

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

*Field Hearing
Phoenix, Arizona*

**Southern Border Violence:
State and Local Perspectives**

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Statement by:

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Pima County ~ Tucson, Arizona

Introduction

Pima County and other border counties in the Southern United States provide criminals a natural desert environment to promote their illegal criminal conspiracies. Mexican Cartel drug smugglers continue to fine tune their criminal syndicates by exploiting human beings as “mules”, using ultra light aircraft, horseback and all-terrain vehicles, in addition to using the most traditional; motor vehicles. The most recent example of technical sophistication that these criminal syndicates have deployed; included setting up hilltop observation posts on smuggling routes outfitted with hi-tech radio equipment and night vision devices. These observation posts have been identified in covert smuggling routes and covering many miles. The existence and the sophistication of these posts pose an eminent threat to law enforcement. This natural desert environment is also a key pipeline to threats from terrorist organizations wishing to utilize the United States Southern Border to import their strategic and tactical means into the country.

Pima County’s outlying terrain is naturally treacherous for human survival and the added component of aggressive tactics by criminals and terrorists using these unconventional pipelines have placed Pima County constituents in danger of direct injury and or collateral damage. Isolated and undeveloped desert areas in Pima County are a significant challenge to criminals and law enforcement personnel alike.

Since 2001, technology and conventional deployments of personnel for border security have tightened the most traditional avenues used by criminals and terrorists in Pima County. The criminals return on their investments continues to thrive with the demand of drugs in the United States remaining unabated. The criminal has found strategic methods to overcome obstacles and continue to profit from their criminal enterprise. These criminal methodologies to overcome obstacles include, brazen violence to eliminate or narrow other criminal competitors (Mexican Cartels); the use of human “mules” to overcome desert terrain issues; kidnapping and home invasions to recover or steal criminal assets and revenge; and the southbound movement of money, guns, and stolen vehicles to finance operations to avoid conventional money laundering and asset investigations. Border crime related incidents are significant in Pima County and all southern border counties in the United States.

Pima County shares a significant amount of land assets with other tribal nations. The Tohono O’Odham Nation, as an example, in their consideration or pursuit of their sovereign values sometimes contradict or make it difficult for law enforcement to patrol the Mexican border. In fact, state and county law enforcement officers do not patrol Indian country. Enforcement obstacles occasionally surface at the federal

government level when enforcement tactics are used in Indian country. The hard and real effect for Pima County is that the Mexican border is being strategically increased. Our 132 mile international border is thus augmented by additional 120 miles of border with Indian Country. While Pima County is home to two International Ports of Entry and hundreds of smuggling routes, the Tohono O'Odham Nation increases potential entry points and expands the scope of border enforcement.

Finally, border crime enforcement efforts are shared by a multitude of federal, state, county and tribal entities. Each law enforcement entity bears its own specific goals and objectives based on their jurisdictional authority and funding. The vision remains the same or similar for all entities concerned with border violence, drug and human smuggling and terrorist threats at the forefront. Fiscal assets in local jurisdictions are scarce and fiscal mechanisms at other levels of federal and state government are currently near non-existent for local use. The assumption is made that local and tribal assets will be able to support operations with a nexus to the border. This assumption is critically flawed and is intensified without the assistance of federal funding.

Proposed Initiatives

From Pima County's perspective in trying to balance the safety of citizens and securing the border to thwart border violence requires a multi-jurisdictional, multi-disciplined and complex initiative. This initiative must take into account the values of each jurisdiction and the local community. Common terminology and interoperability as identified in the National Incident Management System and the National Response Framework, is essential.

Therefore; the first component in trying to assess and deploy a strategic initiative to successfully address border violence requires that federal, state, county and local entities or jurisdictions commit to an alliance. This component involves a collaborative task force of all major law enforcement agencies with a specific mission to reduce, disrupt, apprehend and prosecute criminal offenders using intelligence based information. A concerted effort is necessary in order to maximize the available resources and to empower local law enforcement agencies with the authority to investigate and assist federal task force partners. It is extremely crucial that this alliance share assets and intelligence with local control and oversight with its own governance structure. This individualized governance structure will allow individual local and federal communities to maintain their individual identities.

Proposed Initiatives continued....

As an example, Pima County has the groundwork for a potential resource of providing a “Rapid Response Team” equipped with trained tactical officers to remote areas of Pima County and neighboring counties to interdict, disrupt, apprehend, rescue or otherwise respond to identified threats. Pima County maintains a trained and ready Regional Special Weapons and Response Team (SWAT) comprised of multiple local law enforcement agencies. By developing an alliance with the National Guard and federal entities, the Pima Regional SWAT team could deploy to remote and isolated threat areas to perform these necessary functions. The sharing of assets and limited authority is made transparent by the oversight of a local governance structure.

As an example of a dedicated governance structure, we can demonstrate a proven and tested model currently being used by our local Counter Narcotics Alliance (CNA) task force. This structure, resembling a “wheel” displays the organizational roles and responsibilities with various spokes of a wheel working together on intelligence-based strategies. With a focused concerted effort the structure is able to maximize efficiency with all available resources and minimize duplication. The CNA task force works through the cooperation of local, state and federal agencies sharing resources and intelligence in the successful interdiction of illegal narcotics. (See Attachment 1)

Proposed Initiatives continued....

These types of specific strategic tactics will promote a more secure border, curb border violence and secure the needs of a border community. There is no question that local governments want to engage the fight, but federal assistance in equipment, personnel, limited federal authority and funding are necessary to accomplish this initiative.

The second component is the participation of stakeholders and the education of stakeholders in the battle against border violence and terrorist activities. The Pima County Sheriff's Department initiated a stakeholder anonymous reporting program in 2001, geared toward soliciting information from citizens on terrorist activities. In 2008 the Pima County Sheriff's Department and the Federal Bureau of Investigation partnered in a program that expanded this anonymous reporting program and promoted an educational component that provided outreach to local businesses. The outreach component helped educate local banks, real estate companies and other service oriented businesses in recognizing potential terrorist activities in Pima County.

This basic, replicable and proven local partnership with the federal authorities needs to be implemented and managed at the federal level. An anonymous stakeholder tip line that can yield intelligence throughout the Southwest border that is managed, evaluated, and

disseminated at the federal level of the alliance or task force, is essential for consistent and timely intelligence. The education component can serve to educate private business entities and encourage reporting of criminal activities such as money laundering or asset concealment by criminal enterprises.

The final component to an initiative to thwart border violence and terrorist activities in border counties in the United States is simply supporting the current Mexican government initiative and efforts in fighting Mexican drug cartels in their own back yard.

For the first time in local history of relations with Mexico, President Calderon has demonstrated a plan and willingness to collaborate with the United States on issues of security, crime and drugs. The Merida Initiative with the aim of combating the threats of drug trafficking and money laundering is being embraced by Mexico. It is imperative that President Calderon and Mexico succeed in addressing the issues in Mexico as they relate to drug trafficking, security and terrorist activities.

For Example....

In August 2008, Mexico announced that two states, Chihuahua and Nuevo León, are pioneering public trials, in which the state must prove its case. In the past, the accused bore the burden of proof, and trials were secret. Mexico's president hopes this will bring transparency and accountability to the legal process and an end to a tradition of corruption, shoddy investigations, coerced testimony, and an extremely low conviction rate.

In December 2008, the US released \$197 million of aid to Mexico. Most of this aid will pay for helicopters and other equipment to fight violent drug cartels. In early 2009 the US government released another \$99 million that would be utilized for purchasing aircraft and inspection equipment for the Mexican military. The US has thus far released \$300 million of the \$400 million appropriated for Mexico.

President Barack Obama plans to make his first visit to Mexico in April 2009, with unprecedented attention in the US over the problem of violence in Mexico. The President makes this visit with confidence of strong bipartisan support in his efforts to build strategies with the Mexican government. Prior to this trip, Secretary of State Hillary Clinton, Secretary of Homeland Security Janet Napolitano and Attorney General Eric Holder admitted that the demand for drugs in the US and the flow of arms feed the violence.

For Example continued....

We fear that if President Calderon and Mexico fails with the problem of violence in Mexico, the United States will encounter new and unprecedented violent challenges to security and drug / human trafficking.

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Summary

A violent pipeline exists through Pima County and other border counties in the United States. It is crucial to employ a comprehensive initiative that considers the complex multi-jurisdictional aspects of this problem. An alliance or task force that focuses on law enforcement tactics managed by a local governance structure and provides the appropriate authority to local and federal partners to eliminate enforcement obstacles and promote intelligence sharing is needed. Promoting innovative multi-jurisdictional enforcement strategies requires interoperability and resource availability managed at a local level with transparency; yet protecting agency identities. More local funding and equipment are needed at the local level. Mandates need to be lifted to allow for innovative partnerships with federal agencies. The National Guard as a partner needs to be developed or enhanced.

Supporting a national tip line with an educational component will change the paradigm of citizen participation and promote intelligence that is quickly acted upon by all levels of government.

Finally, it is important to support Mexico's current direction of security initiatives and help Mexico succeed in its federal transformation efforts. In an unprecedented fashion, Mexico has taken a direction in drug interdiction that will help enhance our local efforts on the border.

Attachment 1

Pima County/Tucson Metropolitan
Counter Narcotics Alliance (CNA)

CNA Executive Summary

On February 3, 2003, members of the proposed policy group of the Southern Arizona Narcotics Alliance directed that a subcommittee, chaired by Pima County Sheriff's Department Bureau Chief George Heaney, meet and begin developing plans for this new organization. A series of five subcommittee meetings were held with various representatives from federal, state, and local law enforcement and prosecutorial agencies. Copies of the agenda and meeting minutes showing name and agencies represented are attached to this report.

Mission Statement:

“Drug enforcement in the Pima County and Tucson Metropolitan areas will be conducted in a concerted effort in order to maximize the available resources. The enforcement issues will be addressed from the Street Level to the International Level through cooperation of Local, State, Federal agencies, and HIDTA Initiatives. This alliance will be an interrelated drug and anti-terrorism enforcement effort that shares resources and intelligence in the successful interdiction of illegal narcotics.”

The proposed infrastructure of this new alliance continues to be based on a “wheel” like organization with the various spokes of the wheel working closely together. You will note the wheel diagram (attached) is drawn with dotted lines as the subcommittee envisions a close interaction between entities. The wheel is surrounded by the Intelligence aspect as all spokes of the wheel will be providing and using this intelligence.

Executive Summary continued....

- The center of the wheel contains the Coordination Group, which the committee recommends should be run by a Captain from one of the local members agencies (currently proposed to be Captain David Neri, Tucson Police Department). This coordination group would be responsible for facilitating and coordinating efforts between and among the various spokes of the organization. It will also be responsible to the Policy Board (the hub of the wheel) for implementing and carrying out directives of the Policy Board.
 - It is proposed that the CNA Coordination Group Reorganization Subcommittee be established. The effective and efficient administration of the coordination group is paramount to the success of the alliance. This committee will establish proposed policies and procedures, a budget, and CNA Operational Directives. It is suggested that this sub-committee prepare a written report with its proposed recommendations back to the Policy Board.
- The subcommittee presents the following recommendations for review and action by the Policy Board.
 - The name of the organization should be the Pima County/Tucson Metro Counter Narcotics Alliance (CNA).
 - The Policy Board for CNA will consist of the following seven (7) voting members:
 - 1 Department of Public Safety
 - 1 Pima County Sheriff's Department

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Executive Summary continued....

1 Tucson Police Department

1 Federal Bureau of Investigation

1 United States Customs Service

1 Drug Enforcement Administration

- 1 Small Agency Chief (Vote by small agencies has resulted in Chief Sixto Molina – South Tucson Police Department being selected as the current representative)
- Non-voting representatives:
 - Pima County Attorney's Office
 - Attorney General's Office
 - U.S. Attorney's Office
 - HIDTA Representative
 - All participating CNA member agencies that are non-Policy Board Members
- A bifurcated RICO Asset Forfeiture system is proposed.
 - State and Local RICO Asset Forfeiture – all assets forfeited after percentage allocations to prosecutorial agency and confidential informant payments, will be allocated to the CNA
 - 100% of assets forfeited to the CNA will be managed/allocated at the direction of the CNA Policy Board.
 - A minimum operating balance (estimated to be \$1 million - \$2.5 million) to be determined by the CNA Policy Board will be established and maintained before any distribution of State/Local forfeited monies are made to member agencies.
 - Distribution of excess funds to State/Local member agencies will be made based on the following formula.

Executive Summary continued....

- General fund positions – one share per funded position
- Grant funded positions – one half share per grant funded position

- Federal RICO Asset Forfeiture will continue as before.
 - Any federal RICO Asset Forfeiture allocated to CNA through HIDTA will be allocated on a case-by-case basis in accordance with the federal agency's guidelines.

- The current allocation of Grant Funded positions will remain the same with the state/local agencies
 - In the event an agency gives up or is unable to fill a grant funded position for more than 90 days (note: a replacement transfer with a new agent from the same agency is not considered a vacancy), the position will be reallocated to another agency with the following priorities recommended by the committee:
 - 1st vacancy Pima College Police Department
 - 2nd vacancy South Tucson Police Department
 - Additional vacancies – to be determined by the Policy Board

Pima County/Tucson Metropolitan Counter Narcotics Alliance (CNA)

“Working Wheel”



Counter Narcotic Alliance

◆TPD Captain and 3 Lieutenants (Pima County, TPD, DPS)

PCSD Parcel Interdiction Spoke: 1 PCSD Sgt. 8 Dets./Ofcs: PCSD, TPD, UAPD K-9, DPS; This Unit works parcel interdiction at UPS, Fed Ex and various shipping stores around the County; They also investigate stash houses, 88 Crime calls and do “knock and talks.” They respond to PCSD Patrol calls for assistance and Border Patrol referrals. A Det. issues all patrol narcotic cases.

MAST: 1 PCSD Sgt., Ofcs. from PCSD, DPS and Marana PD. This Unit is the surveillance squad which assists all the other investigative Units at CNA and HIDTA.

DEA Transportation Squad: DEA Supervisor. DEA Agents, 1 PCSD Det., OVPD Ofc. STPD Ofc. This Unit handles drug/cash interdictions via trains, planes, trucking companies and larger shipping outlets;

DEA HIDTA TASK FORCE: DEA Supervisor, DEA Agents, 1 PCSD Det., OVPD Ofc. and PCAO; This Unit works larger conspiracy cases.

US Customs Financial Unit: ICE Supervisor, ICE Agents, AZ AG’s Office and 2 PCSD civilians; This Unit works financial investigations reference the drug organizations. This includes working closely with Financial Institutions and all forms of money laundering.

TPD: 2 TPD Supervisors run 2 separate street undercover Squads; Both Squads are predominantly TPD Officers. There are 2 PCSD Dets and 1 OVPD Ofc. on one of the Squads.

Counter Narcotics Alliance continued....

TPD Detective Unit: TPD Sgt and 6 TPD Dets. This Unit responds to TPD patrol calls for assistance and issues the patrol narcotic cases. The Squad also works conspiracy cases and attempts 'reversals'.

INTEL UNIT: 1 PCSD Sgt. supervises the CNA analyst, the wire room and the Tech personnel.

DPS Major Violators Unit: DPS Supervisor, 6 Ofcs/Dets. From DPS, PCSD and TPD; This Squad works conspiracy cases, tractor trailer cases, stash houses located inside and outside Pima County.

Meth Task Force: DPS Supervisor has a TPD Det. and a PCSD Det. to gather intel and investigate all meth dealers and meth-lab related locations.

Financial Investigations Team: OVPD Sgt., OVPD Ofc and 3 Civilians. This Squad does all follow-up for all CNA asset forfeiture cases.

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