears in the appendix on page 79.

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worked with DEA's intelligence division and participated in the dismantlement of cell heads in California and in points East, also.

This spun into the Meno case, which was another La Familia cell in Nevada. This gentleman was using an 18-wheeler to pick up cocaine on the Southwest border and transport it into Las Vegas and then also many cities in the Central and Eastern part of the United States. At one point, phone recordings indicated that he was transporting $450,000 in bulk cash after making his drug deliveries. It went back to Las Vegas, and before they could react and get a search warrant at the house, he got it out of there and it was taken back down to Mexico in the bulk cash.

These cases are just a sampling of what we are dealing with in Southern Nevada and what law enforcement and the prosecutors are tasked with in Southern Nevada.

Some of the things that the cartels are doing that are trying to thwart the efforts of law enforcement, they are using Skype, BlackBerry e-mail accounts. They are posting e-mail drafts to an e-mail account, and then instead of transmitting them, they are giving that e-mail access code to their co-conspirators where they can go in and get the message, trying to keep law enforcement from intercepting. The DTOs in Nevada are also using Mexican cell services and they are "push to talk," and because these are based out of Mexico, the law enforcements cannot get the subscriber information to go up on warrants and to go up on Title 3s.

Nevada HIDTA has had a significant impact in the law enforcement cooperation in Nevada, both Washoe County and Clark County. As Senator Ensign mentioned, we have 12 enforcement initiatives. This has not always been the case in Southern Nevada. When I was working narcotics, we would start a task force and somebody would get mad at somebody else and everybody would take their toys and go home.

Well, with the advent of the HIDTA and with those heads of agencies having to sit across the table every quarter with their Federal counterparts and their State counterparts, any time there is a difference, they have been able to work it out. So since 2001 and the advent of HIDTA, we have had an extremely close working relationship with all the Federal agencies, all the State and local agencies. It has been a great relationship and we hope to see that continue.

Thank you very much.

Senator PRYOR. Thank you, Mr. Bitsko. Let me followup on that last statement you just made about HIDTA. It sounds like it is a program that has worked well. Are there things that we can do better or should we expand it, or, I mean, tell me what the future should look like.

Mr. BITSKO. Well, when you work in law enforcement, you can always spend more money. I mean, the supply of narcotics out there for us to go out and purchase and to attack is never ending. Even in a State that has as small a population as Nevada—I think we are at about 4 million people—there is enough that we could work it nonstop.

But the HIDTA has about 120 law enforcement personnel that is assigned to it. We have a $3.2 million budget. Almost a little over a third of that goes to our intelligence-based policing. We are

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doing fine with money. We really are. The law enforcement community, because of the economic adversities they are facing in Nevada, they do not have the personnel to put more people into the HIDTA task forces. It is amazing to me that they have been able to continue with their commitment to the HIDTA, because we have not had anybody reduce their commitment, but in talking to the heads of agencies, they do not have any more people. They are, like everybody else, trying to do more with less, and Nevada has been hit harder economically than about anyplace else in the country and they are really struggling to stay above water.

Senator PRYOR. Ms. Flener, we have in our State some areas that are designated HIDTA-designated areas, and how is that working for us in our State?

Ms. FLENER. Well, I cannot echo what Kent has said enough. HIDTA works. We only have four counties in our State, so we have two initiatives in the Northwest corner and in Central Arkansas. So we do not have the I–40, where it comes into Arkansas or exits Arkansas, and, of course, that is a major transportation.

But HIDTA has in addition to just those four counties, the training that HIDTA has enabled law enforcement all across the State to take advantage of at no cost it is free and it is top-of-the-line stuff, and the intelligence network that has brought to the State has been just great. Great. HIDTA works.

Senator PRYOR. Good.

Ms. FLENER. HIDTA works.

Senator PRYOR. And I know that you mentioned we only have it in four counties in our State, but you also mentioned in your testimony about some of the challenges in small-town America and what we are seeing a lot of methamphetamine there and a lot of other things, of course, as well, but a lot of methamphetamine there. I assume one of the challenges with small-town America is that, first, they do not have very big police forces. They do not have a lot of resources. Walk through with us some of the challenges that small-town America faces.

Ms. FLENER. Well, when you think about it for a minute, here you have—for instance, I mentioned Rose Bud, 400 and less than 500 people in that little community. They have no means to fund anyone that can just specifically be assigned to drug enforcement, even though probably 90 percent of their problems are drug-related. So without funding from drug task forces through this Byrne/JAG program, we do not have anybody that is even working drugs. And then now we have been reduced to such a level that our drug task forces are multi-jurisdictional. They make up maybe four, five, six counties. They have been reduced. Maybe they have two law enforcement or two drug agents to cover that entire area.

The admiration that I have for those people that have really stuck with this program, they are dedicated, they take advantage of opportunities when they can. I have quarterly meetings of the drug force task commanders, and to hear them come in and tell some of the stories that they do, it is quite—they have my utmost admiration.

Senator PRYOR. Good. Senator Ensign.

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Senator ENSIGN. Thank you, Mr. Chairman, and both of you, once again, thanks for coming from our States to come here and give us that perspective from local folks after the Feds.

One of the things, as you know, Kent, I have toured Fusion Centers and DEA and the FBI and the HIDTA centers, and it really is remarkable, and everybody I keep talking to, the cooperation and coordination at all levels now is so much better than it used to be. It used to be so many of the turf battles. This is our turf. Do not step into it. It is like the Feds, we are the enemy, or whatever. That seems to have mostly gone away. I am sure it still happens somewhat, but it seems to have mostly gone away because it is such a critical issue.

You are dealing with on the front lines, obviously, and seeing what is happening in the local communities. One of the questions that I do get that I just always like to ask people who are on the front lines, you get this question about legalizing marijuana, legalizing other types of drugs. I would just like your personal opinion. You guys have been doing this for a long time. One is on legalizing just marijuana, and then the other would be on legalizing other types of drugs, because they say that if—the argument goes this way, that if you legalize it, you take away the criminal aspect of it. So I am not trying to prejudice your answer or anything like that. I am just saying what people who are for legalization say and I would just like your responses to it, either one.

Mr. BITSKO. Having dealt with this for many years of my law enforcement career, having seen the impacts of narcotics in my family, I do not know anybody that decided on a Friday night that had never done drugs, oh, I think I will go do some crack cocaine. Everybody starts with something, whether it is marijuana or whether it is pharmaceuticals. They do not normally start doing heroin or cocaine or methamphetamine. So I think it is disingenuous for anybody to say that marijuana is not a gateway drug.

I will give you a little bit of an idea of the impact that marijuana is having on the local scene in Las Vegas. At the beginning of 2010, we had no dispensaries in Las Vegas. By October 2010, we had 62 dispensaries, marijuana dispensaries in Las Vegas that were dispensing marijuana and marijuana edibles. Working in partnership with Las Vegas Metro, with the U.S. Attorney's Office and DEA, they served search warrants on 18 of those organizations. They seized over 300 pounds of finished product, and I do not remember the exact tonnage of edibles that they seized, but they seized a lot of edibles. They arrested 18 people on Federal indictments. We have seen—and I believe it is in direct relation to these dispensaries—the marijuana indoor grows are up by about 60 percent over the last 3 years. We are on pace in 2011 to do 200 indoor grows in Southern Nevada. Now, Northern Nevada does not have the problem with indoor grows because they are getting their marijuana from over the hill in Central California.

Las Vegas Metropolitan Police reported when I was preparing my annual report and threat assessment that they had eight homicides in 2010 directly related to marijuana, including a 12-year-old girl that was killed in a home invasion. I think it was the uncle that was living in the house owed money to a DTO, and they went

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over to collect and a home invasion wound up killing a 12-year-old girl, and that was behind marijuana.

So the effect that marijuana is having on our communities and on our children and the other segments is—it is almost indescribable, and it is the biggest cash crop. I mean, we talk about heroin and methamphetamine and cocaine, but there is a lot more money being made in Mexico from heroin, or, I mean, from marijuana than there is the other drugs.

Senator ENSIGN. So I would take that you would not be for legalization.

Mr. BITSKO. Oh, no way.

Ms. FLENER. I will state right off the record, I am not for any legalization of marijuana. Kent said it beautifully when he said nobody goes out and starts with crack cocaine or methamphetamine or whatever. But look at the problems that we have with drugs. If we legalize marijuana, the usage will go up. We do not even begin to take care, through treatment and prevention, of the problems that we now are experiencing, and we have programs that work.

I think this goes back to what you said earlier, Senator, about the need for education, treatment, and prevention. We have such an education curve that we need to make with marijuana. The marijuana of the 1960s is not the marijuana of today. Where is it, in Mississippi? I forget which one of the universities in Mississippi does the marijuana programs, at least for our part of the country in terms of testing the drugs that are confiscated and their drug content. They tell us that it is going up, like, 600 percent in the drug strength. So no way do I want to make anything else for my grandkids, Kent's grandkids, to be the gateway and the path down that slippery slope of addiction.

Senator ENSIGN. Well, I want to thank both of you. I have to actually get to another meeting. I would just like to make one other comment on it. It is really amazing. Everybody made fun of Nancy Reagan's "Just Say No" campaign, but drug use during the 1980s really went down dramatically. That is one of the reasons I said in my opening statement I have been trying to talk—or in my questioning that the Federal panel has been trying to talk. I tried to talk President Bush into it when he was President. I tried to talk to President Obama. I really do think that the bully pulpit to use to talk to our youth.

Unfortunately, when I go—I speak to high schools all the time. Kids today think marijuana is a joke. They do. I get asked this question by young people, every single high school I go to speak to, almost without fail. They always ask me, how do you feel about legalizing marijuana? That is why I asked you the question today. And when somebody asks that question, all the kids laugh. They do, because marijuana usage to most kids today is a joke and it needs to become more serious, because the effects are so devastating. And that is the reason that I mentioned it today. So I thank both of you for being here.

Ms. FLENER. Thank you.

Senator PRYOR. Senator Ensign, thank you for being here and thank you for your questions.

I do have a couple followups with each one of you. On the Mexican drug cartels, one of the concerns I have is that there is a lot

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of gang involvement in the United States that is Mexican-related, and now I am afraid we are starting to see that in our prison system. Really, the question I would have is how do you interpret all this? What do you think it means that we are seeing more and more gang presence in the United States that are Mexican drug cartel related and it looks like it is in the prison system now. I guess the concern I might have is that when these folks come out of prison, maybe the numbers have even multiplied in the prison because they come out of prison ready to go into the Mexican drug gang.

Ms. FLENER. Well, here again, we have programs that we are attempting to fund, the second-chance programs for people that are coming out of prisons. It is a tough issue. But we have to have in place follow-up, recovery centers for people that are leaving prison to integrate them back into society and help them regain their status of tax-paying citizens in our country.

Healthy organizations are sometimes difficult and require a lot of leadership. If you want a healthy organization, whether it is a HIDTA or a drug task force or whatever, you have to have good people at the helm, and I think we do that to some extent. We have to improve upon that, too.

Senator PRYOR. Mr. Bitsko.

Mr. BITSKO. Nevada has approximately 580 identified gangs and 20,000 gang members. This has been relatively consistent. It is going up a little bit. Paisa, I believe is how it is pronounced, gang is probably the one that is most affiliated with the Mexican cartels in Nevada, and they are acting as enforcers. They are acting as distributors.

I think one of the things we have to be careful with, I mean, the problem is overwhelming the cartel influence, but we need to be sure that we differentiate between a Mexican national DTO that is distributing drugs that may be four or five steps removed from the cartel. So no doubt that the gang members, no matter what nationality they are, are having a great impact on the drug dealing in Nevada—that is all I can speak to, but I am sure across the country—but not all of them are affiliated with the cartels.

Senator PRYOR. Right. Listen, I want to thank both of you all for being here and coming to Washington and spending your day with us here. I know that Senator Ensign and I are both just delighted to have each of you here.

What we will do is, like with the previous panel, we will leave this record open for 2 weeks. There may be some followup questions. I am not sure if Senator Ensign had time to ask all of his of this panel.

But thank you all for being here, and with that, we will adjourn the hearing.

[Whereupon, at 11:42 a.m., the Subcommittee was adjourned.]

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APPENDIX

Opening Statement of Mark L. Pryor
Subcommittee on Disaster Recovery and Intergovernmental Affairs,
"Exploring Drug Gangs' Ever Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them"
March 31, 2011

Before we begin, I want to offer my condolences to ICE and the family of ICE Agent Jaime J. Zapata. Agent Zapata was killed after he and Agent Victor Avila were shot in the line of duty in February. These agents will be always remembered for their heroic service. I extend my wishes for a speedy recovery to Agent Avila, and pray that Agent Zapata's family is comforted through this time.

Today the Subcommittee on Disaster Recovery and Intergovernmental Affairs will discuss methods drug gangs are using to penetrate the Southwest border in an effort to traffic drugs and people into the United States. We have asked witnesses from Federal border protection and drug enforcement agencies to join us today, as well as officials from the States of Arkansas and Nevada. I'd like to extend a special thank you to Ms. Fran Flener, who is the State Drug Director, from my home State of Arkansas. Fran is a dear friend and a very knowledgeable expert, and I am glad she has made the long trip to attend our hearing today.

The fight to secure the United States' borders is a constant concern for the people living in Border States as well as the government officials who represent them. There are few threats as deadly and menacing than that posed by drug gangs, particularly Mexican drug gangs, operating near our border. Many Americans, and likewise many lawmakers, may be inclined to believe that this is a problem for the Border States to solve. Yet there can be no doubt that this is a problem for all Americans, North to South, Coast to Coast. An estimated 230 American cities, including three cities in my state, feel the presence of Mexican gangs in their cities. We must do everything we can to disrupt their networks and to prevent them from moving product onto American soil.

There is no shortage of adjectives to describe the menace of Mexican drug gangs. Some that come to mind are dangerous, violent, merciless, heartless...and evil. Yet, in recent years, drug

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gangs have earned another adjective, one that should be a cause for alarm for Federal, state, and local officials throughout the country: Clever.

News coming out of the Southwest is filled with stories detailing new and unfortunately inventive tactics the drug gangs have employed in an effort to move greater quantities of drugs and people across the United States border. Drug gangs have begun to use bold tactics that include creating mock border patrol vehicles to bypass legitimate border officials, and modifying vehicles to look like Wal-Mart trucks or Fed Ex vans. Just last week, a white van pulled up to a border checkpoint along Interstate 8 in eastern San Diego County. The van appeared to be filled with Marines in uniform. According to the Associated Press, a plainclothes Border Patrol Agent who had served in the Marine Corps became suspicious when the driver didn't know the birthday of the Marine Corps, something all Marines know. In the end, the13 fake Marines were actually illegal Mexican immigrants and two were suspected U.S. smugglers.

The efforts of drug gangs to smuggle people and goods range from the truly bizarre to the truly extraordinary. This past January, U.S. National Guard troops at the Naco Border Patrol station about 80 miles southeast of Tucson, Arizona alerted the Mexican Army after a surveillance camera spotted several traffickers hurling bundles of marijuana over the border with a catapult. The catapult was found about 20 yards from the border on a flatbed platform towed by an SUV, according to the Associated Press.

Officials estimate that Mexican drug cartels smuggle up to $25 billion of illegal drugs as well as people into the U.S. The unimaginable amount of money being made by these gangs makes them particularly dangerous, and coupled with evolving creativity they have the means to turn bizarre and unlikely ideas into reality.

In recent years, drug gangs have turned to new forms of transportation to take drugs from points south into U.S. territory. Drug gangs, in addition to using high quality fake vehicles...and catapults apparently...have begun to use small planes, or ultralight aircraft (Please see photo to my left), to fly over the border and beneath radar detection. According to the U.S. Customs and Border Protection Agency (CBP), from October 2009 to mid-April 2010, the agency detected 193 suspected airspace incursions and 135 confirmed incursions by ultralight aircraft. The U.S.

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Immigration and Customs Enforcement (ICE) agency believes the number of incursions over the border more than tripled between fiscal years 2009 and 2010, from 118 to 379. However, only 10 ultralights have been seized and only 27 people arrested for using them to smuggle drugs.

Ultralight aircraft aren't the only out-of-the-ordinary tools being used by drug gangs. Drug gangs have also begun using drug submarines, mostly to transport cocaine from Columbia into Mexico, although more recently they have been found closer to US waters. While most drug submarines are unsophisticated, unable to dive deep into the seas, and propelled by small low-speed diesel engines, some drug gangs are now spending money on more advanced submarines. According to a recent Homeland Security Today article entitled, "Counternarcotics, Terrorism & Intelligence Narco Wars Today: Creativity In A Bad Cause," in July of last year, Ecuadorian counternarcotics officials working with our Drug Enforcement Agency (DEA) seized a fully operational submarine built for the primary purpose of transporting multi-ton quantities of cocaine. The submarine came equipped with a periscope and air conditioning system. DEA intelligence helped lead to the seizure of this submarine, which was the first seizure of its kind.

Another hard-to-detect tactic is the use of drug tunnels. While the use of these tunnels is known to be widespread, they continue to evolve in both number and sophistication. Since 2006, CBP has discovered 75 smuggling tunnels along the U.S.-Mexico border. These tunnels range from unsophisticated boar-holes stretching hundreds of feet in length, to far more sophisticated tunnels made with wood and cinderblock walls, rail systems, electricity, and ventilation. Last Thanksgiving, U.S. and Mexican authorities discovered a tunnel that started in the kitchen of a home in Tijuana, Mexico. The tunnel ran a half-mile or about seven football fields into two Southern California warehouses. The tunnel was found when officials noticed a tractor-trailer arriving at a warehouse in Southern California. Authorities found the truck stuffed with 27,000, 600-pound packages of marijuana, worth $20 million. Tunnels dug into warehouses present a particular problem because there are hundreds, if not thousands, of privately owned warehouses in cities along the border. Border security personnel have expressed frustration that they do not have the resources to adequately attack the problem.

These are just a few examples that illustrate the extent and scope of the problem. All of these new methods present unique challenges to border and drug enforcement officials. Our officials

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are being called upon to respond to very clever and well-funded attempts by drug organizations that will stop at nothing to make a profit by destroying American lives, and importing violence and chaos into our cities. The intent of this hearing is to examine: 1) the strategies our Federal agencies are employing to stop drug gangs; 2) the level of coordination between Federal agencies, and between Federal agencies and State and local governments; and 3) whether agencies have the resources and manpower to creatively respond to these new tactics. We will also learn from our Arkansas and Nevada witnesses about the consequences that result when drug gangs succeed and their products reach our cities.

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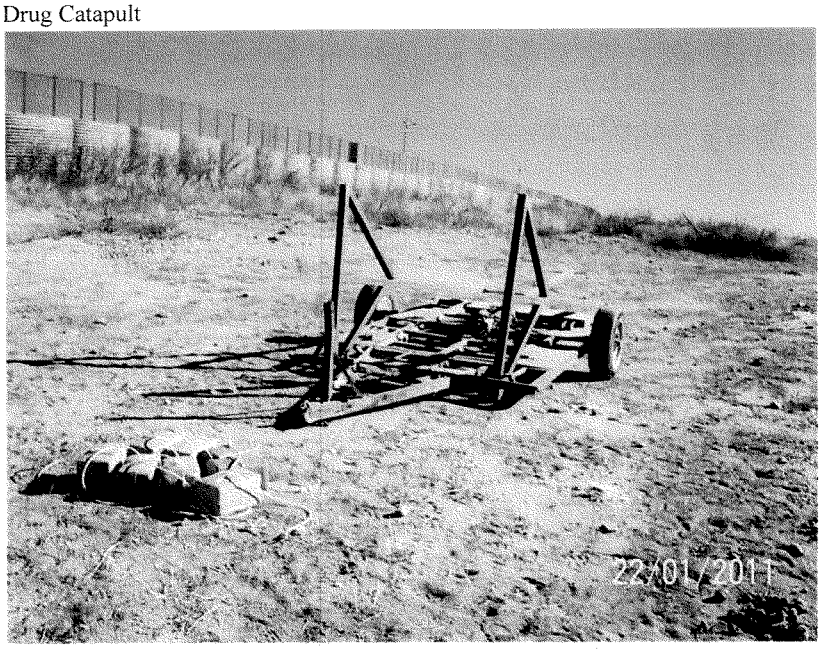
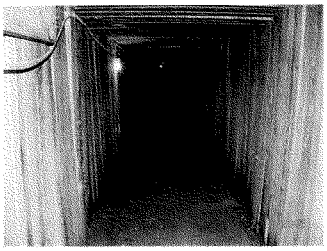
1. Drug Catapult



2. Fake Dish Network/ Direct TV Satellite Van

3. Fake Border Patrol Vehicle

4. Blaine Drug Tunnel Found



5. San Luis Tunnel Diagram

Opening Statement of John Ensign
Subcommittee on Disaster Recovery and Intergovernmental Affairs,
"Exploring Drug Gangs' Ever Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them"
March 31, 2011

Thank you, Mr. Chairman, for holding this very important hearing. Thank you to our witnesses who have taken the time out of their busy schedules to testify today.

I would also like to thank all the men and women who work very hard, 24/7, every day of the year, to secure our borders. Those who work at our nation's air-, land- and seaports, those who are on foreign postings, those who work in our nation's interior; whether in uniform or plainclothes; whether they are from ICE or CBP or DEA or other federal, state or local agencies; they all deserve our sincere appreciation for doing a tough job very well.

Some of these officers have made the ultimate sacrifice. From decades past we recall the service of DEA Special Agent Enrique "Kiki" Camarena. In recent years, we mourned the loss of Border Patrol Agents Robert Rosas and Brian Terry. And now, in just the past few months, we suffered the loss of ICE Special Agent Jaime Zapata. All served their nation well, and we can best honor them by taking up their fallen standard and continuing, and ultimately finishing, their work of securing our borders.

We will discuss today various tactics used by the drug and alien smugglers to achieve their goals. From disguising illegal aliens as U.S. Marines in uniform and traveling in vehicles masquerading as official U.S. Government transports, to using submarines and small boats to haul dope up our coasts, to crafting elaborate tunnels underneath our borders that bring illegal aliens and dangerous narcotics and other contraband into our country, the drug and alien smugglers will stop at nothing.

The situation at our southern border is, without a doubt, very critical to our current and future security. According to the National Drug Intelligence Center (NDIC), in its 2010 study, the calendar year 2009 saw an increase in the availability of heroin, methamphetamine, and marijuana smuggled over our southern border.

The insidious reach of the Mexican Drug Trafficking Organizations (DTO), across our southern border and into our communities is not limited strictly to the border area through which they peddle their drugs with deadly results. Again according to the NDIC, Mexican DTOs are the only DTOs active in every region of the United States, including the states of every member of this subcommittee.

The DTOs' reach has even arrived here, in our nation's capital. The Washington Post reported recently that the D.C. Metro Police and Special Agents from ICE/Homeland Security Investigations arrested eight suspects believed to be connected with Mexico's La Familia drug

cartel, whose objective was to expand their operation in this District and the surrounding area. This multi-city investigation netted over $5 million worth of crystal meth alone.

Just as ominous, the Mexican DTOs, according to reports, have expanded their relationship with street and prison gangs in the United States and have increased their distribution of illegal drugs into more rural and suburban areas.

This drug trade has brought enormous revenues to the DTOs. Tens of billions of dollars are smuggled from the United States through the southwest border into Mexico.

This blood money helps the DTOs tempt some of our officers on the border to forsake their oaths to uphold the law in return for private gain. We know, however, that these dirty few are just a small microcosm of the total workforce, and the vast majority is truly the rule to their exception.

The end result is that innocent people have gotten caught up in the violence. The Mexican government reported recently that over 34,000 people have been killed in their country in drug war-related deaths since 2007. Considering that last year's total of 15,273 deaths marked a 59% increase, the numbers, unfortunately, are still going up.

The violence has also occurred in our country. Drug and alien smugglers have kidnapped innocent people to further their objectives and have emboldened street gangs to become more violent, thus placing more of our brave law enforcement officers and ourselves in greater danger.

This is a battle that we must win. We must win it because the drugs and violence threaten individuals and communities across our nation. We must win it because we need secure borders to ensure our national security. And we must win it on behalf of those who already have made the ultimate sacrifice in this fight.

I again thank our witnesses who will testify today and I look forward to their testimony.

TESTIMONY OF

DONNA BUCELLA
ASSISTANT COMMISSIONER
OFFICE OF INTELLIGENCE AND OPERATIONS COORDINATION

U.S. CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY

BEFORE

Senate Committee on Homeland Security and Governmental Affairs
Subcommittee on Disaster Recovery and Intergovernmental Affairs

March 31, 2011
Washington, DC

Introduction

Chairman Pryor, Ranking Member Ensign, and distinguished Members of the Subcommittee, it is a pleasure to appear before you today to discuss U.S. Customs and Border Protection's (CBP) efforts to secure our nation's borders.

As America's frontline border agency, CBP is responsible for securing America's borders against threats while facilitating legal travel and trade. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of our borders while facilitating the flow of lawful people and goods entering the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

I'd like to begin by recognizing those at the Department of Homeland Security (DHS) who have given their lives in service to our nation. The loss of these brave agents and officers is a stark reminder of the sacrifices made by the men and women of DHS every day. It also strengthens our resolve to continue to do everything in our power to protect against, mitigate, and respond to threats and secure our border.

Overview of Border Security Efforts

Over the past two years, DHS has dedicated historic levels of personnel, technology, and resources to the Southwest border. In March 2009, DHS launched the Southwest Border Initiative to bring unprecedented focus and intensity to Southwest border security, coupled with a smart and effective approach to enforcing immigration laws in the interior of our country. We have increased the size of the Border Patrol to more than 20,700 agents today, more than double the size it was in 2004. DHS also quintupled deployments of Border Liaison Officers to work with their Mexican counterparts and began screening more vehicle traffic and 100 percent of southbound rail to look for illegal weapons and cash that, when smuggled across the border, help to fuel the cartel violence in Mexico.

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With funding provided by the enacted Fiscal Year (FY) 2010 Border Security Supplemental, we are continuing to add technology, manpower, and infrastructure to the Southwest border, including 1,000 new Border Patrol agents; 250 new CBP officers at our ports of entry (POEs); improving our tactical communications systems; and adding two new forward operating bases to improve coordination of border security activities. The Supplemental also provided CBP two new Unmanned Aircraft Systems (UAS), further strengthening our UAS operations, which now cover the Southwest border from the California-Arizona border to the Gulf of Mexico in Texas.

We've also constructed 649 miles of fencing of the 652 miles that Border Patrol field commanders determined are operationally required, including 299 miles of vehicle barriers and 350 miles of pedestrian fence.

While there is still work to be done, every key measure shows we are making significant progress along the Southwest border. Border Patrol apprehensions—an indicator of illegal immigration—have decreased 36 percent in the past two years, and are less than a third of what they were at their peak. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons—demonstrating the effectiveness of our layered approach to security. Violent crime in border communities has remained flat or fallen in the past decade, according to the Federal Bureau of Investigation's (FBI) Uniform Crime Report, and some of the safest communities in America are at the border. In fact, violent crimes in Southwest border counties overall have dropped by more than 30 percent and are currently among the lowest in the nation per capita, even as drug-related violence has significantly increased in Mexico.

Nonetheless, we acknowledge that there is still work to do. We remain concerned about the drug cartel violence taking place in Mexico and continue to stand vigilant against spillover effects into the United States. We will continue to assess and support the investments in the manpower, technology and resources that have proven so effective over the past two years in order to keep our borders secure and the communities along it safe.

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We are also concerned about the increasing influence of Mexican Drug Trafficking Organizations (DTOs) over U.S.-based gangs as a way to expand their domestic distribution process. Gang members are heavily involved in the domestic distribution of the narcotics and to a much lesser extent, the actual movement of contraband across the Southwest border. The Mexican Mafia and Barrio Aztecas are two examples of U.S.-based gangs with significant ties to Mexican DTOs that operate on both sides of the border. In an effort to combat the threat of transnational criminal gangs, CBP developed the Anti-Gang Initiative (AGI). The AGI is a multi-year strategic plan to combat transnational criminal gangs. It focuses on the effective management and coordination of CBP personnel, systems, and resources to detect, disrupt, and interdict criminal gang members and their illicit cross-border activities.

The CBP Office of Intelligence and Operations Coordination (OIOC) supports AGI efforts by facilitating the sharing of intelligence generated by multiple federal, state and local agencies. OIOC assets are embedded within both the Operations Section-Gangs located within the Special Operations Division at the Drug Enforcement Administration (DEA), and the FBI's National Gang Intelligence Center. As a contributing member to both these gang-focused operations, CBP has access to operational intelligence that is generated not only by the DEA, but by our other law enforcement partners, including the Federal Bureau of Investigation, U.S. Marshals Service, Bureau of Prisons, and U.S. Immigration and Customs Enforcement (ICE).

Overview of Smuggling Methods

CBP's mission is complex and challenging. Vast expanses of remote and rugged terrain between our POEs, coupled with the large volumes of trade and traffic at our POEs, are targeted for exploit by smugglers and other cross-border criminal organizations. Smugglers use a wide range of ever evolving methods to attempt to move their illicit goods into the U.S. both at and between our POEs, including the subterranean movement of contraband by way of tunnels. These illicit goods include people, weapons, cash, narcotics and other contraband, which are concealed on people, in vehicles, in cargo, on aircraft and marine vessels. On a typical day, CBP seizes 5,154 kilograms (11,362 pounds) of drugs and $403,066 in undeclared or illicit currency. The Southwest border is the primary entry point for cocaine, heroin, marijuana, and methamphetamine entering the United States.

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To meet the challenges of the complex environments in which we operate and address the evolving smuggling techniques we encounter, the CBP OIOC monitors, collects, analyzes and produces intelligence reporting on drug smuggling tactics, techniques, and procedures. In addition, OIOC analysts disseminate information and intelligence from our federal, state, local, tribal and international partners to CBP operational components. This reporting provides our field leadership and frontline personnel with a better understanding of the illicit transportation methods and concealment techniques they are likely to encounter. This information is also used at all levels of the organization to assess the effectiveness of our interdiction operations.

To detect this contraband in vehicles and other conveyances, CBP employs a wide-range of interdiction methods to include behavioral observation, fiber-optic scopes, and non-intrusive inspection (NII) technologies, as well as the intuition of our well-trained officers and agents. NII technologies, to include large scale X-ray and Gamma-ray imaging systems, are an important part of our layered enforcement strategy. These technologies are deployed at our nation's air, sea and land border POEs to screen and identify anomalies that may indicate the presence of contraband or other illegal materials. These NII technologies are force multipliers that enable us to scan or examine a larger portion of the people, conveyances and cargo entering and exiting the U.S. for the presence of contraband, while continuing to facilitate the flow of legitimate trade and travel. NII technologies also give CBP the capability to perform thorough examinations of conveyances and cargo without having to resort to the costly, time-consuming, and intrusive process of manually searching, drilling or dismantling.

NII technologies are also the only effective means of screening the large volume of rail traffic entering the United States from Mexico. CBP currently has eight rail imaging systems deployed to the eight Southwest border commercial rail crossings. These rail systems currently provide CBP with the capability to image and scan 100 percent of all commercial rail traffic arriving in the United States from Mexico. The rail NII imaging technology is bi-directional which provides CBP with the added capability to image southbound trains. In March 2009, CBP began conducting 100 percent outbound screening of rail traffic departing the United States for Mexico for the presence of contraband, such as explosives, weapons and currency.

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Through funding received from the American Recovery and Reinvestment Act, CBP has procured one high-energy integrated rail replacement system for deployment to the Southwest border. The system, a dual function radiography/radiation detection unit, is currently undergoing testing and evaluation at the manufacturer's location. CBP anticipates deploying this system in FY 2011.

Due to increased CBP land and air interdiction efforts along the U.S.-Mexico border, drug and human smuggling and trafficking organizations are increasingly turning to maritime smuggling routes to transport their illegal cargo into the United States. Mexican smuggling organizations use a variety of methods to enter the United States via maritime routes, including the use of small wooden fishing vessels. These small, wood, locally built fishing vessels attempt to evade detection by CBP and U.S. Coast Guard surface patrol vessels and patrol aircraft by transporting illegal cargo to the United States at night.

Mexican smuggling organizations also use pleasure boats in a number of areas in an attempt to blend in with legitimate boaters and transport illegal cargo during broad daylight. Smuggling operations utilizing this technique rely on the sheer number of similar pleasure boats on U.S. waters on any given day to "blend-in."

A third method of smuggling illegal cargo into the U.S. is through the use of small commercial fishing and shrimping vessels in areas where there are commercial fishing fleets. Similar to the pleasure boat smuggling outlined above, this smuggling method relies on "blending-in" with normal boating traffic in an effort to elude detection.

Mexican smuggling organizations also attempt to transport illegal cargo across rivers via high-speed vessels. The limited crossing distance in many areas means that these high-speed vessels can cross in a matter of seconds. To counter this threat, CBP has an array of marine vessels assigned to its riverine patrol stations and additionally use a wide array of shore-side sensors and agents in high-threat areas.

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To counter the maritime smuggling threat posed by Mexican smuggling organizations, CBP uses a mix of coastal interceptor and riverine patrol vessels equipped with marine surface search radars and electro optic infrared sensors. These vessels and the CBP marine crews who operate them are on the water 24 hours a day and seven days a week, identifying and intercepting Pangas and Shark boats – pleasure and fishing boats used by Mexican smuggling organizations. Additionally, CBP Office of Air and Marine uses an array of patrol aircraft equipped with marine search radars to conduct periodic patrols of the maritime approaches to the United States.

As CBP continues to expand its control of the border, smugglers are using new methods in attempts to push their illicit cargo into the U.S. One such method being used is the ultralight aircraft. Ultralights have been discovered performing airdrops, as well as landings, to pass off their cargo. During FY 2010, there were 228 confirmed events with ultralight aircraft, with 22 narcotics seizures, 12 arrests, and 5 ultralight aircrafts seized. Currently, the Air and Marine Operations Center uses their capabilities, as well as those of the Department of Defense and civilian radar capabilities to identify and track suspect ultralight aircraft incursions. CBP is also working to procure a radar solution specifically designed to detect ultralight aircraft.

An additional smuggling method is the use of tunnels under the international border. The first tunnel was discovered by the U.S. Border Patrol in 1990, and CBP has seen an increase of tunneling activity in the past few years. To date, there have been a total of 133 tunnels discovered crossing under the international border —132 of which have been on the Southwest border with one discovered along the Northern border near Lynden, Washington, in July 2005. Tunnels have ranged from highly sophisticated to rudimentary. When tunnels are detected, each Southwest border sector follows established protocols for notification, investigation, and remediation. CBP is working with DHS's Science and Technology Directorate to test and ultimately deploy tunnel detection technology in support of CBP's operations.

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In November 2010, the San Diego Tunnel Task Force discovered two tunnels and seized more than 50 tons of marijuana. The first tunnel, discovered on November 2, 2010, was a 600-yard underground cross-border passageway equipped with rail, lighting, and ventilation systems. Surveillance operations and collaboration with Mexican law enforcement led to the discovery of this tunnel and resulted in the seizure of 30 tons of marijuana. The second tunnel, which was discovered on November 26, 2010, was even more sophisticated and included reinforced supports, advanced rail, electrical, and ventilation systems. This tunnel discovery resulted in the arrest of eight individuals and the seizure of more than 20 tons of marijuana. The two discoveries are the result of collaboration between CBP and ICE, along with other agencies and use of state-of-the-art electronic surveillance technology to investigate cross-border smuggling by criminal organizations.

Working Together to Thwart Smuggling

In addition to the tools that CBP utilizes to thwart smuggling attempts, CBP works with our federal, state, local, tribal and international partners to address smuggling along the Southwest border and to combat transnational threats.

CBP hosts a weekly briefing/teleconference with state and local partners regarding the current state of the border. These calls are designed to establish and refine a mechanism to monitor emerging trends and threats along the Southwest border with a specific focus on the Arizona corridors, and to provide a cross-component, multi-agency venue for discussing trends and threats.

The weekly briefing focuses on CBP narcotics, weapons, and currency interdictions and alien apprehensions both at and between the POEs across the Southwest border. These briefings/teleconferences currently include over 290 participants representing agencies and units across law enforcement, Department of Defense, and the intelligence community. Examples of participants include: U.S. Coast Guard; DEA; ICE; National Drug Intelligence Center; U.S. Northern Command; Joint Interagency Task Force-North; Joint Interagency Task Force-South; Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Attorneys' Offices; Canada Border

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Services Agency; Naval Investigative Command; State Fusion Centers; and local law enforcement.

Moreover, CBP has increased partnerships with federal, state, local, and tribal law enforcement agencies and our Mexican counterparts, as well as with the public and private sectors. Coordination and cooperation among all entities that have a stake in our mission have been, and continue to be, paramount to an effective Southwest border strategy. CBP is working closely with federal, state, local, tribal and international partners to increase intelligence and information sharing. A Processing, Exploitation, and Dissemination cell has been established at the Air and Marine facilities in Riverside, California, and Grand Forks, North Dakota, to provide essential information to law enforcement across the nation—increasing understanding of evolving threats and providing the foundation for law enforcement entities to exercise targeted enforcement in the areas of greatest risk. This intelligence-driven approach prioritizes emerging threats, vulnerabilities, and risks, which greatly enhances our border security efforts.

An example of our collaborative efforts along the Southwest border is the Alliance to Combat Transnational Threats (ACTT) in Arizona. ACTT is a collaborative enforcement effort, established in September 2009, that leverages the capabilities and resources of more than 60 federal, state, local, and tribal agencies in Arizona and the Government of Mexico to combat individuals and criminal organizations that pose a threat to communities on both sides of the border. Through ACTT, we work with our federal, state, local, and tribal law enforcement partners to increase collaboration; enhance intelligence and information sharing; and develop coordinated operational plans that strategically leverage the unique missions, capabilities and jurisdictions of each participating agency. Since its inception, ACTT has resulted in the seizure of more than 725,747 kilograms (1.6 million pounds) of marijuana, 1,723 kilograms (3,800 pounds) of cocaine, and 453 kilograms (1,000 pounds) of methamphetamine; the seizure of more than $13 million in undeclared U.S. currency and 268 weapons; nearly 14,000 aliens denied entry to the U.S. at Arizona POEs due to criminal background or other disqualifying factors; and approximately 270,000 apprehensions between POEs.

In addition to the work that we do with our state, local, and other federal partners, President Obama authorized the temporary deployment of up to 1,200 National Guard troops to the

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Southwest border to contribute additional capabilities and capacity to assist law enforcement agencies as a bridge to longer-term enhancements in the efforts to target illicit networks' trafficking in people, drugs, illegal weapons, money, and the violence associated with these illegal activities. These National Guard troops are providing Entry Identification Teams and criminal investigation analysts in support of these efforts. Their support has allowed us to bridge the gap and hire the additional agents to support the Southwest border, as well as field additional technology and communications capabilities that Congress so generously provided.

Beyond these measures, in recent months we have taken additional steps to bring greater unity to our enforcement efforts, expand coordination with other agencies, and improve response times. In February, we announced the Arizona Joint Field Command—an organizational realignment that brings together Border Patrol, Air and Marine, and Field Operations under a unified command structure to integrate CBP's border security, commercial enforcement, and trade facilitation missions to more effectively meet the unique challenges faced in the Arizona area of operations. We also are improving coordination with military forces on the Southwest border. In partnership with the DEA, and with support from the Department of Defense, DHS is standing up the new Border Intelligence Fusion Section (BIFS) in the El Paso Intelligence Center, which will integrate and synthesize all available Southwest border intelligence from our federal, state, local, tribal and international partners to create a common intelligence picture to support border enforcement activities on the Southwest border. By disseminating real-time operational intelligence to our law enforcement partners in the region, BFIS will streamline and enhance coordinated federal, state, local, and tribal operations along the border. Additionally, we are continuing to work with Mexico to develop an interoperable, cross-border communications network that will improve our ability to coordinate law enforcement and public safety issues.

Additionally, CBP participates in ICE-led Border Enforcement Security Taskforces (BESTs), which are composed of federal, local and international law enforcement stakeholders. BESTs currently operate in 21 locations, including 11 along the Southwest border. BESTs bring federal, state, local, territorial, tribal, and foreign law enforcement together to work to increase security along the border. In FY 2010, BESTs made 1,616 criminal arrests and 907 administrative arrests; helped bring 868 indictments; and helped secure 689 convictions.

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Through collaboration and coordination with our many federal, state, local, tribal and international government partners, we have made great strides with regards to the integrity and security of our borders. With your continued assistance, we will continue to refine and further enhance the effectiveness of our detection and interdiction capabilities.

Conclusion

Chairman Pryor, Ranking Member Ensign, and members of the Subcommittee, thank you for this opportunity to testify about the work of CBP. We are committed to providing our frontline agents and officers with the tools they need to effectively achieve their primary mission of securing America's borders. I look forward to answering any questions you may have at this time.

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U.S. Immigration and Customs Enforcement

STATEMENT

OF

JAMES A. DINKINS

EXECUTIVE ASSOCIATE DIRECTOR
HOMELAND SECURITY INVESTIGATIONS

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

REGARDING A HEARING ON

"EXPLORING DRUG GANGS' EVER EVOLVING TACTICS TO PENETRATE THE BORDER AND THE FEDERAL GOVERNMENT'S EFFORTS TO STOP THEM"

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

AD HOC SUBCOMMITTEE ON
DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

THURSDAY, MARCH 31, 2010 – 10:00 a.m.
342 DIRKSEN SENATE OFFICE BUILDING

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INTRODUCTION

Chairman Pryor, Ranking Member Ensign, and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano and Assistant Secretary Morton, I would like to thank you for the opportunity to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) to investigate, disrupt and dismantle criminal cross-border smuggling organizations. ICE has the most expansive investigative authority and largest force of investigators in the Department of Homeland Security (DHS). With more than 7,000 Special Agents assigned to more than 200 cities throughout the United States and 69 offices in 47 countries worldwide, ICE is uniquely positioned to leverage its broad statutory authority to combat border violence and support border enforcement by targeting the illicit pathways and organizations that produce, transport, and distribute illegal contraband.

The illicit drugs, money and weapons that fund and arm criminal organizations operating along the Southwest Border are part of a complex, interconnected system of illicit pathways and transnational criminal organizations that span the globe. ICE targets transnational criminal organizations at every critical phase in the illicit cycle: internationally, where the drugs are produced and the aliens originate; at our nation's physical border and ports of entry (POEs), where the transportation cells attempt to exploit America's legitimate trade, travel, and transportation systems; and in cities throughout the United States, where criminal organizations earn substantial profits off of the smuggling of aliens and illicit goods. Additionally, these criminal organizations manipulate the legitimate banking, financial and commercial trade systems to illegally generate, move and store bulk cash and purchase weapons that can then be smuggled back across the border to Mexico and Central and South America.

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As you know, we experienced a terrible tragedy within our agency last month involving two Special Agents assigned to ICE's attaché office in Mexico City. Special Agent Jaime J. Zapata lost his life and Special Agent Victor Avila, Jr., was seriously injured in service of our country. The senseless acts of violence against them serves as painful reminders of the dangers confronted and the sacrifices made every day by our nation's law enforcement officers, and our hearts and prayers continue to go out to the victims and their families. Special Agent Zapata died fighting to protect not only the people of this country, but also the people of Mexico from drug traffickers and organized criminals. He will forever be remembered as a man of courage and honor.

Since the incident, ICE agents have been working diligently, supported by a joint task force between the Department of Homeland Security (DHS) and the Department of Justice (DOJ), in cooperation with our Mexican partners, to track down the perpetrators of this heinous attack. We will continue to assist the ongoing investigation with every resource at our disposal and to ensure that all those responsible for this murder face justice.

Addressing the increasing drug cartel-related violence on the Mexican side of the Southwest Border is vital to the interests of the United States. DHS border security efforts are based on an overarching goal: to ensure a safe, secure border zone that is also hospitable to, and fosters, legal trade and travel. 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.

ICE's efforts are conducted in close coordination with our partners at U.S. Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Investigation (FBI), the U.S. Marshals

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Service, and our state, local, foreign and tribal partners. ICE's work also directly supports the Mérida Initiative, which is a Department of State program to establish a strategic framework to guide United States and Mexican cooperation. Our growing partnership with Mexico is critical to our continued success in disrupting criminal activity along the Southwest Border.

Southwest Border Initiative

In March 2009, the Administration launched the Southwest Border Initiative to bring unprecedented focus and intensity to Southwest Border security, coupled with a reinvigorated, smart and effective approach to enforcing immigration laws in the interior of our country. In support of this initiative, ICE has targeted considerable resources at the Southwest Border to interdict contraband, firearms, ammunition, undeclared currency, and stolen vehicles, and detect cross border tunnels, human smuggling activity, transnational criminal organizations and other border crime at and between ports of entry along the Southwest Border. Under this initiative, ICE has doubled the personnel assigned to Border Enforcement Security Task Forces; increased the number of intelligence analysts along the Southwest Border focused on cartel violence; and quintupled deployments of Border Liaison Officers to work with their Mexican counterparts.

In Fiscal Year (FY) 2010, ICE deployed Special Agents to high-risk locations, including Tijuana and Monterey. Additionally, with its $80 million share of the $600 million supplemental appropriation passed by Congress in the summer of 2010, ICE is placing more than 250 Special Agents, investigators, and intelligence analysts along the border. Indeed, ICE now has one quarter of its personnel assigned to the Southwest Border – more agents and officers along the border than ever before.

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ICE continues to expand the Border Enforcement Security Taskforce (BEST) program, which currently operates in 21 locations, including 11 along the Southwest Border. BESTs bring federal, state, local, territorial, tribal, and foreign law enforcement together to work to increase security along the border. In FY 2010, ICE-led BESTs made 1,616 criminal arrests, 907 administrative arrests, and obtained 868 indictments; 689 defendants were convicted in FY 2010.

In 2009, Secretary Napolitano announced the formation of the first-ever, Mexico-based BEST to facilitate the exchange of law enforcement information and to support the joint investigation of criminal activity that falls within ICE's purview. These crimes include weapons and munitions smuggling, money laundering, human smuggling, human trafficking, customs fraud, and cybercrime violations. The Mexico City BEST includes both Mexican law enforcement officers and prosecutors working collaboratively with ICE and other United States government staff to share information and expertise in joint investigations.

Our efforts to dismantle transnational criminal organizations are producing results. For example, in November 2010, the San Diego Tunnel Task Force, which is part of the San Diego BEST, discovered two tunnels and seized more than 50 tons of marijuana. The first tunnel, discovered on November 2, 2010, was a 600-yard underground cross-border passageway equipped with rail, lighting and ventilation systems. Surveillance operations and collaboration with Mexican law enforcement led to the discovery of this tunnel and resulted in the seizure of 30 tons of marijuana. The second tunnel, discovered on November 26, 2010, was even more sophisticated and included reinforced supports, advanced rail, electrical, and ventilation systems. This tunnel discovery resulted in the arrest of eight individuals and the seizure of more than 20 tons of marijuana. The two discoveries are the result of our collaboration with other agencies

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and use of state-of-the-art electronic surveillance technology to investigate cross-border smuggling by criminal organizations.

Another example of the success of our efforts to dismantle transnational criminal organizations is "Operation In Plain Sight," a targeted operation focused on five transportation companies involved in human smuggling. The bi-national investigation, which included unprecedented cooperation with Mexico's Secretaria Seguridad Publica (SSP) and marked the most comprehensive human smuggling investigation in ICE history, ultimately implicated high-level members of human smuggling organizations in Phoenix, Tucson, Nogales, and northern Mexico that were serviced by shuttle businesses. Specifically, Operation In Plain Sight resulted in: nearly 50 criminal arrests and more than 40 administrative arrests; seizures of illicit weapons, cash, and vehicles; and the initiation of promising investigations of criminal organizations in Mexico – effectively dismantling an entire criminal enterprise engaged in smuggling through Arizona.

Targeting Transnational Criminal Organizations and Pursuing Money Laundering and Bulk Cash Smuggling Investigations

One of the most effective methods for dismantling transnational criminal organizations is to attack the criminal proceeds that fund their operations. ICE investigations utilize a "supply chain attack" strategy designed to trigger cascading failures within a criminal organization by simultaneously targeting multiple components within the organization.

The combination of successful financial investigations, reporting requirements under the Bank Secrecy Act, and anti-money laundering compliance efforts by financial institutions has strengthened formal financial systems and forced criminal organizations to seek other means to transport illicit funds across our borders.

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ICE – as the investigative agency with jurisdiction over all crimes with a nexus to U.S. borders – investigates bulk cash smuggling violations. From FY 2010 to date, ICE made 262 arrests for bulk cash smuggling under 31 USC § 5332. In that same time period, 198 defendants were convicted in federal court for this same offense.

Operation Firewall

ICE's Operation Firewall disrupts the movement and smuggling of bulk cash en route to the border, at the border, and internationally via commercial and private passenger vehicles, commercial airline shipments, airline passengers and pedestrians. Since 2005, we have enhanced Operation Firewall efforts to include surge operations targeting the movement of bulk cash destined for the Southwest Border to be smuggled into Mexico. Since its inception in 2005, Operation Firewall has resulted in more than 5,200 seizures totaling more than $504 million, and the arrest of 1,020 individuals. These efforts include 319 international seizures totaling more than $240 million and 218 international arrests.

In addition to our international investigations, domestic Operation Firewall efforts assist us in documenting and gathering intelligence on how organizations involved in bulk cash smuggling operate within the United States. For example, during a routine traffic stop in May 2010, ICE Special Agents operating out of St. Louis, along with the Illinois State Police, seized $91,550 that was concealed within several natural voids in a vehicle which were later determined to be cocaine proceeds destined for Mexico. Both individuals pled guilty to narcotics-related offenses. One of the individuals was sentenced to 140 months in prison, while the other awaits sentencing.

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ICE's 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 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. 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 to Mexico. To date, 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

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smuggling bulk cash shipments out. The expanding relationship between ICE's BCSC and DEA's El Paso Intelligence Center (EPIC) is a key component of these efforts.

Recognizing each entity's distinct, but complementary roles, the BCSC and EPIC are 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 BCSC will focus its expertise in financial investigations on DHS-driven BCS investigations and initiatives to further strengthen the relationship between the two centers.

Operation Pacific Rim

Operation Pacific Rim is an ICE-led investigation, with the assistance of the DEA and FBI. The operation dismantled one of the most powerful and sophisticated bulk cash and drug trafficking organizations in the world. This transnational DTO was a prolific cocaine source of supply, responsible for nearly half of the cocaine smuggled from Colombia into the United States between 2003 and 2009 – approximately 912 tons with an estimated street value of $24 billion.

Operation Pacific Rim originally targeted suspicious containerized shipments of fertilizer at Colombian seaports in Buenaventura and Cartagena. In September 2009, ICE Special Agents working closely with the DEA, Colombian National Police, and the SSP, intercepted $41 million in bundles of shrink-wrapped bulk cash concealed within shipments of fertilizer intercepted at seaports in Colombia and Mexico.

Subsequent to the $41 million seizure, Special Agents from ICE Attaché offices in Bogota and Mexico City, in coordination with foreign law enforcement, expanded the scope of

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the investigation by identifying the bulk cash and drug smuggling routes utilized by the cartel. The investigation eventually covered three continents, resulting in the capture of the top leadership and other high-ranking members of the Pacific Rim Cartel. During the investigation, ICE developed a high-level and strategically positioned source of information who led to the seizure of an additional $122.8 million in illicit bulk currency, 3.3 tons of cocaine, $179 million in assets, and $37 million in criminal forfeiture warrants. ICE's efforts helped lead to multiple arrests and convictions.

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. Community Shield increases public safety by combating the growth and proliferation of transnational gangs in communities throughout the United States, and 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.

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 prior violent criminal histories. In addition, 249 gang leaders have been arrested and 1,646 weapons have been seized.

In February 2010, ICE formally established the first international Operation Community Shield Task Force (OCSTF) in Tegucigalpa, Honduras, to work to disrupt criminal gang activity before it reaches our borders. This task force is comprised of ICE Special Agents and Honduras

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National Police (HNP) vetted officers and intelligence analysts who work full-time to address the proliferation of transnational gangs.

In May 2010, the OCSTF Honduras conducted a three-day anti-gang suppression operation deemed "Operation Double Impact," to target both the Mara-13 and Mara-18 gangs in Honduras. The first phase of the operation targeted gang members within the prison system and resulted in the identification and documentation of approximately 30 gang members and the seizure of dozens of knives, narcotics, and other restricted items. The second phase of the operation consisted of simultaneous search warrants and other enforcement efforts at a market known as Comayaguela Market. Officers arrested 33 gang members for numerous Honduras criminal violations, and seized six firearms, narcotics, one vehicle, and over 1.8 million counterfeit DVDs and CDs with an estimated street value of more than $2 million.

In February 2011, ICE completed "Project Southern Tempest," the largest ever Homeland Security Investigations-led national initiative targeting gangs with ties to Mexican drug trafficking organizations. The ICE National Gang Unit initiated Project Southern Tempest under the auspices of Operation Community Shield to combat the national security and public safety threats posed by transnational street gangs conducting business on behalf of Mexican drug trafficking organizations in the United States. Southern Tempest was executed in 168 U.S. cities side by side with 173 of our federal, state, and local law enforcement partners, and led to the arrest 678 gang members and associates. More than 46 percent of those arrested during this operation were members or associates of gangs with ties to Mexican trafficking organizations. Of those arrested, 447 were charged with criminal offenses and 322 had previous violent criminal histories. Southern Tempest also led to several significant seizures from gang members and associates, including 86 firearms.

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Initiatives with the Government of Mexico

In coordination with the Department of State, ICE is expanding its law enforcement training and outreach programs in Mexico and strengthening our efforts to curb illicit activity at the border. ICE coordinates multiple initiatives that involve direct coordination with the Government of Mexico.

ICE is enabling Mexican law enforcement officials to perform their duties more effectively by providing training and technical assistance. We have provided training on numerous topics—including arms trafficking, cyber crimes, basic criminal investigative methods, special investigative techniques, global trafficking in persons, child sex exploitation, information-sharing platform training, ethics, and gang investigations—to SSP officers, among others. We remain committed to our cross-training efforts to build the investigative capacity of Mexican law enforcement entities.

In August 2007, the Mexican Tax Administration Service (SAT), Mexican Customs, CBP, and ICE signed a Bilateral Strategic Plan to fight cross-border crime. This Plan enabled ICE to begin an unprecedented investigative training course for Mexican Customs enforcement personnel, modeled after the ICE Special Agent training, to prepare Mexican Customs officials to assume expanded investigative responsibilities. The training improves bilateral information sharing and investigative efforts to stem the cross-border flow of illegal contraband.

ICE is also sharing critical information with Mexican authorities to assist them in their fight against drug trafficking organizations. On March 23, 2010, Secretary Napolitano signed an agreement with Interior Secretary Gomez-Mont and Secretary of Public Safety General Garcia Luna in Mexico that formalizes DHS's effort to share criminal history information electronically with Mexican law enforcement regarding Mexican nationals who have been convicted of certain

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felonies in the United States and who are being repatriated from the United States. We worked closely with DOJ and the FBI to ensure that all parties adhere to regulations on the sharing of this criminal record information.

In May 2008, ICE established a Trade Transparency Unit with Mexico to help identify criminal networks using the trade system to launder illicit proceeds. Through this initiative, ICE and Mexico Customs, under the Mexico Finance Ministry, share trade transaction data — providing critical information that is used to initiate and support international criminal investigations related to money laundering, trade fraud, and other criminal activity.

CONCLUSION

Thank you again for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. ICE is committed to stemming cross-border criminal organizations through the various efforts I have discussed today. I appreciate your interest in these important issues.

I would be pleased to answer any questions you may have.

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STATEMENT FOR THE RECORD OF
THOMAS M. HARRIGAN
ASSISTANT ADMINISTRATOR AND CHIEF OF OPERATIONS
DRUG ENFORCEMENT ADMINISTRATION

BEFORE THE
AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ENTITLED
"EXPLORING DRUG GANGS' EVER EVOLVING TACTICS TO PENETRATE THE BORDER AND THE FEDERAL GOVERNMENT'S ABILITY TO STOP THEM"

PRESENTED
MARCH 31, 2011

INTRODUCTION

Drug trafficking and abuse exacts a significant toll on the American public. More than 31,000 Americans – or approximately ten times the number of people killed by terrorists on September 11, 2001, die each year as a direct result of drug abuse. Approximately seven million people who are classified as dependent on, or addicted to, controlled substances squander their productive potential. Many of these addicts neglect or even abuse their children and/or commit a variety of crimes under the influence of, or in an attempt to obtain, illicit drugs. Tens of millions more suffer from this supposedly "victimless" crime, as law-abiding citizens are forced to share the roads with drivers under the influence of drugs, pay to clean up toxic waste from clandestine laboratories, rehabilitate addicts, and put together the pieces of shattered lives. In truth, in order to calculate an actual cost of this threat, we must explore and examine the impact produced by transnational drug crime in corrupting government institutions, undermining public confidence in the rule of law, fostering violence, fueling regional instability, and funding terrorism.

Drug trafficking is a global enterprise that, according to the U.N. Office on Drugs and Crime, generates approximately $394 billion per year. This figure dwarfs the proceeds from other forms of organized criminal activity and provides a revenue stream for insurgents, terrorists, and other nefarious activity. In order to put this sum into perspective, the proceeds of the global drug trade exceed the gross domestic product of many nations and provide ample motivation to those who would peddle poison for profit. Some argue that legalization and regulation – even at the cost of untold human suffering and misery – would at least strip the traffickers of these enormous profits. But both common sense and history have taught that those who are displaced from the drug trade do not move into corporate life; they migrate into other types of criminal conduct. Those who organize, finance, direct, and control this criminal enterprise thrive in areas where government control is weak. While the drug trade fuels corruption and instability in America, as

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well as in foreign countries, it is no coincidence that the so-called "kingpins" who run this global enterprise do not reside in the U.S., where they would be most vulnerable to a more highly effective criminal justice system. Rather, they operate from locations which they perceive to be safe havens, and from there direct the activity of subordinates and surrogates who supply drugs to the U.S. market. This model is intended to not only frustrate attempts to successfully prosecute these criminals, but also to maximize the autonomy of their organizations in the countries where they are headquartered.

Perhaps the clearest example of the relationship between drug trafficking and national security can be found just south of our border. A stable and secure Mexico is in the best interest of both the U.S. and Mexico, but the violent actions and corrupting influence of drug trafficking organizations (DTOs) threatens that stability and security. Since President Calderón took office in December 2006 and set out to bring these cartels to justice, his government has deployed more than 45,000 military troops to assist police in combating cartel influence and related violence. Since the counteroffensive, there have been approximately 34,000 drug-related murders in Mexico in the last five years. More troubling is the fact that many of these brutal murders were committed with the specific intent of intimidating the public and influencing the government to suspend its action against the cartels. Fortunately, the Calderón Administration has been resolute and steadfast in its commitment to break the power and influence of these criminals.

The Calderón Administration has also aggressively investigated allegations of corruption within it's own government, arresting hundreds of officials for accepting bribes from the cartels. For instance, the former Deputy Attorney General responsible for prosecuting traffickers was allegedly protecting them for a fee of $450,000 a month. The problems uncovered in Mexico during the past few years reflect increasing threats to the rule of law and regional stability. The concept of "plata o plomo," either accept "money or lead" (bullets), is well documented in Mexican drug trafficking culture and refers to the choice public and police officials must make when first confronted by this powerful criminal element. The confluence of brutal violence and corruption makes it difficult to enforce drug laws and undermines public confidence in the government. Left unchecked, the power and impunity of these DTOs could grow to become an even greater threat to the national security of Mexico. With the consent of the Mexican government, DEA has had agents assigned in Mexico since our inception in 1973, which is one of the main reasons why our partnership with Mexico is so robust. We share the responsibility for challenging the threat of these DTOs, and our ability to successfully contend with the threat is vital to both nations.

COOPERATIVE EFFORTS WITH MEXICO

The United States and Mexico are committed to cooperative action to reduce the drug threat from which both nations suffer. Drugs are produced and consumed in Mexico, and are also transited through Mexico as a result of its strategic location between South America and the United States. The Government of Mexico is confronting the entrenched, cross-border smuggling operations and the diversified, poly-drug, profit-minded DTOs within that country. On the U.S. side of the border, the desire for illicit drugs prompts the movement of billions of U.S. dollars and an unknown number of weapons into Mexico annually. Many of the smuggled weapons are used against the Mexican security forces. The single objective of those who ply the drug trade is

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profit. The National Drug Intelligence Center (NDIC) estimates that Mexican and Colombian DTOs generate, remove, and launder as much as $39 billion in wholesale drug proceeds annually. For these reasons, the U.S. and Mexican governments share the responsibility to defeat the threat of drug trafficking.

The drug trade in Mexico has been rife with violence for decades. Without minimizing the severity of the problems we are confronted with today, it is nonetheless critical to understand the background of the "culture of violence" associated with Mexican DTOs and the cyclical nature of the "violence epidemics" with which Mexico is periodically beset. Though no previous "epidemic" has exacted as grisly a toll as the violence seen in years, we do not have to go back very far in history to recall the cross-border killing spree conducted by Gulf Cartel Zeta operatives in the Laredo-Nuevo Laredo area during 2004-2005. However, one thing must remain clear in any discussion of violence in Mexico, DTOs are inherently violent, and nowhere is this truer than in Mexico, where Wild West-style shootouts between drug traffickers against their rivals and law enforcement are far too common. In fact, according to open source reporting and the PGR, over 90 percent of the homicides in the past few years have been of drug cartel members or associates vying for market shares and trafficking routes.

The United States engages in cooperative efforts with our Mexican law enforcement partners to provide information, training, and equipment that will allow Mexican authorities to apprehend, prosecute, and convict these dangerous criminals. The Calderón Administration is taking the fight directly to the cartels. The quantifiable impact of huge drug, weapons, and money seizures presents part of the picture. Equally important, although difficult to measure, is the enormous psychological impact of high-level arrests and the record numbers of extraditions that have occurred in the last few years. No other action by the Government of Mexico strikes quite so deeply at cartel fears than an arrest and extradition. Only weeks after his inauguration, President Calderón began extraditing high-profile criminals to the United States. On January 19, 2007, President Calderón took the politically courageous step of extraditing 15 individuals to stand trial in the United States, including notorious Gulf Cartel leader and Consolidated Priority Organizational Target (CPOT) Osiel Cardenas-Guillen.

Since then, the Government of Mexico has extradited 384 criminals to the United States, including a group of 10 in December 2008 and 25 during December 2010. These individuals were associated with some of the most notorious Mexican DTOs, such as the Gulf, Arellano Felix, and Sinaloa Cartels. Also, on February 25, 2009, Miguel Angel Caro-Quintero, who assumed control of the family organization after the arrest of his brother Rafael Caro-Quintero (who was complicit in the kidnapping, torture, and murder of DEA Special Agent Enrique Camarena) was extradited.

During the past few years, the Government of Mexico has achieved unprecedented success in apprehending or eliminating high value targets (HVT) based in the country of Mexico. For example:

- In March of 2009, Sinaloa Cartel leader and DEA fugitive Vicente Zambada-Niebla (son of Ismael Zambada-Garcia) was located and arrested in Mexico City. On February 19, 2010, Zambada-Niebla was extradited to the United States.

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- In October of 2009, Sinaloa Cartel leader and DEA fugitive, CPOT Oscar Nava Valencia aka "El Lobo" was apprehended and arrested near Guadalajara, Mexico. Nava Valencia was extradited to the United States on January 27, 2011 to face drug trafficking offenses in the U.S. District Court for the Southern District of Texas.In December 2009, the "Boss of bosses" CPOT Arturo Beltran-Leyva, a.k.a. "Barbas", was located and killed in Cuernavaca, Mexico after a two-hour gun battle with Government of Mexico forces. Beltran-Leyva was considered one of the most powerful drug lords in Mexico at the time.
- On January 12, 2010, working in cooperation with Mexican counterparts, DEA and U.S. Marshals Service personnel identified the residence of one of Mexico's most wanted fugitives and co-leader of the Arellano Felix cartel, Teodoro Garcia Simental, a.k.a. "El Teo", who was responsible for the majority of the homicides, kidnappings, and tortures in Tijuana. The Secretaría de Seguridad Pública (SSP) Sensitive Investigative Unit (SIU), with support from the Grupo de Operaciones Especiales (Mexican Army Special Operations Group, GOPES), initiated the search and arrest of "El Teo" at the target location and he was arrested without incident.
- On March 13, 2010, Barrio Azteca (BA) members executed Lesley Enriquez, a U.S Consulate employee; Arthur Haycock Redelfs, husband of Lesley Enriquez and Detention Officer of the El Paso County Sheriff's Office; and Alberto Salcido Ceniceros, husband of U.S. Consulate employee Hilda Antillon in Cd. Juarez, Mexico. After a lengthy and exhaustive investigation, on March 2, 2011, United States Department of Justice Trial Attorneys obtained criminal indictments 35 BA Gang members from Ciudad Juarez, west Texas and southern New Mexico. On March 9, 2011, the El Paso Field Division with its law enforcement partners (22 State/Local/Federal law enforcement agencies) executed an operation on the BA criminal organization in west Texas and southern New Mexico. Of the 35 subjects indicted, 28 are in custody in the United States and Mexico. On April 21, 2010, the Mexican Military (Secretaria de la Defensa Nacional or SEDENA) arrested CPOT Jose Gerardo Alvarez-Vasquez, a.k.a. "El Indio" in Mexico City, Mexico. Alvarez-Vasquez has been operating since the late 1980s and has continued to assert himself among other Mexican cartel leaders, and has been responsible for the distribution of multi-ton cocaine shipments, methamphetamine precursor chemicals, and the production and distribution of methamphetamine.
- On July 24, 2010, SSP arrested Luis Carlos Vazquez-Barragan, aka "El 20", a key lieutenant for CPOT Vicente Carrillo Fuentes, who is the leader of the Juarez Cartel in Chihuahua, Mexico. Vazquez-Barragan is a DEA Albuquerque District Office fugitive and Regional Priority Organization Target (RPOT), who was indicted for Marijuana Possession on March 30, 2005. DEA discovered that Vazquez-Barragan was believed to be the person who gave the order for the detonation of a car bomb in Ciudad Juarez on July 15, 2010, an event that killed three persons, one of them an SSP officer, a doctor who responded to the site of the blast, and an unidentified mechanic.
- On July 29, 2010, CPOT Ignacio Coronel-Villareal, a.k.a. "Nacho", was killed when Mexican soldiers raided a house in a wealthy suburb of Guadalajara, Mexico during an operation conducted in an attempt to capture him. He was one of the four principal leaders of the Sinaloa Cartel/Federation, a cooperating group of drug traffickers that occasionally share resources such as transportation routes and money launderers.
- Since early June of 2010, intelligence was shared with SSP/SIU regarding Edgar Valdez-Villareal, a.k.a. "La Barbie." After numerous attempts to apprehend him, SSP mounted

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an operation in the Santa Fe area of Mexico City on August 30, 2010 which resulted in his arrest. Valdez-Villarreal was CPOT Arturo Beltran-Leyva's Lieutenant until Beltran-Leyva's demise, after which Valdez-Villarreal split and formed his own DTO, resulting in escalated violence in Mexico.

- On September 12, 2010, Mexican Navy (SEMAR) personnel responded to information provided by DEA related to the location of Sergio Barragan-Villareal, a.k.a. "El Grande", and arrested him and two other associates. Barragan-Villareal had been in a fight for control of the Beltran-Leyva DTO against Valdez-Villareal.
- On November 23, 2010, the SSP/SIU responded to intelligence regarding Carlos Montemayor-Gonzalez's whereabouts just outside of Mexico City. That afternoon, he was located and apprehended. Montemayor-Gonzalez is the father-in-law of "La Barbie", and had taken over leadership of the DTO after "La Barbie's" arrest on August 30, 2010.
- On November 4, 2010, the Government of Mexico Secretaría de Seguridad Pública (SSP) Sensitive Investigation Unit (SIU) arrested CPOT Harold Mauricio Poveda-Ortega in Mexico City, Mexico. Poveda-Ortega was the primary source of supply for the Beltran-Leyva DTO. The Poveda-Ortega DTO was responsible for coordinating the distribution of approximately 20,000 kilograms of cocaine per month to several Mexican DTOs.
- On November 5, 2010, SEMAR, in conjunction with the DEA Matamoros Resident Office (RO), McAllen District Office (DO), Brownsville RO, SEDENA, and SSP, mounted an operation against the Gulf Cartel in Matamoros, Tamaulipas, Mexico, which resulted in the death of CPOT Antonio Ezequiel Cardenas-Guillen, a.k.a. "Tony Tormenta". Additionally, Sergio Fuentes, a.k.a. "Tyson", the Gulf Cartel Plaza boss in Valle Hermoso, Tamaulipas, and three other members were also mortally wounded during the operation.
- On December 3, 2010, SSP/SIU received intelligence regarding the known whereabouts of Antonio Arcos-Martinez in Morelia. As the result of investigative follow-up by SSP/SIU, Arcos was located and apprehended. Arcos was one of the founders of La Familia cartel.
- In another blow to La Familia, on December 8, 2010, the SSP/SIU and GOPES, in conjunction with the DEA Mexico City Country Office (CO), mounted an operation against La Familia in Holanda, Michoacan, Mexico, which resulted in the death of CPOT Nazario Moreno-Gonzalez, a.k.a. "Chayo". Moreno-Gonzalez was one of two principal leaders of the La Familia Cartel, and he was widely considered the intellectual and spiritual leader of the organization.

All these high-impact actions – seizures, arrests and extraditions - serve to make one important point: desparate/frustrated drug traffickers often resort to increased levels of violence. . Vulnerable drug traffickers operating under unprecedented stress are exceptionally more violent which is why the homicide rates in Mexico have risen so dramatically over the last couple of years.

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COOPERATIVE EFFORTS WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES

DEA continuously works with Federal, State, and local law enforcement counterparts in the United States through joint investigations and the sharing of intelligence. DEA routinely collects and shares intelligence pertaining to violent DTOs and armed groups operating in and around "hot spots" along the Southwest Border (SWB). As of December 31, 2010, with the passage of the SWB emergency supplemental, DEA now has 29% of its domestic agent positions allocated to its Southwest Border field divisions increasing total DEA Special Agent workforce in the region from 1496 to 1546. Additionally, DEA has the largest U.S. law enforcement presence in Mexico with offices in Mexico City, Tijuana, Hermosillo, Nogales, Ciudad Juarez, Mazatlan, Guadalajara, Monterrey, Matamoros, Nuevo Laredo, and Merida, with 60 Special Agent positions. FBI Resolution Six (R-6) Agents, co-located with DEA Agents, coordinate drug and gang investigations conducted in Mexico. They are also responsible for supporting domestic cases for U.S. prosecution, cultivating liaison contacts within Mexico, and supporting bilateral criminal enterprise initiatives. Working closely with counterparts assigned to the Mexican Embassy, Legal Attaches, the El Paso Intelligence Center (EPIC), and the Southwest Intelligence Group, as well as with our federal partners in the U.S. Department of Homeland Security (DHS), and components within the Department of Justice (DOJ), i.e. the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the United States Marshals Service (USMS), we leverage all available resources and expertise. Close coordination with impacted state and local law enforcement and Mexican counterparts allow real-time access to intelligence and information that facilitated more than 800 convictions related to Mexican DTOs in 2009 alone.

As the lead U.S. law enforcement agency responsible for enforcing the drug laws of the United States, DEA has been at the forefront of U.S. efforts to work with foreign law enforcement counterparts in confronting the organizations that profit from the global drug trade. DEA's success is due, at least in part, to its single-mission focus. DEA is well positioned to mount a sustained attack on the command and control elements of DTOs; however, DEA does not operate in a vacuum. Rather, DEA and FBI, in conjunction with other Department of Justice (DOJ) components, DHS, the Department of Defense (DOD), the Intelligence Community, and other federal, state, local, and foreign counterparts plan coordinated attacks against all levels of the drug trade with the aim of disrupting and dismantling the command and control elements of these organizations.

The following are several noteworthy interagency efforts being coordinated along the SWB:

- On June 5, 2010 in Albuquerque, New Mexico, Attorney General (AG) Holder, DHS Secretary Napolitano, and Office of National Drug Control Policy (ONDCP) Director Kerlikowske released President Obama's *National Southwest Border (SWB) Counternarcotics Strategy*, which is designed to provide a road map for the Federal drug control program agencies to follow to stem the flow of illegal drugs and their illicit proceeds across the SWB and to reduce associated crime and violence in the region.
- *The SWB Initiative* is a multi-agency, federal law enforcement operation that attacks Mexico-based DTOs operating along the SWB by targeting the communications systems of their command and control centers. The SWB Initiative has been in operation since 1994. As part

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of a cooperative effort, DEA, FBI, CBP, Immigration and Customs Enforcement (ICE), and U.S. Attorneys' Offices around the country conduct judicially approved electronic wire intercepts that ultimately identify all levels of DTOs. This strategy allows the tracking of drugs as they flow from source countries to the streets of the United States.

- The *Southwest Border Intelligence Collection Plan (SWBICP)* was initiated by DEA in October 2009 to coordinate a regional intelligence collection framework housed at EPIC to support enforcement operations on the SWB of the United States. The SWBICP provides operational, tactical, strategic, and policy-level intelligence used to support investigations, regional planning, and resource decision-making. Intelligence gathered under the guidance of the SWBICP is shared with the Intelligence Community, and other federal, state, and local law enforcement agencies. The SWBICP also provides a mechanism to collect information needed to assess counterdrug measures and security threats along the U.S.-Mexico border.
- The *Concealment Trap Initiative (CTI)* targets those vital service providers who build concealed trap compartments or use natural voids in vehicles or other conveyances and residences for DTOs to conceal bulk cash or other contraband. Drug traffickers recognize that "bulk" currency is subject to seizure and easily forfeited when discovered by law enforcement authorities. To counter this, drug traffickers employ a myriad of techniques, including the use of concealment traps, to impede and frustrate law enforcement's efforts to discover and seize illicit drug proceeds. The CTI addresses the challenge of helping law enforcement officers and agents keep up with the technology behind these traps, including training them to identify and locate the traps, and establish probable cause toward obtaining a search warrant or consent to search the vehicle or residence in which the trap is located. Through the CTI program in 2010, DEA seized just under $39 million, in addition to drugs and weapons.
- *Bulk Cash Seizures* represent the cash proceeds obtained from the illegal trafficking of drugs, weapons, and persons, and are targeted by DEA, FBI, ATF, ICE, and other federal, state, and local law enforcement partners for use in obtaining valuable investigative leads and intelligence data. Going forward, information regarding bulk cash seizures will be simultaneously shared between ICE's Bulk Cash Smuggling Center (BCSC) in Vermont and the National Seizure System (NSS) at EPIC. EPIC-NSS functions as, among other things, a repository for detailed bulk currency seizure information from both domestic and foreign law enforcement agencies. NSS analyzes volumes of bulk currency seizure data and develops investigative lead reports and responds to requests for bulk currency seizure data from agents and officers in the field. EPIC provides a broad spectrum of interagency information and intelligence systems which are capable of immediately assessing the information and assisting law enforcement agencies in obtaining probable cause for search warrants, linking cases together, and following up on existing cases.
- *Organized Crime Drug Enforcement Task Forces (OCDETF) Program* – The OCDETF Program was initiated in 1982 to combine federal, state, and local law enforcement efforts into a comprehensive attack against organized crime and drug traffickers. DEA and FBI are active components of the OCDETF Program, including OCDETF's nine Co-Located Strike Forces. OCDETF Co-Located Strike Forces combine the efforts of multiple federal law enforcement agencies with state and local law enforcement to target the largest drug trafficking organizations that threaten the United States. These Co-Located Strike Forces often collaborate with the Southwest Border High Intensity Drug Trafficking Area (HIDTA) regional task forces in Arizona, California, New Mexico, and West and South Texas.

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Southwest Border HIDTA Task Forces represent federal, state, and local partnerships that target Mexican drug cartels and their smuggling and transportation networks, which spawn cartel violence along the border. The OCDETF Co-Located Strike Forces and HIDTA Task Forces have had enormous success in dismantling major Mexican DTOs linked to Mexico-based cartels.

- The *OCDETF Fusion Center* (OFC), a multi-agency law enforcement intelligence center that is currently led by a DEA Special Agent, provides investigative and operational intelligence support to ongoing drug-related investigations through the development of organizational target profiles and the development of specific investigative leads. These leads and intelligence products are disseminated to the appropriate field elements of the federal agencies through the multi-agency, DEA-led Special Operations Division (SOD). Intelligence and leads relating to other criminal activities, including terrorism, are disseminated through SOD to the appropriate agencies.
- *SOD* is an operational coordination center with the mission of establishing seamless law enforcement strategies and multi-agency operations aimed at dismantling national and international trafficking organizations by attacking their command and control communications. SOD is able to facilitate coordination and communication among law enforcement entities with overlapping investigations, ensure tactical and operational intelligence is shared, and that enforcement operations and investigations are fully coordinated among and between law enforcement agencies.
- DEA is a member of the DHS *Border Enforcement Security Task Force (BEST)*, an ICE-led initiative designed to increase the flow of information between participating agencies regarding transnational criminal organizations (TCOs) and violent gangs operating along our shared borders. In particular, BESTs target the underlying sources of cross-border violence along the SWB, such as weapons smuggling, narcotics and human smuggling, and bulk cash smuggling. BESTs commenced operation in Laredo, TX, in July 2005, and DEA's participation in the Laredo BEST began on May 3, 2006. . BESTs incorporate personnel from ICE, CBP, USSS, DEA, ATF, FBI, U.S. Coast Guard, and the U.S. Attorney's Office, along with other key federal, state, local, and foreign law enforcement agencies, including the Mexican law enforcement agency SSP.
- The DEA's *Drug Flow Attack Strategy (DFAS)* is an innovative, multi-agency strategy, designed to significantly disrupt the flow of drugs, money, and chemicals between source zones and the United States by attacking vulnerabilities in the supply chains, transportation systems, and financial infrastructure of major DTOs. DFAS calls for aggressive, well-planned, and coordinated enforcement operations in cooperation with host-nation counterparts in global source and transit zones. Operation All-Inclusive (OAI) is the primary DFAS enforcement component in the source and transit zones. Iterations of OAI have been staged annually since 2005. A crucial partner in DEA's Drug Flow Attack Strategy is the Joint Interagency Task Force South (JIATFS). JIATFS provides operational and intelligence fusion support to DEA by coordinating the use of Department of Defense, Department of Homeland Security, and partner nation air and maritime assets in joint operations. These operations are designed to stem the drug flow from the source zone, specifically South America, to the transit zones, which includes Central America and the Caribbean. These joint DEA and JIATFS operations are vital not only in assisting our Central and South American partners, but are designed to significantly reduce drug flow into the United States and to other non-U.S. markets such as Africa and Europe. Given the volume of cocaine

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moving through the transit zone, DEA remains committed to a focused, multiagency strategy, working with JIATFS, U.S Southern Command and our partner nations to not only interdict the drug loads, but to identify, disrupt, and dismantle the transnational criminal organizations trafficking their illicit drugs throughout the globe. The 2010 SWB supplemental provided an additional $5.3 million to expand DFAS to enhance its focus on the SWB region.

- *Operation Doble Via (ODV)*, the domestic component of OAI, was conducted between April and September 2007 to disrupt the flow of drugs, chemicals, and money across the SWB. ODV took place on both sides of the border and the main participants were DEA, CBP, Texas DPS, and several Mexican agencies, including the Federal Investigative Agency (AFI), Federal Preventive Police (PFP), Mexican military, and the Deputy Attorney General's Office of Special Investigations on Organized Crime (SIEDO). *Operation Doble Via II*, which commenced in August 2010 and concluded November 30, 2010, focused on the Arizona-Mexico border. Through the collection of law enforcement intelligence information and the development of investigations specifically targeting the Arizona border region, ODV-II sought to dismantle DTOs and other armed groups responsible for the violence in Sonora, Mexico, and the movement of drugs, weapons, and money across the border with Arizona. Operation ODV-II resulted in the seizure of 71.8 metric tons of marijuana, 125 kilograms of methamphetamines, 327 kilograms of cocaine, 78 kilograms of heroin, $9,269,509, and produced 202 arrests.
- *EPIC* is a national tactical intelligence center that focuses its efforts on supporting law enforcement efforts in the Western Hemisphere, with a significant emphasis on the SWB. Through its 24-hour watch function, EPIC provides immediate access to participating agencies' databases to law enforcement agents, investigators, and analysts. This function is critical to the dissemination of relevant information in support of tactical and investigative activities, deconfliction, and officer safety. EPIC also provides significant, direct tactical intelligence support to state and local law enforcement agencies, especially in the areas of clandestine laboratory investigations and highway interdiction.
- EPIC's *Gatekeeper Project* is a comprehensive, multi-source assessment of trafficking organizations involved in and controlling the movement of illegal contraband through "entry corridors" along the SWB. The analysis of Gatekeeper organizations not only provides a better understanding of command and control, organizational structure and methods of operation, but also serves as a guide for policymakers to initiate and prioritize operations by U.S. anti-drug elements. Numerous "Gatekeepers" have direct links to Priority Target Organizations (PTOs) and/or CPOTs.
- Implementation of *License Plate Readers (LPR)* along the SWB by DOJ and DHS has provided a surveillance method that uses optical character recognition on images that read vehicle license plates. The purpose of the LPR Initiative is to combine existing DEA and other law enforcement database capabilities with new technology to identify and interdict conveyances being utilized to transport bulk cash, drugs, weapons, as well as other illegal contraband. Almost 100 percent of the effort and cost associated with monitoring southbound traffic is directed at the identification, seizure, and forfeiture of bulk cash and weapons, while the effort and cost of monitoring northbound traffic is both enforcement and forfeiture-related, in that suspect conveyances can be identified for later southbound monitoring. DEA components have the ability to query and input alerts on license plates via an existing DEA database, and other law enforcement agencies can do the same via EPIC. DEA and CBP are currently working together in order to merge existing CBP LPRs at the points of entry with

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DEA's LPR Initiative. In addition, the FY2010 SWB supplemental provided $1.5 million to expand the LPR initiative by purchasing additional devices and barrels and support maintenance to allow DEA to monitor traffic and provide intelligence on bulk currency transiting toward Mexico.

- The *SIU Program* is the foundation for building an effective and trustworthy unit capable of conducting complex investigations targeting major Mexican DTO's. The program provides DEA with a controlled and focused investigative force multiplier that allows DEA access to a global transnational enforcement and intelligence network which directly supports DEAs Drug Flow Attack Strategy (DFAS). The additional programs funded by the Merida Initiative facilitate anti-corruption and police professionalization efforts in a broader context, which will serve the public interest. The FY 2010 SWB supplemental provided an additional $2 million for the SIU program.

CONCLUSION

The daily challenges posed by DTOs in the United States and Mexico are significant, but are overshadowed of late by a very specific set of challenges, such as ensuring that the rampant violence in Mexico does not spill over our border; closely monitoring the security situation in Mexico; and, perhaps most importantly, lending our assistance and support to the Calderón Administration to ensure its continued success against the ruthless and powerful cartels. The Government of Mexico has realized enormous gains in re-establishing the rule of law in Mexico, and in breaking the power and impunity of the DTOs which threaten the national security of both Mexico the United States.

The Calderón Administration's gains are contributing to an unparalleled positive impact on the U.S. drug market as well. From January 2007 through September 2010 the price per gram of cocaine increased 68.8 percent from $97.71 to $164.91, while the average purity decreased by 30 percent. These statistics paint a clear picture of restricted cocaine flow into the United States and decreased availability. While spikes – upward or downward – in price and purity have been observed in the past, these indicators typically normalize within a few months. Unlike in the past, we are now in the midst of a sustained, three-year period of escalating and decreasing purity. Anecdotal evidence from around the country and closer to home here in the District of Columbia, including intercepted communications of the traffickers themselves, corroborates the fact that President Calderón's efforts have contributed to making it more difficult for traffickers to supply the U.S. market with illicit drugs.

DEA recognizes that interagency and international collaboration and coordination is fundamental to our success. It is imperative that we sustain the positive momentum by supporting President Calderón's heroic efforts against organized crime. We must also manage expectations, as we anticipate that the gruesome violence in Mexico may continue to worsen before it gets better. We must recognize that we are witnessing acts of true desperation - the actions of wounded, vulnerable, and dangerous criminal organizations. We also remain committed to working with our U.S. law enforcement and intelligence partners to stem the flow of bulk cash and weapons south, while also working to sustain the disruption of drug transportation routes northward. Bringing to justice the organizations and principal members of organizations involved in the cultivation, manufacture, and distribution of controlled substances appearing in or destined for illicit trafficking in the United States remains the core of our focus.

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Statement of
Frances Flener
Arkansas State Drug Director
State of Arkansas

Before the

Ad Hoc Subcommittee on State, Local and Private Sector Preparedness and Integration

March 31, 2011

"Exploring Drug Gangs' Ever Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them""

Executive Summary

Arkansas, like many other rural states, faces few public safety and public health dangers greater than the illegal abuse, production, and distribution of narcotics. Drug Trafficking Organizations have established themselves and created extensive drug distribution networks in Arkansas. Increasingly, these criminal organizations are locating within rural Arkansas communities, and they bring additional crime and social problems to areas ill-equipped to address these issues.

Drug Trafficking Organizations are heavily involved in supplying Arkansas with illegal narcotics of multiple types. Arkansas has long been recognized as a state with a tremendous methamphetamine problem, and is consistently among the top states in lab seizures and meth incidents. While small local toxic labs are an ever-present challenge, illegal importation and distribution by Mexican Drug Trafficking Organizations is the primary source of methamphetamine found in Arkansas.

Counterdrug efforts in Arkansas benefit greatly from the high level of cooperation among federal, state, and local agencies within our state. This collaborative approach allows the expertise of different agencies to maintain a sustained, organized attack on drug trafficking organizations in Arkansas. Federal drug enforcement programs such as HIDTA have allowed for increased effectiveness in combating drug distribution. Arkansas's inclusion in the Gulf Coast HIDTA has enhanced law enforcement's ability to disrupt and dismantle drug trafficking organizations operating in our state both through investigations initiated and led directly by HIDTA Task Force , and by providing specialized counternarcotics training at no cost.

Additionally, expanded information sharing and intelligence-based policing has become possible through combined state and federal funding which assisted in the establishment of the Arkansas State Fusion Center in 2009.

In this testimony, I will describe the significant drug distribution threats to Arkansas, share how collaboration among federal, state, and local law enforcement agencies in our state is impacting these threats, and provide recommendations for continued progress in our shared counterdrug efforts.

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Introduction

Chairman Pryor, Ranking Member Ensign and distinguished members of the Subcommittee and honored guests; it is my distinct pleasure to testify before you today. My name is Frances Flener and I am the Arkansas State Drug Director. This office is charged with utilizing a balanced approach among prevention, treatment, and enforcement to develop, coordinate, and implement drug policy. On behalf of Governor Mike Beebe and our state, I would like to thank this Subcommittee for its continued support for the coordination of counternarcotics enforcement at all levels.

Senator Pryor, we are grateful for your continuing support of the men and women in law enforcement. Throughout your career you have been a champion for crime prevention and community engagement: A bullet-proof vest program that began years ago for the increased safety of rural law enforcement still continues today; while the Secure Our Schools Program has enabled our kids to have a safer environment in which to study and learn. For each of these and others, I would like to take this opportunity to thank you for your outstanding leadership that has supported law enforcement at all levels.

Overview of the Environment

The state of Arkansas is predominately rural and agricultural. It has the second-highest poverty rate in the United States, with 18.5% of all ages living in poverty. Arkansas's population has increased to 2,915,918, reflecting an overall 9 percent growth rate in the past ten years. Utilizing data from the 2010 U.S. Census, whites constitute 75.5 percent, African-Americans 15.3 percent, Hispanics/Latinos 6.8 percent, and all other ethnicities under 3 percent of the population. Arkansas is widely recognized as being a state with one of the fastest growing Hispanic populations, and from 2000 until 2010 its Hispanic population grew 114 percent.

Arkansas, for many reasons, is an attractive target area in which drug trafficking organizations become established. Its relatively low population, rural areas, and low law enforcement presence in some remote regions provide the privacy required by those manufacturing and/or distributing drugs. Further, Arkansas's location in the central U.S. and its full complement of transportation infrastructure and services provide useful means to distribute illegal drugs. Interstates 40 and 30 are primary corridors used for transporting the drugs to, and through, Arkansas, and these highways account for the largest quantities of drugs seized. Since illicit drugs, particularly methamphetamine, are in great demand in Arkansas, it takes little effort by traffickers to establish local markets for it.

Drug Distribution in Arkansas

Small Arkansas towns are increasingly facing drug distribution activities similar to what has been historically mostly limited to more urban areas. Mexican Drug

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Trafficking Organizations present a problem both in rural and urban settings in Arkansas, and have established themselves as the primary wholesale and midlevel distributors of methamphetamine, powder cocaine, marijuana, and heroin. These organizations import illicit drugs from the southwest border, deliver them to remote Arkansas locations, and redistribute them to the East Coast and Midwest regions of the U.S. As drug networks expand within the state and intrastate distribution grows, cells are progressively being set up in rural areas to become supply hubs for the metropolitan areas of the state. Within Arkansas, this reflects a reversal from traditional patterns of illicit drug distribution from urban to rural areas.

Methamphetamine continues to be the number one drug threat in the state of Arkansas, and no other substance has ever been reported as a higher threat by either the National Drug Intelligence Center (NDIC) or the Gulf Coast HIDTA since the inception of each of their annually prepared drug threat analyses. The distribution and abuse of both Mexican and locally-produced methamphetamine continue to rise, and demand in our state is high. Both forms are widely available. The Gulf Coast HIDTA reports that "Mexico-based poly-drug trafficking organizations (DTOs) are transporting large quantities of methamphetamine and 'ice' methamphetamine into Arkansas for consumption and further distribution". The majority of methamphetamine found in Arkansas originates outside of the state.

The impact and scope of methamphetamine distribution in Arkansas is well illustrated by a collaborative investigation led by the DEA HIDTA Group 61 known as "Operation Ice Princess" which took place over an eighteen month period in 2009 and 2010. The investigation culminated from the efforts of DEA plus five additional federal agencies, the Arkansas State Police, the Arkansas Highway Police, four Arkansas drug task forces, four county sheriff's offices, five police departments, and the Arkansas National Guard. Operation Ice Princess uncovered, disrupted, and ultimately dismantled a large-scale Arkansas ice methamphetamine distribution ring based in Jonesboro with additional distribution cells in five counties. Investigators learned that multi-pound quantities of methamphetamine ice originating in Mexico were regularly being distributed throughout the state through a network of distributors located in Jonesboro, Searcy, Kensett, Rose Bud, Little Rock, and Batesville.

Operation Ice Princess generated arrests of nineteen individuals, including seven who had illegally re-entered the United States after previous deportations, the seizure of nine pounds of methamphetamine with a street value of over four-hundred thousand dollars, and the seizure of close to one-hundred fifty thousand dollars. The dismantlement of this organization was considered extremely significant and is expected to affect the local methamphetamine market for an extended period of time.

The distribution of both powder and crack cocaine are significant concerns in Arkansas, principally in the southeast Delta region of the state. Mexican Drug

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Trafficking Organizations typically transport powder cocaine in kilogram level quantities, which is then converted into crack. The majority of cocaine transported into Arkansas arrives through Texas and to lesser extent California for local distribution by midlevel and retail level distributors and street gangs.

The abuse and diversion of pharmaceuticals in the past four years has been an alarming and emerging threat in Arkansas, especially for its young people. In 2007, the Office of National Drug Control reported that Arkansas teens had the worst prescription pain reliever abuse rate in the nation. Since then, concerted efforts by an over thirty member, multi-agency prescription abuse prevention coalition led by our office, the Office of the Arkansas Attorney General Dustin McDaniel, and the Arkansas Eastern and Western District Offices of the U.S. Attorney, have coincided with a notable reduction in lifetime teen prescription abuse rates. According to the Arkansas Prevention Needs Assessment, youth abuse rates have decreased from 12.8 percent in 2008 to 10.4 percent in 2010. With success in drug abuse prevention efforts being measured by drops in tenths of a percentage point, this reduction is significant. Coalition efforts have included the development of a comprehensive public awareness campaign, planning and coordination of statewide prescription drug take-back events, and the development and enactment of legislation authorizing a prescription drug monitoring program. The coalition will continue to develop strategies to sustain reduction and build toward a healthier future for Arkansans.

Many in the Arkansas Law Enforcement Community believe that Drug Trafficking Organizations, along with unaffiliated drug-seeking individuals, engage in robberies and burglaries of pharmacies, forge prescriptions, "doctor-shop", and steal from private residences in order to obtain pharmaceutical drugs to distribute. Our state eagerly awaits the additional degree of amelioration of a number of these diversion issues once the prescription monitoring system is operational and health care professionals begin utilizing it in 2013. Arkansas's implementation of this system will be contingent upon receiving federal funding through the National All Schedules Prescription Reporting (NASPER) program and the Harold Rogers Prescription Drug Monitoring Program.

When money-making is possible and demand is high, regardless of whether a substance of abuse is illicit or pharmaceutical, Drug Trafficking Organizations are likely to become engaged. The Gulf Coast HIDTA reports that pharmaceuticals, in addition to being primarily locally diverted, also arrive in Arkansas via the Southwest Border. State, county, and local law enforcement agencies are increasingly reporting interdicting prescription drugs alongside illicit drugs.

Despite aggressive eradication and interdiction efforts, marijuana is the most commonly abused, most abundant, and most highly in-demand drug in Arkansas. High availability results from both outdoor and indoor domestic growing operations and importation from Mexico. Marijuana arriving in Arkansas is further

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distributed on a regional level by independent local dealers, street gangs, and small criminal organizations.

Collaboration and Success of Federal, State, and Local Law Enforcement Agencies in Arkansas

The continuing expansion of drug trafficking groups and their distribution of narcotics to, through, and from rural Arkansas areas result in tremendous strains on local criminal justice infrastructures and service delivery systems. As these organizations establish themselves in an area, they often bring escalating violent and property crime rates. Small Arkansas towns such as Kensett and Rose Bud, with populations of 1648 and 459 respectively, often lack necessary resources to effectively combat the problem alone. It is for these very reasons that Kensett and Rose Bud were targeted for exploitation by Drug Trafficking Organizations as drug distribution centers as previously described in the Operation Ice Princess case.

Fortunately, Arkansas benefits from having outstanding relationships and collaboration among federal, state, and local law enforcement. These partnerships enable law enforcement to overcome issues such as lack of local resources and make success possible.

My office, along with professionals from the fields of drug prevention, treatment, and enforcement, regularly work together with the U.S. Drug Enforcement Administration's Little Rock Field Office on anti-drug projects. We are very privileged to have such an extremely high caliber of DEA leadership and personnel, all of whom are wholeheartedly committed not only to enforcement of drug laws, but also to the comprehensive reduction of drug problems in our state. DEA works in conjunction with the Arkansas State Police and Arkansas Highway Police on criminal interdiction cases, and responds to all major drug seizures in order to exploit all available evidence in an effort to link the seizures to major Drug Trafficking Organizations.

Arkansas's participation in federally-funded drug enforcement initiatives serve to provide the means for greatly enhanced counterdrug efforts. Since joining the Gulf Coast HIDTA in 2008, Arkansas has gained many advantages in its capacity to disrupt illicit drug trafficking and attack the command and control of the groups which engage in it. HIDTA membership offers a powerful reinforcement of efforts to provide a sustained and organized attack for the disruption and dismantling of drug trafficking organizations. Specifically, it has provided for additional major case investigations including complex conspiracy cases, increased criminal interdiction, enhanced information sharing and intelligence-based policing, and invaluable counterdrug training and education opportunities to law enforcement statewide.

HIDTA has been integral in fostering partnerships and collaboration among participating agencies, which has led to a leveraging of resources and increased

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sharing of intelligence. As a function of HIDTA, state and local law enforcement ally with nearby federal counterparts to concentrate efforts, maximize drug enforcement activities, and develop and prioritize initiatives based on their unique local needs. Without the presence of HIDTA and the everyday dedication and efforts of all levels of the law enforcement community across the state, we would undoubtedly have more drugs on our streets, more violence and drug threats to our people, and a reduced quality of life in Arkansas.

Thanks in part to federal funding made available through the U.S. Department of Homeland Security, our state's ability to utilize intelligence and information to more effectively identify and counter Drug Trafficking Organizations, terrorists, and other criminal entities has been bolstered by the launching of the Arkansas State Fusion Center in 2009. The Fusion Center allows federal, state, and local law enforcement agencies to take full advantage of a nationally networked array of law enforcement intelligence databases and other informational systems and resources. Due to the establishment of the Fusion Center, actionable intelligence supporting the disruption and dismantling of active criminal organizations is now more readily available to all levels of law enforcement within our state.

Arkansas's nineteen state multi-jurisdictional drug task forces (DTF's) play an instrumental role in the development of major cases against drug trafficking organizations our state, as they often initiate the investigations which are later revealed to be components of a broader network of drug crime. Our state drug task forces are wholly supported by federal funding through the Edward Byrne Memorial Justice Assistance Grant Program (Byrne/JAG) and have never fully recovered from 2008 budget cuts made to the program. Each of the drug task forces is responsible for drug enforcement in a multi-county area, and some of them have only two officers remaining to accomplish this.

Recommendations

Given the severity of our nation's drug problems and the often tragic consequences which result from them, it is of vital importance that an adequate, sustained level of resources be devoted to the prevention, treatment, and enforcement efforts that produce necessary improvements. Federal, state, and local drug enforcement programs protect rural communities that, like in Arkansas, are increasingly besieged by violent criminal drug organizations. It is of the utmost importance that law enforcement be provided the tools with which to combat them.

Without a full array of law enforcement, beginning at the very fundamental levels that feed intelligence up the chain into larger agencies, pieces of the puzzle that make up integrated, complex, and well-developed Drug Trafficking Organizations will never be put together for their disruption and dismantlement.

We recommend a restoration to the DEA funding for methamphetamine laboratory cleanup that has now been cut. Many financially-pressed local law enforcement

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agencies are scrambling to find ways to fund this vital service. If funding for cleanup is not restored or if less expensive alternative programs are not developed and fully supported by federal agencies, the result will be a significantly decreased ability of local law enforcement agencies to enforce methamphetamine manufacturing laws. Most importantly, it will also create dangerous risks to public health, particularly in states with high numbers of meth lab incidents such as Arkansas. In order for local law enforcement agencies to continue to aggressively and proactively seek out and dismantle meth labs, they will be forced to divert funds from other necessary services, thereby reducing their effectiveness in other endeavors. If an agency's funds are shifted to support necessary methamphetamine lab cleanup, it will lead to major reductions in other essential drug enforcement operations.

We also recommend continued funding and support of Prescription Monitoring Programs across the country. Prescription Monitoring Programs are of great assistance in the prevention and enforcement of pharmaceutical diversion. Without federal funding, Arkansas will not be able to develop and implement a PMP resulting from newly enacted legislation.

Arkansas, while currently experiencing great benefits from its membership in the Gulf Coast HIDTA, would benefit even more by the addition of a number of its counties with high drug activity.

Finally, we recommend that the Byrne-JAG Assistance Grants be funded at 2002-2003 levels. This will benefit programs nationwide, and in Arkansas it will allow for increased drug enforcement effectiveness, particularly for our state's multi-jurisdictional drug task forces.

Conclusion

The abuse, manufacturing, and distribution of illicit drugs in both Arkansas and the U.S. pose serious, but not insurmountable, challenges. To effect positive change, a complementary and multifaceted approach including prevention, education, treatment, and enforcement is required. If we expect to make a difference in our efforts to combat drugs and their deleterious effects, each of these components must remain a high priority and receive all necessary resources to achieve success, including drug enforcement.

Thank you again for the opportunity to testify today. I will be happy to answer any questions at the appropriate time.

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Kent Bitsko

Executive Director

Nevada High Intensity Drug Trafficking Area

I am Kent Bitsko, the Executive Director of the Nevada HIDTA, High Intensity Drug Trafficking Area program. I retired from the Las Vegas Metropolitan Police Department after 31 years, including three different assignments in narcotics totaling 8 years. During my last five years with the police department, I served as the K-9 commander working with narcotics detection dogs. I have been the Executive Director of the NV HIDTA for the last four years, totaling 17 years of narcotics experience.

Through my testimony, I am prepared to brief this panel on four cases that I believe are indicative of the type of impact the Mexican cartels have had on narcotic trafficking in the state of Nevada.

CASE 1:

In 2008, Cole Puffinburger was a six-year-old child whose grandfather, Clemens Tinnemeyer, was a drug trafficker for the Sinaloa drug cartel. As part of his drug trafficking duties on behalf of the cartel, Mr. Tinnemeyer drove an RV loaded with 247 kilos of cocaine from the west coast to the east coast. During these trips, Mr. Tinnemeyer made drug deliveries to various locations and collected drug proceeds from these deliveries. Mr. Tinnemeyer admitted to making six of these drug delivery and collection trips. Ultimately, Mr. Tinnemeyer decided during the return on the sixth such trip that he would steal the money from the sale of the cocaine. It is estimated that during his final trip, Mr. Tinnemeyer stole $4.5 million of the drug cartel's proceeds and then went into hiding.

The facts become somewhat unclear and contested at this point, but intelligence derived from the investigation of this matter indicates that the Sinaloa cartel ordered two local Las Vegas conspirators to kidnap young Cole Puffinburger in order to bring his grandfather out of hiding in order to retrieve cartel money or take revenge on Mr. Tinnemeyer. Eventually, Cole Puffinburger was recovered safely and unharmed after being released in a Las Vegas neighborhood. The Nevada HIDTA Investigative Support Center worked closely with the Southern Nevada Fusion Center to provide information that led to the prosecution and also information concerning Mr. Tinnemeyer's involvement with the Sinaloa drug cartel.

CASE 2 (Photo #1 and Photo #2):

I have included photos in your packet of items discovered as a result of a search warrant and ultimately the successful culmination of the Sanchez case. The Sanchez case was a joint law enforcement effort between the DEA Group 1, the FBI, the Las Vegas Metropolitan Police Department, and the Southern Nevada Drug Task Force.

The case started with a meeting at the Mandalay Bay Hotel and Casino in Las Vegas, Nevada, between members a drug trafficking organization and undercover law enforcement agents. Numerous controlled narcotics transactions transpired over the following weeks. On June

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30, 2010, members of the task force executed a buy-bust on Sanchez and his criminal associates. As a result of this enforcement action, agents and officers seized 1.5 kilograms of methamphetamine, 1 pound of heroin, and 1 handgun.

Intelligence information gathered during the investigation lead to a search warrant on a stash house at 5900 W. Tropicana, a trailer park in the west central part of Las Vegas, Nevada. During the execution of the search warrant at the stash house, 2 kilograms of cocaine, 3.5 kilograms of methamphetamine, 3 handguns, an AR-15 assault rifle, and a bullet-proof vest were seized.

As depicted in the photographs, the most interesting discovery was a hidden vault found under the mobile home. As illustrated in the photographs, the sophistication and construction of the vault was extraordinary and impressive. The construction of this vault cost in excess of $20,000 in a mobile home that wasn't worth $15,000.

Telephone toll information and analysis tied this drug trafficking organization directly to cells of the La Familia drug cartel located in Michoacán, Mexico, and also to contacts in Riverside, California. As is common in dealing with the drug cartels, none of the suspects would cooperate with law enforcement to further the investigation, each suspect stating they were afraid of the drug cartel, in this case, the La Familia drug cartel.

CASE 3:

The NV HIDTA Southern Nevada Drug Task Force began working an investigation and case in 2007. That task force is continuing to work components of this case today. During the course of the investigation, the task force has seized 42 kilos of cocaine, 150 kilos of methamphetamine, $1.1 million in bulk cash, and served 42 search warrants upon suspects and targets identified through the investigation. As noted, the investigation is on-going. The task force has utilized wire intercepts on 114 telephone lines and has arrested 65 suspects as part of this ongoing investigation. Part of this group has been identified as a La Familia drug cartel cell operating out of the Las Vegas area. Through this continuing investigation, the Southern Nevada Drug Task Force has been able to work with DEA's Special Operations Division and coordinate their efforts nationwide to help disrupt numerous La Familia drug cartel cells.

CASE 4: (Photo #3)

This spun-off into another La Familia drug cartel cell in Las Vegas, the Menõ case. In telephone intercepts, the cell head was talking directly to two subjects in the hierarchy of La Familia drug cartel and was coordinating methamphetamine and cocaine shipments into Las Vegas, Nevada, but also into Dallas, Texas, Atlanta, Georgia, Chicago, Illinois, New York City, and the states of California, Oklahoma, and Colorado. The targeted individual was operating as a trans-shipment point for the La Familia drug cartel. The target individual used a tracker-trailer on behalf of the La Familia drug cartel to pick-up shipments of 150 kilos of cocaine per trip and then delivered it to the aforementioned locations.

Phone intercepts on one occasion had him delivering a load of bulk cash of $450,000 into Las Vegas, Nevada, before it was shipped to Mexico.

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These four cases are just a brief sketch of the kind of cases we are dealing with in Nevada. These cases and the ensuing investigations are having a significant financial and manpower impact, especially on Southern Nevada law enforcement and prosecution agencies working narcotics enforcement.

The drug trafficking organizations that have direct connections to the Mexican drug cartels are always evolving and changing their tactics. They are using Skype, Blackberry email accounts, and posting email drafts on their email sites and then giving their customer the access code to get into the account. Another technique used by the drug trafficking organizations that has presented a challenge is the use of Mexico cell service and the push-to-talk phone feature which makes it impossible to get subscriber information.

The NV HIDTA has enabled Nevada law enforcement agencies to attack these types of organizations. In the past, the individual agencies worked on a smaller scale and weren't able to dismantle the entire organizations or get to the heads of these cartel cells.

The NV HIDTA has been able to bring together all of the law enforcement agencies responsible for working narcotic enforcement in both in Clark and Washoe Counties. The NV HIDTA has 12 enforcement task forces and four administrative groups, including our Investigative Support Center which is instrumental in working these types of cases and being able to follow the trail back to the connections in Mexico.

Virtually all of the methamphetamine, cocaine, and heroin in Nevada comes from Mexico through either Southern California or Arizona. Southern Nevada also gets a large portion of its marijuana from Mexico. To give you a small indication of the impact the drug trade has on Nevada, the Las Vegas Metropolitan Police Department Narcotics Bureau reported eight homicides connected to just the marijuana trade in Southern Nevada during 2010. This included a 12-year-old girl killed in a home invasion that was motivated by money owed from marijuana transactions.

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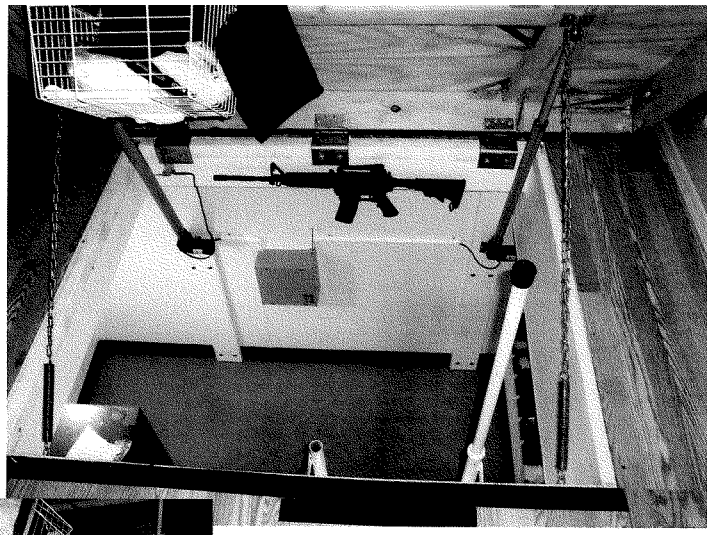
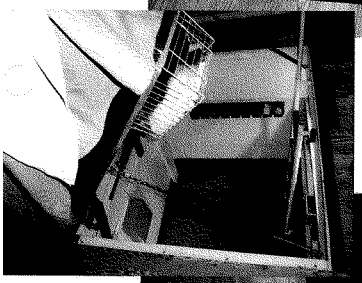
Photo #1





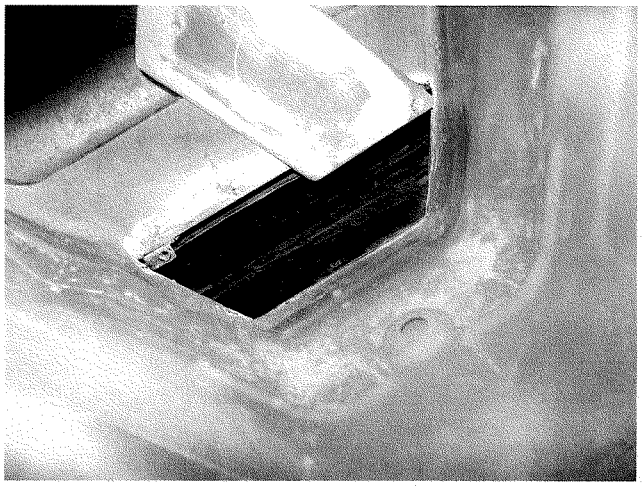
Concealed vault, guns and bullet-proof vest taken after serving a search warrant on this case

Photo #2

Narcotics seized after
serving the search warrant

Photo #3

16 pounds of methamphetamine found in the pictured compartment during the arrest of the suspect.



Post-Hearing Questions for the Record
Donna Bucella, Assistant Commissioner of the Office of Intelligence and Operations, U.S. Customs and Border Protection
From Senator Mark Pryor

"Exploring Drug Gangs' Ever Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them"
March 31, 2011

1. CBP plays a role in tracking and detecting ultra-light planes. Your testimony explained that there have been some 228 confirmed drug ultra-light flights, yet that only 22 narcotics seizures and 12 arrests involving pilots or couriers have been made
    a. Can you describe what assets CBP employs to detect incursions by these small, low flying planes?
        i. CBP's response to the ULA threat is a combination of enhanced ground and air patrols. The air domain is currently monitored by the Air and Marine Operations Center (AMOC) via a complex network of radar systems. This capability is further enhanced with surveillance cameras, field agents, and other law enforcement agencies.
    b. Of the 12 arrests that have actually been made, how did CBP detect and close in on the suspects?
        i. DHS Agents, which include ICE and CBP, responding via ground and air observed suspects delivering or receiving the contraband from the ultralight, and tracked them to successful apprehension.
    c. 12 arrests out of 228 detected flights is only 5 percent success rate against the ultra-light flights we do know about, what can we do to increase our success against this tactic?
        i. CBP is planning to deploy three upgraded Cessna Citation interceptor jets to the southwest border this year. These aircraft are equipped with a new air intercept radar system. Scheduled delivery of the Citations should be complete in July, after which they will be tested and evaluated for approximately 45 days before being operationally deployed. Initial Developmental Testing and Evaluation (DT&E) has produced positive results that show the radar's ability to detect, track, and lock up a low flying Ultra Light Aircraft size target. While we will take delivery of 3 modified aircraft this year, CBP has been funded for 4 total upgrades of the 26 Citation Interceptor Jets in the fleet.
        ii. CBP recognizes the threat from cross border ULA activity and has taken a proactive approach towards combating that threat. A contract will be awarded this year for a transportable, Commercial-off-the-Shelf sensor designed to detect and track ULA and other low flying aircraft.
        iii. CBP encourages the public to report suspicious or low flying aircraft to the CBP Air and Marine Operations Center (AMOC) through its toll free number at 1-866-AIR-BUST.

2. There have been a number of reports that DTOs have begun using drug submarines, mostly to transport cocaine from Columbia into Mexico, some were found closer to US waters. While most drug submarines are unsophisticated, unable to dive deep into seas, and propelled by small low-speed diesel engines, some drug gangs are now spending money on more advanced submarines. Last July, Ecuadorian counternarcotics officials working with our Drug Enforcement Agency (DEA) seized a fully operational submarine built for the primary purpose of transporting multi-ton quantities of cocaine.
    a. How prevalent are the use of submersibles by drug gangs? How much of a concern is this particular method?
        i. The frequency of use of self-propelled semi-submersibles (SPSS) and self-propelled fully-submersibles (SPFS) as a means of transportation for illicit materials by drug gangs is unknown. Every time law enforcement information indicates a smuggling event is underway using these conveyances, CBP and other government resources are assigned to search. CBP's contribution to the search efforts are with the P-3 Airborne Early Warning (AEW) and P-3 Long Range Tracker (LRT) aircraft based out of Corpus Christi, Texas, and Jacksonville, Florida, supporting the Joint Inter Agency Task Force South (JIATF-S). These aircraft and dedicated crews have been successful in detecting the SPSS conveyance method on multiple occasions. The detection capability of the P-3 AEW and P-3 LRT radars are dependent on the radar reflectivity of an object. As such, SPFS are only detectible by the P-3s when some portion of the SPFS is on the surface of the ocean, such as when SPFS stop to replenish their air and to recharge the batteries. On two occasions SPFS were detected while surfaced using the CBP P-3 radar and on one occasion the vessel was detected visually.
    b. Is there any evidence that drug gangs are developing better submersible technology?
        i. CBP is unaware of additional submersible technology developments.
    c. What resources are at CBP and the coordinated Federal teams' disposal to track the seas for submersibles? Are our resources adequate?
        i. CBP P-3s out of Corpus Christi, Texas, and Jacksonville, Florida, supporting JIATF-S, provide the airborne reconnaissance used to detect underway submersibles. On two occasions, semi-submersible vessels were identified by a P-3 AEW radar at 74 nautical miles and 56 nautical miles. During a third incident, the radar failed to detect the vessel, however a pilot visually identified it. The detection capability of the P-3 AEW radar is dependent on the radar reflectivity of an object. As such, fully submersible vessels are not detectable using the P-3 AEW radar and semi submersible vessels are only detectable under ideal circumstances and when the exposed portion of the vessel provides some radar reflectivity.

3. Your agency received significant allocations from the Border Security Supplemental. In addition to new technology, you received a number of new employees. As you know,

this subcommittee held a hearing last year that uncovered a lack of polygraphs for new employees and a significant backlog in Periodic Reinvestigations (PRIs) at CBP.

a. How are both of your agencies working to ensure the integrity of new hires brought on from the Border Security Supplemental?
    i. In January 2011 President Obama signed S.3243 the Anti-Border Corruption Act of 2010 into law. The Act requires that by January 2013, all CBP law enforcement applicants receive a polygraph examination before being hired. Further, the Act requires that CBP initiate all periodic personnel reinvestigations that were overdue for initiation. As of December 21, 2010, all backlogged periodic reinvestigations (PRs) were initiated in e-QIP (15,197). The Personnel Security Division's goal is to complete the 15,197 initiated-backlog by June 30, 2012. As of April 26, 2011, 10,339 PRs are pending investigation/adjudication. CBP is increasing polygraph testing capacity and is on pace to be able to achieve 100 percent polygraph testing of law enforcement applicants by December 2012.

b. Do you both have the resources to ensure adequate background checks and polygraphs can be provided to all new hires?
    i. The Border Security Supplemental Act of 2010 provided resources to CBP for integrity programs and initiatives. This funding, plus internal support, is allowing CBP to ensure sufficient resources to address background investigations of new hires and periodic reinvestigations of the existing workforce. The bill also provides for the increase in polygraph capabilities that will enable CBP to meet the requirements of the Act. CBP is exploring and implementing several interim measures with support from other agencies to immediately improve our polygraph capabilities as we build our internal capabilities.

4. In your testimony, you described the many resources brought to CBP's disposal as a result of last summer's passage of the FY 2010 Border Security Supplemental that the President and Congress fought hard to see enacted. As part of the funding, CBP was able to acquire two new Unmanned Aircraft Systems (UAS).

a. Can you tell us a bit about how the UAS' have added to your ability to patrol the border?
    i. CBP will not take possession of the two UASs allocated as part of the 2010 Border Security Supplemental until late this calendar year. These assets will be utilized in the same manner as the existing seven, serving as a law enforcement force multiplier for Federal, State, local and tribal officers and agents on the ground by providing covert, long-duration airborne collection to detect, track, and cue law enforcement to interdict illegal activity along the border. Additionally, the real-time information UASs provide is used by a wide-variety of customers including the Texas Department of Public Safety (DPS), Federal Emergency Management Agency, U.S. Immigration and Customs Enforcement, Drug Enforcement Administration, U.S. Geological Survey, National Oceanic and

Atmospheric Administration, Federal Bureau of Investigation, Bureau of Land Management, and others.

b. I know you've only recently brought these UAS' online, but do have a sense as to whether their addition as a resource has led to an increase in seizures or arrests along the border?

   i. Even though we have not yet acquired the two UAS specifically funded in the supplemental, we continue to field increased support requests as our fleet grows and matures, and that this trend is only expected to continue. As we acquire and operationalize more UAS, we will be able to increase the number of seizures and arrests along the border by providing additional aerial long-duration surveillance and support to officers and agents on the ground.

Post-Hearing Questions for the Record
Submitted to Hon. Donna Bucella
From Senator John Ensign

"Exploring Drug Gangs' Ever Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them"
March 31, 2011

1. The Mexican drug trafficking organizations (DTO) have been proven able to corrupt some of our officers on the southwest border. Customs and Border Protection Officer Martha Garnica of the El Paso Port of Entry is one such example that has been reported in the press. I believe part of the problem is the backlog of required background investigations of the new hires and the periodic reinvestigations of the current workforce.

    a. What is your agency doing to prevent another Martha Garnica from happening?
        1. In addition to a robust background investigation, periodic reinvestigation and polygraph program, U.S. Customs and Border Protection's (CBP) Office of Internal Affairs (IA) uses behavioral science and analytical techniques to proactively identify corruption and insider threats based on data gathered in background investigations, polygraph examinations, known cases of corruption, and other sources. The results of this research and analysis drive the focus of integrity investigations.
        2. ***Proactive Criminal Analysis*** – IA analysts conduct research and analysis on employees, enforcement actions such as narcotics seizures, and other strategic factors to identify anomalies or issues that warrant further investigation. IA analysts are assigned to four proactive research and analysis operational teams focused on specific areas of vulnerability in an effort to efficiently leverage existing resources to better detect and deter vulnerabilities or incidents of corruption. These areas of vulnerability include CBP applicants who fail the pre-employment polygraph examination with significant admissions to involvement with drug smuggling or alien smuggling and/or trafficking, data anomalies in the workforce which may be indicative of integrity issues, law enforcement personnel whose post of duty is in the same geographic area where they were raised, and post-primary narcotics seizures. As part of an Intelligence Driven CBP, IA analysts share an invaluable relationship with CBP's Office of Intelligence and Investigative Liaison, the Office of Border Patrol and the Office of Field Operations where their subject matter experts assist with identifying data and process inconsistencies that may be indicative of integrity issues.
        3. ***Continuous Vetting*** – As part of IA's multilayered, proactive approach to identifying instances of misconduct and corruption within the CBP workforce, the capability to continuously vet the entire CBP workforce through a variety of law enforcement databases provides the greatest opportunity to identify vulnerabilities at their onset. IA is currently developing a continuous vetting capability with CBP's Office of

Information and Technology (OIT), which will leverage existing technology utilized by the Automated Targeting System – Targeting Framework (ATS-TF). By customizing the ATS-TF technology that is currently deployed within CBP, IA can develop a capability known as eVetting. eVetting is a "reusable" person-vetting system that aggregates personal information in order to build a living profile for a person of interest. The system seeks to visually consolidate disparate data sources into a concise page that focuses on key, potentially derogatory evidence, as well as to deliver in-depth analysis of a tremendous amount of information. Empowered by this intelligence, analysts can focus more on targeting than on information gathering. eVetting would obtain a list of all CBP employees from payroll records and query them on a recurring basis. This broad, repetitive data retrieval, combined with custom rules, would provide an automated process for IA analysts to facilitate the "never ending background investigation" of the CBP workforce.

4. ***Behavioral Science Research and Evaluation*** – IA social scientists conduct operationally-focused, behavioral science research on known cases of misconduct and corruption in order to better detect illicit activity and assess insider threats.

b. What is being done to remind and encourage employees to report and not be reluctant to report, others they believe might be corrupt?

1. Beyond prevention, detection, and investigation, promoting the integrity and security of the CBP workforce also requires a vigorous education and awareness campaign which conveys the message that corruption and misconduct have no place in CBP. CBP has recently created an integrated team, or cell, consisting of internal components and representatives from outside law enforcement partners to build upon the work done to date by CBP's Offices of Internal Affairs, Border Patrol, Field Operations, Intelligence and Investigative Liaison, and other offices. This integrity cell is designed to identify integrity challenges employees face in executing the mission to secure the Nation's borders as well as identifying and sharing best practices. The goal of these programs is to provide a "one voice" integrity message that equips employees, supervisors, and managers with tools to meet integrity challenges. All new employees and new supervisors receive training in integrity and anti-corruption, along with integrity awareness briefings throughout their career with CBP. As an example, continual musters are developed internally by the OFO Integrity Officers for their respective Field Offices to reinforce the integrity message.
2. These steps are in addition to the efforts by CBP to reinforce and recognize examples of courageous, ethical behavior such as the Commissioner's Award recently given to the CBP officer who participated in the investigation and arrest of Martha Garnica, and the recitation of the oath of office at appropriate times throughout the career of CBP's law enforcement officers.

c. To what extent is one's financial situation examined in a background investigation, in terms of assets and liabilities, and how does the information collected during the initial hiring phase compare to periodic background investigations conducted during one's career?
    1. CBP follows criteria established by the Office of Personnel Management (OPM) in requesting financial information from individuals. Individuals must sign a credit check release allowing CBP to obtain credit bureau reports. They must also complete a financial disclosure form, providing a list of major assets and liabilities, including, but not limited to bank accounts, investments, homes, vehicles, and mortgages. Investigators review the information with the subject and obtain updated information. Financial information is reviewed during the employment suitability process to ensure financial responsibility. The same process applies for both initial investigations and periodic reinvestigations.

d. Where is CBP at in terms of clearing out the background investigation backlog?
    1. Between Fiscal Years 2006 and 2009, all IA-Personnel Security Division resources were dedicated to meeting critical hiring mandates, most notably the Presidential Mandate to hire 6,000 Border Patrol Agents. As a result, the agency fell behind in initiating/conducting periodic reinvestigations. As of December 21, 2010, all backlogged periodic reinvestigations (PRs) were initiated in e-QIP (15,197). IA-PSD's goal is to complete the 15,197 initiated-backlog by June 30, 2012. As of April 26, 2011, 10,339 PRs are pending investigation/adjudication. *Note: The backlog was for periodic reinvestigations and not on applicant background investigations.

e. How many cases are there involving CBP employees, broken down by unassigned, active, in adjudication phase and in disciplinary action phase?
    1. Of the 10,339 pending PRs, 5,153 are currently unassigned, 1,154 are in the active investigative stage, and 4,032 are in the adjudication phase. Two cases have been recently referred to Labor and Employee Relations for appropriate coordination with management to initiate the disciplinary action phase.

2. The Mexican DTOs and alien smuggling organizations (ASO) are adapting and reacting to our defenses. They are using tunnels, catapults, submarines, small boats, and disguising themselves and their vehicles to achieve their objectives.

    a. Have we seen any evidence to suggest that outside sources, such as terrorists or foreign countries, are assisting the cartels with their more elaborate schemes, such as the submarines and tunnels?
        1. We have seen no credible intelligence or other reporting that would suggest terrorists and/or foreign countries are assisting cartels with elaborate schemes such as submarines and tunnels.

    b. Have tests been done to detect chemicals or other evidence of weapons of mass destruction in these tunnels?
        1. CBP's Laboratories and Scientific Services (LSS) has the capability to detect chemicals and other evidence of weapons of mass destruction in

tunnels, however the CBP confined space policy restricts entry into tunnels to those individuals that have received the appropriate training. LSS responds to tunnel discoveries to process the external area of the crime scene for evidence. During the crime scene processing, the area is monitored for hazards.

c. Have you found anything to indicate that cartels are gathering intelligence about our border defenses and providing that to terrorists or foreign governments?
    1. We have seen no reporting that would indicate this information is or has been shared with terrorist organizations or foreign governments.

3. According to your agency's apprehension stats from FY2010, aliens from over 100 countries were apprehended at the southwest border, including some from the following countries designated as "Special Interest": Afghanistan, Iran, Libya, Syria and Yemen.

    a. Have any of these aliens been found to have confirmed links to terrorist organizations?
        1. In FY 2010, CBP has encountered a total of 45 Aliens from Special Interest Countries with a nexus to the Southwest Border who were positively matched to records in the Terrorist Screening Database (TSDB). (It is important to note that inclusion in the TSDB is not limited to those who have confirmed links to terrorist organizations. Inclusion in the TSDB requires that there be "reasonable suspicion" that an individual is known or suspected to be, or to have been, engaged in conduct constituting, in preparation for, in aid of, or related to terrorism and terrorist activities based on the totality of the circumstances. The TSDB also includes other individuals, such as those who are associated with known or appropriately suspected terrorists when the context of the relationship gives rise to a reasonable suspicion that the individual is engaging or has engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or terrorist activities.) Many of these individuals were the subject of multiple CBP encounters. The vast majority of these encounters occurred at either a U.S. port of entry or CBP interior checkpoint operation.

b. What is the breakdown for their apprehensions (i.e., visa overstay, inadmissibility, attempted illegal entry)?

1. **Fiscal Year 2010 CBP Encounters of Aliens from Special Interest Countries by Disposition**

** DISPOSITION	Total	Percent
ADMITTED Legal Permanent Resident	10	15.6%
ADMITTED US Citizen	32	50.0%
Border Patrol ADMINISTRATIVE DEPORT	1	1.6%
Border Patrol US Citizen-Legal Permanent Resident RELEASED	3	4.7%
EXPEDITED REMOVAL	10	15.6%
REFUSED EXPEDITED REMOVAL CREDIBLE FEAR	1	1.6%
REFUSED (EXCLUSION) INA SEC 240 REMOVAL PROCEEDINGS (DETAINED)	2	3.1%
RELEASED Office of Border Patrol	5	7.8%
	64	100.0%

c. ** This above represents encounters at check points, as well as at U.S. ports of entry. This data also may represent multiple encounters of the same individual, who may have different dispositions based on the circumstances at time of encounter

Post-Hearing Questions for the Record
James Dinkins, Executive Director of the Office of Homeland Security Investigations, U.S. Immigration and Customs Enforcement
From Senator Mark Pryor

"Exploring Drug Gangs' Ever Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them"
March 31, 2011

1. In your testimony, you stated that ICE received about $80 million from the FY 2010 Border Security Supplemental,
   a. Can you describe how ICE has used its share of the funding, in addition to the 250 new agents and analysts?
   b. How many of the 250 new agents and analysts have been hired to date?
   c. How will they be strategically integrated into ongoing operations?
   d. What specific duties will the bulk of the new hires undertake?

Answer: The fiscal year (FY) 2010 Border Security Supplemental Funding provided U.S. Immigration and Customs Enforcement (ICE) with 251 positions. These positions were allocated within ICE as follows:

Total applied to HSI-Domestic:	222
Total applied to HSI-Intelligence:	18
Total applied to HSI-Office of International Affairs:	11
Grand Total for ICE:	251 positions

Homeland Security Investigations – Domestic (HSI-Domestic)

Of the 251 positions provided by the FY 2010 Supplemental Funding, 222 were dedicated to HSI-Domestic. HSI-Domestic established 210 as GS-1811 criminal investigator (special agent) positions. Twelve are established as investigative support positions. This is a criminal investigator to investigative support personnel ratio of 17.5:1.

Of the 222 established HSI-Domestic criminal investigator and investigative support positions, 170 total personnel have entered on duty with ICE: 166 criminal investigators and 4 investigative support personnel. Eighteen candidates have made commitments to ICE and there are 34 remaining vacancies without candidates committed to them.

ICE has set aside 27 of the remaining 34 vacancies for internal transfer of personnel. ICE HSI-Domestic continues to work aggressively to fill its vacancies and expects to fill the positions provided for by the supplemental funding by September 30, 2011.

Homeland Security Investigations – Intelligence

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ICE continues its efforts to hire 18 intelligence analysts to fill positions funded through the FY 2010 Border Security Supplemental. The vacancy announcements are being prepared for release and ICE is on track to have those positions filled or committed before the end of FY 2011.

Homeland Security Investigations – Office of International Affairs

Of the 251 positions provided for by the supplemental funding, 11 were set aside for the HSI Office of International Affairs (OIA). As of May 10, 2011, 7 of the 11 positions have been filled. Four of the positions remain vacant due to the complexities of hiring in an international environment, including difficulties securing country clearances, visa issuance, permanent change of station challenges, etc. However, HSI OIA intends to fill these remaining positions as expeditiously as possible and will make every attempt to do so by the end of FY 2011.

When all of these 251 positions are filled, these additional investigative, intelligence, and investigative support personnel will contribute to the disruption and dismantling of transnational criminal organizations, increasing security along the Southwest border, promoting the integration of United States and Mexico law enforcement entities on the Southwest border, increasing intelligence sharing and rapidly exploiting operational opportunities, as well as ensuring the legitimate flow of people and goods through the Southwest border.

Additional special agents assigned to ICE Attaché offices in Mexico will increase the ability of ICE to engage in bilateral interdiction, investigation, and intelligence sharing activities with the Government of Mexico, and the disrupting and dismantling of trans-border criminal networks engaged in smuggling and trafficking of weapons, aliens, and contraband. ICE Attaché Mexico City and its subordinate offices support ICE's investigative programs, multilateral initiatives, and joint agency commitments, such as the Border Enforcement Security Task Forces (BESTs), weapons smuggling investigations, the Illegal Drug Program, the Trade Transparency Unit, Operation Firewall, the Global Trafficking in Persons Initiative, and multiple training and capacity-building initiatives.

The criminal investigators funded by the FY 2010 Border Security Supplemental funding will be integrated into ICE's ongoing efforts to combat illicit criminal activity. Specifically, they will concentrate on investigative efforts, which are derived from proactive and reactive leads, to identify and dismantle the most significant criminal organizations involved in the smuggling of controlled substances, humans, weapons/ammunition, and bulk cash smuggling, as well as those involved in transnational gang activity that facilitates the illicit activity of transnational criminal organizations. These additional criminal investigators will fulfill their role through the use of sophisticated investigative techniques such as Title III intercepts, intensive surveillance, and undercover operations. Through their assignment to existing ICE BESTs along the Southwest border, the ICE Bulk Cash Smuggling Center, and the Organized Crime and Drug Enforcement Task Force Fusion Center, these criminal investigators will focus on identifying the global network and operations of the aforementioned criminal organizations, identifying the key personnel, and targeting the organization's infrastructure and financial assets throughout the United States and abroad.

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2. You testimony details the many successes of Border Security Task Forces (BEST), which bring federal, state, local, territorial, tribal, and foreign law enforcement together to increase security along the border. BESTs operate out of 21 locations, including 11 along the border. You also mentioned that a new initiative underway is the formation of the Mexico City BEST. As you may know, this Subcommittee held hearing last year on corruption of border agents by the influence of drug money. It's hard not to have the same concerns when I hear about sensitive counter narcotics operations being located in Mexico.
    a. What steps does ICE take to ensure that foreign agents located at the Mexico City BEST have full integrity?

Answer: To become a member in good standing of the Mexico City Border Enforcement Security Task Force (BEST) and prior to acceptance into the BEST, Government of Mexico officials must successfully complete standardized vetting procedures, as coordinated by U.S. Immigration and Customs Enforcement (ICE) Attaché Mexico City. These vetting procedures include a background check in accordance with U.S. Embassy Mexico City guidelines and a polygraph examination conducted by ICE personnel. Personnel assigned to the Mexico City BEST vetted unit are subject at any time to recurring vetting processes, including additional polygraph examinations at ICE's discretion, but no less than every 2 years. In addition, ICE Attaché Mexico City has co-located one supervisory special agent and two special agents with the Mexico City BEST to help ensure the integrity of the members and their case work.

    b. How do you work with the Mexican Government to ensure that Mexican law enforcement personnel that staff the Mexican BEST are free from corruption?

Answer: In addition to the vetting procedures outlined above, ICE Attaché Mexico City also adheres to the protocols of "need to know" when providing vetted Mexico City BEST officers with information, thus reducing the exposure of the entire Mexico City BEST to every high priority investigation. This procedure assists in limiting the likelihood of corruption, and if a leak in information is detected, it allows for a quick determination of the origin of the suspected leak. Secretaría de Seguridad Pública (SSP) provides the ICE Mexico City Attaché office with a list of potential candidates to be tested by polygraph and added to the vetted unit. This list is composed of accredited law enforcement officers who have completed the pre-screening requirements established for SSP and will further undergo the screening requirements in order to be added to the vetted unit. Members added to the vetted unit are eligible to receive any additional training in the future that is set up by the ICE Attaché Mexico City office. Previous training sessions have covered undercover operations and electronic surveillance.

    c. What sort of protocol is in place to carry out background investigations and reinvestigation?

Answer: Mexico City BEST vetting procedures include a background check in accordance with U.S. Embassy Mexico City guidelines and a polygraph examination conducted by ICE personnel. Personnel assigned to the Mexico City BEST are subject at any time to recurring vetting processes, including additional polygraph examinations at ICE's discretion, but no less than every 2 years.

3. Fortunately, Mexican cartel violence has not migrated appreciably into the United States because two key drivers of the violence, cartel competition for control of territory and corruption networks, are not characteristics of drug operations in the United States. In most cases, the low-level groups that carry out street distribution in the United States are not strongly linked to the Mexican drug-trafficking organizations that supply the drugs. So far, U.S.-based traffickers, including both drug-trafficking organization-affiliated distributors and domestic and transnational gangs, may be affiliated with or supplied by Mexican drug-trafficking organizations, but do not appear invested in the conflicts in Mexico.
    a. Do you agree with this?
    b. Why do you believe the violence has not moved into the U.S. at the same level?
    c. How can we continue to avoid such violence?
    d. Have any domestic or transnational gangs helped in the smuggling of drugs into the United States?
    e. Have any of these gangs helped build tunnels, supplied manpower, etc. to the drug trafficking organizations?

Answer: While the violence in Mexico is unprecedented, it has not crossed the border into the United States. With the increase in drug-related violence in Mexico since 2005, ICE, in partnership with federal, state, tribal, local, and foreign law enforcement, has sustained its pressure on the cartels through the use of interagency task forces such as the Border Enforcement Security Task Force (BEST), Organized Crime Drug Enforcement Task Force (OCDETF), and the High Intensity Drug Trafficking Area (HIDTA). Continuing to sustain the investigation, disruption, and dismantlement of the cartels through these operational platforms by ICE and its law enforcement partners will continue to prevent spillover violence from becoming a reality.

Transnational gangs are responsible for some related acts of violence connected to the illicit narcotics trade; however, the narcotics cartels bear direct responsibility for the violence in Mexico locales.

Post-Hearing Questions for the Record
Submitted to James Dinkins
From Senator John Ensign

"Exploring Drug Gangs' Ever Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them"
March 31, 2011

1. The Mexican DTOs and alien smuggling organizations (ASO) are adapting and reacting to our defenses. They are using tunnels, catapults, submarines, small boats, and disguising themselves and their vehicles to achieve their objectives.

    - Have we seen any evidence to suggest that outside sources, such as terrorists or foreign countries, are assisting the cartels with their more elaborate schemes, such as the submarines and tunnels?
    - Have tests been done to detect chemicals or other evidence of weapons of mass destruction in these tunnels?
    - Have you found anything to indicate that cartels are gathering intelligence about our border defenses and providing that to terrorists or foreign governments?

Answer: U.S. Customs and Border Protection (CBP), Office of Field Operations offers nuclear detection assistance to the Border Enforcement Security Task Force (BEST) teams when a smuggling tunnel is discovered. CBP officers assigned to the BEST teams are equipped with personal radiation detectors and have access to radioisotope identification devices.

U.S. Immigration and Customs Enforcement has found no direct evidence of transnational criminal organizations gathering intelligence about United States border defenses and providing it to terrorists or foreign governments.

2. According to the U.S. Border Patrol's FY 2010 apprehension stats, aliens from over 100 countries were apprehended at the southwest border, including some from the following countries designated as "Special Interest": Afghanistan, Iran, Libya, Syria and Yemen.

    - Have any of these aliens been found to have confirmed links to terrorist organizations?
    - What is the breakdown for their apprehensions (e.g., visa overstay, inadmissibility, attempted illegal entry)?
    - What are ICE/HSI's procedures when someone from a Special Interest designated country is apprehended at the border for, initially, immigration violations?

Answer: Five Special Agent in Charge (SAC) offices of U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) cover the Southwest border geographic region: SACs El Paso, Houston, Phoenix, San Antonio, and San Diego. Collectively, criminal investigators assigned to these offices made 17 arrests of persons from Iran, Libya, Syria, Afghanistan, and Yemen during fiscal year 2010. Of the 17 arrests, 3 were for criminal

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violations and 14 were for administrative violations. Of those arrested, the specific violations are as follows:

Visa compliance (student and other types) – 8

National Security/Counterterrorism – 2

Document Fraud – 1

Foreign/Domestic Cooperation – 4

Drug Smuggling – 1

General Alien/Alien Absconder – 1

HSI can brief members in a closed session on any specific instances for which there might be a terrorism nexus from any of the special interest aliens encountered. Specific law enforcement procedures can also be discussed at that time.

In addition, U.S. Customs and Border Protection (CBP) tracks and reports to ICE the arrest of special interest country aliens under the terms of the ICE-CBP interagency guidelines. Apprehensions by CBP at the Southwest border of special interest aliens are referred to HSI. As each investigation is unique, HSI cannot comment generally on law enforcement procedures when special interest aliens are encountered at the border.

3. The National Guard is scheduled to be withdrawn in a few months.

    - Will the National Guard departure leave a hole in our border defenses?

Answer: No, while the current National Guard (NG) deployment has enhanced the Border Patrol's surveillance and observation capabilities, those static, "still watch," observation positions deemed most critical would be manned by journeymen Border Patrol agents as part of their normal mission skill set. Prior to the NG deployment, Border Patrol agents have traditionally staffed static observation positions. Additionally, funding for border surveillance technology from FY 2010 and FY 2011 appropriations as well as the FY 2010 Emergency Border Security Supplemental Appropriations Act will decrease the need for Border Patrol agents to perform these duties. President Obama authorized the temporary use of up to 1,200 additional National Guard personnel to bridge to longer-term enhancements in border protection and law enforcement personnel from the Department of Homeland Security to target illicit networks' trafficking in people, drugs, illegal weapons, money, and the violence associated with these illegal activities. That support has allowed us to bridge the gap and hire the additional agents to support the Southwest border that Congress so generously provided. Secretary Gates and I agreed to equally fund this National Guard support and submitted two reprogramming requests to Congress to that end. Congress did not approve my reprogramming requests; therefore, The Department of Defense has been funding the full cost of this National Guard support. The current deployment has enhanced the Border Patrol's capabilities in that some

agents have been relieved of static posts and been returned to traditional front line law enforcement duties such as executing arrests and responding to border intrusions.

- Do you believe more than 1200 National Guardsmen should be deployed, less than 1200 or is 1200 about the right number?

Answer: The rationale for deploying 1,200 National Guardsmen was to bring an immediate and temporary presence to the Southwest border to bridge the gap while CBP hired the 1,000 new Border Patrol agents funded in the FY 2010 Emergency Border Security Supplemental Appropriations Act. The number of National Guardsmen is therefore commensurate with fielding of new Border Patrol agents.

- Will any ICE/HSI personnel need to be reassigned to cover the National Guard when they leave?

Answer: Of the 251 positions provided by the FY 2010 Supplemental funding, 222 were dedicated to HSI-Domestic. HSI-Domestic established 210 special agent positions, which were distributed among the Southwest border offices. There is no operational need to move more ICE resources at this time. National Guard personnel do not actively conduct criminal investigations, which is the primary responsibility of ICE/HSI personnel. The additional ICE special agents assigned to the Southwest border will remain in place after the National Guard's departure.

Questions for the Record
Thomas Harrigan, Assistant Administrator and Chief of Operations,
Drug Enforcement Administration

Subcommittee on Disaster Recovery and Intergovernmental Affairs
Committee on Homeland Security and Governmental Affairs
United States Senate

"Exploring Drug Gangs' Ever-Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them"
March 31, 2011

QUESTIONS POSED BY SENATOR PRYOR

1. **In your testimony you described a significant increase in extradition of high-value drug gang leaders to the United States. Your testimony suggests that these drug gang leaders fear extradition perhaps more than anything. As you know, concern has been raised over the extradition of dangerous criminal or terrorists to the United States for fear of the danger it might pose to the communities receiving them.**

   A. **How do law enforcement officials ensure that these criminals do not pose a threat to communities when they are brought to the United States to face our justice system?**

Response:

When high-value criminals from outside of U.S. territory are extradited, prosecuted, and incarcerated in the United States, their ability to exercise control of their criminal enterprise is significantly reduced. As a result, the threat posed to our communities by high-value criminals is reduced when these individuals are brought to justice in the United States. In cooperation with prosecutors, the Drug Enforcement Administration (DEA) endeavors to coordinate with immigration officials from the Department of Homeland Security to take steps consistent with our immigration laws to remove such criminals to the appropriate foreign countries post-trial or post-incarceration. Furthermore, the U.S. Marshals Service conducts risk assessments and provides enhanced protective measures for judges, prosecutors, jurors, witnesses, and other court employees during the judicial proceedings for high-value criminals. The U.S. Marshals Service also ensures that these individuals are housed in the appropriate correctional facilities and are transported in the safest possible manner.

   B. **Have there been cases where attempts to retaliate for the arrest of these criminals have been made on U.S. soil in communities that host them?**

Response:

Attempts at retaliation by high-value criminals on U.S. soil have been directed toward U.S. law enforcement officials or witnesses, but typically not toward the general public. These attempts are rare, and are usually thwarted by law enforcement through the use of predictive and proactive measures developed over the years. DEA is not aware of any direct threats as a result of these extraditions or within the areas where high-value criminals are housed.

2. In your written testimony you mention the enormous psychological impact of high-level arrests and the record number of extraditions to the United States. The fear of extradition strikes fear into the drug cartels.

A. It is my understanding that approximately 2 percent of those detained in Mexico have been successfully prosecuted in Mexican courts.

i. Is that number correct?

Response:

Yes, the number varies from two to three percent.[1]

ii. Are there programs being undertaken to improve this number?

Response:

Through the Merida Initiative, as well as bilateral initiatives supported by the Department of Justice, the Department of State, and the United States Agency for International Development, an increased focus has been placed upon judicial reform and capacity building in Mexico. These programs are designed to support institutional reforms in order to strengthen the rule of law, and span the entire criminal justice sector, including the judiciary, law enforcement, and corrections and border patrol forces. They also include a strong internal affairs component to help curb corruption and maintain the integrity of the government.

iii. What else can the United States do to help the Mexican government arrest, prosecute, and jail these dangerous criminals?

Response:

The level of cooperation between the United States and the Government of Mexico during the past two years has been unprecedented. The removal of high-value criminals – many of whom are considered to be the world's most dangerous drug traffickers – is the result of increased coordination and information sharing between our two governments. It is absolutely critical that the United States continues to strengthen its partnership with Mexico in attacking these criminal organizations, which impact the security of both of our nations. Through

[1] David A. Shirk, Justice Reform in Mexico: Change & Challenges in the Judicial Sector, Mexican Law Review, Vol.III, no. 2, Jan-Jun., 2011.

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intelligence sharing, the coordination of bilateral investigations, training, mentoring and capacity building, the Government of Mexico will continue to make progress in targeting, arresting, and prosecuting dangerous criminals.

3. The COPS Methamphetamine program ran out of money in February to reimburse DEA for the assistance provided to state and local law enforcement for meth lab clean-up. I am told that this problem was foreseen because the recent trend of rising domestic meth labs has led to increased demands for clean-up assistance. We can't just ignore labs that we know are cooking. We have to take them down, and if a lack of clean-up resources is holding us back, then we really need to fix that.

A. Based on what you know of the meth lab trends, what amount of funding would be needed to cover the anticipated demands on DEA for clean-up assistance over the next year?

Response:

Since the closure of DEA's Hazardous Waste Section in February 2011, DEA has been aggressively promoting the expansion of the Authorized Central Storage Program, also known as the "Container Program." This program allows trained/certified law enforcement officers to remove gross contamination (chemicals, solvents, glassware, etc.) from clandestine laboratory sites, safely package the waste pursuant to federal, state, and local laws and regulations, and transport it to a secure storage container where it is stored until a qualified hazardous waste contractor can remove it for disposal. DEA is currently working with 13 states to establish and implement these programs, which will save several million dollars in cleanup costs once they are in place. Assuming all 13 states are able to implement container programs, we project that $12.5 million would be needed to cover the demands on DEA for clean-up assistance over the next year. However, if all 13 states are not able to implement the container program on the schedule currently envisioned, DEA's costs to conduct the cleanups will increase accordingly.

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QUESTIONS POSED BY SENATOR ENSIGN

4. The Mexican DTOs and alien smuggling organizations (ASO) are adapting and reacting to our defenses. They are using tunnels, catapults, submarines, small boats, and disguising themselves and their vehicles to achieve their objectives.

A. Have we seen any evidence to suggest that outside sources, such as terrorists or foreign countries, are assisting the cartels with their more elaborate schemes, such as the submarines and tunnels?

Response:

DEA has no information that indicates sources outside of the Mexican Drug Trafficking Organizations are assisting in the development of tunnels on the U.S./Mexico border. While we have seen a small increase in the number of tunnels discovered (i.e., 14 this year versus 12 last year), DEA has no verifiable or credible information that indicates the involvement of outside sources.

DEA has encountered several tunnels in recent years, but has not uncovered any evidence of involvement by terrorists. Also, DEA is aware of no evidence that the tunnels encountered by DEA have been utilized for anything other than the trafficking of narcotics. All source reporting indicates that other than the Revolutionary Armed Forces of Colombia (FARC), which is a terrorist organization reported to finance self-propelled semi-submersibles / self-propelled fully submersibles (SPSSs/SPFSs) for the movement of illicit drugs, SPFSs/SPSSs have not been linked to any terrorist activities or organizations.

B. Have tests been done to detect chemicals or other evidence of weapons of mass destruction in these tunnels?

Response:

To date, no testing for chemicals or other weapons of mass destruction has been conducted by DEA as this is not within DEA's purview.

C. Have you found anything to indicate that cartels are gathering intelligence about our border defenses and providing that to terrorists or foreign governments?

Response:

The cartels constantly gather intelligence about our border defenses and try to exploit weaknesses in our security to develop new ways to smuggle contraband and/or illegal immigrants without detection. DEA has developed no verifiable or credible information that would confirm that this information is being shared with terrorists or foreign governments.

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