



U.S. Immigration and Customs Enforcement

**STATEMENT
OF**

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IN A HEARING TITLED

**“UNRESOLVED INTERNAL INVESTIGATIONS AT DHS:
OVERSIGHT OF INVESTIGATION MANAGEMENT
IN THE OFFICE OF THE DHS IG”**

U.S. HOUSE OF REPRESENTATIVES

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SUBCOMMITTEE ON GOVERNMENT ORGANIZATION,
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INTRODUCTION

Chairman Platts, Ranking Member Towns and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano and Director Morton, thank you for the opportunity to appear before you today to discuss the ways in which U.S. Immigration and Customs Enforcement (ICE) upholds the U.S. Department of Homeland Security's (DHS) standards for integrity and professionalism and how we collaborate with DHS's Office of Inspector General (OIG) and U.S. Customs and Border Protection (CBP) to investigate and bring to resolution allegations of misconduct.

ICE is the principal investigative agency with the largest team of criminal investigators in DHS. With more than 20,000 employees nationwide and in 47 countries, ICE promotes homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade and immigration. ICE's primary priorities are to prevent terrorism and enhance security; protect the borders against illicit trade, travel and finance; and protect the borders through smart and effective interior immigration enforcement.

The overwhelming majority of ICE employees demonstrate the highest levels of integrity and perform their duties with honor every day. However, as in any other large organization, isolated acts of employee misconduct do occur from time to time. ICE's Office of Professional Responsibility (OPR), working in close coordination with our partners in DHS OIG and CBP, helps to ensure that a robust process is in place for investigating allegations of employee misconduct, and ensuring the integrity of the DHS mission.

THE ICE OFFICE OF PROFESSIONAL RESPONSIBILITY

ICE OPR investigates allegations of criminal and administrative misconduct involving ICE and CBP employees. In addition, OPR contains an inspection branch that ensures ICE operates consistently with the high standards we promulgate to regulate our program offices and civil detention system. OPR is also responsible for the employee suitability and security clearance processes. This is accomplished by preparing comprehensive reports of investigation in a thorough and impartial manner for judicial or management action; conducting inspections and reviews of ICE offices and detention facilities to assess adherence to Departmental policies and applicable standards; and managing a layered security approach in order to protect ICE personnel, facilities and information from criminal and/or terrorist organizations.

Roles and Responsibilities

Since the creation of DHS, OPR has been delegated the authority to investigate allegations of criminal and administrative misconduct committed by employees of ICE and CBP. Although DHS policy requires ICE and all other component agencies to refer allegations of employee misconduct to the DHS OIG for review and potential acceptance for investigation, many are referred back to OPR for appropriate investigative action, including criminal investigation. OPR is staffed by a workforce of criminal investigators who have an expert knowledge of immigration and customs laws, regulations and procedures.

In December 2010, ICE and CBP entered into a Memorandum of Understanding (MOU) ensuring that the integrity of DHS employees remains critical to fulfilling the DHS mission. Pursuant to this MOU, ICE and CBP have established a program whereby CBP Office of Internal Affairs (CBP IA) investigators are assigned to OPR field offices to participate in investigating

allegations of CBP employee criminal misconduct, thereby enabling CBP management to make informed decisions when considering alternative administrative remedies. This collaboration was not always available prior to the MOU, and has reinforced ICE's commitment to providing CBP with complete and timely awareness and involvement in criminal investigations of CBP employees.

Composition of the Office of Professional Responsibility

OPR comprises three operational divisions that play a major role in maintaining the highest level of ethical standards: Investigations, Inspections, and Security. OPR has a current staff of 503 full-time equivalent employees, including 251 criminal investigators.

The Investigations Division conducts criminal and administrative employee misconduct investigations and has personnel in 26 field offices across the United States and Puerto Rico, including an investigative unit based at ICE headquarters in Washington, D.C. OPR field offices within the Investigations Division are responsible for investigating allegations of criminal and serious administrative misconduct; reporting investigative results to principal offices; conducting field-delivered integrity training to ICE employees; and providing integrity guidance to all offices within their areas of responsibility.

The Inspections Division evaluates and inspects ICE offices, programs and detention facilities to ensure compliance with agency regulations and policies and applicable detention standards. The Inspection Division reviews ICE offices, programs, and processes in order to provide executive management with an independent review of the agency's organizational health and assess the effectiveness and efficiency of the overall ICE mission.

The Security Division is responsible for the implementation of agency-wide security programs, including personnel, physical, information, operational and counterintelligence security.

The ICE and CBP Joint Intake Center (JIC) serves as the central clearinghouse for receiving, processing and assigning allegations of misconduct involving ICE and CBP employees and contractors. In Fiscal Year 2011, the JIC received 10,374 unconfirmed allegations of misconduct and other reportable information. While most of the allegations reported to the JIC are less serious in nature and are best addressed by referring the matter to ICE and CBP management for review and appropriate action, OPR, OIG, and CBP IA conduct investigations of criminal and serious administrative allegations. As a result of the allegations reported to the JIC in Fiscal Year 2011, OPR initiated over 1,030 criminal and administrative investigations, which led to the criminal arrests of 16 ICE and CBP employees and 70 civilians, 86 indictments and 55 convictions. OPR also completed 265 administrative investigations involving ICE employees. Some of the violations investigated included bribery, narcotics smuggling, theft of government money/property, wire fraud, and the trafficking of counterfeit goods. The civilian arrests consisted largely of persons impersonating DHS officers or agents and persons who attempted to bribe DHS personnel. These arrests reflect the commitment ICE personnel have to maintaining the highest levels of integrity, and can be attributed to continual integrity awareness education and training.

DHS OIG Transfer of Cases

As part of our continuing commitment to effective law enforcement, in May 2012, DHS OIG transferred 374 cases to ICE OPR regarding criminal and administrative employee

misconduct allegations involving ICE and CBP employees. The number of total cases to be reviewed has since increased to 415, as some of the transferred cases had multiple subjects, and have now been broken into separate cases. Pursuant to their MOU, ICE OPR “will partner” with CBP to investigate these cases.

Upon receipt of these cases, OPR and CBP collaborated on an extensive review to determine an appropriate course of action in the cases. Part of this review process involved analyzing cases in order to determine the likelihood of potential prosecution, and to identify and prioritize cases that touched on potential vulnerabilities to the agency. As of July 30, 2012, this review has resulted in 155 of the cases being transferred to CBP for administrative action. These cases primarily involved violations of agency policy, and did not warrant criminal investigation. In addition, 195 cases involving both ICE and CBP employees will be retained by OPR for investigation. This partnership has already been effective in closing 88 cases to date.

This transfer of cases from DHS OIG is a top priority for ICE and we are fully committed to utilizing all available resources. Because the majority of the cases are along the Southwest border, ICE is detailing 30 special agents for a temporary assignment to bring a resolution to these cases.

COMPREHENSIVE INTEGRITY STRATEGY

ICE has a comprehensive integrity strategy that integrates training, prevention, detection and investigation capabilities to deter and respond to misconduct in the ICE workforce. This strategy involves collaboration with other law enforcement entities, a vigorous comprehensive screening process for new hires and education and training of employees. OPR’s investigative

strategy is a multi-layered approach utilizing the full capabilities of the three operational divisions previously mentioned.

Collaboration

OPR collaborates with numerous other federal, state and local law enforcement authorities in criminal misconduct investigations. This collaboration is critical to the mission of enhancing employee integrity.

One noteworthy example of this collaboration is the corruption investigation of former CBP Officer (CBPO) Devon Samuels in Atlanta, Georgia. CBPO Samuels utilized his position of trust with CBP to bypass Transportation Security Administration (TSA) security measures at the Hartsfield-Jackson Atlanta International Airport to smuggle narcotics, currency and firearms for a major Jamaican drug trafficking organization. This OPR-led investigation was conducted in close coordination with various federal, state, local and international law enforcement partners, including ICE's Homeland Security Investigations; the DHS OIG; CBP Internal Affairs; the U.S. Drug Enforcement Administration; the Federal Bureau of Investigation (FBI); the Internal Revenue Service; the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the U.S. Marshals Service; TSA; the U.S. Attorney's Office for the Northern District of Georgia; the DeKalb County [Georgia] Police Department; the Jamaica Constabulary Force; and the corporate security department for Delta Air Lines. Through a coordinated effort, the investigation resulted in a total of 17 arrests, 18 indictments and the seizure of 15 firearms, 1 kilogram of cocaine, 314 pounds of marijuana, over 750,000 units of ecstasy and over \$226,400 in U.S. currency. CBPO Samuels pled guilty to conspiracy to commit money laundering and trafficking in firearms and was sentenced to eight years' incarceration.

Another significant example of collaboration is the investigation of former ICE Special Agent (SA) Jovana Deas. Former SA Deas utilized her position of trust to access law enforcement databases illegally, and shared the accessed information with members of a drug trafficking organization which included members of her family. The investigation was conducted by OPR and the FBI under the auspices of the Southern Arizona Border Corruption Task Force. Former SA Deas was arrested and on February 1, 2012, pled guilty to a 21-count indictment for misuse of a government computer; false statements; conversion of public money, property or records; obstruction of agency proceedings; and conspiracy. SA Deas was sentenced to 2 ½ years' incarceration.

Comprehensive Screening Process for New Hires

ICE requires a vigorous screening process for new applicants. This includes pre-employment security checks, followed by full background investigations and periodic background investigations every five or ten years (depending on the sensitivity level of the position). OPR then administers a continuous evaluation program, a method of evaluating people after their initial investigation and adjudication. These evaluations depend on employees and supervisors to report misconduct as well as events that could potentially have a significant effect on an employee's personal finances, thereby potentially making them susceptible to committing acts of fraud.

Education and Training

Once a new employee begins working for ICE, we apply proactive training measures and oversight and management of employees at every level to ensure the integrity of the ICE

workforce. This professional development continues throughout the entire careers of all employees. ICE also developed a mandatory annual Integrity Awareness Program Training for all employees, which reinforces the standard that every employee is responsible for upholding the integrity of ICE. The course encompasses sections on integrity, professional conduct and reporting misconduct.

All new law enforcement agents and officers, as well as all new supervisors, receive integrity training at the ICE Academy. ICE OPR also conducts recurring integrity presentations to ICE programs which emphasize that actions and decisions by employees can often have implications that not only affect the individuals involved, but also DHS as a whole.

In addition, ICE OPR provides numerous information security-related training courses/briefings to the ICE workforce. The subject matter of the training programs include counter-intelligence awareness, operational security, foreign travel threats, security awareness and classified information protection. The ICE OPR-developed training is designed to provide the ICE workforce with information that will assist them in performing their duties effectively and in a safe manner. In addition to the training provided by ICE OPR, the ICE Ethics Office provides training and guidance to all ICE employees with respect to the Standards of Conduct for Employees of the Executive Branch and the federal conflicts of interest statutes. All new employees must complete the ICE Ethics Orientation for new employees within 90 days of coming on board. In addition, all required financial disclosure filers receive mandatory ethics training annually.

As noted earlier, ICE has offices in 47 countries, in addition to our domestic offices. For years, ICE OPR has provided anti-corruption outreach training to international law enforcement partners. The training program informs our strategic allies about procedures used by OPR to

combat corruption and other criminal misconduct. The program is coordinated through the ICE Office of International Affairs, the U.S. Department of State, and the World Customs Organization. In furthering its efforts to promote integrity in the foreign environment, ICE OPR provides pre-deployment integrity presentations for ICE employees departing for long-term foreign assignments, as well as mandatory on-site integrity training when conducting inspections of foreign offices.

CONCLUSION

ICE takes employee misconduct extremely seriously, and we are heavily invested in addressing these issues to ensure that ICE upholds the public trust and conducts its mission with integrity and professionalism. Thank you again for the opportunity to testify today, and I would now be pleased to answer any questions.