

STATEMENT OF THE
NATIONAL BORDER PATROL COUNCIL
OF THE
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFL-CIO

BEFORE THE
SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT
COMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES

ENSURING WE HAVE WELL-TRAINED BOOTS ON THE GROUND AT THE BORDER

PRESENTED BY
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The National Border Patrol Council appreciates this opportunity to share the views and recommendations of the 11,000 front-line Border Patrol employees that it represents regarding the challenges posed by recent efforts to significantly increase the size of the Border Patrol.

It is quite obvious that our Nation's borders are out of control. In any given year, the Border Patrol apprehends about one million people attempting to illegally enter our country, and front-line agents estimate that about two to three times that number slip by them. Currently, somewhere between 12 and 20 million illegal aliens are residing in the United States.

In recognition of this crisis, Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 authorized the addition of at least 2,000 Border Patrol agents per year over the five-year span from 2006 to 2010. Sadly, the Administration's budget request for the first of those years only requested funding for 210 positions. Fortunately, Congress ignored that request and funded a total of 1,500 additional agents.

In May of last year, President Bush announced with a great deal of fanfare that he was committed to increasing the size of the Border Patrol to slightly more than 18,000 agents by the end of next year. While these additional resources are desperately needed, the wisdom of adding so many new agents in such a short period of time is questionable. Every sizeable law enforcement agency that has ever engaged in an overambitious recruitment program has suffered the inevitable consequences of increased corruption and attrition, as well as poorly-trained new officers, with a resultant loss of public confidence. This occurred because these agencies were forced by artificial time constraints to relax hiring standards and cut corners in the screening and training processes. These same types of shortcuts have already been implemented in the recruiting and training of Border Patrol agents, and there is no reason to expect that the outcome in this case will be any different from the experiences of those other agencies.

Realistically, there is no magic number of Border Patrol agents required to secure our borders, and even there were, it would certainly be much higher than the 18,000 proposed by the Administration. The goal of border security can only be attained by means of an all-encompassing enforcement strategy that simultaneously focuses resources and efforts on the border and the interior. The single most important step that must be taken is the elimination of the employment magnet that entices millions of people to violate our immigration laws every year. Once people enter this country illegally, it is incredibly easy for them to obtain a job. In order to fix this problem, a system must be put in place that makes it simple for employers to determine who is authorized to work in this country, and ensures that those employers who do not comply with the law are severely punished. H.R. 98, the “Illegal Immigration Enforcement and Social Security Protection Act of 2007,” meets these objectives. It would require every job applicant to present a counterfeit-proof Social Security card containing a recent digital photograph and encrypted biometric information, and would mandate that every employer verify the authenticity of such documents by passing them through an electronic reader.

While an effective workplace enforcement system would dramatically change the dynamic at the border by discouraging millions of laborers from illegally crossing, it would do nothing to deter the tens of thousands of criminals and handful of terrorists who attempt to enter our country illegally every year. With the proper types of surveillance technology and barriers at the border, however, the odds of apprehending these criminals and terrorists would be greatly enhanced. This assumes, of course, that the Border Patrol has sufficient staffing, and that these employees are provided with the proper tools, training, and support. Otherwise, our borders will remain porous and vulnerable. In order to maintain adequate levels of staffing, measures must be taken to transform the Border Patrol into an organization that is capable of attracting and retaining the best and brightest. Although that once was the case, it is

no longer true. For a variety of reasons, morale has plummeted and attrition has soared to 12%.¹ Unless these disturbing trends are quickly reversed, it will be impossible to recruit and retain large numbers of additional Border Patrol agents. Thus, before discussing changes that need to be made in the hiring and training processes, it is important to understand the problems that cause employees to leave the agency. It is senseless to spend millions of dollars recruiting and training individuals who will depart after a short period of time.

Without question, the greatest sources of frustration among front-line employees are the policies that interfere with the accomplishment of the mission. These include:

- The “strategy of deterrence” that forces agents to maintain fixed positions and does not allow them to pursue intruders who circumvent those positions.
- The diversion of scarce resources from the border to traffic checkpoints, to the detriment of the agency’s capability to apprehend people at the border. (Traffic checkpoints have a legitimate backup role, but should never be relied upon as the primary means of intercepting terrorists, criminals, illegal aliens, and contraband.)
- The vehicle pursuit policy that does not allow agents to stop vehicles that break any traffic laws unless they have supervisory approval to do so. Such approval is rarely granted.
- Arbitrary reductions in the amount of overtime that can be worked, further decreasing the agency’s ability to accomplish its mission.
- A lack of critical infrastructure, including adequate facilities, communications capabilities, and useful equipment. At the same time, billions of dollars are being expended on projects of dubious utility.

¹ Any claims by the agency that the attrition rate is lower are disingenuous. Its attrition figures often exclude employees who leave during their first 18 months, as well as those who transfer to other components of the Department of Homeland Security. It is clear, however, that every person who leaves the Border Patrol for **any** reason must be replaced in order to reach and maintain a numeric goal.

Systemic problems within the organization also contribute to the low morale of employees. The transfer of the Border Patrol into the Bureau of Customs and Border Protection was ill-advised from the outset, and the situation has deteriorated with the passage of time. In order to maximize its effectiveness, the Border Patrol should be an independent component of the Department of Homeland Security. Moreover, it needs to be divorced from the politics of immigration. Law enforcement agencies should never be allowed to become offshoots of the Executive Branch's political agenda. They must be allowed to function independently, and to objectively enforce all of the laws on the books.

Almost all of the emphasis during this recent hiring push has been on recruitment, with very little attention paid to the retention of experienced agents. This is a very serious oversight. Unless the agency addresses the underlying causes of dissatisfaction, employees will continue to leave at an alarmingly high rate. The agency therefore also needs to utilize existing statutory authority to pay retention and other types of bonuses to entice employees to stay.

Significant increases in the number of Border Patrol agents must also be accompanied by a commensurate growth in the infrastructure that supports them. Adequate equipment, facilities, and support personnel are all necessary in order to ensure that the front-line agents are able to effectively carry out the mission of the agency. Currently, there are serious deficiencies in all of these areas. These additional expenses must be factored not only into the cost of hiring new employees, but also into upgrading support for current employees.

Some of the problems that exist in the recruitment and training processes are:

- The recruitment materials are extremely misleading, highlighting duties that very few agents are actually allowed to perform. This quickly leads to disillusionment once new-hires are assigned to the field. It would be far better to initially discourage applicants through an accurate portrayal of work assignments instead of waiting for them to discover the truth after large amounts of money have been wasted on recruiting and training.

- Agents who preside over oral hiring boards no longer receive any information about the candidates they are interviewing. This makes it extremely difficult to question candidates about potentially troubling aspects of their past.
- Background checks continue to be contracted-out even after this process allowed an illegal alien to be hired as a Border Patrol agent. That individual's immigration status was not discovered until after he was arrested for smuggling hundreds of other illegal aliens into the United States while on duty. This is by no means an isolated case. Several gang members have also been hired by the Border Patrol in recent years, and they were also caught smuggling on duty.
- In order to be able to train more recruits, the length of the Border Patrol Academy has already been reduced from nineteen to seventeen weeks. In October, an additional three weeks will be removed from the curriculum. At the same time, a new program will be instituted that eliminates another eight weeks of instruction for trainees who demonstrate proficiency in the Spanish language. These shortcuts will undoubtedly create critical knowledge gaps for those who are trained in these abbreviated classes.
- Instead of being released, recruits who fail mandatory subjects such as Spanish, law, firearms, physical training and driver's training are being allowed to retake the courses under Project Second Chance, which is euphemistically called "P2C." The clear intent of this program is to meet the artificial recruitment goals at all costs.
- Although the training facility in Artesia, New Mexico is being significantly expanded, it is still incapable of handling the numbers of recruits envisioned by the Administration and Congress. Its remote location makes it difficult to attract volunteer instructors, many of whom must live in Carlsbad or Roswell, New Mexico, each of which are about an 80-mile round-trip commute. As a result, some agents have already been assigned there against their will for six months or longer. This policy is incredibly foolish. Impressionable new-hires should be trained by

instructors who are both highly-qualified and highly-motivated. Serious consideration needs to be given to utilizing an alternate location that is better suited for the purpose of training large numbers of recruits, or concurrently utilizing another facility in order to handle the increased number of trainees.

- The Border Patrol's field training program needs to be revamped and standardized in order to ensure that recruits are learning all of the requisite skills in a systematic manner after they graduate from the academy. Moreover, instead of flooding high-intensity areas with large numbers of inexperienced agents, the Border Patrol needs to ensure that there is a balanced mixture of personnel so that experienced agents can provide critical one-on-one instruction and evaluation of the recruits.

While some people believe that the foregoing problems suggest that private contractors could perform these functions more efficiently, the National Border Patrol Council does not share that view. The training of law enforcement officers is a function that should always be performed by those who have first-hand field experience in the organization, as well as a vested interest in the success of its mission.

In summary, hiring and training thousands of additional Border Patrol agents during the next few years presents a number of formidable, but not insurmountable, challenges. Although many of them will require substantial expenditures to address, the security of our Nation demands that we make that investment. The goal here is not simply to hire more Border Patrol agents for the sake of doing so, but to hire them for the purpose of securing our borders. All decisions concerning the recruitment and training of Border Patrol agents must therefore be governed by that overarching goal and purpose. Shortchanging this process will ultimately diminish the security of our Nation, and cannot be tolerated.