

As Border Gains Attention, So Does Agent Corruption

San Diego's stretch of the border has become a magnet for corruption among federal border officials. It could be 'just the tip of the iceberg,' says one investigator.

By DANIEL STRUMPF *Voice Staff Writer*

Monday, Oct. 9, 2006 | Richard Elizalda called in sick to work the day they came for him.

Two days earlier, on June 30, Michael Gilliland, a U.S. Customs and Border Protection officer who spent more than a decade scrutinizing individuals and vehicles at the Otay Mesa border crossing, was taken into custody at work. Gilliland was charged with smuggling illegal aliens for financial gain and bribery, among other crimes.

When federal agents raided Elizalda's home, the veteran customs officer was arrested on charges of smuggling both immigrants and drugs. His BMW and Lexus were parked nearby and more than \$50,000 worth of cash and jewelry were confiscated.

Officials say the arrests of Elizalda and Gilliland were unrelated. But when taken together, the cases illustrate what has become a growing phenomenon along the increasingly contentious frontier: the corruption of border and customs agents who, for the love, money or other reasons, violate the laws they've sworn to uphold.

Although the officials tasked with scrutinizing border agents and customs officers stress that the vast majority are honest and law abiding, they say that the corruption streak isn't likely to end any time soon. Of the 172 corruption cases that are currently being pursued against border officials nationwide, 72 -- or roughly 40 percent -- target local officers, according to statistics provided by the Department of Homeland Security.

"That 40 percent of corruption cases are for this 200-mile section of border between San Diego and Imperial counties and Mexico is pretty significant and pretty compelling," said Jack Hook, an investigator with the Department of Homeland Security's local Office of the Inspector General. "It indicates that border corruption is a major issue and Southern California has more than its share of cases."

Those 72 border-related corruption cases represent more than half of the current workload carried by Hook's office, which investigates allegations of criminal misconduct made against local employees of the 22 federal agencies under the umbrella of the Department of Homeland Security.

The high percentage of corruption cases doesn't account for those being pursued by the San Diego office of Immigration and Customs Enforcement and a local FBI taskforce, Hook said.

Those ongoing investigations and the recent cases could "very well be just the tip of the iceberg when speaking in terms of border corruption," Hook said.

Since the creation of the Department of Homeland Security in 2003, more than a dozen local corruption cases have yielded 38 arrests. Some of the most notable involved two supervisors who accepted bribes in exchange for freeing a captured smuggler, an inspector who helped bring nearly 2,000 pounds of marijuana into the country and placated his boss by buying her a spa, and a border agent who was caught smuggling immigrants and turned out to be an illegal immigrant himself.

The size of Hook's iceberg may be partly attributable to the popularity of the region as a smuggling corridor for drugs and people to Los Angeles and the increasing number of border guards, but the total numbers of local investigations that found wrongdoing have actually declined in recent years.

Yet Hook and other investigators say the length and complexity of the investigations themselves make those figures deceiving.

"I think that what people are seeing is the fact that it takes a long time to work these types of corruption cases," said James Wong, an associate special agent who investigates corruption for Immigration and Customs Enforcement in San Diego.

It's relatively easy to make a case against a civilian suspected of smuggling drugs or immigrants by simply catching them in the act, Wong said, but investigators face a higher threshold when attempting to prove similar charges against one of their own. Whenever a border agent or customs officer is suspected of criminal activity, investigators first have to rule out the possibility that those officials are either lazy or stupid, he said.

Gathering enough evidence to prove that an officer is intentionally breaking the law when they wave a car through a checkpoint or look the other way at the border can often take years, as it did in the Gilliland and Elizalda cases.

"There's going to be a lag there," Hook said. "Even though it looks like there are less cases than before, it's going to catch up at some point."

That's troubling, Hook said, because many corruption cases rise above a mere betrayal of trust and a black eye for the related agency. A rogue official along the border can pose a threat to national security.

"When an officer takes money to look the other way and not check a car he doesn't know what's in that car," Hook said. "They don't know if it's full of aliens from a county that supports terrorism, aliens that are associated with terrorism or terrorists themselves."

Those who catch wayward officers say the officials are often motivated by greed or love. A spokesman for local Border Patrol agents said federal policies and hiring practices also have an impact.

Financial gain has long been the most prevalent motivator in corruption cases, but a series of unique factors have increased the amount of money that officials can make by neglecting their duties.

Post-Sept. 11 security enhancements and Operation Gatekeeper, the border enforcement crackdown implemented in the mid-1990s, have made the border more difficult to cross illegally. That's forced smugglers to take more extreme measures, digging tunnels under the border and stepping up their efforts to bribe enforcement officials.

The tighter border security has also increased the price smugglers are willing to pay to get people across. Bribes have recently reached \$1,500 a head, said Andrew Black, who heads the FBI's local border corruption taskforce.

"When you consider that seven or eight or nine can come across in a vehicle it adds up quickly," Black said.

Investigators believe that during the course of their two-year investigations, Gilliland and Elizalda, who have both pleaded guilty, each made between \$70,000 and \$120,000 by allowing hundreds of people to illegally enter the United States.

While money may be the most common motivator, Wong said law enforcement officers are often "seduced in to a life of crime."

Smuggling organizations routinely use women as ice breakers in what Wong calls the "calculated infiltration" of the border enforcement ranks. An officer may become romantically involved with a woman and "suddenly they become loyal to the criminals rather than their employer," Wong said.

In both Elizalda and Gilliland's cases, the officers became romantically involved with women who also managed smuggling operations, investigators said.

Once they're seduced, many officials start off smuggling immigrants, something that's easily justified as harmless or a humanitarian act and not as serious as drugs or weapons, Wong said. But the scope of the smuggling often grows with time.

Three codefendants in Elizalda's case were also charged with smuggling more than 200 pounds of marijuana.

The president of the union that represents 1,500 Border Patrol agents in San Diego sector said the federal government bears some responsibility.

Chris Bauder, the president of local chapter of the National Border Patrol Council, said a host of complaints including low pay, a lack of advancement opportunities and difficulties transferring to other sectors have led to low or no morale among agents.

A former loss prevention specialist in the retail industry, Bauder compared some border agents' feelings of dissatisfaction to those of a disgruntled department store employee who steals from their employer.

"Some people may say that's crazy for a guy to go out and smuggle drugs or people when it's completely opposite of his job but it's a way that they can rationalize their behavior," Bauder said.

He also blames the Border Patrol's hiring practices. After Operation Gatekeeper, the agency lowered its hiring standards in an effort to bolster its ranks, Bauder said. Recruiting now occurs at swap meets instead of colleges and the responsibility for conducting background checks has been outsourced to private companies, he said.

"If they keep weeding down the process making it easier and easier to get in, then definitely there's going to be an increase in these types of cases," Bauder said.

Bauder points to the case of Oscar Ortiz, a former Border Patrol agent who pleaded guilty in January to conspiring to smuggle people. Investigators found that Ortiz was actually an illegal immigrant and had lied about his citizenship on his job application in 2001.

The Department of Homeland Security recently launched an audit of Border Patrol hiring practices and procedures. It's expected to be completed within the next six months, a spokeswoman said.

In the meantime, Wong said his department is beefing up periodic background investigations of its staff and holding integrity presentations, which educate employees about smugglers' efforts to recruit and corrupt law enforcement officials.

Although flaws may exist, Wong said he has little sympathy for agents who turn to crime.

"Breaking the law is still breaking the law," he said. "Our employees take an oath and they know what they are getting into. For a person to try to rationalize it is a cop-out."

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Investigators say San Diego's border has more than its fair share of corruption cases. File Photo

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