

**Written Statement**  
**Testimony of Sheriff Mark D. Napier**  
**Border Security, Facilitation and Operations Subcommittee**  
**April 30, 2019**

**Introduction**

Subcommittee Chairwoman Rice and Ranking Member Higgins, it is an honor to have the opportunity to testify before the Border Security, Facilitation and Operations Subcommittee. I serve as the elected Sheriff of Pima County, Arizona. I am a member of the Southwest Border Sheriffs' Coalition, Vice President of the Arizona Sheriffs' Association and serve as the Chair of the Border Security Committee of the Major County Sheriffs of America. I possess a Master's Degree in Criminal Justice from Boston University and have three decades of law enforcement experience.

Pima County, Arizona is the largest of the 31 border counties abutting the U.S./Mexico international border. Pima County has a 125-mile linear exposure to the international border and a population of just over one million. In many places in our county, the international border is non-distinguishable; meaning there is literally nothing there to secure or otherwise define the border. This makes our county vulnerable to drug and human trafficking. With this comes humanitarian and public safety challenges that strain our resources and negatively affects our community.

Border counties take the issue of the crisis on our border seriously. We do so because we live it and see it firsthand. This crisis affects our home, our safety and our economy.

**Denial of a Crisis on our Border**

To suggest that there does not exist a crisis on our southern border is intellectually dishonest. To be steadfast in that assertion despite clear evidence to the contrary is to be intellectually dishonest with malice. To promulgate the idea that this is a crisis created or manufactured by the current administration is simply false. No reasonable thinking person could assume that in some way the current administration has enticed families with children and unaccompanied minors in Central America to come in caravans to our border or in some manner sought an escalation of the trafficking of hard narcotics into our country. The unprecedented increase in family unit migration and the public health emergency associated with drug addiction are real, not manufactured or the product of some nefarious political scheme. This is not stated with a partisan heart or in blind defense of a political party, current administration or ideology. Rather, it is stated as a person with decades of law enforcement experience and who has resided in the border region for more than 30 years. There has been a crisis on our border all this time. The nature and nuances of that crisis have changed/evolved over the years, but it has always existed. Prior administrations from both political parties have recognized and affirmed the existence of a crisis on the border. To varying degrees leaders of both political parties have attempted to address it over the proceeding decades.

In Washington DC, the border crisis has become fodder for seemingly endless debate and political gamesmanship. It appears to be more important who wins, than actually solving the problem. The ascribing of blame for the current conditions on the border is more in focus than a bipartisan effort to find solutions. For those of us who live along the border who wins and the application of blame are of complete disinterest. This crisis impacts our safety, our community and our economy. We do not read about the degradation of public safety with passive interest from afar. We do not learn of the humanitarian costs with casual concern. We experience both in concrete and objective terms every day. We look to our elected officials in Washington to address this crisis in a meaningful manner. It is time to do so. First, we must secure our border.

### **We Must Secure Our Southern Border with Mexico**

There has been and will likely continue to be much debate about border security and how to achieve it. Sheriffs stand united and are crystal clear in stating; our southern border with Mexico must be secured. As the chief law enforcement officers in our respective counties, we have witnessed the societal and public safety costs resulting from the lack of border security. We have heard political leaders of all stripes talk about securing the border with little consequence. Today, many portions of our border with Mexico are still not secure in any meaningful way. Our Ports of Entry lack the sufficient staffing and technology necessary to be effective deterrents to transnational crime. Fundamentally problematic is allowing such a significant issue to be mired in endless political debate and partisan divide. It is time, past time, to move forward with meaningful border security.

Some argue that efforts to secure the border are somehow immoral. What is immoral is a system that incentivizes migrant families in Central America to undertake the long and dangerous journey to our southern border in the belief it is possible to walk easily across. These people are victimized criminally, financially and sexually during this journey. Many also suffer due to environmental exposure. Once in the United States, there is further victimization as they are thrust into a system that of no fault of our federal government is unable to care for them properly. Securing the border should rationally be viewed as moral. It serves as a disincentive to engage in what is a very dangerous behavior.

### **The Reason for Border Security**

The desire to secure the border is not driven by hate or disdain for people in Mexico and Central America. The people of those countries are not our enemies. In Arizona, we see them as our friends, our neighbors and our trading partners.

There are three unimpeachable reasons that without respect to political ideology we should all embrace as valid reasons to secure immediately our border with Mexico. They are public safety, national security and human rights

Public Safety: The lack of a secure border presents a public safety crisis, not only for border counties but also for our nation. The porous border is exploited by transnational criminal organizations to engage in drug and human trafficking.

We have a public health crisis with respect to illicit drug use that is leading to overdose deaths and lifetime addiction. The public safety threat of drug trafficking is significant and the societal costs are staggering. Overdose deaths exceeded those of traffic accidents last year. No one would have believed this could occur even a few years ago. An estimated 70,000 people died because of opioid overdose in 2018.

Deputies in my county are interdicting unprecedented quantities of hard drugs. Large seizures are almost a daily occurrence. For every interdiction we make we know that we miss far more. Traffickers continue to use these methods because they are more often successful than not. They have become increasingly sophisticated with respect to how to conceal drugs in vehicles. This has made interdiction efforts more difficult as we now have to ferret out complicated concealed compartments in vehicles. Drugs we miss in Pima County (we believe despite our best efforts is substantial) are distributed throughout the country to the detriment of public safety and public health.

Methamphetamine: Seizures of 20 to 50 pounds of methamphetamine have become common. We know that this drug is not being manufactured locally. The manufacturing labs are in Mexico. Meth is coming up from the border in previously unimaginable amounts. Quantities of this size are not destined for consumption locally. This methamphetamine is destined for locations across the country. The collateral criminality associated with methamphetamine intoxication is very pronounced.

A few examples of seizures just from Pima County, Arizona:

- November 2018 (140.75 pounds of methamphetamine)
- December 13, 2018 (25.15 pounds of methamphetamine)
- December 18, 2018 (20.35 pounds of methamphetamine)
- December 21, 2018 (16.05 pounds of methamphetamine)
- January 7, 2019 (10.22 pounds of methamphetamine)

Opioids: In our county, we are interdicting thousands of fentanyl pills. These too are not being manufactured locally and are being trafficked from the border. The potency of these pills varies widely and they often have fictitious labeling. As a result, communities across the country are facing a staggering number of overdoses and deaths. The costs to families, emergency services and to our public health system are staggering.

On November 7, 2018, Pima County deputies interdicted 13,000 fentanyl pills on a single traffic stop. This was clearly destined for distribution across the country. It is reasonable to assume that this would have resulted in a significant number of overdose deaths affecting communities far removed from the border.

So significant is the opioid problem that many law enforcement agencies are now deploying Narcan in the hope of saving some from overdose deaths. We should pause to consider this for a moment. This has become such a crisis that law enforcement officers are now carrying medicine on their person as they might a radio or a flashlight.

Drug trafficking across the southern border facilitated by a lack of border security is a public safety and a public health crisis the scale of which we have never experienced in my more than 30 years here.

Human traffickers exploit migrants criminally, sexually, and financially. Most people seeking to enter this country without proper documentation are otherwise good people in pursuit of a better life. However, smugglers require large sums of money to transport or shepherd them across the border financially victimize them. They are frequently the victim of criminality in the remote desert areas of the SW where they have little protection and are reticent to seek law enforcement protection. We know that about 30% of migrant women suffer sexual abuse. Most likely, this is significantly underreported. Some are sexually trafficked once inside the U.S. for a protracted period.

Criminals and gang members posing as migrants can and do use the lack of border security to enter our country to further their criminal behavior. We have ample evidence of this occurring that is beyond refute. Criminals exploit the influx of asylum seeking migrants to mask their illegal entry into the United States. In recent weeks, gang members and other persons with serious criminal histories have been detained after entering the country. Some of these people had previously been deported multiple times. It is reasonable to assume that had these individuals avoided capture they would have posed a public safety threat to our communities. Moreover, it is also reasonable to assume that many similar persons have evaded capture due to the system being overwhelmed.

This week heavily armed persons were observed escorting a migrant woman and child to the border. These individuals were wearing tactical gear and possessing military style weaponry. The public safety threat of this is significant. It is demonstrative of an escalation in the level of potential violence associated with human trafficking.

We are beginning to see a rise in quasi-militia groups operating along the border. These armed individuals are detaining persons suspected of being in the country illegally without training or legal authority to do so. This provides a significant potential for conflict between local or federal law enforcement and these groups. Further, it imperils the safety and human rights of migrants. It is also disquieting to people along the border as they have unfamiliar heavily armed people traversing their community. These groups are born in part out of frustration over the apparent inability of the federal government to secure our border.

The lack of a secure border is an undeniable public safety crisis.

National Security: We simply do not know who is coming across our border. We do know there are bad actors from hostile nations that wish us harm. This is not a political statement, but rather a factual one. The lack of border security can be leveraged by those wishing us harm to come into our country undetected. Engaging in debate about whether one suspected terrorist or fifty enter our country through our insecure southern border is both unproductive and meritless. The salient point is that we do not know who is coming into our country, which is rationally a national security concern. International terrorism is a threat that must be taken seriously.

The national security threat is compounded by how it has evolved. We have diminished concern about complex and well-coordinated attacks such as we experienced on 9/11. The current concern is more toward low-tech lone wolf type attacks, such as physical attacks with hand weapons in crowded areas, suicide bombings and the weaponization of common vehicles. These single bad actors could easily enter our country undetected through southern border. No-Fly lists or other law enforcement methods of detecting/intercepting these persons are ineffective if the person enters the country in this manner. We have ample evidence of the lethality that a single motivated person can possess through a very low-tech random attack. One of these people entering our country undetected is too many.

The lack of border security is an undeniable national security concern.

Human Rights: Encouraging migrants to make the dangerous journey to our border and then attempt to cross into remote areas of our country is not compassionate public policy. Southwest border deputies recover hundreds of bodies a year in remote areas of our counties. Migrants die due to the harsh environment or at the hands of alien smugglers. Often all we recover are bones that are scattered about by animals. It is frequently impossible to know who the person was or what led to death. Many walk hundreds of miles from Central America, some with children in tow, to get to the border in hope of a better life. They are led to believe they can simply walk in to the United States. This leads to human rights issues/abuses on both sides of the border and too often deaths.

The composition of migrants has changed significantly over the past several years. Previously, the majority were single males from Mexico traveling as individuals or in small groups. Now, the majority are other than Mexican and are comprised of family units, women, children and unaccompanied minors. They now travel in larger groups and caravans. This does not serve to diminish the victimization of them on either side of the border. The ability of federal resources to address the volume and changing nature of the migrants is a significant concern. The system is strained beyond capacity. Once in the U.S. there is further hardship faced by migrants because, at no fault of the system, it is not capable or designed to provide sufficient care or housing for them.

As federal resources have been strained past the breaking point asylum seekers have been released into border communities. An estimated 7000 people have been released into Pima County over the past several months. Once released into the community we

are obligated to provide adequate care for them until they transition to other locations across the U.S. pending asylum hearings. This has nearly collapsed our local social services network. My detention facility is currently providing sack lunches for up to 150 persons per day to help with feeding. Social service resources that should address local issues of hunger and homelessness are now completely unable to do so, as we now must provide care for people that really are the responsibility of the federal government.

The Rand Corporation recently published a study indicating that human smugglers may make as much as \$2.3 billion per year smuggling people into the U.S. While the drug cartels may not be directly involved in human trafficking, they profit from human smuggling by requiring a tax for traveling through cartel controlled avenues into the U.S. Many migrants pay as much as \$7000 to smugglers to be brought into our country. Too often they are abandoned a short distance into the U.S. without sufficient water or resources. This frequently leads to death due to environmental exposure. Women frequently pay by being sexually victimized. Being smuggled into this country is not a harmless or benign activity. It leads to financial, criminal, and sexual victimization of migrants and tragically death.

People in many parts of the world face desperate conditions Americans can hardly imagine. They seek a better life for themselves and their families. A secure border, along with more sensible legal immigration policies, would dissuade the dangerous and often deadly behavior of engaging smugglers and traversing hundreds of miles of remote areas.

The lack of border security is an undeniable human rights issue.

Sheriffs have been, and will remain, consistent in their stance on border security. Let us reiterate and be absolutely clear, we need to secure our southern border with Mexico immediately for public safety, national security and human rights reasons.

### **How to Secure the Border**

There has been much focus on “The Wall.” The term “The Wall” has become synonymous with border security. This term has become a lightning rod of division that has detracted, more than added, to thoughtful approaches to securing our border. “The Wall” alone is a soundbite, not a cogent public policy position.

The U.S./Mexico border is nearly 2000 linear miles. It presents topography, environmental and land use challenges to what might be considered a traditional wall. There are mountains, waterways, Native American Reservations and environmentally sensitive areas where traditional physical barriers will be difficult, if not impossible, to construct. Some areas are very remote and lack the supporting infrastructure to facilitate a massive construction project of this scale. Even if properly funded and enjoying wide spread public support, it would take many years to construct a wall across

the entire border with Mexico. We cannot wait for years and be hostage to the future whims of subsequent political leadership to secure our border. The time is now.

There are many places where physical barriers make sense and are in fact the best solution to securing the border. They should be constructed immediately. The strategic deployment of physical barriers along our southern border is not racist, not partisan and not the result of imagined threat; it is good public policy. In fact, at one time or another doing so has been embraced by both political parties. In other locations, we need to turn to technology, which thanks to modern advances is robust and effective. In other areas, we need more human resources closer to the border to ensure security. Likely, in all locations we will need some blend of physical barriers, technology and human resources to be successful.

The ultimate goal of these efforts should be the complete and total operational security of our southern border. Endless debate about what constitutes a “wall” and how it is paid for it do little to advance this element of much needed border security.

As we discuss border security, we need to remember the importance of addressing our Ports of Entry (POE). POEs are not being discussed enough and remain a major vulnerability for drug trafficking. We have to ensure security while still supporting the effective flow of legitimate transnational commerce. Commerce with Mexico through the POEs is vital to Border States and pumps billions into our economy. Allowing Mexican citizens the ability to cross into the United States to engage in legitimate commerce is also vital to the economy of border regions. The POEs need better staffing and technology to support the efficient flow of legitimate transnational commerce while having the ability to detect and interdict illegitimate/criminal transnational activity.

POE's are a current vulnerability for the trafficking of drugs concealed in vehicles or upon persons. Some argue that the drug problem could be solved by simply shoring up the POEs and that other border securing measures would therefore be unnecessary. While it is true that the majority of drugs trafficked into the U.S. are currently coming through the POEs, rather than between them, this assertion is logically nonsensical. To believe otherwise one would have to assume that if it became impossible to traffic drugs through the POEs that the drug cartels would fold up operations and find legitimate employment. This, of course, is absurd. The cartels are the ultimate entrepreneurial organizations. They will simply exploit the next vulnerability. Addressing POEs will increase, not decrease, the need for security between the POEs to address the issue of drug trafficking.

We should not let partisan politics stand in the way of securing the border. It is clear we have done so for many decades and through several administrations. We need to secure the border for public safety, national security and human rights reasons. The mechanism of how this is done is far less important to Sheriffs than getting it done. The idea that a wall is the only solution because it is permanent is misguided. A wall that is not monitored, enforced or maintained is only an impediment not real security.

## **Proactive Immigration Enforcement**

Sheriffs support the increased attention given to the border and welcome additional federal resources to handle the immigration situation. However, Sheriffs neither have the capacity to engage in proactive enforcement of federal immigration laws, nor the responsibility to do so. Federal authorities best address these violations of federal law. That being stated, Sheriffs are steadfastly committed to cooperation and collaboration with all our federal law enforcement partners. We value these relationships and we remain committed to working together for the safety and security of the citizens that we serve.

### **Closing**

Sheriffs know firsthand that there is in fact a crisis on our border. We live with the impacts of this crisis every day. We fully support efforts to secure our border. Moreover, we demand action on this issue. There are compelling and undeniable reasons to do so. We need to move forward and secure our border immediately. The investment made in doing so will be returned many times over in reduced crime, reduced illegal drug use and a reduction of other societal and humanitarian costs. Sheriffs are committed to providing the highest level of public safety services to all people of our counties. We proactively attack crime problems and criminal behavior without regard to the immigration status of the criminals involved and will continue to do so.

I am grateful of the opportunity to provide testimony to this subcommittee. It is important, if not critical, that you hear from border county sheriffs who are local experts on these matters with no agenda other than providing public safety to our respective communities.