

Immigration and the Southwest Border

Effect on Arizona

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Alien Traffic Through Arizona

• More than forty-five percent of all illegal aliens apprehended by the Border Patrol in the United States are caught in Arizona.

In Fiscal Year 2005, approximately 577,000 illegal aliens were apprehended along Arizona's 370-mile border with Mexico.



 Groups gather south of border and walk for days through the grueling heat.

Some Don't Survive



Eventually they are picked up and taken to hub cities like Phoenix.

 Types of vehicles vary from passenger cars to cargo trucks.

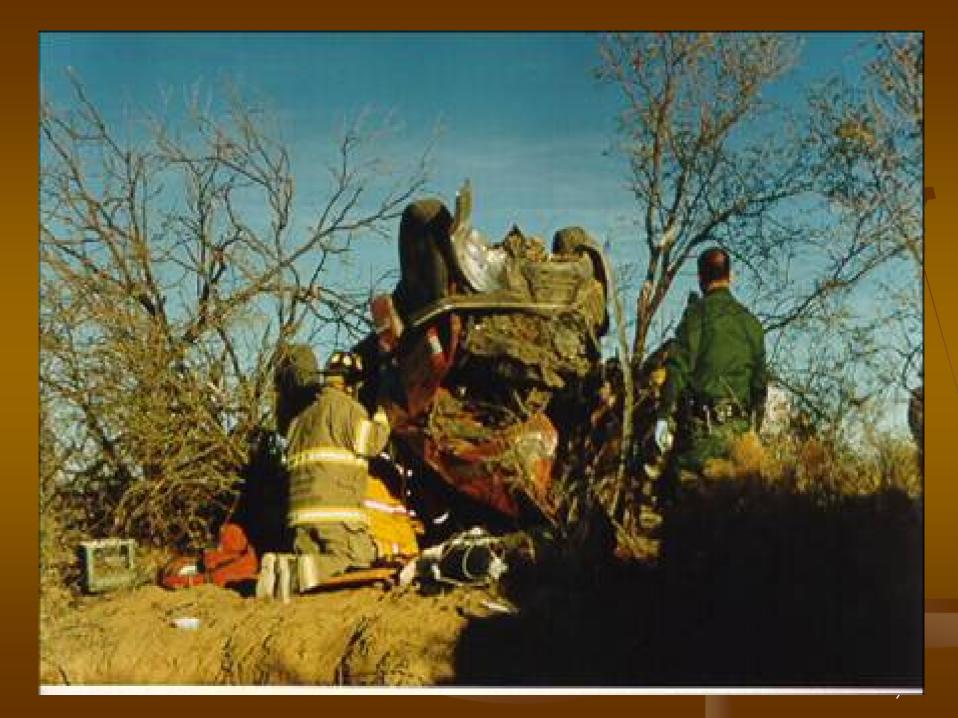
Smugglers Often Disregard Safety







 Smugglers often drive unsafe vehicles and flee from law enforcement, leading to tragic results





Agents and the public likewise are at risk

Drop Houses



Aliens are held in drop houses, often against their will and in deplorable conditions.

Traffic Provides Potential Cover for Terrorists

Reports of terror organizations seeking to move people into the United States via Mexico.

 High volume of human traffic makes it easier for terrorists to blend in and avoid capture.

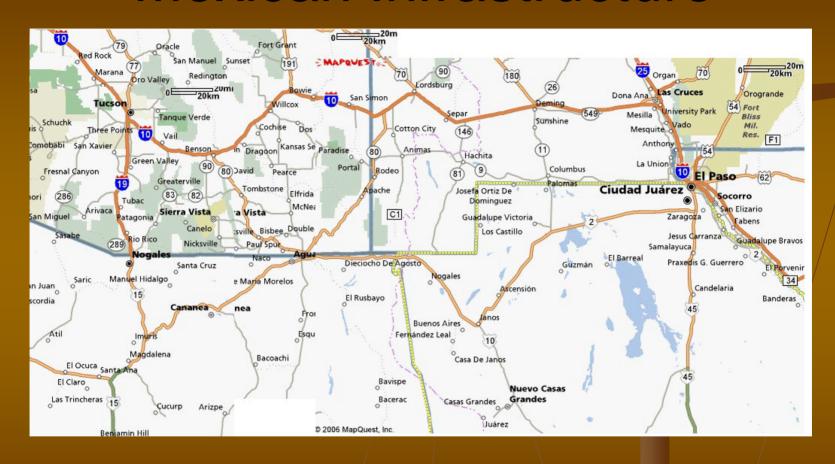
Funneling Traffic to Arizona

 Mexican Infrastructure — Major highways lead to Arizona

 Lack of natural barriers such as the Rio Grande

Border enforcement and barrier fencing

Mexican Infrastructure



All Roads Lead to Arizona

Arizona's Response: A Multi-Faceted Approach

- Improving border security
 - Added resources
 - Vehicular barriers

Using border task forces

 Adapting prosecution strategies to maximize limited resources

Increased Resources National Guard on the Border

- In addition to more Border Patrol agents, President Bush authorized increased National Guard presence on the southern border.
- Follows smaller previous deployments.
- Troops in support roles for USBP.
- Troops assist in constructing vehicle barriers along the border.

Vehicle Barrier Usage

- Primary BP Mission- prevent the entry of terrorists and weapons of mass destruction.
- Vehicles carry large quantities, of illegal aliens and narcotics, and could potentially transport weapons of mass destruction.
- Border vehicle barriers prevent vehicles from entering the U.S.
- Enhances safety Illegal traffic would then have to enter on foot which creates a much higher likelihood of apprehension at entry by the BP.
- Improves community quality of life reduces dangerous illegal vehicle traffic speeding through border towns.

Prior to any type of vehicle barricade, entry into the U.S.A. was a matter of cutting the border fence and driving through.



- Fences destroyed
- •Environmental & property damage
- Cattle ranching disrupted





Temporary vehicle barriers help fill the needs of the Border Patrol.



Temporary Vehicle Barriers can easily be installed with minimal ground disturbance to sensitive areas.

The positive impact of temporary barriers led to the installation of more sturdy permanent vehicle barriers.



The heights of the posts are now staggered to prevent ramps from being set up to allow vehicles to drive over.





Task Forces and Cross-Border Cooperation

- DHS Secure Border Initiative (SBI)
 - Arizona Border Control/Initiative (ABCI)
 - Border Enforcement and Security Task Forces (BESTs)
 - goal of eliminating top leadership and supporting infrastructure of cross-border organizations
 - federal, state, tribal, local, and intelligence entities
 - AZ Identity Fraud Task Force

Agencies Involved

- U.S. Immigration and Customs Enforcement (ICE)
- U.S. Border Patrol (CBP)
- Federal Bureau of Investigation (FBI)
- Drug Enforcement Administration (DEA)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- State and local law enforcement agencies and prosecutors' offices

State & Local Partnerships

- Provide flexibility to develop prosecutorial programs and policies to ensure the most efficient handling of violent cases and to achieve the most appropriate sentences in the best forum.
- State laws may fill gaps in federal enforcement scheme
 - Arizona Attorney General's office uses "damming warrants" under Arizona law to interdict suspicious wire transfer transactions.

Prosecution Strategies

- Fast Track
 - Use of more favorable plea agreements in early stages of prosecution to induce speedy guilty pleas.
- GIT (Guide Identification Team initiative)
 - Designed to take alien smugglers out of action—prosecution thresholds reduced, smaller cases taken in and given fast-track treatment.

Fast Track: When Apprehension Numbers Outstrip Resources

- Mid-1990s began dramatic rise in immigration prosecutions
 - Influx of aliens as Mexican economy crumbled
 - Increases in Border Patrol staffing
 - IDENT System online in San Diego Sector 1995
 - IDENT Expanded along southwest border 1996
- Border Patrol reports 10% of apprehended illegal aliens have criminal records.

Re-Entry After Deportation, aka "Felony Walking"

Mere presence of alien who has been deported is a felony.

Easy way to take known criminals off the street, just for being there.

Increased Apprehensions Effects on Justice System

Court system flooded with reentry cases
 immigration cases make up 35.4% of 9th Circuit FY 2001 docket

 U.S. Marshals detention, transport resources overburdened

Created need to expedite case processing

Fast Track for Re-entry Prosecutions

- Fast Track enables USAOs to leverage resources and handle much higher re-entry caseloads and prevent crime.
 - Pre-indictment guilty pleas
 - Waivers of hearings, appeals, post-conviction relief
- Moving cases quickly eases the burden on the entire justice system.

Alien Smuggling Initiative

- Alien smuggling prosecutions consume significant prosecution resources at the beginning of the case.
 - Preliminary hearings
 - Material witness detention and depositions

Flood of cases led to higher prosecution thresholds, numbers continued to rise.

GIT – Alien Smuggling Fast Track

- Reduced thresholds
 - Essentially all prosecutable cases accepted for prosecution.
 - Smaller cases with no violence given favorable early plea offers.
 - No preliminary hearings.
 - No videotaped depositions
 - Waiver of appeals, post-conviction relief
- Violent cases & repeat offenders receive priority and felony charging.

Zero Tolerance in Yuma

- All provable illegal entries prosecuted in selected regions
 - Modeled on Operation Streamline in west Texas
 - Started with small area near the Colorado River
 - Expanded over time as flow adjusts

Increasing Border Violence

■ FY 2005 assaults on BP agents increased 108 percent over FY 2004 (from 118 to 246).

Drug smugglers have taken to ambushing agents.

Response: Zero Tolerance for Assaults on Agents

Provable assaults charged as felonies.

Non-provable cases and persons who flee from agents or resist arrest charged with other provable crimes even when below ordinary prosecution thresholds.

Violence Toward Aliens

- Smugglers hijack each others' loads.
 - Extort money from aliens' families
 - Reap profit of others' success in getting past border security network

- Smugglers raise fees after entry.
 - Aliens in little position to protest
 - Held against will until payment made
 - Often beaten, threatened with death

Hostage Taking Prosecutions

- Used in most serious cases
 - Maximum of life imprisonment
 - Sentencing Guideline range can result in life sentence versus 1-3 years for routine alien smuggling
 - Arizona hostage taking prosecutions
 - FY 01 2 cases
 - FY 02 1 case
 - FY 03 6 cases
 - FY 04-05 32 cases

Signs of Success

- Smuggling prices have risen dramatically over 10 years
- Apprehensions are dropping
 - Tucson Sector apprehensions see 20% drop
 - August 2005 29,163
 - August 2006 23,233
 - Yuma Sector apprehensions see 75% drop
 - August 2005 12,284
 - August 2006 3,126

Returning to the Ports

Increased border security has led some to desperate measures to sneak through ports of entry



Don't try this at home!

Disclaimer

The opinions of the presenter are his own and do not necessarily represent the position of the United States Department of Justice.