

**CROSS BORDER CRIME
ADDRESSING THE THREAT**

by

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

CROSS BORDER CRIME ADDRESSING THE THREAT

September 28, 2005. A lazy warm afternoon in the City of Chula Vista, the police radio crackled with a whipped excitement from the dispatcher. The call was in-progress “shots fired” at a residence. Turns out, a local bi-national cross border gang, “Los Pallios” had expanded their criminal operations beyond drug trafficking was attempting to kidnap, extort and murder a local crook. Police officers responded, but only one unit was close enough to attempt to foil the would-be kidnappers before they could collect their prize. The ensuing police pursuit of the kidnapper’s vehicle subsequently ended with a police car riddled with bullet holes, an officer retired due to injuries, a couple of



suspects in custody, and several suspects still wanted for outstanding offenses¹.

**Figure 1
Scene of CVPD
officer ambushed
by cross border
criminal gang**

The “Los Pallios” is for multiple murders, kidnappings, robberies and extortions in the San Diego and Tijuana area. This gang was just one just one of a host of criminal

¹ San Diego 6 Retrieved on July 21, 2011 from <http://www.sandiego6.com/news/local/story/Deadly-Drug-Ring-Dismantled/jQh5cgyJ7kuVZ4yh1GfcTA.csp>

gangs operating in our region, at times on our side of the International border and sadly, they are not alone in their forays into the United States to commit their crimes.

Unreported Kidnappings

On February 22, 2008, officers responded to a disturbance call where a witness called the police to report that a victim had been pulled from the back of a taxi cab by unknown masked gunmen with rifles in Chula Vista. The only real evidence that remained was a live .223 rifle round, presumably dropped by the kidnappers when they chambered a round in their already-loaded rifle. It's likely the reason this was a reported kidnapping was because someone uninvolved in criminal activity had witnessed the incident. The victim showed up later that night at a local hospital with lacerations to his head. He refused to cooperate with the police; however, suspect descriptions and the similarity of this crime with others led law enforcement to conclude that the victim was most likely a drug trafficker who owed one of the cross border gangs money or product.

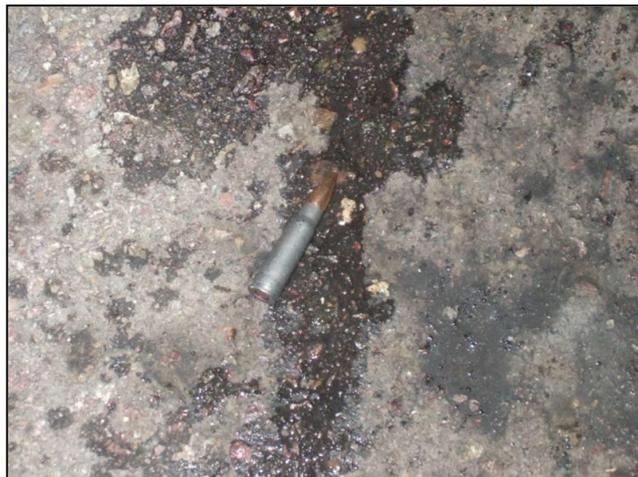


Figure 2
.223 Rifle round left at scene of kidnapping

Most kidnappings in the San Diego region are significantly under reported². This is for a many reasons, but mainly because of the victim's criminal ties, threats to families, and mistrust of government officials. However, kidnapping is

² Leaked documents reveal border kidnapping threat, retrieved on July 22, 2011 from <http://www.fox5sandiego.com/news/kswb-kidnapping-documents-released.0.185548.story>

becoming more frequent with legitimate victims, but families insist upon not involving the police in order to comply with kidnapper's demands. Disturbingly, some of the possible suspects are not affiliated with gangs.

Off Duty Tijuana Police Performing Security

In another incident, late on the evening of April 7, 2009, CVPD requested record checks on two individuals encountered during a vehicle stop in an affluent area of Chula Vista. The officers discovered the individuals were Tijuana municipal officers performing private "security" work in the United States. A subsequent investigation later in conjunction with U.S Homeland Security revealed the security was being provided for a "former" large scale suspected drug financier living in our community.



Figure 3
Two off duty municipal Tijuana officers
found working "security" in a Chula Vista

Several months later CVPD responded to a call from a female resident who was jogging and saw five or six armed men exit a white van in the same neighborhood with rifles. Officer responded, but the van had left prior to their arrival. No crime was discovered and no plainclothes officers were in the area (at least on

a preplanned operation). Presumably, these folks were part of cartel operations. Either way, they presented a significant threat to our community members and responding officers.

The cases above exemplify a troubling trend; that the threat of cross-border crime presents a growing problem for law enforcement agencies. Although agencies near the International Border are most commonly affected, the issue is expanding, and can appear

almost anywhere in the state. For year now, the drug cartels are morphing in poly-criminal organizations resulting in unreported kidnappings, murders, robberies and similar violent crime thought only to occur south of the border because of the pressure applied by the Mexican President's Felipe Calderon's Administration.

The impact of cross-border crime on California law enforcement agencies is large, resulting in increased homicides or body dumps, kidnappings (severely underreported), auto theft and assaults on officers. Investigation Units spend valuable staff time following up on un-prosecutable cases because the lack of victim cooperation. In 2005, Chula Vista was misrepresented in the media after a spate of shootings and body dumps³.

As noted New York times author Randall Archibald notes in his article, "United States law enforcement officials have identified 230 cities, including Anchorage, Atlanta, Boston and Billings, Mont., where Mexican cartels and their affiliates "maintain drug distribution networks or supply drugs to distributors," as a Justice Department report put it in December. The figure rose from 100 cities reported three years earlier, though Justice Department officials said that may be because of better data collection methods as well as the spread of the organizations."⁴

Police chiefs throughout the nation are seeing a rise in the influence of Mexican cartels. Furthermore, the cross-border crimes can bring sophisticated criminal organizations into the area producing a threat to officers and residents. The critical next step for Chiefs is to prepare their departments to address this threat. The key starting

³ Anna Cearley San Diego Union Tribune – "Drug War in Tijuana Spills Over the Border" December 12, 2005.

⁴ Randall C. Archibald – NY Times "Mexican Drug Cartel Violence Spills Over, Alarming U.S." March 22, 2009. Retrieved July 22, 2011 from <http://www.nytimes.com/2009/03/23/us/23border.html?pagewanted=all>

points are to standardize intelligence collection and analysis, participating in regional task forces for this purpose, and to utilize Border Liaison Officers whenever possible to assist in the investigation of crimes fitting these descriptions.

Standardizing Intelligence Collection

Most departments don't have standardized police intelligence collection protocols regarding cross border crime for patrol officers and for their jurisdictions; therefore, the information they do share can be spotty or fractured. While the public has a high confidence in law enforcement's ability to work together and share information, the reality is we still have some challenges to overcome.

Another point to address with the department is the standardization of what information will be collected with a border nexus. At CVPD, we define "border nexus" as any incident involving an act of violence or threat of violence whereby the victim(s) and/or suspect(s) has a documented connection to Chula Vista (residence, family residence, business, bank, etc.) and Mexico, and is also connected to some type of criminal enterprise (domestic disputes excluded). The primary incidents documented by CVPD with a cross border nexus involve a "cross border kidnap." In spite of the Department's efforts, there are still quite a few actions and threats we have documented that don't involve an actual kidnapping or attempted kidnapping.

There are additional considerations for an agency to address bilateral criminal organizations operating within one's jurisdiction. Someone in your agency should be designated as the department representative monthly intelligence sharing meetings. There are likely many meetings going on at a multitude of task forces in your area. The existence of these meetings isn't new, they've probably been going on a while and

depending upon the local interest, current trends/events, and leader-group dynamics are going through various stages of expansion and growth. It is important to reach out to Federal law enforcement agencies' intelligence groups. With the recent spate of attention to cross border crime, many of these Federal agencies have formed sub-groups to address intelligence concerns and are looking for operational missions and goals. They also have a large number of databases and information on criminals and their associates operating in your town.

The biggest question for the department as the Executive - is finding the right match of personnel for the job. When looking for a department representative, keep in mind someone who is a free thinker, organized, logical, internally-driven and able to quickly form business contacts is best suited for the position. These qualities are an excellent mix in the intelligence world because it takes a good combination of social skills and organization to interact with other professionals to build trust and business relationships. Much of this business is about networking and sharing current information.

Task Force Participation

It is also key for one's agency to be plugged into a local Task Force comprised of Federal and state investigators. If geography would not feasibly allow participation in a border task force then look for one that addresses drugs trafficking, from there you'll have access to intelligence related to cross border crime. Even if the resources are not available to send someone full time, help will typically be accepted in the form of a part-time representative. Task forces also can be current and timely on the makeup and identification of local criminal organizations structure and have a good base of intelligence collection. They also naturally are set up for intelligence sharing. These

groups of agencies are working together for a common goal which naturally promotes information sharing.

It cannot be stressed enough that only the department's best should be sent to a task force. It can be extremely damaging to investigations, task force productivity and agency reputation when an agency representative is picked from the bottom rather than the top of the barrel. Granted, one's agency might really want their star employee on their home turf; but strategically, hand picked task force representatives can yield the department more within highly producing task force.

Fusion Centers sponsored by the FBI are also another resource to tap for possible task force participation⁵. They have been popping up around the Nation due to increased funding for cooperative intelligence sharing and resource clustering in the wake of 9-11. A typical Fusion Center will house some de-confliction watch center, analysts assigned to task forces as well as other resources aimed to produce intelligence products.

Border Liaison Program

Border liaison programs consist of local, state and Federal US law enforcement officers who make regular contact with Mexican law enforcement officials to build trust, address cross border crime and threats, and strengthen cooperation amongst agencies. Each department's border liaison program is different and has its own strengths and way of operating. Some small programs rely upon larger police department programs in liaison with Mexican law enforcement contacts to do their bidding. The point is, the program is extremely valuable to US law enforcement, especially when a crisis hits and

⁵ Des Moines Police Department Information Page. Retrieved on July 25, 2011 from <http://www.dmgov.org/Departments/Police/Pages/FusionCenter.aspx>

there is a cross border connection⁶. Nothing is worse than when an agency has a high profile case and one is left to making a cold call to another agency to help with a cross border issue. For instance, the San Diego Federal Bureau of Investigations, California Department of Justice, and San Diego Police Department and San Diego Sheriff's Departments have excellent Border Liaison programs. They have, in a pinch, made immediate connections to the right Mexican agency or investigators to assist when the time comes.

The ongoing relationship between local police departments, their intelligence units, and Border Liaison Officers often suffer because of the lack of a coordinated intelligently driven model to collect, synthesize, and disseminate effective police intelligence. This is a decades old problem fueled by the ongoing geopolitical issues of the economy, immigration, and the Calderon Administration's war against the cartels. Cross border crime is gaining in intensity in Southern California. Over the last several years, cross border drug trafficking organizations have begun to morph into freelance criminal enterprises capable of exporting, kidnapping, extortion, and murder - all in part due to the ongoing drug war in Mexico.

The region's Border Liaison Program, while getting better, is still evolving and some lacks some standardization. For several reasons, the border liaison program doesn't consist of formal POST training, standardized collection and dissemination methods. Most frequently officers are placed in the BLO program if they have some Spanish speaking ability, willingness to work with other agencies, and cultural understanding of Mexico. Informal networks are used to try and operate within their system. The BLO

⁶ Jim Kouri November 5, 2007 Renew America "Mexican Mafia leader arrested and extradited to US" Retrieved on July 25, 2011 at <http://www.renewamerica.com/columns/kouri/071105>

program has demonstrated many successes over the years; but there is still room for improvement. For instance, in San Diego, the BLO program recently began field exercises to test and improve officer safety and communications.

Another issue that can be a problematic is repeat information or “rumor” verification which can play out in cross border investigations. For example, if one agency says it, it can be repeated in other agencies, and then assumed as factual. No verification is needed, other than hearing a similar repeat of the same information. This problem could be better addressed by coordinating through a single point dissemination on the US law enforcement side of the border to the Mexican authorities.

Time to Act

What can you do about this? There are several things your agency can do to mitigate some of the issues faced with cross-border crime. The first is to adopt procedures to standardize the agency’s response to cross-border crime. Standardization will help patrol officers collect valuable intelligence and route it to intelligence groups or units that can synthesize the information to facilitate action.

There is no magic bullet for standardization, but in 2009, the Chula Vista Police Department implemented written procedures to document cross border incidents⁷. The written protocol was developed to provide loose guidance for a patrol officer in the event there is no actual crime committed in the agency jurisdiction. Like any policy or written practice it needs to be presented, discussed and reinforced by monitoring the information coming in. The policy’s text is as follows:

Cross Border Intelligence Collection Patrol Practice

⁷ CVPD Brief 09-006

Each situation should be evaluated individually to determine if immediate enforcement/safety action needs to be taken by the Chula Vista Police Department or other law enforcement agency. If there is an active event, for example, a person reports getting a ransom call for someone who had been kidnapped in Mexico, the Crimes of Violence (COV) and Special Investigations Unit (SIU) Sergeants should be notified of the incident as soon as possible. If a known crime has occurred in Chula Vista, then a crime report will be taken as usual. If no identifiable crime has occurred in Chula Vista, yet there appears to be an associated violent crime in Mexico that involves a Chula Vista resident, then a miscellaneous report should be completed. If the event has already occurred and there is no immediate danger to any person here or in Mexico, then complete a miscellaneous report and forward an e-mail with the case number and brief synopsis of what occurred to the COV Sergeant and SIU Sergeant.

Recognize that victims/witnesses in these types of cases are often reluctant to cooperate fully with law enforcement (for fear of further victimization or self-implication in illegal activity), but you should attempt to build a rapport and gather as much information as possible to conduct a thorough investigation. Full names and contact information is pertinent. Additionally, the following is a partial list of specific points that should be inquired upon (the more information, the better):

- Abduction location/Residence/Family business*
- Vehicle description*
- Method of abduction/Weapons used*
- Number of abductors*
- Ransom amount/Amount paid*

- *Is the family using a negotiator/Who is the negotiator?*
- *How did the R/P learn of the abduction?*
- *Any of the calls from the abductor(s) recorded?*
- *Victim's cell phone number/location of phone*
- *Victim's injuries*
- *What does the R/P feel may have lead to their or their acquaintances victimization?*
- *Occupation of the victim*

Because many events with a nexus to Mexico such as kidnappings, extortion, cartel related surveillances, and suspicious activity remain unreported, it is important for law enforcement to document any suspicious activities that may be related to kidnappings or other cross border violence. In the past several months, officers have responded to or initiated contact with suspicious persons potentially involved in cross border violence. In one incident, what at first appeared to be a residential burglary was more likely an attempted abduction, but the victim was not present. In another incident, two people were stopped while driving an unmarked police-type vehicle and claimed to be providing private security for a wealthy resident of Chula Vista. Any incidents that raise suspicion and appear to have a connection to cross border violence should be documented in a miscellaneous report and sent to the COV and SIU Sergeants. (Source CVPD Brief 09-006)

Conclusion

Southern California law enforcement faces unique challenges due to its proximity to the International Border. The geopolitical issues surrounding cross border crime, spreading Mexican cartel transformation and influence leaves law enforcement with challenges and opportunities to change how we mitigate the effects of cross border crime in the field. This problem isn't just a criminal on criminal issue in your community. The fact is unreported crimes are occurring in our communities. Victims are being robbed, kidnapped, and extorted while the bad guys with sophisticated techniques and weapons are likely transiting, living in or operating in your area is reason enough to make sure your leveraged to address the threat.

Very quickly, with a few high profile cases, your town can become a media focal point, residents begin to question their safety, and Police Executives are held to answer questions about community safety. The problem is not going away in the near future. The trend of Mexican cartels and cross border gangs is spreading a broad reach not only throughout California but the Nation⁸. With the effective combination of department intelligence collection and standardization, efficient personnel and well-placed resources in task forces and BLO programs, though, your department will be positioned to properly address the challenges associated with cross border crime.

⁸ Randall C. Archibald – NY Times “Mexican Drug Cartel Violence Spills Over, Alarming U.S.” March 22, 2009. Retrieved July 22, 2011 from <http://www.nytimes.com/2009/03/23/us/23border.html?pagewanted=all>

About the Author -



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Lieutenant Lon Turner is currently the investigations lieutenant at the Chula Vista Police Department. He has extensive experience in narcotics task force operations, criminal intelligence and long term conspiracy investigations. He has taught throughout California with the California Narcotics Officers Association (CNOA), at FBI Academy in Quantico, VA, and co-authored several articles on practical and legal methods during long term conspiracy cases. He has twenty-two years of sworn law enforcement experience, is a lifetime member of CNOA and holds a masters degree in Public Administration. Lt. Turner will graduate from POST Command College Class 49 in September 2011. He is also a graduate of the Los Angeles Police Department Leadership Program and the DEA's Drug Unit Commander's Course Class 71. Lt. Turner is married and has three daughters. He currently resides in Chula Vista, CA. He can be reached at lonturner@ymail.com