



U.S. Immigration and Customs Enforcement

STATEMENT

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DEPARTMENT OF HOMELAND SECURITY

BEFORE THE

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CLAIMS

MARCH 4, 2004

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, thank you for the opportunity to appear before you today to discuss Operation Predator, one of the priority initiatives of the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE).

In July of last year, Secretary Ridge joined forces with John Walsh (“America’s Most Wanted”) and Ernie Allen, of the National Center for Missing and Exploited Children (NCMEC), to launch Operation Predator, a program to target some of the most heinous criminals on our streets – those who sexually abuse children.

Each year, millions of children fall prey to sexual predators.¹ Experts estimate that one-in-five girls and one-in-ten boys in the United States are sexually exploited before they reach adulthood.² These young victims are left with permanent psychological, physical, and emotional scars. That tragedy is compounded by the fact that child prostitution, human trafficking, child pornography, and international sex tourism now generate billions of dollars a year worldwide. The advent of the Internet, with its borderless and anonymous cyberspace, has created even greater opportunities for predators to profit by exploiting children. Operation Predator was established to combat these activities.

Operation Predator is a coordinated law enforcement and public awareness program that draws upon ICE’s unique investigative authorities and resources, as well as ICE’s evolving relationships with organizations like NCMEC. The program has two primary goals:

- (1) To identify, investigate, arrest and, when appropriate, deport these predators; and
- (2) To educate parents about the threats their children face and what they can do to protect their families.

¹ Carol Bellamy, UNICEF Executive Director, “Child exploitation is one of UNICEF’s top five concerns for children in 2004”, January 1, 2004.

I am pleased to report that Operation Predator has resulted in unprecedented successes. In the eight months since the program was first launched, more than 2,000 child predators and sex offenders have been taken off the streets of America; we have initiated the largest-ever investigation into online child pornography; and we have effected the first-ever arrests of sex tourists under the new statutory authority provided by the recently enacted PROTECT Act.

Two thousand predators. Who are they? They include a pediatrician in Chicago who had child pornography in his home and date-rape drugs hidden in his car; an illegal alien in Texas, convicted of the sexual assault of a child after having been deported from the United States on three previous occasions and is now detained and serving time in a Federal prison awaiting deportation; and an American citizen from Seattle who thought he could avoid justice by flying to Cambodia to engage in sex with seven-year-old boys. These are just a few of the faces of Operation Predator. How they came into the custody of ICE is the subject of today's hearing.

First, Mr. Chairman, let me give this Subcommittee some context about ICE's strategic approach to border security and immigration enforcement, which are top mission priorities for the Department of Homeland Security. It was from this approach to border security that Operation Predator emerged.

² D. Finkelhor. "Current Information on the Scope and Nature of Child Sexual Abuse." *The Future of Children: Sexual Abuse of Children*, 1994.

A year ago this week, ICE was formed by combining the investigative and intelligence arms of the former Immigration and Naturalization Service (INS) and the U.S. Customs Service, as well as the Federal Protective Service and the Federal Air Marshal Service. By integrating these once-fragmented resources, the Department of Homeland Security not only created the second-largest investigative agency in the Federal government, but it also created a dynamic and innovative new law enforcement organization uniquely and exclusively focused on homeland security – specifically border security, air security, and economic security.

The primary mission of ICE and the Department of Homeland Security is to detect and address vulnerabilities in our national security – whether those vulnerabilities expose our financial systems to exploitation or our borders to infiltration. With its newfound ability to investigate immigration violations – as well as smuggling violations; with its ability to target human smuggling alongside of narcotics, weapons, and other forms of smuggling; and with its ability to follow the illicit money trail wherever it may lead, ICE is in a unique position to enforce border security in ways never before possible.

A good example of this approach was the case in Victoria, Texas, where 19 people, including children, were found dead in the back of a tractor-trailer. By combining our financial investigation with our immigration authorities, we were able to trace the money trail back to the members of the smuggling ring, including its leader, who had fled the country. ICE's investigation led to the arrest and indictment of the ringleader and thirteen other co-conspirators. Along the way, we rescued a three-year-old boy from this

same band of smugglers in an undercover operation and arrested his captors. In the process, we created a new model for investigating border security crimes, a model that became the centerpiece of our national anti-smuggling strategy.

The Victoria, Texas, case shows how criminal organizations exploit vulnerabilities in our border security to smuggle aliens. The crime rings involved might simply be seeking profit, but they could just as easily be terrorist rings seeking to infiltrate this country.

Similarly, the large number of criminal alien absconders, i.e., those aliens with unexecuted final orders of deportation who have been convicted of a criminal offense, in this nation not only signifies a vulnerability in the nation's immigration enforcement efforts, it also represents a significant threat in which individuals who entered or remained in the country illegally are freely walking the streets. Again, these individuals could be mere administrative fugitives. Or they may be something much worse, such as the child predators I have mentioned. And while sexual predators are dangerous threats in their own right, we must recognize that border vulnerabilities could be exploited for even graver purposes: terrorists can – and indeed have – enter the country on false premises, and then simply disappear into the interior. Like every other major initiative at ICE, Operation Predator emerged with these various types of threats in mind.

Applying a systemic approach to addressing the large number alien absconders, ICE set about prioritizing the most dangerous offenders. We first developed a “Top Ten” list with “the worst of the worst.” While this standard law enforcement tool was not regularly employed by the legacy INS, it proved to be a tremendous success for ICE.

Nine of the original “Top Ten” were located and apprehended within the first two weeks, and the tenth was soon confirmed to have left the country.

This initiative revealed that among the criminal subset of the alien absconder population, many have convictions for sexual offenses and, in particular, offenses against children. By law, any non-citizen who commits such a crime is to be deported back to his or her home country. Unfortunately, that wasn’t always the case under the INS, as you know. This committee has heard too many terrible stories about alien predators freed to prey upon children again and again.

To address this problem, ICE began to examine Megan’s Law directories, matching our immigration databases to Megan’s Law databases, and rounding up deportable aliens convicted of sexual crimes against children. Our success rate was astounding, Mr. Chairman, and we quickly came to recognize the awful dimension of the child predator problem. Besides the high number of alien predators, our investigators were unearthing remarkable numbers of child pornographers on the Internet, human smuggling organizations trafficking in children for sexual exploitation, and the relatively new phenomenon of “sex tourists,” American citizens who travel to other countries to engage in sex with minors. So we coordinated all, systematically.

As appropriate within ICE’s existing jurisdiction, Operation Predator has grown to include U.S. citizens and residents suspected of sex crimes against children. This new approach targets child predators by combining our immigration authorities and our child

pornography authorities to merge efforts in a way that had never been done in the past. In a way unforeseeable before the creation of the Department of Homeland Security, ICE is coordinating once fragmented resources and underutilized authorities into a united campaign against those who prey upon our children – drawing on the full range of intelligence, investigative, and detention and removal functions of ICE to target those who exploit children. Protecting children from these ruthless predators is undoubtedly paramount to our homeland security mission.

The results of this initiative are unprecedented in law enforcement. The success of Operation Predator – as measured by the number of child predators ICE has taken off the streets – is a testimony to the tireless work of ICE agents who have embraced the integration of the legacy agencies’ legal authorities and used them in new and more effective ways. Since Operation Predator was launched in July 2003, ICE has arrested more than 2,000 child predators. While this is indeed a worldwide enforcement effort, it has a direct impact on the safety of the streets in your local communities, as evident in that nearly 1,300 of these arrests occurred in the nine states represented by the Members of this Subcommittee.

Recognizing the synergies realized through our own merger, we aggressively sought to incorporate and join forces with others in this important effort. ICE is currently working closely with a number of agencies and organizations under Operation Predator. Such cooperation is critical to the success of this initiative, since child predator investigations often cross jurisdictional boundaries and require specialized assistance to help victims

overcome the trauma of their abuse. ICE Operation Predator partners include other DHS agencies such as U.S. Customs and Border Protection (CBP); state and local police departments, the U.S. Postal Inspection Service; the U.S. Department of State Office to Monitor & Combat Trafficking in Persons; NCMEC; Rape, Abuse & Incest National Network (RAINN); INTERPOL; the U.S. Department of Justice; and many others who also provide critical support to the program.

Let me give you a few examples of how our partnerships are working. In January 2004, ICE formalized a partnership with NCMEC aimed at helping both organizations track down child predators and save potential victims. The partnership allows us to coordinate national public campaigns that raise awareness of child exploitation crimes, help families learn to better protect their children, and educate the public on how to work with ICE to provide valuable tips and take predators off the streets.

Some of the concrete ways we are working with NCMEC include:

- The National Child Victim Identification System: ICE worked with other agencies to create a database to aid local, state, federal, and international law enforcement efforts in identifying victims of child exploitation.
- The Amber Alert Program: We have established procedures and the technical capability for NCMEC to alert the Federal Air Marshals when it receives an “Amber Alert” about a suspected kidnapping, endangerment, or abduction of children that might involve the commercial aviation system.

- The Code Adam Alert Program: The ICE Federal Protective Service is helping develop and implement a plan to quickly locate missing children within the 8,800 federal facilities that it secures.

ICE is also working with INTERPOL to enhance foreign government intelligence on criminal child predators. In conjunction with the U.S. National Central Bureau, we are developing a mechanism to issue INTERPOL notices to foreign law enforcement agencies whenever ICE deports a convicted sex offender.

Operation Predator is truly an ICE team effort that employs almost every one of ICE's six operational divisions. ICE Special Agents are on the front lines of our investigative efforts, but other ICE components are critical to the success of this initiative.

The ICE Law Enforcement Support Center (LESC) is a vital link to our state and local partners. The LESL serves as a national enforcement operations and intelligence center by providing timely information on the status and identities of aliens suspected, arrested or convicted of criminal activity. The LESL has lodged over 180 administrative detainers on aliens who have been arrested for Operation Predator offenses. Further, leads are sent to the ICE Field Offices for action and the LESL coordinates with local law enforcement when the call requires local intervention. A prime example of the LESL's impact was demonstrated in the arrest of a particularly heinous child predator late last summer. In August 2003, the LESL received a call on the Predator Hotline. The caller indicated that a 27-year-old Kenyan national, who reportedly is afflicted with AIDS, was

having sex with female minors in the Boston area. The ICE LESC immediately provided the information to police in Lawrence, Massachusetts, who arrested the individual the following day on charges of raping a 14-year-old girl in a local apartment. This case represents just a single example of how the public can prove to be our most valuable partner. Members of the public are encouraged to call 1-866-DHS-2ICE to report sex offenses to ICE. We have also created a dedicated e-mail address at Operation.Predator@dhs.gov to receive tips through e-mail.

Another ICE asset being brought to bear in Operation Predator is the Cyber Crime Center (C3). The Center's child exploitation section focuses on child pornography and child sex tourism violations that occur on the Internet. C3's investigative specialists are trained to conduct forensic examinations of seized digital storage devices, such as computer hard drives, digital video devices, floppy disks, and back-up tapes. Recently, C3 has played a crucial role in an investigation that closed down an American-owned beachside resort in Acapulco, Mexico, that catered to child sex predators. As a result of this case and others, the Mexican government created a task force to address crimes against children in its country.

The computer investigative expertise that we develop through C3 has played a key role in helping us track down Internet-based child predators. In January of this year, ICE agents from the Newark Office worked with their partners in the Internal Revenue Service, the U.S. Postal Service and the New Jersey U.S. Attorney's Office to bring about the first indictments in connection to what we believe to be the largest Internet child pornography

investigation ever undertaken by the U.S. Government. Regpay, a Belarus-based child pornography enterprise, and a Florida credit card billing service were indicted in a global Internet pornography and money-laundering scheme involving thousands of paid memberships to some 50 pornography websites. Based on this investigation, there are hundreds, if not thousands, of potential targets around the globe that we are investigating.

A warrant served on the credit card processing server revealed approximately 70,622 domestic subscriber transactions, as well as 25,597 foreign subscriber transactions. The domestic U.S. transactions were all provided to ICE field offices as enforcement leads, and information on the foreign-based transaction has already been passed to law enforcement officials in a number of countries.

Given the large number of subscriber transactions, the first arrests were prioritized by targets we knew had contact with children. Through the investigation, ICE has arrested a campus minister at all all-girls school in New Jersey; a seventh-grade schoolteacher on Fresno, California; and a pediatrician in Chicago. The arrests will continue as more of these subscriber transactions are investigated. As this case clearly demonstrates, there is no safe haven for child sex predators; wherever you operate in the world, we are committed to tracking you down.

Another example of how we are going beyond our borders to protect children involves the investigation ICE has launched against sex tourism from the U.S. Last year, Congress gave law enforcement a powerful new tool by passing the “Prosecutorial

Remedies and Other Tools to end the Exploitation of Children Today Act of 2003”, or the “PROTECT Act”. Under the PROTECT Act, it is a crime for any person to enter the United States, or for a U.S. citizen or lawful permanent resident to travel abroad, for the purpose of sex tourism involving children. Within a few months of President Bush signing the bill into law, ICE had arrested the very first offender under the new Act. On September 10, 2003, ICE agents in Seattle arrested Michael Clark, a U.S. citizen, on charges of traveling to Cambodia to engage in sex with minors. Clark was extradited from Cambodia, upon the request of the U.S., after he was arrested and charged by Cambodian police in June with “debauchery involving illicit sexual conduct” with boys approximately 10 and 13 years old. According to the criminal complaint filed with the court, Clark subsequently admitted to molesting 40 to 50 children.

ICE is proud to have not only made the first arrest, but also the second, the third and now the fourth Protect Act child sex tourism arrest. We have a number of additional ongoing investigations that are being worked by our foreign attachés in coordination with local police in places such as Thailand, Cambodia, and the Philippines. Based on these investigations, more arrests are expected. We want to send a message loud and clear that international borders no longer shield child sex predators from the law.

Additional international enforcement cases under the Operation Predator umbrella include cases of human trafficking. One such case involved the dismantling of a U.S. adoption agency in which those arrested pled guilty to conspiracy to commit visa fraud and conspiracy to launder money in relation to adoptions of Cambodian children who

were not orphans. The object of the trafficking conspiracy was to expedite the adoption process for Cambodian children to the United States families. In order to enhance their profits, members of the conspiracy would falsely represent to the U.S. Department of State and DHS that the adopted children were orphans, and would falsely represent the identity of the adopted children. The adoptive parents were then fraudulently charged approximately \$11,000 for the Immigrant Visas for the adopted children.

While illegal aliens, lawful permanent residents, and U.S. citizens can all commit the type of crime that is the focus of Operation Predator, the vast majority of the over 2,000 arrests to date are illegal aliens or lawful permanent residents whose crimes make them subject to removal from the United States after being placed in immigration removal proceedings. Criminal aliens who have no immigration status, or who have been previously ordered deported, can be deported without an immigration court hearing. As part of our overall immigration enforcement strategy, we are refocusing our efforts on the Institutional Removal Program (IRP), which is designed to ensure that aliens convicted of crimes in the U.S. are identified, processed, and, when possible, removed upon their release from a correctional institution. The Fiscal Year (FY) 2005 budget request of an additional \$30 million for the IRP will further ICE's plans to expand the program nationally to all Federal, State, and local institutions that house criminal aliens.

Additionally, the FY 2005 budget proposal for ICE includes \$50 million to continue the implementation of the ICE National Fugitive Operations Program, established in 2002, which seeks to eliminate the existing backlog and growth of the fugitive alien population

over the next six years. Currently, ICE has 18 Fugitive Operations Teams deployed throughout the country and can report that approximately 6,000 fugitives have been apprehended and nearly 700 additional criminal aliens have been apprehended in connection with fugitive operations teams. The FY 2005 budget request would fund an additional 30 teams to locate these potential threats to public safety. Overall, the President's Budget request includes increases of \$186 million for ICE to fund improvements in immigration enforcement that will prove critical to the continued and expanded ICE effort to combat the public safety threat posed by illegal aliens in our country.

On March 1, 2004, we celebrated the one-year anniversary of the Department of Homeland Security – and ICE. Clearly, we have seen that the merging of the legacy mission and authorities in ICE allows a multi-disciplined approach to homeland security that is crucial to our efforts to safeguard America – especially our children. Through Operation Predator, ICE is working diligently to implement the President's goal of eradicating the “special evil in the abuse and exploitation of the most innocent and vulnerable.” Thank you for the opportunity to testify today on this important topic and I am eager to work with Congress to provide the American people with the level of security they demand and deserve. I look forward to your questions.