

**Testimony of Brandon Judd  
On behalf of the  
National Border Patrol Council**

**To the  
U.S. Senate Committee on Homeland Security & Governmental Affairs**

**Field Hearing  
America's Heroin Epidemic at the Border: Local, State, and  
Federal Law Enforcement Efforts to Combat Illicit Narcotic Trafficking**

**9:00am MST  
Arizona State Capitol Museum  
November 23, 2015**

**Background**

Chairman Johnson, thank you for providing me with the opportunity to testify today on behalf of the National Border Patrol Council (NBPC) and the 16,500 line Agents whose interests it represents.

My name is Brandon Judd and I am President of the Council. I have been a Border Patrol Agent for just over 18 years and although I am currently assigned to a Border Patrol Station in Montana, most of my career was spent on the Southwest Border in the El Centro, California and Tucson, Arizona Border Patrol Sectors.

**Lack of Intelligence**

On August 26, 2015, DHS Deputy Secretary Alejandro Mayorkas was in the State of Montana to take a hard look at the organized illegal smuggling of prostitutes and narcotics through the Havre Border Patrol Area of Responsibility to the Bakken Oil Fields located in Montana and North Dakota. Mr. Mayorkas was made aware of the smuggling due to the diligence of various local law enforcement entities.

During his visit, Mr. Mayorkas met with several law enforcement agencies as well as with me and a few other officers of both the National Border Patrol Council and the National Treasury Employees Union. Although I represent the men and women of the Border Patrol in the capacity of a labor leader, I am also a Border Patrol Agent extremely concerned about the security of our nation's borders. My members who are your agents are also genuinely concerned about the security of our borders, therefore at the meeting and on their behalf, I raised three issues:

1. The lack of actionable intelligence provided to Agents to allow them to be successful.
2. The releasing of criminal aliens from Mexico who are in our custody.
3. The practice of providing overtime to managers who sit behind a desk as opposed to field Agents performing enforcement duties.

For the purpose of this hearing I will confine my comments to the lack of intelligence and its impact on the Border Patrol's operations. Simply put, Border Patrol Agents are not being given the intelligence necessary to be successful. How can a Border Patrol Agent know smuggling is taking place let alone do their job if they are not given the necessary intelligence? To date, and even though this issue was brought directly to Deputy Secretary Mayorkas' attention two months ago, Border Patrol Agents in Montana still have not been given the intelligence necessary for them to interdict the narcotics being smuggled through their area of responsibility.

Please allow me to give the Committee two examples of how this is impacting our operations. When Customs and Border Protection Commissioner Gil Kerlikowske became aware of this hearing, he hastily put together an operation aimed at interdicting heroin coming from Mexico into the United States. This operation is now in the fourth week of four and has been a complete failure. I personally spoke to the Agents participating in this operation and asked the following:

- Were you given any idea of how this operation could be a success?
- Were you given any intelligence that would help you be successful?
- Were you given any training on how to conduct the operation?
- Were you given any intelligence specific to heroin smuggling?
- As a Border Patrol Agent, are you familiar with or ever worked at a Port of Entry?
- Were you trained on how to work at a Port of Entry?
- Are you aware that this operation is not only to seize heroin but to also gather intelligence?
- Do you know if any heroin was seized during this operation?
- Do you feel this operation was properly planned and communicated to the Agents assigned?
- As per its stated purpose, do you feel this operation was a success?

Except for one K-9 handler who was formerly an Office of Field Operations (OFO) Officer, none of the Border Patrol Agents whom I interviewed were familiar with operations at the Ports of Entry. All other questions were answered in the negative. This poorly planned and hastily put together operation cost tax payers thousands of dollars and achieved nothing other than allowing CBP to tell this Committee they are doing something.

Let me give you another example, on February 23, 2015, a Bisbee, Arizona Police Officer made a routine traffic stop on a U-Haul moving truck. During the stop and while speaking with the driver the officer developed enough suspicion to call a Border Patrol K-9 Handler to conduct a free air sniff around the truck. While walking around the truck, the K-9 alerted to the presence of a controlled substance or persons inside the locked storage unit of the truck. Several thousands of pounds of marijuana were discovered inside the truck and it was later determined that the truck came from a home in Naco, Arizona. A subsequent search warrant was obtained and in the early morning of February 24, 2015, a tunnel was found on the property of the home. It is estimated the tunnel was used for several years prior to discovery.

This was great police work and all officers and agents involved should be commended. It is, however, a complete breakdown of the intelligence cycle. Prior to writing this testimony I spoke with three of my former colleagues at the Brian Terry Memorial station. This station is assigned

to the area where the tunnel was found and all three were absolutely amazed that a cartel was able to run contraband directly under the nose of several hundred Agents for so long. They chalked it up to the lack of intelligence gathering by the Intelligence Agents at the station. The intelligence was never gathered even though agents assigned to that area believed that there was a tunnel in operation in that area for years.

How serious is this the lack of intelligence? It is very serious, but candidly heroin is the least of our worries. Last week five Pakistani nationals and two Afghan nationals were arrested by Border Patrol Agents in the Sonoita, Arizona, Area of Responsibility.

### **What Can We Do Better?**

We are dealing with highly sophisticated and well organized criminal cartels. As the HIDTA report notes these cartels employ encrypted communications, an entire transportation network, and hundreds of cartel members on our side of the border.

Do we need to support local law enforcement agencies like the Cochise County Sheriff's Department? The answer is absolutely. When federal agencies work with and support local law enforcement, our effectiveness increases exponentially.

Will Joint Agency Task Forces make a difference? Without a doubt they will have a positive impact. Joint Task Forces not only increase our effectiveness in arresting criminals and seizing contraband, but they increase the probability of gathering and necessary intelligence to support the men and women in the field.

Can the Border Patrol be successful without actionable intelligence that is disseminated to field Agents? The answer is an emphatic no. We must take a proactive instead of a reactive approach to combating crime. Intelligence is the only way we will be able to predict when, where, and how persons or contraband will illegally enter our country.

If there is one thing I would ask this Committee to do is to not let this failure on behalf of CBP continue.

Thank you again for the opportunity to testify in front of this committee.