

**TESTIMONY OF  
RICHARD DAVID WILES  
SHERIFF  
EL PASO COUNTY TEXAS**

**BEFORE  
HOUSE HOMELAND SECURITY COMMITTEE  
SUBCOMMITTEE ON BORDER AND MARITIME  
SECURITY**

**ON  
"BORDER SECURITY AND ENFORCEMENT -  
DEPARTMENT OF HOMELAND SECURITY'S  
COOPERATION WITH STATE AND LOCAL LAW  
ENFORCEMENT STAKEHOLDERS"**

**May 3, 2011  
Washington, DC**

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 1000 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 2/3 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 2<sup>nd</sup> or 3<sup>rd</sup> 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 U.S. 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 immigration – have decreased 36 percent in the past two 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 indispensable to ensure the prosperity of our country.