



U.S. Immigration and Customs Enforcement

STATEMENT

OF

TIMOTHY M. MOYNIHAN

ASSISTANT DIRECTOR

OFFICE OF PROFESSIONAL RESPONSIBILITY

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

HEARING ON

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STANDARDS”**

U.S. HOUSE OF REPRESENTATIVES

**COMMITTEE ON HOMELAND SECURITY
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AND MANAGEMENT**

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INTRODUCTION

Chairman McCaul, Ranking Member Keating 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. The ethical and integrity issues faced daily by ICE and our employees are neither straightforward nor easy to resolve; however, ICE provides priority attention to these issues and is heavily invested and effective in ensuring that our employees uphold the public's trust and confidence.

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. My testimony today will focus on the mechanisms put in place to ensure a robust process for investigating allegations of employee misconduct and ensuring the integrity of the ICE mission.

THE ICE OFFICE OF PROFESSIONAL RESPONSIBILITY

The ICE Office of Professional Responsibility (OPR) investigates allegations of criminal and administrative misconduct involving ICE and U.S. Customs and Border Protection (CBP) employees. OPR also 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. We accomplish this mission 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 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 misconduct to the DHS Office of the Inspector General (OIG) for review and potential acceptance for investigation, many are referred back to OPR for appropriate investigative action. OPR is staffed by a workforce of criminal investigators who have an expert knowledge of immigration and customs laws, regulations and procedures.

In 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. ICE and CBP have established a program whereby CBP Office of Internal Affairs investigators are assigned to

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

Recently, the DHS OIG transferred approximately 370 cases to OPR regarding criminal and administrative allegations involving ICE and CBP employees. The cases regarding CBP employees will be worked in conjunction with the CBP Office of Internal Affairs (IA). OPR will provide monthly status updates to the DHS OIG.

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 517 full-time equivalent employees, including 265 criminal investigators.

The Investigations Division conducts criminal and administrative employee misconduct investigations through personnel maintained 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 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 also evaluates and inspects ICE offices, programs and detention facilities to ensure compliance with agency regulations and policies and applicable detention

standards. This 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.

In Fiscal Year 2011, ICE and CBP's Joint Intake Center (JIC), which serves as the central clearinghouse for receiving, processing and assigning allegations of misconduct involving ICE and CBP employees and contractors, received 10,374 unconfirmed allegations of misconduct and other reportable information. Most of the information reported to the JIC is less serious in nature and is best addressed by referring the matter to ICE and CBP management for review and appropriate action. As a result, OPR initiated over 1,030 investigations resulting in 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 impersonation of DHS officers or agents and attempted bribery of DHS personnel. These arrests reflect the commitment ICE personnel have in maintaining the highest levels of integrity, and can be attributed to continual integrity awareness education and training.

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 among federal agencies 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 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 and state law enforcement partners, including ICE's Homeland Security Investigations; the DHS OIG; CBP IA; 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; 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's matter is pending sentencing.

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 periodic 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 also 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 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.

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.

As noted earlier, ICE has offices in 47 countries, in addition to our domestic offices. 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.