

COMBATING THE OPIOID EPIDEMIC:

The Interception of Illicit Opioids by the Border Patrol



UNITED STATES SENATE

Committee on Homeland Security & Governmental Affairs
Ranking Member Claire McCaskill

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COMBATING THE OPIOID EPIDEMIC: THE INTERCEPTION OF ILLICIT OPIOIDS BY THE BORDER PATROL

EXECUTIVE SUMMARY:

U. S. Customs and Border Protection (CBP) plays a vital role in interdicting illicit narcotics before they can enter the United States. This role is particularly important given the rise of the opioid epidemic and the increasing use of fentanyl, which is overwhelmingly produced outside the United States.

At the request of Ranking Member Claire McCaskill, the Democratic staff of the Senate Committee on Homeland Security and Governmental Affairs examined the efforts of CBP to interdict illicit opioids entering the United States. The investigation found that Border Patrol Agents play an important role in stopping opioids.

Currently, CBP collects data and statistics on opioid seizures made by its two primary law enforcement components, the Office of Field Operations, which controls operations at ports of entry, and Border Patrol, which maintains security between ports of entry. This report summarizes and analyzes data relating to the number and amount of opioid seizures by Border Patrol Agents over the last five years.

Key findings include:

- **Border Patrol Agents seized over 3,500 pounds of opioids in the last five years, primarily near the southern border.** Between 2013 and 2017, the amount of opioids seized each year increased 96%, from 579 pounds to 1,135 pounds. Nearly all (98%) of the opioids interdicted by Border Patrol Agents during this time were seized near the southern border.
- **The amount of fentanyl seized by Border Patrol Agents has increased by 72% in a single year.** Most of the fentanyl seized by Border Patrol took place in the San Diego sector, where Border Patrol Agents seized 210 pounds, or 74% of all of the fentanyl seized across all Border Patrol sectors. During this same period, 67% of all Border Patrol fentanyl seizures took place in automobiles.
- **The majority of opioids seized by Border Patrol Agents are seized well inside the United States, rather than along the border.** In past years, approximately 70% of Border Patrol's opioid seizures occurred 10 or more miles from the border, most of which occurred in automobiles. The majority of these seizures took place in western sectors on the southern border where fencing covers most of the border and where large infrastructure investments have been made to prevent illegal crossings, indicating that opioids are crossing the border through ports of entry and are later being seized by Border Patrol agents at Border Patrol checkpoints.

I. BACKGROUND AND METHODOLOGY

U. S. Customs and Border Protection (CBP) is the component within the Department of Homeland Security (DHS) responsible for ensuring the safety of United States borders by inspecting goods and people before they enter the United States at ports of entry and stopping people and goods from crossing illegally between ports of entry. Because of this, CBP is in a unique position to stop illicit narcotics before they enter the United States and make it to drug markets across the country. While CBP is not the only governmental entity in the United States charged with seizing illicit opioids, its control of cross border traffic gives it a unique perspective of how opioids produced outside of the country enter the United States.

CBP has two main law enforcement components that are responsible for interdicting illicit materials and unauthorized individuals before they can enter the United States. The Border Patrol plays an important role in drug seizure efforts and is responsible for the areas along the border that are between ports of entry. Border Patrol Agents also have certain authorities to interdict people and goods within 100 miles of the border. Interdiction efforts are also led by the Office of Field Operations which employs CBP Officers (Port Officers) at over 300 ports of entry across the United States.¹ Ports of entry include land border crossings, cargo ports, international mail facilities, and airports. Port Officers are responsible for interviewing individuals seeking entry into the United States for admissibility and inspecting goods, vehicles, and cargo for illicit material or customs violations. To identify trends and monitor efficacy of its interdiction efforts, CBP maintains data and statistics on opioid seizures made by its two primary law enforcement components.

At the request of Ranking Member Claire McCaskill, Democratic staff of the Senate Committee on Homeland Security is conducting ongoing congressional oversight over efforts by DHS to stem the opioid crisis. Minority staff recently examined data maintained by CBP on opioid seizures made by its two primary law enforcement components, the Border Patrol and the Office of Field Operations.² The Office of Field Operations within CBP provided seizure data for heroin, fentanyl, morphine, oxycodone, hydrocodone, and codeine.³ Border Patrol included information regarding only heroin, fentanyl, and morphine. In addition to seizure data, CBP briefed Committee staff on several occasions regarding drug interdiction statistics, technology, and law enforcement staffing trends.⁴ Additionally, the Drug Enforcement Administration (DEA) briefed the minority staff twice to provide information on underlying epidemic trends nationally and in Missouri.⁵

Unless stated otherwise, seizures of narcotics refer to seizures by CBP (including Border Patrol Agents and Port Officers), and does not refer to other law enforcement agencies such as DEA, state, and local law enforcement. Data cited relating to years are for the fiscal, not calendar, year.

Opioid seizures made by port officers are described in a May 10, 2018 report titled "Combating The Opioid Epidemic: Intercepting Illicit Opioids at Ports of Entry."

¹ Customs and Border Protection, *At Ports of Entry* (<https://www.cbp.gov/border-security/ports-entry>) (accessed May 1, 2018).

² Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017). Subsequent to CBP's December 7, 2017 response, CBP provided additional data on December 8, 2017, February 6, 2018, and February 13, 2018. All references to information and data provided by CBP in response to Ranking Member McCaskill and Chairman Johnson's November 7, 2017 request will subsequently be cited as: *CBP 2013 - 2017 Opioid Seizure Data*.

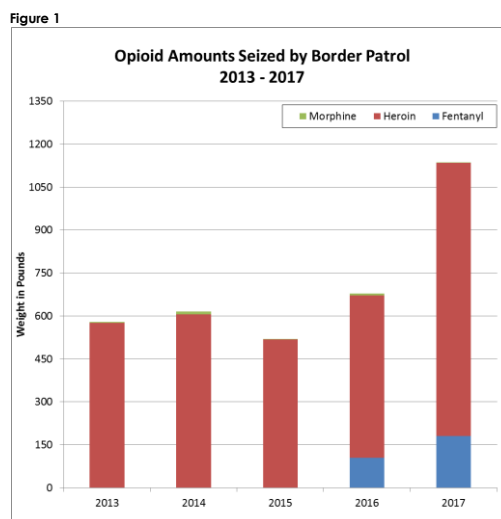
³ Unless otherwise indicated, throughout this report, the term "opioids" refers to illicit opioids including heroin, fentanyl, and morphine. Prescription opioids were not included because they are typically not smuggled into the United States like other illicit opioids. Because of this, CBP Officers at ports of entry seize only a small amount of prescription opioids and Border Patrol seizes so few prescription opioids that it does not track their seizures.

⁴ Customs and Border Protection, Briefing with Senate Committee on Homeland Security and Governmental Affairs Minority Staff (Dec. 5, 2017); Customs and Border Protection, Briefing with Senate Committee on Homeland Security and Governmental Affairs Staff (Dec. 15, 2017); Customs and Border Protection, Briefing with Senate Committee on Homeland Security and Governmental Affairs Staff (Jan. 18, 2018); Customs and Border Protection, Briefing with Senate Committee on Homeland Security and Governmental Affairs Staff (Jan. 19, 2018); Customs and Border Protection, Briefing with Senate Committee on Homeland Security and Governmental Affairs Staff (Feb. 15, 2018).

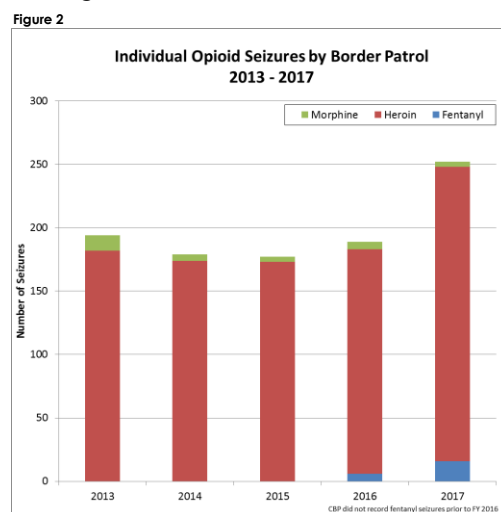
⁵ Drug Enforcement Administration, Briefing with Senate Committee on Homeland Security and Governmental Affairs Staff (Jan 9, 2018); Drug Enforcement Administration, Briefing with Senate Committee on Homeland Security and Governmental Affairs Minority Staff (Feb. 1, 2018).

II. BORDER PATROL AGENTS SEIZED OVER 3,500 POUNDS OF OPIOIDS IN THE LAST FIVE YEARS, PRIMARILY NEAR THE SOUTHERN BORDER

Between 2013 and 2017, Border Patrol seized 3,526 pounds of opioids.⁶ Overall, between 2013 and 2017, Border Patrol seized 286 pounds of fentanyl, 3,218 pounds of heroin, and 23 pounds of morphine.⁷ Significantly, during this period, the amount of opioids seized annually by Border Patrol increased 96%, from 579 pounds to 1,135 pounds.⁸ Because of this growth in seizures, Border Patrol's contribution to the overall amount of opioids seized by CBP has increased, such that in 2017 Border Patrol seized over 18% of all opioids seized by CBP.⁹ See Figure 1.



Consistent with the increases in opioid seizures by weight, the number of individual seizures by Border Patrol has also increased. Border Patrol's yearly individual seizures have increased by 30% from 194 seizures in 2013 to 252 seizures in 2017.¹⁰ See Figure 2. While Border Patrol's share of CBP's overall individual seizures has decreased from 22% to 11%, this is likely due to the sizeable increases that CBP is seeing in small shipments of fentanyl being sent through the international mail, which are interdicted by Port Officers.¹¹



⁶ CBP 2013 - 2017 Opioid Seizure Data.

⁷ CBP 2013 - 2017 Opioid Seizure Data. CBP only began consistently monitoring fentanyl seizures in 2016.

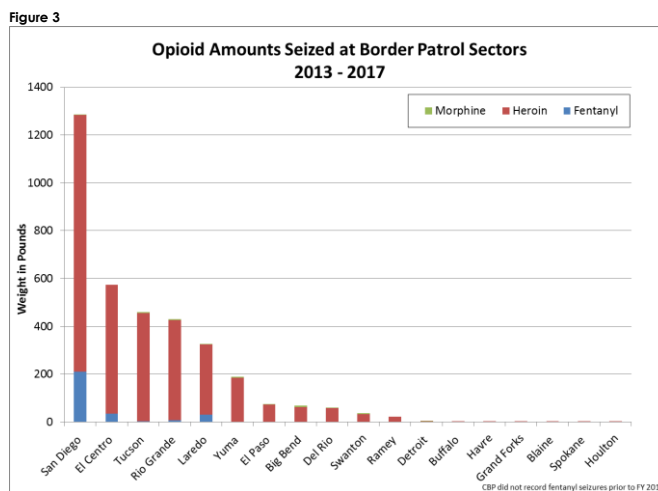
⁸ CBP 2013 - 2017 Opioid Seizure Data.

⁹ CBP 2013 - 2017 Opioid Seizure Data.

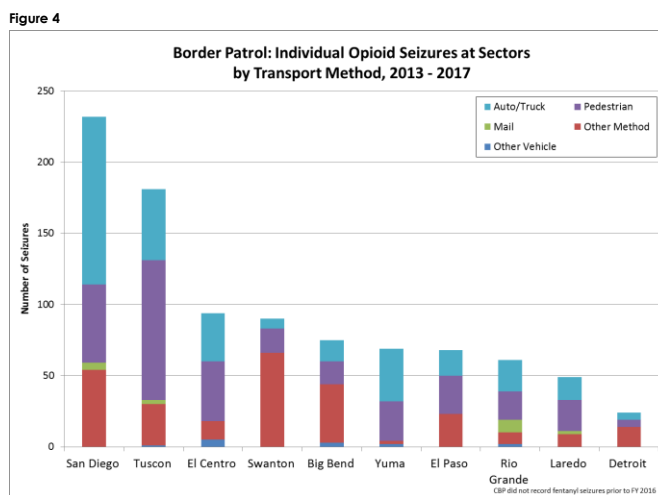
¹⁰ CBP 2013 - 2017 Opioid Seizure Data.

¹¹ CBP 2013 - 2017 Opioid Seizure Data.

Border Patrol Agents located near the southern border seized 98% of all opioids interdicted by Border Patrol between 2013 and 2017.¹² Most of these seizures took place in just three southern border sectors: San Diego, Tucson, and El Centro. During 2016 and 2017, these sectors alone accounted for 69% of the fentanyl, heroin, and morphine seized by Border Patrol.¹³ Significantly, El Centro and Tucson sectors saw 200% and 115% increases in opioid seizures between 2016 and 2017.¹⁴ Despite these increases, Border Patrol Agents in San Diego sector seized the most opioids in 2017 with 496 pounds or 44% of all fentanyl, heroin, and morphine seized across Border Patrol sectors.¹⁵ See Figure 3.



While the majority of individual seizures of opioids also take place near the southern border, one sector's seizures along the northern border are a departure from this trend. Swanton sector, which is headquartered in Vermont, was the fourth highest sector by number of individual seizures. Between 2013 and 2017, Swanton sector made 90 individual opioid seizures, which is just under 10% of all Border Patrol seizures for the period.¹⁶ The seizures in the Swanton sector were composed primarily of heroin.¹⁷ See Figure 4.



¹² Unless otherwise indicated, for the purposes of this report, references to the southern border refer to sectors or field offices along the United States border with Mexico. *CBP 2013 - 2017 Opioid Seizure Data.*

¹³ *CBP 2013 - 2017 Opioid Seizure Data.*

¹⁴ *CBP 2013 - 2017 Opioid Seizure Data.*

¹⁵ *CBP 2013 - 2017 Opioid Seizure Data.*

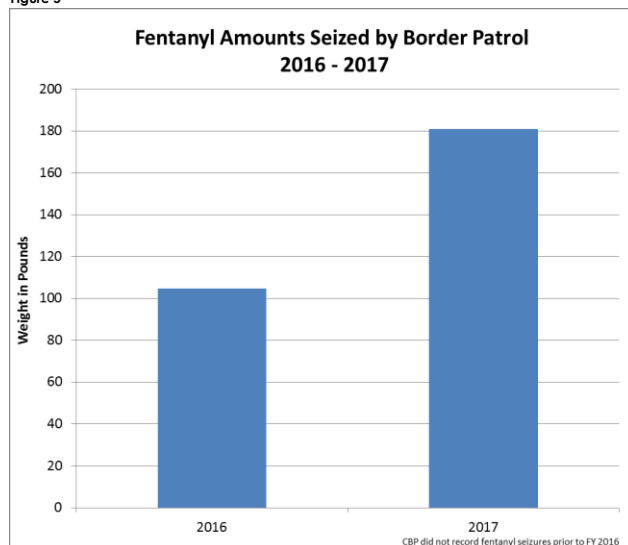
¹⁶ *CBP 2013 - 2017 Opioid Seizure Data.*

¹⁷ *CBP 2013 - 2017 Opioid Seizure Data.*

III. FETANYL SEIZURES BY BORDER PATROL HAVE INCREASED BY 72% IN A SINGLE YEAR

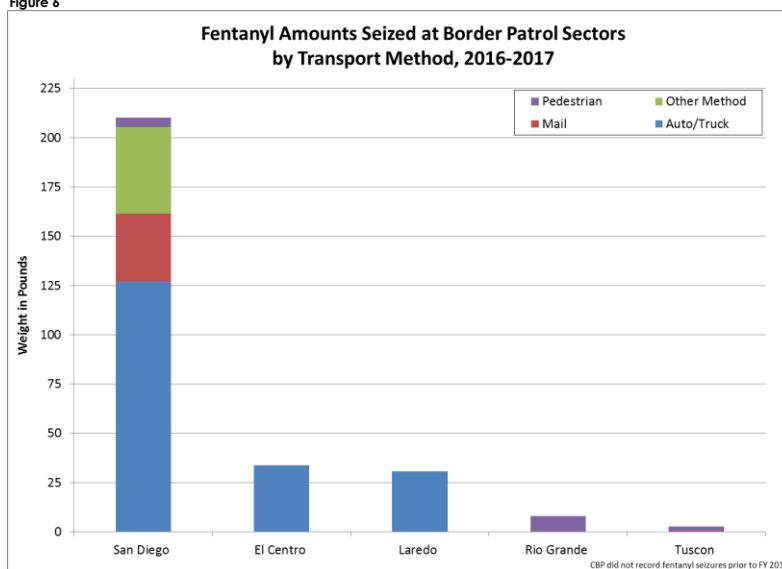
In a single year, the amount of fentanyl seized by Border Patrol increased by 72% from 105 to 181 pounds.¹⁸ See Figure 5. The number of individual fentanyl seizures also increased over the same period from 6 to 16 seizures.¹⁹ This increase in seizures executed by Border Patrol Agents contributed to CBP's total fentanyl seizures, which nearly doubled from 2016 to 2017, climbing from 564 pounds in 2016 to 1,370 pounds in 2017.²⁰

Figure 5



Most of the fentanyl seized by Border Patrol took place in San Diego sector, where Border Patrol Agents seized 210 pounds, or 74% of all of the fentanyl seized across all Border Patrol sectors.²¹ San Diego sector was followed by El Centro and Laredo sectors, which seized 12% and 11% of all fentanyl seized by Border Patrol respectively.²² See Figure 6.

Figure 6



¹⁸ CBP 2013 - 2017 Opioid Seizure Data.

¹⁹ CBP 2013 - 2017 Opioid Seizure Data.

²⁰ CBP 2013 - 2017 Opioid Seizure Data.

²¹ CBP 2013 - 2017 Opioid Seizure Data.

²² CBP 2013 - 2017 Opioid Seizure Data.

IV. BORDER PATROL SEIZES ILLICIT OPIOIDS INSIDE THE UNITED STATES, NOT ALONG THE BORDER

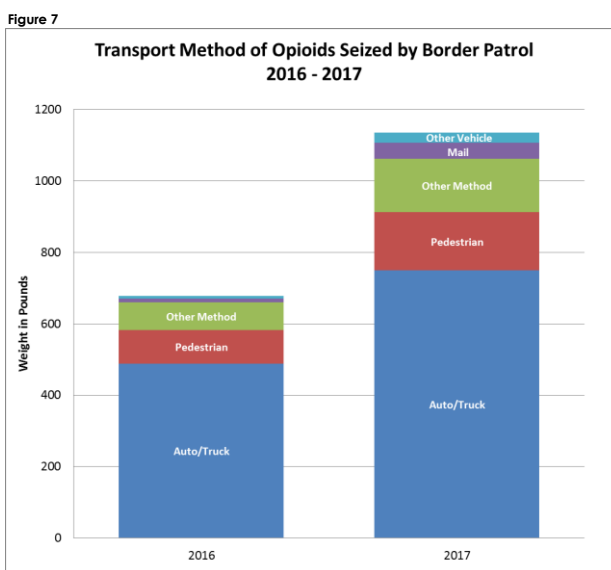
Data provided by CBP and the Government Accountability Office (GAO) suggest that a substantial number of these opioid seizures took place not along the border itself but in the interior of the United States at Border Patrol checkpoints or when Border Patrol encounters automobiles within United States communities. Significantly, this trend appears to have increased over the past two fiscal years.

A. Border Patrol opioid seizures are more common in the interior of the United States.

In addition to having responsibility for patrolling areas of the border between ports of entry, Border Patrol has the authority to conduct searches of vehicles, aircraft, and railway cars within 100 miles of the border.²³ Many of these enforcement actions take place at checkpoints set up along interior routes leading away from ports of entry.²⁴ Between 2012 and 2016, between 64% and 70% of Border Patrol's drug seizures occurred 10 or more miles from the border.²⁵ During the same period, on average, only 10% of all seizures took place within a half mile of the border.²⁶

B. Most Border Patrol seizures are in automobiles.

The majority of Border Patrol's opioid seizures take place in automobiles. During 2016 and 2017, 68% of all heroin, fentanyl, and morphine seized by Border Patrol was seized from automobiles and trucks.²⁷ The number of Border Patrol seizures in automobiles has also increased significantly over the past two fiscal years. See Figure 7. From 2016 to 2017, the amount of opioids seized from automobiles and trucks increased by 54%.²⁸



²³ Government Accountability Office, *Border Patrol: Issues Related to Agent Deployment Strategy and Immigration Checkpoints* (GAO-18-50) (Nov. 2017).

²⁴ Government Accountability Office, *Border Patrol: Issues Related to Agent Deployment Strategy and Immigration Checkpoints* (GAO-18-50) (Nov. 2017).

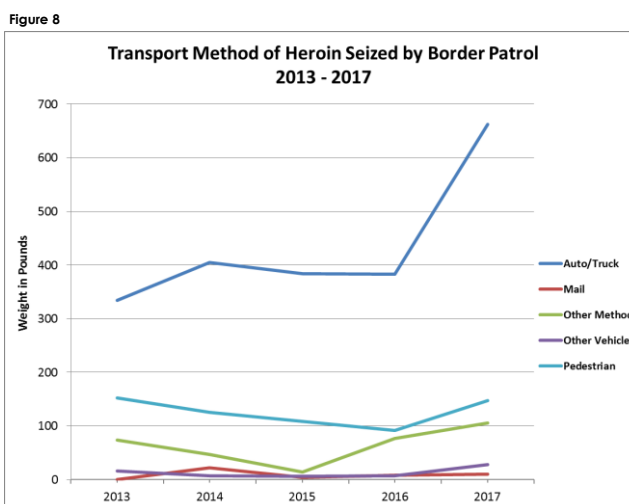
²⁵ Government Accountability Office, *Border Patrol: Issues Related to Agent Deployment Strategy and Immigration Checkpoints* (GAO-18-50) (Nov. 2017).

²⁶ Government Accountability Office, *Border Patrol: Issues Related to Agent Deployment Strategy and Immigration Checkpoints* (GAO-18-50) (Nov. 2017).

²⁷ Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).

²⁸ Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).

Border Patrol's seizures of heroin, the most commonly seized opioid, illustrate the extent to which opioid seizures in automobiles have increased.²⁹ Between 2013 and 2017, Border Patrol seized the majority of heroin from automobiles and trucks, which accounted for 2,167 pounds (67%) of 3,218 pounds of seized heroin.³⁰ In 2017, the amount of heroin seized from automobiles and trucks increased by 73% to 662 pounds—the largest weight increase of the transport categories tracked by Border Patrol.³¹ See Figure 8.



C. Border Patrol rarely encounters vehicles along the border.

Border Patrol Agents rarely encounter migrants attempting to illegally cross the border in vehicles between ports of entry, as legal automobile traffic is typically diverted to ports of entry.³² The exception to this is a “drive through”, when an individual illegally crosses the border in an automobile, ATV, or other motorized vehicle.³³ This can take place in areas where there is no infrastructure or fencing in place, where fencing is weak enough for a vehicle to ram through it, or in instances where individuals use ramps or other devices to drive over existing barriers.³⁴ Drive throughs are rare. Across Border Patrol's nine southwest border sectors, the Border Patrol averaged one drive through per month between 2013 and 2015.³⁵ Sixty-three percent of these drive throughs took place in the Tucson sector.³⁶

²⁹ Border Patrol only provided fentanyl seizure data for the past two fiscal years making it more difficult to project its growth over time.

³⁰ Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).

³¹ Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).

³² Email from Congressional Affairs, Customs and Border Protection, to Senate Committee on Homeland Security and Governmental Affairs Minority Staff (Apr. 16, 2018).

³³ Customs and Border Protection, Briefing with Senate Committee on Homeland Security and Governmental Affairs Staff (Feb. 15, 2018).

³⁴ Customs and Border Protection, Briefing with Senate Committee on Homeland Security and Governmental Affairs Staff (Feb. 15, 2018).

³⁵ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations* (GAO-17-331) (Feb. 2017).

³⁶ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations* (GAO-17-331) (Feb. 2017).

D. Improved border barriers have not led to fewer seizures.

Despite improved border fencing and physical infrastructure along the southern border, Border Patrol Agents have seized significant amounts of opioids in areas with physical barriers in place. In fact, the majority of Border Patrol's opioid seizures in automobiles took place in western sectors on the southern border where fencing covers most of the border and where large infrastructure investments have been made to prevent illegal crossings. More than 90% of all primary fencing along the southwest border is located in the San Diego, El Centro, Yuma, Tucson, and El Paso sectors – the southern border's five westernmost sectors. More than 75% of each of these sectors is covered with primary fencing.³⁷ Nonetheless, between 2013 and 2017, these sectors accounted for 73% of all opioids seized by Border Patrol sectors. Despite high fencing coverage and significant investments, the amount of opioids seized from automobiles in these sectors increased by 300%, from 160 pounds in 2013 to 644 pounds in 2017.³⁸ This increase cannot be entirely attributed to increased illegal vehicle crossings; rather, this increase points to an increase in checkpoint or other interior enforcement seizures north of the border.

Agents in the San Diego sector seized the greatest amount, with 337 pounds seized in 2017, which is more than triple the amount seized in San Diego in 2013.³⁹ See Figure 9. With 46 miles of its 60-mile border covered by fencing and natural obstacles covering the rest, San Diego is one of the most hardened sectors to illegal crossings.⁴⁰ Still, between 2013 and 2015, 14 drive throughs occurred in the San Diego sector.⁴¹ Although these 14 drive throughs could have contributed to opioid seizures in San Diego, they cannot account for the 62 individual automobiles that Border Patrol seized opioids from between 2013 and 2015.⁴²

Figure 9

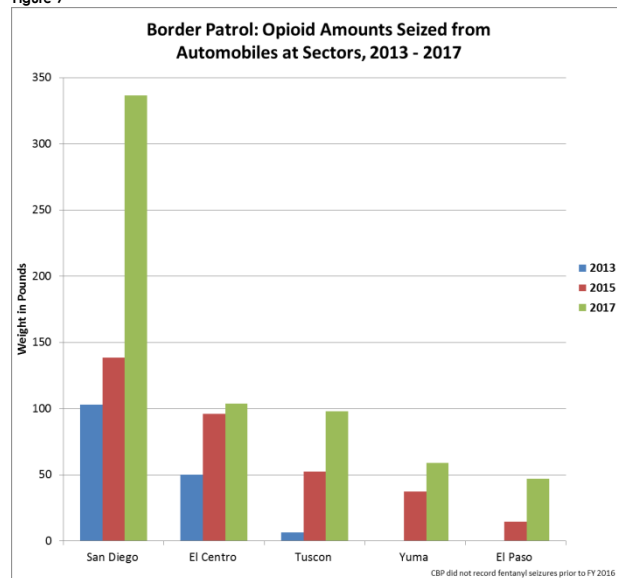
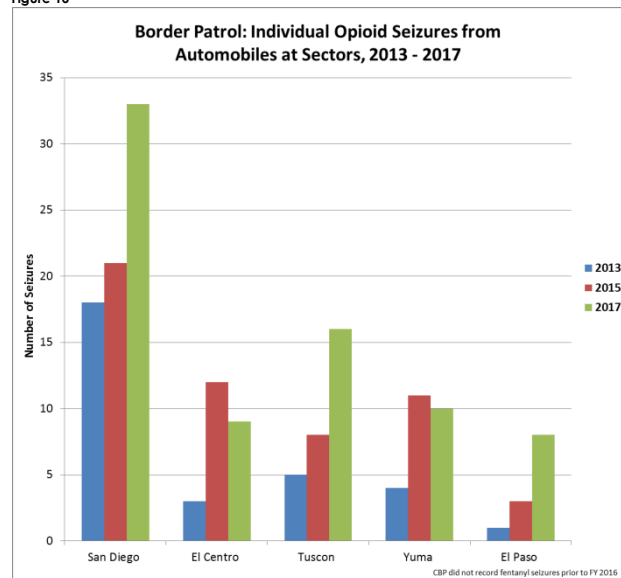


Figure 10



³⁷ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations* (GAO-17-331) (Feb. 2017).

³⁸ Letter from Kevin K. McAleenan, Acting Director, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).

³⁹ Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).

⁴⁰ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations* (GAO-17-331) (Feb. 2017).

⁴¹ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations* (GAO-17-331) (Feb. 2017).

⁴² Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).

Tucson sector has also made significant investments in fencing and other tactical infrastructure along the border. According to GAO, Tucson has “more border zones with vehicle fencing than any other sector ... covering about 80% of the sector's zones.”⁴³ While Border Patrol Agents assert that fencing has “improved [their] ability to impede and deny the entry of large amounts of illegal narcotics,” these anti-vehicle barrier improvements have not lowered Tucson sector's automobile drug seizures.⁴⁴ Instead, the amount of opioids seized from automobiles has increased 1,533%, from six pounds in 2013 to 98 pounds in 2017.⁴⁵

Border Patrol seizure data along the southwest border indicate that, despite additional fencing, opioids are still making it across the border, and this not exclusively due to vehicle incursions – or “drive throughs.” It is more likely that opioids are crossing the border through ports of entry and are later being seized by Border Patrol agents at Border Patrol checkpoints, many of which are located miles from the border. Because of this, additional fencing or infrastructure may do little to impede the flow of opioids. Instead, additional investments at ports of entry may go further in stemming the flow of opioids before they can enter the United States.

⁴³ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations* (GAO-17-331) (Feb. 2017).

⁴⁴ Government Accountability Office, *Southwest Border Security: Additional Actions Needed to Better Assess Fencing's Contributions to Operations* (GAO-17-331) (Feb. 2017).

⁴⁵ Letter from Kevin K. McAleenan, Commissioner, Customs and Border Protection, to Ranking Member Claire McCaskill and Chairman Ron Johnson (Dec. 7, 2017).