

**Prepared Statement of Sheriff Raymond Cobos  
Luna County, New Mexico**

**“Securing the Border: Progress at the Local Level”  
April 7, 2011**

**Luna County Profile**

Approx. 27,000 Population approx. 46-47% Hispanic  
2997 Square Miles in area  
Terrain: Few mountains relatively flat  
excellent radio & wireless service for 95 to 98% of the area

54 miles of border shared with Republic of Mexico

2 Incorporated Municipalities:

Deming 17,000 (County Seat)  
Columbus 1800

Location: In the Southwest corner of the State of New Mexico

110 Miles west of El Paso TX

Major Highways: Interstate 10, US 180, NM State Rds 26, 11, & 9

Adjoining Counties: Hidalgo County (West) Grant County (North & West) Dona County (East)  
Otero (Northwest)

Economy: Light Manufacturing, Food Processing, Tourism, Livestock and Agriculture  
Approximately 20% unemployment

**Border Security History**

Prior to 2005, the area along the southern Luna County border with Mexico was relatively free of violence. However, illegal cross-border activity of drug and human smuggling was rampant. The local Deming U.S. Border Patrol station consisted of approximately 250 plus or minus. There has always been a very close relationship between the Federal law enforcement agencies and local/state agencies along the border but inconsistent collaboration. Each agency had been focused on its own role in border law enforcement.

All of this changed in 2005 when a significant number of violent incidents in the form of broad daylight assassinations took place in the Mexican town of Puerto Palomas, in Northern Chihuahua, directly across the border from the Columbus, NM United States Port of Entry. Vehicles with wounded, dead and dying occupants arrived at the Columbus POE requiring Federal, State and Local Agencies to respond. The appearance of dead individuals required the response of the New Mexico Medical Examiner's Office. The wounded required the response of the Emergency Medical Services from Deming and Columbus Fire/Rescue Departments and Air Ambulance Services from Thomason General Hospital in El Paso, Texas, the nearest Trauma Center. Those occupants not injured required the response of Federal agencies including Customs & Border Protection (CBP), Immigration and Customs Enforcement (ICE) and other agencies for immigration processing.

In August of the 2005, New Mexico Governor Bill Richardson recognized that the eruption of violence along the New Mexico-Mexico border put a tremendous strain on local and state public safety agencies. He declared a "State of Emergency" in a proclamation and also made some 1.75 Million dollars available to border counties to enhance their capabilities in the form of personnel, vehicles, equipment, and operational expenses.

Recognizing the need for collaboration with area law enforcement, the Luna County Sheriff's Department initiated a Memorandum of Understanding with four surrounding counties, Dona Ana (Las Cruces), Otero (Alamogordo), Grant (Silver City), and Hidalgo ( Lordsburg) and after all signed on, Governor Richardson also signed off on the agreement. Under terms of this agreement, all the Sheriffs agreed to cross-commission deputies from each other's department. Each Sheriff agreed to collaborate and work together to obtain funding, support, and cooperation from area State and Federal agencies. The local Border Patrol station administration in which they had a station responded immediately and began collaboration with local and state agencies in recognition of the need to deal with increasing border violence along the New Mexico-Mexico border. Thus, the New Mexico Border Sheriff's Coalition was established.

As a result of the declaration of emergency, Luna County hired 4 additional deputies, bought 3 patrol vehicles, and budgeted funds for ongoing operational costs of patrolling the southern county area. Luna County set up a "Farm & Ranch Patrol" to visit with every farmer and rancher and resident along the border. The purpose was to be a highly visible presence of local law enforcement along the border to help deter confrontations between smugglers and illegal immigrant groups and county residents. Protocols were put in place to address the safety of responding Fire and EMS along the border. The local public safety agencies united and trained to secure the safe arrival and departure of ambulances transported individuals arriving in the U.S. after surviving assassination attempts. The local Deming hospital cooperated in training to secure that facility once a wounded patient arrived for treatment. The local airport administration also cooperated in protocols to secure its facility pending arrival of air ambulance to remove survivors of border violence to El Paso TX.

Incidents of violence continued in Puerto Palomas and the surrounding area with ever increasing ferocity. There was and continues to be a fierce struggle for control of the Puerto Palomas plaza since it represents a relatively ideal location for staging drug and human smuggling activity by organized Drug Trafficking Organizations (DTOs) and in Palomas it appears the battle is between the "Chapo" Guzman or Sinaloa Cartel and the "Juarez" Cartel of which "La Linea" is the local enforcement arm. As the violence increased in Puerto Palomas, sophistication gave way to more subtle forms of violence. Assassinations of intended targets in vehicles were conducted on streets paralleling the border to prevent the victims from driving to the safety of the U.S. Columbus POE. Later, victims were abducted and their bodies would be found later in isolated areas further south of Puerto Palomas. It is worth noting that some 410 to 415 students that are U.S. Citizens are transported to Deming Public Schools (from elementary to high school) by school bus every day that school is in session. Some 10 to 11 buses pick up the students at the Columbus POE for school and disembark them at the end of each school day. In 2008 in Puerto Palomas, a daylight shooting resulting in the death of two individuals at a gas station occurred shortly before school buses began disembarking children at the border. The gunfire continued as the first bus unloaded some 40 students. The Sheriff's Department with the assistance of a Border Patrol Special Response Teams joined up to provide protection for the remaining students

and directed the buses back to the Columbus Elementary School some three miles north. The Sheriff's Department shut down NM State Highway 11 to prevent unknowing travelers to drive into the shooting zone. The road remained shut down until the POE Port Director received communications from Mexican law enforcement and military authorities that all shooting had ceased and the area in Palomas, Chihuahua was declared secure.

### **Spillover Violence**

Some border law enforcement agencies report there is no spillover violence from Mexico into their jurisdictions. Luna County can cite only two specific events which we would classify as spillover. In both instances, it involved attempts to kidnap two different individuals to take them across the border into Mexico. Fortunately for both victims, the Sheriff's deputies were patrolling in the area, responded quickly and were able to effectively foil the effort of the kidnapers. Unfortunately but predictably, neither victim would cooperate and prosecution could not move forward.

Constant patrol of the border area, constant patrol of the Columbus Village area is the key to deterring the street violence we see across the border. Monitoring public events in and around Columbus and maintaining high visibility is a major part of the Sheriff's Department ongoing Border Security Mission.

### **Village of Columbus**

The Village of Columbus is a microcosm of much of the problems facing effective control over Border Violence. The population of 1800 is mostly Hispanic with most of the households having family members on both sides of the border. Tourism is the main industry. It is a destination for many people looking for retirement homes. Land is relatively inexpensive and services such as pharmacies, barbershops, eye clinics, dental clinics and dining are available three miles to south across the border in Puerto Palomas at a fraction of the cost in the United States. People from Arizona, Texas, Colorado and Northern New Mexico travel to Palomas for those services. This activity has declined probably by 50 to 70% over the last 5 years because of the violence and the perception of violence. The climate is basically mild winters and very dry warm summers.

From the perspective of County Government and the Sheriff's Department, the Columbus Village government is dysfunctional at best. The Village has gone through at least 9 Police Chiefs in the last 5 years. Village Administrators have a reputation of ignoring EEOC hiring practices, proper procurement procedures, and failing to establish a culture of ethical and professional government. Village Officials generally regard the Sheriff, County Officials, State Officials and Federal Government Officials as "Big Brother" types and bullies seeking to substitute outside control over local control. When outside agencies assist in hiring panels, their recommendations are usually ignored or rejected. Consequently, when using arbitrary hiring, promotion, or disciplinary authority, the Village ends up with frequent litigation. In 2009, the litigation liability resulted in the Municipal League withdrawing liability insurance for the law enforcement. The Municipal League is a non-partisan and non-profit organization of cities and towns in New Mexico. Their principal mission is to be advocates for city government to include insurance, training, legislative, and advocacy services. Their Police Department was shut down

until the Village could secure liability insurance through the State of New Mexico. The Sheriff's Department stepped in and provide the Village with 24 hour coverage until a few week later when the Police Department was restarted. The Village Government refused to reimburse Luna County and forced it to obtain the reimbursement from funding allocated to Columbus by the Governor's Office.

The most recent Police Chief hired was a Mr. Angelo Vega with a very checkered past and held in very low esteem by area Federal, State, County and Municipal agencies. The Luna County Undersheriff served on the hiring panel and subsequent to Mr. Vega's interview, submitted a written opinion to the Village representatives. In his letter, the Undersheriff (Allen Carter) strongly and adamantly urged the Village NOT to hire Mr. Vega. Mr. Vega was hired anyway.

### **Operation Stonegarden**

For FY 2009 Homeland Secretary Janet Napolitano announced the Operation Stonegarden grants totaling \$60,000,000.00 for 13 border states and the Territory of Puerto Rico. Its intent was to enhance the capabilities of federal, state, local and tribal law enforcement agencies to jointly secure U.S. borders and territories. New Mexico was awarded \$3,981,414. This was a substantial and most welcome tangible support for local agencies and the Luna County Sheriff's Department began immediate implementation of the program closely following the guidelines. A Grant Administrator (Lt. John Mooradian) set to work immediately to set up policies and procedures to make the program effective and transparent. The Department placed great emphasis on accountability and documentation. We wanted to not only account for every penny placed in our stewardship but also to justify expenditures. At a subsequent meeting of the Southwest Border Sheriff's Coalition meeting Tucson AZ we were very pleased to see the Border Patrol program representatives holding up forms they expected every agency to use in administering the program. Our pleasure resulted from observing that the forms were virtually the same forms our staff had developed at the program's inception. We used the funding to buy police vehicles, pay for operational expenses, other police equipment (such as night vision gear), and overtime for the deputies. We have also used the funding in part to purchase and install laptops in patrol vehicles to enable deputies to remain in the field longer, increase their productivity, utilize "silent dispatch" (inquiries into vehicles, licenses, warrants, etc. go over wireless network) and make voice radio time more available for true emergency traffic. In 2009, we brought the Village of Columbus Police as a sub-grantee into the program with generally disastrous results. In 2010, we brought the City of Deming Police Department into the program along with the New Mexico State Police (in the Deming District). These two agencies have shown diligent and professional management of the funding awarded to them.

Columbus Police Chief Angelo Vega ignored directions from Luna County Sheriff's staff to present his specifications for a police vehicle to the staff for approval prior to reimbursement. Vega purchased a vehicle totally unsuitable for Stonegarden purposes and was denied reimbursement. Vega had to take the vehicle back to the dealer after installing police communication and emergency equipment in it. The dealer was forced to sell the new vehicle at auction to mitigate his loss. A few months later, Vega applied for overtime reimbursement promising to provide documentation that he as a Police Chief was permitted to receive overtime payment. Luna County Human Resources/Personnel Department opined Vega was not entitled to

overtime. Reimbursement was then halted at that time in September of 2010. In November 2010, Columbus Mayor Eddie Espinoza reported to the Sheriff's Department that Vega had falsified time sheets and payroll documents to show him working overtime when in fact he had not put in any overtime hours and in instances not even worked at all. At this time, the only Stongarden-purchased vehicle was taken by the Sheriff's Department and all reimbursements were stopped. Vega never produced any documentation allowing him to receive overtime. In December 2010, the Sheriff's Department sent a letter to the Village stating their participation in Stonegarden was halted and laid out the terms for their reinstatement. To this date, the letter has not been answered.

On March 10, 2010, Mayor Eddie Espinoza, Village Trustee Blas Gutierrez, Chief Angelo Vega and some five other Columbus residents were arrested for allegedly violating Federal Firearms Statutes. The eight were indicted and had allegedly conspired to purchase firearms and ammunition and other equipment in order to sell those items to a drug cartel in Mexico. Allegedly Mexican authorities had U.S. ATF agents trace the weapons back to that group. Allegedly at least two bodies recovered from a secret burial site in Mexico were found with firearms traced back to the group. Police vehicles were allegedly used to transport the firearms to a safe house in El Paso TX.

The Sheriff's Department took immediate action and denied the Columbus Police Department the use of its frequency and denied Luna County Central Dispatch to use the SO frequency to interact with the Columbus Police. The remaining ranking member of the Columbus Police Department was roommate of long standing with Chief Vega. That individual, Sgt. Robert Valenzuela had a prior arrest for Drunk Driving and is currently under indictment in Dona Ana County (NM) for 4<sup>th</sup> Degree Felony Stalking. Chief Vega has given information to the Federal Prosecutors that he would use the police radio to identify suspicious vehicles in the Columbus area to determine whether or not the vehicles were law enforcement. As Sheriff, I refused to allow any corrupt elements in the Columbus Police Department to compromise the integrity of the Stonegarden Program under our management.

Stonegarden remains the one truly effective program which brings local, state, and federal law enforcement together along the border.

### **Relationships with Federal Agencies**

The Luna County Sheriff's department has strived to maintain excellent and utile relations with our State and Federal partners. The Border Patrol's under Stonegarden is to share intelligence with their local and agencies in order to address cross border activity and use the locals to interdict traffic that gets by the agents on the border. The Border Patrol typically informs the Sheriff's Department of areas they would like to have patrolled and monitored based on their information at the time. The Border Patrol reviews and approves of the local agency's "Operational Orders" which include plans for patrolling, allocating funds for overtime, equipment purchases and other allowed expenses (and their justification) then forward the documentation up the chain to Homeland Security and FEMA. Once the approval has been obtained the Border Patrol conveys the documented approval to the agencies for implementation.

Deputies frequently accompany Border Patrol agents on ATV operations and receive training from them.

Luna County Sheriff's Department belongs to the Border Area Task Force funded by HIDTA. The Task Force represents three border counties, two police departments, and several State and Federal agencies. The Task Force has recently been reactivated and will be operational within a few weeks. The Department avails itself of the First Responders and Counter-Terrorism training at the Playas Training and Research Center in Playas, New Mexico in adjoining Hidalgo County. It is part of the Department of Homeland Security and the New Mexico Institute of Mining and Technology partnership. Among its broad mission is to provide law enforcement with training. Continuing development and nurturing of relationships with our federal partners is daily priority.

## Summary

### Changes in the last 10 years: Luna County Specific

1. Doubling of the number of Border Patrol agents in the Deming Station from plus or minus 250 to plus or minus 500.
2. Increased technological infrastructure along the border to include additional sensors, cameras, fencing, border vehicle barriers, and the construction and completion of the Forward Operating Base along Border Highway State Road 9. This supplemented by the incorporation of National Guard personnel to monitor sensor, camera, and communications systems and free Border Patrol agents for the field.
3. Partnering with local law enforcement in ATV operations. Coordination in checkpoint operations where Border Patrol checkpoints and Sheriff's traffic program enforcement takes place simultaneously in close proximity.
4. Noting the citizen complaints or comments about Border Patrol activity has changed significantly from "too few Border Patrol agents" to "too many Border Patrol agents" which strongly indicates the effectiveness of Border Patrol strategy. The presence of Border Patrol agents is the most visible sign of the Federal Government's efforts at practical control of the border.
5. Luna County crime statistics which have plunged along with the apparent numbers of apprehensions of undocumented persons in the El Paso Sector which includes Luna County. The following numbers are for your consideration:

FY 2010	12251
FY 2009	14990
FY 2008	30312
FY 2007	75464
FY 2006	122245
FY 2005	122655

6. Narcotics seizures have also gone down accordingly in the El Paso Sector:

FY 2010	\$70,462,880
FY 2009	\$81,273,120
FY 2008	\$78,458,796
FY 2007	\$119,278,767
FY 2006	\$150,982,767
FY 2005	\$164,563,359

7. There are many other factors affecting the decline in numbers of persons crossing illegally into the United States. The state of our economy, the state of social stress in Mexican society, increased Federal, State, and Local enforcement on the U.S. side, and possibly cooperation from law enforcement counterparts in Mexico in some instances.

8. Greater unity among levels of government agencies outside of law enforcement has increased. HUD and the FBI often notify local agencies of residents in HUD housing with outstanding warrants.
9. In Luna County's case, one cannot overlook the quality of leadership of Federal law enforcement agencies. I would have to credit the close support from El Paso Sector Chiefs, Patrol Agents in Charge-Deming Station Mr. Daniel Serrato, Former PAIC Rick Moody, and Chris Mangusing PAIC Lordsburg Station. The perception of the Sheriff's Department is that whenever we develop a close working relationship with Border Patrol leadership, that particular individual ended up promoted to other Patrol Stations resulting in increase networking benefits. I have to acknowledge that the first trained responder at a traffic accident on our major highways is most likely to be a Border Patrol agent.
10. I cannot praise the implantation of the Stonegarden Program enough. Where many people constantly criticize The President, Congress, the Supreme Court, and the Federal Government in general, I and my deputies are providing services to our constituents, we could only dream of ten years ago because of Federal grants and assistance. I do not expect much increase in the programs, but please do not entertain ideas of cutting it. The unity it has brought to law enforcement could not have been achieved without it.
11. We have been blessed in Luna County with relatively flat terrain, good radio and wireless communication, good working relationships with our sister agencies, a dedicated county government, and wide community support. I do have one overriding concern. Successes should be reinforced, not squandered away by concluding the problem has been solved.
12. Thank you for this honor and privilege of coming before this committee.