

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

LORRAINE HENDERSON
BRITANNIA CIRCLE
SALEM, MASSACHUSETTS

Case Number:

2008-mj-0492-RBC

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 2/2006 to 11/4/2008 in ESSEX County, in the (Date) District of MASSACHUSETTS defendant(s) did,

(Track Statutory Language of Offense)

knowingly and willfully encourage and induce an alien to reside in the United States, knowing and in reckless disregard of the fact that such residence was and would continue to be in violation of law, and defendant did so for the purpose of private financial gain

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iv) and 1324(a)(1)(B)

I further state that I am a(n) DHS SPECIAL AGENT and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT OF DEPARTMENT OF HOMELAND SECURITY
SPECIAL AGENT JOHN H. COLEMAN

Continued on the attached sheet and made a part of this complaint: Yes No

[Handwritten Signature]
Signature of Complainant

JOHN H. COLEMAN
Printed Name of Complainant

Sworn to before me and signed in my presence,

DEC - 4 2008

at 9:27 am

at

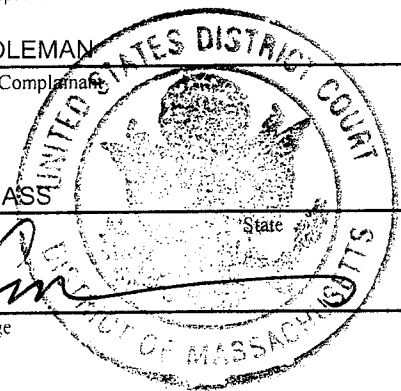
BOSTON, MASS
City State

Date

ROBERT B. COLLINGS
Name of Judge

U.S. Magistrate Judge
Title of Judge

[Handwritten Signature]
Signature of Judge



AFFIDAVIT

John H. Coleman, being duly sworn, states:

1. I am a Special Agent with the U.S. Immigration and Customs Enforcement within the Department of Homeland Security. I have been employed as a Special Agent for approximately eleven years. I am presently assigned to the Office of Professional Responsibility located in Portsmouth, New Hampshire. Prior to my current position, I was employed as a Senior Special Agent with the Immigration and Customs Enforcement in Boston, MA. Prior to that I was employed as a Senior Special Agent with the United States Customs Service in Chicago, IL. I began my career in Federal Law Enforcement in 1991 as an Inspector with the United States Customs Service in Boston, MA. I was employed as an Inspector for approximately seven years. As part of my current position as a Senior Special Agent with the Office of Professional Responsibility, I have received specialized training in conducting internal investigations of employees within the United States government.

2. This affidavit is submitted in support of a criminal complaint charging **LORRAINE HENDERSON ("HENDERSON")** with encouraging and inducing an illegal alien to remain in the United States in knowing or reckless disregard for the fact that such residence is in violation of law, for the purpose of private financial gain, in violation of 8 U.S.C. §§1324(a)(1)(A)(iv) and 1324(a)(1)(B).

3. This affidavit summarizes an investigation into HENDERSON's criminal activities which was initiated in March 2008. Since this affidavit is being submitted for the limited purpose of establishing probable cause to believe that HENDERSON committed a violation of 8 U.S.C. §§1324(a)(1)(A)(iv) and 1324(a)(1)(B), I have not included each and every fact known to me concerning this investigation. The foregoing facts are based on my personal participation in this investigation, my review of recordings made of HENDERSON by an illegal alien who had been hired and encouraged to remain in the United States by HENDERSON, as well as information and reports provided to me by other agents and employees of the Department of Homeland Security.

BACKGROUND OF DEFENDANT

1
2 4. **LORRAINE HENDERSON** (YOB 1957) has a residence on Britannia
3 Circle in Salem, Massachusetts. HENDERSON serves as the Department of Homeland
4 Security, Customs and Border Protection, Boston Area Port Director. HENDERSON has
5 held this position since December 2003. Prior to being appointed as the Boston Area Port
6 director, HENDERSON was employed as a Program Manager with U.S. Customs and
7 Border Protection in Washington, D.C. for approximately 10 years.

8 5. **Boston Area Port Director:** As the Boston Area Port Director,
9 HENDERSON is responsible for the supervision of all activities relating to the international
10 arrival and departure of persons and cargo in Massachusetts, Rhode Island, and
11 Connecticut. Among the ports of entry which HENDERSON oversees are Logan
12 International Airport, Black Falcon Cruise Terminal, Conely Terminal, T.F. Green
13 International Airport, and Bradley International Airport, among others. HENDERSON
14 supervises approximately 220 employees, including approximately 190 armed and
15 uniformed Customs and Border Protection Officers. As the Boston Area Port Director,
16 HENDERSON herself carries a firearm and a Department of Homeland Security badge.
17 Among the many duties of the Boston Area Port Director, HENDERSON is responsible for
18 the inspection and admission of foreign nationals who seek entry into the United States
19 through the Boston Area ports of entry. HENDERSON is charged with preventing the entry
20 of illegal aliens into the United States through the Boston Area ports of entry, and is
21 authorized to grant or deny waivers to illegal aliens seeking entry into the United States,
22 based on applicable federal immigration law. HENDERSON is also responsible for
23 identifying potential terrorists and instruments of terror, and for performing enforcement
24 activities to prevent the entry of terrorists and instruments of terror into the United States.
25 HENDERSON also oversees enforcement activities designed to prevent the importation of
26 illegal narcotics and other contraband into the United States through the Boston Area ports
27 of entry. As noted above, Boston Area ports of entry include all air and sea international
28 ports in Massachusetts, Connecticut and Rhode Island.

1 United States over the Mexican border. Officer A explained to the IA1 that she worked for
2 the government and could not continue to employ IA1. Officer A also explained to IA1 that
3 HENDERSON was employed by the government and would also not be able to employ her
4 anymore. Officer A terminated IA1's employment that day and reported the incident to her
5 supervisor in Boston. In addition to explaining that she had inadvertently employed an
6 illegal alien to clean her home, Officer A told the supervisor that she intended to tell
7 HENDERSON about IA1's status as an illegal alien.

8 **9. CBP Officer Confronts Henderson:** During the winter of 2006,
9 HENDERSON offered Officer A a ride home. During the drive, Officer A told
10 HENDERSON that IA1 was an illegal alien, that it was unlawful to employ her, and that
11 Officer A had terminated IA1's employment. HENDERSON responded that she was not at
12 home when IA1 cleaned, and that she communicated with IA1 by note or by telephone
13 rather than in person. HENDERSON did not say whether or not she intended to continue to
14 employ IA1. Officer A assumed that HENDERSON would terminate IA1.

15 **10. Henderson Admits to Continued Employment of Illegal Alien:** Two
16 years later, in the winter of 2008, Officer A again received a ride home from
17 HENDERSON. In the course of their conversation, HENDERSON said she was planning a
18 Temporary Duty Assignment in Los Angeles and was putting her cleaning services on hold
19 while she was away. HENDERSON told Officer A that IA1's friends had been cleaning her
20 home because IA1 had recently taken time off to have a child. (As set forth below, both of
21 IA1's friends were also illegal aliens.) HENDERSON said that after she returned from Los
22 Angeles, IA1 would be once again available to clean her home. This conversation
23 prompted Officer A to again report HENDERSON's employment of an illegal alien to a
24 supervisor. The referral to the Joint Intake Center, noted above, followed.

25 **11. Illegal Alien 1 Admits Illegal Residency:** On or about May 27, 2008, I
26 interviewed IA1. IA1 admitted that she was a Brazilian national and said she had entered
27 the United States illegally through Mexico a number of years ago. IA1 said that she cleans
28 homes for a living and provided a listing of her clients. One of those clients was

1 "Lorraine," referring to HENDERSON. IA1 stated that she had cleaned Lorraine's home
2 for several years and that Lorraine would pay her \$75 in cash each time. IA1 stated that she
3 used to clean another person's home who works for the government, but she was fired by
4 that person in 2005. IA1 said that she was fired by that person after IA1 admitted that she
5 was an illegal alien. IA1 stated that Lorraine continued to use her cleaning services even
6 though she learned that Lorraine works with "Homeland" and "Immigration" at the airport.
7 IA1 provided HENDERSON's address, the access code to HENDERSON's residence, as
8 well as HENDERSON's home and mobile telephone numbers.

9 **12. Illegal Alien 1 Places Recorded Call to Henderson:** IA1 agreed to
10 cooperate in the investigation of HENDERSON. On or about May 27, 2008, IA1 placed
11 calls to HENDERSON's mobile and home telephones. She left messages saying that she
12 was back at work (after taking off several months to have a child) and inquiring if
13 HENDERSON would again like her to clean HENDERSON's home.

14 **13. Henderson Seeks to Re-Employ Illegal Alien:** At the time of the May
15 2007 telephone calls, HENDERSON was on temporary assignment in Los Angeles. On
16 July 7, 2008, IA1 informed me that she received a telephone call from HENDERSON.
17 According to IA1, HENDERSON said that she was back from California and wanted for
18 her to clean her home. Through a series of recorded messages and calls, IA1 agreed to begin
19 cleaning HENDERSON's home again on or about July 22, 2008.

20 **14.** On July 22, 2008, and August 7, 2008, IA1 cleaned HENDERSON's
21 home at HENDERSON's request. On each occasion HENDERSON paid IA1 by leaving
22 \$75.00 in cash for her. On both occasions, HENDERSON left written messages for IA1
23 asking her to return to clean.

24 **15. Henderson Arranges Additional Employment for Illegal Alien:** On
25 August 20, 2008, IA1 spoke with HENDERSON in a telephone call. The call was recorded.
26 HENDERSON told IA1 that her neighbor, referred to herein as "Neighbor A," wanted IA1
27 to clean his home. HENDERSON had referred IA1 to Neighbor A. HENDERSON
28 arranged for IA1 to work in Neighbor A's home.

1 **16. Henderson Warns Illegal Alien “to be careful ‘cause ‘they’ will**
2 **deport you”**: On September 9, 2008, IA1 met with HENDERSON in HENDERSON’s
3 home. At the direction of agents, IA1 made an audio recording of the conversation. At the
4 time IA1 entered HENDERSON’s home, HENDERSON’s Department of Homeland
5 Security vehicle was parked outside. That vehicle, a white Ford Explorer, was clearly
6 marked with “Homeland Security” and “Customs and Border Protection” in large letters; it
7 also had a Department of Homeland Security emblem on it. During the conversation, IA1
8 asked HENDERSON if that was her truck outside and whether she knew someone who
9 could help her, “because I have a little problem, you know.” HENDERSON immediately
10 responded, “I thought you were going to try to get . . . married now.” When IA1 said that
11 she had had a baby, HENDERSON responded, “yeah so you have to put in paperwork and
12 file but . . . you have to be careful ‘cause they will deport you. Be careful.” IA1 said that
13 she had lived in the United States for seven years but could not get papers. IA1 told
14 HENDERSON she was Brazilian and came into the United States without a visa. IA1
15 explained that she just stayed after coming in. HENDERSON warned, “Wow, wow, if you
16 leave they won’t let you back . . . you can’t leave, don’t leave . . . ‘cause once you leave you
17 will never be back.” IA1 explained that she wanted to live in the United States for the rest
18 of her life. HENDERSON responded, “yeah . . . yeah, let me find out and see what . . . you
19 can do.” During the course of IA1’s cleaning, HENDERSON arranged for IA1 to return in
20 two weeks to clean again. HENDERSON provided IA1 \$80.00 in cash for cleaning that
21 day.

22 **17. Henderson has Illegal Alien Return to Work after Warning:** As
23 requested by HENDERSON, IA1 returned to HENDERSON’s home to clean it on
24 September 23, 2008. That day HENDERSON left \$80.00 in cash for IA1 with a note
25 requesting IA1 to return to clean again in two weeks. As instructed by agents, IA1 left a
26 note for HENDERSON indicating that she would clean again on October 7, 2008. IA1 also
27 thanked HENDERSON for arranging for IA1 to clean Neighbor A’s home. IA1 also wrote,
28 “did you speak with anyone about ‘that thing’ we spoke about.” This reference was to their

1 conversation on September 9, 2008 about IA1's status as an illegal alien.

2 **18. Henderson has Illegal Alien Return to Work Again After Warning:**

3 As requested by HENDERSON, IA1 returned to clean her home on October 7, 2008. That
4 day HENDERSON again left \$80.00 in cash for IA1 along with a note. In the note,
5 HENDERSON asked a series of written questions including: did she enter the United States
6 legally or illegally; where did she enter the United States; whether she had ever been
7 convicted of a crime; and whether she had any legal alien relatives. HENDERSON also
8 asked when IA1 would be back to clean. IA1 left the following responses for
9 HENDERSON: that she was in the United States illegally; that she came across the border
10 in California from Mexico and had paid a man to bring her across; that she had never been
11 convicted; and she had no legal alien relatives in the United States. IA1 also wrote that she
12 would return to clean on October 21.

13 **19. Henderson has Illegal Alien Return to Work a Third Time After**

14 **Warning:** As requested by HENDERSON, IA1 returned to clean HENDERSON's home
15 on October 21, 2008. Again, HENDERSON left \$80.00 in cash for IA1 along with a note
16 asking when IA1 would be back to clean, with some suggested dates. HENDERSON also
17 wrote: "I will call you about the other question." IA1 responded by writing that she would
18 return on November 4, and that, "I am a little worried about this problem I have, I will wait
19 for your call."

20 20. On November 4, 2008, IA1 left a telephone message for HENDERSON.
21 In the message, IA1 explained she had car trouble and was unable to clean HENDERSON's
22 home. IA1 subsequently left a message for HENDERSON stating she was available to
23 clean HENDERSON's home on November 12, 2008. I subsequently learned that
24 HENDERSON had made inquiries with another Brazilian national who cleaned homes
25 about cleaning HENDERSON's home. Without confirming a cleaning date with
26 HENDERSON, IA1 went to HENDERSON's home on November 12, 2008 to clean her
27 home. There was no money or note left for IA1 by HENDERSON. IA1 saw the business
28 card of another Brazilian national on HENDERSON's kitchen counter. I then instructed

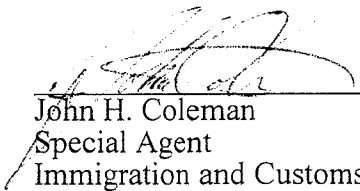
1 IA1 to have no further contact with HENDERSON.

2 21. On December 1, 2008, I interviewed two Brazilian nationals referred to
3 herein as "Illegal Alien 2" ("IA2") and "Illegal Alien 3" ("IA3"). IA2 and IA3 are
4 associates of IA1 and agreed to clean HENDERSON's home while IA1 took time off from
5 cleaning to have a child. IA2 and IA3 admitted that they cleaned HENDERSON's home
6 approximately five times starting in or about November 2007. On each occasion,
7 HENDERSON left \$70.00 in cash to clean her home along with a note requesting that they
8 return in approximately two week's time. Both IA2 and IA3 admitted that they were illegal
9 aliens and were illegal aliens at the time that they were paid by HENDERSON to work in
10 HENDERSON's home.

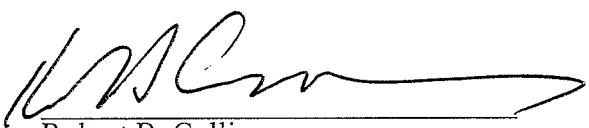
11 22. Based on investigations to date, hiring a lawful cleaning service to clean
12 a residence the size of HENDERSON's costs in excess of \$80.00.

13 **CONCLUSION**

14 23. Based on the information set out above, I believe probable cause exists
15 to conclude that from on or about February 2006 to on or about November 4, 2008,
16 **LORRAINE HENDERSON** did knowingly and willfully encourage and induce an alien to
17 reside in the United States, knowing and in reckless disregard of the fact that such residence
18 was and would continue to be in violation of law, and **LORRAINE HENDERSON** did so
19 for the purpose of private financial gain, in violation of 8 U.S.C. §§1324(a)(1)(A)(iv) and
20 1324(a)(1)(B).

21 
22 _____
23 John H. Coleman
24 Special Agent
25 Immigration and Customs Enforcement
26 Office of Professional Responsibility
27 U.S. Department of Homeland Security

28 Subscribed and sworn to before me this DEC - 4 2008 day of December, 2008.

26 
27 _____
28 Robert B. Collings
United States Magistrate Judge