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# Office of the Sheriff Cochise County



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## HOMELAND SECURITY BRIEF (NOVEMBER 23, 2015)

### Introduction

Testimony of Mr. Mark J. Dannels, Cochise County Sheriff, Arizona before the Senate Committee on Homeland Security and Governmental Affairs Hearing on "America's Heroin Epidemic at the Border: Local, State and Federal Law Enforcement Efforts to Combat Illicit Narcotic Trafficking" on November 23<sup>rd</sup>, 2015.

Chairman Johnson, Ranking Member Carper, and Members of this Committee, thank you for the invitation to speak to you today on this very important subject.

### History of Cochise County

With eighty-three miles of international border within its jurisdiction, Cochise County plays a significant role in combating drug and human trafficking organizations and the associated violent crime which adversely affects Arizona residents and other areas throughout the United States. In 1990 the Office of National Drug Control Policy (ONDCP) designated Cochise County as a High Intensity Drug Trafficking area within southern Arizona. This designation is a direct result of overwhelming and sustained levels of illicit drug and human trafficking within Cochise County.

With 6,219 square miles, Cochise County is as large as the states of Rhode Island and Connecticut combined. The estimated population of the county in 2010 is approximately 131,346. The geography of the county consists of seven incorporated cities to include the historical town of Tombstone. Surrounded by vast areas of desolate uninhabited desert and mountainous terrain, the seven cities only represent a combined area of 215 square miles, leaving 6004 square miles of unincorporated area. These desolate areas are routinely exploited for smuggling routes by the drug/human traffickers and pose one of the greatest challenges to local law enforcements effort in establishing border security and interdiction efforts. Cochise County is the 38<sup>th</sup> largest land mass county in the United States, and is home to the United States Army base, Fort Huachuca. Throughout the history of the county ranching and farming has played a significant part in its legacy.

Unlike other border counties in Arizona, Cochise County is unique in that there are two cities in the Republic of Mexico situated on the international border within the county. The cities of Agua Prieta and Naco, with an estimated population of 80,000 and 10,000 respectively, are well know to U.S. Law Enforcement officials as staging and operational centers for one of Mexico's largest and most notorious drug cartels. The Sinaloa Cartel has long employed the use of local Mexican Drug Trafficking Organizations (DTO's) to carry out the Cartel's drug distribution and transportation into and throughout the United States.

These local DTO's also utilize their established smuggling routes in Cochise County to transport the Cartels illicit profits such as U.S. currency, firearms, and ammunition into Mexico. A large portion of the profit is used to sustain control over the corridor through the use of violence against law enforcement, rival trafficking organizations, and bribes of government officials.

The Mexican drug trafficking organizations operating in Cochise County are highly sophisticated and innovative in their transportation methods. Aside from the normal use of human backpackers (mules), clandestine tunnels, and vehicles, the trafficking organizations have resorted to the use of ultra light aircraft which cannot be detected by normal radar, cloned vehicles appearing to be law enforcement or other legitimate companies, and most recently the use of catapults which hurl bundles of marijuana into the U.S. to awaiting co-conspirators. The organizations utilize sophisticated and technical communications and counter surveillance equipment to counter law enforcements interdiction tactics and strategies. Scouts or observers are strategically placed along smuggling routes to perform counter surveillance on law enforcement and report their observations to those controlling the drug/human smuggling operation so they may avoid and elude law enforcement. The use of cell phones and sophisticated two-way radio encryptions for communications are standard equipment, as are night vision and forward looking infra-red devices.

Violence against innocent citizens, public officials, law enforcement, and rival drug/human trafficking groups in Mexico continues to escalate. Cochise County's law enforcement and private citizen fears of it spilling into the county were realized in 2010 when a longtime Cochise County resident rancher was senselessly murdered while inspecting fences on his ranch. Further complicating the concerns is the potential for foreign terrorist to employ drug/human trafficking organizations to smuggle individuals and or weapons of mass destruction into the United States through Cochise County.

The adverse affects of the drug and human trafficking organizations operating in Cochise County not only have significantly diminished the quality of life of county residents, but also placed unbearable strain upon the budgets and resources of private and government agencies in the county.

Historically speaking, illegal border crossings into the United States are well known in southern Arizona and recognized as a part of everyday life within Cochise County and throughout the southwest border. Many years ago, Cochise County citizens were not overly alarmed when they observed a handful of undocumented aliens travelling through private or public lands in search of jobs. Unfortunately, over time these groups dramatically increased in size and became more reckless, aggressive, and violent, bringing unrest and fear to the citizens living on the border. Examples of this include reckless high speed pursuits, assaults on citizens, rapes, kidnappings, murders and home invasions to steal one's private and personal possessions. It was apparent the search for the American dream was being over-shadowed by these mules, coyotes, bandits, and transnational criminals preying upon our citizens.

Having the true-life experience to live and work as a law enforcement officer/deputy and now Sheriff in Cochise County since 1984, it has been an educational lesson for me reference border security. I have witnessed the escalation of violence by these careless assailants on our citizens raising the question, who actually controls our borders? Cochise County has become known as the gateway to illegal activity for those unlawfully entering into the United States.

## Heroin in Cochise County

In conducting research into the matter of Heroin smugglers, distributors, and users in the Cochise County, AZ area, I discovered that our federal partners (US Border Patrol [USBP], Homeland Security Investigations [ICE], and Customs are reporting that very little heroin is “caught” coming through the Ports of Entry (POE) in Cochise County.

According to the USBP, their office in **Nogales, AZ** is area that seizes the most Heroin in our state. Although the exact weight seized was unavailable, it was estimated this station seized over **50 pounds of Heroin for FY 2014**. (October 1 2014 to September 30 2015) Further, the station in Cochise County that seizes the most Heroin is the **Wilcox station**. It was estimated that for FY 2015, this station seized over **10 pounds of Heroin**. There was no explanation for why they saw more Heroin then Douglas and Naco stations, except that the Wilcox station borders the New Mexico/Arizona border and that the suspects may have been transporting the drug out of the state; or Wilcox BP station captured several “body carriers” of the drug.

In discussing this issue with our federal partners (USBP and HSI), they advised most Heroin is being smuggled into the country through POE's, whether it is being driven or carried in. Further per our federal partners, the State of California is seeing the majority of the smuggling of this drug. They are seeing so much “hard drugs” agents from the Brian Terry Station (Naco) are being sent (temporary duty or “TDY”) to California to assist with this predicament. Further, our federal partners report that when smugglers are caught, the Heroin is usually hidden with other illegal drug loads like Marijuana or Methamphetamine as it is being smuggled into the country. It is the belief of law enforcement the cartels are attempting to disguise the drug in this manner as the “mules” will either refuse to take the cargo (due to the dangers of transporting Heroin) or they want more money to transport the drug.

HSI reported that fiscal year 2013, they made a seizure of approximately 25 pounds of Methamphetamine through the Douglas POE. Fiscal year 2014, they **seized approximately 23 pounds of Heroin through the Douglas and Naco POE's collectively**. HSI reports this seizure is low in comparison to other ports like Nogales and Yuma ports, which easily double and even triple this seizure amount.

Per HSI, the 23 pounds is an anomaly as narcotic drugs are usually smuggled through the Nogales POE, not any ports in Cochise County. The region in Mexico that borders Cochise County is known for Marijuana smuggling and that is normally the only drug the cartels will allow to be smuggled through this area/region. HSI further reported that drugs smuggled through Cochise County generally transits to the Tucson/Phoenix, AZ area where they are unloaded and transshipped throughout the United States.

Sources working for/with the Cochise County Sheriff's Office report when a user wants to purchase Heroin in quantities larger than an eighth of an ounce (3.5 grams), they (or the person they are purchasing the drugs from) travel to Tucson to “re-up” for that amount. Users in the Cochise County community travel north to acquire the drug as prices there are less expensive there and distributors in our county cannot compete with the price of distributors farther north in the state. Most users spoken to report they were looking for a connection in Tucson, AZ to purchase the drugs as the prices there are way more inexpensive then in Cochise County.

**However, in one case the Cochise County Sheriff's Office conducted this year, the suspect, on surveillance video, showed our source how to smoke Heroin. The suspect**

**also spoke about how everyone in Cochise County has Methamphetamine, making a profit selling Methamphetamine is difficult, but Heroin is a money maker. Hardly anyone has it in Cochise County, it is easier to conceal and most law enforcement in this area don't readily recognize it like Methamphetamine, and a Heroin high is better than a Methamphetamine high.**

In speaking with other law enforcement agencies in Cochise County, they report they have seen a spike in Heroin overdoses. Although the Sierra Vista Police Department was unable to provide exact numbers, they reported they are contemplating issuing narcon to their officers because of this trend.

**The Sierra Vista Police Department also reported they seized over 5.5 ounces of Heroin in 2014.** They reported their seizures for 2015 were unavailable, but they anticipated them to be less than 2014 due to staffing issues with their narcotics unit. The Benson Police Department, Douglas Police Department and the Wilcox Police Department all reported that Heroin is becoming more of a problem in their respective areas, but were unable to provide and statistical data. They did report that they are seeing a rise in ancillary crimes like burglary, thefts and frauds as a result of this growing epidemic. All departments contacted in Cochise County advised Heroin is a growing problem in their areas of responsibility and are seeing this problem getting worse in the future.

**In Cochise County, an ounce of Heroin is estimated to sell for \$800.00. In Tucson, the same amount sells for \$500.00 and in Phoenix, the drug sells for \$750.00 per the Drug Enforcement Administration (DEA) 2015 Biannual Drug Price List.** In looking at the estimated costs for the drug, it would appear the drug is more prevalent in the Tucson, AZ area than Cochise County or even Phoenix; as one who works in the narcotics field knows when there are more outlets to purchase a product, price wars will bring the cost of the product down, not up for the consumer.

Both USBP and HSI report that Marijuana is the predominant drug being smuggled through Cochise County, and Heroin and Methamphetamine is being smuggled through Santa Cruz County. Heroin is mostly being harvested in Mexico and smuggled into the United States. The City Nogales AZ is approximately 70 miles north of Tucson, AZ, and it is a well known fact that the illegal drugs that enter the country through Nogales travels north to Tucson and then is distributed to other destinations throughout the nation. However, citizens from Cochise County are traveling more and more to Tucson to purchase the drug. The use and sales of the drugs is impacting the quality of life negatively in Cochise County.

**From January 2015 to September 2015, the Cochise County Special Operations Unit has seized over 2 ounces of Heroin during operations, and through Operation Stone Garden, approximately a half ounce of Heroin has been seized by Deputies working the operation.** Through interviews of the subjects arrested for possessing the drug, all have reported they purchase the drug through suppliers from Tucson, AZ as the prices there are less expensive and the drug is easier to locate in Tucson than in Cochise County.

In the investigations conducted by **the Cochise County Special Operations Unit**, it appears that **Methamphetamine** is still the drug of choice in Cochise County as the unit has **seized over 32 ounces (or 2 pounds) of Methamphetamine** from January 2015 to September 2015.

## **Federal Government's Border Security Plan of the 90s**

In the early 1990s, the federal government prepared a plan to address the unsecure, unsafe border. At a press conference in Tucson, Arizona, a Border Patrol spokesman announced their intent to secure the populated areas of the border, specifically San Diego, Yuma and El Paso and the International Ports of Entry. These targeted areas, which I call the "Ps = Ports and Population", would be the federal government's focus points. The second half of their plan was to reroute the illegal activity/disturbances into the rural parts of the southwest border with the thought that these cartel organizations and smuggling groups would be deterred by the rugged and mountainous regions along the border.

Since the release of the plan, many changes have taken place. Specifically, Cochise County has increased their staffing of Border Patrol agents from a handful of agents to an estimated 1300 agents stationed within Cochise County. To add, an estimated 200 Custom agents working at the port of entries (Douglas and Naco) and within the Cochise County to secure and protect the estimated 83 miles of international border. Infrastructure, such as metal fencing, lightning, cameras, sensors, radars, etc. have been installed between both ports and some distance beyond bringing some needed relief to this area and those that live within. Secondary immigration checkpoints were established on routes (roadways) 20 – 40 miles north of the border. The plan has been in place for over 20 years and the following are some thoughts regarding the plan:

- Reduction in illegal activity between the protected areas (ports)
- Decrease in larger groups of undocumented aliens between the protected areas (ports)
- Increase in illegal activity outside the protected areas (ports)
- Fear/Frustration increased in rural Cochise County/Southwest Border
- Ranch and Farm lands damaged due to increased illegal activity
- Property (fencing, livestock, waterlines, etc.) damaged
- Burglaries/Thefts increased in rural Cochise County/Southwest Border
- Violent Crimes increased i.e. Homicides, Assaults, Rapes, Drug and Human Smuggling, etc. in rural Cochise County/Southwest Border
- Transnational Cartels/Smuggling Organizations controlled and set up smuggling routes in rural Cochise County/Southwest Border
- Lack of Border Patrol Agents directly on border but north of border
- Secondary checkpoints became international ports within communities resulting in disturbances/illegal activity during all hours of the day or night
- Lack of Re-Definition to the plan of the 90s (time erased history)
- Loss of recreational land use due to fear of criminal activity
- Economic decline (Cochise County largest decrease in population)
- Legacy Ranches being sold
- Lack of Federally elected leaders to address unsecure border/fears creating a lack of trust and anger by citizens
- Questionable consequences by federal government by those committing border crimes
- Undue pressure on local law enforcement/Sheriffs to address issues, fear, and consequences for those committing crimes
- Lack of funding for local law enforcement/criminal justice system/corrections in order to address border crimes at the local level due to federal government lack of intervention

- Border Security shall be a Mandate, not a Discretionary program
- Border Security v. Immigration Reform (two different programs not to be blended)
- Lack of Trust and Confidence in Federal Government = Border Patrol as arm of Federal Government

### **Action-Based Solutions Local Government**

Local Solutions and Programs are no longer a thought, but a reality for bringing relief to our citizens who consciously choose to live near our borders. No better example of the importance of local law enforcement during a national crisis was the terrorist attack on September 11, 2001. First responders from local police and fire were the first on scene to address this horrific threat. Local law enforcement is best suited to best understand community needs and solutions based on the expectations of their citizens. Community policing begins and succeeds at the local level first.

As the Sheriff of Cochise County, I felt it was my elected and statutory duty (oath of office to support the United States Constitution and the Arizona Constitution) to protect and secure the Freedoms and Liberties of my citizens, with or without the help of our federal law enforcement partners/policy makers. No longer a debate by those that live in the rural parts of the southwest border, the rural parts of the Southwest Border are NOT secure and are vulnerable for ANY type of transnational criminal activity.

Working with limited budgets and staffing, sheriffs along the southwest border struggle each and every day to find ways to enhance the quality of life/safety for those they serve and bring a general sense of deterrence for those choosing our border as a venue to promote their criminal enterprises.

Sheriffs along the southwest border have worked diligently to unify our educational, prevention and enforcement programs by building true-trusted partnerships with our law enforcement partners with an emphasis on our state partners and governor to enhance our voice and efforts.

Local law enforcement to include sheriffs throughout the southwest border and within the State of Arizona have taken the lead on arresting and prosecuting those involved in local smuggling creating an enormous challenge to local budgets. One of the most controversial examples involves juvenile smugglers. Due to mixed justifications, the federal government has declined to prosecute juveniles engaged in illegal smuggling across our international border.

As a consequence driven solution, Cochise County has taken a proactive step in arresting and prosecuting these juveniles with punishment being carried out at the Arizona Department of Corrections. Since the implementation of this program, our remanded in-custody juveniles have multiplied by a rate of 5.

Additionally, the State Criminal Alien Assistance Program (SCAAP) has steadily decreased over the years. This financial decrease has once again placed a huge financial burden on the local sheriffs. Between 2009 and 2014, Arizona Sheriffs have a SCAAP deficit of \$226,445,617.00. During this same time period, Arizona Sheriffs have been awarded \$19,176,997.00 (see SCAAP Chart for define numbers). The return rate for the incarceration of illegal-criminal aliens is just less than 5 cents on the dollar.

The smuggling of Mexican Heroin and Methamphetamine across our international border has become very popular based on the effectiveness and efficiency of transporting this illicit drug by violent cartels. Detection is more difficult by law enforcement creating financial opportunities for those criminal organizations on both sides of the border.

Sadly, those that become victim to these drugs are likely to become a deadly statistic. In Arizona, heroin deaths are up considerably increasing (2004: 50 deaths compared to 2014: 200 deaths according to the Arizona Department of Health Services) due to this extremely addictive drug. Educational and prevention programs are necessary for those tempted and/or in need of these programs.

Physicians prescribed use of pain medication has been blamed for the initiation of heroin use due to the inexpensive cost of heroin compared to pain medication. Evaluation and follow-up with patients by these physicians is critical for those experiencing a potential addiction to these pain medications.

Many law enforcement agencies are equipping their officers/deputies with “Narcan” drugs to assist with overdoses. This has become a common epidemic in our communities. This epidemic is relentless and holds NO age-race-gender harmless.

Arizona Governor Doug Ducey has been instrumental and supportive in our efforts here in Cochise County to construct a regional public safety communication/intelligence center and providing additional (complimentary) resources to our efforts to combat drug smuggling and illicit acts nexus to our insecure border. This true-partnership unifies local and state efforts in hopes of enhancing the quality of life for our citizens and beyond. As we all know, this problem not only challenges our quality of life here, but negatively exploits communities throughout this nation.

The following bullet points are action-driven solutions implemented in hopes of bringing some relief and sense of security for those living in Cochise County:

- Balanced Community Policing (Education, Prevention, Enforcement)
- Transparency + Time = Community Trust
- Collaborated Efforts by all 3-levels of Government
- Law and Order Partnership between Sheriff and County Attorney
- Private and Public Funding donations/grants to purchase upgraded equipment/communications
- Installation of New Radios/Towers/Consoles/Microwave
- Portable Radios to Citizens/Ranchers/Farmers/Schools
- Interoperability/Intelligence Sharing at all 3-levels
- Regional Application for Law Enforcement
- Financial Interdiction Unit
- Regional Border Team by Sheriff supported by Border Patrol, DPS, ICE, U.S. Forest
- Ranch Advisory Team
- Ranch Patrol
- Consequence Driven Prosecution (all 3-levels)
- Local Trail-Cameras, Sensors, ATVs, Thermal Vehicle, Off-Road Vehicle, etc..
- Factual Situational Awareness for Media, Elected Officials, America
- Quarterly Law Enforcement Leadership Meetings

- Community Outreach Unit
- Community Meet & Greets within Communities
- Aviation Program (Helicopter & Drone)
- Positive-Interactive Use of Media and Social Media

### **Recommendations Federal Government**

The Federal Government (elected and policy makers) has been slow to react to the voices and concerns of those living on the southwest border. Cochise County and other counties along the border have become VIP attractions, venues for those seeking to make a difference or promising change only to become another faded high-hope. The following comprehensive recommendations are directly linked to our federal leaders:

- Re-define the plan of the 90s and build upon successes
- Political-Will to make Border Security a Mandated Program
- Border Security First, Immigration Reform Second
- Maximize Allocated Resources such as Staffing (only 43% of Border Agents in the Tucson Sector are assigned on the border)
- Support and Embrace First-line Agents that work the border regions, they have a dangerous job and it's no secret that their frustration is high based on the unknown complexities reference their assignments, they have great ideas to share
- Secondary Checkpoints only after Primary border interdiction is satisfied by stakeholders
- Quality in Life/Citizens living on border supported by Sheriffs and State Governors regarding improved security/safety
- Funding supplement for Local Law Enforcement/Prosecution/Detention/Criminal Justice in support of border crimes
- Continued Funding and Support for Stone Garden Program
- Empowerment with action to Border Patrol Leadership/PACs (currently Cochise County has 3-dedicated and solution-driven leaders that work well with local law enforcement)
- Enhanced Funding for Regional Communication and Interoperability with local law enforcement
- Cultural/Quality in Service Training for Border Patrol Agents working in rural counties

### **Summary**

Our local efforts have proven to be beneficial in bringing over-due solutions to an insecure border that has become a discretionary program by those federally elected leaders and policy makers that have been entrusted to protect our freedoms and liberties. As a Sheriff elected by the good people of my county, my biggest fear is another loss of life to one of my citizens and/or law enforcement officers/agents contributed to a border that is NOT secure. One would hope the priority of securing our border doesn't become just about a price tag and/or political posturing, but rather the legal and moral requirement to safeguard all of America, which so many heroic Americans have already paid the ultimate price for.

Today's opportunity to address this group instills fresh hope that our voice does matter and on behalf of the citizens of Cochise County, Arizona and beyond, we hope you won't forget us and will do your Constitutional mandate to bring positive change to an over-due vulnerable situation.

I will leave each one of you with an open invitation to visit Cochise County along with a personal-guided tour and visit with our citizens to hear/see first-hand America's true rural border.

Again, thank you very much for the opportunity to share this information with you. I will be happy to answer any questions you may have.

Respectfully Submitted,

Sheriff Mark J. Dannels

Attachments

- a. Sheriff Mark J. Dannels Biography
- b. Arizona Sheriffs SCAAP Report
- c. Cochise County Border Slides of Illegal Acts/Smuggling