

**DONALD L. REAY
EXECUTIVE DIRECTOR
TEXAS BORDER SHERIFF'S COALITION**

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Austin, Texas

Senate Committee on Transportation and Homeland Security
Chairman Williams and
Honorable Members of the Committee:

My name is Donald L. Reay and I serve as the Executive Director of the Texas Border Sheriff's Coalition and have done so since February 6, 2007. My background is almost 40 years in law enforcement as a Border Patrol Agent, a Drug Enforcement Administration Special Agent, as a Special Agent with the U. S. Customs Service retiring as an Assistant Special Agent in Charge; as a Training Director for El Paso County Sheriff's Office Regional Training Academy while serving six counties in West Texas, and as a consultant to U. S. Customs and the National Drug Intelligence Center. My specialty has been, and is, working within task force and coalition environments.

The Texas Border Sheriff's Coalition was organized on May 4, 2005, and is represented by the Chief Law Enforcement Officer of each respective county. Texas Sheriffs, empowered by the state constitution, are committed, from a national security perspective, to protect lives, property, and the rights of the people, maintain order and security in the United States along the Republic of Mexico border, enforce the law impartially, and provide police service in partnership with other law enforcement agencies and community partners. This is the Mission of the Coalition.

The area covered by the Texas Border Sheriff Coalition (TBSC) membership is approximately 45,366 square miles which is larger than 17 of the 50 states within the United States. The area represents 17% of the great State of Texas. There are 2,003,174 reported in the 2000 Census in this area. The border with Mexico consists of 1,276.7 miles of river border.

Membership is limited to counties within 25 miles of the Texas/Mexico border. There are now 20 member counties.

The counties of the TBSC are Brewster, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kinney, Maverick, Pecos, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, Zapata, and Zavala.

The Coalition of these Texas sheriffs gave birth to a program that developed for border security. Through an evolution of programs and lessons learned, the cooperation of law enforcement agencies in the state grew as the synergy was developed between city, county, state, and federal law enforcement agencies. For the past two plus years we have been involved with the Local Border Security Program. It has been a collaborative effort that has led to a unified command to provide coordination of law enforcement entities along the border. Six Joint Operations Intelligence Centers (JOICs) were created in the state along Customs and Border Protection (Border Patrol) Sector lines under the leadership of the State of Texas yet with a unified command structure.

The unified command structure has value added with the Texas Rangers taking the coordinating control of the JOICs, with the Recon Ranger Program, with BSET grants to buy some equipment not otherwise available, and the Border Watch virtual border watch program coordinated by Texas Border Sheriff's Coalition, and funded by grants from the state for two and one half years.

The result of this partnership has caused UCR crime to be reduced overall in the border area, the Border Patrol generally reports a decline in illegal entry activity, and the incidence of border crime is reduced. Perhaps, most importantly, is the fact that actual events of violence on the streets of Texas have been kept to a minimum while a war is waged in Mexico. For our Sheriffs, one case of violence on our streets is too many.

The Texas Border Sheriff's Coalition has defined Spillover as:

ANY ACTION ON ONE SIDE OF THE BORDER, THAT IS THE RESULT OF VIOLENCE, OR THE THREAT OF VIOLENCE, WHICH CAUSES A REACTION ON THE OTHER SIDE OF THE BORDER.

THAT ACTION/REACTION MAY RESULT IN A LAW ENFORCEMENT RESPONSE, AN ECONOMIC IMPACT, A SOCIAL CONSEQUENCE, OR A COMBINATION OF THE THREE.

I would submit to you that the highly visible, patrol centric activities combined with a mobile enforcement team in the United States has been a visible deterrent to containing the majority of the violence at our border. Further, I would submit to you that the violators of that gruesome violence in Mexico know that the resistance by law enforcement in the United States is much different than what they encounter in Mexico. In Texas, we have not witnessed an institutionalization of corruption as has been seen elsewhere. Where corruption has been found, it has been investigated and prosecuted, as we continue to police our own.

The list for asylum victims grows as people flee the violence in Mexico; this too has an impact on our nation as we extend our sympathy to those in need. However, the federal system is not designed to handle the volume of cases that grows day by day.

The economic and social impact is represented by several of many incidents that follow:

1. University Medical Center in El Paso, Texas, reported that from January 2008 to March 2010, 158 victims of gunshot or stabbings in Mexico were treated in El Paso. The cost to the hospital was approximately \$3 million dollars of which \$2.2 million was unpaid. Texas Tech Doctors were short by about \$300,000. That is only part of the economic and social issue. The victims were transported generally by EMT from the border, protected by El Paso Police Department, and then the El Paso Sheriff's Office secured the hospital to protect, victims, staff, visitors, and other patients.
2. The cost of prosecution continues to climb. In Terrell County, Texas, a group of eight persons who admittedly had delivered marijuana were caught as they burglarized a ranch house on the way back south. The Terrell County Jail could not house that many prisoners so they have had to pay to house them in Val Verde County at a cost of approximately \$10,000 per month. Within the last two weeks, a jury pool could not be selected in Val Verde County to accommodate that

many defendants. The result being that the trial may well be moved to another county with new costs.

3. The economic impact of the fishing tourist industry has severely been damaged in Zapata County by the cancellation of several bass tournaments and many traveling anglers. This is all due to the Hartley case and the other acts of piracy on the Falcon Lake.
4. The cost of the uncontrolled growth of Carrizo Cane and Salt Cedar along the Rio Grande has created a plight for ranchers and farmers as a salt cedar uses about 78 gallons of water a day. In addition, due to the thick growth, law enforcement and others along the river cannot see the river in places creating a security breach. One rancher we visited recently has quit running livestock in his area adjacent to the Rio Grande and long ago quit farming because of these issues. This is in the area of Culberson, Hudspeth, Jeff Davis, and Presidio Counties.
5. In Starr County it has been reported that there are many electrical hookups as people migrate from Mexico for protection. This also affects the infrastructure.

Each county will have their own story and only five are listed here as examples of the social and economic impact as well as a security issue for our State caused by violence and the threat of violence or spillover.

The Texas partnership is bolstered by Sheriffs, City Police Departments, Texas Department of Public Safety with their Texas Rangers, Highway Patrol, Aviation Assets, Investigators, the Texas Parks and Wildlife Division (Game Wardens), and our Federal partners lead by Customs and Border Protection. This force multiplying group has a common goal of keeping our state and nation safe.

The Sheriff's Association of Texas and the National Sheriff's Association provide valuable guidance, support, creativity, and focus and we are proud to be members of these two great American associations.

The Texas Border Sheriff's Coalition focuses on crime and not the nationality of the criminal. For example, in the Border Watch program if a person enters the United States at other than a port of entry, the one constant is that a crime has been committed. An appropriate law enforcement

response by a law enforcement agency will determine what that violation is and then the appropriate action will be taken or referral made to the agency with jurisdiction over that crime. The community impact has been increased security in our communities without violating the rights of persons and infringing on property. All cameras are located with the permission and often the request of land owners. We have had over 172,239 virtual deputies register to participate. We surpassed 100,000,000 hits on the website as of October 25, 2010. Our viewer time is 11 minutes and 4 seconds per session. The worldwide response and interest has been great with viewers from 85 nations around the world. The program has also received press from many parts of the world.

Another example is when a Sheriff receives a complaint that a rancher's fences are being torn down and his property is being littered. The Sheriff will dispatch deputies, not knowing who the vandals are. They may be undocumented persons; they may be poachers, or citizen vandals. However, if upon contact, it is determined that the violators are probably undocumented persons then the Sheriff must act on both issues.

There are also examples of a Sheriff responding and finding persons in peril, in substandard living conditions, or in an indentured status, and upon arrival, learns that the persons are also illegal immigrants. Then one has to judge, has the Sheriff worked an immigration case or has he saved human beings from an indentured status or possible harm? I would submit that the Sheriff has provided a humanitarian service by doing his job and the by-product is that the undocumented persons must be referred to CBP or ICE.

Unfortunately, these encounters with illegal immigrants represent some of the many numbers who have "beat the border". The TBSC through its Operation Linebacker provides an adjunct to the CBP and is not in competition and certainly not a replacement to that organization. The term Linebacker suggests backing up, and in football terms filling holes, and these numbers that have been used to criticize the coalition but in reality should be a compliment to the residual support to CBP. The Linebackers are doing their job. Immigration is not the targeted enforcement activity of the Sheriffs.

The most difficult job of evaluating what is done with increased border area presence by the Sheriffs is that of the deterrent effect. Reduction in the crime rate is one thing and is best judged over time as crime tends to be cyclic with

peaks and valleys dependent on many uncontrollable circumstances. The CBP reported decreased apprehensions overall in the last numbers made available to the Coalition. Could this be a residual effect of Linebacker? Community impact is another effect and that is best judged by whether or not residents feel safer in their community because of the increased presence of law enforcement. The Sheriff is the best judge of that because I can guarantee that his/her constituents will let him know if they are not feeling safe and secure in their domains.

Funding for the TBSC comes from grants. We are subject to audit and scrutiny and have in fact already been audited or monitored fourteen times since inception. Our last two audits by independent auditors have resulted in zero findings and zero recommendations. Our other audits have also been remarkably strong.

The purpose of the TBSC is that of a force multiplier to provide public safety by combining ideas and resources to better protect the inhabitants of the 20 border and adjacent counties.

One only needs to ask the neighbors of the victims of a home invasion if they are not impacted. One only needs to ask the hospital worker or visitor if they are not impacted when a victim of violence, especially from Mexico, is brought into their facility for treatment. One only needs to ask the witnesses to a kidnapping or murder if they are not impacted.

It was reported by the University of Juarez in October 2010 that 245,000 had left Juarez because of the violence. The report stated that 54% went to the United States and 45% specifically to El Paso. In June 2010, the Juarez Chamber of Commerce reported approximately 30,000 abandoned homes in Juarez.

The answer for Border Sheriffs is not to send more money to Mexico but to augment the needs of our local law enforcement to contain that violence at the border first. It is most difficult to change the institutionalization of corruption that has engulfed Mexico. It is not to say that all Mexicans are corrupt but there is an institution that must be changed from within. The Texas Border Sheriffs in consensus, but not unanimity, objected to the Merida Initiative because there were no sanctions for money that was not used for which it was intended. This was confirmed in a conference call with Department of State and Department of Homeland

Security representatives. Therefore, our recommendation is to contain violence at our border first and then carefully administer monetary aid while a neighbor nation works to change this plague of violence.

The **PRIORITY NEEDS OF THE TEXAS BORDER SHERIFFS ARE:**

1. Manpower

This would preferably be permanent personnel. However, as an alternative to that it would be sustaining the program that supports overtime for deputies, administrative professionals, dispatchers, jailers, and the hiring of augmentees.

2. Direct Operating Expenses

These items would include fuel, maintenance, administrative tools, specialty uniforms and those for special hires, tires, and the general material so support enhanced operations.

3. Equipment

The primary concern is replacement vehicles and specialty equipment that is needed to protect Texans. As equipment has increased use its cost of maintenance and replacement grows. This would include equipment, may be surplus, that would help to clear roads for access to remote areas.

4. Communication Interoperability

To date our attack on this issue has been a patch work design and is in need of a serious approach that takes in local, county, and state needs.

5. Training/Travel

As we expect more of deputies, we must provide increased training. In addition, travel to train, plan, collaborate, and execute law enforcement initiatives is critical to success.

6. DPS Aviation

The helicopters provided by the legislature to DPS have been valuable to county and local law enforcement. A need has been identified to add fixed wing aircraft to this arsenal due to an assessment of needs as we adjust to the threat.

These Sheriffs were visionary in creating a plan that is effective, yet simple in approach, and has maximized the resources granted to them by the state and federal government. Through grants, and by working in partnership, they have created a synergistic effect in law enforcement. In fact, they have been so innovative that the Sheriffs along the border in New Mexico, Arizona, and California have formed with Texas a partnership that is called the Southwestern Border Sheriffs Coalition. Ladies, and Gentlemen, when creative minds come together, combined with sincere dedication, the results serve as a force multiplier. That is the effect of this Coalition.

I am always available to answer your questions.

Yours in Service,

Donald L. Reay
Executive Director
Texas Border Sheriff's Coalition