



Collier County Sheriff's Office

Illegal Immigration and Law Enforcement Implications for Domestic Security and Local Jurisdictions

Sheriff Don Hunter



Overview of Illegal Immigration in the U.S.

- **Estimated 11.5 - 20 million illegal immigrants living in the U.S. (PEW Hispanic Center, 2005)**
 - Estimated 800,000 – 950,000 illegal immigrants living in Florida (PEW Hispanic center, 2006)
- **There were 7.866 million deportable Aliens Located from 2000-2005, an average of 1.31 million per year (DHS, 2006)**
 - DHS estimates 590,000 fugitive alien absconders in 2006 ordered removed from the U.S. (growing by 40,000 annually)
 - True number is unknown
 - Even when found, we cannot ensure they will be removed
 - Some countries will not accept back their own foreign nationals
- **United States Citizenship and Immigration Services (USCIS) processed 7.5 million applications for benefits**
 - This does not include the estimated 1.2 million application backlog



The Problem – How did we get here?

- **There are currently less than 12,500 border patrol officers to protect:**
 - 1,989 miles of Mexican border
 - 5,252 miles of Canadian border
 - 90,000 miles of coastal wet border
 - 429 commercial airports
 - 300 seaports
- **There is one border patrol officer for every 45 miles of border (DHS, 2005)**
- **There are currently an estimated 5,800 ICE investigators in the U.S. (DHS)**



Domestic Security Issues

Who are these people?

- **Problem with identifying and documenting illegally present foreign national population**
 - Non-existent foreign databases
 - Non-accessible foreign databases
 - European Union
 - Unfriendly Countries (Syria, Iran, Cuba)
 - Reliance on U.S. internal databases
- **Venezuela alleged to be providing identity documents to radical Islamic groups** (*A Line in the Sand: Confronting the threat at the Southeast border*, October 2006)
- **Islamic surnames being changed to Hispanic Names with false Hispanic identities before crossing into the U.S.** (FBI Director Mueller, March 8, 2005)
- **Currently, 230 immigrant visa varieties**
 - Discourages local enforcement of immigration law
 - Encourages and permits false documents
 - Organized criminal enterprises exploit the system
 - For example, the Castorena Crime Family has false identity documents in every state



Local Example of Identification Problems



Booked 2/2001



Booked 9/2003



Booked 11/2006

Name AKAs

Eduardo M Rico
Eduardo Manuel Rico
Mario Hernandez
Samuel S Rojas
Eduardo Rico-Hernandez
Eduardo Rico-Fernandez
Samuel Sanchez Rojas



Booked 10/2001

DOB AKAs

5/24/1974
5/25/1974
4/12/1970

Charges Include:

Several Battery charges (w/bodily harm)
Fraud
DUI with drugs and alcohol
Violation of Probation
Drug possession and trafficking
Leaving the scene of a crash (w/damage)



Booked 1/2005



Booked 2/2007

**Has produced false documents including
FL Drivers License and several SSNs
Place of Birth: Mexico / Currently on Ice Hold**



Identification Problems

The Treasury Department permits banks to accept consular cards to open bank accounts, acquire credit, and conduct other financial business transactions

- Consular cards are created and issued by foreign consulates
- Mexico issues these cards liberally throughout the U.S.; however, will not accept them in Mexico to open accounts

By policy and law, the Department of Labor, Social Security Administration and the Internal Revenue Service are prohibited from reporting suspect or detected illegal foreign nationals to DHS



State Sponsors of Terror

Six countries repeatedly provide support for acts of international terrorism. In 2005, DHS located 5,257 DEPORTABLE aliens from these countries.

Sponsor of Terrorism	Deportable Aliens
Libya	5
Sudan	81
Syria	114
Iran	165
Korea	608
Cuba	4,284
Total	5,257

According to the U.S. Department of State there are 42 Foreign Terrorists Organizations (*Country Reports on Terrorism, April 2006*)

- Estimated **known** membership is approximately 57,000
- All FTOs combined would have membership into the hundreds of thousands



Implications - Terrorist Safe Havens

In 2005, DHS located 38,951 DEPORTABLE aliens from Terrorist Safe Havens

Safe Havens	Aliens Located	Foreign Terrorist Organization
Yemen	67	Al-Qaida, Palestine Islamic Jihad
Somalia	92	Al-Qaida
Lebanon	125	Hizballah
Phillipines/Malaysia	651	Abu Sayyaf Group
Pakistan	792	Al-Qaida
Total (outside of S. America)	1,727	



Implications – Terrorist Safe Havens (South America)

4,798 Deportable Aliens located from Colombia, Peru, Ecuador, Venezuela (DHS, 2005)

32,426 Deportable Aliens located from the Tri-Border Region (DHS, 2005)





Implications - Violent Gangs

- **FBI estimates 30,000 gangs with 800,000 members in 2,500 communities in the U.S (DOJ, 2005)**
 - Nationwide strength of law enforcement is 800,000 members (DOJ, 2005)
- **The majority of Transnational Gangs are comprised of foreign nationals, including the Mexican Mafia, 18th Street, Zetas, and MS-13 (DOJ, 2005)**
 - MS-13 is composed of 90% foreign born illegal aliens by some estimates (*A Line in the Sand: Confronting the Threat at the Southeast Border*)
- **In 2005, MS-13 had 8,000-10,000 hardcore members**
 - In 2003, massacred 24 women and children in Christmas bus attack in Honduras
 - Hired by Mexican Sinaloa Cartel to protect Cartel and its interests
 - In 2006, Cartels responsible for rolling 5 severed heads onto a dance floor in Michoacan



Implications – Criminal Offending

A study by GAO (2005) provided arrest and offense information for 55,332 criminal aliens incarcerated in U.S. prisons and jails during FY 2003 who entered the country illegally.

- **Criminal histories:**
 - Arrested 459,614 times (avg. 8 arrests per illegal alien)
 - 97% had more than one arrest
 - 26% had over 11 arrests
- **Types of Offenses:**
 - Arrested for 700,000 criminal offenses (avg. 13 offenses per alien)
 - 24% drug offenses
 - 21% immigration offenses
 - 15% property-related offenses
 - 12% for murder, robbery, assault, and sexually-related crimes
 - 28% for other offenses (traffic, fraud, weapons, etc.)
- **Cost of incarcerating criminal aliens estimated to be \$5.8 billion from 2001 through 2004 (GAO, 2005)**
 - Costs estimated were based on only a percentage of estimated criminal aliens, actual value estimated to be closer to \$10.6 billion
- **Estimated 630, 000 criminal aliens booked into U.S. prisons and jails (DOJ, 2005)**



Local Implications – Criminal Offending

Self-Admitted Illegal Immigrants booked into Collier County jail facilities from August 1-31, 2007

- N=382 arrests (22% of all arrests) with approximately 500 charges
- Place of Birth
 - 65% from Mexico, 5% from Guatemala
 - Others include El Salvador, Brazil, and Nicaragua
- Prior Arrest History
 - Number of times arrested N=1,228 (3.2 per person)
 - Number of total charges N=1,819 (4.8 per person)

40% of felony warrants (60% of murder arrest warrants)

Self-Admitted Illegal Immigrants in our jail (on September 14, 2007)

- N=245 (20% of all inmates)
- Approximately 60% have a felony charge
- Some charges include:
 - 1 murder
 - 2 attempted murder
 - 16 sex offenses
 - 6 robberies
 - 26 burglaries
 - 43 assault and batteries
 - 56 VOP charges



Local Implications - Cost

The cost to incarcerate self-admitted illegal immigrants in Collier County jails is approximately:

\$24,774 per day

\$173,418 per week

\$743,214 per month

\$9,042,444 per year

(Calculation is based on a snapshot of 283 self-admitted illegal immigrants in our jails on January 24, 2007)

This does not include costs for judges, juries, prosecutors, public defenders, court costs, investigations, victim services, victim compensation, victim medical costs, etc.



Addressing the “Chilling Effect”

- **Cannot chill a frozen relationship**
 - Foreign nationals from developing/emerging countries distrust law enforcement in the U.S.
- **Cannot prove the negative**
 - Some event will not occur if we impose a specified action
 - No way to determine how many crimes were prevented by our visibility
- **42% of all crime in the U.S. is reported to law enforcement (BJS, 2005)**
 - (39% report property crime and 46% report personal crime)
- **The clearance rate (crimes solved) is 23% (BJS, 2005)**
 - (16% for property crimes and 45% for personal crimes)
- **For a potential loss of 0.7% of crimes cleared, we would suffer the lost potential of finding and removing terror cells and serious criminals and sacrifice the ‘rule of law’**
 - percentage based on the assumption crime victimization distributed equally for illegal and legal populations
 - based on an estimated population of illegally present foreign nationals



Other Criminal Implications

Besides their mere presence as illegal aliens, other criminal violations include:

- Possession of driver's license - FELONY
- Welfare benefit fraud - FELONY
- False application for driver's license - FELONY
- Possession of false SSNs - FELONY
- Tax Fraud - FELONY
- False claim of U.S. Citizenship - FELONY



Possible Solutions for Discussion

- **Reaffirm the definition of the “Rule of Law” by fair, consistent and just enforcement of all laws**
 - avoid blanket exemption for law enforcement for ANY class of people
- **Clarify the authority of state and local law enforcement to voluntarily assist our immigration counterparts in the enforcement of immigration law**
- **Local and state law enforcement should be encouraged and supported in assisting DHS through authorizations under federal law, section 287(g) of the Immigration and Nationality Act**



Possible Solutions for Discussion

- **Increase Customs and Border Protection elements sufficient to control the borders and ports of entry**
- **Increase interior enforcement (ICE Agents) sufficiently to regulate violations of immigration law**
- **Increase the number of application adjudicators to process applications to lawfully enter the U.S.**
- **Appoint sufficient numbers of immigration judges to expedite reviews of status with the Executive Office of immigration Review**



Collier County Criminal Alien Task Force

- Formal efforts began in June 2006 to address the escalating costs associated with detaining criminal aliens in Collier County facilities
- Five components:
 - Memorandum of Agreement
 - Inspection of facility
 - Training of staff
 - Transportation
 - Executive Office for Immigration Review



Jail Program Components

CAP – Criminal Alien Program

- Ensures criminal aliens incarcerated within federal, state and local facilities are not released into the community by securing a final order of removal prior to the termination of their sentence

DRO – Detention Removal Operation

- Makes certain through enforcement of U.S. immigration laws that all removable aliens depart the U.S.
- Uses its resources and expertise to transport aliens, manage them while in custody and waiting for their cases to be processed, and remove unauthorized aliens from the U.S. when so ordered

EOIR – Executive Office for Immigration Review

- An office within the Department of Justice which presides over immigration cases involving detained and criminal aliens
- Ensures standards of due process and fair treatment for all parties

In the Collier County jail, two 287g members are on duty at all times to interview and process criminal aliens



Criminal Alien Task Force Strategic Plan

Preliminary Phase

- 27 CCSO Task Force members received training and certification and graduated on September 18, 2007

Phase I

- Target removal of violent offenders, including gang members, career criminals and sexual predators/offenders

Phase II

- Concentrated on less violent, but serious felony offenders, including burglars, predators not in Phase I, offenders on probation, and multiple DUI offenders

Phase III

- Work with employers to assist in compliance with INA

Phase I will always remain a priority - violent illegal immigrants will always be the first offenders targeted for removal.



Phase I examples



Agustin Figueroa

Served 10 years for 2nd Degree murder – **not deported**
Arrested in Collier County in 2006 for lewd and lascivious crimes against several children

On ICE hold awaiting deportation



Mario Trejo

1999 arrested in Texas, ordered to be deported
2005 arrested in Collier County for raping a 69-year old woman twice in one week. The victim died from her injuries. Other charges include battery on LEO, burglary with assault, grand theft and home invasion robbery

Currently on ICE hold awaiting trial



Jesus Moreno

Arrested 16 times between 2000-2006 on charges including drug possession, weapons, aggravated battery, theft, reckless driving and fleeing from officers

In December 2006, ran over a Collier County Deputy who nearly died from his injuries.

Currently on ICE hold with Attempted Murder charge



287g Jail Operations

From June 1-September 30, 2007, the CCSO Task Force investigated and documented 162 criminal aliens and placed into removal proceedings

- 144 (89%) Entered without Inspection (EWI)

Since 287g implemented (September 18, 2007):

- The number of detainers placed on inmates per day has more than tripled
- 99 criminal aliens investigated, documented and placed in proceedings for removal
- CCSO Task Force members conduct, on average, over 14 interviews daily of arrested foreign nationals



Examples Since 287g Implementation



Rene Solis

Extensive criminal history, including drug charges and hit and run
Previously deported 6 times from Texas, Arizona, Colorado

Documented by CCSO 287g Task Force members and awaiting removal proceedings



Uriel Mandujano Vargas

First drug arrest in Collier County in 1993
Has a total of 12 drug-related charges in Collier County
Has a total of 5 probation violation arrests

Documented by CCSO 287g Task Force members and awaiting removal proceedings



Jose Chavez

Previously deported in 1995 by Border Patrol
Several documented aliases
Since 1993 arrested 25 times, including aggravated battery and assault charges

Documented by CCSO 287g Task Force members and awaiting removal proceedings



Benefits

- Promotes community safety
- Reduces jail overcrowding
- Provides cost savings
- Improves intelligence gathering and identification
- Provides necessary resources and support to pursue criminal investigations involving:
 - Violent crimes
 - Human smuggling
 - Gang/organized crime activity
 - Sexual-related offenses
 - Narcotics smuggling and money laundering



The Controversy - Local Enforcement of Immigration Law

Judicial Conflict:

- U.S. Supreme Court latest session unanimously agreed in 25% of cases reviewed

“An enlightened people, and an energetic public opinion...will control and enchain the aristocratic spirit of the Government “

-Thomas Jefferson

It is well known that on every question the lawyers are about equally divided, and were we to act but in cases where no contrary opinion of a lawyer can be had, we should never act.”

-Thomas Jefferson



Conclusion

- Question and Answer Session



Visa Information

**Total of 230 visa class varieties and proposed Z Visa
Current law permits Guest Workers, including at least 16
varieties**

Unauthorized Migrants share of Occupations

Detailed Occupation	Total Workers	Unauthorized Number	Unauthorized Share
Insulation	56,000	20,000	36%
Misc Agriculture Workers	839,000	247,000	29%
Const Trades Helpers	145,000	40,000	27%
Butchers, Meat Processors	322,000	87,000	27%
Grounds Maint Workers	1,204,000	299,000	25%
Const Laborers	1,614,000	400,000	25%
Brick Masons	198,000	49,000	25%
Maids Housekeeping Cleaners	1,531,000	342,000	22%
Painters, Const & Maint	768,000	167,000	22%
Cooks	2,218,000	436,000	20%
Food Prep Workers	758,000	128,000	17%

Pew Hispanic Center, 2005