

## Criminal Aliens Among Us: an acceptable cost of an open society?



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## **Executive Summary**

The issue of illegal immigration has been an important one in the last few election cycles, however, while leaders and politicians from all ideologies have spoken with righteous indignation about the festering problem, they have taken little action. As law enforcement budgets tighten, cities such as Ocoee, find themselves spending more of their resources on crime in which noncitizens are involved, whether as victims or perpetrators. The Ocoee Police Department (OPD hereafter) can continue to handle all criminal offenses committed by noncitizens as traditional offenses or can avail itself of additional law enforcement tools and programs that federal agencies such as the Immigration & Customs Enforcement (ICE) can offer.

The continuum of potential immigration enforcement measures for consideration can range from no cost database checks of immigration status to having officers cross designated to enforce immigration laws. While fears of draconian measures like immigrant round ups in the dead of night are used to rally support against immigration enforcement, the option for OPD to run immigration status searches through National Crime Information Center (NCIC) at the time of arrest for certain offenses and other low cost and low risk measures should be considered.

This assessment considered whether there was an increase in the noncitizen population and law enforcement activity in Ocoee and the social and resource costs involved in implementation of various federal immigration programs and services. Calls for Service and arrest data was extracted from OPD's record management system for areas with a high population of noncitizens and compared to other areas to determine whether the volumes for each were significant. A survey of OPD's patrol officers was conducted to determine whether they were encountering increased noncitizen contacts and crime, whether they had the tools to deal with these encounters and whether they were familiar with various immigration programs.

This assessment has found that the foreign-born and noncitizen population in and around Ocoee is growing at a sharp rate and that the number of noncitizens arrestees for 2007-2009 was between 25-34%. Further, the survey found that OPD officers, in many instances, lack the knowledge of how to deal with noncitizen crime, whether they lacked adequate language skills to get statements from witnesses or lacked familiarity with various programs that federal agencies can provide. Therefore, recommendations have been made to implement best practices when dealing with non-citizens offenders, including placing more deportation detainers on violent noncitizen offenders, more accurately documenting an arrestee's immigration status and gang membership, making immigration status checks standard for violent and drug-related offenses and participating in programs with ICE such as the Criminal Alien Program.

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## Introduction

The Request for Information from the regional Fusion Center interrupted my work flow on the quiet morning of Thursday, February 5, 2009 that an 11- year old female had been sexually battered while walking to her bus stop by two Hispanic males, who were driving a dark purple vehicle with tinted windows and no rims. She was blindfolded and taken to an abandoned house in Orlando where she was sexually battered.

Immediately, the law enforcement community sprang into action to find the knife-wielding perpetrators in the purple vehicle and dozens of tips soon flooded in. It would take almost a week before the Orange County Sheriff's Office located suspects when they successfully matched the DNA recovered from the young rape victim to 23-year-old Richard Morales-Marin. Marin's DNA was also matched to a rape of a 19-year old pregnant woman near the Florida Mall in Orlando in January 2008 and to a rape of an Orlando prostitute who may have been assaulted in the same abandoned house (ICJIS Arrest Affidavit: Richard Morales-Marin. Orange County Sheriff's Office. No. 09-12549. Orange County. 11 February 2009: 2).

The 2<sup>nd</sup> man arrested along with Marin was 24-year-old Juan Hernandez-Monzalvo, whose DNA also matched the specimens taken from the young victim. While in custody, both men admitted to kidnapping their victim and then sexually assaulted her under threat of a knife (ICJIS Arrest Affidavit: Juan Hernandez-Monzalvo. Orange County Sheriff's Office No. 09-12549. Orange County. 11 February 2009: 2-3). While the local print and broadcast media focused on the shocking nature of the crime, few focused on the fact that both men were illegal aliens. Monzalvo had just been deported to Mexico in June 2008 following an arrest for driving without a license, but had illegally returned to Orlando shortly thereafter (WESH.com).

Most southern law enforcement agencies in the U.S. face the growing dilemma of how to deal with the problem of what some term a "silent invasion" of illegal immigrants who continue to

flood into our country and contribute to the strain not only on our schools, hospitals, social services, but also to the growing volume of crime. The polite fiction is that these immigrants take the work that no Americans want to do and make a net contribution to a increasingly diverse America. No matter what side of the immigration issue you may fall on- whether you believe these noncitizens should be granted full citizenship because of their efforts to stay in the U.S. or whether you believe their very presence here is illegal and they should be deported, their contribution to the strain on criminal justice resources must be addressed by the law enforcement community. Officers at OPD have daily encounters with noncitizens as both perpetrators and victims of crimes, but haven't developed "best practices" on how to deal with noncitizens other than requesting a Spanish-speaking officer for assistance.

The purpose of this paper is not to justify any form of a roundup of illegal aliens in areas with a high immigrant population and it isn't about breaking up families through random immigration status checks. Instead, the purpose of the paper is to assess OPD's effectiveness relative to implementing immigration tools and practices in a city that is growing in population, changing in demographics and experiencing more criminal offenses from noncitizens in problem geographic areas.

## Background

The vast majority of illegal immigrants come to the U.S. for economic reasons, but a growing cadre of immigrants has terrorized American citizens and become recurring criminal nightmares to their host country. Michelle Malkin summed it up appropriately in her book "Invasion: How America Still Welcomes Terrorists, Criminals, and Other Foreign Menaces to Our Shores" when she stated:

The land of the free has become the new home of some of the world's most depraved thugs. Among them- living among us- are known or suspected warlords, women-beaters, psychological torturers, butchers, and other violent war criminals. It's horrifying enough when immigration authorities inadvertently allow the likes of the September 11 hijackers, illegal alien serial killer Angel Resendiz, and alien cop-killers to roam our country. But our government officials make matters even worse when they deliberately allow such wretched refuse to enjoy the good life here as tourists, refugees, businessmen, legal permanent residents, and even naturalized American citizens. (Malkin: 123-124).

Angel Resendez, the infamous "Railway Killer," enjoyed a crime spree in the U.S. that lasted over two decades, almost thirty arrests for crimes from criminal mischief to burglary and at least seven deportations back to his native Mexico, before he plead guilty to nine of the twelve homicides he was linked to by DNA and other evidence. (Malkin: 87-90). In addition to Resendez, other infamous criminal aliens include, Lee Malvo, the shooter in the DC Sniper duo, Ingmar Gaundique, whose DNA has been linked to the murder of Chandra Levy, Zacarias Moussaoui, the alleged 20th hijacker from 9/11 and dozens of others too many to list (see listing of "America's Least Wanted" at <http://www.immigrationshumancost.org/text/criminals.html>).

The U.S. Bureau of Prisons estimates that about twenty-seven percent of all inmates in federal custody are noncitizens (ICE. Criminal Alien Program: 1). Further, a Government

Accounting Office study on the volume of criminal offenses by illegal aliens found that 99% of illegal aliens in federal prisons and 96% in state or local jails had more than one prior arrest and the *average number of criminal offenses per illegal alien was thirteen* (GAO Report No. 05-646R: 1).

While numerous articles and several studies have noted the number of illegal aliens has decreased in the last year by about one million, due mostly to the slowdown in the U.S. economy, a perfect storm has been developing from a violent and protracted drug turf battle between the Juarez and Sinaloa drug gangs that is spilling over into the southwest U.S. (Foxnews.com). Still, there are believed to be between 8 to 12 million illegal aliens currently residing in the U.S. or about 4% of our total population. Almost 80% of the noncitizens are Hispanic/ Latino and come mostly from Mexico (almost 57%) or other Central and South American countries (22%). (Pew Hispanic Center: 3-6). Florida's estimated illegal alien population of 980,000 ranks third in the nation with only California (2,830,000) and Texas (1,640,000) estimated to have more (DHS: 4).

The population of the Orlando Metropolitan Statistical Area (MSA) increased 23.6% from 2000 to 2007 and an astonishing 67.1% of that growth was from the foreign-born population as opposed to the 17.7% gain from the American-born population (Federation for American Immigration Reform: 1). In Orange County, the Hispanic population makes up about 24.3% of the population while 50.4% percent are non-Hispanic whites, 20.8% black and 4.4% Asian (U.S. Census Bureau. Orange County: 1). The most current census numbers from 2008 put the population of Ocoee at over 33,000 and the ethnic makeup is 63.9% White, 17.2% Hispanic or Latino, 11% Black and 5% Asian (U.S. Census Bureau. Ocoee: 1).

## **The Immigration Path**

The road to becoming a U.S. citizen can be long and arduous and usually starts with obtaining a "green card" or permanent resident status followed by five years of uninterrupted and crime - free residency, scrutiny by the U.S. Citizenship and Immigration Service (USCIS) and passing a written immigration test about American history and government. (Bray: 9-15). Once an immigrant becomes a resident or permanent alien, they can still be removed if they violate conditions of their U.S. stay, helped smuggle someone into the U.S. within the last five years, entered into a fake or sham marriage for immigration purposes, made false previous claims of U.S. citizenship, fraudulently acquired a U.S. visa or other official document or committed crimes involving "moral turpitude." (8 U.S. Code § 1227(a)).

In determining what constitutes a crime of moral turpitude, various court rulings and opinions have concluded that Part 1 Uniform Crime Report (UCR) offenses, such as robbery, burglary, sexual battery or aggravated felonies are sufficient. Many other Part 2 UCR offenses, such as those involving domestic violence, drug or weapon violations and prostitution can constitute moral turpitude. To qualify as removable, the offenses must have been committed within five years of becoming a resident alien, committed within ten years of residency after paying the required penalty fee for illegal residency or must be punishable by a combined sentence of one year or more if domestic violence, stalking, child abuse, neglect or abandonment offenses are involved. (Bray: 7-13).

## **Differing Opinions on Immigration Enforcement**

Okaloosa County (FL) Sheriff, Charles W. Morris, went to great lengths on his agency's web site to list immigration enforcement accomplishments while at the same time denouncing round ups of unauthorized aliens as "simplistic 'feel good' responses" to a complex issue (Morris: 1). Sheriff Morris correctly stated that state and local officers don't have the legal authority to

arrest illegal aliens solely for the civil violation of being in the U.S. illegally, but went on to opine that in the thirty-minute time frame it takes to run an immigration check "we received 10 other calls for service for domestic violence, burglaries, drunk drivers, etc." (Morris: 10). Sheriff Morris' statements appear to be an attempt to defend his agency's perceived immigration inactivity.

On the other side of the immigration debate, Lake County Sheriff's and the Tavares Police Department were taken to task for immigration enforcement in a series of stories in February 2009 by the Orlando Sentinel because a Honduran mother of three, married to an American, was turned over to Border Patrol agents after acting as translator in a domestic violence incident. (Ramos). The American Civil Liberties Union found that Lake County jail officials had detained 220 people, mostly Hispanic, on deportation detainers over two years and accused deputies of acting like ICE and targeting Hispanics. (Comas). Tavares Police Chief Stony Lubins stated his office was not increasing immigration enforcement, but that the immigration status of the arrestee was discovered by mistake. (Lubins).

The immigration enforcement lesson from the above is to recognize that both immigration enforcement action or inaction can garner citizen and media interest no matter the intention and must be factored in.

### **Ocoee Police Department Survey**

An internal survey was administered during briefings to patrol officers and 100% of the thirty officers responded to a variety of questions that covered law enforcement encounters with noncitizens and whether officers had the tools and knowledge to deal with them. Of those who responded, about half would be considered newer officers because they had two years or fewer of police experience. Nine responding officers are fluent in Spanish, which is important because almost all said they had encountered the need for Spanish translation within the last year due to

the influx of Spanish-speaking victims, witnesses and suspects. Two OPD officers can speak Italian and one can speak fluent Portuguese.

When asked how to take a different *law enforcement approach*, almost 90% were of the opinion that increased enforcement was needed, whether in the form of making more arrests, more referrals to federal agencies or more immigration status checks on individuals or employers. Several officers noted that local help agency referrals would be a different approach and no one who responded believed fewer arrests would constitute a different approach.

Surprisingly, in the series of questions trying to elicit opinions on the immigration issue, only half believed that noncitizen crime was increasing and 15% disagreed on this issue. Three-quarters of the officers had numerous recent noncitizens encounters and the vast majority of respondents used objective police techniques to verify immigration status as opposed to guessing or assuming that an illegal aliens is someone with poor English skills or looks foreign.

In the end, only five officers had recent encounters with a federal agency over immigration issues. While over half believed they had sufficient knowledge and tools to deal with noncitizen crime, the overwhelming majority of officers had no familiarity with specific ICE programs, such as the Criminal Alien Program, Law Enforcement Support Center, 287(g) Cross Designation or Community Shield Program.

The results of the survey indicate the overwhelming number of patrol officers at OPD believe that increased immigration enforcement is needed, whether this means increasing arrests or employer checks. Unfortunately, none of OPD's officers are very familiar with any ICE programs for increased enforcement and few participated in deportation proceedings. OPD is therefore faced with a deficit in knowledge, experience and practice in this area. Immigration issues have been rarely addressed at OPD and a block training session or a multi-media presentation by ICE could be quick and inexpensive ways to bridge these gaps.

## Ocoee Police Department Arrest Data

OPD's records personnel started entering an arrestees citizenship status only after January 2007 as the result of a change in procedure. OPD's statistics revealed that 187 people out of 543 arrested through June 1, 2009 or 34.4% did not have citizenship flags associated with them, which meant that the arrestee's citizenship was either unknown or negative. Arrest data from the other available years also revealed a significant number of noncitizens were arrested:

Year	Total Adult Arrests	No Citizenship Flag	% of Arrests
2009*	543	187	34.4%
2008	1284	325	25.3%
2007	1707	499	29.2%

Figure 1: Citizenship Status of Arrestees

\* All 2009 statistics were run from January 1, 2009 through May 31, 2009\*

Upon closer inspection, the need for more accurate tracking of the citizenship of our arrestees is apparent and needs to be addressed going forward. In discussions with numerous police officers and communications staff, this information was obtained primarily by asking the arrestee during the booking process and very rarely were other forms of verification used, such as various database or NCIC searches.

In the 2009 arrest data alone, 114 of the 187 noncitizen arrests or 61% were for Part 1 or *prima facie* deportable offenses, and included the following arrest numbers: 10 for Robbery, 15 for Burglary, 20 for Aggravated Assault, 21 for Vehicle Burglary, 1 for Sexual Battery and 1 for Attempted Murder. These numbers for the current year are alarming and indicate beyond mere anecdote that the noncitizens being arrested by OPD are committing a high volume of violent offenses that could give rise to increased immigration enforcement options.

## Pioneer Key Village 1 & 2 Trailer Parks

Most of the migrant population in Ocoee resides in the trailer park subdivision of Pioneer Key Village 1 (PK 1 hereafter) and Pioneer Key Village 2 (PK 2) due to the low housing cost and the proximity to job opportunities such as the nearby Labor Ready office. While numerous new multi-hundred thousand dollar subdivisions have sprung up in Ocoee, the trailer parks and roads inside appear in sharp contrast by their dilapidated units and roads. At the same time, it is not uncommon to see expensive SUVs parked there. Soccer games are frequent occurrences in the common areas

there as well as the many church goers, inebriated jaywalkers, darting bike riders, ubiquitous baby strollers and people lugging bags of laundry or groceries as well as cases of beer. The hard working immigrants that reside there are also heavy drinkers and frequent targets and perpetrators of criminal offenses that the statistics bear out.

Even though the trailer parks comprise a small part of Zone 1 (see areas outlined in red and blue), they generate a disproportionate amount of Calls for Service (CFS) and offenses. There are only 147 units in PK 1 and 126 units in PK 2, yet they generated 13-40% of all Zone 1 CFS over the last 5 years or 1 out of every 5 CFS for the entire police service zone. The relevant CFS numbers are:

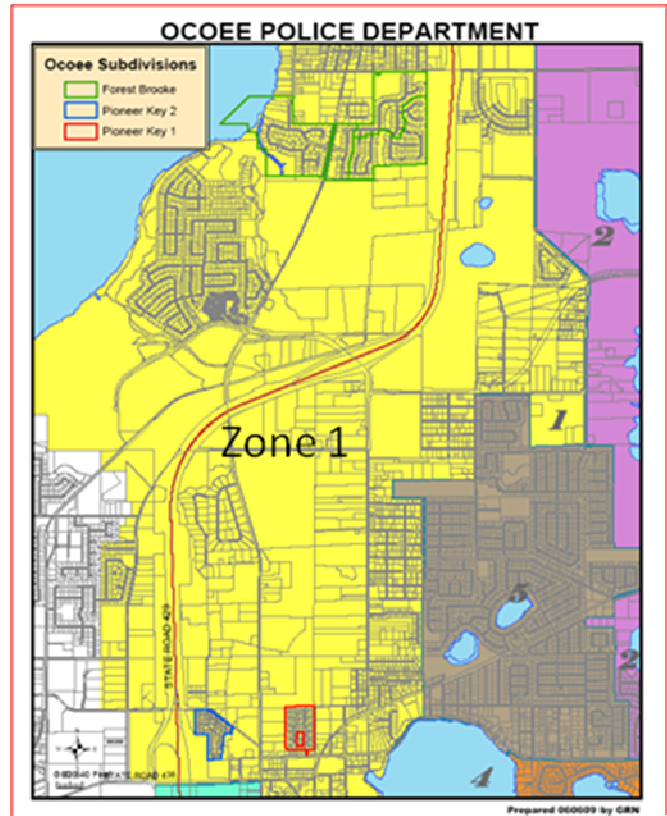


Figure 2: Ocoee Service Zone 1

CFS	Zone 1	PK 1 & 2	% of Total
2009	4091	541	13.2%
2008	10221	1563	15.3%
2007	13804	2323	16.8%
2006	5087	2004	39.4%
2005	7887	1348	17.1%
Average	8218	1556	20.4%

Figure 3: Zone 1 Calls for Service

Similarly, when considering offenses, PK 1 and 2 average just over one-fifth of all offenses from 2005 through 2009 year-to-date that were committed in this small area as reflected below:

Offenses	Zone 1	PK 1 & 2	% of Total
2009	318	71	22.3%
2008	828	152	18.4%
2007	898	129	14.4%
2006	553	150	27.1%
2005	436	104	23.9%
Average	607	121	21.2%

Figure 4: Zone 1 Offenses

By way of comparison, 2009 year-to-date CFS numbers for the larger Forest Brooke subdivision (see the green area in the above map) in Zone 1 were pulled and the volume in PK 1 & PK 2 of 541 CFS dwarfed those of Forest Brooke at 127. The number of offenses for Forest Brooke was also significantly lower than PK 1 & PK 2 and again demonstrates that the latter subdivisions require a more significant investment of police resources and could benefit from the introduction of additional law enforcement tools such as immigration enforcement.

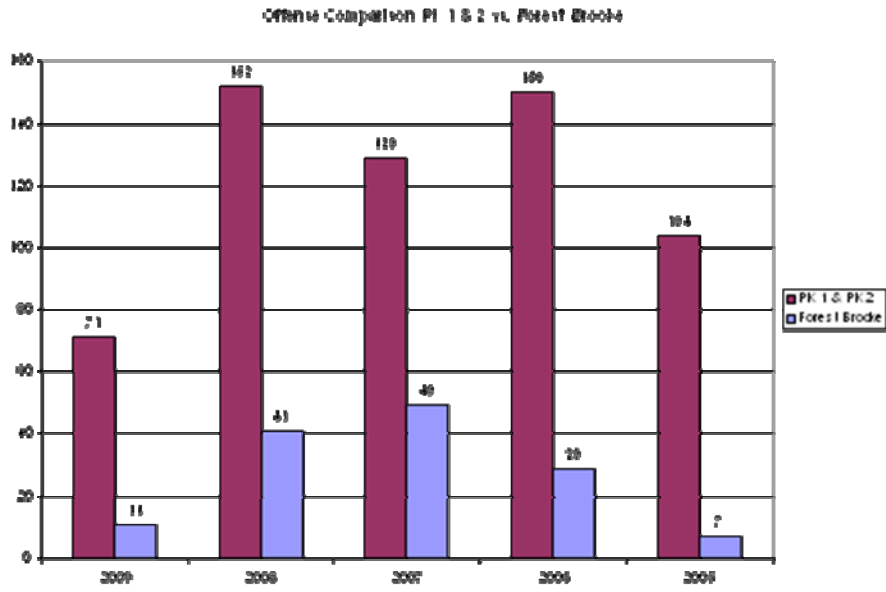


Figure 5: Offense Comparison PK 1 & 2 vs. Forest Brooke

### El Tequila Sunrise, Inc.



Figure 8: Aerial Image of PK 1 & 2

Another factor that contributes to the high volume of offenses and CFS is that the El Tequila Sunrise bar is located within a short walking distance from both PK 1 and PK 2 and caters to mostly Hispanic patrons (see aerial imagery). OPD officers frequently patrol the parking lot of El Tequila on the weekends and often find themselves outnumbered and in need of backup

and Spanish-speaking officers. There have been so many CFS and crimes that have taken place in the shopping center near the bar that nuisance abatement actions have been discussed and considered by OPD. Some discussions within OPD have also centered around the how El Tequila's liquor license could be revoked in order to change the type of clientele that would frequent there and the types of offenses committed there. If the liquor license of the bar would

be revoked, the presence of a small congregation that meets in the same shopping center may complicate whether a new license would issue.

Currently, there are only 2 other bars licensed to operate in Ocoee and they are Frank's Place (formerly Froggers) and Gator's Dockside.

When you compare the CFS and offenses for all 3 bars from January 1, 2005 through May 31, 2009, El Tequila generated the highest volume:

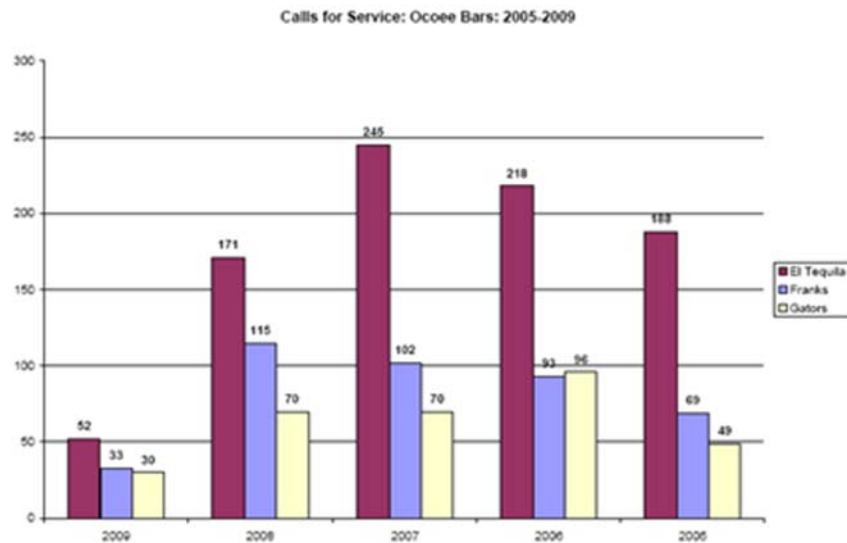


Figure 7: Calls for Service Comparison of 3 Ocoee Bars

The offense comparison numbers for the same three bars further demonstrate that the volume of offenses at El Tequila bar are historically higher than the other bars:

Offenses	El Tequila	Franks	Gators
2009	6	9	4
2008	23	23	7
2007	37	18	11
2006	44	16	17
2005	41	11	9
Total	151	77	48
Ave. 2005-2008	36	17	11

Figure 8: Offenses of 3 Ocoee Bars

Therefore, El Tequila Sunrise averaged twice as many criminal offenses as the other bars and almost generates twice the numbers of CFS as well. Although a suspect is not developed for every offense and some of the above offenses were committed by Americans, 74 of the 151 offenses where reports listed the address 443 W Silver Star of El Tequila involved removable or deportable offenses, including 47 drug offenses, 17 aggravated assaults, 3 robberies, 1 sexual battery, 3 vehicle burglaries and 3 weapons violations. In addition to typical law enforcement solutions such as increased patrol to El Tequila, violent and drug offenders could be targeted for deportation.

Members of Ocoee's migrant community have also been the frequent target of robbers as they are leaving from a night of consuming alcohol at El Tequila because in addition to being intoxicated, they were likely to have just been paid in cash and were unlikely to cooperate with law enforcement in reporting a crime. As a result, OPD investigated ten armed robberies of immigrants from May 4 to September 29, 2007 mostly as the unwitting victims were leaving El Tequila bar between 2200 to 0200 hours on Friday and Saturday nights. Three of the victims were shot, three were hit or pistol whipped and none resulted in arrests or prosecutions in spite of the efforts of OPD officers to convince the scared victims otherwise.

### **Uncertain Encounters and Inconsistent Practices**

On Saturday, February 28, 2009 about 1:51 pm., OPD Officer Jamie Byrd observed a beat up pickup truck with North Carolina tags enter the parking lot near the Ocoee Little League parade and immediately identified it as an ice cream truck through the music that draws children like a pied piper. The middle-aged Hispanic male driver was unable to communicate with the Ocoee officer until a translator was found and Officer Byrd observed that his pants were unzipped. Driver, Pantaleon Jaime Solorzano, relayed to his translator that he lived two hours away in Okeechobee, FL, but could produce only a North Carolina driver's license. Solorzano was unable to provide any local or state permits or licenses to sell ice cream in Ocoee and

admitted he was living in the U.S. illegally from Nicaragua. A consensual search by the officers revealed a worn leather belt and two packs of condoms in his truck.

A records check to dispatch did not reveal any outstanding warrants, but an immigration check in NCIC confirmed that he was an illegal alien. OPD dispatch contacted a Border Patrol agent assigned to central Florida who related that Orange County jail would not hold him over the weekend for pick up by Immigration Control Enforcement (ICE) even though jails in surrounding counties such as Lake and Volusia County would. Officer Byrd believed she couldn't arrest Solorzano for the business permit violation and in the face of no other warrants or charges; she filled out a Field Contact Report and wearily sent the undocumented ice cream vendor out of Ocoee. As he was leaving, another undocumented ice-cream vendor who spoke little English entered the same parking lot on a bicycle. While it's not clear that Solorzano did anything in Ocoee worthy of being deported, it illustrates that OPD officers don't have clear direction on how to handle these situations.

Research for this assessment revealed only a couple cases in which OPD placed a deportation detainer on an arrestee and currently, there is no mechanism in OPD's record system to record and track such detainer. In one case a detainer was placed on suspect Lorenzo Soto, an illegal alien from Mexico, who attempted to sexually assault the operator of The Salon hair shop near PK 1, just before the shop opened on January 12, 2008. Eventually, he was convicted of Burglary, Robbery, Kidnapping and Attempted Sexual Battery and the detainer placed on him should assure that he will be deported back to Mexico after serving his sentence in a Florida prison. The case involving Kevin Laing, a Jamaica-born male nurse, is especially troubling considering that he was found guilty of fifteen counts of exposure and sexual assault to two incapacitated victims at Health Central in Ocoee who were sexually assaulted while under sedation. While Laing is a registered sex offender, he still enjoys living in the U.S.

## **Gangs, Drugs and Sham Marriages**

Central Florida is a long way from the mean streets of Latin America and the Caribbean, but some of the immigrants to the U.S. continue membership in gangs that originated in the old country and most of the recruitment of new members takes place at local middle and high schools. Ocoee had a reputation for violence directed at blacks in the early 1900s, which was bolstered by a murderous riot that took place during the 1920 elections where two whites and five blacks were killed following a polling dispute. There are an estimated 2,500 documented gang members who belong to more than 75 gangs in Orange County and many of those arrested had multiple convictions including homicide, drug-trafficking and assault. (Pacheco: A1 & A10).

Eighteen members of the Westside gang were arrested in a multi-agency sweep on the morning of May 5, 2009 in the central Florida area. The Mexican-based gang was accused of laundering millions in drug-trafficking money through the Winter Garden restaurant, Hot Dog City and Diana's Secretarial Services, and gang leaders were alleged to have been supporting the families of arrested gang members in exchange for their silence. (Pacheco: A10). Several of the eighty Westside gang members identified are well-known thieves and burglars who reside in or have been arrested in Ocoee for crimes ranging from theft to running a car theft ring and chop shop. In a news release by Florida Attorney General Bill McCollum, the defendants are scheduled for prosecution on charges including criminal racketeering, conspiracy to traffic cocaine, money laundering, tax evasion and victim tampering. (McCollum: 1).

The volume of gang activity in Ocoee has been minor and can be attributed to local hybrid groups affiliated with larger, more organized gangs, such as Folk Nation/ Crip graffiti at the scene of several residential burglaries. With the April 2009 arrest and upcoming deportation of Mara Salvatrucha or MS 13 "OOG" leader, Cruz Roman, by Apopka Police Department, Sur 13 members have increased their activities through threats of retribution against arresting police officers, by vandalizing public property with gang graffiti and by increasing their new member

recruitment. Until then, members of the Salvadoran gang were quiet and relatively unknown for fear of law enforcement attention and possible deportation, but as the result of this increased activity, OPD has identified numerous gang members in the area and learned of several methods to generate money for their criminal enterprise, including drug trafficking and the theft of expensive rims/ tires in the area.

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**BOLO: Potential Sur 13 Retaliatory Gang Activity**

Our agency has developed information that **Sur 13 gang members** in the Apopka, Ocoee & Winter Garden areas may be planning to shoot law enforcement personnel in retaliation for recent arrest and deportation of one of their gang leaders, **Roman, Cruz HM 9/14/80** (see below) on drug charges. Those targeted may be:

- Police Car # 405 for marked cruisers from Atlanta south
- Officers involved in Roman's arrest

In addition, there has been increased activities and chatter by self-proclaimed Sur 13 members in Ocoee who may be targeting Ocoee Middle School and Ocoee Bulldog football field for graffiti and vandalism.

**Roman, Cruz**  
HM 9/14/80

Sur 13 Graffiti at Central Park Little League field - WED 4/8  
VL = crazy life.  
Double arrow = back from hell.

\*\*\* CONFIDENTIAL LAW ENFORCEMENT USE Created 041009 by GRW

Figure 8: BOLO of Sur 13 Gang Activity

There has also been a recent increase in immigrants from Caribbean countries in central Florida and various crimes in which the perpetrators were communicating in Creole or wearing the national flags of Haiti and Jamaica. In March 2008, the principal at Ocoee High School decided to have a "Wear your Colors" day and it resulted in a fight between two rival Haitian gangs, Vagabonds for Life and Zoe Pound related gangs. Since these events and because of numerous web postings on several social networking web sites, such as MySpace and YouTube, OPD and Orange County Sheriff's Office have identified numerous gang members linked to area residential burglaries and armed robberies.

The U.S. Attorney's office in Orlando announced on March 2009 they were investigating a Winter Garden company, American Business Inc., owned by Mark Hammerschmidt for paying Americans up to \$4500 for entering into sham marriage to noncitizens and an additional \$500 for every other fake groom recruited. (WFTV.com). Hammerschmidt's wife, Ornella, and 64 other persons were indicted in May 2008 for similarly arranging for South American visitors to marry Americans for \$3000 to \$5000. (Leusner: A10).

The OPD can no longer expect the newly arriving gang members to flock to Miami or Orlando to set up their crime organizations, many are coming to Ocoee and smaller communities to open up new "markets" and these groups are growing bolder and more violent. They are counting on cities like Ocoee to employ routine law enforcement responses and to continue clogging the already overloaded and lenient criminal justice system that releases young thugs back on the street before the paperwork is finished. The added cost of deportation, as was evident from Cruz Roman's pending deportation, drew the unexpected wrath of a criminal group now without a leader. Further, OPD should not assume that drug trafficking, money laundering, sham marriages, fake documents and other illegal activities used to further criminal activities of criminal aliens are stopping outside its border and should proactively uncover similar activities in Ocoee.

### **Immigration and Customs Enforcement (ICE) Programs**

ICE functions as the largest investigative agency in the Department of Homeland Security (DHS) with over 16,500 employees tasked with enforcing over 400 federal immigration laws (ICE Fiscal Year 2007: 1). The critical mission of ICE is to protect national security and uphold public safety by "targeting criminal networks and terrorist organizations that seek to exploit vulnerabilities in our immigration system, in our financial networks, along our border, at federal facilities and elsewhere in order to do harm to the United States." (ICE: i). Its current multi-year strategy is to improve immigration enforcement by targeting the most dangerous illegal aliens,

targeting employers who knowingly hire illegal workers to reduce the economic pull of the "jobs magnet, stepping up detection of financial network exploited by criminal and terrorist organizations and enriching partnerships with local, state and federal law enforcement agencies to promote a united front against criminal and terrorist organizations." (ICE: iii).

The Agreements of Cooperation in Communities to Enhance Safety and Security Program or ACCESS is an umbrella of services and programs offered by ICE to partner with state and local law enforcement agencies to help fight gang activity, illegal immigration, document fraud and other challenges and includes:

- Law Enforcement Support Center (LESC): this office serves as the single real-time, round the clock national information clearing house for verification of identities and immigration status. An Immigration Alien Query or IAQ query can be done by Ocoee via NCIC with access to all lists of illegal immigrants and terrorists that DHS has.
- Criminal Alien Program (CAP): ICE agents and officers screen inmates and place deportation detainers on noncitizens for removal after serving their sentence.
- Cross Designation - Immigration and Nationality Act 287(g) program: state and local law enforcement officers have authority to enforce immigration laws after ICE enters into a Memorandum of Agreement with the agencies and puts designated officers through extensive training funded by ICE.
- Operation Community Shield: a major initiative to fight against violent transnational gangs was initially started to counter the criminal activities of MS-13, but has been expanded to all criminal street gangs.
- Forensic Document Library (FDL): in an age where computers with desktop publishing applications can easily create fake or fraudulent immigration documents and IDs, the FDL can provide training, document analysis and other support to law enforcement agencies.

## **Recommendations**

First, the Ocoee Police Department should always consider how to increase outreach into the immigrant community. OPD has already placed this as a hiring priority and has rewarded the nine current bilingual officers with bonuses. It is also important that several multi-lingual officers are on staff and that there are Portuguese and Italian- speaking resources. OPD needs to continue to have frequent positive encounters with this community over and above law enforcement encounters. Not only is this good community policing strategy, but can help convince members of this community that we are not going to round them up for deportation and we value the input of this community to extend the “eyes and ears” of OPD.

Second, the OPD administration must decide if they desire to more accurately verify the citizenship of its arrestees and further, whether they will place deportation detainers on arrestees who have committed offenses within the time constraints of the federal statutes of moral turpitude, which includes Part 1 UCR offenses as well as additional Part 2 offenses that include domestic violence and drug and weapon offenses. OPD must take into consideration the increased risk of being labeled racists or bigots by a sympathetic media or groups that support illegal immigration.

Third, OPD should strive for more accurate record-keeping processes when entering an arrestees data in our records management system and learn to conduct IAQ queries in NCIC for every foreign-born arrestee charged with relevant crimes. The IAQ search may take several minutes to run, but the results can spawn important immigration enforcement options currently not being used. OPD personnel should also become more familiar with using the telephonic resources at the Law Enforcement Support Center in Williston, VT that is staffed around the clock and can assist in verification of an arrestee's immigration status. Further, OPD personnel need to establish regular contact with the agents and personnel assigned to the central Florida

ICE and Border Patrol offices that are in the process of relocating with the Central Florida Information Exchange Fusion Center later in 2009.

Fourth, OPD should strive to better document gang members in Ocoee and to take the further step of involving ICE's Community Shield resources and programs, especially when it is clear a suspect is a noncitizen and the gang has international origin, resources or members such as Mexican gangs like Sur 13 or Haitian gangs such as those related to groups like Zoe Pound.

Last, OPD should identify officers with an interest in adding immigration training and enforcement to their job skills and consider entering a Memorandum of Agreement with ICE as part of the 287(g) or cross designation program. This would be similar to designating an officer for a drug task force or other groups who train officers in specialized tactics or knowledge.

## **Conclusion**

The OPD expends a lot of resources in policing and investigating criminal offenses in several areas that have a historically high noncitizen population. In a time when police budgets are shrinking and our citizens demand more protection, it is imperative to identify areas for improvement that are low cost in resources and risk. The goal to more accurately verify the citizenship status and document the gang membership of those arrested for committing violent or drug-related offenses, would be no cost steps that can be immediately implemented. With the steady increase in CFS and violent crime in our immigrant community, OPD should be involved in more deportation actions such as increasing detention detainers placed on certain noncitizen arrestees and should consider participating in additional programs with ICE such having an officer cross deputized for immigration enforcement. The potential political or social blowback from this controversial issue is a consideration, but the safety of our community is paramount.

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### **Source of graphics on cover page**

Local 6 News. "Officials: DNA Links Suspect to 2nd Rape." ClickOrlando.com. 11 February 2009.

Video screen shot by author. 30 April 2009.

Sur 13 Gang Graffiti Photograph. Ocoee Police Department. 11 April 2009.

Zoe Boyz Gang Photograph. Ocoee Police Department. Confiscated image. 2 February 2009.

Survey Questions for Ocoee Police Department

1. Years of experience in law enforcement: \_\_\_ 1-2 \_\_\_ 3-5 \_\_\_ 6-10 \_\_\_ more than 10

2. List the languages other than English that are you fluent in (check all that apply):

\_\_\_ Creole \_\_\_ German \_\_\_ French \_\_\_ Italian \_\_\_ Spanish

\_\_\_ Other- please list: \_\_\_\_\_

*During the past year, while on duty:*

3. How many times has language translation been necessary?

\_\_\_ 0 \_\_\_ 1-2 \_\_\_ 3-5 \_\_\_ 6-10 \_\_\_ more than 10

3a. What languages?

\_\_\_ Creole \_\_\_ German \_\_\_ French \_\_\_ Italian \_\_\_ Spanish

\_\_\_ Other- please list: \_\_\_\_\_

4. How many times over the past year did you have contact with a "noncitizen" or illegal alien?

\_\_\_ 0 \_\_\_ 1-5 \_\_\_ 6-10 \_\_\_ 10-20 \_\_\_ more than 20

5. How did you determine if an individual was not a U.S. citizen (check all that apply)?

\_\_\_ admission by person in contact with

\_\_\_ could only produce non-U.S. documentation

\_\_\_ records check such as FCIC or DAVID

\_\_\_ contact with an immigration authority or federal agency

\_\_\_ other (please briefly describe) \_\_\_\_\_

6. In dealing with groups of noncitizens, I would like to have (check all that apply):

\_\_\_ more translators available

\_\_\_ instruction in a foreign language

\_\_\_ training on cultural differences

\_\_\_ access to a civilian liaison officers for the immigrant community

\_\_\_ other (please briefly describe) \_\_\_\_\_

*Please circle your agreement or disagreement with the following 3 statements:*

7. Crime committed by noncitizens has increased over the past year in Ocoee.

Strongly agree    agree    neutral    disagree    strongly disagree

8. I have the knowledge I need to deal with noncitizen crime.

Strongly agree    agree    neutral    disagree    strongly disagree

9. I have the tools I need to deal with noncitizen crime.

Strongly agree    agree    neutral    disagree    strongly disagree

10. During the past year, how often have you made a request for the involvement of a federal agency regarding immigration enforcement?

\_\_\_ 0 \_\_\_ 1-5 \_\_\_ 6-10 \_\_\_ 10-20 \_\_\_ more than 20

11. Which federal agencies have you either requested involvement or made contact with over the past year (check all that apply):

	<u>Requested Involvement</u>	<u>Made Contact</u>
ICE	___	___
Border Patrol	___	___
FBI	___	___
Homeland Security	___	___
Other	___	___

12. In general, how would you rate your interaction with federal agency regarding the immigration case(s) (please circle your answer)?

Highly Satisfactory      Satisfactory      Unsatisfactory      Highly Unsatisfactory

13. During the past year, how often have you actively participated in a deportation procedure?

\_\_\_ 0 \_\_\_ 1-2 \_\_\_ 3-5 \_\_\_ 6-10 \_\_\_ more than 10

13a. If you participated in deportation procedure(s) during the past year, what role(s) did you play?

\_\_\_ witness  
\_\_\_ arresting officer  
\_\_\_ other \_\_\_\_\_

14. How familiar are you with the following programs (please circle your answer):

1. Criminal Alien Program	Very familiar	somewhat familiar	a little familiar	not-at-all familiar
2. Law Enforcement Support Center	Very familiar	somewhat familiar	a little familiar	not-at-all familiar
3. Community Shield Program	Very familiar	somewhat familiar	a little familiar	not-at-all familiar
4. Cross Designation Program	Very familiar	somewhat familiar	a little familiar	not-at-all familiar

15. If you believe that Ocoee PD should take a different approach in immigration enforcement, which of the following steps do you think would be effective?

\_\_\_ Arrest more  
\_\_\_ Arrest less  
\_\_\_ Refer more people to local help agencies  
\_\_\_ Refer more immigrant to federal enforcement agencies  
\_\_\_ Routinely check immigration status of individuals  
\_\_\_ Check immigration compliance by employers more often.  
\_\_\_ Other \_\_\_\_\_