

**U.S. House of Representatives
Committee on Homeland Security
Subcommittee on Emergency Communications, Preparedness and
Response**

**Testimony of
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INTRODUCTION:

Chairman Cuellar, Ranking Member Rogers, members of the subcommittee, thank you for inviting me to this hearing. The matters being heard here today regarding security of our Country's southern border are of great concern for me and should be at the top of the list of concerns for the welfare and protection of our great nation. I was born and raised in the border environment. That along with over 33 years of law enforcement work in this arena offers, I believe, a perspective unknown or experienced by most officials who sit in decision making positions that so profoundly affect our nation's security.

BACKGROUND:

The region of the U.S./Mexico border identified in the Federal border enforcement scheme of things is the Tucson Sector of the Border Patrol. It encompasses three counties and covers over 200 miles of the border. This portion of the 2200 mile border accounts for almost half of the people captured illegally crossing our border and almost half of the marijuana seized being smuggled into this country.

The Arizona Sheriffs and County Attorney's Association once published a quarterly magazine. The United States Border Patrol was featured in one of its editions. Then Border Patrol Tucson Sector Chief Jondal is quoted as saying this: "Congress has mandated that we get control of our border. And that is exactly what we are going to do. Whether it is illegal aliens, drugs, terrorists, or whatever, we are going to get control of our border." That publication was issued in the fall of 1987. There are four remarkable points to note in this statement: That "Congress mandated" control; that this was post Reagan amnesty (and I emphasize the word "amnesty" which is widely discussed today); that the idea that a terrorist threat existed even then; and that we sit here 20 years later still discussing the same stuff.

Then, June 1997 I was invited to testify before the Senate Foreign Relations Committee. The focus of the hearing--Border Violence. And now, 12 years later, we see this sudden flurry of activity and concern over the need to reign in this wave of terror on the border.

WHAT WE KNOW:

Violence associated with drug and people smuggling is increasing. It comes in many ways. People attempting to enter this country illegally are regularly subjected to robbery, assault, rape, kidnapping and all other kinds of atrocities. Much of this occurs before they ever cross the border. Competing organizations rob, steal and murder, also on both sides of the border. In Arizona, the transportation hub cities, Tucson and Phoenix experience these events daily. Kidnappings and murders south of the border are occurring at an alarming rate and some of it is migrating north as vulnerable groups move their families out of Mexico.

Smugglers working on the U.S. side of the border are more inclined to fight than to flee, have better telecommunications than many border law enforcement agencies, and have

extremely sophisticated networks that challenge the best we have to offer in response.

RESPONSE AND INTEROPERABILITY:

In today's border environment there is a multitude of federal, state and local law enforcement personnel, firefighters and medical providers who play a role in the response scheme of things. And then there are others--Red Cross, F.M.A., Search and Rescue, Medics, Hospitals, etc., etc., etc. While we hold meetings, hold simulation exercises and do lots of other things to bring all these assets together, the greatest obstacle to success is the inability to communicate on a common network. While there are jurisdictional and financial obstacles to achieving complete operability, the biggest challenge is the building of infrastructure and having manpower to staff communication centers. This will require the construction of physical communication facilities and funding to hire support personnel.

The good news is that cooperation, communication and planning activities are more common today than ever before. A recognition and emphasis of these activities should remain a priority.

The bad news is that last year Congress swept \$480M from BYRNE/JAG funding for joint narcotics task force funding, severely crippling coordinated drug enforcement efforts across the nation, most particularly along the border. These funds need to be restored.

A meaningful federally funded effort to enhance border enforcement is what is known as "Operation Stonegarden." This pays overtime and operational costs for local law enforcement officers to support and enhance Homeland Security efforts to interdict illegal border crossings. An expansion of this project, to include the permanent hiring of additional officers would help to significantly mitigate the impact of crime committed by illegal aliens.

FISCAL IMPACTS:

Over the past ten years, as much as 37% of local jurisdiction criminal justice system resources have been diverted to matters illegal alien related. We have always had to deal with the dynamics of drug smuggling in this area, but alien smuggling has presented a whole new dimension of challenges. Property damage, theft, burglary and the trail of garbage and human waste left behind by countless numbers of illegal border crossers are the order of the day. People who commit these crimes and who are housed in county jails and state prisons add to the cost. Since they cannot pay bond, declare indigency and often have serious medical problems, all of this expense is shifted to the local jurisdiction.

In 1995, Congress authorized reimbursement to state and local jurisdictions (S.C.A.A.P. State Criminal Alien Assistance Program) to assist with these costs. Then, we recovered approximately 33% of actual expenses, minus medical costs. Today, that fund only reimburses about 9 cents on every dollar.

BOTTOM LINE:

There are some good things that are working. Operation Stonegarden, which provides funding to local jurisdictions to support Federal border enforcement efforts, has proved to be effective. Sheriffs on the border have no interest in becoming border enforcement agents. We do, however, have a significant role to play in preventing and investigating crime related to drug and people smuggling in our respective counties. Until our Federal Government achieves its mandate to secure our borders, we will be plagued with the consequences. We do not have the resources to successfully meet our obligations, and therefore require some relief. Expansion of existing federal programs that adequately reimburse and enable local criminal justice agencies to employ necessary resources are imperative.