AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

BORDER SECURITY AND ENFORCEMENT: DEPARTMENT OF HOMELAND SECURITY'S COOPERATION WITH STATE AND LOCAL LAW ENFORCEMENT STAKEHOLDERS

HEARING

BEFORE THE

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

MAY 3, 2011

Serial No. 112–20

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

72–230 PDF WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

LAMAR SMITH, Texas
DANIEL E. LUNGREN, California
MIKE ROGERS, Alabama
MICHAEL T. MCCAUL, Texas
GUS M. BILIRAKIS, Florida
PAUL C. BROUN, Georgia
CANDICE S. MILLER, Michigan
TIM WALBERG, Michigan
CHIP CRAVAACK, Minnesota
JOE WALSH, Illinois
PATRICK MEEHAN, Pennsylvania
BEN QUAYLE, Arizona
SCOTT RIGELL, Virginia
BILLY LONG, Missouri
JEFF DUNCAN, South Carolina
TOM MARINO, Pennsylvania
BLAKE FARENTHOLD, Texas
MO BROOKS, Alabama

BENNIE G. THOMPSON, Mississippi
LORETTA SANCHEZ, California
SHEILA JACKSON LEE, Texas
HENRY CUELLAR, Texas
YVETTE D. CLARKE, New York
LAURA RICHARDSON, California
DANNY K. DAVIS, Illinois
BRIAN HIGGINS, New York
JACKIE SPEIER, California
CEDRIC L. RICHMOND, Louisiana
HANSEN CLARKE, Michigan
WILLIAM R. KEATING, Massachusetts
VACANCY
VACANCY

MICHAEL J. RUSSELL, *Staff Director/General Counsel*
KERRY ANN WATKINS, *Senior Policy Director*
MICHAEL S. TWINCHEK, *Chief Clerk*
I. LANIER AVANT, *Minority Staff Director*

SUBCOMMITTEE ON BORDER AND MARITIME SECURITY

CANDICE S. MILLER, Michigan, *Chairwoman*

MIKE ROGERS, Alabama
MICHAEL T. MCCAUL, Texas
PAUL C. BROUN, Georgia
BEN QUAYLE, Arizona, *Vice Chair*
SCOTT RIGELL, Virginia
JEFF DUNCAN, South Carolina
PETER T. KING, New York *(Ex Officio)*

HENRY CUELLAR, Texas
LORETTA SANCHEZ, California
SHEILA JACKSON LEE, Texas
BRIAN HIGGINS, New York
HANSEN CLARKE, Michigan
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

PAUL ANSTINE, *Staff Director*
DIANA BERGWIN, *Subcommittee Clerk*
ALISON NORTHROP, *Minority Subcommittee Director*

CONTENTS

Page

STATEMENTS

The Honorable Candice S. Miller, a Representative in Congress from the State of Michigan, and Chairwoman, Subcommittee on Border and Maritime Security 1
The Honorable Henry Cuellar, a Representative in Congress from the State of Texas, and Ranking Member, Subcommittee on Border and Maritime Security 3
The Honorable Bennie G. Thompson, a Representative in Congress from the State of Mississippi, and Ranking Member, Committee on Homeland Security 4

WITNESSES

Mr. Kumar C. Kibble, Deputy Director, U.S. Immigration and Customs Enforcement, Department of Homeland Security:
Oral Statement 6
Prepared Statement 8
Mr. Ronald Vitiello, Deputy Chief, U.S. Customs and Border Protection, Department of Homeland Security:
Oral Statement 13
Prepared Statement 15
Mr. Larry A. Dever, Cochise County Sheriff's Office, Arizona:
Oral Statement 18
Prepared Statement 20
Mr. Todd Entrekin, Etowah County Sheriff's Office, Alabama:
Oral Statement 22
Prepared Statement 24
Mr. Gomecindo Lopez, Commander, Special Operations Bureau, El Paso County Sheriff's Office, Texas:
Oral Statement 26
Prepared Statement of Richard David Wiles 27

BORDER SECURITY AND ENFORCEMENT: DEPARTMENT OF HOMELAND SECURITY'S COOPERATION WITH STATE AND LOCAL LAW ENFORCEMENT STAKEHOLDERS

Tuesday, May 3, 2011

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 10:06 a.m., in Room 311, Cannon House Office Building, Hon. Candice S. Miller [Chairwoman of the subcommittee] presiding.

Present: Representatives Miller, Rogers, McCaul, Quayle, Duncan, Cuellar, Sanchez, Clarke, and Thompson.

Mrs. MILLER. The Committee on Homeland Security, the Subcommittee on Border and Maritime Security will come to order.

The subcommittee is meeting today to hear testimony from Kumar Kibble, who is the deputy director of Immigration and Customs Enforcement; Ron Vitiello, the deputy chief of the U.S. Border Patrol; and Sheriff Larry Dever from Cochise County, Arizona; Sheriff Todd Entrekin from Etowah County, Alabama; and Gomecindo Lopez—I am sure I did not quite pronounce that correctly—who will be filling in for Sheriff Wiles, who was unable to make the hearing.

We are meeting on the Department of Homeland Security's level of cooperation with State and local law enforcement. I am going to recognize myself for an opening statement.

For the better part of this spring, this subcommittee has tried to hone in on efforts of Customs and Border Protection to secure the Nation's borders since the security of the Nation's border is primarily a Federal Government responsibility. However, I think it is very clear that CBP and the Department of Homeland Security cannot secure the border alone. State and local law enforcement, first responders, other governmental officials can and should be leveraged to accomplish the shared goal of a secure border and safe communities.

In a time of constrained budget resources, we cannot afford to have wasteful and duplicative efforts by different levels of government. The American people rightly demand that we stretch hard-earned taxpayer dollars to get the most bang for the buck.

As a result, I believe that America desperately needs a whole, all-of-government strategy for border security that respects State and local governments, who, in most cases, are very willing and

able partners to the Federal Government. I think instead of suing some State governments, who are trying to address a problem that the Federal Government has not appropriately addressed, we should be working with States and with the locals to adequately secure the border and to address their concerns.

We have heard that the border is as safe as it has ever been, but for many local communities dealing with the effects of illegal immigration, drug interdiction, et cetera, that may not be the case. The Border Patrol, CBP, and ICE each have around 20,000 agents, but that certainly pales in comparison to the over 730,000 local and State law enforcement officers Nation-wide.

Fortunately, cooperation is a two-way street. In many rural communities, Border Patrol agents have come to the aid of local law enforcement on routine stops, in some instances actually saving the lives of local law enforcement. Unfortunately, that is not something that you hear about in the news every day, but it certainly speaks to the quiet professionalism of the U.S. Border Patrol.

Cooperation along the border has largely been good, but that doesn't mean that we can't do better, that we can explore new and innovative ways to work toward our common goal of securing the homeland, which is why I actually introduced a bill requiring the strategy to gain operational control of both borders, which takes into account the contributions of State and local resources.

The Department of Homeland Security currently cooperates with State and local through a variety of grants and other programs, including Operation Stonegarden, Secure Communities, and 287(g). These programs allow State and local law enforcement to become force multipliers for DHS and, in the process, make their communities safer by increasing patrols on the border and removing dangerous aliens from our cities.

Secure Communities is a good example. Actually, in one of my communities, St. Clair County, we recently had this come on-line, whereby all of those that are apprehended by local law enforcement, their fingerprints are run against the DHS's databases to see if they are in the country legally. If not, they can be quickly identified by ICE and removed from the country.

Last year, ICE deported around 400,000 illegal aliens. Over half of them were criminal aliens. ICE uses county jails all across the Nation to hold immigration violators until they can be deported.

Operation Stonegarden is another program under the oversight of the U.S. Border Patrol, which allows for enhanced local law enforcement presence to patrol the border through the payment of overtime. It has been a success, I think, on both borders.

I would like to point out that, for fiscal years 2011 and 2012, the administration wanted to limit Stonegarden to just the Southwest border States, but Congress actually removed that provision in the latest funding bill. I believe that limiting Stonegarden funds to the Southwest border is probably not the best policy, and so I think we need to have it at both borders again. But it has been a tremendous success, I think.

Now, lastly, our Integrated Border Enforcement Teams, as well as the Border Enforcement Security Task Forces, also known as BEST, facilitate the sharing of intelligence and resources to prevent cross-border crime and other acts of violence. For criminal or-

ganizations, the border is not just a speed bump, so our agencies must be just as nimble. The only way to do that is through specifically designed task forces and enforcement teams that share authority and information on cross-border criminal enterprises. I know that Ranking Member Cuellar has a bill that he has introduced about BEST as well, and I look forward to working with him, moving that through the process as well.

Leveraging local and State resources is just, I think, good common sense. Congress is very eager and willing to facilitate cooperative efforts to secure the border, to remove dangerous criminal aliens from our streets and to help DHS secure our Nation's homeland. State and locals are willing and able partners, and developing a plan to incorporate them into daily operations is imperative.

The Chairwoman would now recognize the Ranking Member of the subcommittee, the gentleman from Texas, Mr. Cuellar, for any opening statements that he may have.

Mr. CUELLAR. Thank you very much, Madam Chairwoman, Mr. Thompson also.

I am pleased that the subcommittee is examining the Department of Homeland Security's cooperation with State and local law enforcement on border security and immigration enforcement—matters that are important to us. In my Congressional district along the U.S.-Mexico border, cooperation among Federal, State, local law enforcement on border security matters is an everyday occurrence.

Whether we are talking about Stonegarden, as Madam Chairwoman mentioned, or as part of initiatives like the Border Enforcement Security Task Force, BEST, or just in the course of carrying out the regular law enforcement duties, local police and sheriffs' departments work along with the Texas Department of Public Safety and Federal agencies, such as ICE, Border Patrol, DEA, on a regular basis. These law enforcement agencies understand that the way to meaningful border security is to work together to combat the cartels, smugglers, and criminal elements who seek to do us harm.

In my hometown, Laredo, this is the home of the first Border Enforcement Security Task Force, an ICE-led initiative to identify, disrupt, and dismantle criminal organizations posing significant threats to border security. There are 21 BESTs on the Northern and Southern borders, including a BEST team in Mexico City. My understanding is that the BEST teams are doing a remarkable job.

From an operational standpoint, BEST teams are able to share critical information real-time on account of their working environment, which is in very close proximity to one another. Teams are comprised of personnel from ICE, CBP, ATF, DEA, FBI, various sheriffs' departments, local police, Mexican Secretaria de Seguridad Publica, or SSP, et cetera, that usually work together in the same building or facility.

The BEST initiative has also allowed for foreign law enforcement agencies to share sensitive investigative information rapidly and without delay, thereby helping to ensure the safety of the men and women who work tirelessly protecting our borders each and every day.

These task forces have had a great deal of success, resulting in more than 5,200 criminal arrests, 7,200 administrative arrests, 12,000 pounds of cocaine, 300 pounds of heroin, 300,000 pounds of marijuana, 2,800 pounds of ecstasy, et cetera, and vehicles and currency that they have gotten.

Further, the State and local elements of each BEST team are critical to the success of this program. Beyond providing the appearance of uniformed assets and a marked police presence, which are extremely helpful and necessary during arrest operations, search warrants, traffic stops, high-risk situations, and additional prosecutorial resources are highly beneficial.

The work of ICE and its partners is to be commended. In recognition of the success of this program, as Madam Chairwoman has mentioned, I have introduced H.R. 915, a bill to codify the BEST program in law to help ensure the program.

This legislation is also named after the ICE agent and BEST member, Jaime Zapata, who gave his life in the line of duty while in Mexico earlier this year. Chairwoman Miller has indicated her strong support of this BEST program, and I look forward to working with the Chairwoman on this important bill.

I would also like to highlight the important supporting role that State and local law enforcement play in the Federal Government's border security. Often these local officers are the first-line defense when it comes to border-related criminal activity. Without their efforts, the border and the people living along our border communities would not be secure.

So I thank all the witnesses who are here and thank you for the good work that you all are doing, and I look forward to your testimony.

Mrs. MILLER. I thank the gentleman.

The Chairwoman would now recognize the Ranking Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for any opening statement he may have.

Mr. THOMPSON. Thank you very much, Madam Chairwoman.

I welcome our panel of witnesses to this hearing today.

I am also pleased that today the subcommittee is examining the Department of Homeland Security's cooperation with State and local law enforcement on border security and immigration enforcement matters. I have had an opportunity to travel to America's Northern and Southern borders and have seen first-hand the good work of law enforcement—Federal, State, and local—in these regions.

Border security and immigration and enforcement are first and foremost a Federal responsibility. In recognition of that fact, the Federal Government has made an enormous investment in border security personnel, technology, and infrastructure in recent years. However, State and local law enforcement also has an important supporting role to play.

When the safety and security of our communities is at stake, cooperation, coordination, and communication in these matters is essential. Programs like BEST, IBET, and Operation Stonegarden are an integral part of promoting communication among law enforcement agencies in border communities, as well as providing the

resources necessary for State and locals to assist their Federal counterparts.

I would like to hear from our witnesses today about their experiences with these programs and what we could do to further enhance their collective work on border security.

Unfortunately, one of the invited witnesses, Sheriff Richard Wiles of El Paso County, Texas, could not be with us today. We are fortunate, however, to have Commander Lopez from the El Paso County Sheriff's Department testifying on his behalf.

El Paso has been recognized as one of the safest communities in America, despite being located just across the border from Juarez, the most violent city in Mexico. We often hear people characterizing border towns as violent and evil, lawless places, but that is certainly not the case with El Paso. I have visited with El Paso on numerous occasions and believe that the cooperation of all law enforcement officers in that community is an important part of their success. I also hope to hear about the good work they are doing in El Paso County and, in particular, about the importance of community policing in keeping a place like El Paso safe and secure.

Regarding Federal cooperation with State and local law enforcement on immigration programs, this is not the first time the Committee on Homeland Security has examined the issue. Two years ago, the Government Accountability Office released a report on the 287(g) program, prepared at our request. The GAO report revealed some troubling shortcomings, including insufficient guidance and oversight of program participants. Also, officials from a majority of the State and local law enforcement agencies GAO reviewed reported community concerns about the use of programs for minor violations or about racial profiling. I know ICE has made some significant changes in the 287(g) program since the release of that report, and I look forward to hearing more about how the program is functioning today.

As Members of the Committee on Homeland Security, we know that securing America's borders is an enormous task. No matter what uniform they happen to wear, the American people expect law enforcement officers to work together. I look forward to hearing more on how we can promote the cooperation and coordination in the interest of the safety and security of our Nation.

I thank the witnesses for joining us today.

I yield back.

Mrs. MILLER. I thank the gentleman.

Other Members of the committee are reminded that you can submit opening statements for the record.

But, you know, before I recognize the witnesses for their testimony, I think it is appropriate that we all recognize—if you look in the back of the room, there are the pictures of the towers of that horrific act on 9/11. This committee was actually formed by the Congress after that terrible, terrible attack on our Nation.

The various subcommittees were looking at the border; there will be a hearing this afternoon about cyber-terrorism and Pakistan, appropriately enough in light of the fantastic work of the Navy SEAL Team 6—incredible, incredible work by our brave men and women, the professionalism that they have demonstrated, and our intel officers, the courageous decision by our President certainly,

and the American people demonstrating, I think, our collective resolve as a Nation for getting the butcher, this terrorist, this coward, Osama bin Laden.

I certainly think it was very appropriate that we dumped his body into the ocean, although I felt a little bit bad for the sharks that had to eat him. But, at any rate, it is something, I think, that we should recognize, the fantastic work of these wonderful, wonderful, fantastic patriots.

With that, let me recognize our witnesses. I am just going to go through and introduce you all, and then we will start with Mr. Kibble.

First of all, Deputy Director Kibble is the deputy director for U.S. Immigration and Customs Enforcement, also known as ICE. Prior to this assignment, Mr. Kibble served in several leadership roles at ICE headquarters. His field assignments included service as the group supervisor and assistant special agent in charge of the metropolitan Los Angeles, California, area. He also served as special agent in charge for HSI's regional field office in Denver, responsible for 17 offices in Colorado, Montana, Utah, and Wyoming.

Deputy Chief Ronald Vitiello was appointed as the deputy chief, U.S. Border Patrol, in June 2010. He began his career with the Border Patrol in 1985 as a Border Patrol agent in Laredo, Texas. Over the past 25 years, he has held a variety of leadership positions in the U.S. Border Patrol, including chief patrol agent of the Swanton and Rio Grande Valley sectors.

Sheriff Larry Dever is a 34-year Cochise County law enforcement veteran. He was elected to his first term as sheriff in 1996, following a 20-year career working in the trenches of Cochise County law enforcement. Entering the profession as a deputy in 1976, Sheriff Dever rose through the ranks from sergeant to major before successfully seeking political office and being re-elected to a fourth term in the year 2008.

Sheriff Todd Entrekin began his law enforcement career in 1982 as a reserve deputy. He also served as Etowah County Drug Task Force Commander before being appointed to fill the position of sheriff in 2007 by then-Governor Bob Riley. The sheriff is a graduate of Northeast Alabama Law Enforcement Academy and the FBI's National academy as well.

Mr. Lopez began his law enforcement career in 1985, rising through the ranks of the sheriff's office, serving as the deputy sheriff, detective, deputy sergeant, and finally a deputy lieutenant, being promoted in April 2005. Commander Lopez currently is assigned to the Special Operations Bureau.

At this time, I would recognize Deputy Director Kibble for his opening statement, sir. Thank you for coming.

STATEMENT OF KUMAR C. KIBBLE, DEPUTY DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY

Mr. KIBBLE. Thank you.

Chairman Miller, Ranking Member Cuellar, and distinguished Members of the subcommittee, on behalf of Secretary Napolitano and Director Morton, thank you for the opportunity to discuss

ICE's partnerships with State, local, and Tribal law enforcement agencies.

We work closely with our law enforcement stakeholders at all levels of government to create a seamless, united front to take down transnational criminal organizations and also to identify and remove criminal aliens.

I would be remiss if I didn't mention the brutal attack of two of our agents, who were shot in the line of duty while on mission in central Mexico in late February. Special Agent Jaime Zapata lost his life, and Special Agent Victor Avila was seriously injured in the service of our country. Sadly, this tragedy is a stark reminder of the dangers confronted and the sacrifices made every day by our Nation's law enforcement officers.

Our State and local partners have actively participated in major enforcement actions and investigations supporting Operation Fallen Hero, and we look forward to continuing these partnerships and bringing the perpetrators of this crime to justice.

Our partnerships to disrupt and dismantle transnational criminal organizations include working with over 55 State and local law enforcement agencies that participate in 21 ICE-led Border Enforcement Security Task Forces along the Southwest and Northern borders and at seaports and in Mexico City.

We also promote public safety by combatting the proliferation of transnational gangs in communities throughout the United States through Operation Community Shield. Since its inception in 2005, Community Shield has led to the arrest of more than 20,000 gang members and associates, 7,700 of whom had violent criminal histories. That also includes 249 gang leaders who were arrested and more than 1,600 weapons seized.

One of the most effective methods for dismantling transnational criminal organizations is to attack the criminal proceeds that fund their illicit operations. To assist in this endeavor, ICE established the National Bulk Cash Smuggling Center in August 2009. To date, the center has initiated 348 investigations, resulting in more than 89 arrests and more than 77 seizures.

I would also draw your attention to ICE's use of asset forfeiture and sharing to promote partnerships and to dismantle criminal organizations. Equitable sharing allows ICE to provide a portion of forfeited proceeds to State and local agencies that directly participate in an event leading to an ICE forfeiture, and it serves to encourage further cooperation between ICE and other agencies. In the last fiscal year, we shared more than $99 million with our partners.

ICE also receives cooperation from State and local partners in various aspects of immigration enforcement, and this cooperation has enabled us to increase the number of convicted criminal alien removals.

First, through the Secure Communities program, when State and local agencies make an arrest and book a subject into custody, the fingerprints they submit to FBI systems are checked against DHS records. If the fingerprints match those of someone in the DHS's biometric system, that information is automatically forwarded to ICE, where officers determine the individual's status and take appropriate enforcement action.

Second, ICE's Criminal Alien Program ensures that those criminal aliens identified in jails and prisons are placed into removal proceedings or otherwise processed for immediate removal from the United States. Enforcement and removal operations officers and agents assigned to CAP in Federal, State, and local prisons and jails throughout the country screen inmates and place detainers on criminal aliens to process them for removal before they are released to the general public.

Third, the 287(g) program allows a State or a local law enforcement entity to enter into a partnership with ICE under a joint memorandum of agreement, authorizing them to perform certain limited immigration functions. In 2009, ICE fundamentally reformed the 287(g) program, renegotiated and issued a standardized MOA, strengthening public safety and ensuring consistency in immigration and enforcement across the country by prioritizing the arrest and detention of criminal aliens.

Finally, ICE works with local jurisdictions through direct government-to-government agreements, known as intergovernmental service agreements, under which local jurisdictions detain and provide services to ICE's detainee population while ICE works to process their removals. Cooperation with local partners under these IGSAs allows ICE efficient and flexible use of available detention space around the United States to meet ICE enforcement needs.

Thank you again for the opportunity to appear before you today and for your continued support of ICE and its law enforcement mission. I would now be pleased to answer any questions.

[The statement of Mr. Kibble follows:]

PREPARED STATEMENT OF KUMAR C. KIBBLE

MAY, 3, 2011

INTRODUCTION

Chairman Miller, Ranking Member Cuellar, and distinguished Members of the subcommittee: On behalf of Secretary Napolitano and Director Morton, I would like to thank you for the opportunity to discuss the efforts of U.S. Immigration and Customs Enforcement (ICE) to coordinate with our State, local, and Tribal law enforcement stakeholders to protect National security and uphold public safety by targeting transnational criminal networks and terrorist organizations that seek to exploit our borders and America's legitimate trade, travel, and financial systems.

Terrorism and criminal activity are most effectively combated through a collaborative multi-agency/multi-authority approach that encompasses Federal, State, local, and Tribal resources, skills, and expertise. State, local, and Tribal law enforcement partners and fusion centers play a critical role in the Department of Homeland Security's (DHS) overall strategy to protect our homeland.

Recognizing that partnerships are essential, ICE works closely with our law enforcement stakeholders at all levels of government to create a seamless, united front to disrupt and dismantle transnational criminal organizations. We also work closely with State and local law enforcement agencies to prioritize the identification and removal of criminal aliens upon completion of their penal sentences. More than half of those we removed last year—upwards of 195,000—were convicted criminals, the most ever removed from our country in a single year. That's a more than 70 percent increase in the removal of criminal aliens as compared to 2008.

ICE protects America and upholds public safety by identifying and dismantling criminal organizations that exploit our Nation's borders in furtherance of their illegal activity. Fostering partnerships with ICE's State, local, and Tribal law enforcement counterparts is essential to our Nation's safety and security and we will continue to forge these important strategic relationships.

Operation Fallen Hero

In late February, two of our special agents were shot in the line of duty while on mission in central Mexico. ICE Special Agent Jaime J. Zapata lost his life, and Special Agent Victor Avila was seriously injured in the service of our country. Sadly, this tragedy is a stark reminder of the dangers confronted and the sacrifices made every day by our Nation's law enforcement officers. Our hearts and prayers continue to go out to the victims, our colleagues, and their families. Special Agent Zapata will forever be remembered as a man of courage and honor. ICE is committed to continuing to assist the on-going Mexican investigation as well as multilateral enforcement efforts here in the United States to ensure that the perpetrators of this crime are brought to justice.

I want to stress that our working relationship with fellow law enforcement and civilian agencies in Mexico remains extremely positive and well-coordinated. The investigation determined that the attack was conducted by members of the Los Zetas drug trafficking organization (DTO). In response to this attack, ICE and its law enforcement partners initiated Nation-wide U.S. enforcement activities under Operation Fallen Hero, also widely recognized as "Operation Bombardier," coordinated by the Drug Enforcement Administration (DEA)-led multi-agency Special Operations Division (SOD).

During February 23–25, 2011, agents from the DEA, ICE, Federal Bureau of Investigation (FBI), along with law enforcement officers from numerous other Federal, State, and local agencies, arrested 676 individuals, resulting in the disruption of the operations and financing of Mexican DTOs in the United States, Mexico, and elsewhere throughout the world. Operation Bombardier was designed to put pressure on Mexican cartels and Mexican poly-drug organizations as a response to the murder of ICE Special Agent Jaime Zapata and wounding of ICE Special Agent Victor Avila in Mexico. In addition to the arrests, Operation Bombardier resulted in the seizure of 467 kilograms of cocaine, 21 pounds of heroin, 84 pounds of methamphetamine, 39,363 pounds of marijuana, $12.1 million in U.S. currency, and 282 firearms. This SOD-supported operation included participation by DEA, Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Customs and Border Protection, FBI, ICE, and the U.S. Marshals Service, and State and local law enforcement officers—approximately 3,000 Federal, State, and local law enforcement officers in total.

Operation Fallen Hero is a multilateral enforcement effort targeting the criminal activity perpetrated by Mexican DTOs in the United States, with the goal of disrupting and dismantling the DTOs from the top down. To date, the first phase of the operation, which includes the results of Operation Bombardier, has resulted in 1,416 arrests, including 782 criminal and 634 non-criminal immigration arrests. The 782 criminal arrests consisted of 239 arrests for narcotics violations, 213 for gang-related violations, 133 for criminal immigration violations, 51 for weapons charges, 40 for financial crimes, and 106 for other miscellaneous criminal violations. Operation Fallen Hero also resulted in seizures totaling over $12.1 million in U.S. currency; 53,814 pounds of marijuana; 688 kilograms of cocaine; 64 pounds of heroin; 372 weapons; and 83 vehicles. Special agents and officers also initiated 157 new investigations, conducted over 3,500 interviews, and developed 285 investigative leads.

ICE's State and local partners have actively participated in major enforcement actions and investigations supporting Operation Fallen Hero. This is exemplified by a March 1, 2011 enforcement action in the Chicago area. The Lake County Sheriff's Office and the Chicago, Joliet, Elgin, and Aurora police departments collaborated with ICE in the arrest of 12 subjects, including nine violent gang members. In addition, on April 1, 2011, the Cameron County Sheriff's Department and the Brownsville Police Department assisted ICE special agents in Harlingen, Texas, in an operation targeting known members of Los Zetas DTO. During this enforcement action there were seven criminal arrests, 25 administrative arrests for immigration violations, and the seizure of $4,500 and one AK–47 rifle. The continuing participation of State and local partners will be vital to ensuring the future success of this operation.

Border Enforcement Security Task Force

ICE's most significant interagency partnership is the ICE-led Border Enforcement Security Task Force (BEST) initiative. ICE works with State and local law enforcement agencies participating in the BEST initiative on a daily basis. DHS formally adopted the BEST initiative in 2006 to leverage Federal, State, local, Tribal, and foreign law enforcement and intelligence resources in an effort to identify, disrupt, and dismantle organizations that seek to exploit vulnerabilities along our borders and threaten the overall safety and security of the American public.

As of fiscal year 2011, the BEST initiative is comprised of approximately 355 members representing various Federal, State, local, and foreign law enforcement agencies who work jointly in a variety of capacities to investigate transnational criminal activity along our shared land borders and in major seaports. Currently there are over 55 State and local law enforcement agencies participating in the 21 BEST task forces along the Southwest and Northern borders, at seaports, and in Mexico City.

The success of BEST is evident in the investigations and arrests it has produced. In January 2011, for example, three Canadian citizens attempted to enter the United States at the Detroit Windsor Tunnel. During a secondary inspection, U.S. Customs and Border Protection (CBP) officers discovered approximately 10,773 ecstasy pills. ICE agents worked with Canadian BEST partners from the Windsor Police Service (WPS) and Ontario Provincial Police on the initial response at the Port of Entry. These efforts led to the prosecution of one of the subjects. Then, based on information developed during the interviews and an attempted controlled delivery, BEST partners from the WPS issued arrest warrants for two subjects in Canada, one of whom is already under indictment in the United States and is currently facing extradition.

Transnational Gangs

Operation Community Shield, an ICE-led anti-gang program, combines ICE's expansive statutory and administrative enforcement authorities with our law enforcement partnerships at all levels. Community Shield increases public safety by combating the growth and proliferation of transnational gangs in communities throughout the United States. ICE conducts targeted enforcement operations using criminal arrest and administrative removal authorities against gang members, thereby disrupting the ability of gangs to operate. In addition, these targeted enforcement operations lead to the development of information critical to the successful prosecution of transnational gang members for conspiracy- and racketeering-related violations.

Through Community Shield, ICE partners with State and local law enforcement agencies in both formal and informal arrangements. ICE currently has seven domestic Operation Community Shield Task Forces, with 48 State and local law enforcement agencies participating. ICE Homeland Security Investigations (HSI) also works with hundreds of State and local law enforcement agencies on a more informal basis. ICE HSI National Gang Unit agents partner with State and local agencies to conduct Operation Community Shield Surge Operations, local gang suppression operations, and by providing mutual assistance on investigations.

Since its inception in 2005, Operation Community Shield has led to the arrest of more than 20,000 gang members and associates, 7,699 of whom had violent criminal histories. In addition, 249 gang leaders have been arrested and 1,646 weapons have been seized.

National Bulk Cash Smuggling Center

On August 11, 2009, ICE officially launched the National Bulk Cash Smuggling Center (BCSC), a 24/7 investigative support and operations facility co-located with the Law Enforcement Support Center (LESC) in Williston, Vermont. Since its launch, the BCSC has undertaken a full assessment of the bulk cash smuggling threat and has developed a strategic plan to address the problem.

The BCSC utilizes a systematic approach to identify vulnerabilities and disrupt the flow of illicit bulk cash at the Southwest border and beyond. By analyzing the movement of bulk cash as a systematic process, ICE develops enforcement operations to defeat the various smuggling methodologies currently employed by trafficking organizations, as well as anticipate future tactics. This approach allows us to more efficiently and effectively utilize our interdiction and investigative resources.

To date, the BCSC has initiated 348 investigations, which have resulted in more than 89 arrests and more than 77 seizures. In July and August 2010, ICE Special Agents working in conjunction with State and local law enforcement officers seized more than 4,000 pounds of narcotics stemming from a BCSC investigation into a criminal organization based in New York City and Philadelphia that was responsible for the movement of bulk cash across the Southwest border. This investigation has resulted in four arrests and the seizure of more than $3 million in proceeds connected to narcotics. ICE continues to work with its partners in Arizona, Maryland, Texas and New York to identify additional associates of this trafficking organization.

ICE is further cooperating with both foreign and domestic law enforcement partners to disrupt the criminal organizations that are smuggling narcotics into the United States and smuggling bulk cash shipments out. The expanding relationship

between ICE's BCSC, the Drug Enforcement Administration's (DEA) El Paso Intelligence Center (EPIC), State and major urban area fusion centers, and the High Intensity Drug Trafficking Areas (HIDTAs) program are a key component of these efforts. In addition ICE'S BCSC is partnering with the National Drug Intelligence Center and the Organized Crime Drug Enforcement Task Force of the Department of Justice to produce a National Bulk Cash Threat Assessment that will provide a clear and comprehensive strategic picture of bulk cash smuggling in the United States.

Recognizing each entity's distinct, but complementary roles, the BCSC is currently coordinating the establishment of the Bulk Cash Smuggling Center Intake & Analysis Section (BCSC I&A) with our law enforcement counterparts at EPIC. The BCSC I&A will function as a single point of contact for State and local law enforcement entities to report bulk currency interdictions and receive immediate real-time analysis and support. In addition, the broader BCSC will focus its expertise in financial investigations on DHS-driven bulk cash smuggling investigations and initiatives to further strengthen the relationship between the two centers.

Fraud in the Visa and Labor Certification Process

ICE's efforts to uphold public safety also include identifying, investigating, and penalizing employers who engage in visa or labor certification fraud. Perpetrators of document and benefit fraud usually receive documents, whether counterfeit or legitimately issued through fraud, that could be used to open bank accounts, enter public buildings and obtain employment. Unchecked, one benefit fraud facilitator can be responsible for hundreds of aliens obtaining benefits and jobs to which they are not legally entitled. Since the start of fiscal year 2009, ICE has initiated 694 cases involving the H and L non-immigrant employment based visa categories, made 106 criminal arrests and 190 administrative arrests, obtained 116 convictions, and seized a total of $14,083,080.

In one recent case conducted by ICE in Norfolk, Virginia, agents targeted a vast interstate criminal organization with international ties involved in the production and distribution of fraudulent immigration and identification documents. While Operation Phalanx initially focused on the organization's activities in the Norfolk area, agents ultimately uncovered definitive links to several other cells located in Tennessee, Kentucky, Arkansas, Rhode Island, Missouri, Connecticut, Massachusetts, Ohio, Indiana, and North Carolina.

Over the course of the investigation, with the considerable support of the Virginia State Police, Chesterfield County (VA) Police Department, and the Little Rock (AR) Police Department, ICE determined that the Fraudulent Document Organization (FDO) structured its operations through an intricate business-type model. Agents determined that the command-and-control apparatus of the organization was based in Mexico and that it maintained strict control over the pricing and quality of the documents being produced by each cell.

In November 2010, ICE coordinated the Nation-wide simultaneous takedown of the FDO. As a result, 17 HSI offices executed a total of 18 search warrants, arrested 25 members of the FDO based on criminal charges presented in the indictment, arrested six additional individuals via criminal complaint, and arrested 36 individuals for administrative immigration violations. To date, 10 of the 27 defendants being prosecuted in the Eastern District of Virginia have pled guilty. Eight have pled guilty to violations of Title 18 USC 1028(f), Conspiracy to Produce and Distribute Counterfeit Identity Documents; two have pled guilty to violations of Title 18 USC 1962(d), Racketeering and Title 18 USC 1956(h), Money Laundering. The remaining four defendants are pending prosecution in other Federal judicial districts for charges deemed outside of the Operation Phalanx conspiracy.

Use of Forfeited Proceeds

ICE uses asset forfeiture to disrupt and dismantle criminal organizations and to support law enforcement operations through the sharing of assets with State, local, and international law enforcement.

Equitable sharing allows ICE to provide a portion of forfeited proceeds to agencies that directly participated in ICE forfeiture, and serves to encourage further cooperation between the recipient agency and ICE. The amount shared must reflect the degree of direct participation of the law enforcement agency in the investigation resulting in the forfeiture. All property shared with a participating agency, and any income generated by this property, must be used for law enforcement purposes. In fiscal year 2010 ICE shared $99,051,318 with its law enforcement partners.

Joint Operations/State and Local Overtime

The Joint Operations/State and Local Overtime (SLOT) program allows the Treasury Forfeiture Fund (TFF) to reimburse State and local agencies up to $15,000 for

overtime paid per officer (annually) for joint investigations and operations with ICE. These funds allow ICE to draw on the knowledge and experience of local, county, and State law enforcement officers to act as a force multiplier. Currently, more than 900 agencies participate in the ICE Joint Operations/SLOT program. In fiscal year 2010, the SLOT program paid out $6,299,000.

PARTNERSHIPS TO IMPROVE PUBLIC SAFETY

Office of State, Local, and Tribal Coordination

ICE has formed the Office of State, Local, and Tribal Coordination (OSLTC) to build and improve relationships, coordinate activities and provide support to State, local, and Tribal law enforcement agencies. The ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) program was developed to promote the various programs or tools that ICE offers to assist State, local, and Tribal law enforcement agencies.

ICE has made great strides in fiscal year 2011 to sustain and expand its outreach efforts to strengthen and build relationships with State and local officials and law enforcement agencies to enhance public safety. In this fiscal year alone, ICE OSLTC has participated in more than 100 meetings and conferences with State, local, and Tribal government law enforcement organizations.

An example of ICE's recent outreach efforts is the ICE Tool Kit for Prosecutors. This resource was developed to help prosecutors navigate situations where important witnesses, victims, or defendants may face removal because they are illegally present in the United States. ICE is committed to supporting the efforts of prosecutors to bring criminals to justice. The ICE Tool Kit for Prosecutors is being distributed through our HSI Special Agent in Charge Offices, Enforcement and Removal Operations (ERO) Field Offices, and Offices of the Chief Counsel. Our prosecutorial partners are encouraged to engage ICE officers, special agents, and attorneys as well as seek their assistance and expertise.

Law Enforcement Information Sharing Service

DHS has also expanded its partnership with State, local, and Tribal law enforcement through the Law Enforcement Information Sharing (LEIS) Service. LEIS is a web-based data exchange platform, hosted by DHS, that supports State and urban area fusion centers and law enforcement agencies at all levels to rapidly share and access data related to criminal and National security investigations. The automated LEIS Service offers a more efficient system for requesting and sharing investigative information, helping investigators to more quickly identify patterns, connections and relationships between individuals and criminal organizations. Approximately 26.7 million-plus records from DHS data sources are available for sharing with LEIS Service users. The service has been successfully deployed on a regional basis in San Diego, Los Angeles, Seattle, Arizona, and Texas.

Cooperative Immigration-Related Programs

ICE also receives cooperation from State and local partners in various aspects of immigration enforcement. This cooperation has enabled ICE to increase the number of convicted criminal removals.

First, through the Secure Communities program, when State and local law enforcement agencies make an arrest and book a subject into custody, the fingerprints they submit to the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS) are checked against the biometrics-based immigration and law enforcement records in DHS' Automated Biometric Identification System. If the fingerprints match those of someone in DHS's biometric system, the system automatically sends this information to ICE's LESC, where officers research and determine the individual's status. The LESC then forwards the status information to the ICE field office, which determines appropriate enforcement action.

Second, ICE's Criminal Alien Program (CAP) ensures that those criminal aliens identified in jails and prisons are placed into removal proceedings or otherwise processed for immediate removal from the United States. Enforcement and Removal Operations (ERO) officers and agents assigned to CAP in Federal, State, and local prisons and jails throughout the country screen inmates and place detainers on criminal aliens to process them for removal before they are released to the general public.

Third, the 287(g) Program allows a State or local law enforcement entity to enter into a partnership with ICE under a joint Memorandum of Agreement (MOA) which authorizes them to perform certain immigration functions otherwise reserved for Federal officials. In 2009, ICE fundamentally reformed the 287(g) Program, renegotiated and issued a standardized MOA, strengthening public safety, and ensuring consistency in immigration enforcement across the country by prioritizing the arrest

and detention of criminal aliens. ICE now requires 287(g) officers to maintain comprehensive alien arrest, detention, and removal data in order to ensure operations focused on criminal aliens, who pose the greatest risk to public safety and community. ICE also strengthened the 287(g) basic training course and created a refresher training course, providing detailed instruction on the terms of the new MOA and the responsibilities of a 287(g) officer.

Fourth, ICE works with local jurisdictions through direct government-to-government agreements known as intergovernmental service agreements (IGSAs), under which local jurisdictions detain and provide services to ICE's civil detainee population while ICE works to process their removals. Cooperation with local partners under IGSAs allows ICE efficient and flexible use of available detention space around the United States to meet ICE enforcement needs. ICE is able to ensure high standards for detainee care and detainee access to services by working with local governments.

CONCLUSION

I thank the committee for its support of ICE and our law enforcement mission. Your support is vital to our work. Your continued interest in and oversight of our actions is important to the men and women at ICE, who work each day to ensure the safety and security of the United States. I would be pleased to answer any questions you have at this time.

Mrs. MILLER. Thank you very much, Deputy Director Kibble.

The Chairwoman now recognizes Deputy Chief Vitiello for his opening comments, as well.

STATEMENT OF RONALD VITIELLO, DEPUTY CHIEF, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY

Mr. VITIELLO. Thank you, Chairwoman Miller, Ranking Member Thompson, Ranking Member Cuellar, and distinguished Members of the subcommittee. It is a privilege and honor to appear before you today to discuss U.S. Customs and Border Protection's cooperative efforts with State, local, Federal, and Tribal law enforcement partners.

I am Ronald Vitiello, deputy chief of the United States Border Patrol. I began my career in law enforcement in 1985 as a Border Patrol agent in Laredo, Texas. Throughout my career, I have held numerous positions within the organization, both on the Southern and Northern borders, including my current assignment in Washington, DC.

Next week is the National Police Week ceremony in Washington, and I would like to begin by recognizing those in all levels of law enforcement who have given their lives in service to our mission. The death of a fellow officer is a traumatic event and an extremely emotional experience felt not only by the members of the law enforcement community, their families, but also our law enforcement family.

CBP will be honoring seven of our fallen heroes, along with other police agencies and sheriffs' departments from around the country. The loss of these brave men and women is a stark remainder of the sacrifices made by the law enforcement community. It also strengthens our resolve to continue to do everything in our power to protect against, mitigate, and respond to all threats and to secure our borders.

In law enforcement, the most basic principle we have is trust, and trust is built on a foundation of partnerships and common goals. Law enforcement is a difficult job and is tirelessly performed by dedicated men and women across all levels of government. Our

Federal, State, local, Tribal, and international partnerships are critical to the success of each of our missions. We are committed to continuing and expanding this collaboration.

I would like to be clear, the border is a far different place today than it was when I began my career. I have personally witnessed the evolution of the border over the past 26 years, both in terms of additional resources applied against the threat as well as the change in the adversary's tactics as they attempt their border crimes.

Although we have seen positive indicators of a more secure border, our work continues and will not end as long as people seek to enter this country illegally. The Border Patrol's National strategy was implemented in 2004 and called for achieving control of the borders with the proper mix of personnel, tactical infrastructure, and technology. We sought to gain, maintain, and expand the control of the border. With the assistance of Congress, we have seen an unprecedented influx of resources. We are currently at a pivot point, shifting from a gain mode to maintaining and expanding our security efforts.

Our agents and officers are on the line every day, day-in and day-out, protecting and interacting with the communities in which they live. Our employees on the front lines work hand-in-hand with local law enforcement officers. Due to the fact that Border Patrol and air and marine agents operate in rural or remote locations, we are often the first on the scene of an accident or we are called upon to assist during local police work.

Our goal is to build effective relationships between CBP and the State, local, and Tribal governments through regular, transparent, and proactive communications to allow for a meaningful discussion on a range of issues in order to create a unified, effective approach to our mutual enforcement challenges with respect to border security.

While our work is not done, key indicators show that these collaborative border security efforts are producing results. Statistics have shown that some of the safest cities and communities in America are along the border. Violent crimes in the Southwest border counties overall have dropped by more than 30 percent and are currently among the lowest in the Nation per capita, even as drug-related violence significantly has increased in Mexico.

Nonetheless, we must build on the progress made to ensure that those citizens living along the border are secure in their communities. CBP has learned that it will take a whole-of-Government approach in law enforcement, each with our own duties, responsibilities, and authorities and at all levels of government—Federal, State, local, and Tribal. We must move from mere coordination and move toward operational integration with our Federal, State and local, Tribal, as well as our international partners, driving forward and realize the strength of joint planning and implementation in a targeted and focused manner with a unity of effort.

Our disciplined path forward in border security must include a risk-based approach. Accordingly, we will increasingly depend on information and intelligence to describe the intent and capability of our adversaries, thus defining the threat while continuously as-

sessing our border vulnerabilities. We must be more mobile, agile, and flexible than those adversaries.

Thank you for the opportunity to testify today. I look forward to your questions.

[The statement of Mr. Vitiello follows:]

PREPARED STATEMENT OF RONALD VITIELLO

MAY 3, 2011

Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of the subcommittee, it is a pleasure to appear before you today to discuss U.S. Customs and Border Protection's (CBP) cooperative efforts with our Federal, State, local, and Tribal law enforcement partners. I am Ronald Vitiello, Deputy Chief of the United States Border Patrol.

I'd like to begin by recognizing those at all levels of law enforcement who have given their lives in service to our mission. The loss of these brave men and women is a stark reminder of the sacrifices made by the law enforcement community. It also strengthens our resolve to continue to do everything in our power to protect against, mitigate, and respond to threats and secure our border.

As America's frontline border agency, CBP's priority mission is to protect the American public while facilitating lawful travel and trade. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of the people and goods entering and leaving the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

We rely on the appropriate combination of personnel, infrastructure, and technology to secure our borders. This three-pronged strategic balance of resources reflects the reality that one of these elements cannot, in and of itself, secure our Nation's borders. We also rely on strong partnerships with Federal, State, local, and Tribal law enforcement agencies, as well as with the private sector. Coordination and cooperation among all entities that have a stake in our mission is paramount.

Over the past 2 years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources to the Southwest border. We increased the size of the Border Patrol to more than 20,700 agents today, more than double the size it was in 2004. We have constructed 649 miles of fencing, including 299 miles of vehicle barriers and 350 miles of pedestrian fence, where Border Patrol field commanders determined it was operationally required.

While there is still work to be done, every key measure shows we are making significant progress along the Southwest border. Border Patrol apprehensions have decreased 36 percent in the past 2 years, and are less than a third of what they were at their peak. In fiscal year 2010, CBP seized $147 million in currency (inbound and outbound) at and between the ports of entry (POEs), a 34 percent increase from the previous fiscal year. CBP also seized 4.1 million pounds of narcotics, including 870,000 pounds seized at the POEs, 2.4 million pounds seized between the POEs, and 831,000 pounds assisted by Air and Marine interdiction agents. These numbers demonstrate the effectiveness of our layered approach to security.

As we continue to assess and support the investments in the manpower, technology, and infrastructure that have proven so effective over the past 2 years, we will continue to deploy these resources in the most risk-based and effective manner in order to keep our borders secure and the communities along them safe. Additionally, we will continue to increase partnerships with Federal, State, local, and Tribal law enforcement agencies, as well as with the private sector, to add strengths and linkages as we protect and strengthen American communities along our borders.

CBP's immigration and customs inspectional authorities are derived from Title 8 and Title 19 of the U.S. Code, respectively. Additionally, some of our agents and officers are cross-designated with limited authority under Title 21, empowering them to make arrests and seizures at U.S. borders and ports of entry. Another 39 officers are cross-designated with full Title 21 authority under Title 21 and are assigned to DEA Task Forces, empowering them to conduct drug investigations.

Throughout CBP's history, as well as in our legacy agencies, CBP officers and agents have been called upon to assist in law enforcement missions beyond the border security realm. Our agents and officers have been cross-deputized as U.S. Marshals or deputized by local law enforcement in order to assist in National emergency situations. Most recently, CBP officers and agents were deputized in North Dakota as Cass County deputies by Sheriff Laney in order to aid following the flooding that

began on April 5, 2011. The CBP Office of Air and Marine is currently providing fixed wing, helicopter, and Unmanned Aircraft System surveillance support for the Federal Emergency Management Agency and State and local agencies.

Our employees are on the frontlines and work hand-in-hand with local law enforcement officers. Due to the fact that the Border Patrol and Air and Marine agents operate in rural or remote locations, we are often the first on the scene of an accident, or we are called upon to assist during routine police work. For example, in the Blaine Sector in Northern Whatcom County, Washington, CBP communications specialists are responsible for 9–1–1 calls, dispatching for the Blaine, Sumas, and Lynden Police departments. In September 2010, air interdiction agents supported the Whatcom County Sheriff's office in searching for and locating an armed man who was firing shots near a residence in Kendal, Washington. A CBP helicopter provided aerial support while the arrest was made and the trailer in which the man was hiding was cleared.

This is just one of numerous examples of Border Patrol assistance to State and local law enforcement agencies. In October 2010, Border Patrol agents assisting the California Highway Patrol responded to a citizen's report of an overturned vehicle in a lagoon. The agents were able to extricate the victim and render aid until Emergency Medical Service personnel arrived. Additionally, this month, air interdiction agents from the Montana Air Branch assisted the Lewis and Clark County Sheriff's department in locating a missing hiker who had been reported lost and was at high risk for hypothermia and frostbite due to winter weather conditions. Local law enforcement partners also support us—just last week, Pima County Sheriff's deputies working at a Border Patrol checkpoint responded to and rendered aid at a nearby motorcycle accident.

CULTIVATING STATE, LOCAL, AND TRIBAL PARTNERSHIPS

Law enforcement is a difficult job and is tirelessly performed by dedicated men and women across all levels of government. Our Federal, State, local, Tribal, and international partnerships are critical to the success of our mission, and we are committed to continuing to expand this collaboration.

Within CBP, we established the State, local, and Tribal liaison office which is responsible for advising senior leadership regarding the impact of CBP policies and initiatives on State and local stakeholders. The liaison office works to inform State and local stakeholders of current and proposed CBP programs, assists these stakeholders in addressing questions or concerns about CBP programs, and assists in building and maintaining partnerships with CBP. The aim is to build effective relationships between CBP and State, local, and Tribal governments through regular, transparent, and proactive communications to allow for meaningful discussion on a range of issues in order to create a unified, effective approach to our mutual challenges with respect to border security. For instance, we have worked with Native American communities across the Nation to strengthen our partnerships with Tribal law enforcement, specifically with the Tohono O'odham Nation in Arizona and the Blackfeet Nation in Montana.

CBP works with our Federal, State, local, Tribal, and international partners to address smuggling along the Southwest border and to combat transnational threats. CBP hosts a weekly briefing/teleconference with State and local partners regarding the current state of the border. These calls were instituted to establish and continually refine a mechanism to monitor emerging trends and threats along the Southwest border with a specific focus on the Arizona corridors and to provide a cross-component, multi-agency venue for discussing trends and threats. The weekly briefing focuses on CBP narcotics, weapons, and currency interdictions and alien apprehensions both at and between the POEs across the Southwest border. These briefings/teleconferences currently include more than 290 participants representing agencies and units across law enforcement, Department of Defense, and the intelligence community. Examples of participants include: U.S. Coast Guard; Drug Enforcement Administration (DEA) and the DEA-led El Paso Intelligence Center (EPIC); Immigration and Customs Enforcement (ICE); National Drug Intelligence Center; U.S. Northern Command; Joint Interagency Task Force—North; Joint Task Force-South; Bureau of Alcohol, Tobacco, Firearms, and Explosives; Federal Bureau of Investigation; U.S. Attorneys' Offices; Canada Border Services Agency; Naval Investigative Command; State and major urban area fusion centers; and local law enforcement.

WHOLE-OF-GOVERNMENT APPROACH

Our overarching border security efforts require a whole-of-government approach that emphasizes the importance of joint planning and intelligence sharing. In recent

months, we have taken additional steps to bring greater unity to our enforcement efforts, expand coordination with other agencies, and improve response times. In February, we announced the Arizona Joint Field Command—an organizational realignment that brings together Border Patrol, Air and Marine, and Field Operations under a unified command structure to integrate CBP's border security, commercial enforcement and trade facilitation missions to more effectively meet the unique challenges faced in the Arizona area of operations.

Another example of our collaborative efforts along the Southwest border is the Alliance to Combat Transnational Threats (ACTT) in Arizona. The ACTT is an enforcement collaboration, established in September 2009, that leverages the capabilities and resources of more than 60 Federal, State, local, and Tribal agencies in Arizona and the Government of Mexico to combat individuals and criminal organizations that pose a threat to communities on both sides of the border. Through ACTT, we work with our international, Federal, State, local, and Tribal law enforcement partners to increase collaboration; enhance intelligence and information sharing; and develop coordinated operational plans that strategically leverage the unique missions, capabilities and jurisdictions of each participating agency. Since its inception, ACTT has resulted in the seizure of more than 1.6 million pounds of marijuana, 3,800 pounds of cocaine, and 1,000 pounds of methamphetamine; the seizure of more than $13 million in undeclared U.S. currency and 268 weapons; nearly 14,000 aliens denied entry to the United States at Arizona ports of entry due to criminal background or other disqualifying factors; and approximately 270,000 apprehensions between ports of entry.

In partnership with DEA, and with support from the Department of Defense, DHS has achieved initial operational capability for the new Border Intelligence Fusion Section (BIFS) as part of the El Paso Intelligence Center. This new section will integrate and synthesize all available Southwest border intelligence from Federal, State, local, and Tribal partners to create a common intelligence picture to support border enforcement activities on the Southwest border. By disseminating real-time operational intelligence to our law enforcement partners in the region, BIFS will streamline and enhance coordinated Federal, State, local, and Tribal operations along the border. Additionally, we are continuing to work with Mexico to develop a cross-border communications network that will improve our ability to coordinate law enforcement and public safety issues.

Along the Northern border, CBP has established the Operational Integration Center (OIC) located at Selfridge Air National Guard Base in Harrison Township, Michigan. The OIC is a demonstration project to enhance border security and situational awareness for CBP and its mission partners along a critical area of the Northern border by integrating personnel and technology. In terms of personnel, the OIC allows for a collaborative work area and communications capabilities for all components of CBP, the U.S. Coast Guard, other DHS entities, Federal law enforcement agencies, State and local law enforcement, and appropriate Canadian agencies. The OIC brings together information feeds, including radar and camera feeds, blue force tracking, database query from databases not previously available to CBP, remote sensor inputs, Remote Video Surveillance Systems, and Mobile Surveillance Systems feeds, and video from various POE, tunnel and local traffic cameras. This level of personnel and technology integration may serve a model for technology deployments on the Northern border.

CBP is engaged with several National initiatives which all assist and add to the border security mission. Our officers and agents provide support to the Integrated Border Enforcement Teams (IBET) which operate as intelligence-driven enforcement teams comprised of U.S. and Canadian Federal, State/provincial and local law enforcement personnel. By incorporating integrated mobile response capability (air, land, marine), the IBETs provide participating law enforcement agencies with a force multiplier—maximizing border enforcement efforts. Our personnel additionally provide manpower to Border Enforcement Security Task Force (BEST) units, multiagency teams which collaborate to identify, disrupt and dismantle criminal organizations which pose significant threats to border security.

In addition to these efforts, Operation Stonegarden (OPSG) grants are available and designed to incorporate the services of State, local, and Tribal law enforcement agencies for the purpose of enhancing border security, while simultaneously mitigating the conspicuous effects of human trafficking organizations. While the grants themselves are managed by the Federal Emergency Management Agency, the participating agencies are required to submit operations orders to the Border Patrol. The Border Patrol is responsible for ensuring that all operations funded by this grant have a direct nexus to border security.

CBP has also partnered with State and local law enforcement for certain outbound operations at POEs. Over the years, the personnel at the POEs along the

Southwest border have developed good working relationships with State and local law enforcement agencies. State and local law enforcement officers are a tremendous asset to CBP as they act as force multipliers, bringing their knowledge of the community, and their understanding of local criminal elements. Joint outbound operations target proceeds, firearms, ammunition, stolen vehicles, and fugitives.

Additionally, a Processing, Exploitation, and Dissemination cell has been established at the Air and Marine facilities in Riverside, California, and Grand Forks, North Dakota, to provide essential information to law enforcement across the Nation—increasing understanding of evolving threats and providing the foundation for law enforcement entities to exercise targeted enforcement in the areas of greatest risk. This intelligence-driven approach prioritizes emerging threats, vulnerabilities, and risks, greatly enhancing our border security efforts.

Building on a legacy initiative, in 2005, CBP created a robust Information Sharing Environment known as "BigPipe", which links equipped CBP aviation assets, via the internet and information sharing protocols, to Federal, State, local, and Tribal law enforcement agencies in order to provide near-real time video and sensor data—enhancing the situational awareness of officers across the law enforcement community. Additionally, BigPipe is used extensively by numerous Federal, State, local, and Tribal agencies during warrant presentations, controlled deliveries, search and rescue, and surveillance operations.

CONCLUSION

While our work is not done, every key metric shows that these collaborative border security efforts are producing significant results—in fact, studies and statistics have shown that some of the safest cities and communities in America are along the border. Violent crimes in Southwest border counties overall have dropped by more than 30 percent and are currently among the lowest in the Nation per capita, even as drug-related violence has significantly increased in Mexico. Nonetheless, we must build on the progress made to ensure that those citizens living along the border are secure in their communities.

Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection. CBP is committed to providing our frontline agents and officers with the tools they need to effectively achieve their primary mission of securing America's borders. We look forward to continuing to work closely with our Federal, State, local, Tribal, and international partners in these efforts. I would be pleased to answer any questions you may have at this time.

Mrs. MILLER. Thank you very much, Chief Vitiello. You know, you made your opening comments talking about some of your fallen officers. Please know that we say a prayer of thanksgiving every day for all of the officers in Border Patrol and others that have given their lives and those that are working 24/7, as well, so bravely to protect our borders.

With this, the Chairwoman would now recognize Sheriff Dever for his testimony. Thank you for coming, sir.

STATEMENT OF LARRY A. DEVER, COCHISE COUNTY SHERIFF'S OFFICE, ARIZONA

Sheriff DEVER. Chairwoman Miller, Ranking Member Thompson, Ranking Member Cuellar, and Members of the committee, it is nice to see so many familiar faces sitting up there. It gives great comfort and helps build confidence.

The fact that your faces are familiar speaks to a very important fact and something that has occurred in the past few years that we had never seen before and really unprecedented when we talk about application of resources and attention to this very critical matter of our homeland security. That is the fact that you have been there. You have come to visit, and you have paid attention and have made special effort. I greatly appreciate that. We appreciate it very much, those of us who live and work there every day.

I apologize, I have been a little bit under the weather. My voice comes and goes. So if it fails me—it is like my eyesight. It fails me on occasion, as well.

Cochise County is in the Southeast corner of Arizona. We have 83½ miles of international border with Mexico and have long been a primary transshipment zone for narcotics and, since 1998, for human smuggling, when the floodgates literally opened in that area.

In the year 2000, Border Patrol apprehended some 620,000 illegal aliens in the Tucson sector alone in the Southeast corner of Arizona to central. That number is down to around 220,000 now. These statistics are often cited as demonstrating a more secure border. Senior leadership at DHS has frequently said that the border is more secure than ever.

I will tell you that I have been there forever, and I have a little different perspective. While the border is more secure in more places more often than it was 10 years ago, it is still a very unsettled and definitely a more unsafe place than it was when I started working there in 1976.

The reason for that was mentioned by my compadre here to my right, and that is because the nature of the enemy has changed significantly. They are much more dire. They put on a much more deadly face. They are much more serious about protecting their invested interest, both in human and contraband smuggling.

There is something else that I think is important. In their own words—and I recently had a conversation with Chief Fisher is that the term "border security" still has not been clearly defined in the lexicon and in the language in the Department of Homeland Security. There are varying definitions of that in the public, in local law enforcement, in the Federal realm. That needs to occur very quickly so that we know where we are going. If we don't have a clearly defined objective, you can never wisely and smartly deploy assets to solving the problem.

This next thing that is going on, frankly—and, Chairwoman Miller, you mentioned this—Department of Justice and Department of Homeland Security have disparate objectives here, to a very large degree. While Homeland Security, since September 11, has reached out—in fact, this Friday, I am attending a meeting with DHS officials on partnerships and empowerment and how we can build upon those and successes of the past. I have attended several of those meetings. But Department of Justice, at the same time, is suing the State of Arizona for its attempts to step up to the plate and do something very proactive. Until we bridge that gap, there is going to continue to be conflict.

You have heard a lot about this "turn back south" stuff. Originally that was a model for the fence, but that seems to have gravitated north of the fence and is being addressed by CBP officials. But "turn back south" is occurring at a different level, and that is the judicial and prosecutorial level, where DHS says that they intend to hold everybody accountable and have consequences for illegal border crossers; Department of Justice is refusing to prosecute until certain thresholds are met, in terms of numbers of illegal aliens being smuggled, in terms of quantities of narcotics that meet those thresholds. I could go on and on and on.

The bottom line is my good friend, Rob Krentz, was murdered about a year ago. I can tell you about a couple who were tied up in their home and everything was stolen and loaded in their car and driven off recently. Two weeks ago, a man who disappeared from his home who was involved in the smuggling business, had been trying to get out, and hasn't been seen since, from my county.

So violence has spilled over and will continue to be on our horizon and part of our landscape until we fully get control of the border. We must define what that control objective is before we can achieve it.

I will say this—and my time is gone. Border Patrol, as was stated, is very often our first responders out in the rural areas of the county. We appreciate the heck out of it. They work hard, and we work well together. There is some stuff that needs to be resolved at the senior levels still, where we have differing opinions of what needs to happen, and we will continue to work on that.

Thank you very much.

[The statement of Sheriff Dever follows:]

PREPARED STATEMENT OF SHERIFF LARRY A. DEVER

MAY 3, 2011

INTRODUCTION

Cochise County, Arizona constitutes approximately 6,200 square miles of the Southeast corner of the State. We share 83.5 miles of international border with Mexico. It is one of four counties that comprise the Tucson Sector of the Border Patrol. There are 9 such sectors along the Southwest border of the United States. For the past several years, beginning in 1999, this area has led the Nation in apprehensions of illegal aliens and drug seizures, accounting for almost half of both categories across the entire border.

This area has historically been one of the most popular drug smuggling corridors into our Nation, but in 1998 the floodgates opened as hundreds of thousands of illegal aliens began pouring across our Southern border. The wave peaked in 2000 when the Border Patrol reported approximately 620,000 apprehensions. Over time, Federal law enforcement assets began have been assigned to dealing with the problem and today, the apprehension totals are down to around 220,000 a year, while drug seizures are significantly higher. These numbers are the basis for what the Federal Government is statistical evidence that the border is "more secure than ever."

PROBLEM

"Ever" is a very long time. There is little question that the Southern Arizona border is more secure in more places more often that it was 15 years ago. The building of physical barriers, improved technology, air support and a large increase in Federal agents have proved positive. Also, Federal programs such as Stonegarden and Secure Communities have helped develop important partnerships with State and local law enforcement agencies that bring important value to the effort. There are three primary reasons, however, in spite of all these efforts, the border is still far from being secure.

First and foremost, by its own admission, the Department of Homeland Security still has not developed its own definition of what means to have a "secure border." In fact, they are just now, after all these years, beginning the discussion. It is unlikely if not impossible that anyone can achieve success or know how to apply assets without a clear objective.

Second, as long as I have been in this business, Federal strategists, policy makers, and planners have failed to include local officials and residents in the process. These are the people who know the environment, understand the challenges and can best provide meaningful input. Inviting them in on the back-end of discussion is a recipe for losing the battle and deep criticism in the face of certain failure.

Third, The Department of Justice and Department of Homeland Security keep punting the border enforcement ball back and forth and the smugglers continue to win.

CONDITIONS ON THE GROUND

In 1987 when local and State law enforcement officials came together to organize a joint narcotics enforcement task force, in Cochise County, there was no presence of the DEA, the FBI, there was maybe a total of 40 Border Patrol Agents and four Customs Office of Enforcement officers. Cocaine and marijuana were pouring across our border and we went out and put a hurt on the, collectively. Illegal immigration was just an afterthought. We seized thousands of pounds of cocaine, tens of thousands of pounds of marijuana and millions of dollars in cash and smuggler assets. Today, there are 1,300 Border Patrol agents, 30-plus ICE agents, a fully staffed office of the FBI and most recently a fully functional office of the BTAF in the county. All that, and we are still at the point of the spear for all the associated illegal border activity. With a 6,200-square-mile county and only 86 deputies, Border Patrol Agents are often our first responders, holding ground while my deputies respond from miles away for criminal activity not always associated with the border. We are extremely thankful for that. We interact daily with other Federal agencies in our common desire to bring the situation under control. But, to say our border is "more secure than it has ever been" and use the increase in resources to demonstrate that is simply disingenuous. Secure does not equate to safe, and I will tell you that the border region is more dangerous than it has ever been.

Bottom line is, any one who wants to cross our Southern border can. And there are, statistically, some very bad people in the mix. The last number supplied by CBP was that 17% of the people they apprehend have previous criminal records in this country. In other words, caught, convicted, deported and coming back. Who knows how many have serious criminal records in their homelands but are migrating to communities everywhere U.S.A. No doubt, I.C.E. has recorded a record number of deportations of these criminal aliens the past 2 years, but you have to question the value of deportation if re-entry is still a viable and likely option.

And why is the border region more dangerous than it has ever been? The nature of the enemy. Smugglers who used to run, now stand and fight. They have put on a very dire and deadly face and demonstrate their determination every day. Virtually every smuggling group we encounter, drug and human, is armed and prepared to protect their cargo. Assaults by the ordinary "person just looking for work" on agents is at an all-time high. Where people used to show up asking for food, shelter, or work, they now demand it with threatening postures. Citizens are regularly intimidated by these groups and told that if they don't help, then what they have will be taken from them.

TBS

Advances in technology, increases in the number of personnel, and equipment enhancements are limited in their effectiveness by strategic and tactical application . . . all of which is driven by ideology and policy. While law enforcement on our side of the border are constrained in many ways, the bad guys know no such boundaries and learn very quickly from our foibles. TBS, or Turn Back South under the old model was limited to working the line. If attempted crossings were deterred at the fence, then it was recorded as a Turn Back South effort. Deterrence is clearly the ultimate objective. Sadly, even at the fence in today's environment, it only means to the border crosser that they must come back and try another day, which they will, and after enough attempts, win the prize. It appears, according to numerous reports from current and former border agents, that this practice has gravitated many miles north of the border. That means that, regardless of proximity to the border, people who are detected but not caught are considered to be "Turned Back South."

There is another place, at a different level where TBS is in effect. It is at the prosecutorial and judicial level. There are policies in place that establish thresholds for quantities of drugs and numbers of illegal aliens before consideration for prosecution can be entertained. In at least one Federal District in Texas, if you are caught smuggling less than 750 kilos of marijuana, you will not be subjected to prosecution. If you are caught smuggling fewer than 6 illegal aliens, you will not be subject to prosecution. And if you are a lone illegal border crosser, you get at least seven chances before you are even charged with a misdemeanor. And after that, you get seven more chances before you are eligible for prosecution of a second offense felony. TBS occurs at many levels and is quickly assimilated into the understanding of the bad guys on how to game the system. Oh, and in Arizona, if you are a juvenile

caught smuggling drugs, you won't be prosecuted at all in the Federal courts. All this then levies heavy pressure on the local criminal justice system to take up the slack, with no hope of remuneration.

PARTNERSHIPS

Since Sept. 11, 2001 and the establishment of the Department of Homeland Security, they have been on an aggressive outreach effort to State and local law enforcement and emergency responders to help in securing our homeland. I have participated in many of the meetings designed to promote this idea. The language has been clear. The promoted concept is to "empower and partner with" State and local agencies. A noble concept and long awaited. And, the idea is beginning to come to fruition, but as is the idea that our border is secure, there is still a long way to go. There are still many barriers to break down, not the most notable as those between the various Federal agencies themselves.

I mentioned earlier that DHS and DOJ are punting the ball back and forth. On the one hand, DHS announces that no one will cross the border without consequences. Then DOJ sets up intake and sentencing guidelines that totally contravene that policy. They must get on the same page, but unfortunately current policy and practice from neither organization will provide the avenue to do this. And as all of us, Federal, State, local, citizens, sit down here on the border day and night fighting this fight, we hear our President announce a de facto sanctuary policy for all but "criminal aliens."

WHERE WE ARE TODAY

The Federal Government, following the passing in Arizona of Senate Bill 1070 claims that it has sole jurisdiction over immigration law. This position is curious inasmuch as all Federal agencies partner with and reach out to State and local law enforcement agencies to support and participate in enforcement of drug smuggling, gun running, money laundering, sex trade, and a myriad of other border-related crime. And then when a State steps up to protect itself from the Federal Government's failure to control our border, we get sued by the Department of Justice. In the mean time, law enforcement officers—CBP agents, State Dept. of Public Safety Investigators, Sheriff's Deputies, City Police Officers and our own citizens are paying a heavy price every day fighting the fight of our lives to protect our homeland. It is simply not right that we should be down here waging this battle while some communities and even our own Federal Government are participating in sanctuary policies.

Just over a year ago, as Department of Homeland Security Officials were declaring they had secured operational control of most of the Southern Arizona border, my friend Rob Krentz was senselessly murdered on his ranch. Another elderly couple were tied up in their home, their possessions stolen, loaded into their own car and driven off. CBP Agent Brian Terry was gunned down by border bandits. And just within the past 2 weeks a local resident who reportedly was trying to get out of the smuggling business was abducted from his home and hasn't been seen since. These travesties are being committed in communities throughout our Nation every day, committed by individuals, groups, and gangs—people who should never been allowed to enter or remain in our country.

This battle is not just for the border. It is for every community and every legal resident of this country to assure that they may continue to live peaceably with a quality of life that they have worked for their entire lives. When that quality of life is restored to our border communities, those who live here will be the first to stand up and tell you, it is done. Success will require the full force and attention of a cooperative local, State, and Federal effort. That will require comprehensive immigration enforcement. Thank you very much.

Mrs. MILLER. Thank you very much, Sheriff Dever.

The Chairwoman would now recognize Sheriff Entrekin for his comments and statement.

STATEMENT OF TODD ENTREKIN, ETOWAH COUNTY SHERIFF'S OFFICE, ALABAMA

Sheriff ENTREKIN. Thank you. Good morning, Chairwoman Miller and Members of the committee. I am Todd Entrekin, and I currently serve as sheriff of Etowah County, Alabama. I am very glad

to appear before you today to discuss the ever-present issues of immigration in the United States.

My agency partnership with the Immigration and Customs Enforcement began in 1998. The agency was then known as Immigration and Naturalization Service. We worked alongside them to house detainees in their custody. Our positive working relationship has expanded since that time. During the months of the terrorist attacks on the United States in September 2001, our facility was utilized to temporarily house subjects who were later described as co-conspirators in the terrorist attacks.

In addition to housing detainees, my office has and continues to participate in both transportation of detainees as well as enforcement of immigration law through the Delegation of Authority Program. Through the Delegation of Authority, commonly known as 287(g) program, we have been able to assist ICE with enforcement of immigration laws within our jurisdiction.

As a result of our partnership over the last decade and a half, I have seen first-hand the importance and the benefit of the Federal, local, and State relationships. Through my experience with DHS and detention, immigration enforcement, and 287(g), and, more recently, Secure Communities, I know that much value is added for both the local government and the Federal Government. These types of intergovernmental service agreements promote efficiencies, cost-effectiveness, and simply place more boots on the ground, where it matters the most.

Though the Federal Government's resources are vast, unfortunately we all know that there are limitations. With these limitations come frustrations, and we see it clearly in the States through various immigration legislation proposals. Based on my experience, the most advanced, effective strategy to combat some of the immigration frustrations for the local, State, and Federal governments would be to maximize our resources and experience already available.

To capitalize on the potential, it would be beneficial for ICE to offer some financial reimbursement or incentive to local agencies that are required to supply staff and overtime for the implementation of the 287(g) program. Budget allocation and staffing at the local level become very sensitive in prioritizing staff needs. Therefore, for many, this issue singly prevents local agencies from using 287(g) to the fullest.

To continue to maximize the opportunities to the fullest, together we must strive to enhance our operations through innovative methods of funding. As I understand it, if a subject's fingerprints are not on file in the Secure Communities, if they are not on file in some of the databases, it is not effective.

We are lucky in Etowah County to have just come on-line with the Secure Communities initiative that became live last week. We were able to do this because we have the Live Scan equipment in our county already in place. We are one of the few in Etowah County—I mean in all of Alabama that have this. You know, and that is due to lack of funding that these small counties have. If there was any way that we could come up with some funding to help these counties out to come up on-line with this, with the equipment to do Secure Communities, would make this work. Methods of

grant funding should be considered which would expedite information being entered into this system to make it the best it can be.

Simply, without healthy partnerships between the Federal, State, and local governments, DHS cannot accomplish this mission as effectively as it does through IGSAs. Further, local governments would not have the opportunity to be better trained and equipped by being involved in the bigger picture of securing our homeland. We are pleased to work alongside the men and women of DHS to accomplish what none can alone.

Ms. Chairwoman and committee Members, again, thank you for this opportunity to sit before you today. I appreciate your time and service to the Nation.

I would now be pleased to discuss any questions you have with me. Thank you.

[The statement of Sheriff Entrekin follows:]

PREPARED STATEMENT OF SHERIFF TODD ENTREKIN

MAY 3, 2011

Good morning Chairwoman Miller and Members of the committee. I am Todd Entrekin and I currently serve as Sheriff of Etowah County, Alabama. I am very glad to appear before you today to discuss the ever-present issues of immigration in the United States. I am honored to represent the citizens of Etowah County, the State of Alabama, Sheriff's and local law enforcement from across the United States before you today.

In 1998, my agency partnered with then, the Immigrations and Naturalization Service (INS), to house some illegal detainees in their custody. In 2003, INS further affirmed their commitment to partner with Etowah County as they funded an $8 million expansion to the Etowah County Detention Center, so that we could better serve the needs of the INS. During the months after the terrorist attacks on the United States in September 2001, our facility was utilized to temporarily house subjects who were later described as co-conspirators in the terrorist attacks.

Through the creation of the Department of Homeland Security (DHS) and the formation of the Immigration Customs and Enforcement (ICE) Agency, the Etowah County Sheriff's Office has continued in partnership to assist ICE's primary mission, in promoting homeland security and public safety through the criminal and civil enforcement of laws of the United States. To this end, the Etowah County Sheriff's Office has directly served both the Atlanta Field Office and the New Orleans Field Office of ICE.

In addition to housing detainees, my office has and continues to participate in both the transportation of detainees as well as enforcement of immigration laws through the delegation of authority program. Transportation of detainees has included moving detainees throughout primarily the Southeastern United States from State prison custody or Bureau of Prison (BOP) custody and transporting them to ICE custody.

Through the delegation of authority, commonly known as the 287(g) program, we have been able to assist ICE with enforcement of immigration laws within our jurisdiction. When individuals are arrested on local or State charges, 287(g) certified deputies review their citizenship or immigration status. Those who appear to be in violation of immigration laws, are then referred directly to ICE personnel for further review and processing.

As a result of each of these partnerships over the last decade-and-a-half, I have seen first-hand the importance and the benefit of the DHS and local-State relationships. Through my experience with DHS in detention, immigration enforcement, 287(g), and more recently, Secure Communities, I know that much value is added for both the local government and the Federal Governement.

These types of inter-governmental service agreements (IGSA) promote efficiency, cost-effectiveness, and simply place more boots on the ground where it matters most. This arrangement allows DHS to accomplish more of their mission with less financial demand compared to staffing all the needed resources at the Federal level. Very importantly today, this then allows the local government to enjoy the ability to stimulate their economy through the creation of additional employment and financial investment into local resources and the community.

Due to the authority and resources of DHS, they are the experts on immigration and related issues. Though the Federal Government's resources are vast, unfortunately, we all know there are limitations. With these limitations, come frustrations that are seen clearly in the States through various immigration legislation proposals. These laws have raised many questions concerning the States' role of immigration and the Constitutionality of those actions. Immigration has become a hot topic in Alabama over the last several months. Recent Alabama House of Representatives Bill 56 (HB56) and a similar Senate Bill, appear to be based on the law passed in Arizona. This legislation basically would make it a crime of trespassing if someone is not a U.S. Citizen and is in the State illegally. Under the current wording of the bill, law enforcement officers will be required to enforce the law or face penalties.

If this type of legislation is enacted, I feel sure we'll have to put out a "no vacancy" sign at our detention center as well as others throughout the State. This type of activity would not only burden local law enforcement in a negative fashion, it would burden other social services as well. For instance, if a mother and father are arrested and they have several small children at home, it will put more stress on the Department of Human Resources. Other similar effects that may be less obvious to States will be experienced as well. With the implementation at the State level demanding the Federal Government to react, further complications will arise. As an example, the manpower limitations and transportation restrictions on ICE staff will prove difficult as a result of the process requiring some time until the arrestee is determined to be in the country illegally and then can be transferred to the custody of ICE.

Based on my experience, the most effective strategy to calm some of the immigration frustrations for the local, State, and Federal governments would be to maximize the resources and expertise already available. Further, greater dividends would be noticeable through the enhancement and development of further partnerships between DHS and local law enforcement agencies. From a local perspective, our law enforcement officers serve as the first line of defense. These IGSA arrangements equip more boots on the ground, serving as a force multiplier for DHS.

To capitalize on this potential, it would be beneficial for ICE to offer some financial reimbursement or incentive to the local agency that is required to supply staff, overtime, and resources to implement programs like 287(g). Budget allocation and staffing at the local level become very sensitive in prioritizing staffing needs, therefore, for many, this single issue prevents many local agencies from using 287(g) to the fullest.

To continue to maximize these opportunities to the fullest, together, we must continually strive to enhance our operations through inovative methods and funding initiatives. The new safety net to the 287(g) programs, Secure Communities, is only as effective as the information it is provided. As I understand it, if a subject's fingerprints are not in one of several queried databases, it is ineffective. Often, this is due to a backlog of paper prints that need to be uploaded so that all possible data can be accessed.

Just last week, the Secure Communities Initiative became active in my county. Due to my agency's existing partnership with ICE, we have Live Scan equipment in place and were easily able to go live. However, I understand that we are the minority in Alabama and other surrounding States, having the equipment in place and readily operational. Many local sheriff's offices are small and underfunded. This lack of funding keeps many of them from the ability to purchase the needed equipment to support Secure Communities.

Methods of grant funding should be considered which would expedite information being entered into the system to make it the best it can be. During a time when local and State budgets are being cut sharply, Federal funding is essential to cultivate and produce strong immigration results from local and State law enforcement. Through the Federal Emergency Management Agency's (FEMA) administration of Operation Stone Garden, border States are supported in their local efforts to serve as a tool to equip additional manpwer at the local level to assist in immigration enforcement. While this is an excellent strategy for border States, similar initiatives should be funded and implemented for other States that face immigration issues that equally can impact all aspects of life for our citizens.

Simply, without healthy relationships between Federal, State, and local governments, DHS could not accomplish its mission as effectively as it does through IGSA's. Further, local governments would not have the opportunity to be better trained and equipped by being involved in the bigger picture of securing our homeland. We are pleased to work alongside the men and women of DHS to accomplish what none can alone.

Ms. Chairwoman, and committee Members, again, thank you for the opportunity to sit before you today. I appreciate your time and service to our Nation. At this time, I would be glad to continue to maximize these opportunities to the fullest. Together, we must continually strive to ehance our operations through inovative methods and funding initiatives. I will now be pleased to discuss any questions you may have.

Mrs. MILLER. Thanks very much, Sheriff.

At this time, the Chairwoman now recognizes Mr. Lopez for his opening statement.

STATEMENT OF GOMECINDO LOPEZ, COMMANDER, SPECIAL OPERATIONS BUREAU, EL PASO COUNTY SHERIFF'S OFFICE, TEXAS

Mr. LOPEZ. Thank you. Good morning, Chairman Miller, Ranking Member Cuellar, Ranking Member Thompson, Members of the subcommittee. It is indeed a privilege and an honor to be here before you today to discuss the partnerships and working relationships of local and State law enforcement with our Federal counterparts.

As you know, I am here on behalf of Sheriff Richard Wiles, who regrettably could not be here, and he sends his apologies.

I have been with the sheriff's office 26 years now, and I have worked my way up from street level, starting off at the detention center, and working my way up through my current position as a commander. In those 26 years, I know that our cooperation with State, local, and Federal agencies has been crucial, especially there in El Paso.

While El Paso is a relatively large city—we have around 800,000 population. Then when you bring in to mind our sister city of Juarez, Mexico, we have a population of about 2.3 million. So it is pretty big. But it is also very isolated; we are far west Texas. So, when anything, you know, major happens, we really have to rely on each other there, both at the State and local and Federal level. Because our closest major city is maybe Dallas or Albuquerque, and those are hundreds of miles away, so we have to rely on each other.

I am sure you all have heard of the violence, the on-going violence in Juarez. In 2010, there were close to 3,100 homicides in Juarez. That continues this year with the same type of fighting. Of course, this is because two drug cartels are fighting for control of a very lucrative drug corridor. El Paso is one of the biggest drug corridors for drugs flowing north up into the District of Columbia, Atlanta, and all other points north. But it is also a corridor for cash and weapons flowing south. So that is another thing that a lot of people don't realize.

The Mexican federal government should be applauded for its fight against the drug trade and the drug cartels specifically, but it lacks the criminal justice infrastructure and expertise to properly investigate, arrest, and prosecute criminal offenders. Rampant corruption is another complicating factor in Juarez.

Now, in El Paso, it is a totally different story. We are the safest city in America, according to a CQ Press poll. We consistently have been ranked second- and third-safest city in America for the past, I would say, about 12 years now. One of the reasons for that, as Mr. Thompson mentioned, is our community policing. The El Paso

Police Department and the sheriff's office, we believe in and have implemented the philosophy of community policing.

But, as far as spillover goes, we have had a couple of high-profile cases involving some kidnappings of some of our citizens that are taken across to Juarez, killed, dismembered. But through cooperation with our Federal agencies, specifically the FBI, in both of these instances, arrests have been made and convictions have been returned. So that is very awesome for us.

One of the things that Sheriff Wiles does not support is that the State—or that the local law enforcement agencies be tasked to enforce immigration issues. There are four reasons, and I will go through it as quickly as I can.

No. 1, local and county law enforcement do not have the resources to take on additional responsibilities. We belong in the neighborhoods of our communities, providing crime prevention services and maintaining order. Our officers, for example, should not be pulled out of the neighborhoods to handle a Federal responsibility.

No. 2, Federal immigration law is complex and contains both criminal and civil penalties. Mistakes are made by those who are experts in this venue, and for us to take on that responsibility would be a burden.

Last, most importantly, this ill-advised policy will undermine the trust and cooperation of our immigrant communities. El Paso is approximately 80 percent Hispanic. To undermine that trust, it would be a very critical mistake. I think that is the major difference between Juarez and El Paso, in that, you know, Juarez, they don't trust the authorities at all. They don't know who to trust. In El Paso, we have established that trust.

Thank you very much.

[The statement of Mr. Lopez follows:]

PREPARED STATEMENT OF RICHARD DAVID WILES

MAY 3, 2011

Chairman Miller, Ranking Member Cuellar, Members of the subcommittee, it is a privilege and an honor to appear before you today to discuss the partnerships and working relationships of local and State law enforcement with our Federal counterparts.

Prior to being elected El Paso County Sheriff in 2008, I worked with the El Paso Police Department starting as a patrol officer in 1982 and ultimately retiring as the Chief of Police in 2007. As a result, I have had the opportunity to work with various Federal agencies as I moved up the ranks.

El Paso is a unique and very diverse city in far west Texas. In the 2010 census, the city had a population of approximately 650,000. It is the sixth-largest city in Texas and the 19th-largest city in the United States. El Paso County covers an area of more than 1,000 square miles and has a total population of approximately 800,000.

El Paso stands on the Rio Grande, across the border from Ciudad Juarez, Chihuahua, Mexico and is spanned by several international bridges from the western county line to the eastern. The two cities form a combined international metropolitan area, sometimes called Juarez-El Paso, with Juarez being the significantly larger of the two in population. They have a combined population of 2.3 million, with Juarez accounting for two-thirds of the population. In 2010 El Paso was awarded All-America City. This prestigious award is the oldest community recognition program in the Nation.

El Paso is home to the University of Texas at El Paso and the Texas Tech University Health Sciences Center at El Paso. Fort Bliss, one of the largest military complexes of the United States Army, lies to the east and northeast of the city, with

training areas extending north into New Mexico, up to the White Sands Missile Range and neighboring Holloman Air Force Base in Alamogordo, New Mexico.

I am sure you have heard of the current epidemic of extreme violence currently taking place in Juarez. In 2010, Juarez had close to 3,100 homicides. This is a direct result of two drug cartels fighting for control of a very lucrative drug corridor as well as street crime taking over in a city where lawlessness prevails essentially to the point of anarchy. It is well-known that while illegal drugs flow North, money and weapons flow South. While the Mexican federal government should be applauded for its fight against the drug trade and drug cartels specifically, it lacks the criminal justice infrastructure and expertise to properly investigate, arrest, prosecute, and incarcerate criminal offenders. Rampant corruption is another complicating factor in the desultory picture.

Because of the violence, our communities have lost the bi-national cultural experience that we once took for granted. Most El Paso citizens and tourists will not venture into Juarez because of the violence and dangerous conditions that exist. However, El Paso and Juarez have many family and business connections and as a result, there are still some willing to travel to Juarez. In some cases, this has been met with tragic results. But even so, legal trade and commerce continue with tens of thousands of vehicles and persons crossing through the ports of entry every day.

El Paso has a different story to tell. A city of law-abiding citizens who work hard every day to support their families and make their community a better place to live, work, and play. Citizens trust and respect a Police Department and Sheriff's Office that are CALEA-accredited and which believe in and have implemented the philosophy of Community Policing. Additionally, because we are a large city on a border with multiple international bridges, we are home to many other law enforcement agencies from the Federal and State governments.

While issues do arise from time-to-time, I would say the working relationship between Federal, State, county, and local law enforcement agencies in El Paso is outstanding and unmatched in other jurisdictions. There is a recognition that by working together ultimately we compliment each other and the community as a whole. This is something that I routinely hear from agency leaders during regular meetings where we share information and work together on operational strategies.

This cooperative atmosphere is certainly one of the reasons that El Paso has been recognized as the safest large city (over 500,000 population) by CQ Press which produces the Annual Safest City Award. Prior to this recognition, El Paso has been named either the 2nd or 3rd safest large city for the last 12 years. This is quite an accomplishment given the current situation in Juarez.

One frequent question that I am asked is about "spill-over" from Juarez. Certainly this has occurred. While it can have different meanings to different people, I consider "spill-over" to include the drug and human trafficking, and crimes along the border that are endemic to border communities. Of course, we deal with the "spill-over" of violence on occasion. There have been two recent high-profile cases involving this violence.

In one case, a cartel member turned ICE informant was gunned down in front of his house in East El Paso. The El Paso Police, along with Federal agencies including the FBI solved that case and made arrests of the individuals responsible who turned out to be U.S. citizens.

In another case, a cartel member living in Horizon City (another incorporated city in El Paso County) was kidnapped by armed gunmen from his home in broad daylight. This took place in front of his family as well as other citizens to include school children in a bus that was driving by at the time. This cartel member was later found dead and dismembered in Juarez a few days later. Again, the El Paso County Sheriff's Office, along with Federal agencies solved this case and arrested the individuals responsible. They were recently tried in Federal court and convicted.

There are certainly other cases, but clearly the violence that does occur in El Paso is nowhere nearly comparable to the violence occurring in our neighbor to the South. There are many reasons for this, including the staffing increases in the Border Patrol, ICE, ATF, and others which have clearly had a positive impact on preventing "spill-over" violence as well as maintaining a sense of security in our community.

I have purposely stayed away from immigration issues until now as I wanted a clear distinction between criminal issues that fall within the jurisdiction of local and county law enforcement and immigration issues, often civil in nature, that are the sole responsibility of the Federal Government.

Leaders of the U.S. Border Patrol will tell you the vast majority of undocumented immigrants who come to the United States do so for economic reasons. It is clearly understood the Federal Government is responsible for securing our international borders and dealing with issues of illegal immigration. Recent statistics from Homeland Security show that Border Patrol apprehensions—a key indicator of illegal im-

migration—have decreased 36 percent in the past 2 years, and are less than half of what they were at their peak.

Prior to the increase in staffing for the Border Patrol, there were calls by some in Congress to have local and county law enforcement officers engage in Federal immigration enforcement. Not only is it not needed at this point, but it is bad policy for the following reasons:

1. Local and county law enforcement do not have the resources to take on additional responsibilities. They belong in the neighborhoods of our communities providing crime prevention services and maintaining order. My officers, for example, should not be pulled out of neighborhoods to handle a Federal responsibility. Additionally, recent reports indicate while local and county law enforcement agencies have to cut back on staffing and equipment (due to loss of both local revenue and access to Federal and State grants); Federal agencies have actually maintained staffing levels or seen increases.

2. Federal immigration law is complex and contains both criminal and civil penalties. Mistakes are made by those whose sole job is immigration enforcement. Local and county law enforcement have enough statutes, codes, case law, etc. to learn and apply and should not be expected to become experts in immigration enforcement.

3. If a local or county officer does enforce immigration law and then makes a mistake, who is going to represent the officer in court and who is responsible to pay any settlements or judgments? The local taxpayer should not be burdened with this added expense or, in other words pay for it twice, in local and Federal taxes.

4. Lastly and most importantly, this ill-advised policy will undermine the trust and cooperation of immigrant communities. People may be afraid to report crime as a victim or a witness if they fear police will ask them to prove their citizenship. Criminals have been known to prey on undocumented immigrants for this very reason. Also, problematic is officers stopping people to ask proof of immigration status. The safety and security of everyone in the city/county is clearly the main responsibility of local and county law enforcement. This responsibility can and must be discharged without engaging in racial profiling which, by its very nature, is illegally invasive of personal liberties.

It is unquestionable that Federal, State, county, and local law enforcement must work together and collaborate to make our communities safe. El Paso is a good example of this collaboration and cooperation resulting in a success achieved by few other large cities.

Where the issue is solely the responsibility of one level of government, those agents are responsible for carrying out their duties. For example, the security of our Nation's borders and the resulting immigration issues are the responsibility of the Federal Government and this responsibility is shared by everyone in our Nation, not just by taxpayers that happen to live along the border. Traffic enforcement, on the other hand, is the responsibility of local and county government and as such, is handled by local and county law enforcement. Would we expect Federal agents to enforce local speed limits?

However, where the issues overlap jurisdictions, such as drugs, human trafficking and smuggling, and certain criminal offenses, we must and do work together. The El Paso County Sheriff's Office is part of the Southwest High Intensity Drug Trafficking Areas (HIDTA) organization. We work with the U.S. Border Patrol on Stonegarden operations. We assist ICE by fingerprinting and identifying bodies from the Juarez violence in order to gain intelligence. I signed onto the Secure Communities Program when I took office in 2009. And, because of the isolated areas of El Paso County in which back-up is few and far between for Federal and county officials working in these areas, we assist each other on calls to provide for officer safety.

Homeland Security is doing an excellent job in El Paso. When issues do arise, they are settled quickly. My concern is for the long-term future of our border communities. I have yet to hear the vision of Congress in regard to immigration and immigration enforcement. We can only build so many fences and pour so much money into hiring Federal agents to place along the border. Even the Federal grants that we receive are typically short-term and only provide for limited equipment and overtime. Communities like El Paso need to understand the long-term goals and objectives of our Federal Government so that we can prepare and assist. I do not believe current enforcement efforts are sustainable given our economic realities. It is my considered opinion comprehensive immigration reform with a shared vision of local communities along the border is indispensible to ensure the prosperity of our country.

Mrs. MILLER. Thank you very much, Mr. Lopez, and to all the witnesses as well.

You know, one of the reasons we wanted to have this hearing was, of course, to think about how we can cooperate better with the Department of Homeland Security, the various Federal agencies, as well as all of the locals. So I think the testimony from the sheriffs was all excellent, as well.

I guess my question would be for Mr. Vitiello, I think. One of the things that has happened in my particular district is this Operational Integration Center, which we recently opened, which is a pilot for the Northern border but could certainly be utilized at the Southern border, as well. I know with all the fusion centers, et cetera, that we have around the country, I am just wondering about your comments on how those kinds of things would work.

It was interesting for us, when we opened this, the OIC, you walk into the room, and you have these large screens that are being fed with intel and data from all of the affected stakeholders. So, in that case, it is CBP and the Coast Guard, our Canadian counterparts, and our local law enforcement as well. So our local sheriffs, our local emergency management directors are coming in and out of there, whether it is at the county level or even some of the city police, et cetera.

I thought it was just a fantastic way to coordinate all of the various stakeholders. You know, of course, at the end of analyzing all of this data, you hopefully finally have a work product that can be put out into the hands of the Border Patrol agents that are out 24/7, something that can really help them identify threats, et cetera, et cetera.

Of course, the GAO reports that have come out about operational control on both borders have indicated that—and this was really something that came from the 9/11 Commission recommendation, as well, is how we have to move out of these silos that we sometimes get into and move from the need to know to the need to share—the need to share information from the Feds, the States, the local, et cetera. We all have a common constituency and a common goal, in this case, of securing the border.

I am just wondering what your thoughts are on these operational integration centers—I know there is just that one, but others that might happen in the future—and the fusion centers, and some of those kinds of things.

Mr. VITIELLO. Thank you, Chairwoman.

The Operational Integration Center is a perfect place. It gives us a format to share the information and put everyone on the same foundation of what we call a common operating picture. So, in its best format, we have the technology that allows us to do surveillance at the border and transfer that information to the relevant stakeholders, whether it be the Coast Guard, ourselves, the State and locals.

So there is room within the center for participation across the whole of Government. It also gives us the ability to not only recognize in real-time what the operational conditions are, but also gives us a common intelligence picture and an ability to share in real-time side-by-side with the stakeholders. So we look forward to its implementation and the best practices that will come out of it.

Then the Department has also invested in fusion centers throughout the country that provide this similar kind of format. Then you will recognize from your visits to the border that each of the sectors have the ability to do that with ourselves, with ICE, with the State and locals, to understand what the local lookouts, if you will, are and pass that information amongst ourselves at the Federal level, as well as within the State and local format.

Mrs. MILLER. Mr. Kibble, I would like to ask you a little bit about the Secure Communities. I mentioned in my opening comments that one of my counties, St. Clair County, actually just about 2 weeks ago came on-line with the Secure Communities. But Sheriff Entrekin was mentioning you also recently came on-line. It seems as though—my sheriff was ecstatic about this, and it even sounded like you were very enthusiastic as well.

Perhaps you could flesh out a bit how that program is working. When you get that kind of buy-in, I think, enthusiastic response from local sheriffs and local communities about a program that, as I understand it, you know, you are analyzing the fingerprints to see what is what, and the costs associated. How do you see that program unfolding as we go forward?

Mr. KIBBLE. Chairman Miller, we see that as a central part of our success in increasingly removing criminal aliens that present public safety concerns to the community.

You know, last fiscal year, out of roughly 392,000 removals—we are resourced to do roughly that—half of those were criminal aliens. A lot of that is due to the expansion of our deployments to Secure Communities to additional jurisdictions throughout the community.

I think the beauty of Secure Communities is that, at its heart, it is a Federal, biometric information-sharing initiative mandated by Congress and in line with the 9/11 recommendations. So that when we partner with State and local jurisdiction throughout the country, we are not asking them to do anything differently. They will make the arrests under their normal authorities. As they book and submit those fingerprints to the FBI, it is the FBI IAFIS system that shares those biometrics with DHS so that we can see if there have been any previous immigration encounters. Then the State or local jurisdiction can choose as to whether they want to receive that response, but certainly it will come to ICE so that we can take appropriate action.

So I think that is the advantage of it, is that it helps us to identify the criminal aliens that are being arrested for any number of local violations, without asking State and locals to do anything differently, but then to be able to get that information so that we can take action.

We are up to about 72,000 criminal aliens arrested under the Secure Communities program, so it is very effective. We see that as really the future in terms of the most efficient way to move forward.

Mrs. MILLER. Thank you very much.

My time is expired. Before I recognize Ranking Member Cuellar for his comments, I am going to turn the chair over to Mr. Rogers, because my great State of Michigan, in about 10 minutes, is going to be unveiling in Statuary Hall a statue of our 38th President,

Gerald Ford. Our Governor is in town, and it is a must-be-there for me.

So I appreciate very much all of the witnesses being here today. I will turn it over to Mr. Rogers.

Mr. ROGERS [presiding]. The Ranking Member, my good friend, Mr. Cuellar, is recognized for 5 minutes.

Mr. CUELLAR. Thank you very, Mr. Chairman.

I have a question to both ICE and Border Patrol. I am trying to figure out what the official policy is of the United States of America when, at your checkpoints, if you catch somebody—my understanding is now in the Southern district of Texas, if you catch somebody with 220 pounds or less, let's say, of marijuana, then if the local folks don't take those cases, then that person is going to be released. Is that correct?

Mr. VITIELLO. I am not specifically aware of Laredo's threshold scenario with the U.S. Attorney's office, but I can assure you that what we do there and what we expect the sectors to do across the Nation is to refer these cases, right? So, in the Border Patrol's policy, we have a memorandum of understanding with DEA. So, when an agent encounters a load of whatever size, the first call they make is to the investigations group at DEA, who will do the Federal response first. Then, through their arrangements with the U.S. Attorney's office, then they will decide on a disposition. In lots of cases it will go to the State or sometimes the local authorities.

Mr. CUELLAR. Okay. Give me your understanding of what the threshold is throughout Arizona, New Mexico, Texas. I know you can say that it is somebody else or the U.S. Attorney, but I know you do have an understanding. My question is, what is the policy of the United States of America when it comes to somebody who is being caught with drugs at a checkpoint?

Mr. VITIELLO. The response by Border Patrol for checkpoints or any encounter of narcotics, our first call is to the investigative agency. So, DEA, with our memorandum of understanding, is the first call that Border Patrol will make.

Mr. CUELLAR. Okay. Let me ask again—you are not answering my question. What is the threshold, from your understanding?

Mr. VITIELLO. What you are talking about is policies that are locally based at each U.S. Attorney's office. So I am not familiar across the board what it is in San Diego all the way to Brownsville.

Mr. CUELLAR. Do you have an understanding of what the policy is anywhere?

Mr. VITIELLO. I understand that, within the MOU, we refer the cases to DEA.

Mr. CUELLAR. I don't want to know that. I want to know what the policy of the United States of America is when a drug dealer or a mule is caught with drugs at a checkpoint. My understanding is, in the Southern part of Texas, Southern district of Texas—and I think the last time committee staff was in Arizona they said the threshold was 500 pounds. I thought 220 pounds was a lot.

What is your understanding of that threshold without giving me memorandums? I understand there is a memorandum. You, as a deputy chief, have to understand what that threshold is.

Mr. VITIELLO. I am going to do my best here. What we do is call the DEA. The distribution for the prosecution that follows on is a

decision that is made between DEA and the local prosecutor. Sometimes—when I was in Laredo, the threshold—what we used to call the threshold, in working terms, was 150 pounds. So we knew when we called DEA they were not likely to take a prosecution case above 150 pounds.

Now, that changes based on local conditions, based on the resources that are available within the departments. But what we expect the Border Patrol to do and what CBP's policy is is to call DEA. The disposition of those cases is based on the local resources that are available, both at the U.S. Attorney's office and the local departments.

Mr. CUELLAR. Okay. My understanding is that if, in the Southern district of Texas, which covers part of McCaul's area also, is that if somebody is caught with 220 pounds of marijuana, for example, and the local folks don't want to take that case—and I know because I have a brother who is a sheriff—by the way, I am a little biased to my three witnesses here—the local sheriff doesn't want to take it or the local district attorney doesn't want to take them, then basically that person walks.

So instead of somebody coming in—when the bad guys find out and they are listening to this, they are going to say, "You know what? Don't go with 220 pounds. Go with 215 pounds. Because you know what is going to happen in that area? They are going to let you go if you go under 200 pounds."

Is that the policy of the United States of America when it comes to drug dealers?

Mr. VITIELLO. It is not the policy. What the local conditions are, or whatever the limitations are, are worked through the relationships that exist.

Mr. CUELLAR. But the local conditions dictate what the policy is, correct?

Mr. VITIELLO. No. The policy is dictated by the agreements that we have. If the local conditions don't allow for a prosecution—and I don't know the specifics in Laredo. I think between Webb County and the sector I am sure that there is some discussion going on about where the disposition of those cases fall.

Mr. CUELLAR. My time has expired. I would just ask you from your understanding of what the Southern district policy is—and I understand memorandums. You can reference any—all of the memorandums you want to, but I want to know what those memorandums add up to the policy is.

I want to know if a drug dealer goes into the Southern district of Texas, which is from Laredo to Brownsville up to the Houston area, if they are caught there with 220 pounds, the bad guys are not going to say, you know what? Just go in with 215 pounds. Because if the local guys don't pick that up and there is cooperation with those, they are going to walk free, and they are just going to get a slap. If the local D.A. doesn't prosecute them or the local sheriff doesn't get involved, they are going to walk out. They are going to walk away with nothing on that.

Again, I say this because we just want to help you to see what we need to do. You might want to ask about Arizona. My understanding from the staff is when they went down last time I believe

the threshold was 500 pounds, which is—I thought 220 pounds was pretty bad. But, anyway, it is just a concern that I have.

Thank you, Mr. Chairman.

Mr. ROGERS. The Chairman now recognizes the gentleman from Mississippi, the Ranking Member of the full committee, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

Sheriff Dever, thank you for your service. Good seeing you again.

You talked a little bit in your testimony about sometime fellow agencies not including State and locals in planning and operations. Can you talk a little bit about that for the committee?

Sheriff DEVER. Yes, Mr. Chairman, Mr. Thompson. Thank you.

It has been one of my concerns from the day I got involved and engaged as a sheriff that it became clear that people who are responsible for developing policy, for developing plans and strategies at the Federal level never ever included or considered local input, either from law enforcement, prosecutors, or even citizens.

I maintain that in order to develop a fully complementary approach, particularly in this day and age of sharing empowerment, et cetera, that that has to happen on the front end, not the back end. For the Federal Government to sit down and say: "Hey, we have this program. Would you like to participate?" It puts us behind the eight ball. How about: "Would you like to participate in the discussion about what kind of program we can develop, what kind of strategy we can collectively develop to improve that?" That is happening more often, Mr. Thompson, than it has in the past, and that is a good thing, but it still falls a little short.

Mr. THOMPSON. So you would like to see a little more sharing of information and asking questions.

Sheriff DEVER. Correct.

Mr. THOMPSON. Sheriff Entrekin, can you give your experience?

Sheriff ENTREKIN. Well, my experience, Congressman, is that we have a pretty good working relationship in Alabama and in the New Orleans field office with Immigration. They run our Secure Communities as we just went on-line, the 287(g), and then our transportation.

We had a bump in the road several weeks ago, and we worked it out. We sat down. We sat down here in the District of Columbia with Congressman Rogers' staff and everybody else, and we worked out through some problems that we had.

They sat down. They were very gracious and sat with us, and we got some real issues worked out with them, and it has made a big difference back in our district for what we have got going with them right now. With the 287(g), the Secure Communities coming on-line, there is a lot of difference being made in Alabama with this stuff working together.

Mr. THOMPSON. So any suggestion that you might have is you want to see the Federal Government involved in this arena?

Sheriff ENTREKIN. Yes, sir. To enhance these things that we have going on there in Alabama—as you know in your State, too, having problems coming on-line with all Secure Communities is funding-wise. If DHS has got the moneys available to help get these counties on-line, these States to come up, that is what we need to look at right now. Because Secure Communities is going to be a big

asset to us in the southeastern part of the United States, being able to take these criminal aliens off the streets.

Mr. THOMPSON. Commander Lopez, we talked a little bit about El Paso's reputation for being a safe community. From a security standpoint, what do you attribute El Paso's success in that arena?

Mr. LOPEZ. I really do wholeheartedly believe that it is the cooperation that we have among the State and locals and the Federal Government there. As I said before, we have to rely on each other, because there is no one else really close by for us.

Just a comment on the planning. For us in El Paso, it is a little bit different. A good example is the New Mexico, West Texas, ACTT, the Alliance to Combat Transnational Threats. We at the Sheriff's Office and the Police Department and Texas DPS were brought in from the get-go when we were first planning to get together with that; and even though it was a Department of Homeland Security initiative, we were brought together and we were able to give our input.

So I think that is the difference, the cooperation between local and Federal.

Mr. THOMPSON. Using my last few seconds, I think the emphasis that we have tried to place is that it is not a top-down relationship but a shared relationship. When that happens, everybody performs better and everybody has a better attitude; and I would like to encourage our departments to continue to do that.

Mr. LOPEZ. Absolutely correct, sir.

Mr. ROGERS. The Chairman now recognizes the gentleman from Texas, Mr. McCaul, for 5 minutes.

Mr. MCCAUL. Thank you, Mr. Chairman.

I want to thank the witnesses for being here today and the job you do every day down in what is becoming I think a more dangerous and volatile situation.

Sheriff Dever, it is good to see you again. Secretary Napolitano said the border has never been more secure. Do you agree with that assessment?

Sheriff DEVER. No, I don't, and I told her that, just for the record, and as well as other leadership in CBP and in DHS. I think the problem is that the inference secure means "safe", and they are two different things.

Now, as I mentioned earlier, there are places where you could say, yes, it is more secure. But to simply point to the deployment of unprecedented assets in defining security, or an improved security in those terms, you know, adding ingredients to a recipe doesn't help if the recipe isn't right. Sometimes that is the case.

For a long time, it was kind of a one-size-fits-all on the border. Recently CBP has been very clear that what worked in Texas or works in Texas isn't working in Arizona. We are going to have to make some changes. Those changes are developing as we speak. They haven't come to fruition yet. So that needs to be recognized.

I don't think it is fair to the American people—and let me express as well. What happens on the border doesn't stay on the border. People coming through us are going everywhere USA, and the tentacles of these drug organizations and human smuggling organizations reach into communities in Alabama, in Mississippi, in Ohio, all over the Nation. So when we talk about we suggest that border

crime and reducing border crime suggests the border is more secure, perhaps the border is maybe more secure in that location, but our Nation is at great risk and growing more and more insecure because of the bad people who continue to come in here.

Mr. MCCAUL. That is an excellent point. I always make the point—the argument of spillover violence. I mean, I look at spillover crime. The fact that after Agent Zapata was killed in cold blood in Mexico—I met with Agent Avila. I heard the story. But the fact that after that happened our response was to sweep 450 cartel associates in the United States demonstrates to me that they are here. Their tentacles, as you mentioned, they are in the United States. Their distribution channels are here. It is just a matter of time before that becomes spillover violence, in my estimate.

Before I get to you, Mr. Lopez, Sheriff, one last question. Traditionally, they haven't been these old established families running these cartels. They have become more rogue operations, as demonstrated by what happened to Agent Zapata. Have you noticed more threats to law enforcement on the U.S. side of the border?

Sheriff DEVER. Absolutely. The Mexican method of conducting business for years and years and years was to buy protection. Violence began to infiltrate and become part of the culture really with the movement of cocaine into the Mexican smuggling corridors. Because their method of doing business was always threats, intimidation, murder, torture, and now the Mexican cartels have taken that that up, and we see and hear of it all the time.

Smugglers used to jump and run. Now they fight. Everybody that we run into is armed. Even the normal, just-looking-for-work illegal alien is becoming much more aggressive, more demanding. Versus asking for food, water, and shelter, they are demanding it, demanding work at the risk of serious injury to those who don't provide it.

Mr. MCCAUL. We do have more resources down there. I think we all agree with that. But the situation has become more dangerous and more violent.

Sheriff DEVER. Absolutely.

Mr. MCCAUL. Mr. Lopez, on that issue, I know that El Paso has been touted as the safest city. Do you know the statistics of violent crime from the past year and the year before?

Mr. LOPEZ. I don't have those available. I can tell you that, last year, El Paso had a total of about five murders compared to Juarez. I can get you those statistics, but I don't have those with me right now, sir.

Mr. MCCAUL. Do you see foresee a situation where—when you do have these drug cartels in the United States, do you foresee a situation that could be similar to what is happening in Mexico down the road in terms of gang-on-gang violence?

Mr. LOPEZ. Well, you are correct in saying that we have cartel members. We know we have the assassins, the sicarios, living on the United States border; and typically what they will do is they will go through their business in Mexico and then they come across. So can it happen? Absolutely. I think that is where the cooperation, especially on the intelligence side, between the Federals and the locals is crucial. As long as we cooperate, I think we will be okay, sir.

Mr. MCCAUL. I think you are right.

In closing, I have been to EPIC many times, and I think that really helps El Paso. That intelligence exchange that is going on between not only Federal, State, and local in El Paso but also with the trusted—if there is such a thing—trusted Mexico authorities that you can talk to and exchange intelligence.

Thank you so much. I yield back.

Mr. ROGERS. The Chairman now recognizes the gentleman from Michigan, Mr. Clarke, for 5 minutes.

Mr. CLARKE. Thank you, Mr. Chairman.

My comments are directed to Deputy Director Kibble, and I wanted to read off some information provided to me from the Alliance for Immigrants Rights and Reform Michigan, and they have outlined several cases of abuse and legal violations committed by Detroit ICE agents. I will read over just a few of these.

One is where ICE illegally searched a home and then failed to provide proper medical care to a pregnant woman.

Next, ICE pulled over, interrogated, and detained a United States citizen.

ICE also stalked and arrested parents at a neighborhood school.

ICE illegally searched a home and interrogated a U.S. citizen.

On the same day, at a different elementary school, ICE surrounded an elementary school—there was no detention reported—but the parents that were picking up their kids were thrown into a panic.

You know, this is my concern, is that I want to make sure, as a Member of this committee, that whenever ICE agents are conducting an enforcement action that those actions are based on information regarding that individual's immigration status—not information based on that person's apparent race or ethnicity. This type of profiling is not only improper, it is ineffective. What concerns me greatly is that it could hurt economic development in the city of Detroit.

Many of you are aware of the recent census figures. The City of Detroit lost a tremendous amount of people. Some of that I believe was an undercount. But, still, we have got major areas of the city where the neighborhoods have been vacated by a lot of reasons, foreclosures and other disinvestments.

But the one area—neighborhood area in the city of Detroit that has been stabilized is southwest Detroit, and that is largely because of immigration there. They have been able to help secure those homes that went abandoned because of foreclosure. Most importantly, that whole area has grown. It is a thriving commercial area, one of the few thriving neighborhoods in that regard in the City of Detroit.

These incidents that I mentioned to you are six. They are all allegations. But what is disturbing to me is that they occurred within just a 2-week period. Then I just heard recently of other incidents that may have happened just this prior weekend. This concerns me, that there may be a disturbing trend.

Now, I do want to acknowledge that Director Morton, I did speak to him a few weeks ago. I did ask him to conduct a thorough investigation of these allegations. He is going to do so. He is going to

be speaking with me shortly, and then we are going to have a face-to-face. So I do appreciate the responsiveness of your department.

I just want to let you know of my grave concerns about the apparent use of profiling. Again, I want the ICE agents to make enforcement actions based on that person's immigration status and nothing else.

If you have any comments, I would welcome it.

Mr. KIBBLE. Sir, I would just say that, as I mentioned earlier in my testimony, we are resourced to do roughly 400,000 removals in a given year; and I assure you we want to make every one of those count in terms of promoting public safety. The policy is certainly that each and every one of those is to be either intelligence-driven or relying on partnerships such as Secure Communities and 287(g), getting criminal aliens out of the jails. We take each and every allegation alleging racial profiling very seriously. We partner with the Department of Civil Rights, Civil Liberties Division to also implement practices and procedures, looking at data to see if there are any indications that might lead to that conclusion and to take appropriate steps.

But, as you had indicated and by virtue of the Director actually going to Detroit to meet directly with the groups, we take it very seriously. We are reviewing the matter and also examining policies to see if we can clarify some of our policies that may lead to perception issues.

Mr. CLARKE. Thank you.

I yield back my remaining time.

Mr. ROGERS. I thank the gentleman.

The Chairman now recognizes the gentleman from Arizona, Mr. Quayle, for 5 minutes.

Mr. QUAYLE. Thank you, Mr. Chairman; and I want to thank all of the witnesses for being here today.

Sheriff Dever, you brought up something that is pretty interesting, that we in Arizona are kind of facing a dual sort of understanding of how the Federal Government is working with our State. You have the good folks at CBP who have been working well with our State and local officials, and then we have the DOJ coming in and suing our State. It is actually very timely because, after this, I have to jump back over to the Judiciary Committee where Attorney General Holder is actually testifying. So we can talk about that as well.

One of the things I wanted to talk to you about was in your testimony about the turning back south, and you said it is more along the lines in the upper echelons of the Federal Government, especially along the sentencing guidelines and how we don't really have too much teeth right now to illegal crossings, illegal entries, and also drug smuggling and human smuggling.

Going on to what Mr. Cuellar was saying, I just have a couple questions. One is, in the Tucson sector, what is your best guess on what the U.S. Attorneys' threshold is for how much—a pound of marijuana or any other illegal substance coming in? No. 2, how effective do you think it could be for the Tucson sector to have certain—like Operation Streamline, so that we can actually have some real consequences for people who illegally come into the United States, whether it is smuggling humans or smuggling drugs, but

that we actually have some repercussions so that we won't have this revolving-door policy that we do right now.

Sheriff DEVER. Chairman Rogers and Mr. Quayle, there was in fact a 500-pound threshold in the Arizona district for many, many, many years. Cocaine and methamphetamine had high thresholds as well. The current AUSA says those thresholds have been eliminated by policy, they have practices and other things, and every case is considered supposedly under its own merit. Clearly, they have limited resources and limited ability to process. There is only so much time on the docket. There is only so much room in the cells. There are only so many prosecutors.

But when you establish those artificial thresholds, the bad guy figures them out real quick. Every Assistant U.S. Attorney across the country has a lot of autonomy. They basically establish within their district what those thresholds are going to be.

The one that Representative Cuellar mentioned, I happen to have a copy of, and they are pretty astounding, not only for narcotics but for prosecuting human smugglers as well and illegal aliens themselves for a crime.

The first offense, entering this country illegally, is actually a misdemeanor if you are charged and convicted. If you are not charged, if you are simply removed under some administrative process, you would never have a first offense therefore never a second offense, which is a felony, where you begin to get teeth into your deterrence program because there is going to be more consequences.

The AUSA currently in Tucson moves through expedited removal process 70 people a day. That is their capacity of carrying it.

So streamline, expedited removal, all of those are effective. But if you don't end up with a criminal charge out of that, there is no disincentive to come back because you know that it is just going to happen.

Those thresholds are established in Laredo. In fact, it is seven times before you are going to have the opportunity to be prosecuted for the misdemeanor and then seven times before you are going to have the opportunity to be prosecuted for a felony. So you get 16 shots of this before there are any serious consequences.

I can tell you cases where I know in Arizona of at least one case where a guy had 23 re-entries and never charged with a crime until he was nailed with a drug charge. So that is the case. There have to be consequences. They have to be serious enough to be a deterrent along with the enforcement effort on the ground.

Mr. QUAYLE. Thank you, Sheriff.

Deputy Vitiello, I have a question. When we are having a drawdown—I just spoke recently to General Salazar, who is the head of the Arizona National Guard. He is telling me that the National Guard is drawing down. They are supposed to be completely drawn down by the end of June, around that time. They are already beginning the drawdown and the phase-down right now.

So my question to you: Is CBP ready to fill the void that the National Guard, when it is removed, is it ready to fill the void at that time? If not, one of my issues and one of the things that I foresee in talking to our National Guard is that if you are going to have a drawdown and then you actually are going to be extending it—since we are actually drawing down right now, we are just going

to keep going, so it is going to take time to ramp up again. So is CBP ready to fill the gaps that—where National Guard has been the force multiplier for you guys down in the Southern border?

Mr. VITIELLO. We have got a great relationship with the Guard, and we really appreciate their contribution for border security. When the original request for assistance went in, we knew that the drawdown would begin in earnest in June, and so we have been staffing both through our own internal moving of experienced agents into the Tucson sector, into the State, and then with the supplemental hiring that begins in earnest in April, we feel we are ready.

Mr. QUAYLE. Thank you. I yield back.

Mr. ROGERS. The Chairman now recognizes Mr. Duncan for 5 minutes.

Mr. DUNCAN. I am from the right side of South Carolina, and if you look at a map we are as far away from the Southern and Northern border as you can possibly get probably in this country, but it is a very concerning issue, especially with the increase of use of methamphetamine that is manufactured across the border and brought into our State. But that is not the line of questioning I would like to go on.

During the written testimony and during the testimony that I heard, we heard whole-Government approach, multi-layered approach, in fact, using Tribal and local and Federal agencies all working together. I appreciate the need for that. I think we are all Americans, and this is an issue that we all have to be involved in with securing our border, with deterring illegal immigration, and also fighting against the illegal substances that are coming into the country.

But in reading some of the statements here, Sheriff Dever said that Federal strategists, policymakers, and planners have failed to include local officials, residents in the process. We talked about in Sheriff Law's comments—and, Mr. Lopez, I don't know if you had mentioned that in your verbal comments—but he raises some concern that even though immigration issues are a Federal responsibility, he says that Federal immigration law is complex and contains both criminal and civil penalties. Mistakes can be made by those who are enforcing that. He raised a concern that if a local or county officer does enforce immigration law and then makes a mistake—who is going to represent that officer in court, who is responsible to pay any settlements or judgements?

I am just concerned and really would like to hear what we can do, as Congress, to facilitate the additional coordination between local, State, and Federal agencies and then what can we do to ensure that those at the local level that are enforcing Federal law have some sort of immunity with regard to that?

So I am just going to ask first off, Sheriff Dever, who I have enjoyed reading about and I appreciate your stance, sir, tremendously, what can we do to assist you guys in the multi-layered approach to help the Sheriff's Office and local community?

Sheriff DEVER. Well, Mr. Chairman, Mr. Duncan, 287(g) is a good program away from the border and provides for some of that training. We really don't need it on the border, because we have a ton of Border Patrol agents. So when we encounter, become engaged

with illegal aliens, we simply turn them over to our Federal partners at that level. So we have a relationship with ICE, although it is a small contingent in Cochise County, but mostly in the investigative process.

But I have always felt that some enhanced training for State and local, even if they are not really very actively engaged in immigration enforcement—let me just make one comment there.

Mr. Quayle mentioned the lawsuit. The lawsuit was mentioned. It just doesn't make sense to me. The Federal Government says immigration enforcement is our sole responsibility. Yet when it comes to other border-related activity—gun running, financial investigations, kidnapping, murder, and all that kind of stuff—we are embraced and wrapped around and say, please, we want your full participation in this.

Yet when it comes to immigration, it is very, very structured and very, very narrow what that participation might be.

So—but I think some enhanced training could take place. Clearly, if there is some immunities that can be transferred from the Federal level, the Congressional level to State and local, that would be huge as well.

Mr. DUNCAN. Mr. Lopez, would you like to also talk about the involvement? What can we do to assist you guys in your involvement in this multi-layered approach?

Mr. LOPEZ. Thank you, sir.

I agree with the Sheriff Dever, and in El Paso as well we have quite a bit of Border Patrol agents as well. So in that sense, we don't need any more help.

Now, from our perspective with the El Paso County Sheriff's Office, we participate in Stonegarden and Border Star and various grants that give us moneys for overtime and for some equipment.

But what we really need, No. 1, if we are going to be tasked for immigration, to enforce immigration law, then we definitely need to train, No. 1.

But, No. 2, we also need the resources. We just don't have the personnel. We barely have another enough people to cover our own area of responsibility, our own area of jurisdiction. When one deputy is taken away from that neighborhood, it could be devastating for our local citizens like where—when they call 9–1–1, they expect us to be there, but if we are out on the border, and it takes time. It is not just we are going to go pick up the alien. We still have to go and book, the whole 9 yards. So for us it would be additional manpower would be of great assistance.

Mr. DUNCAN. Thank you.

I am out of time, Mr. Chairman. I yield back.

Mr. ROGERS. I want to thank the gentleman from South Carolina for his questions and for wearing his tie today in honor of the National Football Champion, the Auburn Tigers.

Mr. DUNCAN. This would be a Clemson Tiger tie. Let me just correct you. But I do commend Auburn for their championship.

Mr. ROGERS. You mean you all have a football team?

In closing, I want to just touch on the ICE issue for a minute.

For the two sheriffs as well as Mr. Lopez and from Etowah County, I know you all know my sheriff, Larry Amerson, and of course down in Lee County, Jay Jones, the two biggest counties in my

Congressional district. Those two gentlemen, as well as the sheriffs in every county in my district and judges tell me that when they call—and I have asked them—when you call ICE to come and pick up somebody that you have got that is here illegally. What happens? They laugh. They say, ICE just says we don't have time and never comes and gets them.

Sheriff Dever, Sheriff Entrekin, and Mr. Lopez, has that been your experience? Start off with Sheriff Entrekin.

Sheriff ENTREKIN. No. We are unique in Etowah County having ICE agents assigned to our facility. We have a field office there. So we don't have that problem. But I do experience that with the sheriffs throughout Alabama, them calling me wanting to know how to do something.

Well, this program with the 287(g), which we have, if some of the others could come on-line with that. But Secure Communities, and both of your counties come on-line with it, too. Lee County did it along with Calhoun County. So that is going to eliminate that problem.

When somebody comes into their facility that is an illegal alien and they are documented as illegal, then we will be able to come to your facility through our transportation agreement with immigration and pick them up. So I think we are going to see that problem being solved throughout Alabama as everybody comes on-line with these new projects.

Sheriff DEVER. It is my understanding—and Mr. Kibble could correct it if it is wrong—but that ICE's plan is to roll out Secure Communities Nation-wide in 2013. That was the last I heard. If that happens—and, of course, we hear today that if the county has to pony up the infrastructure resources, don't have the money, that is going to be a hindrance to that.

But Secure Communities is the best thing that was ever announced and was rolled out in terms of helping to solve, catch the people who are falling through the cracks. It is a great program needs to be expanded.

Again, our relationship with ICE in our county is mostly in the investigative process. Because in dealing with illegal aliens we have a ton of Border Patrol agents. So ICE will come pick them up if they meet the right criteria. Under Secure Communities, that is all done. It is a good program, and it is working well.

Mr. ROGERS. It is my understanding that Secure Communities is supposed to go on-line in Alabama this year. I hope that is accurate.

Mr. Lopez, does ICE come and get them when you call them?

Mr. LOPEZ. Yes, sir. Absolutely. We have been participating in Secure Communities since 2009.

Here in El Paso, we have two jails. They are both approximately 1,200 beds. We have not had any issues with that program at all because we have a local contingency of ICE agents that are there on a daily basis. So we have no issues with them coming to pick them up.

Mr. ROGERS. That would be great if we could say that in Alabama.

Mr. Kibble, I think he wants to defend himself.

Mr. KIBBLE. I want to say Sheriff Dever is accurate. We have an aggressive schedule to have Secure Communities deployed to all jurisdictions by 2013. We are on target for this year. We want to roll out to 897 additional jurisdictions, and we are on pace to do that. So things are going well as far as getting that capability deployed.

Mr. ROGERS. I want to thank all of the witnesses for taking the time for being here. Thank you for taking the time to prepare your statements. You have been a great help to this committee. Thank you for your service to our country.

I want to remind all of the witnesses that some Members who weren't here may have questions for you they will submit to you, and I will ask you to respond to those within 10 days in writing.

With that, this hearing is adjourned.

[Whereupon, at 11:35 a.m., the subcommittee was adjourned.]

