

TESTIMONY OF

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BEFORE

**SENATE HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS COMMITTEE**

**AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR
PREPAREDNESS AND INTEGRATION**

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Chairman Pryor, Senator Ensign, and distinguished Senators of the Committee, it is a pleasure to appear before you today to discuss integrity issues. My name is James F. Tomscheck and I am the Assistant Commissioner of Internal Affairs at U.S. Customs and Border Protection (CBP). Prior to joining CBP, I served as the Deputy Assistant Director of the Office of Investigations at the U.S. Secret Service. I appreciate the opportunity to discuss my experiences and thoughts on ensuring the integrity of CBP.

CBP is responsible for securing our nation's borders while facilitating the movement of legitimate travel and trade vital to our economy. Our purview spans more than 5,000 miles of border with Canada and 1,900 miles of border with Mexico. CBP is the largest uniformed federal law enforcement agency in the country, with over 20,000 Border Patrol Agents operating between the ports of entry and more than 20,000 CBP officers stationed at air, land, and sea ports nationwide. These forces are supplemented with more than 1,100 Air and Marine agents and 2,300 agricultural specialists and other professionals. In FY 2009 alone, CBP processed more than 360 million pedestrians and passengers, 109 million conveyances, apprehended over 556,000 illegal aliens between our ports of entry, encountered over 224,000 inadmissible aliens at the ports of entry, and seized more than 5.2 million pounds of illegal drugs. Every day, CBP processes over one million travelers seeking to enter the United States by land, air or sea.

In order to counter the threat of terrorism and secure our borders, CBP relies on a balanced mix of professional law enforcement personnel, advanced technologies and fully modernized facilities and infrastructure both at and between the ports of entry. We deploy a cadre of highly trained agents and officers who utilize state of the art technologies to quickly detect, analyze and respond to illegal breaches across the borders. These personnel rely upon a solid backbone of tactical infrastructure to facilitate their access to border areas while impeding illegal entry by persons or vehicles into the United States. CBP Officers utilize advanced

targeting, screening and inspection technologies to quickly identify persons or cargo that warrant additional scrutiny without unduly impeding the traveling public or commerce.

The CBP Office of Internal Affairs (IA) is charged with maintaining the integrity of the CBP workforce. CBP IA conducts investigations of alleged serious non-criminal misconduct of CBP employees and assists the DHS Office of Inspector General, the U.S. Immigration and Customs Enforcement Office of Professional Responsibility (ICE/OPR), the Federal Bureau of Investigation and numerous other federal, state and local law enforcement authorities in criminal misconduct investigations. This collaboration among federal agencies is critical to the mission of professional integrity.

While the overwhelming majority of CBP agents and officers demonstrate the highest levels of integrity and perform their duties with honor and distinction every day, isolated acts of corruption do occur. Corruption by these individuals tarnishes the CBP badge and reputation, brings dishonor to our service and, most importantly, jeopardizes our border security.

There is a concerted effort on the part of transnational criminal organizations to infiltrate CBP through hiring initiatives and compromise our existing agents and officers. Since Oct. 1, 2004, 103 CBP law enforcement officers have been arrested or indicted on mission-critical corruption charges, including drug smuggling, alien smuggling, money laundering and conspiracy.

To counter this very real threat, CBP IA's operational strategy includes: background investigations and clearances; employee misconduct investigations; physical, informational, industrial, internal and operational security; and management inspections. IA has implemented a comprehensive integrity strategy that integrates prevention, detection and investigation capabilities to deter and respond to corruption and misconduct in the CBP workforce.

CBP requires a vigorous screening process for new applicants including an exhaustive background investigation upon hiring and continuous background investigations every five years throughout their careers. CBP also employs polygraph examinations of certain law enforcement candidates, application of behavioral and analytical research tools to identify indicators of corruption, and an intelligence-driven investigative response to integrity events.

Once a new hire is on board, CBP applies proactive training measures, rules geared to ensure workplace integrity, and oversight and management of frontline officers and agents by CBP leadership at every level to ensure the integrity of the CBP workplace and drive personal accountability to integrity. These efforts continue throughout the entire career of all employees.

CBP takes corruption extremely seriously, and we are heavily invested in addressing this issue. Since 2006, CBP has added additional resources, including investigators, from 5 in 2006 to 214 in 2010, to IA in order to identify and prevent corruption. No incident of corruption is tolerated.

Thank you for this opportunity to discuss the integrity of the CBP workforce. I would be happy to answer any questions you might have.