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INTRODUCTION

Purpose

In February 2000, the Office of the Inspector General (OIG) issued an inspection report entitled *Border Patrol Efforts Along the Northern Border*, I-2000-04 (2000 report). In that report, we concluded that the Border Patrol faced significant enforcement challenges along the United States-Canada border and was unable to adequately respond to illegal activity, primarily because of a lack of sufficient staff and resources. The purpose of this follow-up review was to examine the progress the Border Patrol has made in improving the security of the northern border since the OIG issued the original report, particularly in light of the events of September 11, 2001.

Background

The 2000 report noted that the Border Patrol's current Strategic Plan (Plan), issued in 1994, was designed to strengthen the control of the United States borders through the establishment of operational goals and performance measures. The Plan was divided into four phases with no established timeframes or milestones to measure progress. The first three phases concentrated on specific areas of the southwest border. The Plan did not address the northern border until its fourth and final phase. When we were conducting field work for our 2000 report, the Border Patrol was in Phase II of its Plan and would not estimate when implementation of Phase IV would begin.

The Border Patrol's 1994 Strategic Plan involves two distinct methodologies for deploying resources to the southwest and northern borders. Border Patrol officials told the OIG that the methodology on the southwest border involves a forward deployment of resources as a deterrent. The priorities for allocation of resources for this effort are personnel, equipment, and technology. This methodology is based on the volume and type of apprehensions on the southwest border as well as the close proximity of major U.S. population centers to the southwest border. The forward-deployed, personnel-intensive strategy is a reflection of the short amount of time the Border Patrol has to respond to illegal aliens before they disappear into the U.S. population.

The methodology for the northern border is different. The priorities for allocation of resources for this effort are liaison/intelligence, technology, equipment, and personnel. This methodology is based on the general lack of

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large U.S. population centers on the northern border and the longer times available for the Border Patrol to respond to illegal aliens.

Our 2000 report examined how the Border Patrol collected and assessed information about illegal activity occurring along the northern border and how the Border Patrol used its resources to respond to it. The report reviewed the allocation of Border Patrol resources to the northern border and concluded the allocation was insufficient.¹

The 2000 report found that the Border Patrol was unable to accurately assess the level of illegal activity along the northern border. Border Patrol and Immigration and Naturalization Service (INS) officials described shortcomings of the data commonly used to track illegal activity. This lack of concrete information on the magnitude of illegal activity made it difficult for the Border Patrol to assess the need for and the proper placement of its resources.

In addition, our 2000 report concluded that the Border Patrol was unable to adequately respond to illegal activity along the northern border. The 324 Border Patrol agents (as of September 30, 1999) assigned to the eight northern border sectors could not effectively monitor the approximate 4,000-mile border with Canada. Northern border sector officials reported that some shifts had no coverage, which left the border completely open to illegal activity. This situation worsened when Border Patrol agents were detailed to support operations on the southwest border. In addition, the report found that northern border sectors lacked sufficient essential equipment, or "force multipliers," such as radios, cameras, sensors, and boats that could improve enforcement capabilities.

Scope and Methodology

This follow-up review primarily relied on information obtained from interviews with the chief patrol agents in the eight northern sectors, Border Patrol officials in the three INS regions (Eastern, Central, and Western), and officials from INS Headquarters. In addition, the OIG examined workload statistics provided by the INS's Office of Statistics on Border Patrol enforcement activities in the eight northern sectors for Fiscal Years (FY) 2000 and 2001.

Prior to the interviews, we sent each of the eight chief patrol agents an extensive questionnaire asking about current northern sector enforcement

¹ Of the Border Patrol's 21 sectors, 8 are located on the northern border. The headquarters for these eight northern sectors are located in Blaine, WA; Spokane, WA; Havre, MT; Grand Forks, ND; Detroit, MI; Buffalo, NY; Swanton, VT; and Houlton, ME. The number of Border Patrol stations operating under the control of each northern sector headquarters varies; currently, the range is from four to nine stations.

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operations. This questionnaire solicited information and opinions from the chief patrol agents on staffing levels and deployment status, equipment condition and availability, resource needs, and intelligence sharing. We also sent a copy of this questionnaire to Border Patrol officials in each of the three INS regions and at INS Headquarters. After interviewing the chief patrol agents, we discussed the results of these interviews with Border Patrol officials in each of the three INS regions and at INS Headquarters.

RESULTS OF THE REVIEW

INS Northern Border Strategy

Since the Border Patrol had not initiated Phase IV of its Strategic Plan that included the northern border, our 2000 report recommended that the INS Commissioner direct the Border Patrol to outline the approach it would take to secure the northern border, including, but not limited to, the following:

- identify and implementing accurate methods for collecting data to quantify the level of illegal activity and to support decisions about the allocation of personnel and equipment;
- determine the minimum number of intelligence analysts and intelligence aides needed to accurately assess the level of illegal activity; and
- determine the minimum number of Border Patrol agents the northern border sectors require to address existing gaps along the northern border.

In FY 2000, Attorney General Janet Reno directed the INS to develop an integrated strategy for securing the northern border. She stated that this was a top Department priority. In response, INS Deputy Commissioner Mary Ann Wyrsh convened a working group in August 2000 to develop an INS northern border strategy. The working group consisted of managers from INS field offices, Border Patrol sectors, INS regions, and INS Headquarters officials from Programs, Inspections, Border Patrol, Intelligence, and Investigations. The INS's Office of Programs was placed in charge of the project. In January 2001, the working group completed two documents – the INS Northern Border Strategy and a corresponding Implementation Plan Guidance and Framework. The Office of Programs presented the strategy to Attorney General Reno in January 2001, immediately prior to the change of Administration.

Since January 2001, the INS had made slow progress in implementing the strategy. According to the Acting Executive Associate Commissioner for the Office of Programs, the INS planned to wait until the new Administration took office to seek approval for its northern border strategy. Attorney General John Ashcroft was provided a copy of the strategy, but the INS elected not to take action to obtain approval until a new INS Commissioner was sworn in. However, Commissioner James Ziglar did not take office until August 6, 2002,

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and any further action on the implementation of the strategy was overwhelmed by the events of September 11, 2001.

Since September 11, the interaction between the U.S. and Canadian governments to promote cooperation along the northern border has accelerated. In December 2001, the Attorney General, the INS Commissioner, and the Homeland Security Director signed a 30-point action plan with Canadian officials. The action plan involves multiple federal agencies including the Department of Justice. The Department of State has lead responsibility for the plan. Elements of the plan relate to coordinated law enforcement operations, intelligence sharing, infrastructure improvements, improving compatible immigration databases, visa policy coordination, permanent resident cards, prescreening of air passengers, joint passenger analysis units, increasing the need of biometric identifiers, and improved refugee/asylum claims processing. INS officials told us that implementation of the plan is in progress. In January 2002, the Attorney General announced the temporary assignment of 100 Border Patrol agents to northern border sectors.

Border Patrol Northern Border Operations

Based on this follow-up review, we found that the Border Patrol has made improvements in some areas of its northern border enforcement operations since we issued our original report in February 2000. However, all eight Border Patrol sector chief patrol agents we interviewed described staffing, equipment, and intelligence support deficiencies at the northern border sectors.

Staffing

The northern border sectors continue to have staffing shortfalls that hinder Border Patrol efforts to adequately monitor the northern border. In January 2002, the Border Patrol announced that it was temporarily deploying 100 Border Patrol agents to the northern border to augment the current staff. The deployment would begin in January 2002 and continue for approximately 60 days. It is not yet certain how these Border Patrol agents will be deployed or whether additional deployments will follow. The Border Patrol hopes to gain the necessary information from this deployment to more accurately determine its long-term staffing needs for the northern border.

The chief patrol agents we interviewed said that since February 2000, the greatest number of new agents that any northern border sector had received was nine, while another sector reported no increase in agents. Four of the

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eight sectors reported that because of continued staffing shortages none of their stations were operating on a 24-hour basis.

Border Patrol Agent Enhancements

In FY 1999, 324 Border Patrol agents (3.8 percent of the national total) were on duty at the northern border. In FY 2001, 368 Border Patrol agents were on duty at the northern border (about 3.9 percent of the national total). These additional 44 agents represent an increase of 13.6 percent in northern border staff. In comparison, in FY 2001 the southwest border had 9,065 Border Patrol agents (a 9.7 percent increase from 1999).

Table 1 - Border Patrol Agents On Duty

Authorized Positions	FY 1999	FY 2000	FY 2001	Net Change	Percent Change
Northern Border	324	344	368	44	13.6
Southwest Border	8,264	8,669	9,065	801	9.7
Total²	8,588	9,013	9,433	845	9.8

Source - Border Patrol Headquarters

Border Patrol officials told the OIG that the recently enacted FY 2002 budget provides for 570 additional Border Patrol agent positions and that approximately 25 percent of these positions will be allocated to the northern border. This would bring the total number of Border Patrol agents on the northern border to approximately 510. Border Patrol officials told us that they feared that employment opportunities with the expanded federal air marshal program may not only hinder recruitment efforts but may also affect the retention of Border Patrol agents who are lured to the new program.

Border Patrol officials told the OIG that even if all of the new Border Patrol agents could be hired, trained, and brought on duty, serious infrastructure issues on the northern border continue to exist that must be addressed. These include office space for the new Border Patrol agents and additional detention space (assuming additional Border Patrol agents will make additional arrests).

² The total does not include New Orleans, Miami, Ramey, or Livermore Border Patrol Sectors.

Support Staff Enhancements

We found a great need exists for additional support staff on the northern border. Most chief patrol agents told the OIG they need additional technical support personnel (such as pilots, computer specialists, communications and electronics technicians, vehicle and boat mechanics) to operate, repair, or maintain aircraft, vehicles, boats, computers, cameras, sensors, and radios. This need varies from sector to sector depending on its specific equipment problems.

Related to this issue, the Border Patrol developed an accounting system to track the number of hours Border Patrol agents were diverted from enforcement time to support activities. The intent of the system was to provide documentation to validate support staff enhancement requests. However, the system was used to monitor enforcement hours. Chief patrol agents said they were pressured by INS management to reduce the number of Border Patrol agent hours used for non-enforcement activities. As a result, support activities are often not completed or not completed timely.

The shortage of support staff is not a problem unique to the northern border. The Border Patrol has not received, though it has requested, support staff enhancements for the last three fiscal years. During the same period, its technical and mechanical support requirements rose dramatically with an influx of new sensors, night vision devices, computers, and vehicles.

Temporary Duty

The OIG 2000 report described temporary duty assignments for Border Patrol agents from the under-staffed northern sectors to assist southwest Border Patrol operations. The report found that the resulting staff reductions on the northern border had an adverse effect on northern border enforcement operations. In its November 2000 response to the OIG report, the INS stated that the Border Patrol had discontinued the practice of detailing Border Patrol agents from northern sectors to the southwest border.

We confirmed during our interviews with the chief patrol agents in the eight northern sectors that temporary duty assignments to the southwest border have ceased. However, other temporary duty assignments away from the northern border were still occurring. Six of the eight chief patrol agents reported that one or two of their agents were temporarily assigned out of their sectors to support an operation in Florida during the past two years. Three of the four northern sectors were providing Border Patrol agents to this operation at the time of our interviews in October and November 2001. Additionally, the

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two northern sectors in the Western Region also had been providing Border Patrol agents to this operation.

The temporary assignment to support this operation usually lasted 30 days. Some sectors assigned one or more Border Patrol agents every month, while other sectors sent them every other month. An Eastern Region official told us that assigning Border Patrol agents from the northern border to support. The operation ended in December 2001. According to the chief patrol agents along the northern border, the temporary assignment of even one or two Border Patrol agents had a significant impact on their northern border sector operations.

Equipment

The equipment needs of the northern border sectors have not been completely met. This year some of the northern border sectors have received or anticipate receiving new equipment such as boats, snowmobiles, and infrared cameras while other sectors were unsure of what equipment, if any, will be allotted to them. The original OIG report recognized the diverse geography of the northern border sectors, which have dense forests and hundreds of miles of lakes and rivers, and therefore different equipment needs. Two of the northern sectors (Detroit and Buffalo) are responsible for patrolling a border that is entirely comprised of water, except for crossing points at bridges and tunnels.

During our interviews, the chief patrol agents generally responded positively in describing the availability and the condition of their vehicles. The northern sectors received 41 new vehicles in FY 2001. The number and condition of boats available to conduct enforcement activities also has improved since our original report. However, three chief patrol agents said shortages in boats still affect enforcement activities. Most of the chief patrol agents also said that additional air patrol support would enhance enforcement operations.

The Border Patrol has made additions to the sensor systems arrayed on the northern border, deploying additional sensor systems to five of the eight sectors in FY 2001. All eight sectors received additional night vision devices in FY 2001.³

The Border Patrol's radio equipment continues to be problematic. For example, five of the eight chief patrol agents said their radio systems were

³ The INS's Northern Border Strategy does not address the number of sensor systems ultimately needed or the parts of the border that should be covered by the systems.

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either completely or partially outdated, inadequate, or lacked other significant capabilities.

Responsibility for INS's radio systems resides with the Department of Justice's (DOJ) Wireless Management Office (WMO), which manages the Justice Wireless Network. The WMO controls all procurement activities and operating funds for the entire DOJ radio system. The Border Patrol identifies its needs to the WMO and is subject to the WMO's processes and decisions. The DOJ's existing radio system is scheduled for replacement in 2005. The Border Patrol does control the acquisition of hand-held radios and has purchased radios for the six sectors still equipped with the existing old radio systems.

Intelligence Support

The intelligence capability to support enforcement operations in the northern border sectors continues to be limited. Most chief patrol agents described their intelligence gathering and sharing capabilities as good, given the resources available. However, most chief patrol agents stated a need for additional intelligence officers. As previously discussed, the Border Patrol has not received support position enhancements. This includes intelligence analyst positions. These staffing limitations restrict the Border Patrol's ability to effectively analyze and disseminate the intelligence data it has collected.

According to some data supplied by Border Patrol officials, the northern sectors have received technology enhancements to provide better intelligence support to law enforcement operations. These include additional systems that provide Border Patrol agents with access to certain databases and provide tools to support law enforcement operations.

The chief patrol agents all characterized the intelligence relationships and cooperation with Canadian intelligence and law enforcement authorities as ranging from very good to exceptional. The same was said of the relationship with state and local law enforcement.

Changes in Operations Since September 11, 2001

The chief patrol agents unanimously agreed that border control and security had become their number one priority since September 11, 2001. Consequently, collateral duties such as recruitment and training were not receiving the previous level of attention. Some chief patrol agents used the term "forward deployment" in describing an increase of Border Patrol agents and equipment to the border to project a heightened border presence. One

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chief patrol agent said the four agents assigned to interior stations in his sector were redeployed to stations on the border. This action is forcing the sectors to reduce their emphasis on other enforcement duties. For example, the Border Patrol may not be able to respond as quickly to a request from state and local law enforcement agencies for assistance on an immigration-related matter.

Since September 11, 2001, almost all sectors immediately increased working hours (12-hour days in most instances), established 6 or 7 day work weeks, and cancelled all annual leave. The ceiling for overtime pay for Border Patrol agents has been temporarily set aside to allow for extended duty hours. The chief patrol agents said they have been employing 24-hour, 7-day-a-week operations in as many of the sector's stations as possible, given current staffing levels. One chief patrol agent said the three railroad bridges and the three boats in his sector are now being staffed 24 hours, 7 days a week. Even with the additional overtime, the northern sectors still cannot staff all stations 24 hours a day, 7 days a week. According to the chief patrol agents, the extended duty hours have not yet had a negative effect on morale or duty performance. Still, they have begun to reduce the number of hours they are requiring agents to work and are approving leave requests.

On December 14, 2001, the INS directed the northern Border Patrol sectors to submit plans to create or expand Integrated Border Enforcement Team (IBET) and/or Integrated Maritime Enforcement Team (IMET) at their locations. The IBET/IMETs are international, multi-agency groups that pool law enforcement assets, share information, and work collaboratively with all law enforcement agencies having jurisdiction with the United States-Canada border. The plans are due to INS headquarters in January 2002.

CONCLUSION

Since September 11, the INS has stepped up its efforts to enhance northern border security. In December 2001, the INS, the Attorney General, and the Canadian government agreed to a 30-point plan to accomplish this task. The 30-point plan is a work in progress and it is too early to evaluate implementation or assess its effectiveness. Many elements contained in Border Patrol's 1994 Strategic Plan Phase IV for securing the northern border are part of the 30-point plan.

Although we have not reviewed the 30-point plan in depth as part of this follow-up review, we believe the INS should transform appropriate elements of the 30-point plan into a formal INS strategic plan to address the continuing, long-term needs of the northern border.

We found that the Border Patrol has made some improvements in enhancing its northern border operations. The INS's IBET/IMET initiatives to increase international and multi-agency cooperation should improve security. The northern border sectors have received increases in sensor systems, night vision devices, computer systems, and vehicles. Yet there still are areas that need attention. The northern border has received minimal Border Patrol agent enhancements and no support staff enhancements. Many stations still cannot operate 24 hours a day, 7 days a week. The communication system is still inadequate and not only presents a law enforcement problem but could pose a safety issue for Border Patrol agents.

As of December 2001, only 368 full-time Border Patrol agents monitor the 4,000-mile northern border. This understaffing continues to offer an avenue for aliens, criminals, and terrorists to enter the United States illegally. Even though the Border Patrol agents are augmented by the temporary assignment of Border Patrol agents, an increase in sensor systems and other devices, the Border Patrol's current staffing and resources still cannot adequately assess or respond to illegal activity on the northern border.