

APPENDIX: FIRST-HAND
ACCOUNTS OF THE CRISIS
FROM BORDER PATROL
SECTOR CHIEFS

COMMITTEE ON
HOMELAND SECURITY
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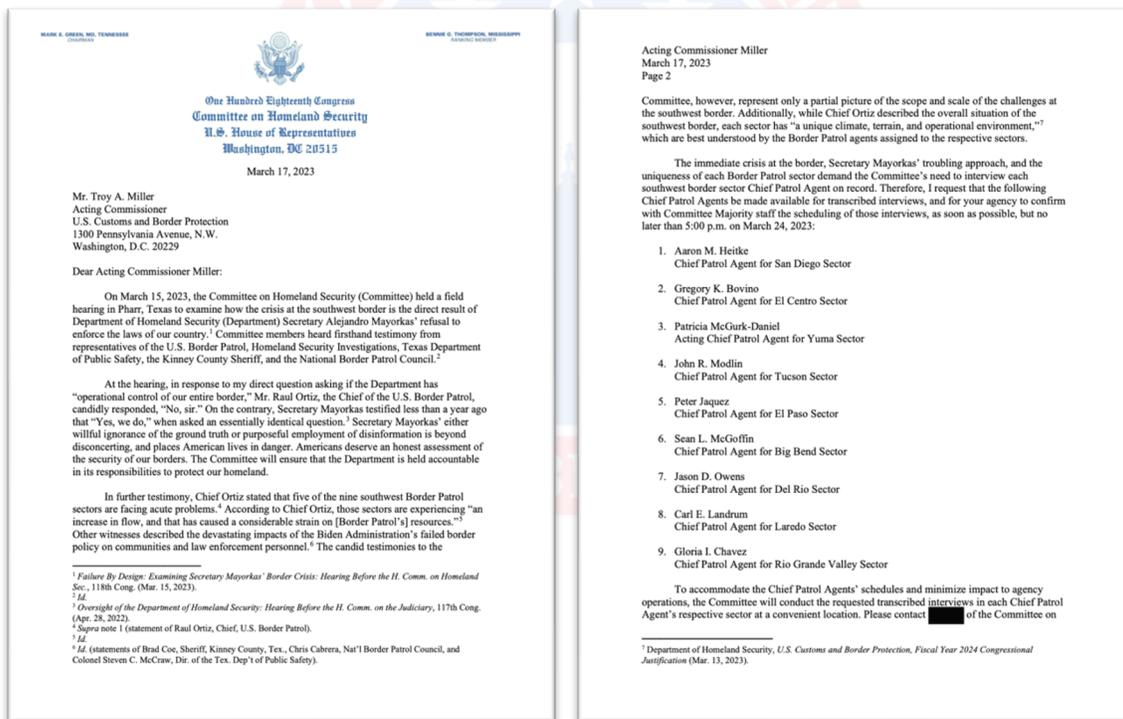


INTRODUCTION

Introduction: The House Committee on Homeland Security’s Efforts to Gather Testimony from Senior Border Patrol Officials

On March 17, 2023, House Committee on Homeland Security Chairman Mark Green, MD, R-Tenn., sent a letter to U.S. Customs and Border Protection (CBP) requesting transcribed interviews with nine southwest border sector chief patrol agents.¹ Chairman Green and House Committee on Oversight and Accountability Chairman James Comer transmitted a joint request for the same interviews on March 31, 2023.²

Between April-September 2023, committee counsels interviewed Border Patrol sector chiefs on the record about a myriad of issues connected to the catastrophic crisis at the Southwest border. During these interviews, the sector chiefs provided hours of testimony about conditions at the Southwest border, and specific details about the state of border security under Department of Homeland Security (DHS) Secretary Alejandro Mayorkas’ policies. This appendix documents some of the most striking testimony senior Border Patrol leaders shared with Congress.



¹ House Committee on Homeland Security Chairman Mark Green, *Letter to Troy A. Miller, Acting Commissioner, Customs and Border Protection*, March 17, 2023, <https://homeland.house.gov/wp-content/uploads/2023/10/2023-03-17-Green-to-Miller-CBP-re-Sector-Chiefs-Transcribed-Interviews.pdf>.

² House Committee on Homeland Security Chairman Mark Green and House Committee on Oversight and Reform Committee Chairman James Comer, *Letter to Troy A. Miller, Acting Commissioner, Customs and Border Protection*, March 31, 2023, <https://homeland.house.gov/wp-content/uploads/2023/10/2023-03-31-Green-Comer-to-Miller-CBP-re-BP-Sector-Chiefs-Transcribed-Interviews.pdf>.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

Section 1: First-Hand Accounts of the Crisis from Border Patrol Sector Chiefs

UNPRECEDENTED NUMBERS AT THE SOUTHWEST BORDER

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: Well, when you say what is happening, in your view and in your observation, given your three decades of experience in the Border Patrol, has there been a significant rise in these numbers, these encounters, drug seizures, got-aways?

A: Well, I don't have the comparative analysis to look at it, but in my understanding of everything, yes, there has been quite the rise across the board.³

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: Okay. So when the numbers of encounters increased by 127 percent from the time you got there in the first three months, you weren't expecting that to happen?

A: I mean, you can't sit there and say, like, there is going to be a surge in this particularized area, because the resources—I mean, the limitations in Big Bend Sector on both sides of the border are so different. There's no communities where people just suddenly show up into this area and say, "Hey, we're going to camp out here for 30 days," and we should know about it. It doesn't transpire in my AOR. They have to be moved there by smugglers deliberately to be able to cross.

And what I was looking at was the numbers being processed—or that were being—traversing through these vulnerable areas and why was it. These were remote areas for both sides of the border.

Q: So in those first three months, would you say that you were unprepared for that large increase in encounters?

A: I wouldn't say we were unprepared.

Q: You weren't expecting it, right?

A: I think we looked at it and said: Okay, what are we going do? I mean, I wasn't expecting to see the numbers go like that. It never had happened before in the Big Bend Sector.⁴

³ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 30, April 25, 2023.

⁴ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 112-113, April 25, 2023.



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Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Going back, so you're over capacity in these detention spaces. What are the encounter general trends that you've noticed that [sic]. You were at the academy in probably FY '21. But in this last FY, you've seen the trend, I assume. Can you explain a little bit more about what you've observed in terms of encounters at your sector?

A: Sure. So obviously we're very busy, and that seems to be—we're not the exception to the rule. And I can tell you that most of last year I think Del Rio Sector led the Nation day to day in terms of apprehensions. At the end of the fiscal year, we finished off FY '22 with just over 480,000 apprehensions and right around 200,000 known gotaways. That was the first year that we had surpassed the Rio Grande Valley Sector for the most apprehensions in the year.

The year before that, we had about 260,000 apprehensions, so it was a substantial increase from fiscal year '21. In fiscal year '21, it was busier than the previous 9 fiscal years combined for the Del Rio Sector.

So far this year, we're on pace to at least match what last year's numbers were. This year so far, it has been the Rio Grande Valley Sector, El Paso Sector, and Tucson Sector that have been, on a day-to-day basis, busier than we are. That's leading up to May 11th, and we don't know what's going to happen after that.⁵

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: There have always been economic reasons for migrants to come over the southwest border, right?

A: Uh-huh.

Q: And there has always been political instability in some of the central and southern American countries, right?

A: Yes.

Q: Have you, in all of your experience, ever seen the amount of people released as they are right now—released into the United States?

A: The United States? No.⁶

⁵ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 20-21, May 5, 2023.

⁶ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 34-35, May 5, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Could policy decisions affect encounter numbers?

A: I guess an overall policy change—it's possible, yes.

Q: Have encounters increased in the past 2 years?

A: Yes.

Q: Have you ever seen encounters this high at the Southwest border?

A: No.⁷

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Okay. Do you agree that the southern border is currently in crisis? And I should clarify this. Before I say “do you agree,” I should have asked you, do you agree with Chief Ortiz, who testified in a deposition that he believes that the southern border is currently in crisis? Do you agree with Chief Ortiz's statement that the southern border is currently in crisis?

A: I'm not familiar with that exact testimony. And I would stick with San Diego as far as—I wouldn't want to speak to the entire southwest border. I have eyes on San Diego each and every day, and we have a lot of challenges in San Diego.

And without—San Diego is very busy, and we have an enormous amount of traffic there. As far as specific the—without going specific to his testimony, because I'm not exactly sure about it, but I would agree that San Diego, specifically, we have a lot of challenges there. And so yes.

Q: What types of challenges?

A: Enormous amounts of migrants coming across. Large groups that come in to give up right now, which takes an enormous amount of our resources.

Q: Well, Chief Ortiz in that same deposition was asked if there was—if he would agree that there was an unprecedented number of aliens illegally entering the United States, and he said yes. Would you agree with that testimony as well?

A: Yes.

Q: Okay. He was also asked that—whether or not, when President Biden was elected, did the number of aliens trying to illegally enter the United States

⁷ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 163, May 9, 2023.



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increase or decrease. He stated that it increased. Would you agree with that testimony as well?

A: Yes. Yep. Yeah. I'm sorry. Yes.

Q: He was also asked in that same deposition if the crisis that is currently ongoing at the southern border is making the border less safe for Americans and aliens alike. He answered in the affirmative that, yes, that crisis does make Americans and aliens more unsafe. Would you agree with that testimony?

A: Yes.⁸

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: In your career with Border Patrol, have you ever seen encounters at this level by number?

A: No.

Q: Have you ever seen releases at this level by number?

A: No.⁹

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: And would you say that numbers tend to change with the seasons?

A: So, yes. In Tucson, absolutely, and even in other sectors where I worked, you know, like the holiday season, you know, the December time frame was a time when apprehensions tended to be very low. A lot of people that were crossing the border frequently illegally would cross into the United States, work for most of the year, and then go back into Mexico in December, and then come back in, say, January or February.

Tucson, because of the incredible amount of heat out there, the summer months tend to be very low. What's happening now that is unheard of, you know. I looked at 10 years of data to what the summer months should be, and, you know, so where we're at now in July, you know, should be about—we should have about 17,000 apprehensions in July, you know, given 10 years of data aggregated.

Instead we're at 26,000. So this time of year, the most dangerous time of year, is seeing one of the most significant flows that we've seen.¹⁰

⁸ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 24-25, May 9, 2023.

⁹ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 99, June 1, 2023.

¹⁰ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 64-65, July 26, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: So based on the data, and in large part the increases over the last few years are pretty significant, is it frustrating for you as the leader of the Tucson Sector when the encounters have kept increasing over a lengthy period of time?

A: So, yes, absolutely. I think, when I look at '18, '19, and '20, those years were about 60,000 people a year, more or less, within a thousand or two in either direction. And then '21 happened—or—yeah, '21 happened, and it jumped to 190,000. So it was three times the previous year, which was absolutely for us shocking in Tucson.

And then, thinking it couldn't go higher, it then went to 250,000 last year, and that did not include the 55,000 that we took from Yuma to help them out and the 170,000 gotaways recorded last year in that as well. And this year we're on pace to probably hit 300,000. So if that's the case, then we'll be five times what we did just in 2020. So that is significant.

As the leader, yes, it's troublesome, and I would say it is a little demoralizing, because, obviously, I try to do everything I can to support the men and women of Tucson Sector and to, most importantly, obviously, to achieve the securing the border, to keep the border as secure as I can.

And so when we see numbers like this, yes, that is—I don't remember, I'm sorry, the phrasing of the exact question, but the point is, yes, it is demoralizing to me as the leader of Tucson Sector to experie(nce these numbers we're experiencing.¹¹

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: In your 27 years of experience with Border Patrol, have you ever seen the number of encounters sustained for this long over the last 3 years?

A: No.¹²

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: And so would you agree that periodic surges or spikes are not unprecedented at the southern border?

A: Certainly not unprecedented to see a surge or spike. The volume that we're seeing recently, in my opinion, in my career when I've seen is what I would consider unprecedented.¹³

¹¹ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 101-102, July 26, 2023.

¹² Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 82, September 26, 2023.

¹³ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 57, September 28, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

IMPORTANCE OF CONSEQUENCES TO DETERRING ILLEGAL IMMIGRATION

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: Do you think it's important as a matter of border security policy to maintain detention on individuals throughout the life cycle of their immigration case?

A: For what we are doing, absolutely.¹⁴

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Would you agree that a significant likelihood of release into the United States after a short stay in custody would incentivize someone to try to illegally cross into the United States?

A: So what I will tell you is this: I think that if there is no consequence for an action, there's no deterrence for a person to not commit that action.¹⁵

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: If you—being someone on the front lines there, if there were certain policies you could enact that would improve the border security's—border security's—the accomplishment of border security in the Border Patrol's mission, which types of policies would you prefer?

A: Any policy that increases my capacity to deal with the border security mission and ensures a consequence on those that we're trying to take into custody for a violation of law—any policy that promotes those two things, one or both of those things would probably be something that I would be interested in looking at.¹⁶

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Why is it important for the Border Patrol to detain and remove illegal border crossers?

A: There needs to be a consequence to the illegal activity, otherwise it won't stop. And when you look at a population that's coming, the only real consequence that we have is to send them back to their home country.

Detention—there isn't enough detention in our country to detain everybody. And even if there was, it would be short term. Many of these folks come and have traveled for 6 months or a year to get here. A day or two in detention is not a penalty to them. They're more willing to do that. Fines, obviously, are not going to be effective when the individuals have everything they own with them.

¹⁴ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 128, April 25, 2023.

¹⁵ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 105, May 5, 2023.

¹⁶ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 180, May 5, 2023.



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And so the only real consequence we have is to send them back to their home country. And if somebody has traveled from wherever for an entire year and you fly them all the way back to their country, it's a significant penalty.

Q: Do you believe these consequences are being employed or deployed, do you suppose? Are people facing these consequences at a rate significant enough to deter them from illegally entering into the United States?

A: Not right now.

Q: Not right now.

A: Not right now.

Q: Was there a time when they were facing these consequences at a rate that was more effective at deterring people from entering the United States illegally?

A: I would say yes. When the numbers were low enough for us to be able to manage and send back more people, yes.

Q: When would that have been in recent times?

A: It's been several years.

Q: Can you give me an approximate year?

A: I would be guessing if I did.

Q: Just give me an estimate, and that's fine.

A: An approximate timeframe going back maybe to 2017, 2018.¹⁷

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: And you talked about—you talked about the importance of consequences.

A: Yes.

Q: So, in making sure that, you know, there are consequences, do you agree that things like increasing detention capacity, increasing the speed of removal of migrants who are deemed not to have a lawful basis to remain, those are all things that are helpful to your mission?

A: Yes.

Q: Increasing removal flights?

A: Yes.

¹⁷ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 25-26, May 9, 2023.



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Q: Increasing the consequences for those who are ordered removed from the country?

A: Yes.¹⁸

Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Isn't part of the ability to stop someone understanding why they are coming?

A: I think that consequences, providing a consequence is probably the primary way to stop someone from coming.

Q: When you say consequences what do you mean?

A: Providing a consequence to someone that illegally enters the country, providing a consequence of some type has a great effect on migration routes and those who seek to come across the border.¹⁹

Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Sure. I believe you said in the previous hour that criminal consequences or penalties help deter people from crossing the border unlawfully?

A: I said that consequences, whether they be criminal or otherwise, help deter, not just criminal consequences, so, no, I didn't say that.

Q: Fair enough. But consequences in general help deter people from crossing illegally?

A: Yes.²⁰

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Is it likely—we talked about detention—that migrants who are detained would not be communicating a similar message to those who are released back home, that I was released into the interior?

A: Yeah. So I think it's significant.²¹

¹⁸ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 74, May 9, 2023.

¹⁹ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 33, July 12, 2023.

²⁰ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 74, July 12, 2023.

²¹ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 117, July 26, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

FAILURE TO DETAIN ILLEGAL ALIENS CAUSES MORE TO COME (“PULL FACTOR”)

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: Would you agree that there are pull factors bringing people to the United States?

A: I believe there are pull factors.

Q: Do you think that release from detention is a pull factor?

A: I think it can be a pull factor.

Q: And, under this administration, you're familiar with the Border Patrol's use of the notices to report for a period of time?

A: We never did those in Big Bend.

Q: Are you familiar with the fact that Border Patrol used notices to report?

A: I mean, I believe that I have an understanding that there was some type of—I don't know if it was called a notice to report, but I believe there was something being used.

Q: Do you know what the notice to report did?

A: To report to ERO facilities, I'm assuming? I believe? I don't know.

Q: Are you familiar with Border Patrol using parole-plus-ATD as a means of release?

A: I know that it's been authorized to do so, yes.

Q: Do you think that those two policies, allowing the release of illegal aliens into the United States without issuing a notice to appear, could act as a pull factor for people to come across the southwest border?

A: I think it goes back to what I've said before. I mean, if you call home and tell them this is what happened, I think there's a potential for that.²²

²² Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 189-190, April 25, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: My colleague earlier asked you briefly about push and pull factors. Would you say that release can be a pull factor for people coming into the United States?

A: Yes.

Q: Do you think that the current rate of release at the southwest border is an active pull factor for people coming into the United States?

A: Yes.²³

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: Would you say that public perception of favorable immigration policies would be a pull factor to the United States?

A: If immigration laws were more lax for migrants to be able to more easily enter the United States?

Q: Not the laws necessarily, the policies implementing the laws. If someone perceives that they’re going to be released, is that a pull factor?

A: Yes.

Q: Before taking office or right as he took office, President Biden issued a 100-day pause on enforcement and removals. Do you think that’s the type of favorable policy that people perceive as a pull factor—that is a pull factor?

A: If there aren’t deliverable consequences to entering the country illegally, then there will be a pull factor.²⁴

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: And you mentioned that cartels are exploiting this through their false messaging, through social media, or any messaging to social media that may sometimes turn out to be true. And then you also mentioned that there’s an increase in Venezuelan migration because of the failed government there. But none of those could exist if—or it would be harder to have a pull factor if the United States had different views or different approaches on how these migrants were handled, correct?

Because if none of them were released on custody, then they wouldn’t be on social media telling their friends and neighbors and family, I got released. I made it

²³ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 97-98, June 1, 2023.

²⁴ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 136-137, June 29, 2023.



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here. The social media posts from the cartel, maybe—maybe it wasn't true that it was so safe because I got, you know, abused along the way or whatnot, but I'm here.

That part was true. Is that—is that—

Interjection: What are you actually asking, [Committee staffer]? I mean, that was—do you understand what he's asking?

A: I would say that the more people that are released, the more there is a draw.

[...]

Q: I think we've discussed this already, but I want to hit it again. Does the likelihood of release into the interior of the United States increase the likelihood that individuals will attempt to illegally enter the United States?

A: It increases the likelihood.²⁵

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Do you consider release into the interior to be a pull factor?

A: So I think, most importantly, what I would say, because, again, I think there's a lot of pull factors, I think optimally, other than the rare occasion where you have someone with a crazy medical condition, everyone should be detained. And that, to me, is the most obvious way to not encourage illegal migration, is everyone's held until they have a hearing.²⁶

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: And under Title 8 before, during, and now, people face consequences for attempting to cross unlawfully, correct?

A: So it depends on—it depends on the demographic. Yes, there's always a consequence of they're being charged with this violation of the Immigration Code. It just—you know, I think it's a definitional thing about a consequence. If—if somebody is served a notice to appear and released into the United States, then, you know, certainly, some people would not see that as a consequence as much as if they were to be served, held in detention and then, you know, go to a hearing, and then either be returned or allowed to stay in the United States.²⁷

²⁵ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 21-22 & 82, June 29, 2023.

²⁶ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 116, July 26, 2023.

²⁷ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 62-63, July 26, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: Do you think that perception of favorable policies—of favorable immigration policies in the United States could be a pull factor too?

A: It could be, yes.²⁸

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: What do you consider adequate consequences for illegal entry into the United States?

A: So, you know, in my time—I'm not a policy person. I enforce the policy, the rule of law and such. But, you know, we—in the Border Patrol, for us, it's mostly the consequences that—that bring a balance to illegal immigration, obviously, for entering illegally between those ports of entry.

Any consequence where a person is able to receive a penalty for an illegal act is—will work, will work to—to balance, you know, that—that—that illegal immigration type situation.

I think that, when there's not a consequence, we continue to see some of these surges that we—that we're experiencing here recently.²⁹

²⁸ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 100-101, September 26, 2023.

²⁹ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 44, September 26, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

ILLEGAL ALIENS KNOW THERE ARE NO LONGER CONSEQUENCES

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Is it a relatively recent phenomenon that single adult men are turning themselves in to Border Patrol custody rather than evading apprehension?

A: It's not something that I encountered regularly up until just a couple years ago.

Q: Why are they turning themselves in?

A: I think they believe that they're going to be processed and given a notice to appear so that they can await their immigration hearing in the United States.³⁰

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Is there any particular nationality that has been trying to evade arrest that you've noticed more than others?

A: The main nationality that tries to evade arrest is Mexican nationals.

Q: Why is that?

A: Because they know they'll be removed under Title 42 immediately.

Q: So does that imply the people who aren't necessarily evading arrest believe that they will be released and not removed under Title 42 or Title 8?

A: Correct.³¹

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: So I want to go back to your—what you were talking about with the bigger groups of aliens, the give-ups, the 200 to 300 groups that you were referring to earlier.

Why do you believe that they're giving themselves up rather than attempting to cross in between POEs?

A: Yes. So they are—they're giving up because they believe they're going to stay in the United States. If not, they would be, like everyone else in Tucson, dressed head to toe in camouflage, running as fast as they could, staying up in the

³⁰ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 90, May 5, 2023.

³¹ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 34-35, May 9, 2023.



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mountains or in the valleys to avoid detection by our system.

Q: And is this a change within the last two and a half years, or between administrations, however—what period of time you want to choose?

A: Yes. So it is certainly a change in Tucson Sector.³²

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: Do your agents interview migrants that they encounter about why they have come to the United States?

A: Yes.

Q: Do you know—what are the reasons or most prevalent reasons that people are giving to agents in Yuma Sector about why they've come to the United States?

A: So a wide variety, obviously. Some of the more common ones are better pay, better opportunities for the family, to raise a family. Again, the belief that they are going to be released with no consequence is certainly something that many migrants tell our agents.³³

MASS RELEASE OF ILLEGAL ALIENS

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Does headquarters ever give you pressure to move people out of detention because you're over capacity?

A: No.

Q: What kind of feedback do they give you about those numbers?

A: To do our best to keep them down.

Q: And how do you keep those numbers down when it comes to detention?

A: Processing. Making our—putting as many resources that we can into processing to get the people moved quickly.

Q: And by “moved,” you mean released from detention?

A: Yes.³⁴

³² John Modlin, Transcribed Interview with the House Committee on Homeland Security, 126.

³³ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 114, September 28, 2023.

³⁴ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 148, May 9, 2023.



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Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: Were the large number of releases that occurred in recent years, prior to the expiration of Title 42, a more recent phenomenon? Have you ever seen that before?

A: In the past few years, I haven’t seen what we’ve been doing with that in the past few years prior when I was on the southwest border. So we’re talking over 5 years ago.³⁵

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: Understood. And sorry for the lack of clarity. But following through, would you agree with me that there’s always been a certain portion of the migrants that are released and not detained for a significant period of time?

A: Released into the community?

Q: Yes.

A: I don’t recall that always being the case.³⁶

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: Are—we’ll start with single adults. Are they detained before their credible fear interview?

A: So, currently, the credible fear interviews are taking place in Border Patrol custody.

Q: Okay. So those people remain in custody they’re interviewed?

A: And there’s also a program within ERO where they’re transferred to ERO and that is also conducted [in] ERO custody.

Q: Okay. So sometimes, they’re staying within Border Patrol custody for their interview and, sometimes, they’re going to ERO for their interview?

A: Yes. Both are possible.

Q: If they’re found to have positive credible fear, is Border Patrol going to issue an NTA and releasing them?

A: Yes.

³⁵ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 83, June 29, 2023.

³⁶ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 127-128, June 29, 2023.



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Q: For the family unit, are they—in the FERM program, are they also—do they also remain in custody for their credible fear interview?

A: No.³⁷

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: Do you know since January—well, if you know, since January 2021, how many people have been released from Border Patrol custody from the Yuma Sector?

A: I don't have an accurate number to be able to give you.

Q: Do you know from your time in Yuma?

A: Somewhere between 65 to 70 percent.

Q: Of encounters?

A: Yes, ma'am.³⁸

PAROLE BEING USED TO QUICKLY RELEASE ILLEGAL ALIENS

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: So, in your sector, what would you say is the percentage of parolees from those you encountered?

A: So last year it was a large percentage. A large portion of them were being given parole and then given that alternative to detention. ATD is what we call it. That's where they're affixed with a device, like an ankle bracelet, or given a cell phone. And ICE would then turn them over to NGOs for them to travel to wherever they were going to go while they await their hearing.

Last year, for us, I would say the vast majority of the migrants that we encountered were processed under that parole pathway. This year it has changed, and the majority of them are going to be given a notice to appear.

Q: When you say vast majority, what does that mean?

A: I would say at least half. And I'll have the general counsel get you the exact numbers if you want them. But it was the majority.³⁹

³⁷ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 110, September 28, 2023.

³⁸ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 113, September 28, 2023.

³⁹ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 25-26, May 5, 2023.



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Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: And what—what factors did the sector take into consideration to use Parole+ATD? [sic]

A: So, if we were able to determine that the person did not pose a threat and that they—there was no other pathway that would be better for them to be processed under, processing somebody for parole requires about half the time that processing some—that does processing somebody under NTA. So the flow that we were seeing, the capacities that we had, the capacities of our partners down the chain in the system, and what best fit the migrant at the time, those are some of the factors that we used to make that determination.⁴⁰

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: San Diego Sector started using parole plus ATD and Border Patrol border-wide started using notices to report because it was taking too long to process people by issuing them NTAs, right?

A: Correct. Correct.

Q: Do you anticipate you're going to run into a situation where it takes too long to process people with NTAs?

A: That's a possibility.⁴¹

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: We talked about the Parole Plus ATD program. Do you know how often your agents utilized parole outside of the Parole Plus ATD program to process individuals who've illegally crossed?

A: I can't give you an exact number, but it was—it was quite a bit, yes.

Q: It was quite a bit? In RGV or in Laredo?

A: I'm only speaking for Laredo. RGV, I mean, yeah, when I was there, we used it. I can't give you an exact number, though.⁴²

⁴⁰ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 155-156, May 5, 2023.

⁴¹ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 99-100, May 9, 2023.

⁴² Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 123, June 1, 2023.



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PRIORITY ON RELEASING ILLEGAL ALIENS QUICKLY WITH NOTICES TO APPEAR

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Okay. So because you're not part of that pilot program, you're also not utilizing expedited removal. Is that what you're saying?

A: Not generally. We do have that. It's always available. But it tends to not be an expedient pathway compared to even the NTAs. So we would prefer to use the NTA.

Q: So the decision of whether to use expedited removal or NTA right now is based on efficiency?

A: In part, yes.

Q: And so do you think then when Title 42 expires and there's a potential for increase in migrants, the priority will be processing efficiency rather than expedited removal?

A: The priority is always going to be whatever we can do to get back to the border security mission. And so if we are not able to move 2,000 people that we're catching a day through our system, we have 2,000 more coming the next day.

That can lead to overcrowding. That can lead to collapsing down operations more. It creates a safety concern in those processing centers just for the migrants, for our men and women. And so the efficiency of the process has to be a factor.⁴³

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Would you say that the majority of individuals encountered are released with a notice to appear on their recognizance from Border Patrol custody in San Diego Sector currently, or is it less than the majority?

A: Right now, I would say it was the majority.⁴⁴

⁴³ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 96-97, May 5, 2023.

⁴⁴ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 38, May 9, 2023.



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Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: So, in fiscal year 2022, most were being released on their own recognizance via NTAs?

A: Most were.

Q: Is it likely—we talked about detention—that migrants who are detained would not be communicating a similar message to those who are released back home, that I was released into the interior?

A: Yeah. So I think it's significant.⁴⁵

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: When you started in 1995, what was the demographic at that time?

A: It was Mexican nationals.

Q: What was the major—what was the predominant disposition for those illegal border crossers?

A: That was voluntary returns to Mexico.

Q: Today, what is the predominant disposition?

A: For RGV?

Q: Yeah.

A: It would be Venezuelans, followed by Central Americans, and then Mexico.

Q: Right. So that demographic, what's their disposition? What's the end result?

A: It would be, currently, either a removal—an ER, expedited removal, or a notice to appear, OR, and/or a voluntary withdrawal.

Q: Out of those three, which is the most used?

A: For the most part, it's notice to appear, OR.⁴⁶

⁴⁵ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 117, July 26, 2023.

⁴⁶ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 49-50, September 26, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

NEW PHENOMENON OF ILLEGAL ALIENS TURNING THEMSELVES IN, NOT EVADING ARREST

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Would you say the majority of individuals encountered by Border Patrol agents in the Del Rio Sector are voluntarily turning themselves in to Border Patrol agents upon encounter or are they actively trying to evade apprehension?

A: So last year, I would say that predominantly they were turning themselves in. If you followed the news, you saw that we had a lot of what we call large groups. Large groups are at least a hundred individuals crossing the river at the same time. And sometimes those large groups got in excess of 500 people in the Del Rio Sector.

They would cross. They would find the nearest Border Patrol agent or they would just wait for us to arrive so that we could begin the intake and processing.

When that happens, that's a massive logistical lift to begin intake and actually transport those individuals to a processing center. It forces us to collapse our operations, our border security operations, down even further to address what's right there in front of us.

Remembering that everything is controlled by the transnational criminal organizations and the smugglers, who do you think is causing that? They are there causing those groups to cross. Why? Because they are going to take advantage of that where they can.⁴⁷

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: It wasn't always, like—well, it wasn't always that people turned themselves in, right?

A: No. There's—for the majority of my career, I was chasing people that had crossed the border illegally. The phenomenon of having folks turn themselves in, it's happened, but not at the levels that I have been seeing in the last couple years.⁴⁸

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: What would you say is the proportion of individuals encountered by your agents in the San Diego Sector who are turning themselves in to Border Patrol agents as opposed to trying to evade arrest?

⁴⁷ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 51-52, May 5, 2023.

⁴⁸ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 129, May 5, 2023.



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A: Right now, the vast majority are giv[ing] up in the desert.

Q: So they're not fleeing from agents. They're staying put and turning themselves in—

A: Correct.⁴⁹

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: And what limits their ability to do that work [the national security mission], again?

A: The enormous amount of people that they're dealing with. So the enormous amount of migrants, say, a group of 500 that give up. So 10 agents are going to be transporting them, processing them, making sure that they're fed and showered and all of that. And so they're not in the field patrolling the border.

Q: And it's accurate—is it accurate to say that the enormous amount of people that are doing the give-ups, that is a more recent phenomenon?

A: Yes.⁵⁰*Chief Patrol Agent Anthony Good, El Paso Sector (June 29, 2023)*

Q: Did you see large groups that were giving themselves up like you do in El Paso today back when you served in Laredo in 2018 or in the Tucson Sector prior to that?

A: No.⁵¹

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Do you know the reason why the smuggling organizations would use less task saturation? Is it a function of more turn-ins? Or what would explain that trend?

A: So, yes. Because we're having such large give-up groups, it's not uncommon now to see a group of 200 to 300 people giving themselves up, and they're doing it in some of the most remote areas.

So just like task saturating our agents in the field, it pulls a lot of resources to that area, especially these populations that are in very remote areas, in the heat that they're in out there.

So, of course, the humanitarian side of the mission kicks in, and we go out there and sort of triage those groups, figure out who is most vulnerable, and get them

⁴⁹ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 36-37, May 9, 2023.

⁵⁰ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 84, May 9, 2023.

⁵¹ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 16, June 29, 2023.



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out of those areas.

But this is, if you haven't seen, it's difficult sometimes I think to recognize, but it can be hours where they're at from the nearest road. So we have to go off road to get to them and take them out one van at a time or vanfuls at a time.

So it really pulls all the resources to those areas where the give-up groups are at.

Q: How frequently are you seeing these large groups of over a hundred people? Is that a daily occurrence? A weekly occurrence?

A: Daily and often multiple times a day.⁵²

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: Of the trend you're currently seeing, do the majority of individuals turn themselves in to Border Patrol after illegally crossing, or are you seeing individuals attempt to evade apprehension?

A: Currently, we're seeing a lot of family units turning themselves in to our Border Patrol agents.⁵³

⁵² John Modlin, Transcribed Interview with the House Committee on Homeland Security, 15-16, July 26, 2023.

⁵³ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 14, September 26, 2023.



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ILLEGAL ALIENS COMMUNICATE THEIR EXPERIENCES UPON MAKING THE JOURNEY AND BEING RELEASED

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: From your observations, just generally speaking, although none of your roles and responsibilities necessarily include policy, just from your personal experience and firsthand observations, what can we attribute these increasing numbers toward?

A: So I think the traffic comes to Del Rio Sector in large part because of the message that is transmitted among the migrant population.

When you have folks that make the trip and they come across, they're in communication with the folks that are back in their home country or their families who may also be thinking about making that journey.

And if they perceive it to be safer or more expedient, they give recommendations. And they do that by phone. They do that on social media outlets.⁵⁴

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Okay. So when these ATD numbers are greater, do you believe that those numbers or that knowledge also gets fed into that population of migrants who might want to cross illegally?

And you had mentioned that there is a lot of communication in between migrants who then say maybe the journey is safer than it really is, or maybe it's not as perilous, or maybe I'll be paroled and it won't be a big deal?

A: So I believe that the migrants communicate the entirety of their experience to their friends and family back home, and that would include what their experience was with whatever processing pathway they were put into.

[...]

So I don't know if they're seeing ATD numbers. I hope they're not privy to that information. But I can tell you that, yeah, if the general perception is that it's easy, that would logically prompt somebody to be more inclined to make that decision.⁵⁵

⁵⁴ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 21-22, May 5, 2023.

⁵⁵ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 27-28, May 5, 2023.



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Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Chief, if I may follow up, when you were asked—you just mentioned that when certain demographics see that they'll be released, they notify people that they'll be released. What demographics are you referring to?

A: A good example is family groups. So family groups, when we see individuals that come across, and they have—it's a family of five, for example, and they—it's much more difficult to find detention or housing for a family group.

So—all right. So, for an example, they're released on their own recognizance. Individuals come up and see that. And, if they were single adults, we do see people rent a family. So they will find somebody with children, and they will pay to take those children with them when they come to the border and say that they're their children so that they're more likely to be released.⁵⁶

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: If a cartel tells people—migrants—that it's going to be really easy to get here and you'll be released into the United States, and that person comes, and it was really hard to get here, but they were still released into the United States, in your experience, does that person call back to family or community members and let them know how it went?

A: Yes.

Q: So, even if the cartel is lying about how hard it is to get here, if the person is ultimately released, isn't that only partly misinformation?

A: I'm not sure exactly which part.

Q: That's okay.

So if—if it was all a lie. If the cartels said it's going to be really easy to get here and you're going to be released, and a migrant came, and it was a terrible journey, and they got rejected and they got removed to go home, they would tell their family: Don't do it—right—because it was hard, because it was all a lie; it was hard, and we took our son home. Right?

A: Right.

Q: But, if only part of it was untrue, so they said "it's easy, you'll get in, it was a really hard journey, but I got in," people still might make that journey, right?

⁵⁶ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 46-47, May 9, 2023.



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A: Right.

Q: So, if it was all misinformation, why are people still coming?

A: It goes back to both sides. But as long as they make it into the United States, that's their ultimate goal. And so, if they've been traveling for a year, they've risked their lives more than once, not just at the border. And so that is their ultimate goal. So it's all worthwhile if they make it here.⁵⁷

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: So, regardless of what the cartel tells them about the journey or the path of gold, if these people are released, they're still going to come, right?

A: Yes.

Q: How else do they find out about information? It's not just the cartel, right? Does their family—strike that. Family that's already come, do they call back?

A: Yes.

Q: And they find out from friends and other people who have crossed?

A: Yes.

Q: And some people and wait in Mexico to see if the people they were with are successful before they cross?

A: Yes.

Q: Do you think that that has a large influence on whether a person decides to cross into the United States?

A: Yes.⁵⁸

Chief Patrol Agent Anthony "Scott" Good, El Paso Sector (June 29, 2023)

Q: And that would not be any false messaging or misinformation by the cartels if they were to spread and promulgate messages that, hey, people get released after they're in custody and they'll be able to remain in the United States. Is that a fair statement?

A: Many times it's not just the smugglers doing that, right. If—if somebody's released, then that person that was released will get on social media and say, Hey,

⁵⁷ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 151-152, May 9, 2023.

⁵⁸ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 97, June 1, 2023.



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look at me, I've been released. And then that creates a draw specifically to that area. So if it happens in El Paso and they post that on social media, that will create a draw to El Paso, same for any other sector.

Q: Okay. We'll get to more about the statistics later. But is it fair to say that if someone were to be released from custody, especially in a short period of time or whatever their experience may have been, that they might call their friends or family back home and say, Hey, this has been my experience and it was relatively painless?

A: Whether it's a call or a social media post, yes, that occurs.⁵⁹

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: And referring back to the interviews, what are you hearing now in post interviews?

A: So now it's a combination of things. There is still some of the change in administration stuff, the policy and law change, that perception that people have. And some of it is, we're fleeing violence, we're fleeing for economic reasons, or we've heard that we'll be welcomed here or there.

And I should say too my experience is also that the way that information is disseminated now is incredibly different.

When I started my career, immigration flows took months to change, and now it seemingly can change overnight because people are live streaming themselves crossing the border. They're sending it back to—their families are seeing it. People in the area they come from see it.⁶⁰

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: You also mentioned the role of social media, of information. You mentioned that illegal border crossers FaceTime family abroad.

Do you have any insight into what they're communicating abroad?

A: No. I really don't know what it is they're communicating. But what I do know is that there's certainly—again, there's not the air of mystery to the border that there used to be, because people can leave their country and then, however long it takes them, a couple weeks, to get here, and then they're inside the United States, and then they're in Kansas City, or they're, wherever their destination is, they're there, and they're in communication with their families.

⁵⁹ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 20-21, June 29, 2023.

⁶⁰ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 30-31, July 26, 2023.



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Q: So the assumption is that they got released?

A: The assumption is, yes, they're somewhere in the United States.⁶¹

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: What are some pull factors that would bring someone to the United States?

A: It would be families that are already in the United States pulling their relatives, you know, encouraging their relatives to come out. It would be companies or organizations that are hiring these individuals in the United States that others have told them: Hey, you can get a job here type thing. I think it's the feedback that people that are here already provide them to encourage them to come.

Q: What kind of feedback do you think people provide that would encourage others to come?

A: Job, opportunities, housing, better quality of life type conversation.

Q: What about potential for release into the United States?

A: Possibly. I'm not 100 percent sure, but that is possibly a conversation that takes place as well.⁶²

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: When you say word travels, whose word? Among who?

A: So among the migrants themselves, among the smuggling outfits. I mean, social media is widely used.

There was Tiktok [sic] videos being produced, you know, that was documenting journeys how to cross.

Particularly into Yuma Sector, it was showing them firsthand accounts of which trails to take, where the border wall ended, which gap to exploit, you know, where to stay, all of those things.

So smart phones are everywhere, you know, and so word travels extremely fast among migrants. It travels fast among the transnational criminal organizations, local smugglers, and the cartel.

⁶¹ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 115-116, July 26, 2023.

⁶² Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 100, September 26, 2023.



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Q: Have you seen that social media content that shows things like routes and where to cross?

A: Yes.

Q: Where do you find that?

A: Tiktok [sic]. Any of these social media accounts have those things. Again, I'm not personally involved in the exploitation of it, but our intel [sic] units frequently find those things. Again, they elevate them with the field information report up to the intelligence units up at Headquarters.⁶³

OPERATIONAL IMPACTS OF HISTORIC BORDER CROSSINGS

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: And how many encounters, if you know, did Big Bend have that month?

A: 5,050.

Q: And when you have 5,050 encounters, what does that look like in terms of strain on resources in the sector?

A: Well, I mean, the resources where we're at, the difficulties, I think the real problem is looking at the where the majority of these entries were and then looking at the resources that were available. So we had to make changes there to make sure that we could adequately deal with that particular area, and we did so.

I think if you're talking about strained resources, a lot of it has to do with the amount of people that are actually available in the area. We had to change our tactics. We had to be—we had to take advantage of the terrain and have operational advantage where we didn't have it in the past.

It is very rough terrain, and agents would oftentimes—they would find an entry and they would track that entry out to wherever it was. And then if it was in the mountains, it would take more people to actually go and make sure that everybody got out safely and then returned back to the station.⁶⁴

⁶³ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 31-32, September 28, 2023.

⁶⁴ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 32, April 25, 2023.



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Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Is it easier or harder to maintain operational advantage or operational control during times where migrant flow is high?

A: It's more difficult.⁶⁵

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: If there's more individuals crossing illegally in between ports of entry at the Laredo Sector, does that make it more difficult for your agents to apprehend as many people as possible?

A: Well, they're apprehending—if they're apprehending people, a large amount of people between the ports of entry, does that mean that they can't get somebody else, is that what you're asking me? I'm sorry.

Q: If more agents are arresting—are arresting more people and then bringing them back to the Border Patrol station for processing—

A: Oh, okay.

Q: —before they get out into the field, does that impact their ability to—

A: It can, yes.⁶⁶

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: In August of 2022, encounter numbers were at almost 30,000. By September, the encounters went up to 50,000. Do you know what impacts that had on operations in El Paso?

A: Like I mentioned before, it draws manpower from the field. It puts a strain on resources, such as transportation to transport from the field to processing. We require more support from other sectors to help us out with manpower, as well as virtual processing.⁶⁷

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: Does the risk profile for Border Patrol agents increase with increasing flow of illegal immigration in between the ports of entry?

A: Yes.

⁶⁵ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 177, May 5, 2023.

⁶⁶ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 37-38, June 1, 2023.

⁶⁷ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 32, June 29, 2023.



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Q: And how so?

A: There's limited manpower dealing with large groups. We've got less agents in the field because agents are processing in the processing centers. And then, with the less agents in the field, they're dealing with more people. And people with bad intentions can be mixed into those large groups. That can be overwhelming to any law enforcement official that could be in one of those crowds.⁶⁸

Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Has the trend of seeing large groups existed throughout your career in Border Patrol, or is that a more recent phenomenon?

A: I've seen large groups throughout my career. However, over the past couple of years, I've seen more larger groups.⁶⁹

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: So when—I guess the point of my question is, when there are miles—even when you're fully staffed, there are miles that are unpatrolled by agents, right, so you don't have one agent per mile.

A: Correct, correct.

Q: When there's a surge and you have to take a bunch of agents off the line, does that leave many more miles wide open on the border without patrol?

A: It does leave vulnerability for us, because agents are being pulled away from primary patrol duties to come access a certain situation.⁷⁰

⁶⁸ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 74, June 29, 2023.

⁶⁹ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 89, July 12, 2023.

⁷⁰ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 101, September 26, 2023.



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AGENTS STUCK PROCESSING ILLEGAL ALIENS INSTEAD OF PERFORMING THEIR BORDER SECURITY MISSION

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: Okay. And just one more question. You said that you've got around 17 percent of agents that are processing. Is that accurate?

A: About 16 percent.

Q: Sixteen percent.

You said that most agents would rather be out in the field doing encounters.

A: The majority, not all of them. Some of them like it. But the majority want to be out doing standard Border Patrol work in the field.

Q: Have you heard anything from agents in other sectors that are doing more processing than you guys are in Big Bend complaining about doing processing as opposed to more traditional law enforcement?

A: Well, I mean, I hear stuff from our agents when they come back, that they've said that there's a lot of people that are stuck processing for a long time.⁷¹

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Thank you. And then another sector chief informed us that Border Patrol agents really want to be in the field and doing that job. Would you agree with that statement?

A: I would agree with that, yes.⁷²

Chief Patrol Agent Anthony "Scott" Good, El Paso Sector (June 29, 2023)

Q: How many daily Border Patrol agents are assigned to the processing center?

A: It's about 12 percent of our Border Patrol agent workforce currently.

Q: Are they assigned per shift or is somebody just assigned to the processing center?

A: There are times when we detail on a daily basis. Currently, we have a detail that's a longer term detail at the soft-sided facility, hard- and soft-sided facility.

⁷¹ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 209, April 25, 2023.

⁷² Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 67, May 5, 2023.



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Q: Okay. So generally speaking, at any point in time, it's about 12 percent of the workforce that's—

A: Since I've been there, yes.

Q: Okay. And so that's 12 percent of about 2,000?

A: Yes.

Q: And you mentioned that other—

A: Twelve percent of the Border Patrol agents. So that's about—because when I say 2,029, or whatever that number was, 2,000-plus agents, right, that includes managers and other positions that aren't a Border Patrol agent, field—

Q: Line agent?

A: —line agent. And so that number is a little over 1,600. So 12 percent of that number.

Q: Of 1,600.

And then you mentioned that other details from other agencies typically help with processing and transportation. So they're working within those processing centers too?

A: Yes.⁷³

Chief Patrol Agent Anthony "Scott" Good, El Paso Sector (June 29, 2023)

Q: Can you speak to or give us a sense of what percentage of the Border Patrol workforce in your sector is dedicated to processing activities currently?

A: Currently, around 12 percent of the Border Patrol field agents.

Q: Okay. And is it fair to say that processing, care and custody, those kinds of activities, have always been a part of a Border Patrol agent's job to one extent or another, since you've been in Border Patrol?

A: Since I've been in Border Patrol, not on the scale that we see now, but processing has been a function that Border Patrol agents have performed.⁷⁴

⁷³ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 86-87, June 29, 2023.

⁷⁴ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 105-106, June 29, 2023.



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Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Did that surge have an impact on operations in El Centro?

A: Yes.

Q: In what way?

A: Any time there is a surge of individuals processing care, feeding and care of those individuals takes Border Patrol agents away from their primary job of preventing bad people and bad things from coming across the border.

Q: And is that what you experienced in 2021, that agents were taken away from the border to do processing?

A: Yes.⁷⁵

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Thank you. And then, you know, briefly you've talked about processing coordinators in your testimony in February as well as today. About what percentage of your Border Patrol agents are dedicated to processing activities?

A: So most recently when I looked at it, it was about 38 percent of the—the Border Patrol staff in Tucson is—is doing processing/detention stuff. I think when I testified in February, it was more about 20 percent or so.

Q: Okay. And just to be clear, Border Patrol staff, do you mean agents?

A: Yes. Agents, yeah.⁷⁶

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: And I'm guessing that also puts a strain and causes morale issues as well being in that type of situation so frequently. Is that fair?

A: So I think it's sort of a double-sided thing.

So I believe for the people that are doing the rescues, the majority of the rescues, like BORSTAR, those are all volunteers. I would suspect if you were to talk to BORSTAR agents, they would tell you they live for that. They live to go out and rescue people and potentially risk their lives doing that.

I think that the challenge is when agents are performing duties that they don't

⁷⁵ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 28-29, July 12, 2023.

⁷⁶ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 65, July 26, 2023.



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feel are part of the border security mission, that's where it becomes potentially a morale issue.

I believe most agents would say that the humanitarian part, when it comes to a rescue like that, like an emergency rescue, they absolutely would say they're patrolling the border, that's happening on the border, that's my responsibility to deal with.

It's the other stuff, the detention stuff, the care and feeding, that sort of thing, that agents generally have the feelings about that is detrimental to morale.⁷⁷

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Chief, other chief patrol agents have stated to this committee that, in their respective opinions, their agents prefer operating in the field as opposed to processing individuals. Would you agree with that statement?

A: Yes, I would agree that, you know, that the overwhelming majority of agents want to be out in the field. That's why they became Border Patrol agents.⁷⁸

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: Do you know what kind of impact, or was it a similar impact just on logistics that that surge had on RGV?

A: So, when we have the surges, it's pretty typical. The logistics, the personnel, the impacts are very similar. The one thing I think that we are doing quite well in RGV right now is that we're still maintaining a semblance of enforcement assignments for our agents. It's between 52 to 64 percent that we try to keep our agents on the front line doing patrol work versus the processing and nonenforcement details.

But surges, when they happen, logistically, they absorb—they absorb resources, right? So it's pretty similar with one to the other.

Q: So more agents that are doing processing, less front line during those surges?

A: For the most part.

Q: What kind of impact does that have on agents' morale?

A: It has a significant impact. I think agents, for the most part, want to be on

⁷⁷ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 108, July 26, 2023.

⁷⁸ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 133, July 26, 2023.



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patrol. They want to do the mission of border security. To us, it's a concern everything that happens between those ports of entry.⁷⁹

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: What kind of difference did you experience in the Yuma Sector from the El Centro Sector?

A: Yuma Sector had a significantly higher daily encounter rate. Obviously, El Centro did not have a centralized processing center, you know, like the soft-sided facilities.

So Yuma did, and so they had capacity issues almost every day. They were overwhelmed with transportation duties. They were overwhelmed with processing duties. There was multiple support requests to get detailed personnel in there to assist with that. A large percentage of the Border Patrol agents were pulled off of their line functions and performing administrative or processing duties rather than performing that frontline law enforcement mission.⁸⁰

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: I'm going to move on to some of the encounter trends that you see in Yuma.

In January 2021, Yuma was experiencing about 1,624 encounters a month, and just one year later, Yuma had well over 20,000 monthly encounters. Do you know—I know that you didn't get to Yuma until August 2022, but do you know what kind of impact that had on operations in Yuma? Were you briefed on that?

A: Yes. I was fairly aware of the impact and, again, there's duties that have to be performed, and when you have that type of volume, which is overwhelming for any law enforcement agency, it has an impact to operations because operations have to be shifted into a humanitarian-type mission in order to protect vulnerable populations, in order to perform transport duties, in order to complete that processing to ensure that overcrowding capacity issues are kept at a minimum.

So operations will suffer. Operation will be impacted. They will be lessened in order to do that other humanitarian mission.⁸¹

⁷⁹ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 33, September 26, 2023.

⁸⁰ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 18, September 28, 2023.

⁸¹ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 28, September 28, 2023.



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Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: And about what percentage of the Border Patrol agents in the Yuma Sector are dedicated to processing or are on the front lines?

A: So currently assigned to the CPC, mainly doing the processing duties and other functions that are just required inside the CPC, about 20 percent of my manpower is assigned to the CPC. It's an absolutely massive facility.⁸²

AGENTS DIVERTED FROM OTHER SECTORS TO PROCESS ILLEGAL ALIENS

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Did you get agents detailed into your sector to help with or have you had other agents from other sectors detailed to you to help?

A: Yes. So we had people detailed in, and we call that TDY, temporary duty. So they're being detailed away from their permanent station. And that, of course, comes at the expense of what they're supposed to be doing at their station.

Q: Have you gotten anyone from the northern border?

A: We did.

Q: How many do you think you got from the northern border?

A: It varied from month to month. But I think at our highest, maybe 75 at a time.⁸³

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Did you have to receive people from other sectors to process them?

A: Yes.

Q: Which sectors?

A: Yuma Sector, El Paso Sector, and Rio Grande Valley Sector.⁸⁴

⁸² Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 66-67, September 28, 2023.

⁸³ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 45, May 5, 2023.

⁸⁴ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 30, May 9, 2023.



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Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Does removing agents from other sectors to detail them to Tucson, does that increase the likelihood of gotaways in other sectors?

A: So what I can tell you is about 6 months maybe to a year ago we were sending about 50 agents at a time out to I believe Del Rio, between Del Rio and RGV, and certainly that affected our level of border security. So I would assume it would have the same impact to other sectors.

Q: And is that a concern to you?

A: Yes, absolutely.⁸⁵

CHECKPOINTS BEING SHUT DOWN

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Throughout 2021, encounters fluctuated—and into 2022—between about 12,000 to where it hit its peak in July of 2022 to about 16,000.

How did your sector handle those fluctuations?

A: We focused on the actual border, the land border. So San Diego Sector has 60 miles of land border and then 900-plus miles of coastline and then our checkpoints and interior operations. We pulled resources out of—off of the maritime side and then the checkpoint side and focused on the actual physical land border.

Q: What kind of impact did it have operationally to have to focus resources away from checkpoints and the water?

A: We don't see what's going on in those areas nearly as much and it lessens our impact on particularly those that—the reason our checkpoints are there is to arrest what we miss on the border at further into the interior. And so we're not able to do that.

Q: So what kind of things could you be missing?

A: Individuals that made it past us at the border, and then narcotics that made it past as well.⁸⁶

⁸⁵ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 104, July 26, 2023.

⁸⁶ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 28-29, May 9, 2023.



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Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: We mentioned before that your sector has four interior checkpoints. Do your agents routinely seize narcotics and interdict illegal immigrants at those checkpoints?

A: Yes.

Q: Has there been any impact on operations of those checkpoints given the high flow of illegal immigration over the last 2 years since you've been in San Diego Sector?

A: Yes.

Q: What has that impact been?

A: The checkpoints and the interior payment operation have been very, very sporadic.

Q: Are you concerned that operations at those checkpoints may again become sporadic when the CDC's order under Title 42 expires?

A: They're already shut down.

Q: So your checkpoints are currently shut down, the interior checkpoints?

A: Yes.

Q: So that means agents are not screening individuals for immigration status or narcotics or other criminal activity at those checkpoints currently?

A: Correct.⁸⁷

Chief Patrol Agent Anthony "Scott" Good, El Paso Sector (June 29, 2023)

Q: Do you operate interior checkpoints in the El Paso Sector?

A: Yes.

Q: Do you know approximately how many interior checkpoints you have operational in the El Paso Sector?

A: Six checkpoints that are permanent checkpoints. We also have tactical checkpoints that we'll put up from time to time.

⁸⁷ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 114-115, May 9, 2023.



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Q: Those tactical checkpoints are in response to intelligence being received or migration trends or other factors?

A: If we see an increase of smuggling loads, reckless driving, those kinds of things, we'll put up additional checkpoints to try to make the community more safe.

Q: Has the increase in illegal migration over the last few years impacted the ability to keep those checkpoints operational?

A: It makes it more challenging, yes.⁸⁸

Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Do the surges have an impact on your ability to keep those checkpoints operational?

A: Yes.

Q: Is that impact a staffing impact, or what is the impact of the surges on the checkpoints?

A: Yes, it's a staffing impact.

Q: Is the staffing impact because agents that would be manning the checkpoint are needed for other duties, such as care processing of illegal aliens, or what is the impact of the surges?

A: Yes, that is the impact.

Q: Since you've been in the El Centro Sector since April of 2020, has there ever been a time when you've had to shut down one of your permanent checkpoints?

A: Yes.⁸⁹

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: You mentioned you have three interior checkpoints in the Yuma Sector; is that accurate?

A: Yes, sir.

Q: Are those checkpoints useful in encountering additional narcotics or illegal entrants who may have made it past Border Patrol in the first instance when they cross the border?

⁸⁸ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 76-77, June 29, 2023.

⁸⁹ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 92-93, July 12, 2023.



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A: Yes, they are.

Q: To your knowledge, was there ever an impact on the operations of those interior checkpoints given the increase of flow over the last few years you witnessed in Yuma?

A: Yes, sir. For the majority of Fiscal Year '22 and even really up until May of this year, our checkpoints were down.

Q: All three of them?

A: Yes, sir.

Q: And what impact does that have on the enforcement posture of the entire sector when those checkpoints go down?

A: So it opens up the freedom of movement. It's pretty common for—you'll hear it a lot in law enforcement. For any criminal organization to be successful, they require freedom of movement, and that is key to being able—whether it's moving people or moving dangerous narcotics, weapons, cash, whatever it is. Any time that's impeded, it has an impact.

[...]

Q: When those checkpoints were down, were they down because the Yuma Sector needed the agents that would otherwise be staffing those checkpoints for process, patrolling, other duties?

A: Yes, sir.⁹⁰

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: Do you know what the trends that you're currently seeing in narcotic interceptions are?

A: Narcotics are—the interdictions are up in Yuma Sector. Yuma Sector is not a well-known narcotic corridor. Again, it's mostly a human smuggling-type corridor. Those are clearly defined with the cartels, but fentanyl is up. Cocaine is up. Heroin is up.

Again, a lot of that is, again, because the checkpoints are now up and fully operational, and so it doesn't mean that we're catching everything. It doesn't mean that there's not things that aren't getting away from us, but the increase

⁹⁰ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 47-48, September 28, 2023.



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that you see this FY compared to the previous FY is largely in part because the checkpoints are now fully operational.

Q: Does that indicate that because those checkpoints were not operational previously that there may have been a lot of narcotics that were making it into the interior of the country?

A: Yes, sir. It's certainly possible.⁹¹

IMPACT OF OPEN BORDERS ON GOTAWAYS, SECURITY THREATS, AND NARCOTICS

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Would you say the majority of individuals encountered by Border Patrol agents in the Del Rio Sector are voluntarily turning themselves in to Border Patrol agents upon encounter or are they actively trying to evade apprehension?

A: So last year, I would say that predominantly they were turning themselves in.

[...]

A: Again, I go back to that is the major concern for us, is the border security mission. And our true adversary, the smugglers, while we're tied up with this humanitarian effort, what are they doing around the bend that we can't be there to respond to? Is that where they're crossing dangerous narcotics? Is that where they're crossing convicted felons? That is what keeps us up at night.⁹²

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Can the getaway numbers be attributed to the increased flow at the Southwest border?

A: So, by virtue of the fact that I don't have as many agents out on patrol because they're addressing that flow, then it can provoke the getaway numbers to be higher because we're not out there. If we were out there, it stands reason we might be able to apprehend more of them.

At the same time, because we're not out there and as great a number, we might be missing some of the getaways and not know as many as are actually getting away.⁹³

⁹¹ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 48-49, September 28, 2023.

⁹² Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 51-52, May 5, 2023.

⁹³ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 126, May 5, 2023.



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Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Does the high flow that the Del Rio Sector is currently experiencing have an impact on Border Patrol's ability to reduce the number of known got-aways coming into the sector?

A: Absolutely.

Q: And in what ways?

A: As I said before, if my men and women are stuck in a humanitarian effort of processing these folks, they cannot be in two places at once. They cannot be out on patrol. And where I need them out on patrol is to not only account for those got-aways but to reduce them, where possible.

Everything revolves, as I said before, around having those men and women on the ground doing the job.⁹⁴

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Do you know how the got-away trends in San Diego have fluctuated since you first came on board?

A: They've continued to rise.

Q: And what factors do you attribute that rise to?

A: Increased traffic on the border itself.⁹⁵

Chief Patrol Agent Anthony "Scott" Good, El Paso Sector (June 29, 2023)

Q: So if you look at January, the encounter—January '23, the top row, the encounter numbers were about 30,000. And then by March they had risen to 40,000; by April, 42,000.

Do you know what drove that 2-month jump?

A: I do not.

Q: Did Border Patrol feel the impact of that large jump?

A: Yes.

Q: And in what ways did it impact operations?

⁹⁴ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 55-56, May 5, 2023.

⁹⁵ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 41, May 9, 2023.



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A: When you have larger influxes such as this, it takes more agents to assist in processing, not only for the processing of the migrants but the welfare and care of the migrants, the security of those facilities.

So that—that is a draw of manpower from the field, which is where we’ll see an increase in things like got-aways, what we call when migrants evade us and we don’t make the encounter or apprehension.⁹⁶

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: Given the migrant surges that have been experienced in recent years, does that have an impact on Border Patrol’s ability to reduce the number of known got-aways in the El Paso Sector in terms of diverting resources or some other factor?

A: As we’re spread thin doing other functions and have less agents available to make interdictions, that increases the likelihood of got-aways.⁹⁷

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: In responding to those large groups, you mentioned the transportation difficulties and them being in remote areas. Is there an operational impact to agents being able to prevent those who are seeking to evade apprehension?

A: Yes. So once we’re aware of one of those large groups and where they’re at and the conditions that they’re in, then the primary goal becomes the humanitarian mission of, of course, apprehending them, but also making sure that they’re not out there in the heat. We try to get them out as soon as possible. So then the border security mission suffers at that point.⁹⁸

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: Do your agents also encounter individuals who have sought to evade detection?

A: We do. Mostly, at times, it’s single adults.

Q: Do your agents encounter individuals in the field who have prior criminal convictions or outstanding warrants?

A: They do. Our agents encounter that.

Q: What types of crimes or allegations are you seeing?

⁹⁶ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 30-31, June 29, 2023.

⁹⁷ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 43, June 29, 2023.

⁹⁸ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 16, July 26, 2023.



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A: So there's a variety that are encountered. Many times it's gang Members. Other times, there are criminal records of sex offenders, homicide, burglaries, et cetera.⁹⁹

POTENTIAL THREATS POSED BY KNOWN GOTAWAYS

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: What tactics do the human smuggling organizations use to enhance an individual's ability to evade detection?

A: In Big Bend Sector we see people in camouflage, camouflage backpacks. We see some of that. Walking at night. What they're looking at in our AOR as far as our technology, what they do know, how to evade that, and then what we do to counter that. They use vehicles, hidden compartments in vehicles.¹⁰⁰

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Are you concerned that individuals who are evading apprehension entirely could present an elevated risk of a public safety threat, such as a criminal—prior criminal history or a prior removal history?

A: So here's my concern. If a person is willing to put themselves into harm's way crossing through very remote, very dangerous conditions to evade capture, you have to ask yourself why. What makes them willing to take that risk? That's of concern to me.

What's also of concern to me is I don't know who that individual is. I don't know where they came from. I don't know what their intention is. I don't know what they brought with them. That unknown represents a risk, a threat. It's of great concern to anybody that wears this uniform.

Q: Are you aware of whether the transnational criminal organizations are charging a premium to individuals to guarantee or increase the likelihood that they will be able to evade apprehension by Border Patrol agents?

A: It wouldn't surprise me. They look at their operations like a business venture. And so do they have tiers for what they charge? That wouldn't surprise me at all.

We already know that they charge based on where the person comes from and what their situation is. So they very easily could do what you're saying.¹⁰¹

⁹⁹ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 15, September 26, 2023.

¹⁰⁰ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 133-134, April 25, 2023.

¹⁰¹ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 56-57, May 5, 2023.



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Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Are you concerned that the gotaway population in the Del Rio Sector could include serious criminals or individuals who might be terrorists?

A: So that's the concern of just the gotaways in general. As I said before, you don't know who they are, where they come from, what their intent is, what they're bringing with them. And it could range from very minimal to very severe. We just don't know. And so, because of that, of course it's a concern.¹⁰²

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Okay. Do the transnational criminal organizations charge extra for individuals who are seeking to evade apprehension entirely, if you know?

A: Yes. From what we have gathered from people, depending—it costs more to go through an area that has a better chance of getting away.

Q: Are you concerned about the public safety risk that could be presented by an individual who is paying that premium to evade Border Patrol in terms of prior criminal history, of removal history—

A: Yes.

Q: —or other factors?

A: Yes.¹⁰³

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: You testified earlier that there were approximately 66,000 known got-aways since October 1st of this previous calendar year. Is that correct?

A: Correct.

Q: Are you concerned that the got-away population in San Diego could also include individuals who have derogatory information related to terrorism?

A: Yes.

¹⁰² Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 125, May 5, 2023.

¹⁰³ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 40-41, May 9, 2023.



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Q: Are you concerned that the public safety risk presented by individuals who evade detection by Border Patrol in the San Diego Sector could increase when the CDC order under Title 42 expires?

A: Yes.¹⁰⁴

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: You mentioned that increased encounter numbers affect agents' ability to police the border and to capture those who seek to evade apprehension entirely—gotaways—correct?

A: Yes.

Q: Have gotaways increased in the past 2 years?

A: Yes.

Q: Are gotaways potentially dangerous from a public safety standpoint?

A: Yes.¹⁰⁵

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: Are you concerned that the got-away population could potentially include serious criminals or people with ties to terrorism?

A: Yes.¹⁰⁶

Chief Patrol Agent Anthony "Scott" Good, El Paso Sector (June 29, 2023)

Q: Are you concerned that individuals who are more likely to evade apprehension, then [sic] turn themselves in to Border Patrol, may have a criminal history or some other derogatory information that could lead to a public safety risk?

A: Yes.

Q: Has Border Patrol in the El Paso Sector, do they routinely encounter individuals with prior criminal histories?

A: Yes.

Q: Do these criminal histories relate to crimes involving public safety concerns?

¹⁰⁴ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 116, May 9, 2023.

¹⁰⁵ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 163, May 9, 2023.

¹⁰⁶ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 50, June 1, 2023.



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A: Yes.

Q: Do your agents in the El Paso Sector encounter individuals who have derogatory information related to terrorism?

A: Yes.¹⁰⁷

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: But why do you think it’s important—it’s an important aim to prevent all unlawful entries, including entries by terrorists and other unlawful aliens?

A: We want to protect the country. So anyone that evades apprehension from us, we don’t know what their intent is or what they’re capable of.¹⁰⁸

Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Do got-aways concern you from a national security standpoint?

A: Yes.

Q: And why is that?

A: Any got-away or any illegal alien for that matter presents a threat to national security or a threat to the taxpayer of the United States. We see that time and again, whether it’s planes crashing into buildings, or whether it’s, you know, the vast amount of American citizens that die each year at the hands of illegal aliens.

[...]

And so when you ask me if it concerns me, it concerns me not about a got-away, but about anyone coming into the United States illegally and being—and remaining here illegally in the United States, because, you know, when you—when you look at a parent and they’re worried about a closed casket for their kid, it takes on a different—a different perspective, so, yes.¹⁰⁹

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Do you have any national security concerns with the influence and the power that the cartels have on the border?

A: So my national security concerns come in with just related to the smuggling, the people that are getting away from us, sort of the unknowns out there.

¹⁰⁷ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 43-44, June 29, 2023.

¹⁰⁸ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 141, June 29, 2023.

¹⁰⁹ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 54-56, July 12, 2023.



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When we make an arrest, we can then vet that person and find out, if they have a criminal history, if there are national security concerns. Of course, anyone that we don't apprehend is of a concern to me.¹¹⁰

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Are gotaways a public safety concern?

A: So I think gotaways are a public safety concern, but, as we discussed, I believe we discussed earlier also potentially a national security concern as well.

Q: Is it possible that some of these gotaways have ties to the cartels?

A: Yes. Certainly they could.¹¹¹

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: Given that you encounter individuals with prior criminal histories, prior removal histories, potential terrorist concerns, does the gotaway population concern you from a national security standpoint?

A: Of course. I think it concerns every Border Patrol agent. Our focus and our mission is to secure the border between those ports of entry. So, for any Border Patrol agent, it is a concern.¹¹²

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: You mentioned earlier some of the crimes of individuals who had been encountered by Border Patrol. I believe some of them were fairly serious.

Does it concern you that there could be individuals getting away from Border Patrol in the Yuma Sector who may have serious criminal histories or other public safety concerns?

A: So as I stated earlier, border security, national security, those are always concerns of mine. That is our job. That is our daily function. So I'm always concerned about that.¹¹³

¹¹⁰ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 27-28, July 26, 2023.

¹¹¹ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 113, July 26, 2023.

¹¹² Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 15-16, September 26, 2023.

¹¹³ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 44, September 28, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

CARTEL CONTROL AT THE SOUTHWEST BORDER

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: So the individual people who are arrested for attempting to smuggle drugs, are they working for the cartels?

A: Everything that I—that I’m aware of, yes.¹¹⁴

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Okay. And then the majority of illicit drug smugglers operating in your sector, are they working for the cartels?

A: Everybody that is bringing illicit traffic across the border in some form or fashion is connected to or working for the larger cartels.¹¹⁵

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Would it be difficult if an individual in Mexico wanted to cross illegally in the San Diego Sector for them to do that without the assistance of a human smuggling organization or transnational criminal organization?

A: Yes. It would be difficult and dangerous.

Q: And why is that?

A: The organizations that own those lanes get paid for every thing and person that crosses in that area. So they are afforded a payment for everything that goes through, and they don’t want to lose that payment. And so we have run into individuals who have been robbed or beaten when they’ve tried to make it through without contacting one of the people in charge of that area.

Q: Do you know how much an individual would pay a transnational criminal organization to be smuggled into the United States in the San Diego Sector?

A: Yes. We have ballpark numbers.

Q: What are those numbers?

A: It varies. And I think the easiest—it’s a business model that they use.

So on land, right now, to cross on our 60 miles of land border, on average it costs about \$8,000 per person. It’s between 8,000 and 12,000 depending on.

¹¹⁴ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 68, April 25, 2023.

¹¹⁵ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 141, May 5, 2023.



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On the water, it's generally between \$12,000 and \$20,000 per person.

They also use different ways to manage. So if they have a large group of 200 or 300 people, sometimes they will only have to pay \$400 or \$500 per person because it's quicker and it's easier for them to move those folks in places.

And we have individuals as well that they don't necessarily have direct contact to the smuggling organizations. So they may show up from wherever country they came to Tijuana and talk to people to get a cab ride up to the border and be told, you're going to cross here. For that cab ride, maybe it will cost \$500 or \$600. But it's all part of the organizations that are moving people.

Q: So the organizations, the smuggling organizations, control those cab rides as well?

A: Yes.¹¹⁶

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: I just wanted to return to human smuggling, which we talked a little bit about last hour. I just wanted to know or clarify, are all of the human smugglers who are moving migrants into your sector, are they all affiliated with or working with cartels?

A: Yes.

Q: Do you know which cartels?

A: It—it changes. We—the two main ones in our area have historically been the Sinaloa Cartel and CJNG. Those are the two main ones.¹¹⁷

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: What you've observed in the San Diego Sector I believe you explained as the cartels control the area in Mexico south of the border, and they control who comes into the United States. Is that right?

A: Yes.

Q: Through smuggling?

A: Yes.

¹¹⁶ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 39-40, May 9, 2023.

¹¹⁷ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 67, May 9, 2023.



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Q: So, earlier, when you were talking about—and I heard you talking about, you know, people giving themselves up in the desert, about rent-a-family schemes, things along those nature, is it fair to assume that the cartels are involved in kind of planning and orchestrating those?

A: Yes, yes.

Q: And so I assume that—you know, you talked about the challenges of your job in the San Diego Sector, and I understand that a lot of the challenges come from addressing these cartel strategies and responding to the cartel. Is that right?

A: Yes.¹¹⁸

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Okay. Are you familiar, Chief, with the term “theater of engagement” as it evolved after Vietnam?

A: I’m familiar with the term, yes.

Q: So, just to share, theater of engagement is a term that evolved since Vietnam wherein the sovereign border between nations would no longer define our engagement. If we had conflict as a Nation, we would secure the theater of engagement.

And, in that definition, our border territories on both sides of the border—which, again, you could put one foot in Mexico and the other foot in the United States. But the theater of engagement is larger than the border, is it not?

A: Yes.

Q: So the Americans that live on the sovereign territory of the United States that live within that theater of engagement where the cartels control the Mexican side of the border and they’re in the midst of that theater of engagement, and they do not respect our laws on our territory—in fact, their design is to defeat our laws on our territory—the Americans living on American soil, are they not living in the theater of engagement there?

A: Yes, they are.

Q: So are American lives and families impacted by the cartels’ control of the Mexican territory on our southern border?

¹¹⁸ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 72-73, May 9, 2023.



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A: Yes.

[...]

Q: How do you explain 5 million crossings and a million gotaways in 2 years, then? How do you explain the fentanyl crossings and 107,000 Americans dead in 2021 and 108,000 in 2022? If we're controlling the theater of engagement, how are we losing like that?

A: There are parts that we don't control.¹¹⁹

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: The Northeastern Cartel you earlier described as particularly violent—

A: Uh-huh.

Q: —would you say that they're also particularly cruel to the migrants?

A: I would.

Q: What kind of tactics do they use in their smuggling process?

A: For starters, if you go down the river without their permission—every section of river has a boss that owns that particular part of the river. If you go down there without their permission, they can either beat you or hit you with, like, a paddle, and they've been known to shoot people, you name it. That's how they—they rule through intimidation, so that's a very common practice.

The other day, we had two people wash up to our shores, and they had no identification on them, but we're thinking they were migrants that went down there without permission. One of them had his head halfway blown off, and the other one was shot between the eyes.

Q: Do you often come across migrants that have experienced assaults, essentially, by the cartel?

A: Yes.

Q: And you learn that through interviewing the migrants?

A: Yes.¹²⁰

¹¹⁹ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 144-146, May 9, 2023.

¹²⁰ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 99-100, June 1, 2023.



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Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: Does the cartel in Mexico control the smuggling business in Laredo Sector?

A: Yes.

Q: And which cartel was that, the—

A: Noreste.

Q: —Noreste Cartel?

A: The Northeast.

Q: Do you ever get individuals who cross on their own without the assistance of the human smugglers that are controlled by the cartels, or is that uncommon?

A: It's uncommon.

Q: Would there be consequences for someone who failed to contract the services of a human smuggler?

A: Yes.

Q: So the cartels would not like it if they did that on their own?

A: Correct.¹²¹

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: And they use the photos, the Gulf Cartel?

A: Well, they all use photos. They all use photos to keep track of the people they're smuggling.¹²²

Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Do you ever get individuals who cross on their own without the assistance of a transnational criminal organization, or is that uncommon?

A: It's uncommon.

¹²¹ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 33-34, June 1, 2023.

¹²² Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 102, June 1, 2023.



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Q: And would there be consequences by the transnational criminal organization for someone that tried to cross on their own without paying the money?

A: In my experience, there would be consequences.¹²³

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: Do they charge a premium for individuals seeking to evade apprehension versus those who intend to turn themselves in to Border Patrol?

A: Typically, yes.

Q: Do transnational criminal organizations in Mexico control the smuggling routes into the El Paso Sector?

A: South of the border?

Q: Yes, sir.

A: Yes.

Q: And if an individual who intends to cross illegally in between ports of entry in the El Paso Sector wanted to do that without contracting the smugglers, would there be consequences for doing that?

A: Yeah, the transnational criminal organizations would apply a consequence to an individual that tried to cross without going through them.¹²⁴

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: And turning briefly to human smugglings, you said earlier that cartels are responsible for the majority of human smuggling that you see in your sector. Is that correct?

A: So—yeah. So if someone’s being smuggled, they’re using a criminal organization. So what’s interesting about the border certainly that has changed significantly, when I started—you know, when I started in ’95, people could just get to the border and cross on their own.

You know, now nobody crosses without paying the cartels. So the cartels, you know, determine when people cross, you know, how many people cross at a time, all of that. It’s all—it’s all controlled by them.¹²⁵

¹²³ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 51-52, July 12, 2023.

¹²⁴ Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 40, June 29, 2023.

¹²⁵ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 60, July 26, 2023.



FIRST-HAND ACCOUNTS FROM SECTOR CHIEFS

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: So we might have hit on this already, but is it fair to say that all individuals who illegally cross the southwest border must go through the cartels?

A: At least in the Tucson Sector, absolutely everyone does. No one does without. We have experienced when people try to, and we've seen them beaten for trying to cross without paying the fees.¹²⁶

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: Do you know which transnational criminal organizations operate the smuggling routes in the Tucson Sector?

A: Yeah. So all of them are controlled by the Sinaloa cartel.¹²⁷

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: I have a couple follow-ups, if you don't mind.

I think you mentioned very early on that those who used to cross in other sectors are now crossing in Tucson. Did I get that correct?

[...]

A: My feeling about—which I think is maybe the larger part of the question—about why it's happening, not so much in Tucson, but for me I think the more important question is, why is it happening in our west desert and not, say, through Nogales, which would be a very—a more—a safer place to push people through, would be an area where there is structure on the other side, where it would be easier for smugglers to pick them up from there because there's paved roads, it's not hours from the closest road, is because the recognition that when these groups are out there, especially in our farthest west desert, the vast majority of our resources then have to go out and deal with that situation, which leaves the border more vulnerable in other places. That, obviously, is more advantageous to the smuggling organizations.¹²⁸

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: Okay. So my question is—I'll preface the question with the CHNV parole program started in 2023. The CBP One app has been utilized in 2023.

My question to you is, in 2023, in your experience, are cartels still part of the illegal immigration process?

¹²⁶ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 111, July 26, 2023.

¹²⁷ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 22, July 26, 2023.

¹²⁸ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 124-126, July 26, 2023.



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A: So the cartels have not stopped being in the illegal immigration process, period.

Q: Are the cartels currently profiting from the illegal immigration process?

A: They are.¹²⁹

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: What are the TCOs in Mexico that are operating in the south Yuma Sector?

A: So it's all Sinaloa Cartel. There's different factions. Some of the smaller local gangs, there one in particular that we've been dealing with for many years called the Wonder Boys, the Chapitos, the Mayos, the Rusos. You know, there's the new generation. They're all subsets of the Sinaloa Cartel, but nothing happens without the approval of the Sinaloa Cartel.

Q: So in your experience, an individual who wanted to cross illegally would not do so without first contracting with someone affiliated with the TCOs?

A: That's correct.

Q: If they tried to cross on their own, would there be consequences for that?

A: It's certainly possible, yes.¹³⁰

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: And are all of the illicit smugglers that you interdict, are they all working for cartels?

A: To the best of my knowledge, yes.

Q: And that's the same for human smugglers?

A: Yes.¹³¹

¹²⁹ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 42, September 26, 2023.

¹³⁰ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 41-42, September 28, 2023.

¹³¹ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 56, September 28, 2023.



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Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: Do the cartels use drones in the area?

A: Yes.

Q: And what do their drones do? Is it to drop off drugs or guns? Is it to spy on your operations?

A: So I have seen multiple, you know, utilizations of them. Primarily, it is a surveillance tool so that they can determine where agents are, what they're doing, but I've also seen drones used to smuggle and drop off narcotics as well.

Q: And what other strategies do the cartels use?

A: I don't think there's any limit and so we could talk all day about smuggling strategies, but any and all means are possible. I have seen people with scuba gear, you know, trying to come up with river. We've seen, of course, vehicles utilized with predesignated pickup spots, remote foot traffic, you know, like I said, the open bombing ranges. So they will walk through live fire ranges because they know we can't patrol in those areas.

Again, the utilization of the stash house, you know, is very common. Again, they're looking for that opportunity to move out of the area, trying to hope a checkpoint goes down or that there's not as many DPS patrolling the highway during that time. So there's really no limit to the techniques and tactics that smugglers will do, and they absolutely have no regard for human life while they're doing it.¹³²

CARTELS STRATEGICALLY USE BORDER CROSSINGS TO DISTRACT AND OVERWHELM BORDER PATROL AGENTS

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: You also mentioned that you had seen—I believe you said you saw an increase in large groups crossing and turning themselves in to Border Patrol over the last few years.

A: Yes.

Q: Is that correct?

A: Yes.

¹³² Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 98-99, September 28, 2023.



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Q: Why would smuggling organizations cross such large groups of individuals? Is that a tactic that they're using, or is there some other explanation?

A: Both. It is a tactic. So they will send in large groups, 200 or 300 people, to an area, knowing that it's going to take us an enormous amount of resources to bring those folks all out of the border area. And so they'll use that to drain our resources in areas so that they can get other things through in other places.

Q: And when you say "resources," are you referring to agents and transportation? And what resources are consumed in responding to these large groups?

A: Yes. Agents, transportation, and—it's the number of agents that are actually available to be on patrol on the line itself.¹³³

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: And so that's perfect and leads into my next question. So you see the cartel kind of understanding and watching the Border Patrol, and if they are taking off or there's a surge in other areas, that's when they kind of come in through that area and start moving people or drugs?

A: That is correct. We've seen that traditionally as well as in RGC and in McAllen and Weslaco. So we know those tactics that they utilize when we have high activity of migrants coming across.¹³⁴

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: And I think you mentioned this with the drugs, but cartels do intentionally put aliens in peril to either save the drugs, save other smuggling operations of humans, you know, to make sure that they get—is that correct?

A: That's correct. They use different tactics with using migrants, whether it's a human smuggling load at a checkpoint and then agents being tied up with a human smuggling load. Then the next types of loads coming through could be narcotics. So we know those tactics so we try to prepare as we can to be able to interdict those. The same situation at the border, obviously when you have a surge, all attention goes to the surge to be able to place people in processing. So then other areas become vulnerable as such.¹³⁵

¹³³ Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 38-39, May 9, 2023.

¹³⁴ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 107, September 26, 2023.

¹³⁵ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 113, September 26, 2023.



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Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: Do you know where the majority of the got-aways are coming in to the Yuma Sector? Are there particular vulnerable areas?

A: So, again, we see them—there’s potential everywhere. We’ve seen got-away groups, again, when you look out the Imperial Sand Dunes. It’s in very close proximity to Interstate 8. So it’s very common.

[...]

A: So it’s very difficult to round up anyone who get through, but some of those mass coordinated events can be as many as two or three hundred people at one time coming over the border walls, overwhelming agents.

Q: These mass coordinated events and the coordination of load vehicles and other smuggling activity in the sector, is that being coordinated by transnational criminal organizations in Mexico?

A: Yes.¹³⁶

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: Do you know where the majority of the got-aways are coming in to the Yuma Sector? Are there particular vulnerable areas?

[...]

A: So that area is exploited a lot. The river corridor where, again, a vast majority of them are give-up groups in that area, we do still have load vehicles that come in. It’s all about a timing issue to where we’re heavily scouted every day. They know how many patrolmen we have out in the certain areas. Once a patrolman passes through a certain spot, especially during shift change, it is very common they will bring a vehicle in. Most of the time, it’s a pickup truck or a van or high-capacity transport vehicle. The group will exploit one of the gaps. They’ll run and load into the vehicle as quick as possible and the vehicle just tries to beat us out of the area before we can get behind them and attempt a vehicle stop or even a vehicle immobilization technique.¹³⁷

¹³⁶ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 41, September 28, 2023.

¹³⁷ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 39-40, September 28, 2023.



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CARTEL ABUSE OF ILLEGAL ALIENS

Chief Patrol Agent Sean McGoffin, Big Bend Sector (April 25, 2023)

Q: Can you expand on what this anti-smuggling campaign is doing?

A: Well, simply, we're trying to identify more people that are being smuggled and engage in greater populations of prosecutions. You know, as I've said many times and in here as well—you know what I mean?—these people are treated poorly by those who choose to exploit them, take their money, their life savings oftentimes, and, you know, try to bring them into the country.¹³⁸

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: You mentioned they use trains. I saw a report that there was a recent—I don't know if "disaster" is the right word—but tragedy on a train. Could you speak to that?

A: So unfortunately—and that happened in the Del Rio Sector, too, if it's the same one you're talking about.

The smugglers will lock the migrants inside these transport cars, and so they can't get out. And there's no air-conditioning. Very little—only food and water that they take with them. And these rail systems run through, again, very remote areas, and they may be locked in there for days in very extreme temperatures and bad conditions.

[...]

It's a monument to the callousness of these smugglers. They would not put themselves or their family in that situation, yet, without hesitation, they put the migrants there.¹³⁹

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: Is it an active tactic also to put migrants in peril, put them in situations where Border Patrol has to come rescue them?

A: 100 percent. We have seen that time and time again. We have seen where they will abandon the migrants. And the migrants call 911 when they have a phone, and they're calling us. And they know that we're going to be the ones—we're the only ones out there.

They do that for a reason. They don't care about the lives of the migrants, they

¹³⁸ Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 154, April 25, 2023.

¹³⁹ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 127-128, May 5, 2023.



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don't care if they live or die, only the impact that that call has so that they can do who knows what.

Q: Do you think that that's a tactic across the southwest border, or do you think it's very specific to Del Rio?

A: No, I believe it's used anywhere and everywhere they can get away with it.

[...]

And the migrants are treated like cattle and sold from one group to the other. And where you used to see the groups, the smuggling organizations concentrate on either human smuggling or narcotics, now they cross the lines.¹⁴⁰

Chief Patrol Agent Jason Owens, Del Rio Sector (May 5, 2023)

Q: What about any misinterpretation of U.S. laws? Have you ever gotten a sense that, while cartels may lie to potential customers, do you believe that migrants who are making this cross or ones who communicate with each other to encourage others to do some more crossings might have a misunderstanding of our U.S. laws?

A: I think the smugglers and the transnational criminal organizations, they—make no mistake about it, that is our adversary. That is the ones that we are faced against every single day. And the migrants themselves are looked upon as simply a product to make money off of in terms of how the smugglers see it.¹⁴¹

Chief Patrol Agent Aaron Heitke, San Diego Sector (May 9, 2023)

Q: Have you noticed any other abuses by smugglers or cartel members on migrants beyond the bandits?

A: We see trafficking. We see, unfortunately, a large amount of assaults. And this is—it's not just within Mexico, but it's on the entire journey.

It's very common that female migrants are raped during the process. It's also very difficult to be able to get them to talk. Most of them believe it's just part of the payment as they go up. It's unfortunately very regular within the population.¹⁴²

Chief Patrol Agent Joel Martinez, Laredo Sector (June 1, 2023)

Q: What about the river rescues, have those increased?

A: They do, especially after a good hard rain where the river rises a little bit.

¹⁴⁰ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 58-59, May 5, 2023.

¹⁴¹ Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 22, May 5, 2023.

¹⁴² Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 156, May 9, 2023.



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And—

Q: Are those rescues a result of circumstances or do the transnational criminal organizations ever put migrants in peril intentionally as a tactic to divert resources?

A: Both.

Q: You've seen both—

A: I've seen both.

Q: —in the Laredo Sector?

A: Yeah.

Q: Do those rescues put agents at risk of harm?

A: Yes.¹⁴³

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector (June 29, 2023)

Q: In your experience in El Paso, do the smuggling organizations ever put migrants in peril intentionally as a diversion tactic?

A: Yes.

Q: And then Border Patrol agents are then responsible for rescuing those migrants, correct?

A: Yes.

Q: Do you know whether the number of rescues performed by Border Patrol agents in El Paso, do you know what those trends are? Have they been increasing or decreasing over the years?

A: They've been increasing over the years for rescues.

Q: What types of rescues do Border Patrol agents perform in El Paso?

A: There's not a lot of water in El Paso; however, there are seasons when we have large currents in waterways. And so smugglers will tell them to swim across, the migrant to swim across, but the actual design of the canal is to suck debris

¹⁴³ Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 40, June 1, 2023.



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through, and so there's this large current that kind of sucks people in. And so there's water rescues there where people are drowning from that.

Smugglers will have people climb up a ladder on the south side, and then they'll pull the ladder away, and sometimes you're talking about 30-foot fence, sometimes 18-foot fence, and then they'll make them scale down on their own because they're stuck up on top of the fence.

And then they'll—smugglers will take groups of migrants through the desert, and temperatures are extremely hot in the area, in the desert. And if the migrant can't keep up with the smuggler, then the smuggler just leaves them behind. And so there's rescues there. There's also deaths there if we can't get there soon enough to make a rescue.

There is also—we talked about load vehicles. Some of those are people that are put into trunks of vehicles, that are put into the back of box trucks, hidden compartments, those kinds of things. And when you compile that with the extreme heat or vehicle accidents, many times we've rescued people from those situations.

Q: And you mentioned that deaths have also resulted as a result of these smuggling tactics.

A: Yes.¹⁴⁴

Chief Patrol Agent Gregory Bovino, El Centro Sector (July 12, 2023)

Q: Right. They're trafficked across the board but into servitude bondage debt. What does that look like within the United States? Are they being trafficked into any forms of modern day slavery?

A: It could be. I think there's a lot of different areas that they could be trafficked into, whether it's sex workers, slavery. You know, I think there's a lot of different things that it's possible they could be trafficked into.¹⁴⁵

Chief Patrol Agent John Modlin, Tucson Sector (July 26, 2023)

Q: And because of that, they often—they cross, and then as you've said, the journey is not easy and they are in peril. But would you agree that the cartels have a financial incentive to get them across no matter what?

A: Yeah, so—yeah, so the cartels are agnostic as far as, you know, what it is they're crossing, whether it's people or narcotics or, you know, weapons or

¹⁴⁴ Anthony "Scott" Good, Transcribed Interview with the House Committee on Homeland Security, 71-72, June 29, 2023.

¹⁴⁵ Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 128, July 12, 2023.



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money. It's just—to them, it's just a commodity. They have no concern for the safety.¹⁴⁶

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: What about rescues, what are the trends that you're seeing currently in—with regard to Border Patrol agents having to rescue individuals who are in peril?

A: So agents are every day out there on patrol and, for the most part, are, you know, encountering a lot of these migrants that are, especially with the weather, dehydrated. They are found in remote areas, different ranches out there. And they're rescuing people every day.

When it comes to either families or single adults, just this morning I was informed of a 2-month-old infant that was abandoned at the border and rescued by agents this morning in the Rio Grande City Station. So rescues are happening every day by our agents.

Q: Do those rescues ever put agents in harm's way?

A: It does. Our agents constantly are risking their own lives to save other human lives. And I'm very, very proud of the actions that they do every day, but it is a concern and a risk because they're in areas that are very remote, and many times their own life is at peril.¹⁴⁷

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector (September 26, 2023)

Q: Do you know of aliens that ever go into debt to pay for the cartel to come into the United States?

A: I have heard from different debriefs from our intelligence agents that many of the migrants that do hire human smugglers at times haven't even paid their debt yet until they get find a job in the United States to pay that debt. I have heard that from different briefs.¹⁴⁸

Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector (September 28, 2023)

Q: And how do the cartels treat aliens when they smuggle them?

A: As a commodity, a number.¹⁴⁹

¹⁴⁶ John Modlin, Transcribed Interview with the House Committee on Homeland Security, 61, July 26, 2023.

¹⁴⁷ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 19-20, September 26, 2023.

¹⁴⁸ Gloria Chavez, Transcribed Interview with the House Committee on Homeland Security, 109, September 26, 2023.

¹⁴⁹ Dustin Caudle, Transcribed Interview with the House Committee on Homeland Security, 99, September 28, 2023.