

## Technological Strategies Against Illegal Immigration

January 31, 1996

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youth  
copy*  
*Immigration -  
Technology*

The following strategies are already in place or under development:

### I. Partnership Strategies.

#### a. Border Research & Technology Center (BRTC).

(1). Established February 1995 to advise law enforcement agencies (LEAs) on requirements for border control related technologies; coordinate the rapid research, development, demonstration, evaluation and fielding of technologies to assist law enforcement in dealing with border related issues; and address the legal and societal issues related to border control and related technologies. The BRTC operates in direct support of the Attorney General's Special Representative for the Southwestern Border, Alan Bersin, U.S. Attorney for the Southern District of California.

(2). The BRTC Governing Board is comprised of NIJ, ONDCP, Treasury and the U.S. Attorney's Office for the Southern District of California (Chairman).

(3). Law enforcement agencies (Federal, State and local) have been identified for formal designation and invitation to participate on a BRTC Advisory Board. The initial group of State and local LEA representatives will be comprised of those who operate in the San Diego and El Centro, CA Border Patrol Sectors. Expansion to LEAs in all nine border sectors, from San Diego to McAllen, TX, is scheduled to be completed by September 30, 1996.

#### b. DOJ/DOD Joint Program Steering Group (JPSG).

(1). Established by a MOU between DOJ and DOD, signed April 1994, the JPSG became operational in October 1994 with equal number of members from each Department. The DOD Executive Agent is the Advanced Research Projects Agency (ARPA), whose representative chairs the group; DOJ representative is vice chair.

(2). Primary focus is the sharing, transfer and development of dual-use (military/law enforcement) technologies-- a \$37.5 million FY 95 funded program. Some of these technologies are directly applicable to immigration/border issues.

#### c. DOJ Technology Policy Council.

(1). Established December 1995 to coordinate department-wide law enforcement and corrections technology developments and to preclude duplication of effort. Department of Treasury law enforcement agencies also participate. First meeting scheduled for February 8, 1996.

(2). Chaired by the Deputy Attorney General, the Executive Agent is the Director, NIJ Office of Science & Technology. DOJ Council members are from DEA, FBI, FBOP, INS, IG, Marshals Service, and NIJ.

(3). Non-DOJ Council members are from Treasury staff, BATF, Customs, FINCEN, IRS, USSS and FLETC.

## 2. Technologies.

a. **Identification.** Projects to automate arrestee processing and share information data bases; e.g., Joint Automated Booking System (JABS).

b. **Anti-fraud.** INS project (Integrated Card Production System) to integrate four INS identification cards into one, with the objective of making it difficult to counterfeit, with the option of adding Smart-Card technology for other applications.

c. **Port of Entry Security.** Includes enhanced tire deflator barriers; electronic vehicle stoppers and taggers; and non-intrusive detectors. Examples of these technologies are the Auto Arrestor System, the Tire Deflator System for INS/Border Patrol Checkpoints, and Fleeing Vehicle Tagging System.

d. **Port of Entry Automation.** Technologies to automate inspection of routine vehicle and pedestrian border traffic in order to free agents for non-routine, or suspicious traffic. Examples of such technologies include automatic license plate readers, message boards to route traffic, and scanners to capture information from labels attached to vehicles passing through special lanes.

e. **Personnel Incapacitator.** Less-than-lethal technologies to stop fleeing or uncooperative personnel. Examples of such technologies are snare nets, soft projectiles and pepper spray.

f. **Detection.** Includes technologies to detect illegal traffic. Examples of such technology include motion, contraband and concealed weapons detectors, and night vision devices.

g. **Surveillance.** Technologies to effectively track suspect vehicles and personnel, and monitor law enforcement officer locations. Examples of such technologies include special paints and scanners, infrared/electromagnetic systems, and technologies using the GPS satellite system.

h. **Language Translation.** Automatic technologies that translate phrases in one language to another based on spoken key words or phrases. Examples of such technology is the Portable Voice Translator for Preprogrammed Law Enforcement Phrases.



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January 26, 1996

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Gentlemen:

Now that The Valley Project, Operation Hardline and Operation Gatekeeper have each been in operation for more than a year, it is an appropriate time to evaluate the impact of the strategy and determine the next steps we should take to further enhance control over our border. The seizures and arrests we have made in this District (San Diego and Imperial Counties), as well as in southern Arizona, during the last twelve months confirm ONDCP's earlier assessment that drug trafficking patterns have shifted from Florida to California. Whereas drug cartels previously used the air and/or waterways to transport cocaine from South America to Florida, much of the cocaine being smuggled into the country today is flown into Mexico from Colombia and then transported overland into the United States. Mexico is also the port of entry for increasing quantities of methamphetamine, methamphetamine precursors, heroin and marijuana.

Statistics from Operation Alliance demonstrate this point dramatically: in FY 1995, the number of drug cases has increased by almost 70% over FY 1994 (from 1,314 to 2,211) and the number of arrests has mirrored this leap (from 1,349 to 2,362). The rise has been most pronounced in marijuana and heroin cases (up approximately 90% and 35% respectively). While the number of cases

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involving hydriodic acid remains statistically inconsequential (6 in FY 1995 as opposed to 4 in FY 1994), seizures of the acid are up 250% (from 41 gallons to 146).<sup>1</sup>

The pattern for cocaine has been markedly different from that for marijuana and heroin. We have seen a dramatic drop in the number of cocaine cases and seizures at the ports, and a sharp increase in the numbers involving drugs seized between the ports and on the high seas. Thus, in FY 94 there were 108 cocaine cases from the ports in this District, involving the seizure of 17,000 pounds of the drug, whereas in FY 95 there were only 45 cases involving 8,000 pounds. At the same time, drug seizures between the ports have soared including one shipment in Imperial County which alone involved one and a half tons of cocaine.<sup>2</sup> In total, between the port shipments of cocaine increased from 10,886 pound in FY 1994 to 14,137 in FY 1995.<sup>3</sup> Added to this was a twelve (12) ton seizure on the high seas in August 1995.

Our initial assessment is that this changing pattern from port to non-port seizures is directly related to the combined impact of POE operations (Hardline and Gatekeeper II) and the increased effectiveness of law enforcement between the ports (Valley Project and Gatekeeper I).<sup>4</sup> With the momentum moving in our direction on the United States/Mexico Border in California, we should proceed to increase the pressure on smugglers by strengthening our ability to

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<sup>1</sup> It is difficult as always to determine precisely whether the increasing numbers are due to a greater influx of drugs or simply to the greater detection possible given the increased personnel at the border since the inception of the several law enforcement operations.

<sup>2</sup> Because the Valley Project includes Yuma, the between port statistics listed here include Yuma as well as this District. Between the port statistics require cautionary interpretation. The data includes drugs seized at checkpoints and during drug traffic stops. Some of these drugs may in fact come through a port of entry.

<sup>3</sup> The data may not include all state and local seizures.

<sup>4</sup> There remains the possibility that drugs are being transported into the United States through a network of tunnels. As you know, we have under indictment a case which involves a 1400 - foot tunnel connecting Mexico and the United States. Intelligence we have gathered suggests that other tunnels (whose locations as yet are unknown to us) may exist.

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intercept shipments both at and between the ports. This calls for a reassessment of manpower, governance and technology.

#### 1. Manpower And Governance

The traditional governance structure at our land ports is an accident of history cued to the "seaport" model. Inspection of cross-border traffic has been parceled out (statutorily) by subject matter: INS examines persons; Customs inspects cargo; the Department of Agriculture monitors foodstuffs. Layered above this bureaucratic division of labor, GSA, as the "government's landlord", manages construction and maintenance of the port facilities themselves.

This arrangement functions satisfactorily in the ocean port and airport context where "separate lines" can be maintained on an agency-by-agency basis. Thus when deplaning from abroad, one proceeds sequentially through Immigration and Customs. The process may not be optimal, but it works.

The same cannot be said of the land ports. Because vehicular traffic does not lend itself to segmented examination, inspection functions by necessity have been combined. The agencies have responded to this requirement by reciprocal (statutory) cross-designation: U.S. Customs inspectors are authorized to act as immigration officers and vice-versa. But "integration" has existed only at a legal and theoretical level. In practice, too often we have seen disjointed law enforcement. Thus, although INS and Customs "primary" inspectors are charged equally with examining "people and packages," the reality remains that each (typically) responds to the principal mission of their respective agency. For example, "Operation Hardline" initiated by Customs at San Ysidro, focused exclusively on drug interdiction while "Operation Gatekeeper II", announced subsequently by INS at the same site, dealt only with the smuggling and entry of illegal aliens. Employees and supervisors, needless to say, readily grasp the incentives (and disincentives) inherent in this "split" chain of command with a dispersed policy focus, disparate strategy, and differing tactics. In the face of all this fragmentation, the fact remains that we are confronted by a common smuggling denominator that warrants challenge by a single strategy and a unified command structure.

Customs and INS are taking a variety of measures to improve the model, beginning in the Southern District of California. First, reviewing past port trafficking patterns, Customs has determined how many lanes need to be manned at various times during the day in order to heighten enforcement levels and reduce the wait

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to no more than 20 minutes. INS and Customs are in the process of determining how many additional inspectors each needs to assign to the port in order to have operating the optimal number of lanes. Second, INS and Customs have agreed on the requirement for a Traffic Manager (acting for the POE as a whole rather than for one or the other agency) on duty at all times. The Manager will determine which booths should be open in light of existing traffic conditions. Third, the two agencies, in concert with Agriculture, Caltrans, Mexican representatives and community groups from both sides of the border, are involved in various working groups focusing on border-related issues.

We also have commenced a more formal dialogue with Mexican governmental officials that has enabled us to enlist their cooperation on problems touching on the port. As a result of these discussions, Tijuana municipal authorities, for the first time, have been willing to direct traffic into appropriate lanes long before the vehicles reach the San Ysidro Port of Entry. The simple expedient of having vehicles "segmented" in Mexico, rather than in the limited "no-man's land" at the port entrance, has already had a noticeable impact on the steady movement of traffic into the county. While much remains to be done in order to reduce the delays at the port to a satisfactory level (no more than 20 minutes), increased cooperation between Customs and INS at the ports, and DEA and the Border Patrol between the ports, represents a crucial step forward with substantial benefits to be harvested from enhanced productivity.

## 2. Technology

The prevalence of alien and drug smuggling through the ports of entry highlights the dilemma we face along the Southwest Border in balancing the needs of free trade (in the NAFTA context) against traditional mandates of law enforcement. Ports of entry personnel are instructed to facilitate the rapid entry of legitimate commerce and visitors while at the same time they remain responsible for identifying and stopping the flood of contraband and undocumented aliens. National policy requires that neither of these purposes be sacrificed. However, within the current circumstances of our port operations, these objectives need not compete with one another such that progress in one area necessarily entails expense and loss in the other.

The paradox that results can be resolved only by a strategic application of modern technology to create a border that is secure as well as business-friendly. While various important steps have been taken in this regard -- most notably the creation in March, 1995 of a Border Research Technology Center to develop law

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enforcement technologies directed at improving border integrity -- the application of technology across the border remains fragmented. The need and the opportunity exist for ONDCP to serve as a catalyst to bring technology to bear on border issues. ONDCP is in the position of being able to coalesce the several groups now working independently so that energies and strategies are focused to a common end.

This could be most readily accomplished if ONDCP were to convene a meeting of various law enforcement components to prioritize the various projects under way. Once that is accomplished, ONDCP would be the obvious and appropriate organization to administer a Law Enforcement Technology Trust Fund which would dispense moneys for both high and low-level technology improvements at the ports.

As of this writing, the capability already exists to make certain dramatic innovations at the ports. At the low-technology end, the installation of license plate readers and message boards would dramatically enhance port efficiency. At the high end, the auto arrestor promises to increase the likelihood of apprehensions and virtually eliminate the excessive dangers inherent in high speed chases.

a. License Plate Readers. Under the current system, inspectors must manually type in each license number as the car pulls into primary. In November, 1995, an automatic license scanning device was placed in four northbound lanes at the Otay Mesa Port of Entry. In December the scanner was placed in two southbound lanes; it will be added to a third southbound lane shortly. While it is too early to report conclusively on the impact of scanners, it is readily apparent that they not only eliminate operator error, but also enable traffic to move more speedily through the port. Funding for scanners in all the lanes, and at all the ports, would have a significant impact.

b. Message Boards. The referral of vehicles driven by non-registered owners into specified lanes would enhance both law enforcement and efficient border crossing. We have found that approximately 95% of our drug seizures are made from vehicles not registered to the driver. Contraband is often in hidden compartments and drivers typically deny knowledge of its existence. In trial after trial, these couriers insist that they were asked to drive the vehicle across the border for some legitimate purpose (such as car repair) by a Mexican national known only by his first name. Requiring drivers of vehicles not registered to them to be inspected in designated lanes will permit agents to focus their attention on those most likely to be in violation of the law

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without slowing down the entry process for those whose admittance we welcome.

To expedite diversion of vehicles to these lanes, we must put in place large electronic "message boards" which will allow port authorities to alert drivers to the need to enter through specified lanes.<sup>5</sup> In addition to enhancing our ability to detect contraband, such notice will undoubtedly deter some drivers from entering the United States at all.

Although ONDCP was unable to meet a request late last year for funding these boards, the Administration has made a commitment to reduce waiting time at the border and the message boards are essential to meeting that goal. I therefore trust that in light of our overall reassessment of border issues, this decision can be reviewed in the context of a new fiscal year.

c. Auto Arrestor. As you know from attendance at the BRTC "Tech Fair" last year, and as I have discussed in previous letters to you, the Auto Arrestor, developed by the Jaycorp Corporation, is a safe and effective means to stop vehicles attempting to speed illegally through or away from the port of entry. This device utilizes a short pulse of electrical current to disrupt electronic devices critical to the continued operation of a vehicle ignition system. The "zapped" vehicle rolls to a controlled stop as if it had run out of fuel and it cannot restart until the affected parts are replaced. No lives or property are jeopardized.

When we first spoke of this technology, I was particularly interested in its use against "port runners" -- drivers who accelerate through secondary rather than stop as directed for inspection. For a significant period last year, we had a spate of such incidents, all of which seriously threatened officer safety, many of which jeopardized the lives of innocent bystanders, and one of which led to the death of a drug smuggler. While port running

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<sup>5</sup> The "registered owner" tactic is only one of several enforcement strategies that could be facilitated by means of the electronic notice board. We could request drivers' licenses on occasion in addition to or in lieu of title and vehicle registration documents. The message board, in short, would facilitate an element of unpredictability in inspection techniques as well as a surer basis (i.e., the absence of registration documents) for the diversion of vehicles to a secondary inspection area.

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appears to have abated at the moment,<sup>6</sup> the need for the Auto Arrestor has not. The ability of both federal and local law enforcement officers to disable fleeing vehicles between the ports of entry, remains crucial. And indeed, as we see the rising incidence of cocaine shipments caught between the ports, the need for the arrestor in this wide-open space is evident.

Earlier this year, ONDCP's Counterdrug Technology Assessment Center agreed to contribute \$250,000 towards this project if an equal (or greater) financial commitment were made by NIJ. I trust that commitment remains firm and I hope that ONDCP, functioning as the catalyst in this effort, will work with NIJ and other components with the Department of Justice, to obtain a matching commitment.

In sum, with the help of ONDCP, we now have the opportunity to accelerate the process of modernizing our land ports and enhancing our interdiction and commuting capability in a way that will, for the first time, provide a functional border between the United States and Mexico. The interagency coordination essential to these goals has already been established in the Imperial Valley Project which ONDCP has helped oversee and fund. The goodwill generated among the agencies working together on The Valley Project should now be harnessed to focus more directly on the ports of entry.<sup>7</sup> I look forward to hearing from ONDCP and thank you for your consideration of these issues.

Your sincerely,

ALAN D. BERSIN  
United States Attorney

cc: See attached.

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<sup>6</sup> The installation of bollards and configured barriers accounts for the decrease in port running incidents. While there remains a need for the arrestor technology at the port where the Dedicated Commuter Lane (DCL) is operating, the principal requirement is to eliminate high speed chases outside of the POE context.

<sup>7</sup> Indeed, this support would complement effectively The Valley Project which again has received HIDTA funding with special emphasis on improvements in POE enforcement operations.

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