

**Testimony of Brandon Judd
On behalf of the
National Border Patrol Council**

**In front of
U.S. House of Representatives Committee on Oversight and Government Reform
September 9, 2015**

Chairman Chaffetz and Ranking Member Cummings, thank you for providing me with the opportunity to testify today on behalf of the National Border Patrol Council (NBPC) and the 16,500 line Agents whose interests it represents.

My name is Brandon Judd and I am President of the Council. I have been a Border Patrol Agent for just under 18 years and although I am currently assigned to a Border Patrol Station in Montana, most of my career was spent on the Southwest Border in the El Centro, California and Tucson, Arizona Border Patrol Sectors.

In June, a CBP helicopter was shot and forced down in Laredo, Texas. To many in Washington this was a wake-up call to the increasing violence on the Mexican border. Unfortunately this was far from an isolated incident. For example in 2014, less than 100 miles from the helicopter shooting, Border Patrol Agent Javier Vega was murdered defending his family from two armed illegal immigrants while on a family fishing trip. One of the murderers had been deported four times and the other twice for illegally crossing the border.

Growth of the Drug Cartels

Twenty years ago and about the time I joined the Border Patrol, the Zeta, Sinaloa, Gulf, and Knights Templar cartels did not exist or were not widely known. Although narcotics and illegal immigrant smuggling were conducted by organized crime, it was not nearly on the level we see of the cartels today. There were even relatively small-time players conducting smuggling operations within a given area of operations. Although violence could and did erupt, the older generation of smugglers took the long view. They would rather risk losing a load of narcotics to the Border Patrol than opening fire on Agents. Violence brought unwanted attention on both sides of the border, and that was bad for business.

This all began to unravel in 2000 with the emergence of the drug cartels. These cartels are well organized, heavily armed, and pathologically violent. To give you sense of the violence, the official death toll from the cartel violence in Mexico is 60,000. This is more than the United States military lost in Vietnam. However, the unofficial death toll in Mexico is over 120,000 killed and another 27,000 missing and presumed dead.

In Mexico, the cartels kill without hesitation or fear of prosecution. In May of this year, cartel members shot down a Mexican Army helicopter in the State of Jalisco. Why would we expect them to behave any differently on the U.S./Mexico border?

Increasing Numbers of Criminal Aliens

The second factor driving the increased violence is the rise of criminal aliens. When I first started in the Border Patrol, if you were a citizen of Mexico we simply took down your information, took a single fingerprint, loaded you on bus and drove you to the border for repatriation. It was revolving door border enforcement with cases where Agents often arrested the same individual twice in the same shift. Three positive developments changed this. The first was the change in the way we collected information. Instead of just capturing one fingerprint, we began taking the prints of all 10 fingers and running the prints of those arrested against all criminal databases kept by the United States Department of Justice. We were then able to identify with certainty criminal aliens attempting to reenter the United States or to identify those who were arrested during interior patrol activities. The second positive step was the implementation of the various consequence delivery systems used in certain places along the border and the third was Immigration and Customs Enforcement's (ICE) criminal deportation program.

I want to be very clear on this especially given the recent incendiary comments about who is crossing the border and the assertions that the border is safer than it has ever been. In 2014 ICE deported 177,000 convicted criminals. Of this number, 91,000 were arrested by the Border Patrol trying to illegally re-enter this country. To put this figure in perspective, in 2014 the Border Patrol apprehended and arrested just under 500,000 illegal immigrants – meaning that one in every five arrests last year by the Border Patrol was a criminal alien.

Almost 50 percent of the criminal aliens deported in 2014 were convicted of aggravated felonies – these charges include murder, rape, sexual assault of a child, and drug and weapons trafficking. These are not petty criminals, and approximately 60 percent of those deported last year had already been deported at least once before.

This is the challenge we are facing at the border today. There are those who will point to lower apprehension rates and tell you the border is secure. Border Patrol Agents throughout this nation will tell you the border not secure and the Southwest Border certainly is not safe.

What Can the Oversight Committee Do To Improve Border Security And Safety?

There are several commonsense steps that Oversight can take to improve the situation:

- **Increased manpower-** Currently there are 21,370 Border Patrol Agents in this country. We do not have to double the size of the Border Patrol to gain operational control of the border. But we are, in my opinion, approximately 5,000 Agents short of where we should be.
- **Supervisory staffing levels-** The Border Patrol is an extremely top heavy organization with far too many layers of management. The average large police department has one supervisor for every 10 officers. The Border Patrol has one supervisor for every four Agents. The Committee should mandate a 10:1 ratio and achieve it through attrition in the supervisory ranks. This could easily return another 1,500 Agents to the field.
- **Interior Enforcement-** Every night we effectively play goal line defense because all of our resources and assets are concentrated right at the border instead of having a defense in depth.

You may be surprised to learn that even in a border state like Arizona we have no Agents in Phoenix. This, despite the fact that Phoenix is one of the most important illegal immigrant and narcotics transit points in the country.

- Improved training- During the Bush Administration, the Border Patrol's academy was reduced from approximately 20 weeks to as little as 54 days if you spoke Spanish. This was done simply to meet a targets set by Congress on FTE levels. The Committee should require that the Academy revert back to 20 weeks.
- Prosecute assaults against Border Patrol Agents- Assaulting a federal law enforcement officer is a felony under 18 USC 111 that is punishable by up to 8 years in prison. If a deadly weapon is utilized, this penalty can be increased to 20 years.

The official statistics say that there were 373 assaults on Agents in 2014 and this was a 20 percent decrease. The truth unfortunately is the Border Patrol management often does not support Agents charging aliens with assault. This problem is further compounded by U.S. Attorneys who routinely fail to prosecute assaults on Agents. Frankly they consider it a hassle and absent an Agent being sent to hospital they will in most cases not prosecute. This lack of consequences is well known to both the cartel members and criminal aliens.

Again, I want to thank the Committee for the opportunity to testify and if you have any questions, I would be happy to answer them to the best of my ability.