



U.S. Immigration  
and Customs  
Enforcement

June 11, 2019

Mr. Henry Kerner  
Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

Re: OSC File No. DI-19-0071

Dear Mr. Kerner:

In accordance with Title 5, United States Code (U.S.C.), sections 1213(c) and (d), the enclosed report is submitted in response to your referral of allegations by a whistleblower, former ICE Special Agent [REDACTED]. [REDACTED] alleged ICE wrongdoing when agency officials in Mexico sent Special Agent [REDACTED] and Special Agent [REDACTED] on an assignment to acquire equipment near Matehuala, Mexico on February 15, 2011.

The allegations to be investigated included:

- ICE officials ignored advisories from the Department of State (DOS), Diplomatic Security Service, regarding travel dangers along Special Agent [REDACTED] and Special Agent [REDACTED] route to the rendezvous point;
- ICE officials ignored intelligence indicating travel dangers along Special Agent [REDACTED] and Special Agent [REDACTED] route to the rendezvous point;
- ICE officials failed to consider the possibility of, or improperly declined to provide or coordinate, additional support for Special Agents [REDACTED] and [REDACTED] with U.S. personnel and/or Mexican law enforcement;
- ICE officials failed to coordinate with the relevant DOS Regional Security Officer (RSO) for the assignment;
- ICE officials failed to consider the possibility of using, or improperly declined the use of, a diplomatic pouch to transport the cargo via ground or air; and
- ICE officials failed to properly brief and prepare Special Agents [REDACTED] and [REDACTED] in advance of the assignment to discuss the cargo, security measures, and any other relevant information.

At the OSC's request, ICE's Office of Professional Responsibility (OPR) investigated the allegations listed above. OPR substantiated the following allegations:

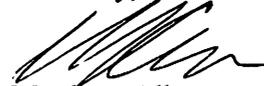
- ICE officials failed to consider the possibility of, or improperly declined to provide or coordinate, additional support for Special Agents [REDACTED] and [REDACTED] with U.S. personnel and/or Mexican law enforcement;
- ICE officials failed to coordinate with the relevant DOS Regional Security Officer (RSO) for the trip;
- ICE officials failed to properly brief and prepare Special Agents [REDACTED] and [REDACTED] in advance of the assignment to discuss the cargo, security measures, and any other relevant information.

ICE has enclosed two versions of its report. The first version of the report contains the names and positions of ICE law enforcement officers and is For Official Use Only (FOUO), as specified by Title 5, U.S.C. Section 1213(e). Each page of the report has been marked accordingly. We understand that, as required by law, you will provide a copy of the unredacted version of the report to the President of the United States and the appropriate oversight committees in the United States Senate and House of Representatives for their review. In these legally required re-disclosures of the unredacted report, ICE respectfully requests that OSC retain ICE's FOUO markings and convey the sensitivities of the identifiable information contained in the report.

The second version of the report has been redacted to eliminate references to privacy-protected information and is suitable for release in accordance with the Freedom of Information Act (FOIA). 5 U.S.C. Section 552. ICE has redacted the names and positions of law enforcement officers pursuant to FOIA exemptions (b)(6) and (b)(7)(C) because the release of this information would constitute a clearly unwarranted invasion of the law enforcement officers' personal privacy. Accordingly, these exemptions are specifically asserted to protect ICE's law enforcement officers from possible acts of threat, coercion, and bribery. ICE requests that only the redacted version of the report be made available on your website and in your public library, or in any other forum in which it will be accessible to persons not expressly entitled by law to a copy of the unredacted report.

Please do not hesitate to contact my office at (202) 732-3000 should you require any further information regarding these matters.

Sincerely,



Matthew Albence  
Deputy Director  
U.S. Immigration and Customs  
Enforcement

Enclosure

cc: Chief Human Capital Officer

## 1. SUMMARY OF THE INFORMATION WHICH FORMED THE BASIS FOR THE INVESTIGATION

A whistleblower contacted the Office of Special Counsel (OSC) to allege wrongdoing by Immigration and Customs Enforcement (ICE) on February 15, 2011 when ICE officials in Mexico City dispatched two Homeland Security Investigations (HSI) agents on an assignment to acquire mission equipment near Matehuala, Mexico. The whistleblower, former HSI Special Agent (SA) [REDACTED], has consented to the release of his name and was one of the HSI Special Agents sent on the assignment. During that mission, [REDACTED] and the other Special Agent, [REDACTED], came under attack by members of a drug cartel. The attack resulted in the death of [REDACTED] and the wounding of [REDACTED].

[REDACTED] alleged the following:

- ICE officials ignored advisories from the Department of State, Diplomatic Security Service, regarding travel dangers along [REDACTED] route to the rendezvous point;
- ICE officials ignored intelligence indicating travel dangers along [REDACTED] route to the rendezvous point;
- ICE officials failed to consider the possibility of, or improperly declined to provide or coordinate, additional support for [REDACTED] with U.S. personnel and/or Mexican law enforcement;
- ICE officials failed to coordinate with the relevant Department of State (DOS) Regional Security Officer (RSO) for the trip;
- ICE officials failed to consider the possibility of using, or improperly declined the use of, a diplomatic pouch to transport the cargo via ground or air; and
- ICE officials failed to properly brief and prepare [REDACTED] in advance of the assignment to discuss the cargo, security measures, and any other relevant information.

## 2. DESCRIPTION OF THE CONDUCT OF THE INVESTIGATION

In May 2011, the ICE Office of Professional Responsibility (OPR) initiated a Critical Incident Review of the February 15, 2011 attack on [REDACTED]. The OPR review team conducted the Critical Incident Review by reviewing FBI criminal case reports, conducting relevant interviews, and reviewing pertinent policies and procedures. At the request of the Department of Justice, due to ongoing criminal investigation and prosecution, OPR did not conduct a personal interview of [REDACTED] at that time. The OPR Critical Incident Review encompassed the actions, decisions, policies, and events leading up to the attack and that followed, but not the attack itself due to the ongoing criminal investigation. OPR did not complete a final report documenting the Critical Incident Review, because the review was held



- [REDACTED]

On May 8, 2019, OPR conducted an interview of [REDACTED] in furtherance of this inquiry. The focus of interview was to obtain additional information from [REDACTED] regarding the allegations he reported to the Office of Special Counsel.

The information garnered from the interviews conducted in furtherance of the 2011 Critical Incident Review and the May 2019 interview of [REDACTED] have provided the basis for this investigation.

### 3. SUMMARY OF EVIDENCE OBTAINED FROM THE INVESTIGATION

#### A. SUMMARY

The investigation confirmed the following allegations made by [REDACTED]:

- ICE officials failed to consider the possibility of, or improperly declined to provide or coordinate, additional support for [REDACTED] with U.S. personnel and/or Mexican law enforcement;
- ICE officials failed to coordinate with the relevant Department of State (DOS) Regional Security Officer (RSO) for the trip;
- ICE officials failed to properly brief and prepare [REDACTED] in advance of the assignment to discuss the cargo, security measures, and any other relevant information.

The interviews conducted by OPR disclosed that managerial decisions at the HSI Office of the Attaché Mexico City, Mexico, (HSI Mexico City) allowed a sequence of events to occur that placed [REDACTED] into a situation they were ill-prepared to handle. The agents were directed to travel by vehicle into an area known to have elevated security concerns without contingency plans in place. The agents traveled in an HSI armored vehicle with tracking equipment that was not functioning properly, on which the automatic door unlocking had not been disabled, and which was not equipped with run flat tires. [REDACTED] received no additional training prior to being sent on temporary assignment to Mexico City and was permitted to drive an armored vehicle despite not being specifically trained regarding the operation of the vehicle

and its capabilities. Though the danger of a violent encounter was ever present within Mexico, personnel showed complacency toward the dangers.

**B. EVENTS PRECIPITATING THE FEBRUARY 15, 2011 TRIP**

In November 2010, HSI Mexico City submitted a formal request to initiate the procurement process of technical equipment needed in support of an ongoing criminal investigation. HSI Technical Operations Unit (Tech Ops) subsequently acquired the requested technical equipment on behalf of HSI Mexico City. On January 14, 2011, Tech Ops shipped nine boxes of equipment to the U.S. Logistics Center<sup>1</sup> in Brownsville, Texas, at the request of HSI Mexico City

On February 11, 2011, HSI Mexico City submitted another formal request through the Office of International Affairs (OIA)/HQ to Tech Ops for additional equipment. The additional equipment was acquired and also shipped by Tech Ops to the U.S. Logistics Center in Brownsville, Texas. This second shipment of technical equipment arrived in Brownsville on February 14, 2011.

HSI Mexico City personnel discussed options for delivering both orders of equipment to Mexico City with the assistance of Tech Ops personnel. HSI Mexico City was subsequently advised that Tech Ops did not have the capacity to transport the equipment to Mexico City, but that Tech Ops personnel would travel to provide training once the equipment had arrived.

During his interview with OPR, ██████████ stated that he made the decision to have HSI agents physical transport the equipment from Brownsville to Mexico City by vehicle and left the logistics of the trip to ██████████. ██████████ believed transporting the equipment by vehicle was the fastest and most secure method to get the equipment to Mexico City. ██████████ stated that operational necessity created an urgent need for the equipment and other means of obtaining the equipment, such as a diplomatic pouch, would not allow the equipment to reach Mexico City within the operational timetable. ██████████ explained that the equipment was needed as fast as possible and a diplomatic pouch would take two to three days to reach Mexico City from Brownsville. When interviewed by OPR, ██████████, the HSI case agent for the case requesting the equipment, also stated that shipping the equipment via diplomatic pouch was discussed, but it was determined that shipping the equipment would take too long. During his interview with OPR, ██████████ stated that he believed HSI Mexico City wanted the equipment back in Mexico City for an enforcement operation on February 15, 2011. ██████████ remarked that he didn't believe that it would have been possible to have the equipment back in Mexico City in time to meet that requirement due to the 10-hour roundtrip travel time.

When ██████████ was interviewed by OPR, he disputed claims that the possibility of shipping the equipment via diplomatic pouch was negated by the operational timetable of ██████████ case. While acknowledging that he was unaware of the nature of the equipment shipped, the

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<sup>1</sup> The U.S. Logistics Center is a support operation of the U.S. Embassy in Mexico. The center provides official and private mail and diplomatic pouch service to personnel attached to the U.S. Embassy and its Consulates in Mexico.

intended operational use of that equipment, or details of the investigation, ██████ stated he believed the equipment could have been hand carried by a U.S. diplomatic passport holder on an airplane as a diplomatic pouch. ██████ stated that HSI Mexico City management including ██████ were enamored with ██████ case and believed if the case was successful it would benefit their career. ██████ believed that those aspirations clouded their ability to make sound decisions regarding the case.

Once the decision to transport the equipment by vehicle had been made, ██████ directed agents assigned to the HSI Office of the Assistant Attaché, Monterrey, Mexico (HSI Monterrey) to retrieve the equipment in Brownsville, Texas on February 14, 2011 and transport it to a half-way point between Monterrey and Mexico City on February 15, 2011. At the half-way point the equipment would be transferred to agents from Mexico City.

On the morning of February 14, 2011, ██████ directed ██████, HSI Mexico City, to provide an agent from his group for a “duty run” to obtain the equipment. ██████ explained the agent was needed to drive to a half-way point between Mexico City and Monterrey where he would meet with agents from HSI Monterrey to receive the equipment. ██████ stated he assigned ██████ to the task because ██████ was the only permanently assigned agent available from his group and possessed a diplomatic passport.

On February 14, 2011, ██████ also directed ██████, HSI Mexico City, to provide an agent to assist ██████ with the trip. ██████ assigned ██████, HSI Office of the Assistant Special Agent in Charge (ASAC) Laredo, Texas, to assist ██████ based on the operational needs of the office. ██████ was on temporary duty assignment (TDY) to Mexico City at the time. ██████ assigned ██████ to assist ██████ only after he was advised by ██████ that an agent on TDY could assist with the equipment transfer. ██████ did not provide ██████ with any details about the trip at that time.

On February 14, 2011, ██████ directed ██████, HSI Monterrey, to pick up the equipment in Brownsville, Texas and transport it to a half-way point between Monterrey and Mexico City. On or about February 14, 2011, ██████, HSI Monterrey, picked-up ten boxes of equipment and two boxes of mail in Brownsville and transported them back to Monterrey by vehicle.

On February 14, 2011, ██████ assigned ██████, HSI Monterrey, and ██████, HSI Monterrey, to transport the equipment on February 15, 2011 from Monterrey to a half-way point between Monterrey and Mexico City where it would be transferred to agents from Mexico City.

On February 14, 2011, ██████ instructed ██████ to coordinate the equipment transfer trip with ██████. During coordination discussions with ██████ that day, ██████ voiced safety concerns brought to his attention by ██████ concerning the proposed location of the exchange. Specifically, ██████ told ██████ “now is not a good time to do this” because

the San Luis Potosi area where Monterrey and Mexico City agents proposed to meet was “very hot.” [REDACTED] was aware through various sources that Mexican authorities and the Mexican military were having fire fights with members of the Los Zetas drug cartel in the areas of San Luis Potosi and Zacatecas.

In addition to expressing his concerns regarding the proposed trip to [REDACTED] also discussed his concerns with [REDACTED]. [REDACTED] also detailed his concerns in an email message he sent to [REDACTED] on February 14, 2011. [REDACTED] wrote, “Please advice [sic] when you want to do the transfer of the packages, I [have] been authorized to travel by land to Matehuala, SLP. Also, just as an FYI there have been several scrimmages [sic] between federal forces and DTO’s in the city of SLP and Zacatecas. We can send them by pouch if you want.”<sup>2</sup> [REDACTED] forwarded the message to [REDACTED] and did not respond to [REDACTED]. OPR did not uncover any evidence that [REDACTED] responded in writing to [REDACTED] email message.

During his interview with OPR, [REDACTED] stated that upon becoming aware of the potential security threats for the route of the proposed trip, he informed [REDACTED] of the security concerns and volunteered to take the trip in place of [REDACTED]. [REDACTED] stated he volunteered because he knew the planned trip involved traveling on an unacceptable route and he “didn’t want to put his troops at risk.” According to [REDACTED] ultimately decided that [REDACTED] should remain at the office and [REDACTED] should take the trip. During OPR’s interview of [REDACTED] stated that he did not recall [REDACTED] volunteering to take the trip in place of [REDACTED].

When interviewed by OPR, [REDACTED] remarked that he was excluded from most of the internal communication surrounding the planning of the trip and used the email from [REDACTED] as an illustration of that exclusion. He noted that while other ICE employees were discussing potential safety concerns regarding the area through which he would personally be traveling the next day, he was not copied on [REDACTED] email regarding the scrimmages. Furthermore, [REDACTED] believed that since the warnings issued by [REDACTED] were made in the context of the proposed trip, HSI Mexico City management should have taken those warnings more seriously. [REDACTED] told OPR that because the Highway 57 was the primary route between Monterrey and Mexico City, HSI management should have interpreted the warnings as intelligence that the route he would be taking was extremely dangerous. [REDACTED] reported that he overheard [REDACTED] discussing [REDACTED] concerns and he heard [REDACTED] acknowledge his awareness of the security issues in Mexico but stated that the equipment was needed the next day.

During his interview, [REDACTED] reported that he discussed the security concerns with [REDACTED] and [REDACTED]. [REDACTED] stated that [REDACTED] expressed concern, but they

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<sup>2</sup> San Luis Potosi is both a city and a state in Mexico. Matehuala is a city within the state of San Luis Potosi.

discussed the issue and [REDACTED] ultimately went on the trip. [REDACTED] informed OPR, that since it had been reported that the fire fights were occurring within the cities of San Luis Potosi and Zacatecas, [REDACTED] decided none of the agents would travel inside those city limits. [REDACTED] also recommended that the agents meet at a specific service location outside of Matehuala. The recommended service location was located on a toll road that bypassed the city of San Luis Potosi, had a Subway restaurant attached, and was the location where [REDACTED] stopped on the way back from Matehuala just prior to the attack.

Throughout his interview with OPR, [REDACTED] reiterated his belief that HSI Mexico City managers, specifically, [REDACTED] failed to exercise due diligence in the planning of this mission to pick up the technical equipment. [REDACTED] stated during his tenure Mexico City, similar operational assignments involved substantially more planning and coordination with other U.S. agencies and Mexican authorities. [REDACTED] also reported that prior to similar deployments, HSI Mexico City coordinated with the RSO and utilized escort vehicles. [REDACTED] conveyed that he believed HSI management Mexico City management allowed their desire to successfully execute a high-profile investigation to supplant their good judgement.

[REDACTED] disagreed on where the agents would meet for the transfer and on what should be considered the half-way point for this trip. [REDACTED] wanted to meet with the Mexico City agents in the city of Matehuala and not further south, at the location recommended by [REDACTED], because the area south of Matehuala was “too hot.” The Monterrey agents remaining north of Matehuala meant that the agents coming from HSI Mexico City, instead of HSI Monterrey agents, would have to drive through the area about which [REDACTED] had safety concerns.

Due to the safety concerns about traveling south of Matehuala, a specific meeting location was not agreed upon by [REDACTED] prior to commencing the trip. HSI Mexico City personnel believed the meeting location was going to be near the city of San Luis Potosi, but [REDACTED] stated it was agreed he and [REDACTED] would drive towards each other and meet once they reached each other.

C. **FEBRUARY 15, 2011 TRIP TO TRANSFER EQUIPMENT**

[REDACTED] departed from Mexico City at approximately 6:30 a.m. en route to the Matehuala area, approximately 375 miles north of Mexico City. The agents traveled in an armor fortified 2009 blue Chevrolet Suburban with diplomatic plates. [REDACTED] drove the vehicle and [REDACTED] rode as a passenger. The agents traveled on Highway 57 toward Matehuala, stopping once to refuel at a Pemex Gas Station.

[REDACTED] departed Monterrey at approximately 7:40 a.m. en route to the Matehuala area, approximately 200 miles south of Monterrey. [REDACTED] traveled in an armor fortified blue Chevrolet Suburban with diplomatic plates. The ten boxes of

equipment and two boxes of mail were stored in the rear of the Suburban. They arrived in Matehuala at approximately 10:50 a.m. and drove through the city, ultimately stopping at the Las Sevillanas Restaurant. [REDACTED] went inside the restaurant and sat where they could observe the Suburban. While inside the restaurant, [REDACTED] noticed two officers, who he believed were Mexican State Police officers, walk up to and show interest in their Suburban.

While [REDACTED] were still at the restaurant, [REDACTED] called [REDACTED] and told him they were in the San Luis Potosi area. [REDACTED] finished eating, departed the restaurant and continued driving south to the town of Huizache. [REDACTED] noticed a military checkpoint on the northbound lanes of Highway 57 and called [REDACTED] to tell him not to travel through the town of Huizache so he would not encounter the checkpoint.

[REDACTED] drove approximately four miles south of Huizache, exited Highway 57 at kilometer marker 100 and stopped at a rest stop called El Antiplano de Potosi. [REDACTED] then called [REDACTED] and told him to meet at the rest stop. At approximately 11:30 a.m., [REDACTED] arrived at the rest stop. The agents spent approximately ten minutes at the rest stop visiting and moving the boxes of equipment and mail from one vehicle to the other. [REDACTED] went inside the rest stop to use the restroom. The agents then departed in their respective vehicles and returned on the same routes from which they came.

[REDACTED] continued to drive south on Highway 57 from the rest stop while [REDACTED] rode as the passenger. The ten boxes of equipment and two boxes of mail were stored in the rear of the Suburban. At approximately 1:30 p.m., the agents stopped for a meal at a Subway restaurant attached to a rest stop called El Parador Potosino. The rest stop is located on a toll road that intersects Highway 57 and bypasses the city of San Luis Potosi. [REDACTED] ate outside on the patio area of the restaurant, used the restroom, and departed the restaurant at approximately 2:00 p.m. Prior to departing, [REDACTED] volunteered to drive and changed places with [REDACTED], who then sat in the front passenger seat of the Suburban. [REDACTED] continued on the toll road bypassing the city of San Luis Potosi and entered back onto Highway 57 traveling south towards Mexico City.

[REDACTED] returned to Monterrey without incident.

**D. ATTACK AGAINST [REDACTED]**

While traveling south on Highway 57 near mile marker 156, [REDACTED] came under attack by a group of armed individuals who were associated with the Los Zetas drug trafficking organization. As a result of the attack, [REDACTED] was shot and killed, and [REDACTED] was wounded and gravely injured.

The attack against [REDACTED] was investigated by the FBI and DOJ Criminal Division. Although criminal evidence about the attack was reviewed as part of the 2011 Critical Incident Review, OPR did not independently gather any evidence relative to the attack.

**F. FACTUAL FINDINGS AND CONCLUSIONS**

i. Failure to Provide Oversight through Formalized Policies and Procedures

Interviews disclosed that at the time of the attack, ICE and HSI lacked specific policy regarding how agents should conduct themselves while working in Mexico. The agents and managers interviewed consistently stated no ICE or HSI policies existed and agents assigned to Mexico adhered only to relevant DOS policies. Though several HSI managers expressed concern about implementing policy on behalf of HSI that might contradict DOS policy, it was established that policy unique to the conduct of HSI personnel assigned to foreign posts of duty would be permissible so long as it is carefully crafted to ensure it does not conflict with any DOS policy. It was found that other agencies, to include DEA and the FBI, have foreign affairs manuals defining their agency's international missions and establishing protocols for their in-country agents and operations.

Interviews conducted by OPR revealed managers assigned to HSI Mexico City did not implement local policy or formalize standard operating procedures for the execution of the agency mission while minimizing risk to agency personnel. HSI deferred creating ICE and/or local policy to relying upon DOS policy on numerous matters. Examples include:

- Prior to the February 15, 2011 attack, DOS only provided Foreign Affairs Counter Threat (FACT) training for personnel working along the U.S./Mexico border. ICE and HSI did not offer FACT or comparable training to all ICE personnel assigned to Mexico independent of DOS requirements.
- HSI did not provide armored vehicle training prior to the February 15, 2011 attack. Interviews conducted by OPR disclosed consensus that security related training and armored vehicle driver's training are invaluable to HSI personnel and should have been provided.
- At the time of the attack, there was no policy addressing who could drive armored vehicles. After the attacks on [REDACTED], DOS implemented policy stating only trained individuals could drive armored vehicles.
- In or about September 2008, HSI managers previously serving in Mexico City implemented self-imposed quasi-travel restrictions. This local policy was enacted as a result of an incident during which HSI agents were stopped on a local highway and held at gunpoint while traveling within Mexico. The restrictions emphasized air travel instead of vehicle travel. Any vehicle travel for official business outside of Mexico City had to be justified and approved by the [REDACTED]. Approved vehicle travel had to be performed using two armored vehicles that were in good condition and two agents per vehicle. During any trip, agents had to communicate with management every hour and upon arrival. However, because the self-imposed travel restrictions were never formalized, they did not transition with the change of management in Mexico City. When interviewed, [REDACTED] stated although he was aware of the 2008 security incident, he

was unaware of the quasi-travel restrictions implemented by his predecessor. [REDACTED] required travel within Mexico be performed simply by two people, one of them being a diplomatic passport holder, and use of an armored vehicle.

- On June 30, 2010, and January 11, 2011, DOS established travel policy intended to reduce risks to personnel working in Mexico; however, the policy was not clearly written and therefore easily misinterpreted. Interviews conducted of personnel assigned to the U.S. Mission in Mexico revealed multiple interpretations of the policy and no clear understanding of the policy requirements for mission related travel. The previously self-imposed ICE travel restrictions were more comprehensive than the DOS policy restricting travel.

ii. Managerial Complacency Related to Mexico Travel Dangers

Interviews disclosed that working level agents believed [REDACTED] at times directed agents to perform assignments and undergo trips within Mexico that agents felt were excessively dangerous. To the contrary, [REDACTED] stated that they believed they fostered open communications regarding officer safety concerns over travel and other operational issues. Multiple interviews disclosed agents and supervisors believed [REDACTED] advocated a “boots on the ground” operational philosophy and directed agents to be involved in all operational activity conducted by vetted Mexican authorities. Interviews of [REDACTED] disclosed that on at least one occasion, [REDACTED] became argumentative and ostracized a subordinate manager when the manager voiced safety concerns over operational plans.

The interviews conducted by OPR revealed that during the planning of the February 15, 2011 trip, agents and managers voiced safety concerns, both verbally and in email, relating to increased security threats in area of San Luis Potosi. Agents and managers reported the risks of traveling to San Luis Potosi simply by stating “the area is hot” and “there were scimmages occurring in San Luis Potosi and Zacatecas.”

During an interview, [REDACTED], stated HSI Monterrey personnel were aware of the level of violence in San Luis Potosi because it had been discussed repeatedly at Law Enforcement Group meetings, which were typically convened weekly within the U.S. Consulate in Monterrey. The severity of violence in the area had increased to such a level that there were discussions at the meetings about restricting travel to San Luis Potosi, but the restrictions were not imposed prior to February 15, 2011.

In addition to information at Law Enforcement Group meetings, [REDACTED] personally met with then [REDACTED], prior to the February 15, 2011 trip. During that meeting they discussed traveling to the San Luis Potosi area and escalation of violence occurring there.

Interviews did not show anyone from HSI Monterrey provided HSI Mexico City personnel with specific details about the violence in San Luis Potosi. [REDACTED] did not apprise the OPR Review Team of what was specifically known by ICE Monterrey personnel relative to the San Luis Potosi security threats or about what was conveyed to HSI Mexico City. When questioned about what specific details were discussed with Mexico City personnel, [REDACTED] stated he did not recall.

Personnel at the Drug Enforcement Administration (DEA) Mexico City had additional information about the potential risks associated with traveling to San Luis Potosi. [REDACTED] Mexico City became aware of the increased security concerns in the San Luis Potosi area in or about January 2011. Furthermore, [REDACTED], who conducted investigations involving Los Zetas, was aware, prior to the February 15, 2011 attack, of increased dangers in the San Luis Potosi area. [REDACTED] knew Los Zetas activity was on the increase in San Luis Potosi, that there was a new plaza boss, and that drug taxes were increased for the plaza. [REDACTED] stated pertinent general information about attacks against police in the area, exemplifying the increased dangers, was being broadcast by the media. [REDACTED] stated, "hot spots" move periodically in Mexico, but when the attack occurred San Luis Potosi was the "hot spot."

There is no indication [REDACTED] or [REDACTED] discussed the risks associated with traveling to the San Luis Potosi area with personnel from the RSO, DEA, vetted Mexican authorities or any other non-ICE entity. [REDACTED] addressed the safety concerns with [REDACTED], and [REDACTED] determined the risks associated with the trip were not serious enough to alter the travel plans. The agents participating in the exchange of equipment were simply directed not to go into the cities of San Luis Potosi or Zacatecas.

Interviews of other agency personnel disclosed that there may have been additional methods to transport the equipment that were not considered by HSI Mexico City management. [REDACTED] reported that DEA aircraft were available for to assist HSI and he was not approached by HSI prior to the February 15, 2011 trip. Other DEA Mexico City personnel also reported that the potential use of DEA aircraft had been previously discussed with [REDACTED] and that HSI had previously used DEA aircraft to move equipment. Likewise, the interviews did not show any indication soliciting air support from the FBI, U.S. Customs and Border Protection (CBP), or the Mexican Federal Police was considered. The interviews did reveal that shipment of the equipment through diplomatic pouch was considered but was determined not to be a viable option because it was reportedly too slow.

iii. Weak Operational Security

Interviews disclosed operational security was not routinely discussed by HSI Mexico City management and that when discussed, it was limited to general comments such as "be careful." Failure to consistently focus on operational security issues in an environment of constant reports

of violence contributed to complacency toward the risks. Managers did not teach or inform personnel how to operate safely in Mexico. Operational security was lacking in the planning and execution of the February 15, 2011 trip in the following ways:

- ICE Mexico City management did not conduct a briefing with the mission participants, mainly [REDACTED], prior to the commencement of the February 15<sup>th</sup> trip. [REDACTED] departed for the trip without knowing the nature of the equipment they would be picking up, having an agreed upon rendezvous point, or having a contingency plan for dealing with an emergency. Furthermore, according to [REDACTED], he and [REDACTED] had never previously worked together and only met each other the day before.
- ICE Mexico City management directed the trip to Matehuala even though they were aware the exchange of equipment would most likely be conducted in a public, non-secure location. No consideration was given to the fact that observers would see an exchange of twelve boxes of equipment, which could trigger interest in their contents.
- While on the way to meet with [REDACTED], [REDACTED] and [REDACTED] had a “sit-down” meal at a restaurant in Matehuala. Neither [REDACTED] nor [REDACTED] reported the behavior of assumed Mexican State Police suspiciously viewing their armored vehicle while parked at the restaurant. It has been reported there are 125 municipal police officers in Matehuala and that most of the municipal police officers and two State Police officers in that area also work as look-outs for Los Zetas.
- [REDACTED] had a “sit-down” meal outside at a patio area near San Luis Potosi despite knowing they were traveling through a high-risk area with equipment.
- [REDACTED] allowed [REDACTED] to drive the armored vehicle knowing that [REDACTED] had just arrived in Mexico on TDY, [REDACTED] was not trained to drive an armored vehicle, and they were traveling through a high-risk area.
- [REDACTED] did not have weapons within reach during the attack.
- There was a known lack of diligence with regard to the maintenance of the ICE armored vehicles.
  - Though it was known within the HSI Mexico City office that the tracking beacon in the vehicle driven by [REDACTED] did not work, the issue was not addressed.
  - The vehicle was not equipped with run flat tires.
  - Automatic unlocking function was operational.
- It was known mobile communication problems existed outside of Mexico City.

iv. Violation of DOS Mission Mexico Travel Policy

Interviews disclosed HSI violated DOS Mission Mexico travel policy. DOS issued a Management Notice on June 30, 2010, and subsequent Security Notice on January 11, 2011, that restricted travel for all personnel under Mission Mexico, including HSI.

DOS issued the June 30, 2010 notice in response to increased danger in the Texas/Mexico border area. The June 30<sup>th</sup> notice restricted Mission Mexico personnel from driving a vehicle when reporting to or departing from posts within Mexico. DOS did not intend to restrict law enforcement liaison/operational travel by issuance of the June 30, 2010 notice. While the notice did not specifically state prior RSO notification was required for operational travel, interviews of DOS personnel indicated that DOS intended all agencies to communicate all travel plans to the RSO prior to initiating travel.

The January 11, 2011 notice was issued by DOS with the intention of reasserting and clarifying misinterpretations of the June 30, 2010 notice. The January 11, 2011 Notice included language that more clearly defined the travel restrictions and intent of there being no vehicle travel to or from the U.S./Mexico border for personnel reporting to or from Mission Mexico Posts. Additionally, the January 11, 2011 notice added language requiring the RSO be notified in advance of all official travel. As with the June 30, 2010 notice, DOS did not intend to restrict law enforcement liaison/operational travel, but required it be undertaken only after notifying the RSO. Both advisories were provided to all Mission Mexico personnel, including HSI Mexico City.

Along with the aforementioned notices, travel warnings issued publicly by DOS are another important component to be taken into consideration by personnel assigned to Mission Mexico prior to traveling within Mexico. These travel warnings explain current travel hazards in Mexico and list specific geographic areas considered too dangerous to travel in, referred to as “deferred travel areas.” Personnel assigned to Mission Mexico are supposed to heed travel warnings of deferred travel areas. At the time of the February 15, 2011 attack, although there were no DOS Travel Warnings for the San Luis Potosi area or planned travel route from Mexico City to Matehuala, there were travel warnings in effect for parts of the route traveled by the HSI Monterrey agents.

Based upon the referenced notices and the DOS Travel Warnings in effect at the time of the attack, investigators determined the following:

- The trip that [REDACTED] and [REDACTED] took on February 14, 2011 from Monterrey to Brownsville and back violated Mission Mexico policy, because HSI personnel did not notify the RSO office in advance and because there were travel restrictions for the northeast part of Mexico.
- The trip that [REDACTED] took on February 15, 2011 from Monterrey to Matehuala and back did not violate Mission Mexico policy because HSI personnel notified the RSO in advance.
- The planned trip for [REDACTED] on February 15, 2011 from Mexico City to Matehuala and back violated Mission Mexico policy because HSI personnel did not notify the RSO prior to the trip.

There are several factors that mitigate the finding that HSI Mexico City violated DOS Policy. First, at the time of the attack, there were no formal travel restrictions issued for the San Luis Potosi. Second, when interviewed, [REDACTED] stated that if HSI had requested approval from the RSO for the trip, the RSO would “likely” have approved it. [REDACTED] stated that prior to the attack he was unaware of any additional concerns regarding the route taken by [REDACTED] and he did not consider the road particularly dangerous.

v. Lack of Coordination with Vetted Mexican Officials

During interviews, [REDACTED] and [REDACTED] expressed a belief it was safer, due to the level of corruption in Mexico, not to provide prior notification of HSI operational travel to vetted Mexican authorities. For that same reason, it was uncommon for HSI Mexico City to notify Mexican authorities prior to traveling or to use Mexican authorities for escorts. Personnel from the DEA, DSS, FBI, and the HSI Monterrey expressed a contrary view, that it was safer to travel within Mexico if prior notifications were provided to vetted Mexican authorities. Individuals from DEA, RSO and FBI stated that trips, like the one taken by HSI agents on February 15, 2011, would not normally be undertaken without a Mexican police escort.

[REDACTED] stated it was a necessity to travel with vetted Mexican authorities for “back-up,” fire power,” and “because you do not want to get caught with sensitive information unilaterally.”

[REDACTED] stated it was safer to notify Mexican authorities, knowing the information may get leaked to the drug trafficking organizations, than be an unknown quantity appearing at a location as a surprise. [REDACTED] stated problems happen when U.S. government personnel show up somewhere in Mexico by surprise.

[REDACTED] stated, even if knowledge of a proposed trip was communicated to corrupt Mexican police, they would pass the information to the “bad guys not to mess with them.”

[REDACTED], HSI Monterrey, stated HSI Monterrey personnel would call Mexican police contacts prior to traveling so they would be allowed to “pass through.” [REDACTED] stated it was assumed that information about their trips was being passed to drug cartels, but it did not hurt them. [REDACTED] stated HSI Mexico City did not have the same mentality about travel because they had such a large area of responsibility they could not develop the needed relationships with Mexican authorities the way Monterrey could.

After the February 15, 2011 attack, DOS implemented procedures requiring all travel be coordinated with vetted Mexican authorities.

4. VIOLATIONS OF LAW, RULES, OR REGULATIONS

This investigation did not uncover any violation or apparent violation of any law, rule or regulation. However, the investigation did reveal that HSI Mexico City management did violate DOS travel advisories and failed to exercise sound judgement with regard to vehicular travel within the country of Mexico.

5. DESCRIPTION OF ACTION TAKEN OR PLANNED

A. ACTIONS TAKEN

Since the February 15, 2011 attack on [REDACTED], ICE and HSI have taken the following actions:

- HSI International Operations has established a Personnel Recovery Unit (PRU). The PRU is charged with providing ICE employees and their families with the knowledge and capabilities to prepare for, prevent, respond to, and survive an isolating event while deployed overseas.
- Restrictions on driving in Mexico were implemented, to include no self-driving outside of city limits, and travel outside of the city requires a minimum of two people and 24-hour notice to the RSO.
- HSI has increased training for all personnel assigned to Mexico. This training includes a week of Foreign Affairs Counter Threat (FACT) training.
- HSI has mandated all personnel complete High Threat Security Overseas (HTSOS) prior to being deployed to Mexico on a TDY assignment.
- HSI has mandated armored vehicle training for all personnel assigned to Mexico.
- The automatic unlocking mechanism in all HSI armored vehicles has been disabled

B. ACTIONS PLANNED

Upon completion of this report, it will be forwarded to HSI Executive Leadership for consideration of disciplinary action.