

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

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Washington, DC

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 Sheriff Leo Samaniego 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 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 under the guidance and support of Governor Rick Perry. 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. Today we are involved with the Border Security program that is commonly called Border Star. Specifically, it is the Local Border Security Program.

This collaborative effort has led to the formation of 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 years.

The result of this partnership has caused UCR crime to be reduced 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 is too many.

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, our system is not designed to handle the volume of cases that grows day by day.

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 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. This program has been successful in seizing 8763 pounds of marijuana and arresting 50 persons since the inception on November 20, 2008. The deterrent effect has been dramatic, although difficult to measure in numbers. 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 155,545 virtual deputies register to participate. We have had 69,363,003 hits on the website as of April 9, 2010. Our viewer time is 10 minutes and 53 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 twelve times since inception. Our last two audits by independent auditors have resulted in zero findings and 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.

No discussion is complete with out addressing cross border violence. For my purposes the definition is “any action on one side of the border that causes a reaction on the other side of the border” is crossover and that may be legal or illegal activity. It may be violence or the threat of violence.

There need not be blood in the streets of America for us to take a proactive stance against the threat of violence. I would submit that cross border violence is limited because law enforcement has taken that stance and their increased, highly visible presence, has kept that cross border violence in check.

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 impacted.

In El Paso, Texas, University Medical Center has treated 158 cases of victims of violence in Mexico since January 23, 2008. The hospital estimates a cost of \$3,000,000 of which \$2,234,677 has not been paid. Texas Tech doctors who often treat these victims note a loss of about \$382,000 in unpaid costs. The data is as of March 16, 2010. This is but one example of economic impact.

It is estimated that about 40,000 have fled Mexico for the United States in the last two years with an economic impact.

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. 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 nation works to change works to change this institutionalized corruption.

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 Southwest 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.

There are five areas of need for members of TBSC.

1. Personnel: It is most difficult to legislate money for permanent manpower; however it is a critical shortage. The COPS federal program is not a solution but a band aid as most of our counties cannot afford to pay for the required fourth year of employment. It is still advisable to be able to hire for the term of the grant.
2. Therefore, it is imperative to sustain the current overtime and direct operating cost expenses within grants. The maintaining of equipment caused by 24 hour use is a cost not easily passed to the local taxpayer. Travel and training are also in constant need.
3. The ability to purchase basic law enforcement equipment: Although the criminal element is getting more sophisticated we must maintain the basics and funding support is required to basic equipment that is being worn out faster by increased use.
4. The ability to hire administrative professionals to maintain the grant is more cost effective than pulling peace officers from the street to do grant paperwork. It is also beneficial in that normally administrative professionals are more proficient at this type of work.
5. We must also be able to provide utilize all resources of a Sheriffs office such as dispatchers and jailers in appropriate conditions to support the mission with overtime support. Normally, these

professions lower salaried and capitalize on tax dollars where the work can be done by a lesser paid employee.

The Sheriffs of the Texas Border Sheriffs Coalition serve their Counties, Texas, and the United States with pride and integrity and more importantly, SHERIFFS ARE PROUD TO SERVE.

Thank you for allowing us to explain the structure and purpose of the Texas Border Sheriffs Coalition. I am always available to answer your questions.

Yours in Service,

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