



U.S. Customs and Border Protection

OFFICE OF BORDER PATROL

TUCSON SECTOR

RESPONSE TO:

SOUTHERN ARIZONA CHECKPOINT WORKGROUP RECOMMENDATIONS

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RESPONSE TO SOUTHERN ARIZONA CHECKPOINT WORKGROUP RECOMMENDATIONS

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Section I

Report of the Interim/Permanent Checkpoint Subcommittee: Checkpoint Workgroup Subcommittee Recommendations

Overview: At the June 18, 2007, meeting of the Community Workgroup on Southern Arizona Checkpoints, two subcommittees of the Workgroup were formed. The *Interim/Permanent Checkpoint Subcommittee (IPCS)* was asked to identify areas where the Border Patrol can make operational and non-operational adjustments to the checkpoint facility to improve enforcement and expedite legitimate travelers. The *Options Subcommittee* was asked to explore options to an interim or permanent checkpoint in Southern Arizona.

The IPCS met on June 26, July 13 and August 1, 2007. The subcommittee agreed to develop separate recommendations for an interim and a permanent site. The Border Patrol is working towards constructing the interim checkpoint at kilometer marker 50 and/or 52 on I-19 and is estimating it to be operational by the end of 2007. The Border Patrol has also reported that the permanent site would not be operational for approximately 5 years. Following are the recommendations of the subcommittee:

All construction projects undertaken by the Border Patrol involve environmental and engineering assessments as part of the initial phase. The results of these assessments often impact the length of time it may take to complete a given project. These findings make giving exact construction timelines extremely difficult. However, the intent of the Border Patrol with regard to the interim and permanent checkpoints is to move forward as quickly as possible, while meeting all requirements of the planning, design and construction process.

Interim Checkpoint:

The subcommittee determined that the following operational and non-operational adjustments would enhance the effectiveness of an interim checkpoint:

- Create a safe inspection area to include:
 - Canopies over inspection areas;

The current design plans for the interim checkpoint include canopies over inspection areas.

- Assure that signage for directing traffic is clearly posted (constructed as to reduce or be glare resistant), and make certain that the signage routes trucks to the farthest right lane;

The Border Patrol will adhere to all Arizona Department of Transportation standards and highway safety standards for all traffic control elements of the interim checkpoint. Commercial traffic will be directed to the farthest right lane.

- Add rumble strips, if feasible, to approaching checkpoint inspection area;

Rumble strips and/or ceramic markers (rumble dots) will be incorporated into the interim site plan.

- Implement use of transportable reader boards in approaching communities as well as immediately preceding the checkpoint to advise the traveling public of wait times, heightened alerts, and other public safety announcements. Research the possibility of posting wait times on the internet.

Border Patrol planners will consider the use of reader boards as a way to communicate important public safety information to the motoring public. Given the importance of maximizing safety in the approach/slow down area of the checkpoint, it is critical to the motoring public and the agents working the checkpoint that distractions in that area are minimized. Border Patrol will evaluate where the best location for these boards would be with safety as the priority, however, given the necessity of driver focus during the approach to and departure from the checkpoint, reader boards may best be utilized as a separate tool, away from checkpoint operations.

- Add fourth lane if physically and financially possible;

Given the space restriction within the Arizona Department of Transportation easement on Interstate 19, limited space precludes the construction of a fourth lane at the interim sight.

- Monitor wait times closely and provide the necessary resources to reduce wait times for travelers so that any impact on tourism is minimal;

Currently, checkpoint supervisory personnel are responsible for monitoring traffic flow at the checkpoint. The intent is to balance the need for effective enforcement operations with the need to facilitate the flow of commerce and travelers. Current wait times at kilometer 42 rarely exceed five minutes, and except for morning and evening rush hours, wait times are routinely a matter of seconds, not minutes. The Border Patrol is committed to continuing to monitor and minimize the wait time at the checkpoint as much as possible, while balancing the enforcement needs of the Service.

- Adhere to Pima County Dark Night Sky Ordinance;

Border Patrol has met with and continues to meet with various observatory professionals and other stakeholders in the area, and understands the importance of the dark skies ordinance. Border Patrol is committed to ensuring that the checkpoints meet or exceed these requirements, and to continuing to meet with stakeholders to ensure continued dialogue.

- Adhere to the Upper Santa Cruz River Habitat Conservation Plan

Border Patrol is committed to working within this plan to the extent possible.

- Consider stationing a VACIS machine at the interim site and if not feasible, at the rest area for secondary truck inspections so that trucks do not have to return to Nogales for inspection.

Given the limited space at the interim site, and the need to man the VACIS equipment full-time off-site, it is unlikely that a VACIS machine will be included in the current interim plans.

However, new technology continues to emerge with regard to inspection capabilities. The Border Patrol will continue to seek to improve the efficiency of inspections as new devices become available.

- Target DUI in cooperation with other law enforcement agencies at the checkpoint.

Border Patrol is committed to working closely with all law enforcement partners. However legislative restrictions limit the use of Border Patrol checkpoints by other agencies to within legal bounds. All agencies are encouraged to utilize the checkpoint as appropriate for their departments.

Baseline Report:

The subcommittee recommends the preparation of a report on the **tactical** checkpoint prior to the initial operation of the **interim** checkpoint. This baseline data would be requested by the Border Patrol with set guidelines from the U.S. Drug Enforcement Agency (DEA), ICE, local law enforcement, Public Lands Managers, and first responders based on publicly available data.

The intent of this report is to provide a basis for measurement of the impact of the interim checkpoint on drug and human smuggling in Southern Arizona. The report should include the amount of funds spent and specifically how they are spent by local law enforcement agencies on criminal activity directly related to the checkpoint.

Status Report:

After one Fiscal Year of operation of the interim checkpoint, or an equally appropriate length of operational time needed by the Border Patrol to gauge levels of effectiveness, a report would be provided to Congresswoman Giffords that would update data included in the Baseline Report.

The committee recommends that Border Patrol request information from DEA, ICE, local law enforcement, U.S. Forest Service, and first responders attributable to checkpoint operations. The report would also include information of intercepts that take place at the interim checkpoint for federal, state and local violations such as stolen vehicles, DUI's and persons with warrants. Other law enforcement agencies should provide information on the direct impacts of the checkpoints on their operation to include the information requested for the baseline report.

The baseline and status reports to include an impact statement may be shared with Congresswoman Giffords with the exception of any law enforcement sensitive information.

Currently, the Border Patrol gathers extensive data on checkpoint activity and operations, to include the recommended data, via an internal reporting document. This document was developed subsequent to the GAO report of 2005, which stated that the Border Patrol was not effectively monitoring checkpoint effectiveness. This document was briefed to the subcommittee. The Border Patrol is accountable to Congress, and will provide any requested data with regard to operations and effectiveness.

Permanent Checkpoint:

The subcommittee recommends the status report described above be considered as part of the Border Patrol's decision-making process for a permanent checkpoint. If it is determined that a permanent checkpoint is the most effective means of enforcement, the subcommittee developed the following recommendations based upon the footprint of the Laredo checkpoint. According to the Border Patrol, the I-19 Checkpoint will be a station with approximately 150 agents and will consist of 7-8 traffic lanes. Following are the recommendations of the subcommittee:

The Border Patrol has determined that permanent checkpoints are currently the most effective means of creating the enforcement in depth required to gain operational control of the border. Although there is still question as to the congressional approval and funding, the Border Patrol's position is that permanent checkpoints are absolutely essential, and their effectiveness has been established in areas where they are employed.

Checkpoint Functionality:

- Keep expandability in mind;

The Border Patrol will work with the Office of Field Operations at the Mariposa Port of Entry to share valuable information regarding expected growth in commerce. We have also been meeting with developers along the Interstate 19 corridor to consider long-term plans for growth and future traffic volume. Currently, a minimum of six lanes is being discussed, with eight lanes likely to ensure facilitation of future growth.

- Assure there are sufficient traffic lanes and that separate lanes are provided for commercial, common carrier, and commuter traffic;

The Border Patrol will plan for dedicated commercial and common carrier lanes as well as sufficient commuter lanes.

- Solicit input from identified stakeholders on a commuter lane(s) to be available for local residents or frequent travelers that apply and qualify to use the lane; (Integrate approved SENTRI pass holders)

The Border Patrol will consider the feasibility of a SENTRI type lane that will utilize emerging technology to facilitate the flow of legitimate commuter traffic.

- Provide a commuter lane for commercial trucks that have already passed inspection at the Customs Port of Entry.

This recommendation will be considered based upon the availability of technology which allows the Border Patrol to access timelines from when a vehicle crossed the border until it arrives at the checkpoint. In some cases, commercial vehicles that cleared the Port of Entry subsequently stopped and loaded contraband, which was seized at the checkpoint. As planning progresses, any technology that will make the screening or processing of commercial vehicles more efficient will be considered.

- Assure that signage for directing traffic is clearly posted and are constructed as to reduce or be glare resistant;

Planning will ensure that signage is in compliance with Arizona Department of Transportation and National Highway standards.

- Add rumble strips to approaching checkpoint inspection area;

This recommendation is part of the planning process.

- Seek to mitigate noise using such things as rubber asphalt pads;

This recommendation will be researched and considered.

- Create a safe inspection area to include canopies over inspection areas;

This recommendation is part of the current planning process.

- Include a VACIS machine as part of the facility;

Border Patrol plans to include VACIS or other emerging and improved technology at the permanent checkpoint.

- Let contracts to provide at least two refrigerated dock spaces for perishable commodity examinations at the secondary inspection area;

Refrigerated dock spaces will be incorporated into the permanent checkpoint plans, either via contract or other means.

- Monitor wait times closely and provide the necessary resources to reduce wait times for travelers so that any impact on tourism is minimal;

Border Patrol will continue to monitor wait times, and expects with the additional lanes planned for a permanent checkpoint that wait times will not be an issue.

- Post wait times on reader boards in approaching communities as well as immediately preceding the checkpoint to advise the traveling public of wait times and heightened alerts.

Border Patrol will consider the viability of utilizing reader boards to advise motorists of wait times, while weighing safety and operational considerations at the same time.

- Research the possibility of posting wait times through the Custom & Border Protection website.

Planners will consider the viability of posting checkpoint wait times on websites accessible to the public.

Station Functionality:

- Include adequate dog kennels and administrative facility,
- Provide adequate detention facilities that separate women, children and families etc.;

- Have office space identified for use by other law enforcement agencies and first responders/EMS;
- Station Fire or EMS apparatus on an as needed basis, via pre arranged agreement between agencies.

These recommendations are all being considered as part of the planning process.

Enforcement Mechanisms:

- Provide a full complement of technological support in concert with manpower and other Border Patrol assets for interdiction and to create deterrent measures for circumvention routes;
- Construct a helicopter pad to also facilitate enforcement, medical and firefighter emergency services.
- Utilize state of the art technology at and around the checkpoint;
- Use unmanned aerial vehicles and other air assets in support of checkpoint operations;
- Compliment the Secure Border Initiative (SBI)net through researching the installation of the Texas 'Virtual Border Watch' System in Arizona;
- Research the strategic installation of emergency call stations or other system to report activity directly to the checkpoint station

The primary benefit of a permanent checkpoint is that it facilitates the use of available technology, and incorporates infrastructure and manpower in the most effective platform available for addressing not only highway traffic, but traffic that may attempt to circumvent the checkpoint. It is the intent of the Border Patrol to incorporate the full array of available enforcement tools at any planned permanent checkpoint that will render it as effective and efficient as possible. All of these recommendations are consistent with the Border Patrol's current planning process.

Additional Enforcement:

- Continue conducting DUI checks at checkpoint in collaboration with other agencies or as identified,

Border Patrol is committed to working closely with all law enforcement partners. However legal restrictions limit the use of Border Patrol checkpoints by other agencies to within defined criteria. All agencies are encouraged to utilize the checkpoint as appropriate for their department.

- Fire/EMS can be readily available to address hazmat and medical emergencies

Planning for all Border Patrol facilities, including checkpoints, takes into account the various potential challenges that may occur at a facility. Every Border Patrol station is required to maintain Continuation of Operation Plans (COOP), as well as specific threat response plans.

- Request the U.S. Attorney institute a zero tolerance and prosecute all checkpoint drug cases.

The Border Patrol continues to work closely with the United States Attorney's Office in the pursuit of criminal prosecutions related to border crime. Work continues in the direction of prosecuting as many violators as possible and new initiatives are currently being pursued that seek to continue to raise the number of cases prosecuted.

Design:

- Approval by ADOT for off highway Border Patrol Checkpoint Station in order to mitigate liability issues for safety on the interstate;
- Consider determining appropriate noise emission levels;
- Adhere to Pima County Dark Night Sky Ordinance;
- Consider energy efficiency such as solar (US Green Building & LEED certification),
- Design should reflect the existing architectural and natural environment
- Adhere to the Upper Santa Cruz River Habitat Conservation Plan
- Incorporate desert landscaping to blend the checkpoint with the surrounding landscape and consider xeriscaping or rainwater harvesting systems;
- Name the facility the Amado Station or Amado Checkpoint;
- Promote with signage the dual mission of Customs & Border Protection "Securing America from those who would do us harm while facilitating legitimate travel and trade".

Many of these recommendations are already a part of the Border Patrol planning process, and all will be considered. The Border Patrol works closely with the Arizona Department of Transportation on all highway related projects. Chief Aguilar has agreed that architecture is certainly open for input and discussion, and the Border Patrol is already incorporating Dark Skies standards in all Tucson Sector projects. Environmentally friendly landscaping and a mindset towards conservation are also factors that will be considered.

Community Relations:

- Supplement the 1-877-USBP-HELP with a three digit calling number such as "211" (as an example).

Tucson Sector will investigate the viability of this type of system further. Initial inquiries with local law enforcement indicate that there may be existing regulations which restrict this type of usage; however, it will be pursued.

- Inform the public they can request a call back when reporting illegal activity

The Tucson Sector will ensure that community outreach and Sector communications personnel provide this information to members of the public.

- Compile a pamphlet on Tucson Sector Border Patrol operations. If possible include other agency and emergency numbers and a brief explanation of what the responsibilities are by agency. Post pamphlet in agencies' websites. Including, Chamber of Commerce and Arizona Department of Real Estate Buyer's Advisory webpage link.

Tucson Sector will create and distribute the recommended pamphlet.

- Revise the Tucson Sector's webpage link with information of all the Border Patrol stations within the sector. Include statistics, contact names & numbers. Post positive information of how the Border Patrol works hand in hand with the community.

CBP website revisions are currently underway. Posting of a community oriented website will be considered.

- Provide relocation information to agents and trainees about local resources as incentives to live in local communities;

Tucson Sector community relations officers will work with local Chambers of Commerce to develop relocation packets for the various station areas, and distribute them to new agents.

Conclusion: In summary, the subcommittee endorses checkpoint operations as a critical component to a layered enforcement plan that supports the continuing enforcement operations and apprehension capabilities at the border. The subcommittee believes the recommendations included in this report will help assure that the interim checkpoint at kilometer marker 50 and/or 52 on I -19 will provide optimum benefit for the communities and citizens in the region.

Moreover, the subcommittee believes that the data that will be derived from the Baseline Report and the subsequent Status Report will provide important measurements that will help make more informed decisions on the installation of a permanent checkpoint. In conclusion, if it is determined that a permanent checkpoint is a viable means of curtailing illegal activity, the recommendations included in this report should assure that the permanent checkpoint is a model of efficiency, effectiveness and aesthetics.

END SECTION I

SECTION II

Report of the Options Subcommittee: Checkpoint Workgroup Subcommittee Recommendations

Options Subcommittee Recommendation:

INTRODUCTION:

The Options Subcommittee of Representative Giffords' Community Workgroup on Southern Arizona Checkpoints believes very strongly that the international border can and must be secured at the border. We believe that Border Patrol should be empowered and supported to secure the border at the border and that Congress should provide the funding to achieve this. Furthermore, we believe this is a viable solution that makes sense in terms of border security, the safety of our local communities, and indeed, national security. It is important to note that we support the Border Patrol in their mission, have great respect for all the men and women in uniform, and appreciate their efforts in protecting both public safety and our national interests.

The Options Subcommittee met on June 28th, July 20th and August 8th to identify the problem, discuss solutions, and craft our recommendation. Additionally, members of the Options Subcommittee conducted extensive research into the proposal to build permanent checkpoints in the Tucson Sector, including interviewing key community leaders, hosting community town halls, meeting with local law enforcement and Border Patrol representatives, conducting document research, making two site visits to the Laredo Sector to meet with Border Patrol leaders and local community leaders, and submitting detailed requests for information from Border Patrol HQ in Washington. Throughout the process, we kept in mind Representative Giffords' charge that this Community Workgroup "think outside the box."

Based on our research it is clear to us that the decades-old Border Patrol strategy of building and maintaining permanent interior checkpoints represents incomplete thinking. Furthermore, as a solution to the porous border, we believe it is unworkable. Our research uncovered similar concerns in four distinct regions of the country, where permanent interior checkpoints were being considered or have been around for decades:

- *California* – In 2000, the California State Assembly passed a resolution 71-2 requesting that Congress close down the Southern California checkpoints at Temecula and San Clemente, because of concerns about public safety, traffic congestion, and overall effectiveness.
- *New York* – Congressmen Sweeney and McHugh stopped the I-87 proposed permanent checkpoint from being built in 2006, also citing concerns about costs vs. benefits and the fact that no hard data existed to show one way or the other whether the strategy was effective.
- *Vermont* – The Vermont Congressional delegation, including Senator Leahy and former Senator Jeffords, held hearings in 2005 over the perceived ineffectiveness of their permanent interior checkpoint. This checkpoint had been operational for 25 years prior to the hearings, raising serious questions about the argument that permanent checkpoints will eventually prove beneficial to a community. The use of the I-91 checkpoint in Hartford, VT, has been scaled back significantly since these hearings.
- *Texas* – The Laredo permanent checkpoint on I-35, even though it is located in a very remote area, has created significant concerns. For example, news reports document that new roads going around the checkpoint were created within days of its opening. Other news accounts showed that even coyotes using simple, unsophisticated strategies were able to get their human cargo around the permanent checkpoint.

The Options Subcommittee has three major concerns with the proposal to build permanent interior checkpoints in the Tucson Sector:

- Permanent interior checkpoints have been a central part of the Border Patrol's strategy for more than three decades, yet the growth in illegal immigration and smuggling over the same time period continues unabated. Estimates for the number of undocumented immigrants in the United States today range from 12 million to 20 million; clearly the old strategy is not working.
- It is well documented that permanent interior checkpoints cause an increase in crime in surrounding communities, as illegal immigrants, coyotes and drug smugglers attempt to circumvent the checkpoint. Public safety is further jeopardized by groups of bandits who capitalize on this predictable flanking activity in their attempts to rob the drug smugglers, usually at gunpoint. All of this additional border-related crime – though officially under the jurisdiction of federal law enforcement agencies – falls upon tribal, state and local law enforcement agencies to deal with. We do not believe it is wise to institute federal law enforcement policies that overstretch local law enforcement agencies. Our local Sheriffs agree. Cochise County Sheriff Larry Dever said about Border Patrol checkpoints, "Rather than driving down the highways, these guys start driving through people's backyards."¹ Santa Cruz County Sheriff Tony Estrada stated in February of 2007, just after the roving checkpoint on I-19 had been made stationary at KP42, "We're starting to see violence we never saw before...It's getting much more difficult for our office to deal with it."²
- Finally, the efficacy of permanent interior checkpoints never has been proven. To date, the Border Patrol still does not gather the necessary data to be able to adequately analyze the costs vs. benefits of permanent interior checkpoints, nor to judge the relative effectiveness of permanent interior checkpoints against "line operations" – Border Patrol operations on the border. This despite the fact that in July 2005, the Government Accountability Office specifically recommended they do so.³

The mission of the community working group as stated in writing in the working group charter was to "build a better understanding among the Southern Arizona communities on checkpoint operations and community impacts. The Workgroup will make recommendations to Congresswoman Giffords and Chief Patrol Agent Gilbert on issues, concerns and ideas regarding the current checkpoints and proposed permanent checkpoints. Workgroup members will provide information from their perspective organizations and communities and will report back to their constituencies and on the progress of the workgroup."

The Border Patrol clearly stated from the beginning, and restated throughout the workgroup process, the law enforcement identified need from an operational perspective for permanent checkpoints in Tucson Sector. The Border Patrol also clearly articulated the intent to proceed with the design and construction of the needed checkpoints upon completion of the community input process. This group was tasked specifically with the I-19 permanent checkpoint and not the other permanent or tactical checkpoints or other aspects of the Border Patrol's enforcement strategy or resource deployment

The Sector has delivered several presentations on the National strategy, Sector operations and checkpoint operations to the workgroup as well as various community and local

¹ Sierra Vista Herald, 4/25/06

² Tucson Citizen, 2/16/07

³ GAO Report on Border Patrol Checkpoints (GAO-05-435) July 2005, p.38

government offices throughout the I-19 corridor to provide the foundation for dialogue on identifying concerns and suggestions for our checkpoints. Throughout this process, the Tucson Sector has stressed that we focus the vast majority of our resources on the border and that the intent of the enforcement-in-depth strategy is not to attempt to make arrests away from the border, but to give agents the opportunity to interdict what could not feasibly be interdicted at the immediate border. With the increasing realization of the use of tunnels, checkpoints become even more critical in that regard.

RECOMMENDATION:

We are convinced that “outside of the box” thinking and comprehensive planning is indeed necessary. We believe there are numerous alternative strategies that can be employed to achieve a secure international border, safer local communities, and increased national security. Furthermore, what we propose below is not just our opinion as private citizens. Our comprehensive border security recommendation has been vetted by various members of local law enforcement as well as retired federal law enforcement officers. They, too, believe it can work if given a chance.

We believe that **bold new initiatives** are called for, initiatives that bring **multiple strategic elements** together in a systematic manner to address these challenges. Community support for this alternative approach is very strong as well. To date hundreds of members of the community – neighbors from throughout the region – have signed a statement to Representative Giffords urging her to find a better way forward. The community is demanding a comprehensive border security solution, one that does not depend on the incomplete and ineffective strategy that relies on permanent interior checkpoints.

The Options Subcommittee respectfully submits the following comprehensive recommendation to Representative Giffords and Tucson Sector Chief Gilbert to achieve the goals of securing the border in the Tucson Sector, protecting national security and protecting local communities’ safety as well. This proposed strategy supports our central objective that the Border Patrol become a more technologically advanced and agile law enforcement agency, capable of both deterring illegal entry and smuggling into this country, and quickly and effectively responding to all incursions and threats:

The subcommittee on options sought to propose alternatives to checkpoints through a mandate to secure the border at the border. This report in essence acknowledges that securing the border at the border is impractical by recommending elements that are part of and support the current Border Patrol strategy of layered enforcement-in-depth. Through the recommendations, this group acknowledges that all incursions cannot be deterred or stopped at the immediate border and the checkpoint platforms described herein appear to be de facto permanent checkpoints. This is supported through the recommendations for more agents, the mobile rapid deployment patrols north of the immediate line, the integration of technology such as SBI, cross training of local law enforcement and establishing multiple checkpoint platforms in identified areas throughout the Tucson Sector.

- 1) Congresswoman Giffords and other members of the Arizona Congressional delegation should provide Customs and Border Protection (CBP) and the Border Patrol with sufficient legislative directives and funding to increase the focus of their enforcement activities on the border. Border Patrol’s resources and efforts should be overwhelmingly directed at preventing terrorists, smugglers and illegal immigrants from entering the U.S., lessening the need to expend so many resources on apprehensions and seizures after the border has been breached.

2) Congresswoman Giffords and the other members of the Arizona Congressional delegation should provide the Border Patrol with sufficient legislative directives and funding to pursue an enforcement strategy that is more comprehensive and border-intensive than is the permanent interior checkpoint strategy. It is imperative that the strategic elements listed below be considered together, as part of a multi-pronged strategy to effectively secure the border and keep our communities safe. This comprehensive border security strategy should include, but not be limited to, the following components:

- a. Rebuild Ports of Entry in the Tucson Sector based on need, to accommodate increased traffic while better monitoring who and what comes through;

This recommendation does not fall under the purview of Border Patrol.

- b. Increase training and use of Unmanned Aerial Vehicles and manned aircraft to monitor the border;

Tucson Sector currently utilizes two Unmanned Aerial Surveillance (UAS) platforms and the CBP Air and Marine Operations Branch is continually training and improving the UAS program.

- c. Implement SBI-net at and along as much of the 262-mile Tucson Sector border as is feasible based on topography;

SBI-net is currently being implemented and Arizona will be the first SBI-net target location for deployments on the southern border.

- d. Build permanent road barriers along the border at all locations where incursion by vehicle is possible and/or likely;

Since July of 2006 the Tucson Sector has dramatically increased the level of tactical infrastructure on the border as follows;

Tactical Infrastructure	July of 2006	August of 2007	
	Miles	Miles	Increase (Miles)
Fence	19.3	21.9	2.6
All Weather Road	23.2	40.35	17.15
Permanent Vehicle Barriers	25.1	41.1	16
Temporary Vehicle Barriers	6.75	30.6	23.85

- a. Assign more personnel ON and immediately adjacent to the border;

Tucson Sector currently deploys over 90% of its available resources directly on the border, to include manpower, technology and infrastructure, and will continue this configuration after the addition of permanent checkpoints. The Border Patrol is also in the midst of the largest hiring initiative in its history, and Tucson Sector will receive its share of the manpower buildup..

- b. Implement high-tech tactical, roving checkpoints. Utilizing the element of surprise, set up highly mobile tactical checkpoints that can quickly be relocated *based on intelligence*. Tactical checkpoint locations should be predetermined and pre-approved through the use

of historical and trend data. Flanking around tactical checkpoints should be addressed using state-of-the-art technology, increased BP personnel and stepped up coordination with other federal, tribal, state and local law enforcement;

Roving checkpoints as described have been declared unconstitutional by the United States Supreme Court. The proposed “advance tactical, roving checkpoints” would not only be ineffective but given the proposed infrastructure and technology deployments that would be required for each site, this would be highly cost prohibitive. Human and drug smugglers possess advanced communications, transportation and weaponry which effectively eliminate any element of surprise. Serious smugglers will not be surprised by a roving checkpoint.

- c. Employ mobile rapid deployment units. These vehicle and aircraft units should be coordinated with other federal, tribal, state and local law enforcement, and be capable of intercepting any penetration of the border or flanking of tactical checkpoints;

The Border Patrol utilizes mobile assets and the rapid deployment of manpower and resources in response to the changing threats along the border. Defense in depth, blending tactical and permanent checkpoints along with other coordinated enforcement operations are key to maximizing resource effectiveness at and beyond the border.

- d. Increase cross-training of federal, tribal, state and local law enforcement agencies on tactical unit strategies, such as through the Cohort Program;

Cross-training, where beneficial occurs between various agencies to meet enforcement needs. Partnerships with state, federal tribal and local agencies are another core element of the Border Patrol National Strategy which benefits all agencies. Border Patrol also works with other agencies through joints efforts such as Operation Stonegarden.

- e. Institute shared, interoperable communications among federal, tribal, state and local law enforcement agencies – as recommended by the 9/11 Commission;

This recommendation does not fall under the purview of Border Patrol.

- f. Institute shared intelligence among federal, tribal, state and local law enforcement agencies;

The Border Patrol looks to maximize operational awareness via intelligence gathering and sharing, and contributes to assign agents to numerous multi-agency task forces and intelligence fusion cells.

- g. Broaden the implementation of biometric, verifiable ID cards to facilitate legal, authorized movement of people and goods, and increase capacity to deal with criminals;

The Border Patrol is continually working with the United States Attorneys Office and Federal Magistrates so find ways to continue to prosecute more and more violators involved in border related crime. Given the volume of traffic within Tucson Sector, the local legal systems could easily be overwhelmed without cooperative efforts to prioritize and focus available prosecutorial resources.

- h. Expand the public's knowledge about, and use of, the Border Patrol hotline – 877-USBP-HELP. Devote the resources to ensure every tip call gets a call back if desired, to build people's confidence in the system;

Border Patrol will continue to publicize the 877- USBP-HELP number.

- i. Work to achieve **full** funding for the State Criminal Alien Assistance Program (SCAAP), and fight for the passage of the Border Law Enforcement Enhancement Act (HR 2542), to ensure local law enforcement agencies can recoup the resources spent on immigration and border-related crime. This funding for local law enforcement should in no way decrease resources allocated to Border Patrol.

This recommendation does not fall under the purview of Border Patrol.

- j. With all these measures, encourage the Department of Homeland Security, CBP, and Border Patrol to institute clear and transparent accountability standards.

As with any federal agency, the Border Patrol answers to various levels of oversight and accountability to include Congress, GAO, OIG, and internal monitoring.

- k. Congresswoman Giffords and other members of the Arizona Congressional delegation should immediately seek the enactment of legislation preventing the Border Patrol from expending any funds to construct permanent interior checkpoints in the Tucson Sector. This legislation could be similar to the legislative language included in previously enacted appropriations bills.

In addition to the above incorporated recommendations, the options subcommittee of the workgroup sought to focus on a broader scale of border security and immigration to include elements pertaining to sharing of intelligence amongst law enforcement and local governments, improving and expanding legal ports of entry, implementing national identity cards with biometric features, seeking SCAAP and other reimbursement funds, and rectifying interoperable communication issues as recommended through a 911 Commission. These are all programs, initiatives, and operations that are not under the purview of the Border Patrol and although they were not part of the tasking to the workgroup participants they are associated with the overall border security issue. I will ensure that these recommendations are forwarded through official channels to the appropriate departments.

BACKGROUND:

The Options Subcommittee believes that there must be a systematic approach to defending our international border and protecting the safety of all communities in the border region. This approach must include achieving operational control of the border utilizing not only increased manpower but also the most modern technology available.

The Sandia National Laboratory, commissioned by INS and the Office of National Drug Control Policy in 1991-93 to do a systematic analysis of security along the US/Mexico Border, concluded that “control of illegal alien and drug traffic can be gained.” They noted that the strategy of interior apprehensions “was inefficient and diminished the Border Patrol’s ability to control the border,” and recommended that the Border Patrol

change its tactics from apprehending illegal crossers after they have entered the United States to preventing illegal entry into the United States.⁴

In terms of interior “defense-in-depth”⁵ strategies, we believe that *permanent* checkpoints are by definition ineffective, and that the Border Patrol should instead implement an updated, more technologically-advanced version of tactical, strategically mobile checkpoints. We strongly urge Congress to provide the necessary funding and guidance to enable Customs and Border Patrol (CBP) to secure the border effectively while also implementing *effective* defense-in-depth strategies. We understand that defense-in-depth is a key objective of CBP; however, we are convinced by the breadth of empirical and anecdotal evidence that permanent checkpoints are not an effective method by which to achieve it. Permanent checkpoints have the fundamental flaw of being obvious fixed landmarks. Furthermore, drug and human smugglers are highly sophisticated and possess advanced communications, transportation and weaponry resources at their disposal. They also have millions of dollars at stake in their operations. In this environment, permanent checkpoints by definition put all adjacent and surrounding communities at serious risk.

Following is a detailed discussion of the strategic elements we propose, in order to effectively secure the border and keep local communities safe:

1. Fund and rebuild Tucson Sector Ports of Entry as dictated by need, with modern technology and expanded commercial and passenger vehicle lanes to alleviate wait times, stimulate local economic activity and growth, enhance detection capabilities, and better secure the border. Such technology should include all Port of Entry customs technology, such as machines to scan biometric ID cards as well as the most up-to-date “flanking” technology, including but not limited to ground sensors, sky watch towers equipped with day and nighttime cameras, ground surveillance radar units, and aerial surveillance equipment such as the RC-7 Airborne Reconnaissance Low (ARL) with Communications Intelligence (COMINT) and Imagery Intelligence (IMINT) and Moving Target Indicator (MTI) technology.

We understand that the Mariposa Port of Entry is slated to be rebuilt by 2012, but that Congress has not allocated to date nearly enough resources to substantiate this reality. Full funding for the very high-volume Mariposa POE must be allocated immediately. Furthermore, we understand there are currently no plans to rebuild or upgrade the DeConcini Port of Entry or other ports of entry in the Tucson Sector, in Douglas, Naco, Lukeville and Sasabe. We urge Congress to act swiftly to appropriate the total amount necessary to evaluate the needs of each port of entry and make high-tech, more secure ports of entry throughout the sector a reality.

2. Secure the Border at the Border:

We believe that the most effective way to address drug smuggling and illegal immigration is to stop it at the border. We further believe that the border can in fact be secured through a series of strategic measures. This strategy includes utilizing all roads along and adjacent to the border to facilitate patrolling. It includes building permanent vehicle barriers along the border, any place where penetration by vehicles is possible and/or likely. Currently, only 30 miles of the Tucson Sector border have vehicle barriers in place, and these are not permanent vehicle barriers. It includes increasing Border Patrol presence on the border, both on the ground and in the air, and rapidly implementing available technology such as cameras, ground sensors, radar and satellite communications at various locations along the border. It includes the use of Unmanned Aerial Vehicles (UAVs) in addition to manned aircraft.

⁴ GAO Report: Border Control, Revised Strategy is Showing Some Positive Results (GAO/GGD-95-30) p. 12

⁵ The third line of defense, as defined by Border Patrol in the 2005 GAO report, behind “line watch” and “line patrol.” Defense-in-depth involves interior traffic checkpoints, both permanent and tactical/roving.

The Tucson Sector includes 261 miles of the international border. It is much more efficient and effective to *fully* enforce this entire 261-mile stretch, rather than leave it porous and have to patrol the nearly 8,000 square miles of interior that exist between the international border and the proposed permanent checkpoint locations 30 miles north. We strongly urge Congress to fund, and Customs and Border Protection to implement, stronger measures to effectively seal the border.

Since “Operation Hold the Line” in El Paso, “Operation Gatekeeper” in San Diego and similar beefed up measures were enacted in California and Texas to address what were, in the early nineties, the highest-traffic sectors, a much larger proportion of both illegal immigrant crossings and smuggling activity has been funneled to the Arizona border and the Tucson Sector. In fact, the 2005 GAO report notes: “It is apparent that in recent years far more apprehensions of illegal aliens have occurred in the Tucson sector than in the 8 other [southwest border] sectors.”⁶ According to Assistant Chief Fitzpatrick, the Tucson Sector in recent years also has seen a substantial increase in drug seizures, an indication that it is a major drug smuggling route.⁷ Finally, since “Gatekeeper” and “Hold the Line” were enacted in California and Texas, deaths of illegal immigrants trying to cross the Arizona Sonoran Desert have gone up dramatically, as hundreds of would-be crossers expire in the Sonoran Desert each year. It is therefore imperative that adequate resources be allocated to the Arizona border to deter illegal immigration, stop drug smuggling, and prevent death and suffering in the desert. It is noteworthy that the success of both “Operation Gatekeeper” and “Operation Hold the Line” was due directly to the placement of more resources *on the border and immediately adjacent to the border*.

3. Increase CBP manpower in the Tucson Sector – on the border, at tactical, roving checkpoints, and in mobile vehicle and aerial units. As previously noted, the Tucson Sector accounts for a significant and growing share of CBP’s overall apprehensions and seizures due to an influx of illegal activity here in recent years. Border Patrol Chief David Aguilar’s stated goal is to increase the number of Border Patrol agents from 13,500 today to 18,300 by the end of 2008,⁸ representing an increase of 36% nation-wide. Some reports are that Border Patrol plans to bring on 6,000 new agents by the end of 2008, a 44% increase nation-wide. We believe the evidence shows that the Tucson Sector requires a share of that increased manpower commensurate with demand. We therefore propose that CBP manpower in the Tucson Sector be increased by 25% in the next 8 months and 50% by the end of 2008. It should be noted that the promise of new technology, such as SBI-net, ground sensors, radar, unmanned aerial vehicles and the like, is only as good as the personnel that is able to respond to incursions as soon as they occur. Minutes lost because of long travel time for the nearest agent are in fact the difference between an apprehension and no apprehension. Furthermore, we recommend that Border Patrol implement heightened applicant screening measures and improved training of new recruits to ensure that, as it rapidly staffs up, the possibility of infiltration by human and drug smuggling rings is prevented.
4. Institute *advanced* tactical, roving checkpoints across key roadways throughout the Tucson Sector, utilizing the element of surprise and maintaining the agility to relocate where and when necessary. These tactical checkpoints should utilize the most modern technology available to address “flanking,” including remote video surveillance, electronic sensors wherever possible, SBI-net capabilities where applicable and increased agent patrols in the vicinity. They should also utilize the most modern technology available to be able to more thoroughly inspect suspect vehicles and run identity/background checks on suspected criminals. To accommodate this need, we recommend that strategic tactical

⁶ GAO-05-435, p. 13

⁷ Agent Fitzpatrick’s comments to Community Workgroup on Southern Az Checkpoints, 6/18/07

⁸ REUTERS, *Border Patrol chief sees border control by 2013*, 5/09/07

locations on various roadways throughout the Sector undergo infrastructural upgrades to permit a tactical checkpoint to “pop up” and still have the electrical, communications, and space needs necessary to have full operational capability, while maintaining the critical strategic advantage of mobility and the element of surprise. Such infrastructural upgrades for each strategic location should include:

- a. Concrete side aprons off the highway, with one or more additional traffic lanes, to permit more intensive secondary inspections of vehicles and to allow for mobile Vehicle and Cargo Inspection System (VACIS) gamma-ray inspections of trucks;
- b. The concrete side aprons should also accommodate mobile vehicle checkpoint facilities – i.e. vehicles with multiple internal capacities, including computers with high-speed secured connections, temperature control, and detention space;
- c. Full electrical and hard-line communications hookups built into each location;
- d. Accommodations for Border Patrol canines;
- e. Areas for humane processing and temporary detention of smugglers and illegal immigrants.

5. Establish highly mobile rapid deployment “strike forces” that can quickly set up on any roadway to intercept traffic that evades the border deterrents or the tactical checkpoints. These units should be coordinated with other federal, tribal, state and local law enforcement and should be left in place for short periods of time in order to disrupt smuggler cell phone alerts.
6. Ensure that Border Patrol, other federal law enforcement agencies, tribal, state and local law enforcement agencies share communications capacity, intelligence and training, such as through the Cohort Program. All law enforcement agencies need to be on the same page when confronting sophisticated drug smuggling and human trafficking rings. With interoperable communications, sharing of intelligence, and inter-agency cross-training of frontline tactical units, local, state and tribal law enforcement agencies will be in a much better position to be able to support Border Patrol and other federal law enforcement agencies, leading to more arrests and successful prosecutions of drug smuggling and human trafficking rings. It is imperative, furthermore, that all current *systems* for law enforcement’s sharing of communications and intelligence, such as PC-Win and I-Win, be made interoperable.
7. Facilitate the successful implementation of SBI-net, tower-mounted sensors, cameras, radar and satellite communications technology, at and along the entire 261 miles of the Tucson Sector’s international border, by: (a) ensuring the “Project 28” pilot program near Sasabe, AZ has the resources it needs to succeed; (b) ensuring that the wider implementation of SBI-net, assuming success of the pilot project, is not impeded by undue bureaucratic hurdles; and (c) ensuring that Border Patrol personnel receive adequate and ongoing training to be able to make the best use of this new technology.
8. Better Publicize and Brand the Border Patrol Hotline number, 877-USBP-HELP, and research the feasibility of additionally instituting a 3-digit help line the public can call to report non-emergency, border-related activity. Not many people are aware of the Border Patrol’s hotline number, and dialing 9-1-1 does not get a caller directly to the Border Patrol, resulting in unnecessary delay. Contact every household in the Tucson Sector with information on the Hotline number(s), utilizing marketing strategies to “brand” it/them. Furthermore, ensure that Border Patrol has the resources and directive to be able to: (a) ensure a call back whenever it is requested by a member of the public calling with a tip; and (b) institute “reverse-911” protocols as needed to efficiently and effectively alert neighborhoods of Border Patrol actions taking place nearby.
9. Immediately implement a tamper-proof, verifiable ID card system. Such a system should allow documented individuals and legitimate commercial enterprises to navigate the ports of entry and tactical

checkpoints more swiftly, while also facilitating Customs and Border Protection's ability to stop illegal activity at and near these locations.

10. Call for the Federal Government to fully reimburse local authorities for resources spent addressing this issue. Rep. Giffords and the Arizona Congressional delegation should work to achieve **full** funding for the State Criminal Alien Assistance Program (SCAAP), and fight for the passage of the Border Law Enforcement Enhancement Act (HR 2542), to ensure local law enforcement agencies can recoup the resources spent on immigration and border-related crime, without decreasing the resources allocated to Border Patrol.
11. With all these measures, encourage the Department of Homeland Security, CBP, and Border Patrol to institute clear and transparent accountability standards. This extends to both contracts issued by DHS to private companies for border-related services as well as to the Border Patrol itself. We urge Rep. Giffords and the Arizona Congressional delegation to push for consistent and reliable public reporting of Border Patrol effectiveness data. As per the GAO's recommendations from July of 2005, Rep. Giffords should urge CBP and Border Patrol to collect the proper data elements necessary to judge overall effectiveness of each part of their enforcement strategy; ensure that BP data are analyzed by a credible, independent third party professional evaluation entity; and further ensure that such effectiveness data are made public in a regular manner.

It is noteworthy that the Community Workgroup on Southern Arizona Checkpoints was not given the opportunity to hear about and consider alternative options to a permanent checkpoint prior to breaking into the two subcommittees, two months into the community input process. We hope, nonetheless, that our multi-pronged recommendation to secure the border and protect local communities is seriously considered and implemented.

Members of the Options Subcommittee are strongly supportive and respectful of the mission and efforts of Border Patrol in protecting public safety and our national interests. That said, it would be ill-advised, even reckless, to support a proposal to build permanent checkpoints in the Tucson Sector when they have caused such diverse and widespread concern in other border regions across the U.S., pose a serious threat to public safety, and have not been proven to work.

Checkpoints have been proven effective tools as part of the National Strategy when used in conjunction with agents, technology and other infrastructure. Intelligence gathered from the Border Patrol, Drug Enforcement Agency, and other agencies has established that the Tucson Sector continues to be the place of choice for crossing for aliens and drugs due in large part to the vulnerability created by a lack of permanent checkpoints.

A comparison of checkpoint activity from 2006 and 2007 revealed that in 2007, Tucson Sector checkpoints showed a 54.9% increase in illegal alien arrests and a 69.3% increase in marijuana seizures. This occurred while overall arrests during that period were down 8%. The only other variable was that the Tucson Sector was no longer required to move its checkpoints every seven days as required in 2006.

END SECTION II

SUMMARY

The vast majority of the recommendations made in this document are consistent with Tucson Sector's planning processes. Most of the philosophies expressed are parallel to our own Border Patrol National Strategy. The clear point of disagreement is on the issue of permanent versus tactical or roving checkpoints. The Border Patrol's position on this issue is based on the current operational dynamic under which we must function today. Our strategy dictates that we focus our resources as close to the border as feasible; however, permanent checkpoints are currently a critical component of enforcement in depth.

Tucson Sector Border Patrol's intent is to incorporate as many of the recommendations as possible into the planning process for permanent checkpoints in Tucson Sector. The process of evaluating input from the various stakeholders along the Interstate 19 corridor has provided valuable insight into how thorough planning can mitigate impacts.

As Tucson Sector moves through the planning process, community outreach efforts will ensure that updates on planning and progress are made available to the stakeholders. It has been the intent of the Border Patrol to be transparent through this process. As the agency responsible for securing our nation's borders between the ports of entry, we must pursue our mission vigorously to the best of our ability. We understand that any enforcement operation may impact those that we serve; however, we are committed to addressing and mitigating any negative impacts as we work towards securing the Nation's borders.