



U.S. Immigration
and Customs
Enforcement

September 18, 2017

Russ Kick
PO Box 36914
Tucson, AZ 85740-6914

RE: ICE FOIA Case Number 2017-ICFO-29155

Dear Mr. Kick:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated April 03, 2017. You have requested copies of the following records pertaining to "Homeland Security Investigations Counter-Tunnel Investigations PowerPoint Presentation."

ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Homeland Security Investigations for records responsive to your request produced 84 pages that are responsive to your request. After review of those documents, portions of 84 pages will be withheld pursuant to Exemptions of the FOIA as described below:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE has applied FOIA Exemption 7(E) to protect from disclosure internal agency case numbers contained within the document.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have the right to appeal ICE's determination and should you wish to do so, please send your appeal following the procedures outlined in the DHS regulations at 6 Code of Federal Regulations § 5.9 and a copy of this letter to:

If you are not satisfied with the response to this request, you have the right to appeal following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2017-ICFO-29155**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

¹ 6 CFR § 5.11(d)(4).

Sincerely,

A handwritten signature in blue ink that reads "Michael Johnson" with a small "For" written below the name.

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 84pages

Illicit Cross Border Tunnels



Homeland
Security

Introduction



Missions / Goals / Objectives

DHS:

- Mission 1: Preventing Terrorism and Enhancing Security
- Mission 2: Securing and Managing our Borders
- Mission 3: Enforcing and Administering Our Immigration Laws

ICE:

- Goal 2: Protect the Borders Against Illicit Trade, Travel and Finance

CBP:

- Goal 1: Secure the Nation's borders to protect America from the entry of dangerous people and goods and prevent unlawful trade and travel.



Homeland
Security



Introduction



Missions / Goals / Objectives

HSI:

- Protecting the Homeland against illicit trade, travel and finance
 - Objective 2.1: Dismantle Cross-Border Criminal Networks through Border Enforcement Security Task Forces
 - Objective 2.2: Dismantle Organized Alien Smuggling and Human Trafficking
 - Objective 2.4: Target Drug Trafficking Organizations

USBP:

- Goal 1: Secure America's Borders
 - Objective 1.1: Prevent Terrorist and Terrorist Weapons from Entering the U.S.
 - Objective 1.3: Disrupt and Degrade Transnational Criminal Organizations
 - Objective 1.4: Whole-of-Government Approach

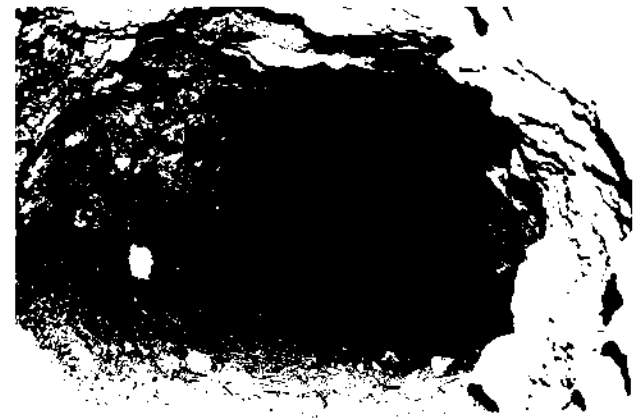


**Homeland
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What is an Illicit Tunnel?

Definition:

- A sub-surface passageway that crosses an international border and has been made or manipulated by a person, that could be used or is intended for the purpose of concealing the movement of humans, merchandise, and/or contraband to avoid inbound or outbound inspection; or to circumvent U.S. law or border defenses; and, has an entry, an exit, or both.

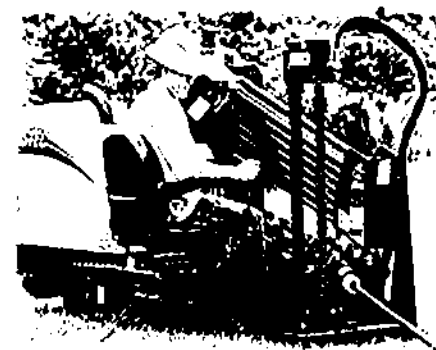


Subterranean Threat

- (b)(7)(E) Cross border tunnels found since 1990

Illicit Tunnels - Classifications:

- Sophisticated (b)(7)(E)
- Interconnecting (b)(7)(E)
- Rudimentary (b)(7)(E)
- Mechanically Bored (b)(7)(E)

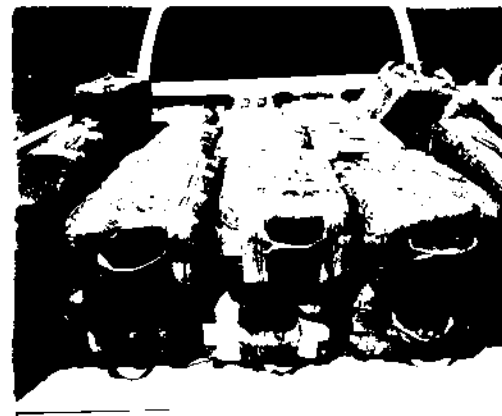


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Subterranean Threats Continued

Underground Municipal Infrastructure (UMI)

- Exploited via illicit interconnecting tunnels
- Also utilized as a portal to further the entry of people and contraband into the U.S. after entering by other means



High Threat Areas

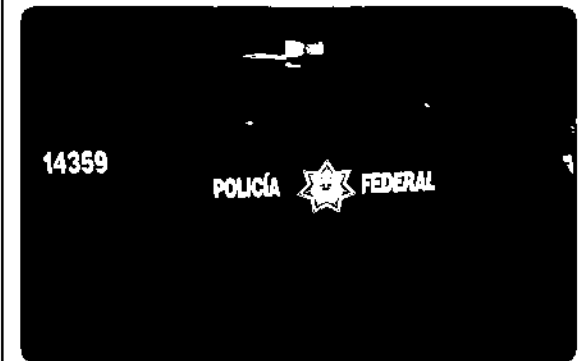
(b)(7)(E)



DHS Agencies Involved in Combating the Tunnel Threat

- Customs and Border Protection (CBP)
- Immigration and Customs Enforcement (ICE)
- Science and Technology Directorate (S&T)
- Intelligence & Analysis (I&A)
- International Affairs (INA)

(b)(7)(E)



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The National Cross-Border Tunnel Interdiction and Investigation Protocol

- Collaboration between HSI and USBP to strategically combat illicit tunnels.
- Defines DHS component roles to more effectively disrupt and dismantle the TCOs which use tunnels for smuggling.



The Border Tunnel Prevention Act of 2006

- HSI is the lead agency for counter-tunnel investigations and derives its authorities from the Border Tunnel Prevention Act, signed into law in October 2006.
- This Act provides jurisdiction and broad authorities to investigate organizations engaged in illicit tunnel related activities along the U.S. border.



The Border Tunnel Prevention Act of 2012



The Border Tunnel Prevention Act of 2012, signed into law by President Obama as Public Law No. 112-127 on June 5, 2012, made several key changes to law regarding tunnels:

- Penalties for attempt or conspiracy to construct or finance a tunnel;
- Title III wiretap interception authorities for tunnel investigations; and
- Criminal forfeiture statute to include convictions for tunnel offenses.



The Border Tunnel Prevention Act of 2012

Builds on previously existing law providing for:

- a 10-year prison term for any individual who disregards the construction of a tunnel on their land;
- a 20-year prison term for constructing a tunnel that crosses the United States border; and
- doubles the penalty for smuggling undocumented aliens, controlled substances, weapons of mass destruction, or terrorists through a tunnel.



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Investigative Techniques used in Tunnel Investigations

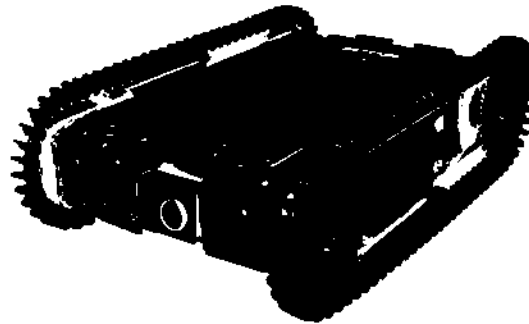
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CBP Components Involved in Combating the Subterranean Threat



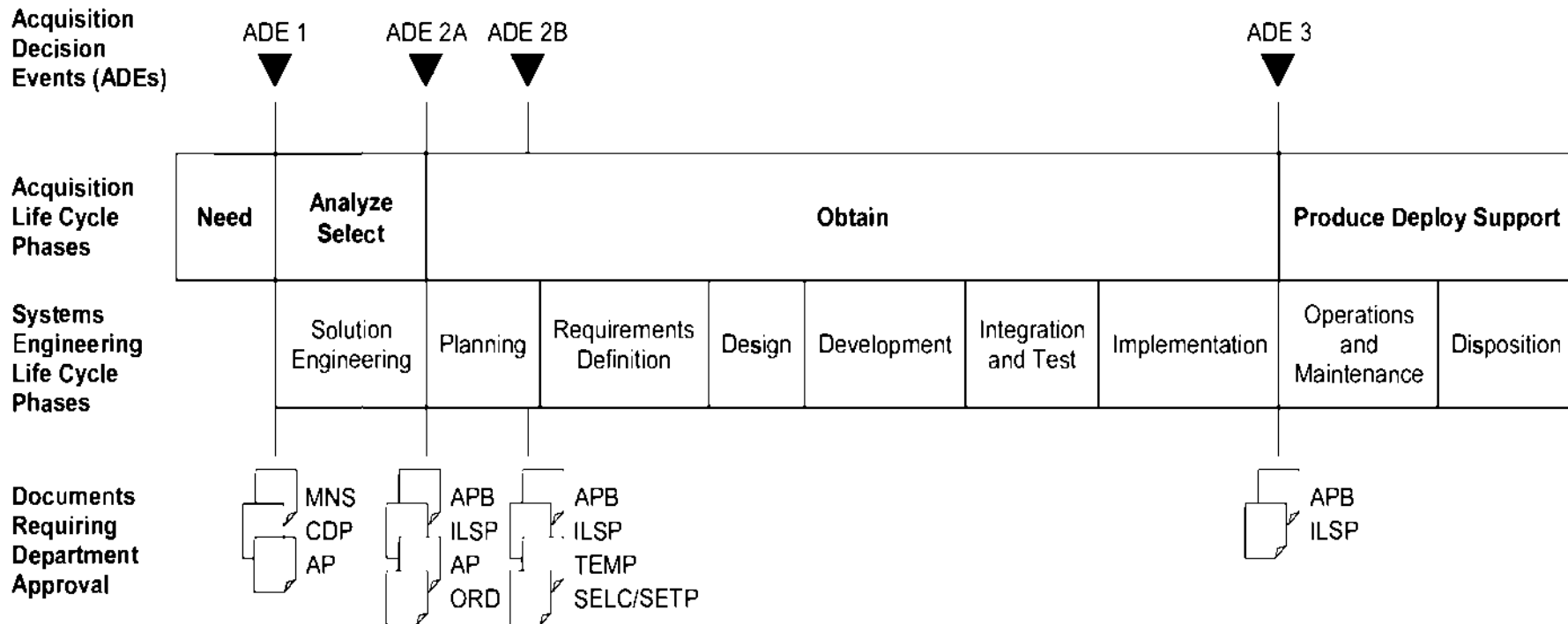
- Office of Border Patrol (OBP)
- Office of Information Technology (OIT)
- Office of Technology Innovation and Acquisition (OTIA)
- Office of Intelligence and Investigative Liaison (OIIL)
- Office of Administration (OA)



Department of
**Homeland
Security**



DHS Acquisition Life Cycle Phases



Document Acronyms

- MNS:** Mission Needs Statement
- CDP:** Capability Development Plan
- AP:** Acquisition Plan
- APB:** Acquisition Program Baseline
- ILSP:** Integrated Logistics Support Plan
- ORD:** Operational Requirements Document
- TEMP:** Test and Evaluation Master Plan
- SELC/SETP:** Systems Engineering Life Cycle Tailoring Plan



Tunnel Detection - Technology

(b)(7)(E)

Tunnel Discovery Inputs

- Intelligence and Information
- Law Enforcement Activities – Patrols and Investigations
- Coordination and Collaboration with Law Enforcement Partners
- Technology

(b)(6);(b)(7)(C);(b)(7)(E)



Sources of Information in Tunnel Investigations

The following HSI-led investigations, which resulted in the discovery of tunnels and the seizure of substantial amounts of narcotics,

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)



Border Enforcement Security Task Force (BEST)

- The BEST is a multi-agency DHS task force whose mission is to identify, disrupt, and dismantle TCOs that seek to exploit vulnerabilities along U.S. borders.
- BEST units are composed of more than (b)(7)(E) law enforcement officers from over 100 federal, state, local, tribal, and foreign law enforcement and intelligence resources.
- There are (b)(7)(E) BEST units deployed across the country:
 - Southwest Border (b)(7)(E)
 - Seaports (b)(7)(E)
 - Northern Border (b)(7)(E)
- BEST established (b)(7)(E) Tunnel Task Forces (b)(7)(E) (b)(7)(E) in which HSI partners with CBP and collaborates with other federal law enforcement partners.



HSI Offices Actively Engaged in Tunnel Investigations

(b)(7)(E);(b)(6);(b)(7)(C)

HSI has (b)(7)(E) field offices actively engaged in counter-tunnel investigations:

(b)(7)(E)



Significant Tunnel Investigations – Case Example 1

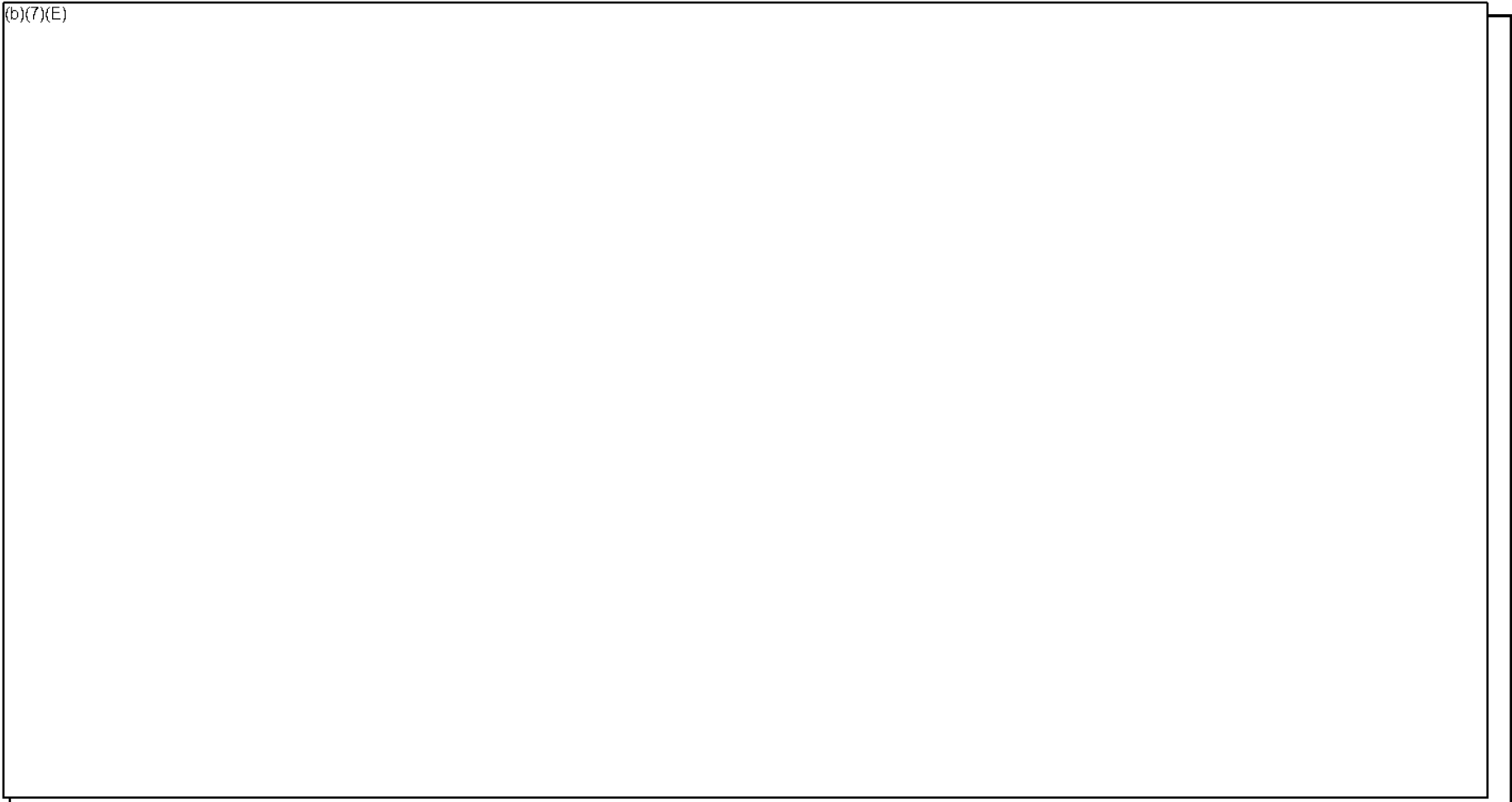


(b)(7)(E)



Significant Tunnel Investigations – Case Example 2

(b)(7)(E)



Significant Tunnel Investigations – Case Example 3

The Nogales BEST TTF, made up of HSI and the USBP, participated in a joint tunnel investigation with the Government of Mexico (GoM).

- Tunnel depth of 35 feet and length of 131 feet.
- Shoring, electricity, ventilation, and a communications system.
- The entrance was concealed in a cliff-side residence.
- At discovery, the tunnel was 100 feet short of the U.S. border.

(b)(7)(E)



Coordination with Mexico

- Foreign Operations Branch -International Liaison Units
- Joint Patrols - Info Sharing

(b)(6);(b)(7)(C);(b)(7)(E)

(b)(6);(b)(7)(C);(b)(7)(E)

(b)(6);(b)(7)(C);(b)(7)(E)







Homeland Security Investigations

Integrated Approaches to Counter-Tunnel Investigations

Homeland Security Investigations

HSI Mission and Goals

HSI protects the Homeland against illicit trade, travel, and finance. The Immigration and Customs Enforcement Strategic Plan tasks HSI with the following goals:

- Objective 2.1: Dismantle Cross-Border Criminal Networks through Border Enforcement Security Task Forces
- Objective 2.2: Dismantle Organized Alien Smuggling and Human Trafficking
- Objective 2.4: Target Drug Trafficking Organizations



ICE

Homeland Security Investigations

Contraband Smuggling Unit (CSU)



- Border Enforcement Security Task Force (BEST)
- Title 21 - Narcotics and Contraband Smuggling (NCS)
- Title 19 - Task Force Officer (TFO) Program
- Shadow Wolves (HSI Tactical Officers)
- Organized Crime Drug Enforcement Task Force (OCDETF)
- High Intensity Drug Trafficking Area (HIDTA) Program



CSU supports the HSI mission to identify, disrupt and dismantle significant transnational criminal organizations (TCOs) through the management of key Border Enforcement, Narcotics, and Contraband Smuggling programs.



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The Illicit Tunnel Threat



(b)(7)(E)

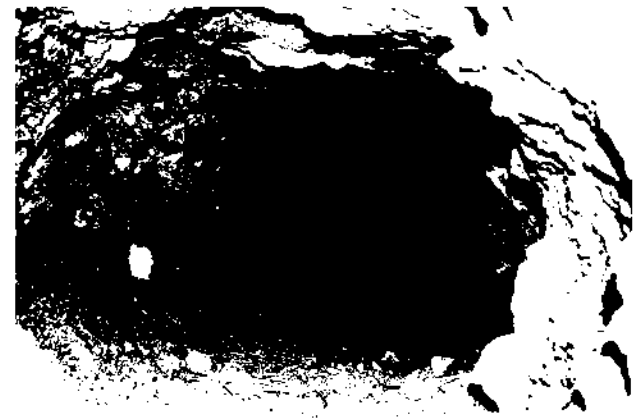


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What is an Illicit Tunnel?

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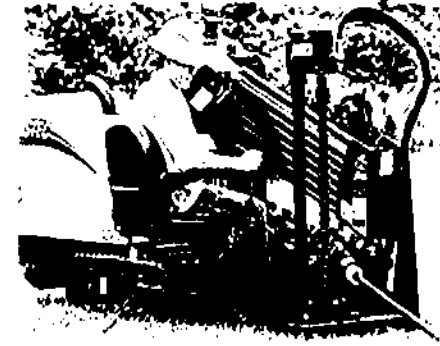
Homeland Security Investigations

Subterranean Threat

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Illicit Tunnels - Classifications:

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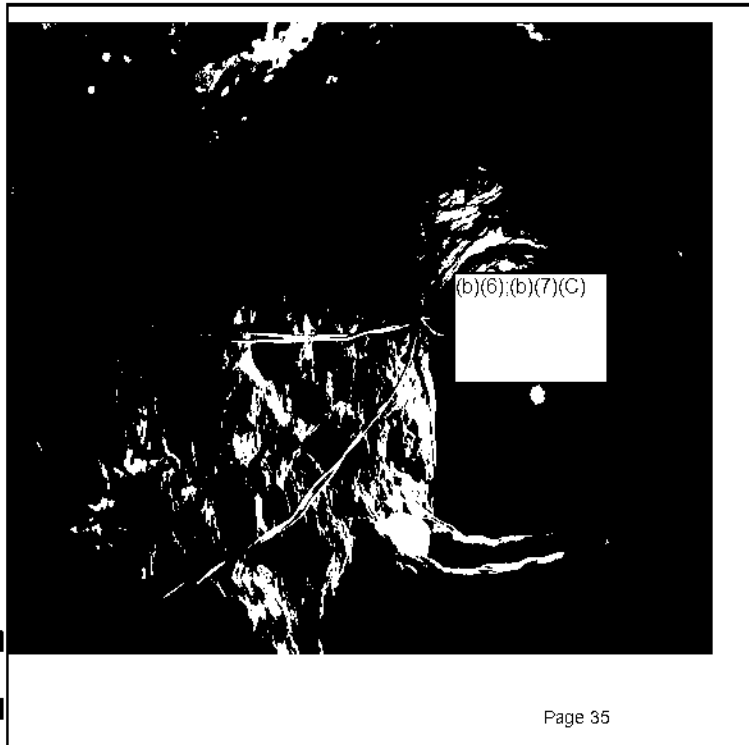


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Homeland Security Investigations

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The National HSI Special Agent in Charge/ USBP Chief Patrol Agent Advisory Council

This Council was established to address such national-level issues as:

- Identifying and addressing overlapping administrative issues
- Recognizing collaborative areas and mission alignment capacities
- Resolving historical points of contention
- Sharing best practices

The Council contributes to a number of initiatives, including:

- **HSI/USBP Tunnel Protocol**, which defines component roles for tunnels
- **Weapons Protocol**, which establishes an HSI representative for all USBP weapons-related incidents
- **Cross-Training Initiative**, which increases component familiarization



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Homeland Security Investigations (HSI)

Investigative Techniques used in Tunnel Investigations

(b)(7)(E)

Homeland Security Investigations

Sources of Investigation in Tunnel Case Development

The following HSI-led investigations, which resulted in the discovery of tunnels and the seizure of substantial amounts of narcotics, (b)(7)(E)

(b)(7)(E)

(b)(7)(E)



Homeland Security Investigations

Border Enforcement Security Task Force (BEST)

There are (b)(7)
(E) BEST units deployed across the country:

- Southwest Border - (b)(7)
(E)
- Seaports - (b)(7)
(E)
- Northern Border - (b)
(7)
(E)
- BEST units are composed of more than (b)(7)(E) law enforcement officers from over (b)(7)(E) federal, state, local, tribal, and foreign law enforcement and intelligence resources.
- The BEST is a multi-agency DHS task force whose mission is to identify, disrupt, and dismantle TCOs that seek to exploit vulnerabilities along U.S. borders.



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Homeland Security Investigations

HSI Tunnel Task Forces

HSI has (b)(7)(E) field offices actively engaged in counter-tunnel investigations:

(b)(7)(E)

(b)(6);(b)(7)(C);(b)(7)(E)

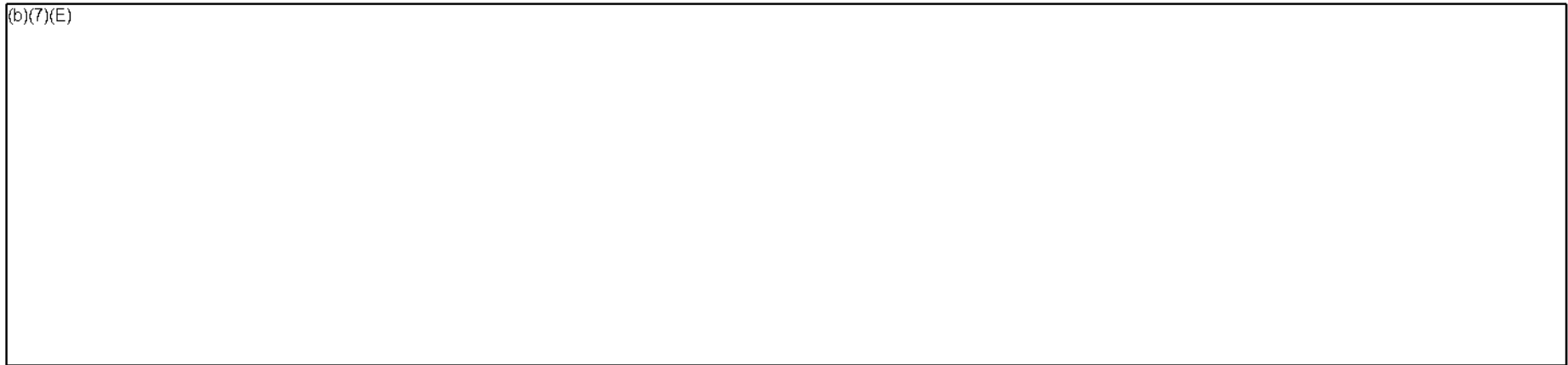


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Homeland Security Investigations

Significant Tunnel Investigations

(b)(7)(E)



Homeland Security Investigations

Significant Tunnel Investigations

(b)(7)(E)

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ICE

Homeland Security Investigations

Significant Tunnel Investigations

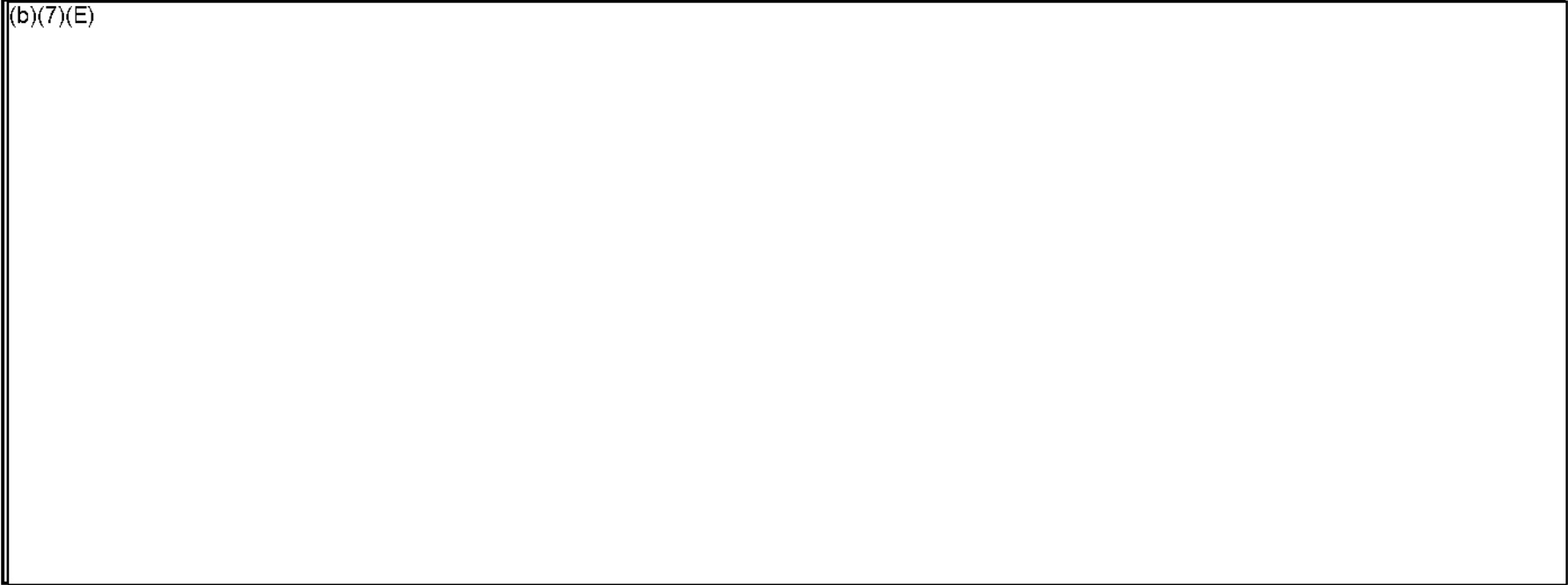
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Homeland Security Investigations

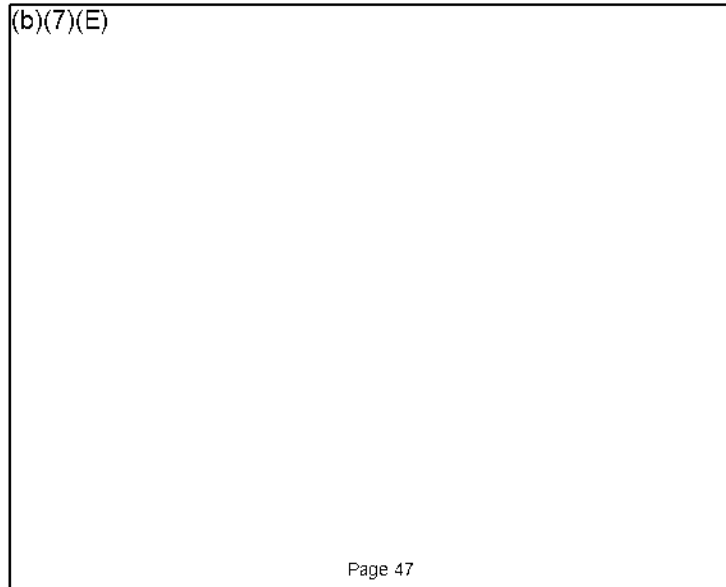
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Homeland Security Investigations

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Homeland Security Investigations

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Homeland Security Investigations

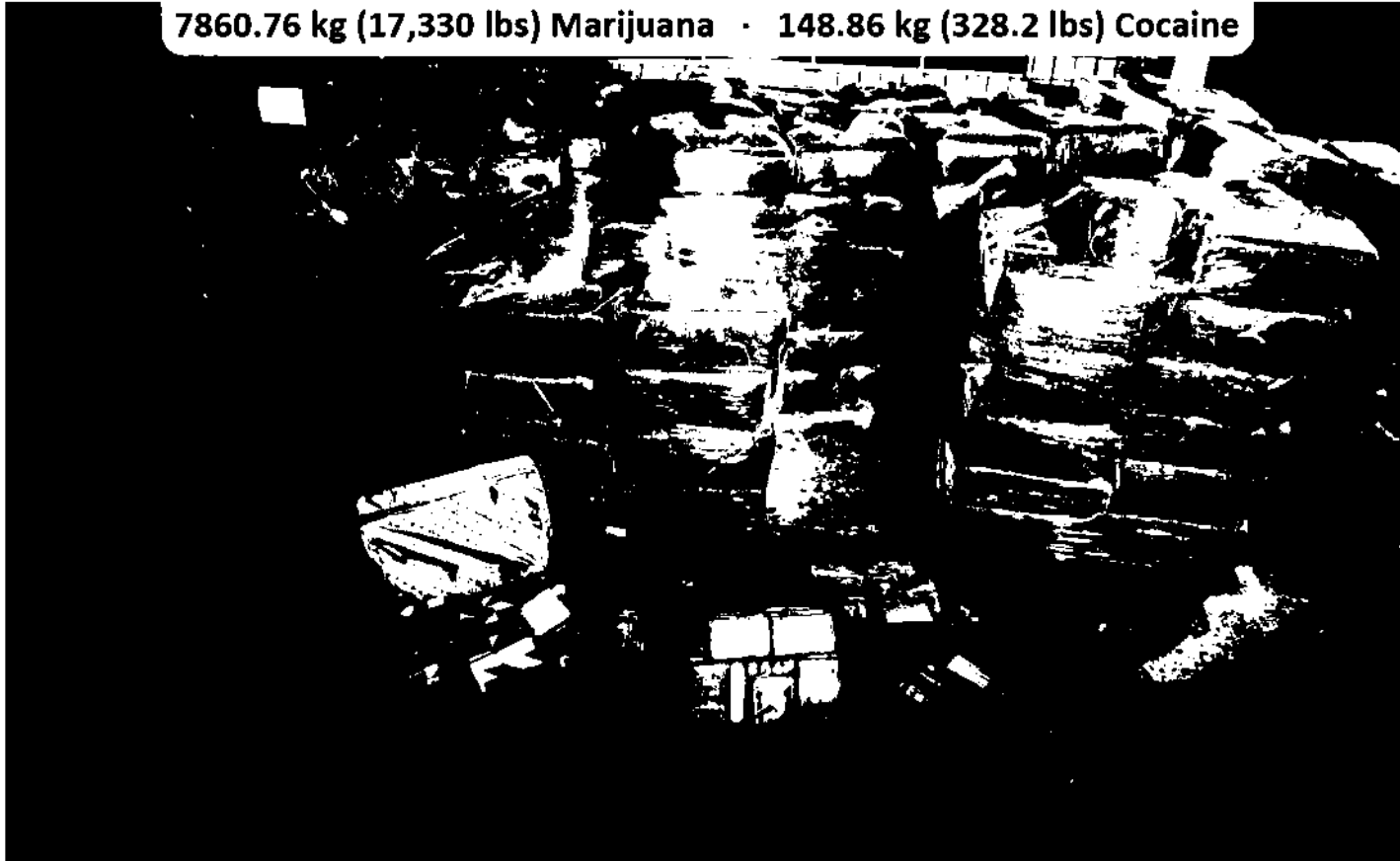
(b)(7)(E)

Homeland Security Investigations

Operation (b)(7)(E)

Narcotics Seized

7860.76 kg (17,330 lbs) Marijuana • 148.86 kg (328.2 lbs) Cocaine



ICE

Homeland Security Investigations

Operation (b)(7)(E)



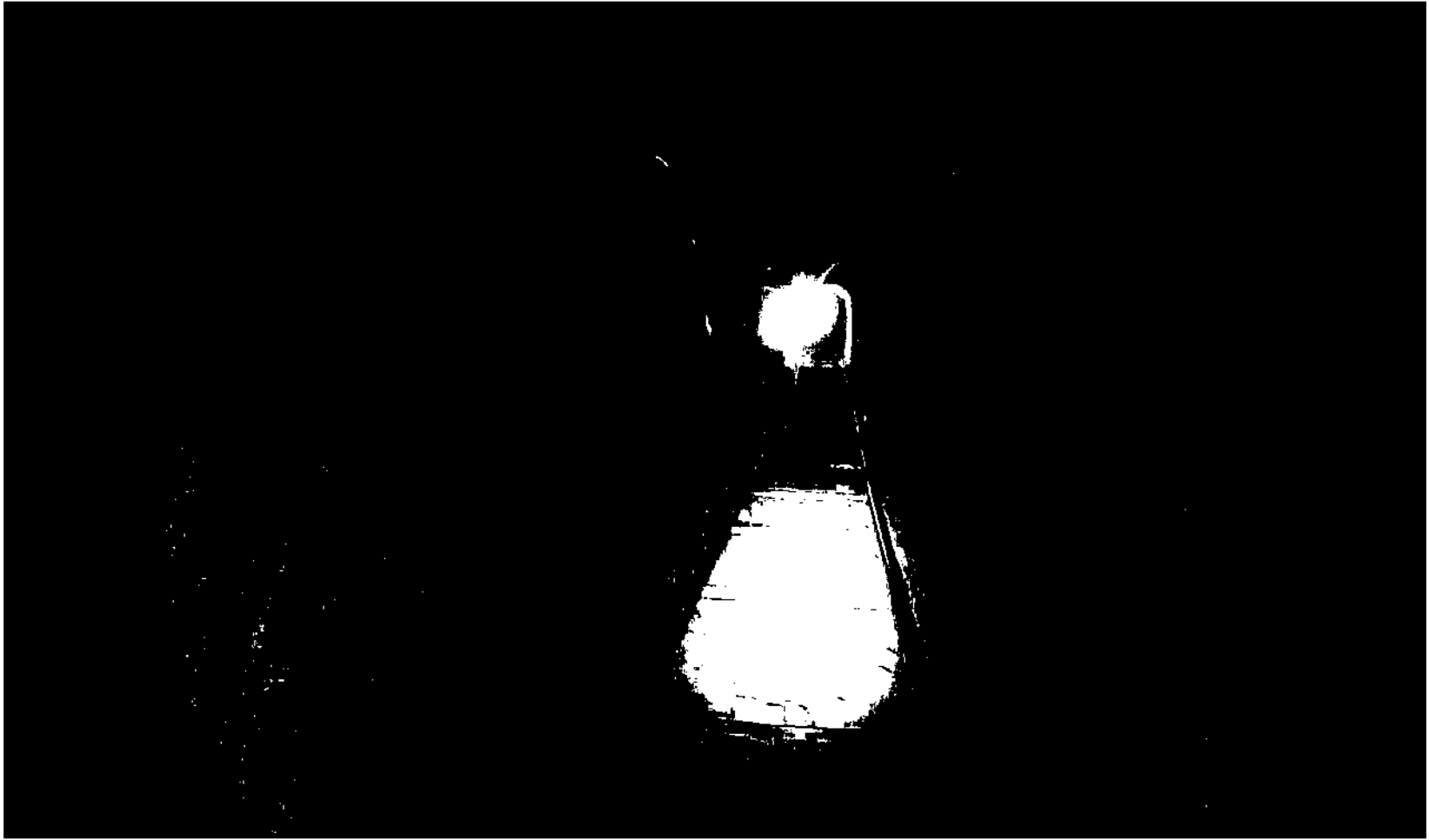
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Homeland Security Investigations

Operation

(b)(7)(E)



ICE

Homeland Security Investigations

(b)(7)(E)



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Homeland Security Investigations (HSI)

Questions?



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Homeland Security Investigations

Integrated Approaches to Counter-Tunnel Investigations

Homeland Security Investigations

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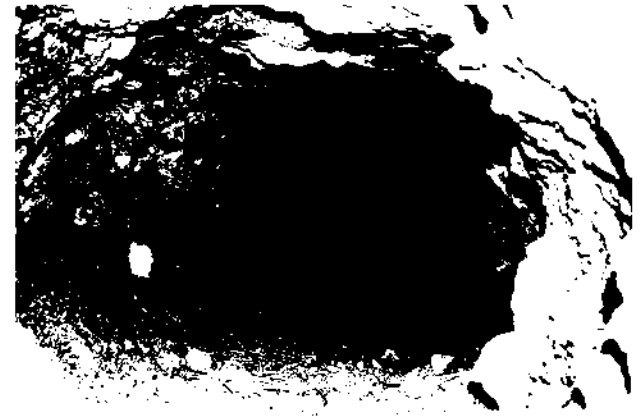


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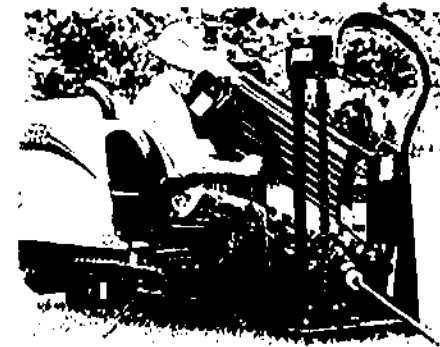
Homeland Security Investigations

Subterranean Threat

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Homeland Security Investigations

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Homeland Security Investigations

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Homeland Security Investigations

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ICE

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Investigative Techniques used in Tunnel Investigations

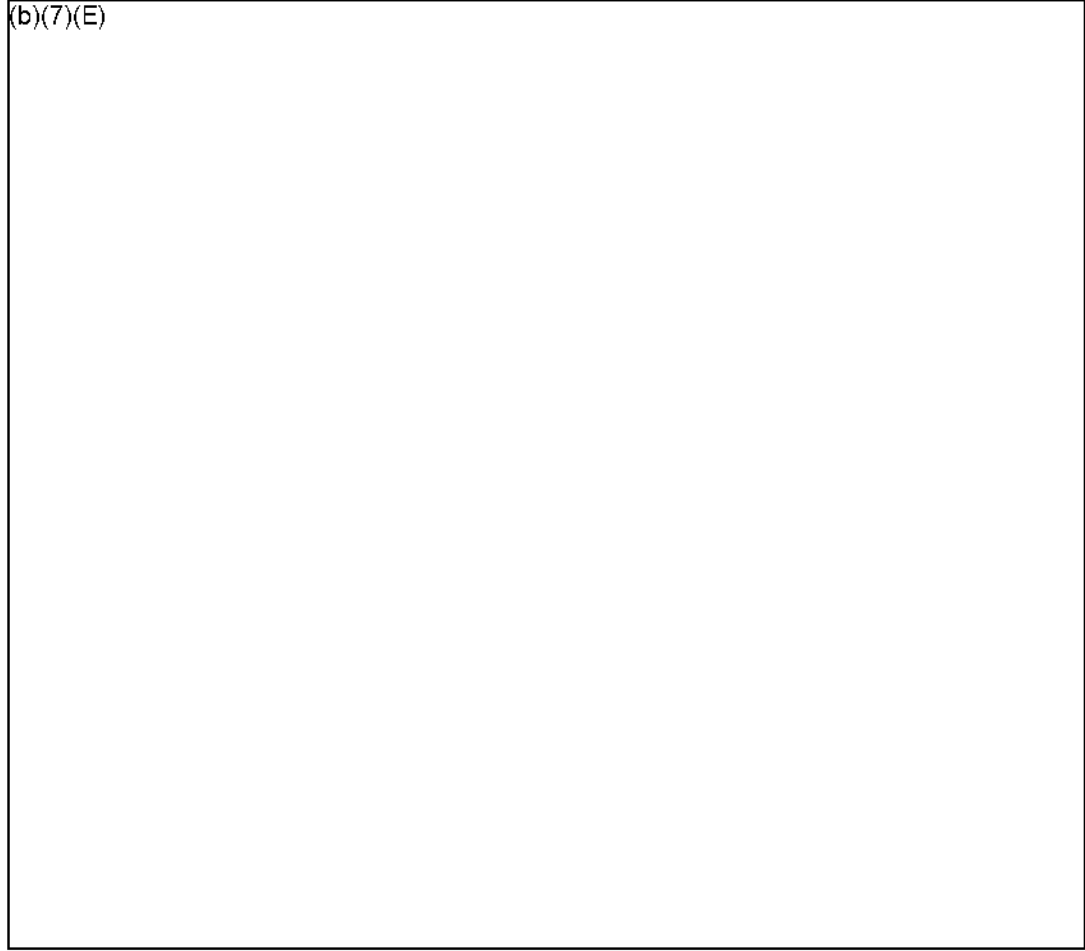
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Homeland Security Investigations

Tunnel Detection Methods

(b)(7)(E)



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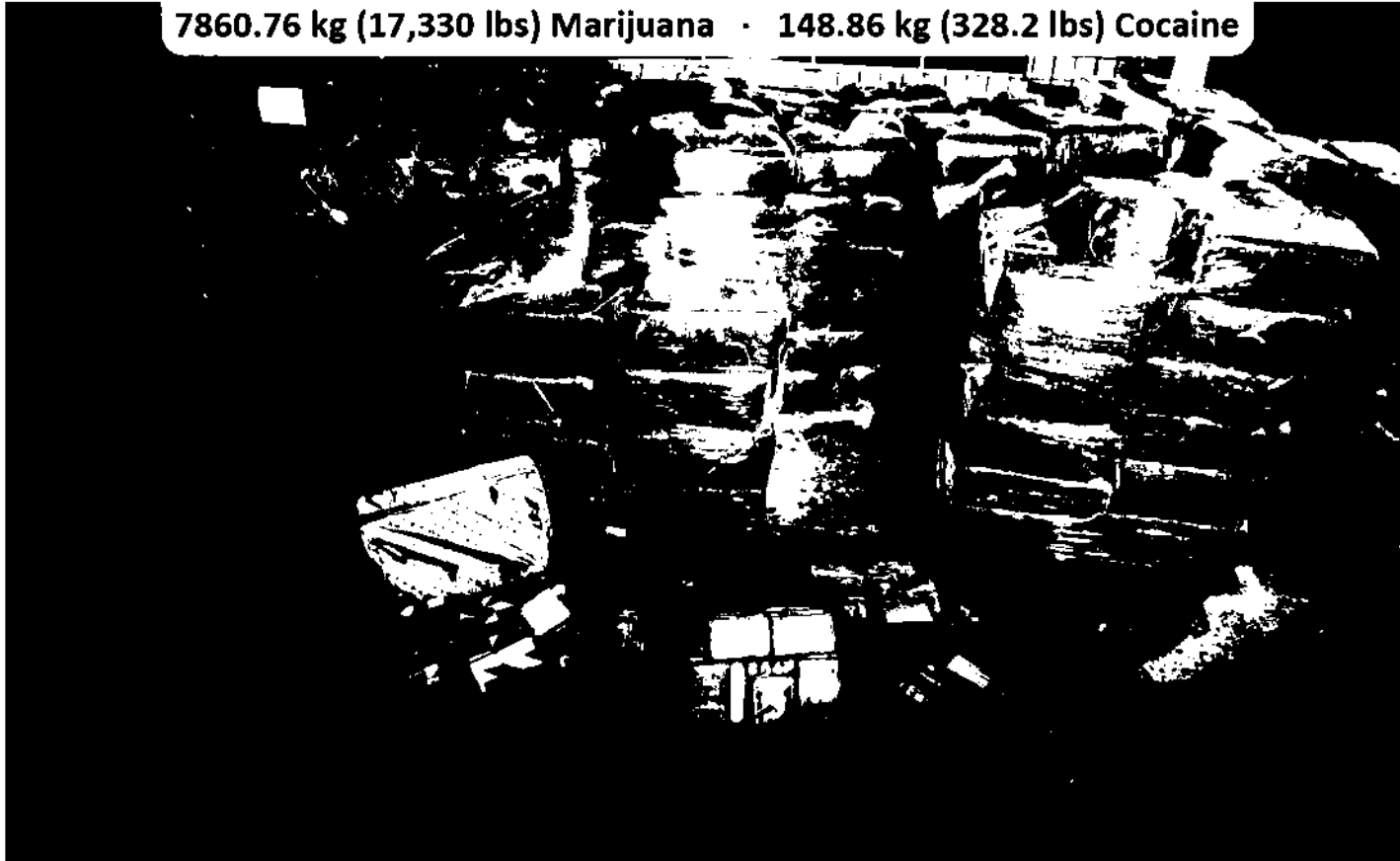
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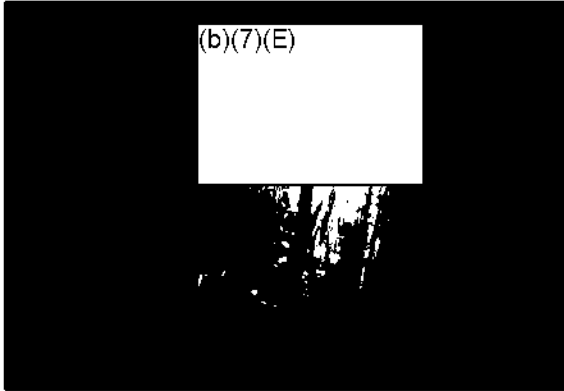
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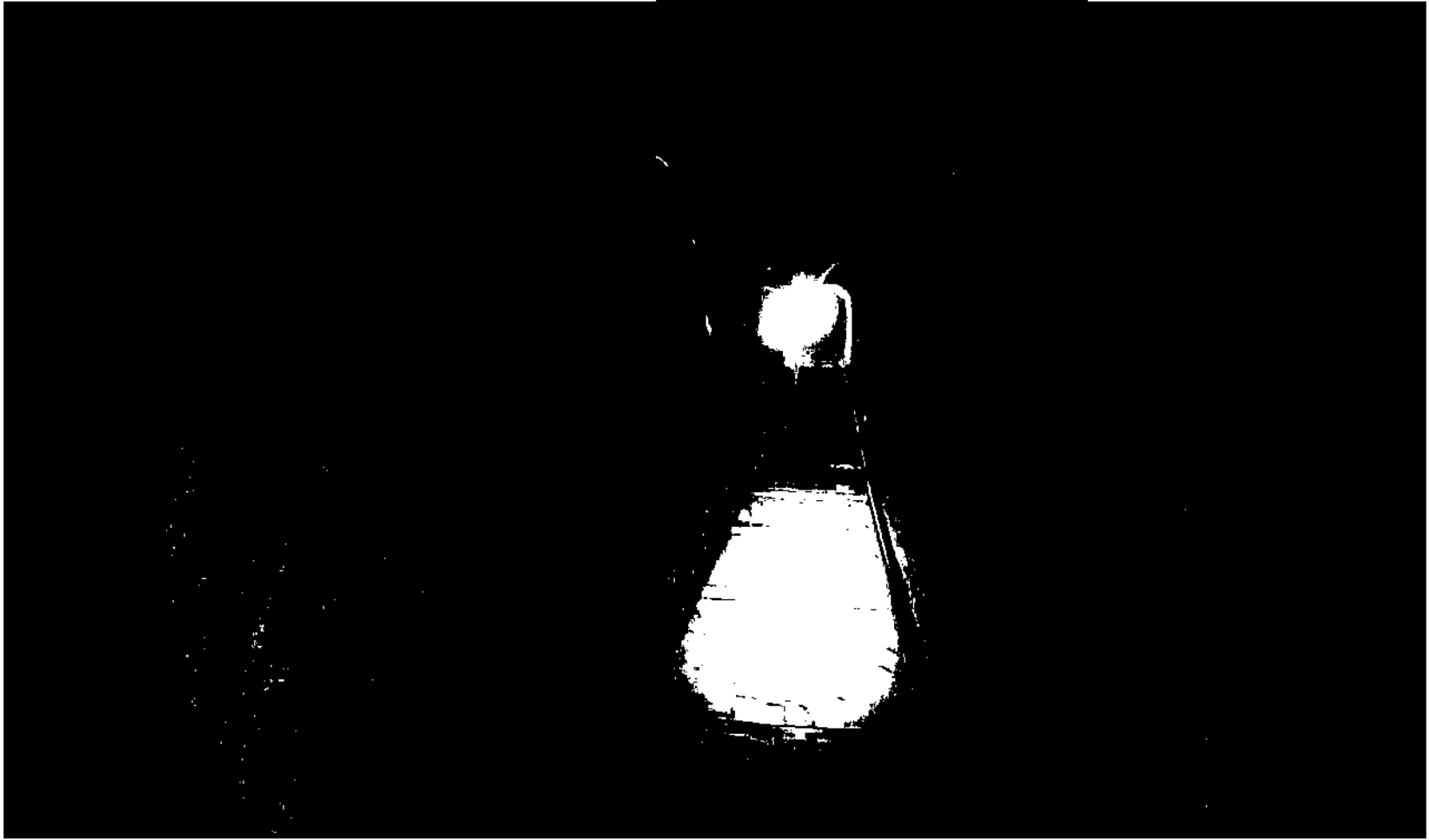


ICE

Homeland Security Investigations

Operation

(b)(7)(E)



ICE

Homeland Security Investigations

(b)(7)(E)



ICE

Homeland Security Investigations

(b)(7)(E)

Homeland Security Investigations

(b)(7)(E)



Homeland Security Investigations

(b)(6);(b)(7)(C);(b)(7)(E)

Homeland Security Investigations

(b)(7)(E)

Homeland Security Investigations

Emerging Trends

(b)(7)(E)



ICE

Homeland Security Investigations

(b)(7)(E)

UNCLASSIFIED//FOUO//LES

Homeland Security Investigations

(b)(7)(E)



Homeland Security Investigations

(b)(7)(E)

Homeland Security Investigations

(b)(7)(E)



Homeland Security Investigations

Questions?



ICE