

**OASISS/N Prosecution of Narcotic Smugglers Concept Paper**  
**DRAFT**

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**I. Purpose**

In an effort to reduce the increasing amount of narcotics being smuggled across the Southwest Border, CBP, through its Attaché Office in Mexico City, will organize and conduct high-level discussions with the GOM agencies, including representatives from the Mexican PGR, CISEN, Foreign Ministry (SRE), and INM. These entities will work regularly to exchange information for supporting the prosecution of narcotics smugglers on both sides of the border.

**II. Scope**

The proposal encompasses the use of the OASISS template in conjunction with Mexican statutory authorities for the prosecution of narcotics violations committed in the United States.

(b)(2),(b)(7)(E)

**III. Authorities**

In certain areas of the US/Mexico border there have been numerous reported cases of large numbers of narcotics being smuggled into the US, and smugglers staging along the US/Mexico border.

(b)(2),(b)(7)(E)

- The Secretaria de Seguridad Publica (SSP) will have jurisdiction commencing outside of an approximate 100 yard perimeter of the land border ports of entry, or some pre-determined proximity identified by land or agreement between agencies. SSP can have articulated jurisdiction at the ports of entry.
- The Procuraduría General de la Republica (PGR) will have jurisdiction of prosecution of subjects charged with smuggling various amounts of dangerous narcotics into the US, through agreements with the US.
- The Administración General de Aduanas (Aduanas) will maintain jurisdiction at the ports of entry in Mexico.

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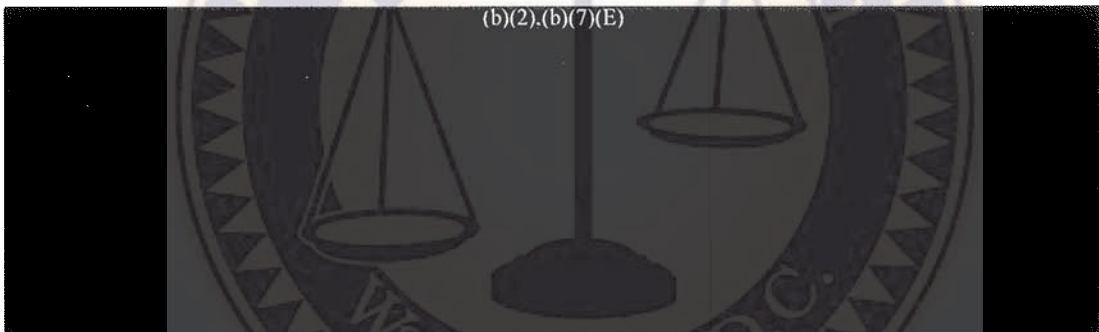
- The United States Border Patrol (USBP) will maintain jurisdiction between the ports of entry in the US.
- The Office of Field Operations (OFO) will maintain the jurisdiction at the ports of entry in the US.

#### IV. Responsibilities

CBP will be responsible for providing the requirements for the programs business model, as well as the basis and structure of the technical requirements in which the data will be captured, shared and exchanged between both countries. CBP's continued responsibility to the GOM will be in providing guidance to its agencies in the sharing/exchanging of data and assisting in the interpretation of various laws in the US in conjunction with laws in Mexico.

PGR will work alongside CBP and will share the responsibility in being the designated primary agency for the proposed initiative, which will charge the subjects that violate the Mexican laws and will seek prosecution against such subjects that violate US laws. However, the SSP will have the capacity to interdict all threats. SSP will be charged with coordinating with all GOM entities for the prosecution, detention, removal and investigation of seizures and apprehensions interdicted between the ports of entry or with an egress nexus to border activity. SSP will develop priority staffing through an appropriate Threat and Risk Assessment.

(b)(2),(b)(7)(E)



#### V. Business Process

The process in which a subject is charged formally with a narcotics smuggling case will be determined by numerous aspects to include but not limited to (b)(2),(b)(7)(E)

(b)(2),(b)(7)(E)

(b)(2),(b)(7)(E)

#### VII. Sustainment

Current and future funding must be secured by GOM to meet staffing of their prosecutorial offices, infrastructure and technology needs:

- GOM Internal analysis and planning to ensure the effectiveness and efficiency of operations, reliability of financial reporting, and compliance with applicable Mexican laws and regulations
- Long-term strategic and resource planning (5-10 year extended planning period)

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- Operational/training planning (1-5 year period)

**VIII. Results**

The goal is to enhance the prosecution of subjects in the notorious business of smuggling narcotics across the border into the US, and to increase the security and safety of the Southwest border for Mexico and the US through a comprehensive border management strategy between the ports of entry.




**Issue Brief/Topic:**

Operation Against Smuggler Initiative on Safety and Security (OASISS)

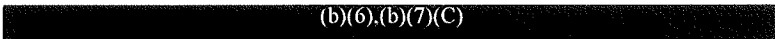
**Desired Outcome:**

- The OASISS program complements the CBP Strategic Plan, directly supports the OBP National Strategy, as well as the Office of Field Operations (OFO) objectives regarding border security.
- OASISS has aligned itself with the Border Safety Initiative as well as the various enforcement initiatives in the United States focused on combating illegal cross border traffic along the southwest border.

**Background:**

- In some areas along the U.S. – Mexico border, the U.S. Attorney's Office guidelines preclude the acceptance of certain alien smuggling cases for prosecution. In an effort to address the increasing amount of human smuggling apprehensions across the Southwest border, CBP, through its Attaché Office in Mexico City, organized and conducted a series of high-level discussions with the GOM agencies, including representatives from the Mexican PGR, CISEN, Foreign Ministry (SRE), and INM. These entities work regularly to exchange information for supporting the prosecution of smugglers on both sides of the border.
- OASISS is a bi-national prosecutorial program with the Government of Mexico (GOM) focused on combating human smuggling across the southwest border, by identifying and prosecuting Mexican nationals arrested for alien smuggling in the U.S. Select alien smuggling cases which are declined by the Assistant United States Attorney's Office and are amenable to OASISS are subsequently turned over to the GOM for prosecution under Mexico's legal and judicial system.
-  (b)(2),(b)(7)(E)
- Since the implementation of OASISS on August 17, 2005 to May 31, 2009, a total of 1,524 cases were generated in the United States with a total of 1,739 principals and 1,449 of those principals were accepted by the GOM for prosecution.

Name:

 (b)(6),(b)(7)(C)

OBP Division: Special Operations Division / Foreign Operations Branch

Date: June 23, 2009

**Challenges/Concerns:**

- [REDACTED] (b)(2),(b)(7)(E)
- The expansion of the program into other areas of concern for both countries avoids the fact that data exchange requirements for the current program have not been agreed to, and have recently been amended again by the PGR
- CBP has resisted participation in this proposal as its written, due to legality and operational concerns
- [REDACTED] (b)(2),(b)(7)(E)
- A realistic, comprehensive and meticulous approach needs to be taken when considering the concurrence of this proposal and CBP participation in the initiative
- The original intent of which the OASISS program was founded could possibly be jeopardized if this proposal continues forward without buy in from all the key stake holders which have a vested interest not only in OASISS, but narcotics smuggling
- Its expected CBP will propose that if a pilot program for prosecuting marijuana smugglers is implemented, that it be in the Tucson Border Patrol Sector and Field Office's area of responsibility. [REDACTED] (b)(2),(b)(7)(E)
- [REDACTED] (b)(2),(b)(7)(E)

**Options:**

- PGR has subsequently approached the Department of Justice Assistant United States Attorney, Immigration Customs and Enforcement and OFO offices in San Diego with this proposal for a 60 day pilot program.
- CBP does not oppose the 60 day anti-marijuana smuggling prosecution pilot program in San Diego, with the stipulation that there is not a nexus to the OASISS program.

**Recommendation:**

- A realistic, comprehensive and meticulous approach needs to be taken when considering the concurrence of a pilot or expansion for other violations

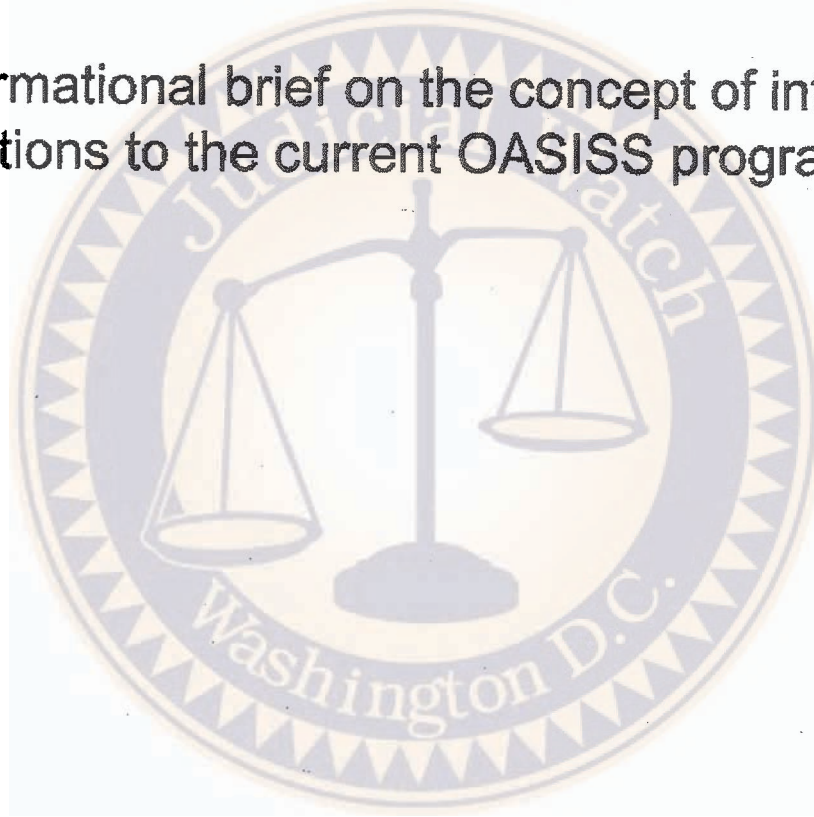
Name: [REDACTED] (b)(6),(b)(7)(C)  
OBP Division: Special Operations Division / Foreign Operations Branch  
Date: June 23, 2009

# Operation Against Smugglers Initiative on Safety and Security



# Purpose

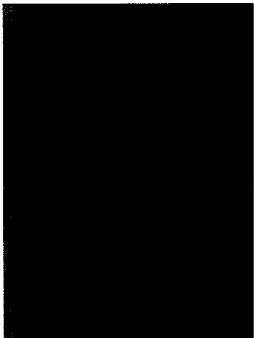
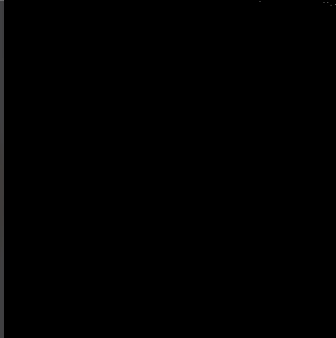
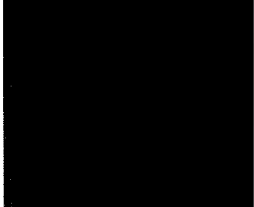
This is an informational brief on the concept of introducing narcotics violations to the current OASISS program.



**U.S. Customs and  
Border Protection**

# OASISS Background

OASISS is a bi-national prosecutorial program with the Mexico Attorney General (PGR) that is focused on combating human smuggling across the Southwest Border.

-  (b)(2),(b)(7)(E) 
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The OASISS program originated on March 5, 2005 in the El Centro Sector and was initially known as the Guide Identification Prosecution Program (GIPP).



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# Proposal

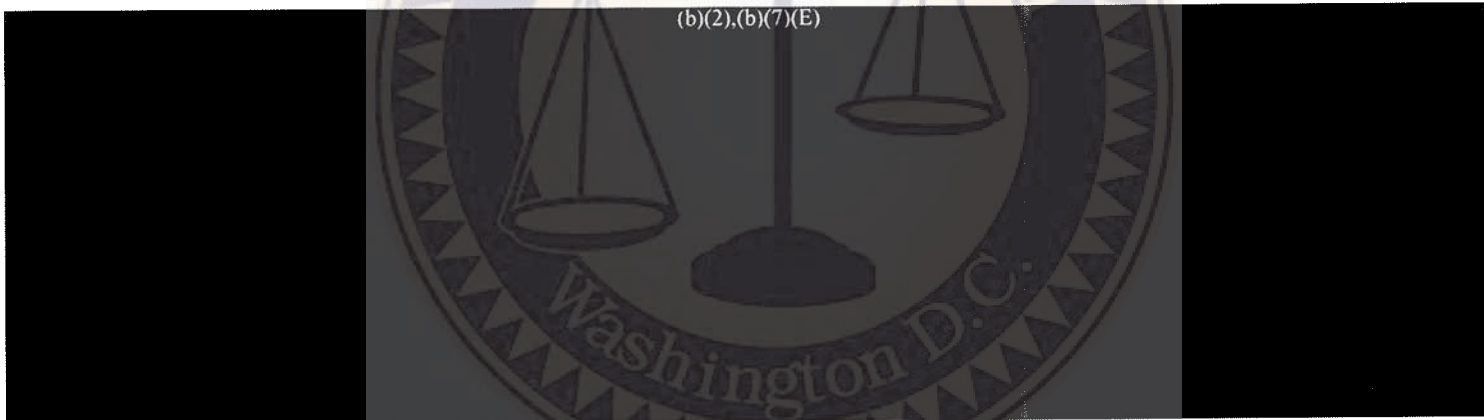
- In an effort to reduce the increasing amount of narcotics being smuggled across the Tucson Sector AOR, CBP, through its Attaché Office in Mexico City, will organize and conduct high-level discussions with GOM agencies, including their representatives. These entities will work regularly to exchange information for supporting the prosecution of narcotics smugglers on both sides of the border.
- The proposal does not supersede, nor does it imply that it supersedes the original policy as set forth for the OASISS initiative, but instead serves as an enhancement to the current initiative.



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# Legal Authority

- In certain areas of the Tucson Sector AOR, there have been numerous cases of large numbers of narcotics being smuggled into the US, including smugglers staging along the border.



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# Agencies

- Secretaria de Seguridad Publica (SSP)
- Procuraduría General de la Republica (PGR)
- Administración General de Aduanas (Aduanas)
- United States Border Patrol (USBP)
- Office of Field Operations (OFO)
- Immigration and Customs Enforcement (ICE)
- Drug Enforcement Administration (DEA)



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# Response

- CBP will be responsible for providing the requirements for the OASISS/N business model, as well as the basis and structure of the technical requirements in which the data will be captured, shared and exchanged between both countries.
- PGR will work alongside CBP and will share the responsibility in being the designated primary agency for the proposed initiative; OASISS/N, which will seek prosecution in Mexico against such subjects that violate US narcotics laws.

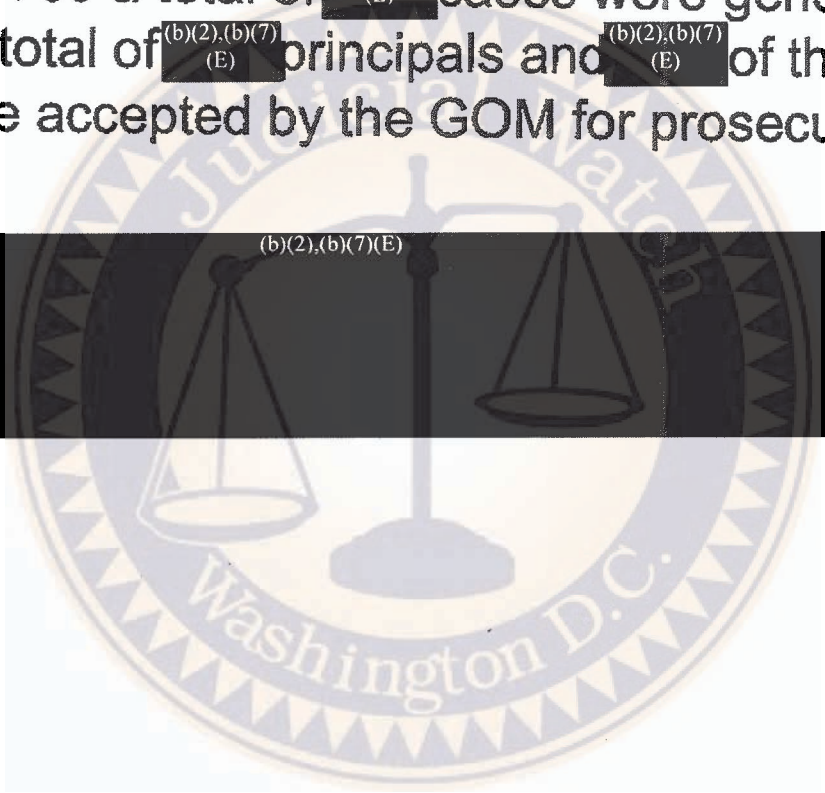


**U.S. Customs and  
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# OASISS Current Successes

- Currently, in FY09 a total of (b)(2),(b)(7)(E) cases were generated in the US with a total of (b)(2),(b)(7)(E) principals and (b)(2),(b)(7)(E) of those principals were accepted by the GOM for prosecution.

■ (b)(2),(b)(7)(E)



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# Obstacles

(b)(2),(b)(7)(E)

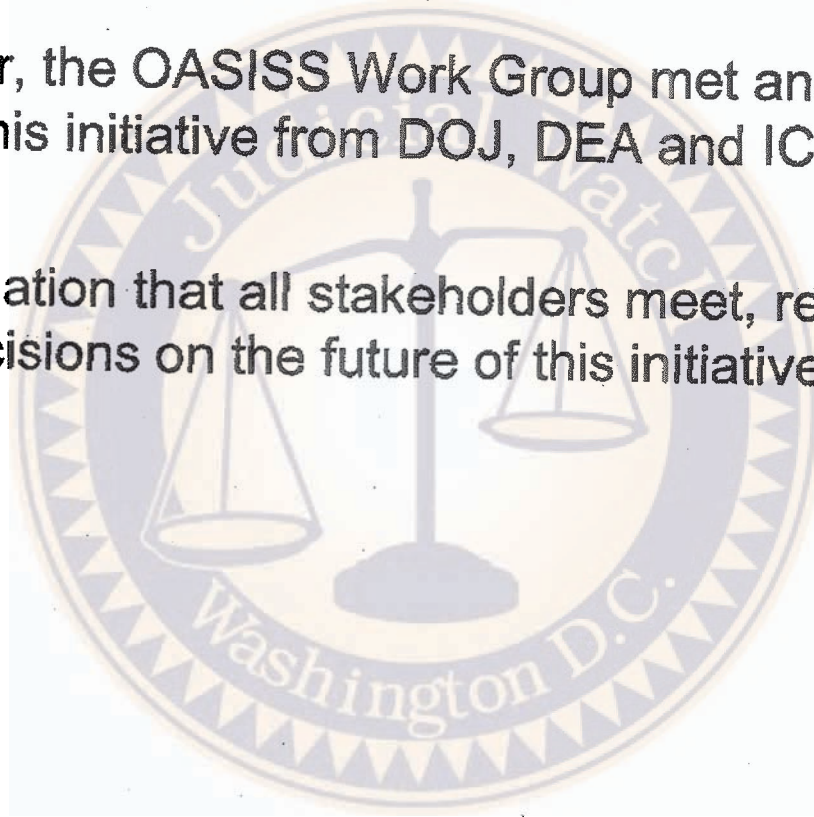
- [Redacted]
- The different relationships and processes BP and OFO have with DEA and ICE as it pertains to the disposition of narcotics.
- The current Policy and Information Exchange memorandum is still being reviewed by Chief Counsel for possible redactions.



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# Status of OASISS/N

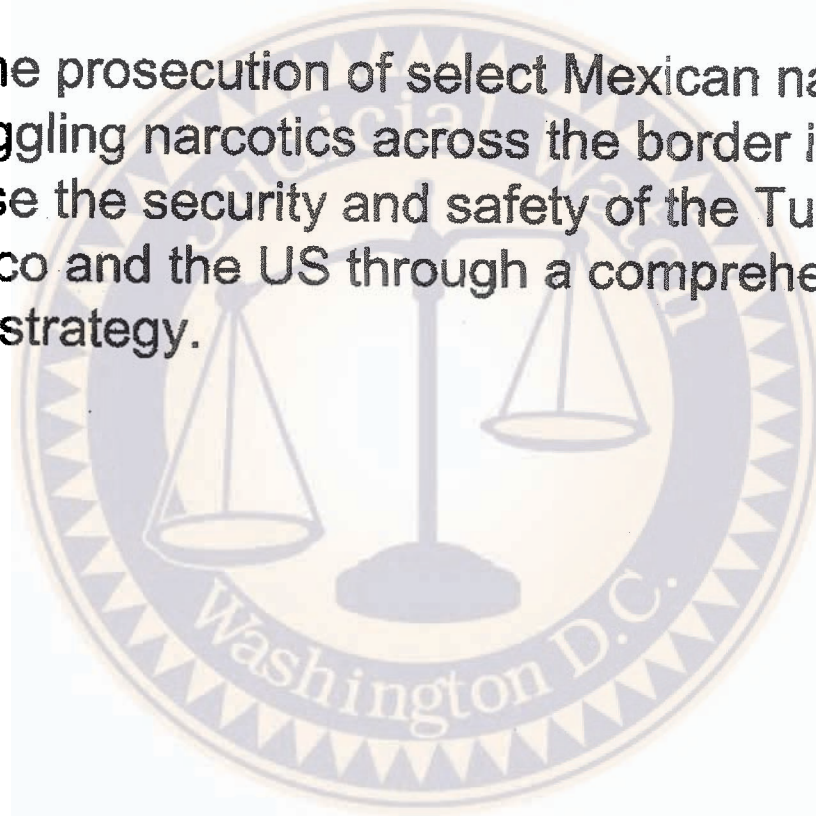
- As of last year, the OASISS Work Group met and had not had “buy in” into this initiative from DOJ, DEA and ICE.
- A recommendation that all stakeholders meet, resume talks and make decisions on the future of this initiative will need to take place.



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# Goal

To enhance the prosecution of select Mexican national subjects smuggling narcotics across the border into the US, and to increase the security and safety of the Tucson Sector AOR for Mexico and the US through a comprehensive border management strategy.



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# Questions



**U.S. Customs and  
Border Protection**

(b)(6),(b)(7)(C)

Special Operations Division  
U. S. Border Patrol

(b)(6),(b)(7)(C)

Washington, DC 20229

(b)(6),(b)(7)(C)

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**From:** (b)(6),(b)(7)(C)

**Sent:** Thursday, June 25, 2009 3:19 PM

**To:** (b)(6),(b)(7)(C)

**Cc:**

**Subject:** RE: OASISS

(b)(6),(b)(7)(C)

Where is this paper coming from? OFO was in favor of adding a marijuana pilot last year but this proved to be very difficult to implement. (b)(6),(b)(7)(C) hosted a meeting last year with participants from OFO, Border Patrol and DOJ. The biggest hurdle (b)(2),(b)(7)(E) (b)(2),(b)(7)(E)

(b)(2),(b)(7)

(b)(2),(b)(7)(E)

I would love to bring you up to date on these issues but I request that we defer this until early next week, if possible. I have an urgent tasking that I am working on for DHS headquarters today and tomorrow.

Regards,

(b)(6),(b)(7)(C)

US Customs and Border Protection

(b)(2)

(b)(2),(b)(6),(b)(7)(C)

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**From:** (b)(6),(b)(7)(C)

**Sent:** Thursday, June 25, 2009 2:17 PM

**To:** (b)(6),(b)(7)(C)

**Subject:** OASISS

FYI

See attached.

Apparently, we are being pressed to add narcotics to OASISS.

What I would like is some information or the "last stance" of the OASISS workgroup participants in regards to pros/cons of adding narcotics to the program...