

Department of Justice
Immigration and Naturalization Service

STATEMENT OF
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before the

SENATE CAUCUS
ON INTERNATIONAL NARCOTICS CONTROL

concerning

INTERDICTION OF DRUG SMUGGLING FROM MEXICO
AND ANTI-CORRUPTION EFFORTS

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Mr. Chairman and members of the Caucus, I am very pleased to be here to address you concerning the Immigration and Naturalization Service's role in the Administration's anti-narcotics initiative along the southwest border and how the Immigration and Naturalization Service (INS) is working to avoid corruption within its ranks. As we have increased staffing along that border during the past three years, we have put a concerted effort into improving our selection and security criteria for a professional officer corps.

Although the overwhelming majority of INS employees are highly principled professionals who chose to pursue law enforcement careers precisely because of their respect for the law and concern for the rights of individuals, we cannot deny that some of our employees have been corrupted. No level of corruption is acceptable, and INS efforts to combat it rest on that premise.

INS ENFORCEMENT AGAINST NARCOTICS SMUGGLING

The United States Border Patrol, the mobile, uniformed law enforcement division of the INS, is the primary federal unit for drug interdiction between ports of entry with support from U.S. Customs Service officers. Customs officers are responsible for interdiction at the ports themselves in conjunction with INS inspectors. Specially trained Border Patrol Agents have been delegated limited authority under Title 21 by the Drug Enforcement Administration (DEA). Border Patrol Agents have also been given limited Title 19 authority by the U.S. Customs Service. These grants of authority allow the agents to enforce federal criminal laws related to the illicit trafficking and importation of contraband, including illegal drugs.

The Border Patrol maintains a direct presence on the border along 8,000 miles of land and water boundary. Nearly 2,000 miles lie along the Southwest border where the Patrol is staffed by more than 5,600 agents, which represents 90 percent of our total Border Patrol force. Congress and the Clinton Administration have made control of illegal immigration a top priority and have provided INS with the resources necessary to support a successful enforcement strategy. The strategy enforces the law along the nation's borders. Our goals are clear: deter illegal immigration, drug trafficking, and alien smuggling between the ports of entry, and facilitate legal immigration through the ports of entry. We appreciate the resources and policy support which Congress and the Administration have provided in the last three years toward achieving this goal.

The INS border control plan has several key objectives:

- to provide the Border Patrol and other INS enforcement divisions with the personnel, equipment, and technology to deter, detect and apprehend unauthorized aliens, illicit drugs, and other contraband.

- to regain control of major entry corridors along the border that have been controlled by illegal migrants and smugglers; and

- to close off the routes most frequently used by smugglers and illegal aliens and to shift traffic to areas that are more remote and difficult to cross, giving us the tactical advantage.

Intelligence reports and actual experience indicate that drug smuggling and alien smuggling

are often linked. Many smuggling rings are involved in both alien and drug smuggling. Illegal migrants seeking assistance from alien smugglers--sometimes called coyotes--often become mules carrying narcotics as part of the price of passage to interior points in the United States.

The Border Patrol employs a multi-faceted strategy in executing its enforcement activities to deter and/or apprehend narcotics and alien smugglers along the border. At the immediate border, we deploy agents and utilize fences, high powered lights, sensor systems, low-light TV cameras, night vision scopes, canine teams, and, in some locations, horse patrols.

We also employ a system of traffic checkpoints situated along major roads and highways leading away from the border. These checkpoints are highly effective in the interdiction of both aliens and drugs.

In the past 3 years, the Border Patrol has undergone unprecedented growth nationwide. We will have increased the number of agents from 3,965 in 1993 to 6,859 by the end of Fiscal Year 1997, and our goal is to have almost 7,400 agents by the end of FY 1998. This will represent an 85 percent increase in Border Patrol Agents since the end of Fiscal Year 1993. Beginning in 1994, we concentrated new Border Patrol Agents in those sectors which have historically apprehended the largest numbers of illegal aliens plus sectors which have experienced the greatest increase in illegal migrant flows. We also initiated various targeted strategies in the El Paso, San Diego, Tucson, and McAllen (Texas) sectors that are designed specifically for those geographical areas.

We've seen dramatic success in each of these areas. The daily migration from Juarez to El Paso was cut by approximately 75 percent in the first months of Operation Hold the Line. Even with the spur to illegal entries caused by peso devaluation, apprehensions in El Paso have remained low. Since Operation Gatekeeper began, known illegal entries into San Diego's Imperial Beach area, historically the most heavily trafficked illegal corridor, have dropped approximately 60 percent (186,894 in Fiscal Year 1994 to 74,979 in Fiscal Year 1996). Operation Safeguard in Nogales (Tucson Sector) has had similar results. Consistent with the beginning of a new tactical strategy, apprehensions in the McAllen Sector were up 19 percent from Fiscal Year 1996 for the first six months of 1997. Local law enforcement officials attribute a decrease in crime in those communities--at least in part--to Border Patrol initiatives.

We have continued to expand the use of technology in support of our agents in all of our Southwest border sectors. We have installed 146 IDENT terminals, which enable agents to fingerprint, photograph, and collect biographical data on the aliens we arrest. The system also provides agents with a real time look-out system for known criminals.

Since 1993, the Border Patrol has procured 164 long-range, infra-red night vision scopes. Today, all sectors have this night vision equipment to aid in detecting alien and drug smugglers.

A large proportion of Border Patrol drug seizures and a tremendous amount of real-time intelligence are a direct result of electronic sensors placed along remote or inaccessible smuggling routes. Since 1993, 4,321 sensors have been procured. That brings our current total of deployed sensors to 9,206.

The Border Patrol Canine Program is another example of our commitment to controlling the

flow of narcotics and aliens across our borders. We have 139 dogs trained to locate people and drugs. The dog teams are concentrated in those Sectors that operate traffic checkpoints. During Fiscal Year 1996, Border Patrol dog teams located 25,534 people, and made 3,036 drug seizures valued at \$425.8 million. As part of our interagency initiatives, our dogs have responded to 1,736 requests for canine assistance from other law enforcement agencies.

Although investigation of narcotics cases is not a function per se of the INS, the Border Patrol and Immigration Inspectors in the ports-of-entry are well situated for border interdiction of narcotics, and it is a primary part of their mission. The volume of Border Patrol drug seizures has climbed steadily: from 150 tons of marijuana in Fiscal Year 1991 to 330 tons of marijuana in 1996. Since 1991, we have seized 84 tons of cocaine. These interdictions have provided critical leads to the investigative agencies, contributing to the disruption of drug trafficking organizations and independent smugglers. The combined value of our drug seizures is over \$1.2 billion. But there is no dollar value that can be attached to the problems associated with these drugs, if they had been allowed on our streets and into our schools.

In performing all these tasks, the Border Patrol and Inspections have formed effective, lasting partnerships with the DEA, the Federal Bureau of Investigation, Customs, the Department of Defense, the Department of State and a number of foreign governments, including the Government of Mexico.

INS has received significant support from Active and Reserve Component military units. Presidential directives consistent with congressional intent provide that the Department of Defense should make available counter-drug intelligence, training, and other operational support to law enforcement's efforts to curb drug trafficking. Active duty and National Guard personnel are currently serving as intelligence analysts, electronic technicians, and sensor monitors. They also provide transportation support--both in the air and on the ground--and aerial and ground reconnaissance support.

Over the past several years, military and National Guard personnel have built more than 41 miles of border fencing and barriers in California and Arizona. This year, military and National Guard units will complete another 14.2 miles in California and Arizona. Military construction units have also built access roads to the border in areas where fences and barriers have been built. These roads significantly enhance our effectiveness by giving us access to areas that we could not easily patrol before they were built.

The Border Patrol works with Mexican law enforcement along the border to stem border robbers preying on migrants, drug smuggling, and other criminal activity. We have cooperatively created procedures and structures for a more rapid and coordinated response to specific criminal activity.

The Mexican Government has designated formal organizations called Grupo Beta in the San Diego-Tijuana area and the Nogales, Arizona-Nogales, Mexico area that focus on combating crime and drug smuggling at the border. In addition to Grupo Beta, the other sectors also have cross-border quick response activities that are closely coordinated with Mexican law enforcement agencies,

Working with the Mexican government, we have virtually eliminated lane runners, large groups of aliens that ran through vehicle inspection lanes at the San Ysidro port of entry into

oncoming traffic on Interstate Route 5. Some of these lane runners were smuggling packets of heroin attached to their bodies.

RECRUITMENT AND TRAINING OF NEW OFFICERS

As part of our commitment to professionalism, INS has improved the recruitment, selection and training of the expanded Border Patrol Agent and Immigration Inspector officer corps as part of our commitment to professionalism at INS.

Recruitment and Screening

To begin with, there is a systematic recruitment and screening process to keep out persons susceptible to approaches from those seeking to evade the law. Recruitment and selection is a very extensive and lengthy process. Applicants must undergo a myriad of screening tests before they are offered a position with the INS.

Applicants begin the process by calling a Telephone Applicant Processing system (TAPS) and apply either for a Border Patrol Agent or an Immigration Inspector position. They are asked a series of questions from a 16-page script and based on the answers, it is determined whether the applicant is qualified to be scheduled for testing.

Several questions focus on suitability. Applicants are asked, "Have you ever been convicted of a misdemeanor crime of domestic violence?" If the applicant answers "yes", they are told that a person convicted of a misdemeanor crime of domestic violence cannot be hired by the INS. This question has been asked since November 1996, and 763 Border Patrol applicants have been disqualified as a result of a "yes" answer. Secondly, applicants are asked, "Have you ever been convicted of, or forfeited collateral for any felony violations?" Again, if an applicant answers "yes", they cannot be hired. Since January 1996, 1,758 applicants answered "yes" and thus, were screened from taking the Border Patrol exam.

The INS is using state of the art, job-related written selection instruments to screen out applicants for Border Patrol Agent and Immigration Inspector positions who are likely to exhibit counterproductive behaviors once on the job. Applicants who take the Border Patrol Agent exam, undergo a grueling four and one-half hour written assessment battery that is divided into three parts. The three parts are: 1) Test of Reasoning Skills and Verbal Ability; 2) either the Spanish-Language Proficiency Test (if they can speak Spanish), or the Artificial Language Test if they cannot speak Spanish; and 3) an Applicant Assessment Test. This instrument tries to identify the extent to which individuals have characteristics that might lead to, as an example, the misuse of their official position, or use of excessive force.

Border Patrol Agent applicants are ranked on their scores in the Test of Reasoning and Verbal Ability. The other assessments are administered on a pass/fail basis.

Applicants who pass the test with a score of 70 or above are then referred to a Border Patrol Oral Board panel. The oral boards are formally structured interviews administered by a panel composed of three senior Border Patrol Agents. The oral boards assess the following competencies: judgment/decision making, emotional maturity, interpersonal skills and cooperativeness/sensitivity to the needs of others.

Applicants who pass the oral boards are made a tentative job offer subject to passing the pre-employment review. This consists of a drug test, a thorough medical screening, and a comprehensive background investigation.

The background investigation requires all applicants for Border Patrol Agent positions to undergo a 35-day background investigation conducted by the Office of Personnel Management (OPM). The OPM uses the United States Investigative Services (USIS), a private contractor, to conduct the background investigations.

In order to expedite entry on duty of the applicants, an initial screening is conducted which is part of the 35-day background investigation. This includes a credit check, fingerprint/criminal check, contact with prior employers and personal references, and a subject interview with the applicant by an OPM/USIS Investigator. The applicant is allowed to enter-on-duty only if all checks are clear and no negative issues surface in the initial screening process. In addition, the full background investigation is completed prior to the applicant/employee graduating from the training academy. Should adverse information be discovered that cannot be satisfactorily resolved, the trainee is terminated.

The INS also has a reinvestigation process in which all employees, including Border Patrol Agents, go through a new background investigation every 5 years which includes updated forms, fingerprint/criminal checks, contact with co-workers and supervisors, neighborhood checks, and credit checks.

Border Patrol Agent applicants who pass the pre-employment process are offered a position along the Southwest border. As mentioned at the beginning, our employment screening is extremely vigorous. For every 40 applicants who are considered qualified (this excludes those already disqualified through TAPS), only one applicant is hired.

INS has made significant progress over the past four years to ensure that our law enforcement officers are "professional" in every sense of the word. This obligation requires that INS law enforcement officers meet basic educational requirements, receive extensive technical training in their specialty and are thoroughly grounded in ethics and standards of conduct for law enforcement. To be a professional, an INS law enforcement officer must demonstrate: exceptional knowledge and understanding of the law and its processes; high levels of skill in all of the technical aspects of the job; and, perhaps most importantly, an understanding and practice of the ethics of the profession.

The Border Patrol and Immigration Officer Basic Training programs are residential courses of study conducted by INS training officers at the Federal Law Enforcement Training Center in Brunswick, Georgia, and Charleston, South Carolina. The programs utilize a task-validated curricula and emphasize discipline, integrity, professionalism, judgment and technical skills.

- Throughout the training program an emphasis is placed on courtesy and interpersonal skills. All of the classes which a trainee attends emphasize proper conduct and respect for all persons with whom they come into contact, both on- and off-duty.
- A set of core values has been established as the basis for all ethics and integrity training.
- Specific courses address the issues of human and civil rights and give the trainee careful instruction in the manner in which he/she should carry out his/her duties.
- Training in technical subjects stresses judgment and skill as well as ethical use of force and authority.

Supervisory Training

The unprecedented growth of the INS in the past three years has led to many promotion opportunities for individuals filling supervisory positions who have had limited experience.

In March 1996, the INS opened the Leadership Development Center (LDC) in Dallas, Texas, to address the supervisory and managerial needs of the INS. With the growing ranks of new supervisory positions required by the rapid expansion of the INS, it was deemed imperative that supervisors and managers be trained with the skills necessary to accommodate these changes.

The core curriculum at the LDC consists of six progressive courses in supervision, management and leadership, which are available throughout the year. These courses are designed for the attendees to explore together best management practices and emphasize teamwork, empowerment, diversity, preventing sexual harassment, communication and listening, giving and receiving feedback. Each one of these courses has a section dedicated to a discussion of integrity, values, ethics and the role of the supervisor or manager.

SUPERVISION AND MONITORING OF OFFICERS

As greater numbers of new employees are assigned to their duty posts, INS supports, supervises, and monitors their activities to ensure effective performance and professional standards of conduct as well as to investigate problem behavior.

Assimilation

The INS is committed to the development of a comprehensive "Sustainment Plan" designed to support and retain the people hired and trained. The Sustainment Plan will unify and augment some current programs and include new programs designed to support employees and their families.

Assimilation is one of the major Sustainment Plan components. A variety of supportive activities designed to help employees and their families adapt to their new communities as well as the working environment are underway. Comprehensive orientation and information videos and printed materials describing the INS Employee Assistance Program are nearing completion. A variety of welcoming letters and communications have been prepared to provide location specific information to employees, their spouses, and families. Extensive community information has been collected from local and state Chambers of Commerce and other private and public sources and will be redistributed through the INS electronic mail and Internet web pages. A variety of other employee and employee family support programs are under development such as assistance in finding employment for spouses; identification of quality child care facilities; and guidance and help in relocation, housing, and educational opportunities.

INS is well aware that experienced personnel are the key to effective assimilation of new employees. To this end, training is being developed for journeymen and supervisors to make them more sensitive to the needs of new employees.

Post-Academy Training for Border Patrol Agents.

After successfully completing the Border Patrol Academy, trainee agents return to their duty stations to continue their training and to complete their probationary year. Training in the field is a combination of classroom and on-the-job training where new agents continue learning by working with experienced officers.

Probationary examinations in law and Spanish are given to agents upon completion of six and one-half and 10 months of service. After these examinations are successfully completed, a panel of high-level supervisors reviews each agent's progress and work performance. Supervisors' assessment of the performance and judgment of new agents is another factor in the successful completion of their probationary year. Those agents who successfully complete the Post-academy training are retained while those who fail either examination are terminated.

Initial Assignments

We consciously do not assign new Border Patrol Agents in locations where they were recruited or grew up. This reduces the risk for corruption. In their first year, new agents are teamed with journeymen or closely supervised on any independent assignments.

ACTIVITIES OF THE OFFICE OF THE INSPECTOR GENERAL AND THE INS OFFICE OF INTERNAL AUDIT

Investigation of Problem Behaviors

INS managers and supervisors play a fundamental role in preventing corruption. Most often, corruption represents the culmination of a history of progressively serious misconduct. Therefore, we are always striving aggressively to identify and deal immediately with all conduct problems, including lower-level misconduct.

All allegations of misconduct that concern alleged violation of law, which are likely to result in criminal prosecution, are presented immediately to the appropriate field office of the Office of the Inspector General (OIG), Department of Justice (DOJ), and to the INS Office of Internal Audit (OIA), which opens a case file for tracking purposes.

Allegations of non-criminal misconduct are reported to the OIA, which, in turn, refers the most serious allegations to the OIG for determination of their investigative disposition. Most allegations are reported by INS managers, and most allegations are investigated by or at the direction of the OIA.

Depending on the particulars of an individual case, the OIG may conduct a preliminary investigation. Regardless, the OIG then chooses one of the following alternatives: (1) to initiate an investigation; (2) to refer the matter to the INS OIA "for appropriate investigation, inquiry, or managerial oversight," with a requirement that the INS provide a report of the results; or (3) to refer the matter to the OIA for information. The OIG refers all incoming allegations of criminal civil rights violations to federal prosecutors, most often the Department's Civil Rights Division, who determine whether or not to direct the FBI to investigate.

When the OIG completes an investigation, upon either the appropriate prosecutor's declination of prosecution or completion of judicial action, it forwards a report of its investigation to the OIA. On receipt of a case referred by the OIG, the OIA either investigates the matter itself or refers it to the appropriate Border Patrol Sector Chief or District Director for an inquiry. In cases the OIA refers for action, it oversees the process to ensure inquiries are thorough, unbiased, and timely. If the case was referred by the OIG for information and the OIA does not determine independently that an inquiry is warranted, the OIA refers the case to local management for information. Even in those cases, the OIA provides local management the option of conducting an inquiry under OIA oversight.

On receipt of a report of investigation or inquiry--be it an inquiry report by local INS management, an investigative report by the OIG or FBI, or an investigative report by its own staff--, the OIA performs a number of functions. The OIA first ensures that the issues have been addressed; that the necessary evidence has been obtained; and that systemic problems--deficiencies in management systems that foster misconduct, allow preventable misconduct to occur, or permit misconduct to go undetected--have been identified and addressed. Where an allegation of misconduct on the part of an employee is substantiated and corrective action has been initiated, the OIA reviews that action to ensure it is reasonable and appropriate.

These procedures ensure that all cases of alleged misconduct by INS employees are fully and fairly examined, first as potential bases for criminal prosecution, then as potential bases for disciplinary or adverse action.

The Inspector General of the Department of Justice will testify as to the number of cases of corruption that his office has investigated. We immediately report to the OIG all allegations of criminal misconduct and give OIG investigators our full cooperation. The OIA conducts appropriate administrative investigation and takes corrective action in cases that lack potential for criminal prosecution, and identifies and addresses any weaknesses in operational practice or supervision that are evident in the investigations.

In June 1995, recognizing the need for an independent assessment of field operations, the Director, OIA, gained approval to reestablish the field inspections function which the INS had lost when resources were transferred to the Office of the Inspector General on creation of that office in 1989. In September 1996, the Commissioner approved full-scale implementation of the program: the INS Program for Excellence and Comprehensive Tracking (INSpect). By assessing management effectiveness, determining compliance with applicable laws, regulations, and procedures, and especially by focusing on areas in INS functions that are highly vulnerable to fraud, waste, abuse, or mismanagement, INSpect represents a very valuable anti-corruption tool. Ultimately, INSpect will review each of the more than 80 INS offices every two to three years.

CONCLUSION

In summary, the INS and its uniformed officer corps, the Border Patrol and the Inspections Division, are fully committed and equipped to work, in cooperation with other agencies, to secure the external borders of the United States.

The U. S. Government has made clear progress in regaining control along the Southwest

border. The INS is advancing each of the key objectives of the border control strategy. It has secured areas of the border where just two years ago aliens crossed with impunity. We have closed off traditional traffic routes, forcing illegal crossers to remote regions, thus using longer and more arduous routes while subjecting themselves to greater risk of apprehension. In short, INS is successfully raising the cost and difficulty of entering the United States illegally.

These efforts have also disrupted former routes for bringing in illicit drugs. Moreover, Operation Hard Line, a Customs program aimed at such activities, complements the Border Patrol tactical operations along the border, all of which support the Administration's anti-drug efforts on the Southwest border.

Congress has supported the expansion of the INS officer corps with increased funds for recruitment and training as well as more supervisors and the independent monitoring of Service personnel and activities. Over the past three years, we have hired more than 3,200 new Border Patrol Agents. At the same time, we have increased our vigorous-testing and screening requirements. Over 125,000 qualified applicants have not passed our requirements to be offered a Border Patrol position.

We remain committed to improving our efforts to reduce to a minimum the likelihood that individuals susceptible to corruption will be selected for or maintained within our officer corps. The combination of our pre-employment process along with the Academy and Post-Academy training received by new agents prepares them well for the tremendous mental, physical and ethical demands of the job.

As our inspections of field activity increase through INSpect, we expect a continued strengthening of compliance with laws, regulations, and procedures that will further reduce the potential for corruption, which remains as isolated instances within the Service.

Regaining control of our borders is an ongoing effort. We appreciate the attention of this Caucus to the challenges we face and, again, thank the Congress for its support.

This concludes my written testimony. I will now answer any questions you may have.