

**Statement of John P. Torres, Retired Deputy Director
U.S. Immigration And Customs Enforcement, before
the United States Senate Committee on Homeland
Security and Governmental Affairs, Regarding A
Hearing On "Securing The Border: Assessing The
Impact Of Transnational Crime"**

Release Date: March 20, 2015

Dirksen Senate Office Building

Introduction

Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee:

Thank you for the opportunity to discuss the impact of transnational crime and threats to our border based upon my experience serving at Department of Homeland Security (DHS), Immigration & Customs Enforcement (ICE) and its predecessor agencies. I retired in 2013 as the Special Agent in Charge of Homeland Security Investigations (HSI) for the Washington, D.C. Field Office where I had served for nearly four years. Upon the creation of DHS in 2003, I served in a variety of leadership roles for ICE, including the Deputy Director and Acting Director. I retired with nearly twenty-seven years of federal service, and twenty-five of those years as a special agent.

During the course of my career, ICE targeted transnational criminal

organizations at every critical phase in the cycle: internationally in cooperation with foreign counterparts, where transnational criminal and terrorist organizations operate; at our nation's physical border and ports of entry (POEs) in coordination with U.S. Customs and Border Protection, where the transportation cells attempt to exploit America's legitimate trade, travel, and transportation systems; and in cities throughout the United States, where criminal organizations earn substantial profits off the smuggling of aliens and illicit goods.

For the past twenty-five years, transnational organized crime has expanded dramatically in size, scope and impact—posing a significant threat to national and international security. DHS and ICE worked closely with our federal, state, local and international partners to bring together best practices to combat transnational crime and related threats to our national security. From the early days of ICE, we established a number of programs and initiatives as part of our strategy to strengthen border security, enhance public safety and fortify the national security of the United States.

We started at home by taking shared responsibility and swift action within our own borders to combat transnational violent gangs and ruthless human smuggling and trafficking organizations. We transformed the deportation process to improve efficiencies and developed technology that allowed us to expand programs to target criminal aliens. We created programs to identify and strengthen the interdiction of national security threats. We built and enhanced international capacity, cooperation, and partnerships. These areas are just the highlights of the priorities that we focused on to combat transnational crime during my ten years creating, merging and building ICE.

The National Security Impact of Transnational Crime

From September 1997 through March 2000, I was assigned as an INS Agent detailed full time to the Headquarters of the Federal Bureau of Investigations in the International Terrorism Operations Section. In December 1999, while assigned to the Usama bin Laden Unit, we worked around the clock in response to a very credible threat of a terrorist plot to bomb unknown symbolic sites in the United States during millennium celebrations. It was during this time on December 14, 1999 that Ahmed Ressam, traveling under the alias of Benni Noris, was arrested while trying to enter the United States in a rented Chrysler 300M. In the trunk of that car were approximately 132 pounds of urea and aluminum sulfate (fertilizer); 47 ounces of a liquid similar to nitroglycerin; timing devices and other explosive making materials. FBI tests confirmed that these materials could make four medium sized bombs, which could be used as anti-personnel or car bombs.

At the time, Ressam was not cooperating, forcing us to race against the clock to potentially prevent a suspected New Year's Eve attack at an unknown location. In his possession were phone numbers to a contact that we traced back to New York City. These numbers led us to human smugglers operating from Montreal to Boston and New York City through Vermont. Ressam and his Algerian – Al Qaeda linked Armed Islamic Group (GIA), based in Montreal, used this human smuggling ring to their advantage to gain entry to the United States for some of its operatives. As early as 1999, al Qaeda linked terrorists were willing to use transnational criminal organizations to further their operations in the United States.

Today, the publicly released ICE strategy to combat transnational crime focused on the following principals:

- Attacking criminal networks within and beyond our borders;
- Prioritizing networks and pathways that pose the greatest threats;
- Participating and facilitating robust interagency engagement; and
- Pursuing a coordinated regional approach that leverages foreign partners.

At ICE, we worked hard to collaborate with federal, state, local partners at every opportunity. A coordinated strategy of attacking criminal networks at multiple locations along the illicit travel continuum was designed to reduce pressure on law enforcement resources and assist partner nations in preventing or disrupting organized alien smuggling within their own territories.

Over the years, in part due to the pressure applied through new national security initiatives, terrorists have increasingly turned to crime and criminal networks to fund and facilitate their illicit activities. A threat of particular concern is the convergence of terrorist travel and human trafficking. One case exemplified that concern. In 2012, ICE publicly released information regarding an HSI Attaché Quito terrorist mobility investigation that was conducted jointly with HSI Atlanta, the Department of Justice, the FBI, and Ecuadorian authorities through the HSI Quito Transnational Criminal Investigative Unit (TCIU). The investigation focused on a criminal travel network engaged in facilitating the illicit transnational movement of suspected members of terrorist organizations like Al Qaeda, Tehrik-i-Taliban Pakistan (TTP), and Jaish-e-Mohammed.

In September 2011, three Pakistani citizens pleaded guilty in the District of Columbia to one count each of conspiracy to provide material support to the Tehrik-I-Taliban (TTP), often referred to as the Pakistani Taliban, a designated foreign terrorist organization. As part of their plea agreements, the defendants agreed to a stipulated order of removal to Pakistan upon the completion of their sentences.

Securing the Borders Against Transnational Crime

Border Enforcement Security Task Forces (BESTs)

In 2006, ICE established the BEST program, which currently operates in 35 locations throughout the United States, Puerto Rico and Mexico. BEST leverages over 1000 federal, state, local, and foreign law enforcement agents and officers representing over 100 law enforcement agencies and provides a co-located platform to conduct intelligence-driven investigations to identify, disrupt and dismantle transnational criminal organizations along the Southwest and Northern Borders and at our nation's major seaports. Since the creation of BEST over 10,000 cases have been initiated. These crimes include weapons and munitions smuggling, money laundering, human smuggling, human trafficking, customs fraud, and cybercrime violations.

For example, the Hampton Roads Seaport BEST in Norfolk Virginia focuses on trade-based money-laundering, narcotics trafficking through cargo containers, weapons smuggling and counterfeit goods. In 2010, container terminals in Norfolk and Portsmouth, Va., handled 87,000 cargo containers on average. Due in part to the completion of the Heartland Corridor that runs

through the Midwest and the expansion of the Panama Canal, the port is likely to see an increase in direct foreign traffic, including super freighters which will significantly increase the amount of containers, crews and ships entering the United States via the Port of Virginia. The first early success of this Seaport BEST was in April of 2011 with the seizure of 55 kilograms of cocaine found in a vessel that transited the Panama Canal and docked at the Port of Virginia.

Criminal Alien Program

In 2005 was the Director of ICE's Detention and Removal Operations (DRO), today known as Enforcement and Removal Operations (ERO). The name change was in part due to the fact that we transformed the removal process for foreign nationals ordered deported from the United States. By building in a number of efficiencies into the process, ICE was able to take over the Criminal Alien Program (CAP) which had previously been run by the Special Agents in the Office of Investigations, today known as Homeland Security Investigations (HSI).

Using new technologies, ICE created a number of new programs to prioritize foreign nationals convicted of crimes committed here in the United States. These programs included the Detention Enforcement and Processing of Offenders by Remote Technology (DEPORT) Center. This Chicago based center incorporated the use of video conferencing allowing officers to interview felons serving their sentences at federal prisons. This reduced the amount of time that an offender spent in ICE detention, allowing the agency to utilize those detention beds for other priorities.

Another important program targeting criminal foreign nationals was the Violent Criminal Alien Section (VCAS). VCAS screens recidivist criminal aliens encountered through ICE and local law enforcement to seek criminal prosecution to mitigate the risk of future recidivism. Integral to success in this effort is the collaboration with the Offices of the United States Attorneys to prosecute the charged criminal offenders.

Human Trafficking and Smuggling Investigations

While at ICE, I also served as the Deputy Assistant Director for Smuggling and Public Safety. We launched several developed several initiatives and priorities, including improving ICE's ability to work with interagency and international partners to disrupt and dismantle international human smuggling and trafficking networks, as well as the organizations along their entire routes. This is a critical priority for ICE because illicit organizations can take advantage of established smuggling routes to smuggle humans, drugs, weapons, cash and potential terrorists.

For many years the United States has been a primary target destination for smugglers and traffickers who have been responsible for tens of thousands of men, women and children entering the country illegally each year. This international criminal market remains extraordinarily lucrative. Sadly, a significant number of children are brought to the United States in the hands of ruthless smugglers placing them at great risk.

In May 2003, police discovered dozens of smuggled immigrants—men, women, and children—locked in a hot, airless tractor-trailer outside

Victoria, Texas. The trailer, originally bound for Houston, had been unhitched and abandoned 175 miles from the Mexico border in a botched smuggling job. Ultimately, 19 people died in that trailer, including a seven year-old boy. It was the deadliest case of human smuggling in the United States in fifteen years.

Last year, unaccompanied children entered the United States at increasingly alarming rates. Some of these children were placed in the hands of smugglers by adults, even family members, to seek a better life for these children in hopes of some day becoming legalized in the United States. Not only does this pose a great risk to these children, but also poses a serious officer safety threat to the men and women who patrol our borders and investigate these ruthless organizations.

Transnational Gangs

Transnational gangs often conspire with other dangerous criminal organizations, which allow them to mature from small autonomous criminal groups into larger, international criminal enterprises engaged in human smuggling and trafficking, narcotics smuggling and distribution, money laundering, weapons and arms trafficking, kidnapping, and extortion.

In February of 2005, ICE launched Operation Community Shield, an ICE-led anti-gang program, which combines ICE's statutory and administrative enforcement authorities with law enforcement partnerships. These targeted enforcement operations have led to the development of information critical to the successful prosecution of transnational gang members for conspiracy and racketeering related violations. Since its inception in 2005, according to

ICE statistics, Operation Community Shield has led to the arrests of more than 32,000 gang members and associates representing more than 2400 gangs and cliques. Of these, 451 arrests were of gang leaders, and 14,994 of the arrested suspects had violent criminal histories.

The impact of transnational crime as it relates to violent gangs can be underscored by looking at a case study of MS-13 in Northern Virginia, where I served as Special Agent in Charge for the last three and a half years of my career. As early as 2003, MS-13 violence terrorized the community:

- 2003: Murder of Federal Witness Brenda Paz
- 2004: Murder of Jose Sandoval
- 2006: Murder of Shannon Angeles
- 2007: Murder of Melvin Reyes
- 2008: (Summer of Terror)
 - August 2008 (Shooting of Juvenile)
 - September 2008 (Shooting of pregnant female)
 - September 2008 (Shooting/Paralysis of victim)
 - October 2008 (Triple Shooting/ Disfigurement of 3 teens)

In 2011, in response to the growing trend of transnational gangs branching into the underworld of juvenile sex trafficking, the United States Attorney's Office for the Eastern District of Virginia (EDVA) created a Human Trafficking Task Force which was co-chaired by EDVA, ICE and the Federal Bureau of Investigations. It was housed at the local ICE Office in Northern Virginia and focused on training, victim services and law enforcement. We dedicated full time prosecutors and agents with a "zero

strike” intake policy. Within the first eighteen months, the Task Force rescued 36 victims and arrested 28 defendants. Some of the convictions are highlighted below:

- Jose Juarez Santa Maria (aka Sniper): Life in Prison
- Alexander Rivas (aka Casper 1): 120 Months in Prison
- Alonso Bruno Cornejo (aka Casper 2): 292 Months in Prison
- Henry Herrera (aka Lunatico): 300 Months in Prison
- Rances Ulices Amaya (aka Murder): 600 Months in Prison
- Yimmy Pineda Penado (aka Critico): 210 Months in Prison
- Jonathan Adonay Fuentes (aka Crazy Boy): 120 Months in Prison

These successful prosecutions dealt a serious blow to local MS-13 leadership and sent a strong message that the collective law enforcement community in Northern Virginia would deal with gang activity and sex trafficking swiftly and harshly.

Conclusion

The cases that I have highlighted today are indicative of the impact that transnational crime can have in our local communities. In my opinion, it is imperative that Congress continues to work with our federal law enforcement leaders to remain focused on combating transnational crime.

Thank you again for the opportunity to appear before you today. I am available to work with this Committee to help minimize the impact of transnational crime through its oversight responsibilities. I am pleased to answer any questions you may have at this time.