

BACKGROUND TO THE OFFICE OF THE INSPECTOR GENERAL INVESTIGATION

The Border Patrol, an agency of the Immigration and Naturalization Service (INS), is responsible for controlling illegal immigration along this country's borders. The San Diego Sector - one of 21 sectors patrolled by the Border Patrol - covers a 66-mile portion of the 2,000 mile United States/Mexico border. The Sector traditionally has been the preferred location for illegal immigration from Mexico into the United States, and typically accounts for more than 40 percent of the Border Patrol's total apprehensions of illegal immigrants each year. Imperial Beach Station, the westernmost station in the San Diego Sector, has historically accounted for more than 30 percent of the yearly apprehensions in the Sector. In fiscal year 1994 - the year preceding implementation of Operation Gatekeeper - Imperial Beach Station accounted for more apprehensions than any sector in the United States other than the San Diego Sector.

On October 1, 1994, the Border Patrol's San Diego Sector introduced a new border control plan at Imperial Beach Station. Previously the Sector had operated with no coherent strategic plan and no real aim other than to apprehend as many illegal immigrants as possible. The Sector was not adequately staffed, and its agents lacked proper equipment to contend with the flood of aliens who overran them on a nightly basis. On October 1, however, a new strategic plan was implemented at Imperial Beach that shifted the operational emphasis from apprehension to deterrence and prevention. Many agents were transferred to "high visibility" fixed positions along the border, and a three-tiered system of agent deployment was instituted to facilitate apprehension of illegal immigrants who made it past the first line of defense. The Station also received new equipment, including four-wheel drive vehicles, infrared night scopes, and electronic sensors.

The purpose of the new plan was to stem the tide of illegal immigrants crossing the border from Mexico into the United States and to shift the remaining traffic eastward, where the Border Patrol believed it enjoyed a strategic advantage over would-be crossers. This new approach to patrolling the border was named "Operation Gatekeeper." Since the plan's launch in 1994 at Imperial Beach, the same operational concepts have been implemented at the remaining stations in the San Diego Sector, beginning with Chula Vista - the station immediately east of Imperial Beach - and continuing in an easterly progression station by station to the San Diego Sector's eastern border.

Operation Gatekeeper was launched with significant fanfare, and was almost immediately declared a great success by Border Patrol, the INS, and Department of Justice officials. From its inception, Operation Gatekeeper's effectiveness in discouraging illegal immigration in the San Diego Sector was of enormous interest to the White House, Congress, the Attorney General, the media, and the public. The merits of Operation Gatekeeper's strategy have been debated extensively, including during Congressional hearings on border control in 1995. The Department of Justice, the INS, and the Border Patrol have steadfastly maintained that Operation Gatekeeper is a success. Various Congressmen and newspaper articles, however, have sharply criticized the new program and declared it a failure.

In a June 23, 1996, article in the *North County Times* - a newspaper serving north San Diego County - two officials of the National Border Patrol Council (the union representing Border Patrol agents, hereinafter "the Union") claimed that Operation Gatekeeper was a failure. More significantly, they alleged it was a fraud. They charged that Border Patrol supervisors were falsifying records, altering intelligence reports, and conducting operations in a manner calculated to mislead the public about the program's effectiveness. These allegations were repeated on July 15, 1996, in testimony before the California Assembly, in a San Diego radio interview on July 25, in a hearing on August 9 before the House Subcommittee on Government Management, Information and Technology, and in additional newspaper reports.

On July 8, 1996, the Department of Justice's Office of the Inspector General (OIG) began an investigation of these allegations of fraud relating to Operation Gatekeeper. The OIG's investigation focused on whether the INS and/or the Border Patrol had falsified records relating to Operation Gatekeeper or structured operations in a manner calculated to deceive the public about the effectiveness of the new program. While Union officials also argued - independent of any alleged fraud - that the new program was an operational "failure," we do not address this contention. Resolution of that issue calls for a subjective determination, and depends on the definition of success, one's expectations versus actual achievements, and other often intangible factors. Moreover, it was obvious to us that the Union's strong distaste for operational elements of the new program - such as greatly restricted agent mobility and an emphasis on deterrence instead of apprehension - colored its view of Operation Gatekeeper's effectiveness. Finally, in the absence of fraud, the merits of Gatekeeper can be debated fairly and publicly by the various interested parties on the basis of reported results. If there has been deception, however, the program's effectiveness cannot be fairly measured.¹

In this introduction, we provide background information about the San Diego Sector, Operation Gatekeeper, the fraud allegations, and our investigation. Section I is an overview of operations in the San Diego Sector, and includes a discussion of Operation Gatekeeper and its history. Section II describes the fraud allegations, the accusers, and how the allegations were brought to the OIG's attention. Section III describes the OIG's investigation of the allegations and how our report was prepared.

I. Operation Gatekeeper and the San Diego Sector

The San Diego Sector is one of nine Border Patrol sectors along the United States/Mexico border. It is responsible for patrolling the first 66 miles of the United States/Mexico border starting from the Pacific Ocean, and covers approximately 7,000 square miles of southwest California. The Sector is located directly north of Tijuana and Tecate, Mexico, cities with a combined population of two million people. The San Ysidro Port of Entry - the westernmost entry point between the United States and Mexico - is the busiest land crossing in the country. There is no natural barrier between the United States and Mexico in the San Diego Sector. It is strictly a land border, currently

well-marked near the urban areas with a steel fence but poorly marked in some remote mountainous areas where vehicle access is difficult or impossible.

A. Organizational structure

The San Diego Sector is led by a Chief Patrol Agent (CPA), who reports to the INS Western Regional Director (WRD). When Operation Gatekeeper was initiated, Gustavo "Gus" de la Viña was the CPA in the San Diego Sector and Johnny Williams was the acting WRD. In January 1995, de la Viña became WRD and Williams became the CPA of the Sector. The CPA traditionally enjoys a great deal of autonomy in Sector operations, and is generally responsible for allocating resources among the various stations under his command.

The CPA is supported by a Deputy Chief Patrol Agent (DCPA), who is second in command and manages many of the Sector's administrative responsibilities. In October 1994, this position was held by William Veal. After Veal's departure in January 1996, Harold Beasley, Sr., became DCPA for the Sector. San Diego has seven Assistant Chief Patrol Agents (ACPAs) who oversee a group of particular stations or Sector programs such as Sector Intelligence, the Horse Patrol, or Communications. The level of supervision provided by ACPAs varies by individual and by the needs of the respective programs.²

Each of the Sector's stations is led by a Patrol Agent-in-Charge (PAIC) and an Assistant Patrol-Agent-in-Charge (APAIC). The supervisory ranks also include Field Operations Supervisors (FOSs) and first-line supervisors. Station operations are primarily directed by a PAIC and his or her staff. Line agents perform patrol duties and serve in a number of more specialized positions, including collateral intelligence officer, scope operator, sensor coordinator, and drag road operator.³

The San Diego Sector contains five stations with border responsibility (Imperial Beach, Chula Vista, Brown Field, El Cajon, and Campo) and two inland checkpoint stations (San Clemente and Temecula).

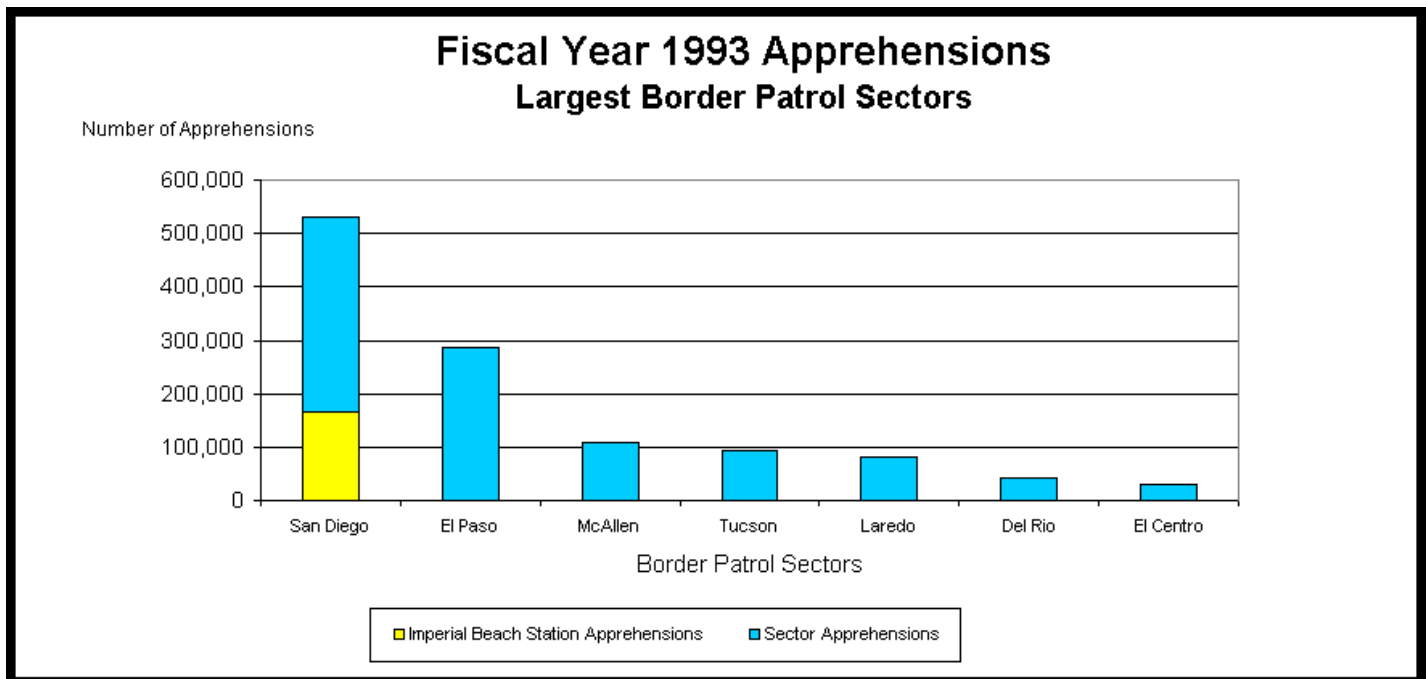
Imperial Beach Station is responsible for slightly more than 5½ miles of the border, from the Pacific Ocean to the San Ysidro Port of Entry. It contains a wide variety of terrain and is located close to residential neighborhoods and transportation routes north. Chula Vista Station also has approximately five miles of border responsibility - from the San Ysidro Port of Entry to the Otay Port of Entry. This station's area of responsibility includes urban and commercial areas along the border and rugged hills. Brown Field Station has approximately six miles of border responsibility, from the Otay Port of Entry to the eastern side of Otay Mountain. The mountain and its immediate surroundings are extremely rugged, and include steep, often precipitous, canyon walls and hills reaching 4,000 feet above sea level. El Cajon Station's area of responsibility, approximately 14 miles in length, extends from the eastern side of Otay Mountain to the Tecate Port of Entry, and includes extremely rugged territory with deep canyons and long stretches of remote, desolate terrain. El Cajon Station also operates a traffic checkpoint on westbound Highway 94. The last station with border responsibility in the Sector is Campo Station, which oversees approximately 35 miles of border from the Tecate Port of Entry to the Imperial County line. This area includes the Boulevard substation that is responsible for approximately ten miles of the far eastern border of the Sector. Again, this area is rugged and remote, requiring long treks by illegal entrants before they reach transportation, food, and water. Campo Station also operates a traffic checkpoint on the westbound lanes of Interstate Highway 8.

San Clemente Station maintains a traffic checkpoint on northbound Interstate Highway 5, approximately 70 miles from the border. At this location, Interstate 5 is bounded on the west by the Pacific Ocean and on the east by the Camp Pendleton Marine Corps Base. Temecula Station operates a traffic checkpoint on Interstate Highway 15, near the city of Temecula. It also intermittently operates checkpoints along side roads that run parallel to I-15.

The Sector's operations include special units, such as the Horse Patrol, Air Operations, and Anti-Smuggling. Some specialized units allocate personnel to assist station operations or target particular problem areas, while others service the entire sector. For example, the Communications Unit manages the central computer system that records electronic sensor data and relays that information to field agents throughout the sector; the Electronics Unit oversees the sensor installation and maintenance program at the various stations; and the Public Information Office acts as the Sector's liaison with the media and the general public.

B. How the Sector has operated historically

The San Diego Sector historically has been the busiest Border Patrol sector, accounting for more than 40 percent of all alien apprehensions along the border with Mexico. In fiscal year 1993, the Sector tallied 531,689 apprehensions out of a total of 1,263,490 Border Patrol apprehensions nationwide. As shown in the chart below, that same year Imperial Beach Station apprehended 165,287 illegal immigrants, more than any other sector except El Paso. Imperial Beach, Chula Vista, and Brown Field - the three westernmost stations responsible for the first 16 miles of border - apprehended 432,563 illegal immigrants, accounting for 36 percent of all apprehensions along the entire 2,000 mile border with Mexico. In fiscal year 1994, these three stations apprehended 354,579 illegal immigrants, accounting for 38 percent of all Mexican border apprehensions.



The small, 14-mile section of the border west of Otay Mountain was the entry location of choice for illegal immigrants. Heavily populated neighborhoods are located directly south and north of the border, providing cover for illegal immigrants and easy access to mass transportation facilities. Once over the border, illegal immigrants can blend quickly into urban neighborhoods.

The eastern 52 miles of the Sector, in contrast, is marked by steep mountains, deep canyons, thick brush, and an absence of urban infrastructure and transportation facilities. The steep mountainsides, canyon walls, large boulders, and dense vegetation make travel slow, difficult, and dangerous, and the lack of food, water, and transportation compounds the challenges faced by travelers. The eastern portion of the Sector also experiences extreme temperatures, ranging from freezing cold in the winter to searing heat in the summer that can kill the unprepared traveler.

Unlike El Paso and other sectors that are separated from Mexico by the Rio Grande River, in the San Diego Sector there is no natural demarcation of the border between Mexico and the United States. Historically, there has also been little in the way of man-made demarcation. Chain link fencing marked parts of the border; low, often out-of-repair barbed wire or cable marked others; mere historical markers were found at still other locations. Generally, there was little physical impediment to crossing the border. Indeed, at some locations - most notably a flat, open area in Chula Vista's area of responsibility that became known as the "soccer field" - hundreds or thousands of illegal immigrants would cross the border and gather each day on U.S. soil and then dash northward once darkness descended. Newspaper accounts describe large groups of immigrants, serviced by Mexican food and drink vendors in a carnival atmosphere. The border area was nothing short of chaotic, with agents literally overrun every night as hundreds of immigrants surged northward.

Large numbers of aliens would also run up the southbound lanes at the San Ysidro Port of Entry and race up Interstate Highway 5. Each night hundreds of immigrants would run up the freeway and across its lanes, often causing accidents that resulted in injury or death. Facilitating the nightly crossings was an absence of lighting along the border. Using the darkness and the thick brush in the canyons and marsh flats as cover, illegal aliens would filter across the border and into nearby neighborhoods. The darkness and the atmosphere of chaos were also used by so-called "border bandits" - criminals who preyed on the illegal crossers by robbing, raping, assaulting, or even killing them. Residential communities in this area suffered nightly from large groups of illegal immigrants coming through their neighborhoods and backyards. Vehicle theft, home break-ins, and other property crimes were common.

The San Diego Sector was also the preferred route for crossers traveling to Los Angeles because it was the most direct route. Most of the crossers at San Diego were from Central Mexico and traveled long distances to get to the border and intended to seek employment in the United States. Thus, unlike many crossers in El Paso who came from border towns in Mexico and who were coming merely to shop, visit relatives, or work in a nearby job, crossers in San Diego made a significant investment of time and money to get to the United States. Thus, they would not be easily deterred from crossing.

Because most of the illegal traffic was in the western portion of the Sector and was at night, most of the Sector's resources were concentrated in the first 14 miles of the border during the hours of darkness. Prior to the implementation of Operation Gatekeeper, Imperial Beach Station had 296 Border Patrol agents, Chula Vista had 294 agents, and Brown Field had 315 agents. El Cajon and Campo, which were responsible for patrolling approximately 50 miles of border, had 62 and 58 agents, respectively.

Although the western stations, particularly near the ports of entry, employed some "fixed positions" (or "Xs"), which required agents to remain stationary or restricted them to a relatively confined area, most agents were free to patrol large portions of their station's area of responsibility with little or no supervision. The agents were expected to apprehend as many illegal immigrants as possible. On busy nights, when more than a thousand aliens were apprehended at a single station, supervisors would congratulate agents for their good work.

This method of operating was the tradition in the Border Patrol. Agents preferred this approach, because they were allowed to move about freely with little or no supervision. The chase and apprehension of illegal immigrants was considered exciting and fun, and permitted agents to employ their tracking and other special skills.

C. Prelude to Operation Gatekeeper

Beginning in 1993, operations in the Sector began to change. Solid fencing - constructed from surplus steel landing mats obtained from the Department of Defense - was erected along long stretches of the border starting at the ocean. Although not a great impediment to persons wishing to climb over (the panels contain horizontal grooves which provide easy toe and hand grips for climbers) the fencing serves two important functions: it provides a barrier to vehicles crossing the border with aliens and/or drugs, and it defines a clear line of demarcation between the two countries. Prior to the construction of this fencing, large numbers of illegal immigrants would gather on the United States side of the border awaiting darkness to make a dash northward. The fencing largely ended this practice. Stadium-style lighting was also installed at numerous points along the border to facilitate apprehension of aliens. Roads were also constructed to increase agent access to the border.

In August 1993, Attorney General Reno made the first of many visits to the San Diego Sector.⁴ Her recollection of the trip, which was confirmed by a number of witnesses, was that she was appalled by the chaos and the Border Patrol's lack of control along the border. She was "astonished" to see hundreds of aliens waiting for darkness to fall so that they could cross the border illegally. At one point she turned to then CPA de la Viña and asked how he planned to stem the flow of illegal aliens, and de la Viña replied that he had no plan. She then asked how the Border Patrol could obtain control over the border. She was told that agents needed more electronic sensors, radios, vehicles and other resources. She instructed de la Viña to develop a plan that would permit the Border Patrol to regain control over the border.

Over the next year a number of factors led to the development and implementation of Operation Gatekeeper in San Diego. One such factor was the initiation of Operation Hold the Line in El Paso, Texas. In October 1993, a deterrence-oriented deployment was implemented in the downtown El Paso area. Agents assumed positions along the border, visible to both would-be crossers and to each other. This deployment effectively stopped numerous day-crossers, resulting in a 70 percent drop in El Paso Sector apprehensions. Although smugglers and illegal immigrants heading for cities beyond the border circumvented this deployment by shifting to areas where more traditional apprehension tactics were in use, they no longer came through central El Paso. Crime rates dropped along with apprehension numbers.

Operation Hold the Line strongly influenced both future Border Patrol strategy and the public debate about Border Patrol operations. It established that entry attempts could be deterred, and that the entry/apprehension cycle was not inevitable. The new program also set a new benchmark for success - a reduction rather than an increase in apprehensions. This operation also clearly showed that adequate resources were the key to obtaining control over border areas. For better or worse, Operation Hold the Line set the standard against which future Border Patrol operations would be judged.

Another factor important to the development and implementation of Operation Gatekeeper was the passage of the Violent Crime Control and Law Enforcement Act of 1994. This act provided for substantial increases in funding for Border Patrol personnel and equipment. The increased funding permitted the Border Patrol to conduct and maintain new operations that required higher concentrations of manpower and equipment.⁵

During 1994, illegal immigration also came to the forefront of political debate. Several states sued the Federal government for reimbursement of costs associated with illegal immigration, and immigration reform became a key issue in the California gubernatorial election. Proposition 187, an initiative calling for the denial of public benefits to illegal immigrants, was on the California ballot, and both gubernatorial candidates called for a blockade operation like El Paso's Hold the Line program to be instituted in California.

Finally, Border Patrol personnel were developing new strategic plans for the entire Southwest border and for Imperial Beach Station in particular. A Process Action Team consisting of a cross-section of Imperial Beach agents was formed to develop a strategic plan for the station, and limited tests of deterrent strategies were conducted at that station during early 1994. The process of thinking strategically and changing the way the Border Patrol operated was under way.

All of these factors converged in August 1994, when the Attorney General and Commissioner Meissner agreed that a new strategy would be initiated on October 1, 1994. This new multi-year effort was aimed at gaining control of the entire San Diego Sector one station at a time, beginning at Imperial Beach in the west and moving east. The new program involved several substantial changes in Border Patrol operations. Instead of allocating new resources equally among the Sector's stations, as had generally been the case in the Border Patrol, under the new program resources would be concentrated in a single problem area - Imperial Beach Station. While in the past resources were deployed without regard to any strategic plan, now each station within the Sector would have a strategic plan and act in coordination with adjoining stations. Most importantly, the traditional strategy of allowing aliens to enter and then apprehending them

was abandoned in favor of a strategy that emphasized deterrence.⁶

D. Operation Gatekeeper

Although various components of the new strategy were implemented in 1993, the new program - designated "Operation Gatekeeper" - was officially initiated on October 1, 1994. Because the Border Patrol did not have sufficient resources at that time to assert control over the entire border in the San Diego Sector, and because Imperial Beach was experiencing the highest levels of illegal traffic in the country, the new program was first implemented at that station. The Border Patrol's initial goal was to gain control over Imperial Beach's territory - the first five miles of the border - and to shift traffic eastward.

A principal element of the new strategy was a large increase in personnel overall, and large concentrations of personnel along the border. Because the Border Patrol Academy could not instantaneously produce vast numbers of new agents, the increase in agents at Imperial Beach was achieved by transferring agents to that station from other Border Patrol sectors, from the temporarily closed San Clemente checkpoint, and from other border stations in the San Diego Sector - most notably Chula Vista and Brown Field. Agents were also required to work six days a week.

Another important element of Operation Gatekeeper was a different deployment of personnel. The new strategic plan at Imperial Beach called for three tiers of agents. The first tier was deployed in fixed positions along the border and had "prevention, apprehension, and observation" responsibilities. A second tier of agents - located further north in corridors heavily traveled by aliens - had more freedom of movement in containing and apprehending illegal traffic that made it past the first line of defense. The third tier was charged with apprehending any traffic that penetrated the first two lines of defense.⁷ Agents were instructed to advise their colleagues in the next tier north of any alien traffic moving in their direction. Given Gatekeeper's deterrence emphasis, many agents were assigned to first-tier, fixed positions along the border. These agents were instructed to remain in their assigned positions rather than chase alien traffic passing through adjacent areas. Prior to Gatekeeper, such stationary positions were relatively rare.

The new strategy also called for significant infusions of additional equipment. Because the equipment the Border Patrol had ordered with the new funds supplied in the 1994 Crime Act would not begin to arrive until the end of 1994, significant amounts of equipment were obtained on loan from the Department of Defense, including: 6 nightscopes to help agents see illegal traffic crossing the border in darkness; 40 seismic sensors to detect traffic around the clock; and 80 portable radios to enable agents in the field to communicate and coordinate operations. A new electronic fingerprinting system (IDENT) was also initiated to assist agents in identifying aliens who had been previously apprehended or who had criminal records.⁸ The Sector also received new four-wheel drive vehicles that could traverse the rough dirt roads along the border.

The new plan for Imperial Beach was based on a series of assumptions. First, Border Patrol management believed that if a sufficient amount of resources was positioned along the border, an area could be brought "under control."⁹ Second, Border Patrol management believed that if the risk of apprehension became sufficiently high in a particular area, the number of persons attempting entry there would fall. Third, Border Patrol management believed that because Imperial Beach had for so long been the preferred location for illegal entry, efforts to deter entry there and shift illegal traffic elsewhere would take time. Fourth, Border Patrol management believed that the terrain between Otay Mountain and the Imperial County line was so rugged and inhospitable, and so lacking in transportation facilities and other amenities, that few aliens would attempt entry there. The Border Patrol expected aliens to probe areas even further east. Fifth, Border Patrol management assumed that those who attempted entry in the eastern portion of the Sector would be easily apprehended; the length of time it would take entrants to move from the border to a pick-up point in this area gave the Border Patrol a strategic advantage. Based on these assumptions, a plan was formulated to concentrate resources at each station along the border, moving from west to east as acceptable levels of control were achieved and as new personnel and equipment became available. The Border Patrol estimated that the entire 66 miles of border patrolled by the San Diego Sector's agents could be brought under control in five years.

Although the Border Patrol internally recognized that obtaining control over any portion of the Sector would take time, its statements to the public suggested that it expected quick success. Gatekeeper was launched with an extensive media campaign that soon began reporting the results of the operation. The media campaign was driven by a host of factors, including the Border Patrol's desire to (1) inform potential crossers that easy entry at Imperial Beach was no longer available, so they should not attempt entry at this location; (2) inform citizens that action was being taken to address the overwhelming problems of illegal traffic in their neighborhoods; (3) respond to political charges - most notably those of Governor Pete Wilson in his gubernatorial campaign - that the Clinton Administration was ignoring California and its serious illegal immigration problems; and (4) to show Congress that the Border Patrol was wisely using the new resources it had received.

Because there was no effective way to measure how many aliens actually crossed the border, reported results were limited essentially to the number of apprehensions. Initially apprehensions at Imperial Beach Station increased, and numbers were higher than on the same dates one year earlier.¹⁰ The INS and the Border Patrol attributed this rise to increased effectiveness, reflecting the immediate impact of increased manpower and the new deployment. As time passed apprehension numbers at Imperial Beach began to fall, while apprehension numbers at stations further east began to rise. This development suggested that some illegal crossers had abandoned Imperial Beach and shifted their entry efforts to stations further east.¹¹

As control was asserted in particular areas and additional resources became available, Gatekeeper was implemented in successive stations moving east. Other initiatives were also begun, including: (1) Operation Disruption, which was directed at alien smugglers and

initiated in May 1995; (2) Gatekeeper Phase II, launched in June 1995, which sent resources to East County,¹² established a new traffic checkpoint in East County, and strengthened two established traffic checkpoints there; (3) the January 1996 Spring Plan, which brought 200 additional agents to the Sector to address the higher traffic volume traditionally seen in the spring; and (4) the May 1996 East County initiative, which was designed to address the increase in illegal traffic in East County.

Operation Gatekeeper represented a vast shift in the operational paradigm for the field agents. The changes were difficult to comprehend, particularly for long-time agents. Instead of taking whatever action they could to apprehend illegal crossers, they were told to remain in a particular position to deter entry into the country. Where historically agents who apprehended numerous aliens were praised, now agents were told that lower apprehension numbers was the objective. While under the old system apprehension numbers provided a ready measure of an agent's skill and work ethic, under the new system the abstract concept of deterrence governed. Agents who were previously free to decide how and where they would work and what illegal traffic they would pursue were now told where to work (often in a fairly constrained area), what traffic they could pursue and how far, and were accountable for their whereabouts at all times.

Many agents disliked these new methods. Some found their new duties boring while others believed that the new strategy would be ineffective. Numerous agents believed that Gatekeeper was a mere "political ploy" rather than a legitimate operational strategy. Some suspected that their supervisors' orders to remain in their fixed positions were designed to reduce apprehensions. Some agents believed that political pressure from "Washington" (variously defined as the President, the Attorney General, the INS Commissioner, Congress, or some unspecified political entity) had led supervisors to feel that if apprehension numbers did not fall, "heads would roll." Agents who lacked faith in the new strategy felt that apprehension numbers would fall only if agents were prevented from making apprehensions or the reports concerning apprehensions were falsified. Some agents become suspicious of their supervisors' motives and began to believe that supervisors were preventing them from doing their job. Agents began talking about their suspicions, and word of alleged falsifications began to spread.

1 Our investigation also was not a management review of Operation Gatekeeper. To the extent that the OIG has observations regarding management practices unrelated to the fraud allegations, we will share our views separately with INS management.

2 An example of a San Diego Sector organizational chart is contained in the Appendix to this report at A-1.

3 Scope operators operate night vision devices known as "nightsopes." These devices use infrared or other technology to permit agents to see alien traffic in the dark. Sensors are electronic devices planted in the ground that send signals to agents when movement is detected in its vicinity. Drag roads are dirt roads on which footprints from alien traffic are counted to determine how much traffic has crossed in a given area.

4 Janet Reno took office as the Attorney General in March 1993. Doris Meissner became Commissioner of the INS in October 1993.

5 Imperial Beach Station had intermittently tested alternative deployments during the first half of 1994 but had always terminated these efforts because of insufficient resources to maintain the deployments for any meaningful length of time.

6 Many critics doubted that the new program focused on deterrence because it did not mimic the border deployments used in El Paso's Hold the Line operation. The strategic plans and the discussions which led to those plans, however, make clear that the intent was to emphasize deterrence. Backup tiers of agents were deployed merely to apprehend traffic that was not successfully deterred. Critics believed that if all agents were reassigned to positions on the border, aliens would be adequately deterred and backup agents would be unnecessary. INS and Border Patrol management was not so sanguine, however, and developed a strategy designed to deter aliens as much as possible but also provide for apprehension of traffic that penetrated the first line of defense. As time passed it became clear that while agents should be added to the first line to increase deterrence, a second line of defense remained necessary.

7 See Imperial Beach Strategic Plan, August 24, 1994. Because this and other strategic plans cited in our report contain specific operational locations, and public disclosure of this information could compromise operational integrity, these plans are not included in the Appendix. Specific locations of sensors and scopes are not identified for the same reason. We have chosen to exclude this sensitive information from the report so that the report and its findings may receive the widest possible dissemination. Given that the fraud allegations discussed in this report received wide public attention, it is important that our findings concerning those allegations also be publicly available. The public dissemination of our findings concerning these serious allegations of misconduct is sufficiently important to outweigh the loss of a few details from the report. Where we cannot provide specific operational details, we identify the documentary source of the information.

8 Instead of being deported, these aliens could be prosecuted under federal criminal statutes which impose a substantial period of imprisonment upon conviction.

9 Although there has been significant debate over what "control" means, there is a consensus that it does not mean that no illegal traffic succeeds in penetrating the country. Instead, "control" means that the vast majority of illegal entrants - 80-90 percent - are apprehended. As stated in the San Diego Sector's April 29, 1994, Strategic Planning Document, control is achieved when "the risk of arrest is sufficiently high so as to become an effective deterrent."

10 On October 1, 1994, Imperial Beach agents made 825 apprehensions versus that same day in 1993 when there were 259

apprehensions. In the first week of October 1994 Imperial Beach recorded 4,175 apprehensions. During the first week of October 1993 there were 2,705 apprehensions reported at Imperial Beach.

11 In September 1994, Imperial Beach accounted for 49 percent of Sector apprehensions. By November 1994, the Station's share of Sector apprehensions had dropped to 36 percent, and Brown Field and Chula Vista's combined share had risen from 34 percent to 46 percent.

12 East County is the area east of Otay Mountain. It is patrolled by the El Cajon and Campo Stations.

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