

TESTIMONY OF

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BEFORE THE

**HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEES ON GOVERNMENT EFFICIENCY,
FINANCIAL MANAGEMENT AND INTERGOVERNMENTAL RELATIONS;
CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES; AND
NATIONAL SECURITY, VETERANS AFFAIRS AND INTERNATIONAL RELATIONS**

ON

INS' RELATIONSHIP WITH STATE AND LOCAL LAW ENFORCEMENT

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RAYBURN HOUSE OFFICE BUILDING**

Mr. Chairmen and Members of the Subcommittees,

I am pleased to have this opportunity to testify before you on the Immigration and Naturalization Service's (INS) relationship with state and local law enforcement. State and local law enforcement officials play a critical role in the total INS mission. In the normal course of events, state and local law enforcement officials encounter foreign born criminals who may not be citizens of the United States. INS has consistently worked with these officials to identify the immigration status of the individuals and begin appropriate actions as warranted. In addition to the many Border Patrol Agents, Immigration Inspectors, and Special Agents who work daily with other federal, state and local law enforcement agencies, INS has several components whose primary mission is to work with state and local law enforcement, including the Law Enforcement Support Center (LESC) and Quick Response Teams (QRTs).

Both the INS and the state and local law enforcement organizations multiply the effectiveness of their forces through partnership arrangements such as task forces. INS encourages its officers at all levels to engage in joint law enforcement operations and task force efforts directed at uncovering significant criminal activities that involve aliens. While the Attorney General does have the authority under section 287(g) of the Immigration and Nationality Act (INA) to enter into formal written agreements with state and local political jurisdictions to delegate immigration enforcement functions to state and local enforcement officers, we have encountered problems in past attempts to implement this authority. Until this authority is exercised, the INS is always looking for ways in which INS and other enforcement agencies can use their own authorities, but in a coordinated manner. In fact, the partnerships that the INS has formed with state and local law enforcement officers are in large part responsible for the more than 86,000 criminal aliens INS located in Fiscal Year (FY) 2001.

In addition, officers in many of INS' programs conduct training for state and local law enforcement officers on subjects such as criminal aliens, and the detection of fraudulent documents. INS officers are also regularly asked to assist other law enforcement officers in tracking, locating and apprehending criminal fugitives or lost persons. The INS will continue to assist in these cooperative investigations.

While there are statutory limitations on the authorities of each agency, we are surely more effective working together than by working independently. Today I will discuss the many ways in which INS and state and local law enforcement work together effectively, both along the border and in the interior of the United States.

INTERIOR ENFORCEMENT

The INS has approximately 1,977 Special Agents to conduct investigations on suspected violations of the INA, including terrorism, smuggling, trafficking, apprehension of criminal aliens and numerous other criminal violations. The principles guiding the work of the INS investigations program are embodied in the INS' Interior Enforcement Strategy. This strategy envisions a seamless web of enforcement from the border to the Nation's interior. One of the key elements of the strategy is to facilitate coordination with other Federal, state and local law enforcement agencies to combat organized crime and individuals involved in criminal activity. Implementation of the strategy strengthens the INS' capabilities to enforce immigration laws and ensures that INS' enforcement activities are carried out in a consistent manner nationwide. This integrated law enforcement effort promotes national security, public safety, economic security and the preservation of constitutional rights by focusing first on those criminal aliens who pose the greatest possible harm. The INS recognizes the vital role that other law enforcement agencies play in the overall success of its interior enforcement strategy.

One of the primary ways INS assists state and local law enforcement is through the INS Law Enforcement Support Center (LESC) located in Burlington, Vermont. The primary mission of the LESL is to support other law enforcement agencies by helping them determine if a person they have contact with,

or have in custody, is an illegal, criminal, or fugitive alien. The LESC provides a 24/7 link between Federal, state, and local officers and the databases maintained by the INS. Forty-six states currently take advantage of this link with the LESC. The four remaining states, Idaho, Indiana, New Jersey and Rhode Island, as well as the Commonwealth of Puerto Rico will be able to access the LESC as soon as the National Law Enforcement Telecommunication System (NLETS) is programmed to link to the LESC. The databases maintained by the INS and used routinely by the LESC are the:

- Central Index System (CIS)
- Non-Immigrant Information System (NIIS)
- Student and Schools System (STSC)
- Deportable Alien Control System (DACCS)
- Computer Linked Application Information Management System (CLAIMS)
- National Automated Immigration Lookout System (NAILS)
- Re-Designed Naturalization Application Casework System (RNACS)
- Refugee, Asylum and Parole System (RAPS)

The LESC also serves as a link between the police officer in the field and the National Crime Information Center (NCIC) and the Interstate Identification Index (III). In FY 2001, the LESC received 221,507 state and local law enforcement inquiries, 10,155 investigative inquiries, 10,338 inquiries regarding foreign nationals seeking to purchase firearms, and lodged 1,465 detainees.

The LESC gives every law enforcement officer in the "on-line" states direct access to INS. When a police officer arrests an alien, the INS personnel at the LESC can provide that officer with vital information and guidance, and if necessary, they can put the police officer in contact with an INS officer in the field. On a daily basis, these interactions result in INS taking into custody individuals who are in the U.S. unlawfully and who may have committed a crime. The partnerships fostered by the LESC increase public safety by identifying criminal aliens whom otherwise might pose a threat to the local community.

Additionally, the LESC provides training to local and state law enforcement officers on how to access its information and on INS roles and responsibilities. The LESC uses staff officers to provide training to law enforcement officers. The LESC is currently developing a training division, which will have full-time personnel to conduct the training. During Fiscal Year 2001, LESC employees traveled to 34 cities in the United States to train Federal, state and local law enforcement officers. The LESC seminars typically trained 50 to 75 officers. The training seminars, conducted in concert with local INS District offices, instructed the officers in the mission of the LESC, the services provided by the LESC, and the national and local INS enforcement policies and procedures.

Another way in which INS has responded to the needs of the law enforcement community is through the strategic deployment of 45 Quick Response Teams (QRTs) across the United States. QRTs, which are comprised of 200 INS Special Agents and Detention and Removal Officers, are generally deployed to locations where there has been little other INS presence. The primary duty of the QRTs is to work directly with state and local law enforcement officers to take into custody and remove illegal aliens who have been encountered by state and local law enforcement officers for violations of state or local laws. Through the third quarter of FY 2001, QRT officers responded to 7,608 requests for assistance from state and local law enforcement officers. The responses resulted in 10,998 arrests by the QRTs and 847 individuals were presented for criminal prosecutions. By way of example, QRT officers from the Atlanta and New Orleans Districts recently coordinated a joint investigation with local law enforcement agencies to dismantle an alien prostitution ring operating in multiple locations in Georgia and Tennessee.

The QRTs also provide briefings for state and local law enforcement officers on the INS' authority and law enforcement mission, the functions of the QRTs, and the QRT response policy. In FY 2001, the QRT officers briefed police officers from 408 agencies. The quality of the information shared by INS is reflected in the fact that certain law enforcement agencies are now including it in their academy training

programs.

Recognizing that combating terrorism is best accomplished from a multi-agency approach, the Justice Department has established the Joint Terrorist Task Forces (JTTF) in key locations across the country. INS Special Agents assigned to the JTTF work closely with officers from the FBI and other Federal, state and local law enforcement agencies. Drawing on the investigative expertise and authority of the participating agencies, the JTTFs investigate suspected and known terrorists, terrorist organizations, and terrorist support mechanisms. State and local law enforcement officers perform vital functions in the investigative efforts of the JTTFs, as evidenced by the fact they are deputized as Federal officers and granted security clearances.

The INS Forensic Documentary Laboratory (FDL) also serves the needs of Federal, state and local law enforcement. The FDL provides a wide variety of forensic and intelligence services in support of the INS mission to enforce the immigration laws and combat document fraud. The FDL is unique among Federal crime laboratories both in its sole dedication to the forensic examination of documents, and its integration of an operational intelligence and training capability. In addition to directly supporting INS field officers, it also offers its services to other Federal, foreign, and state and local governmental entities. For example, the FDL has performed forensic document and fingerprint examinations for numerous state and local police agencies, Departments of Motor Vehicles (DMV), and local prosecutors offices. The FDL has also provided training in fraudulent document recognition to the International Association of Chiefs of Police (IACP), State and local police agencies, and DMVs. The FDL publishes the *Guide to Selected U.S. Travel and Identity Documents (M-396)*, a highly instructive pocket guide for state and local law enforcement and other governmental personnel who encounter immigration and other U.S. documents.

Since 1986, the INS has had in place the Alien Criminal Apprehension Program (ACAP), which has one objective - to locate, apprehend, and remove criminal aliens from the community, and ultimately, from the United States, in as expeditious a manner as possible. Critical to the success of the ACAP is the assistance of state and local law enforcement officers in the identification and location of aliens arrested and/or convicted of serious local, state, or federal criminal offenses. Every domestic INS district has a ACAP through which they have established partnerships with local, state, and Federal law enforcement, detention, and court officers to provide mutual assistance in ensuring public safety by identifying and removing criminal aliens from the United States.

For years, a primary focus of ACAP has been local jail initiatives where INS officers, working with local and county jail personnel, identify illegal and criminal or potential criminal aliens in pre-arraignment or pre-release situations. Once identified, an alien may be released to INS immediately and placed in removal proceedings or the recipient of an INS detainer. The detainer follows the alien through the judicial process and serves as a notification to a jail or detention facility that the INS will take custody of the alien upon the alien's release from custody.

For decades, the INS has actively participated in Federal, state, and local task forces that target criminal activities and enterprises with criminal alien involvement. One such task force is the Violent Gang Task Force (VGTF). INS agents assigned to the VGTF units in major cities throughout the United States assist local and Federal agencies in investigations and operations involving alien-based gangs and organized crime groups. The INS also has 127 Special Agents assigned to the Organized Crime Drug Enforcement Task Force (OCDETF) in nearly 60 cities across the United States. OCDETF is a multi-agency federal task force operating under the direction of the Department of Justice, which has as its primary mission the identification, investigation, prosecution, and dismantling of sophisticated organizations involved in narcotics trafficking.

Additionally, the INS Baltimore District recently established a protocol with the Baltimore Police Department that provides 24-hour support to police officers who request INS assistance. This district-level initiative will foster a seamless law enforcement relationship and could be a model for similar

protocols in other INS districts.

INS officers speak before local law enforcement groups about aliens and alien-related criminal activity. The primary purpose for these presentations is to develop and maintain liaison programs, establish channels of communication by which law enforcement officers can assist the INS in identifying criminal aliens, and to inform participants as to how the INS can assist them in their law enforcement efforts. Since 1990, INS officers have worked with the International Association of Chiefs of Police (IACP) by presenting at their "Responding to Alien Crimes" seminar for criminal justice personnel, including state and local law enforcement officers. To date, this Federally funded program has trained over 2,000 law enforcement personnel in 38 cities across the United States. The attendees are instructed on how to:

- identify aliens involved in crime
- identify fraudulent documents used by criminal aliens
- identify convictions that render an alien removable
- report criminal aliens to the INS
- establish liaison with INS

BORDER ENFORCEMENT

Border enforcement within the INS is comprised of many initiatives carried out by Border Patrol Agents and Immigration Inspectors. In addition to being the frontline for enforcement of U.S. immigration laws, the Border Patrol commits resources to multi-agency law enforcement operations on a continual basis. Over 80 agents participate in 38 task forces nationwide. These task forces are initiated in response to multi-jurisdictional problems which no single law enforcement agency can completely solve. Issues dealt with include alien smuggling, drug trafficking, gang violence, and auto theft. Agents engage in activities such as surveillance, public investigative contacts, execution of warrants, prisoner transport and other support operations as necessary.

For the Border Patrol, task force operations serve as a secondary enforcement "tier" in efforts focusing on control of the immediate border area, such as Operation Gatekeeper. Task forces made up of Border Patrol agents, as well as other Federal, local and state law enforcement agencies, frustrate organized alien smuggling organizations by apprehending and removing or incarcerating the criminal aliens who tend to be mainstays of those enterprises. This is consistent with the current Department of Justice and INS emphasis on criminal alien apprehension and removal as a primary enforcement objective.

Task force operations also serve as a valuable force multiplier for the Border Patrol. To strengthen control of the Northern border, the Border Patrol is involved in teaming initiatives with Canada, such as Project NorthStar (an international task force) and the Interagency Border Enforcement Team which is comprised of Federal, state and local law enforcement as well as Canadian law enforcement agencies. The Border Patrol works closely with the U.S. Coast Guard in a joint mission to patrol water boundaries in the Great Lakes and Florida. The Border Patrol also works with the Bureau of Indian Affairs and local tribal police to strengthen those areas along the Northern and Southwest border that lie on Indian land.

To strengthen control of the Southwest border, the Border Patrol established a Mexican Liaison program with local, state, and federal Mexican law enforcement (including consulate officials). This program facilitates dialogue between the governments of the United States and Mexico when border incidents occur such as shootings/assaults and deaths caused by inclement weather or arduous terrain.

Many Border Patrol sectors are located at remote border locations where they are the primary law enforcement presence. The Border Patrol works closely with state and local law enforcement to provide assistance in emergencies.

Within 36 hours of the events of September 11, the INS conducted Operation Safe Passage, deploying 317 Border Patrol Agents to 9 airports to ensure the safety of air travelers and the security of the nation's air transportation system. This operation involved coordinating efforts with the Federal Aviation Administration, U.S. Marshals Service, U.S. Secret Service, and many state and local law enforcement agencies. It was the ongoing liaison work with these agencies that made this operation possible.

Additionally, the INS began the Border Coordination Initiative (BCI) with the U.S. Customs Service in the fall of 1998. BCI is a comprehensive, coordinated border management strategy involving various Federal, State, and local law enforcement agencies on the southwest border. The BCI is committed to the creation of a seamless process at and between the land border ports-of-entry (POE) by building a comprehensive, integrated border management system that effectively achieves the mission of participating agencies. Each of the 24 BCI reporting areas that correspond to the major POEs and the Border Patrol stations in between are encouraged and asked to consider community wide approaches to conducting business. Law Enforcement issues are shared with state and local police agencies. By utilizing this common sense approach the agencies become force multipliers for each other resulting in numerous success stories that serve to reinforce the goals of BCI.

Working with Federal, state and local law enforcement entities is also critical POEs and pre-inspection sites around the country. At the land POEs, Immigration Inspectors query applicants and vehicle license plates through the Interagency Border Inspection System (IBIS), an automated lookout system. IBIS includes lookouts from all branches of the INS, the U.S. Customs Service, the Department of State, the Federal Bureau of Investigation, the Drug Enforcement Administration, and other Federal and non-Federal law enforcement agencies. In instances where an Immigration Inspector encounters an applicant with an outstanding warrant or a lookout for a missing, runaway, or endangered child, the Inspector must coordinate with the agency responsible for the lookout entry to confirm the warrant or lookout and determine the appropriate next steps.

Airport police routinely request assistance from Immigration Inspectors at the POEs to verify the status of entry and identity documents. Immigration Inspectors conduct document training for local law enforcement. At sea POEs, Immigration Inspectors routinely coordinate with the U.S. Coast Guard, port authority, and local law enforcement when dealing with stowaways, crew deserters, and to answer various crew-related questions.

In addition, Immigration Inspectors, like other INS enforcement personnel, cooperate with local and state law enforcement, as well as other Federal agencies for non-routine events. Some examples illustrate this point. Immigration Inspectors assisted with security at the Olympic Games in Atlanta and plan to do so early next year for the Salt Lake City Winter Olympics. In another instance, Inspectors coordinated with local law enforcement during the planning stages of the "2000 Tall Ship" events in Baltimore, New York, and various harbors along the east coast. In April of 2001, Canada hosted the Summit of the Americas. Political activists organized protests at or near POEs along the northern and at some areas along the southern border. Immigration Inspectors and Border Patrol Agents cooperated with other law enforcement to ensure that these protests remained non-violent. To do so, Inspections and Border Patrol at the regional, district and local levels drafted contingency plans in anticipation of disturbances at and around the POEs. Many of the protests against the Summit of the Americas were very well organized. The demonstrations remained peaceful in large part due to detailed planning, cooperation, and information sharing between all law enforcement agencies involved on both sides of the border.

CONCLUSION

In closing, I would like to state that effective partnerships with state and local law enforcement agencies are essential to carrying out the INS' mission of deterring illegal migration and criminal alien activity in the United States. We are very grateful for the work of the many state and local law enforcement officers

who assist INS daily in its mission and we are pleased to have the opportunity to assist them through our activities. Thank you for this opportunity to appear, Mr. Chairman. I look forward to your questions.