

DHS Program Screened Money Transfers Without a Search Warrant

March 8, 2022 - Starting in 2010, the Department of Homeland Security began screening some money transfers of more than \$500. They were monitoring transfers between the United States and Mexico, as well as transfers within the states of California, Arizona, New Mexico and Texas; all of which are border states. Given this, the program was probably focused on illicit transfers of drug money, but because it involved both international and domestic transfers, the fact that there was no court supervision is disturbing the say the least. And it certainly included millions of money transfers that had nothing to do with drugs or other illegal activity.

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The unnamed program came to light in a Wall Street Journal article. From its inception in 2010, the program grew until 2019. In that year alone, DHS was able to review six million international transfers alone, and that was only 3% of the total number of transfers that they had access to for that year.

The program appears to have been a fishing expedition. Without any justification, DHS was monitoring domestic money transfers in the above-mentioned states. Typically, that kind of surveillance would require probable cause. But that isn't what happened here, and now they've been caught.

Sen. Ron Wyden (D-OR) found out about the program and send a letter to DHS inquiring about it. He also asked the agency's Inspector General to look into the program and inquire as to whether or not the DHS is running any similar programs.

The DHS program appears to be illegal in the way that it was structured. Anyone who was charged of convicted of making an illegal wire transfer during the time it was running would be well served to have their attorney ask how DHS got its hands on their wire transfer information. That might be enough to get charges dismissed or a new trial.

The irony of programs such as this is that they are likely to make solving crime even more difficult. Knowing that the government uses these methods is probably enough to drive more sophisticated criminals to use crypto currencies, which can make it impossible for the government to track a money transfer. And because some crypto wallets are stored off-line, transfers can often be made without any record of who was involved.

by Jim Malmberg

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