

**UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS**

**TESTIMONY OF
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APRIL 20, 2009

INTRODUCTION:

Chairman Lieberman, Ranking Member Senator McCain, members of the Committee, thank you for the invitation to address you regarding matters along the international border with Mexico that are of mutual interest and concern. I was born and raised in Cochise County, Arizona and have worked my entire 33 year law enforcement career in the border environment. This is the eighth occasion I have had the opportunity to testify before various committees of Congress about border crime and related issues, the first being twelve years ago. Sadly, this document will contain elements of previous testimony, as much remains the same or has deteriorated to even more serious circumstances.

BACKGROUND:

Cochise County lies in the southeast corner of Arizona and shares 83.5 miles of international border with Mexico. Thirty of those statutory miles are private property. The remainder of the boundary is property owned by the State of Arizona (State Trust Land), and the U.S. Government (Forest Service, Bureau of Land Management, Park Service and U.S. Fish and Wildlife.) There are two Ports of Entry (Douglas and Naco.) The remainder is defined by newly constructed metal fence, vehicle barriers and barbed wire.

The County is part of the Tucson Sector of the Border Patrol which is the busiest sector in the country, accounting for almost half of all the marijuana seized and illegal aliens apprehended in the entire nation. While this area is one of the primary smuggling corridors, most of the contraband and aliens move through to the major transportation hub cities of Tucson and Phoenix. Though transiting as quickly as they can, left in the wake is a trail of criminal acts and garbage of unprecedented proportions. Historically, local criminal justice agencies have been forced to direct as much as 37% of their assets to matters related to people smuggling alone. The Cochise County Sheriff's Office hosts a multi-agency narcotics task force which is supported in part by funding through the High Intensity Drug Smuggling (H.I.D.T.A.) initiative. The Cochise County Attorney's Office prosecutes the second highest number of drug cases under this initiative in the entire State of Arizona.

A volume of THE ARIZONA SHERIFF magazine (Vol.6, No. 3) features an article about the U.S. Border Patrol. It quotes former Tucson Sector Chief Jerald Jondall as saying, "Within the last year, we've been mandated by Congress to gain control of that border. And we're going to do that along the Southern Border, whether it's narcotics, illegal aliens, terrorists, criminals, or whatever." A few notable things about that

statement: (a) it was made in 1987 (b) it was made post Reagan amnesty (c) it mentions the word “terrorists” and (d) the Sector had a staff at the time of approximately 250 to cover its entire 280 mile expanse.

Ten years later in June of 1997 I was invited to appear before the Senate Foreign Relations Committee for a hearing on border violence. And now we sit here today, a full 12 years after that, to discuss these same issues. Oh, and today there are well over 2500 agents assigned to the Border Patrol Tucson Sector.

WHAT WE KNOW:

Violence related to drug and people smuggling has been steadily increasing since the shift in the 1980’s of Columbian produced cocaine smuggling from the east coast to the Mexican marijuana smuggling corridors. Initially it seemed to be mostly limited to the drug trade, but it has become part of the dire economy of the people trafficking and smuggling business, as well. Fierce competition and greed for huge profits have contributed to this.

Violence comes in many forms. People attempting to enter this country illegally are repeatedly subjected to robbery, assault, rape, kidnapping and all kinds of other atrocities. Many who cannot make the trek across steep mountain ranges or the barren and hostile desert region are often left behind to die--a form of murder, ipso facto. Competing cartels and secret combinations rob, steal, kidnap and murder on both sides of the border. In Arizona, the cities of Phoenix and Tucson, major transportation hubs, experience these events daily. Kidnappings and murder south of the border, and certainly the notoriety of this, appear to be increasing at an alarming rate. Some of this is migrating north as vulnerable groups move families and financial interests out of Mexico for protection.

Smugglers working on the U.S. side of the border are only one component of well organized and deeply rooted cartels. They are more inclined to fight than flee, have better telecommunications than many border law enforcement agencies and have sophisticated networks that challenge the best we have to offer in response. Inexperienced drivers, often armed, operating overloaded vehicles at high speed endanger law enforcement officials and the public alike. Homeowners see their properties burglarized and damaged, fences cut, water sources destroyed and acres and acres of private and public lands littered with tons of trash and human waste. None of this is more apparent than in the most eastern and western reaches of Cochise County where law enforcement presence is minimal and response can take an hour or more. Citizens in these areas cannot leave their homes without anxiety of returning to find their belongings stolen or trashed. They are also faced with the continual threat of wildfires, caused by uncontrolled campfires left by smugglers traveling through the area. And, if casual recreation is on your agenda in the beautiful mountain canyon areas of the Coronado National Forest, you will be greeted with signs that read “Caution: Drug and Human Smuggling May Be Encountered Here.”

We also know that of the illegal aliens that are captured after crossing the border, at least 10% already have serious criminal records in this country. These criminal elements are becoming more manifest in communities throughout the nation as they take up residence there and continue terrorizing and preying on U.S. citizens.

RESPONSE AND INTEROPERABILITY:

There are multiple factors that negatively impact the law enforcement response to these challenges. Cochise County is almost 6300 square miles. Emergency responders typically have to travel many miles from duty stations to answer calls for service, emergency and otherwise. Local law enforcement, fire and medical response organizations are severely undermanned. Even with the significantly enhanced federal law enforcement presence response time to many of these remote areas is a minimum of one hour and generally more. People residing or recreating in these areas are all too often left to their own devices for protection.

Perhaps the greatest deficiency is the inability of local, state and federal responders to communicate effectively. Radio system infrastructure to support interoperability is extremely limited or antiquated. The topography of the area and the unavailability of fiscal resources severely challenge building the necessary common network systems to enhance communications and provide a better coordinated multi-agency response.

Additionally, while funding has necessarily targeted increasing the number of law enforcement officers, it has ignored the need for additional staff for communication and other support functions.

The good news is that cooperation and planning activities are more common today than ever before. New assets have been assigned to border enforcement. These activities have been met with renewed resolve and changes in tactics by smuggling organizations and our common commitment and determination must remain constant.

Operation Stonegarden, a meaningful federally funded border enforcement enhancement program is proving successful. The distribution of these funds to help local law enforcement agencies meet border crime related demands needs to be continually reviewed and improved upon. Enhancement of this program to include hiring additional local law enforcement officers and support staff would help to mitigate the impact of illegal alien and smuggling related crime is essential.

FISCAL IMPACTS:

As mentioned previously, as much as 37% of local criminal justice system assets have been diverted to matters illegal alien related. This does not even consider the costs local residents pay in property loss and damage. Non-American citizens who are arrested and

charged with committing crimes are housed in county jails. They cannot post bond, declare indigence and many have serious medical conditions. All the costs of housing, defense and treatment are shifted to the county with little remuneration.

In 1995, Congress authorized reimbursement to state and local jurisdictions for these costs under the State Criminal Alien Assistance Program (S.C.A.A.P.) Initially, we recovered approximately 33% of actual expenses, excluding medical costs. Today, the fund only reimburses about 9 cents on every dollar. This program must be fully funded.

Unreimbursed costs to emergency medical providers and hospitals who treat the sick and injured who are not charged with crime are enormous, but a discussion for others.

BOTTOM LINE:

Sheriffs on the border have no interest in becoming border enforcement agents. We do have, however, a Constitutional responsibility and duty to our citizens to preserve the peace in our respective jurisdictions. Failure to secure our borders has severely compromised the socio-economic welfare of our counties. While securing our borders is clearly a federal responsibility, we are left with the problems associated by failure to do so. And we have a clear role to play in the overall scheme of things. With severely limited resources, we are hard pressed to meet these obligations and require relief. H.I.D.T.A. funding has remained static for several years. S.C.A.A.P. funding has been severely cut, as have other formerly supportive federal funding programs. If we are to be serious about mitigating violence and repelling the threat of it spreading across our borders at an increasingly alarming rate, this funding must be restored or increased.

Our borders are not the only concern. Communities across the nation are suffering under the weight of many years of failed border enforcement policy and limited funding. These pains will only grow if not addressed immediately with renewed resolve and long term commitment from Congress.

Finally, the importance of this field hearing cannot be overstated. Policy and decision makers in Washington must continue to invite and encourage local involvement when developing tactics and strategies to deal with this most pervasive problem. Those who live and work daily in the border environment can provide invaluable perspective for finding solutions to these most difficult challenges. Thank you for your leadership in this arena.