

HOMELAND SECURITY BRIEF

February 7, 2017

Introduction

Testimony of Mr. Leon N. Wilmot, Yuma County Sheriff, Arizona before the House Committee on Homeland Security Hearing on “Ending the Crisis: America’s Borders and the Path to Security” on February 7, 2017.

Chairman McCaul, Ranking Member Thompson, and Members of this Committee, thank you for the invitation to speak to you today on this very important subject.

History of Yuma County

Yuma County is located in southwest Arizona. It is bordered on the west by California, on the south by Mexico, on the east by both Maricopa and Pima Counties, and on the north and northwest by La Paz County. The lowest point in the state of Arizona is located on the Colorado River in San Luis in Yuma County, where it flows out of Arizona and into Sonora, Mexico. Yuma County has a year-round population of approximately 200,000 residents. During the winter, the population increases by about 90,000 due to an influx of winter visitors and seasonal agricultural workers. Agriculture, tourism, and two military bases—the U.S. Marine Corp Air Station (MCAS) and the U.S. Army Yuma Proving Ground (YPG)—are Yuma County’s principal industries. Yuma County also contains portions of two Tribal Reservations, the Cocopah and Quechan Nations.

Agriculture in Yuma is one of the Primary industries

- \$1.5 Billion (Aggregate)
- 90 percent of North American winter vegetables
- 200,000 acres under cultivation
- \$134,000,000 livestock industry
- Roughly 50,000 farm workers employed per year
- 7 irrigation districts

For geographical perspective, Yuma County shares 110.5 miles of international boundary with Mexico.

In FY 2005, Yuma Sector Border Patrol tallied 272,319 illegal entries. The adverse affects of the drug and human trafficking organizations operating in Yuma County not only significantly diminished the quality of life of county residents, but also placed unbearable strain upon the budgets and resources of private and government agencies in the county.

Yuma County became the worst in the nation for illegal entries and with that, the community unfortunately experienced a significant spike in ancillary crimes such as rapes, robberies, homicides, thefts of property, burglaries, home invasions, tractor and vehicle thefts, high speed pursuits, assaults on law enforcement officers, military incursions by the Mexican Army, as well as ransom groups holding those they smuggled across the border for additional monies.

In the southeastern portion of our county, the out of control border has also affected our own military with frequent interruptions of military training on the Barry M. Goldwater range. Scheduled training in those areas, such as the Weapons and Tactics Instructor (WTI) Course, has frequently had to shut down due to smugglers using the remote areas of the bombing range to smuggle both human and narcotic cargo.

The Mexican drug trafficking organizations operating along our U.S International Boundary were explained eloquently by Sheriff Mark Dannels of Cochise County when he testified in his own words: "they are highly sophisticated and innovative in their transportation methods. Aside from the normal use of human backpackers (mules), clandestine tunnels, and vehicles, the trafficking organizations have resorted to the use of ultra light aircraft and GPS controlled drones which cannot be detected by normal radar, cloned vehicles appearing to be law enforcement or other legitimate companies, and most recently the use of catapults which hurl bundles of marijuana into the U.S. to awaiting co-conspirators. The organizations utilize sophisticated and technical communications and counter surveillance equipment to counter law enforcements interdiction tactics and strategies. Scouts or observers are strategically placed along smuggling routes to perform counter surveillance on law enforcement and report their observations to those controlling the drug/human smuggling operation so they may avoid and elude law enforcement. The use of cell phones and sophisticated two-way radio encryptions for communications are standard equipment, as are night vision and forward looking infra-red devices."

Action-Based Solutions Local Government

Local solutions and programs are no longer a thought, but a reality for bringing relief to our citizens who consciously choose to live near our International Boundaries.

Local law enforcement is best suited to understand their geographic community needs and solutions based on the expectations of their citizens. Community policing begins and succeeds at the local level first.

As the Sheriff of Yuma County, and as all Arizona Sheriffs clearly feel, it is our statutory duty (oath of office to support the United States Constitution and the Constitution and Laws of the State of Arizona) to protect and secure the freedoms and liberties of our citizens, with or without the help of our federal law enforcement partners/policy makers.

No longer are the border problems and issues we face restricted to the International Border communities, but in fact, these problems and issues have now spread all across the United States and impacted agencies and budgets in every state of our nation.

Having the true-life experience of living and working as a Deputy Sheriff, and now Sheriff, in Yuma County since 1985, border security has been a continuous educational lesson. Not only have I witnessed the escalation of violence by these careless assailants on our citizens, but I have also seen the successes that can be accomplished through a coordinated law enforcement response with local, state, and federal partners working in concert and cooperation with the prosecutorial agencies. As witnessed firsthand in Yuma County by FY 2008, the number of illegal entries totaled just 15,979—a decline of 91.9% from FY 2005.

This turnaround can be attributed to four critical developments:

- Significant upgrades in tactical infrastructure. Fencing, Normandy (vehicle) barriers, cameras and surveillance equipment and upgrades.
- Increased manpower for United States Border Patrol.
- The implementation of Operation Streamline, a program designed for 100% prosecution of illegal entrants caught involved in criminal activity.
- Operation Stonegarden helped with creating partnerships with local law enforcement and as a force multiplier along the border area that otherwise could not be done within agency budgets. Operation Stonegarden assists agencies with overtime and equipment purchases.

Our successes were based upon:

- Frequent communication with all local, state and federal agencies.
- Face to face contact with local, state and federal officials.
- Common goals that address real issues.
- Working on these issues at the local level.
- Consequence delivery and prosecution.

Problematic Issues - What changed?

Yuma County had the worst record in the United States for illegal entries by undocumented immigrants and as a result, our community suffered numerous ancillary crimes. Several federal programs, such as the Secure Communities Program and Operation Streamline, were put into place and had a significant positive impact on curtailing the criminal activity in our county. The concept of these programs was that if they were successful (which they were), they would be expanded all along the international boundary. However, changes and restrictions to these programs made by our prior federal administration placed a significant burden on local governments not only to bear the costs associated with the apprehension, prosecution, and incarceration

of criminal illegal aliens, but to also ensure that this criminal element was not released back into society to continue to prey on our citizens. Furthermore, state and local resources which have become necessary to address the criminal activity by illegal aliens and its effects on our communities, have also been burdened to the point of exhaustion and aggravation. How does all this translate in actual dollars?

SCAAP

The intent of the State Criminal Alien Assistance Program (SCAAP) was to fully reimburse states for the cost of housing criminal aliens in state, county, and city prisons and jails.

Funding has never fully covered state costs. Arizona, California, New Mexico, Texas, and Florida incarcerate nearly 60 percent of the criminal alien population nationwide but are reimbursed for less than 15% of the cost to house these inmates.

SCAAP was funded

For FY2016, Yuma County received **\$72,570** in SCAAP funds while inmate costs exceeded \$1,076,078; a reimbursement of only 6.7% of the costs. Arizona Sheriffs as a whole had to absorb 29 million dollars in unanticipated costs due to lack of reimbursement, which also does not cover any medical costs for those inmates with significant medical issues, i.e., dialysis, surgeries, etc. (See attachment).

Operation Streamline / "Smart on Crime" Initiative

Federal law mandates border security. However, an order issued by the previous Attorney General reduced federal prosecutions under Operation Streamline and called it the "Smart on Crime" Initiative, which in essence reduced the federal government's enforcement of our nation's laws regarding border security and the prosecution of undocumented aliens committing crimes against our citizens, our states and our nation. The USAG's lack of prosecuting this criminal element has left a significant burden on local governments not only to bear the costs associated with the apprehension, prosecution, and incarceration of this criminal element, but to also ensure that this criminal element was not released back into society to continue to prey on our citizens.

Working with limited budgets and staffing, border sheriffs struggle to find ways to maintain the quality of life and safety for those they serve and to deter those who cross our borders to promote their criminal activities. Unfortunately, without aggressive prosecution by the U.S Attorney's Office of all those committing criminal acts as a result of breaching our border, the American people will continue to see a border that is an open opportunity for this criminal element to exploit.

As a result of this change of policy and due to the failure of the USAG's Office to prosecute undocumented aliens who committed crimes in Yuma County as of October

2014, I submitted a bill to AG Loretta Lynch for services provided by my agency (see attached) which as of this date is over 1.8 million dollars. As of today's date, I am still waiting for reimbursement or even a response.

Backpackers Cost to Yuma County

From October 2014 through December 2016, the Yuma County Detention Center housed a total of 241 inmates (illegal aliens) on drug transport and identity theft charges after they were detained by federal agents and the USAG's office deferred prosecution, and they in turn were transferred to a local agency. The total jail bed days for these inmates were 23,684 jail days with an average length of stay of 98 jail days. The cost to house these prisoners for Yuma County was approximately **\$1,855,000.00**. This does not cover the court costs, cost of prosecution, major medical expenses, or the public defender's cost.

PEP – Priority Enforcement Program / Secure Communities

In 2015, the federal administration announced their "Priority Enforcement Program" as a replacement for the "ineffective" Secure Communities Program. According to Director Jeh Johnson, the goal of this new program was *"...to better focus our immigration enforcement resources on convicted criminals over undocumented immigrants who have been here for years, have committed no serious crimes, and, have, in effect, become peaceful and integrated members of the community."*

The Priority Enforcement Program (PEP) that the previous federal administration touted as *"a new way to protect our citizens from the worst of the worst"* seems more like a complete failure when you look at the numbers.

The U.S. Immigration and Customs Enforcement (ICE) released 36,007 convicted criminal aliens in 2015 who were awaiting the outcome of deportation proceedings, according to a report issued by the Center for Immigration Studies. The group of released criminals includes those convicted of homicide, sexual assault, kidnapping and aggravated assault, according to the report, which cites a document prepared by the ICE.

A majority of the releases were not required by law and were discretionary, the organization says. According to the report, the 36,007 individuals released represented nearly 88,000 convictions, including:

- 1) 193 Homicide convictions
- 2) 1,160 Stolen Vehicle convictions
- 3) 426 Sexual Assault convictions
- 4) 9,187 Dangerous Drug convictions
- 5) 303 Kidnapping convictions

- 6) 16,070 Alcohol /Drugged Driving convictions
- 7) 1,075 Aggravated Assault convictions
- 8) 303 Flight Escape convictions
- 9) Resettled nearly 13,000 Syrian refugees in the United States this past fiscal year.
- 10) 38,901 Muslim refugees entered the U.S. in fiscal year 2016, making up almost half (46%) of the nearly 85,000 refugees who entered the country in that period, according to a Pew Research Center analysis of data from the State Department's Refugee Processing Center.
- 11) Syria (12,486) and Somalia (9,012) were the source of more than half of fiscal 2016's Muslim refugees. The rest are from Iraq (7,853), Burma (Myanmar) (3,145), Afghanistan (2,664) and other countries (3,741).

Prime example of releasing the worst of the worst into Arizona society

Musa Salah Abdelaziz Abdalla

- Abdalla had multiple arrests for assault in Randall County, Texas.
- Abdalla was arrested for aggravated assault in Maricopa County in September 2007. He accepted a plea agreement which stipulated five years probation and dropped a second aggravated assault in the City of Phoenix (Phoenix Police Department Report Number 200771553320).
- Abdalla violated probation three times and was finally sentenced to the Arizona Department of Corrections (DOC) for thirteen months starting June 2014. Abdalla had an ICE detainer on him.
- Abdalla was released from DOC on July 21, 2015—the same day that ICE releases any holds.

Dennis Valerievitch Tsoukanov - Russia

- On December 15, 2001, Tsoukanov was involved in a scheme to rip off a delivery of Human Growth Hormones worth \$1,000,000.00 Tsoukanov and two Russian accomplices kidnapped a police informant and took him to the Fossil Creek area near Camp Verde where they beat, stabbed and then poured gasoline on him and set him on fire while he was still alive. The three Russian suspects were arrested; however, Tsoukanov's two accomplices made bail and fled. Both suspects were caught later on. One was caught in Canada after America's Most Wanted profiled him (news articles enclosed).
- Tsoukanov turned State's evidence against the two co-defendants and was spared a life sentence. He was sentenced to thirteen years in DOC for kidnapping and second degree murder; his co-defendants both received life sentences without parole.
- Tsoukanov was released from DOC on December 21, 2014. There was an ICE Detainer on him at the time of his release.
- Tsoukanov was released from ICE on July 16, 2015.

- Tsoukanov is a Russian citizen born in Estonia. Whose country refused to take him back

Nasser Hanna Hermez - Iraq

- Hermez was arrested in April 2009 and charged with second degree murder of his seven week old daughter (victim report enclosed). After a lengthy court process, he finally took a plea agreement on April 4, 2011 for negligent homicide per domestic violence and endangerment per domestic violence. He received six months in jail and three years of probation (Court case activity information enclosed).
- Hermez was arrested and indicted in April 2015 for third degree burglary—a class 4 felony. He accepted a plea and on July 30, 2015, he was sentenced to two years probation (Court case activity information enclosed).
- Hermez was released from ICE on July 31, 2015.

Recommendations Federal Government

The federal government (elected and policy makers) has been slow to react to the voices and concerns of those living on the southwest border. Counties along the border have become VIP attractions, venues for those seeking to make a difference or promising change only to become another faded high-hope. The following comprehensive recommendations are directly linked to our federal leaders:

- Re-define the plan of the 90s and build upon successes.
- Political-will to make Border Security a mandated program.
- Border security first; immigration reform second.
- Maximize allocated resources such as staffing on the actual border.
- Support and embrace first-line agents that work the border regions. They have a dangerous job and it's no secret that their frustration is high based on the unknown complexities reference their assignments. They have great ideas to share.
- Quality of life/citizens living on border supported by sheriffs need to be involved from the very beginning regarding implementing improved security/safety.
- Funding supplement for local law enforcement, prosecution, detention, and criminal justice in support of border crimes.
- Continued funding and support for Operation StoneGarden program. Remove funding from FEMA; move this funding to DHS.
- Enhanced funding for Regional Communication and Interoperability with local law enforcement.
- Restore full reimbursement of SCAAP funding to non sanctuary cities and counties.
- Restore Operation Streamline.
- Restore Safe Communities.

- Restore/lift restrictions on 1033 Program for law enforcement agencies to screen military surplus property for law enforcement purposes.
- Assign a district judge to the new federal court house in Yuma County. Right now there is only a federal magistrate to conduct initial appearance duties. Officers and attorneys continue to have to travel to Phoenix on every case they have, tying up resources and manpower by having to travel to court 3 hours away.
- Enhance U.S. Customs "ICE" by providing adequate holding facilities and manpower so that USBP agents are not tied up performing this function in their holding facilities that are not equipped to handle that function.

Summary

Our efforts and team work philosophy with our local, state and federal law enforcement partners has proven to be beneficial in bringing overdue solutions to an unsecure border.

Unfortunately, border security has become a discretionary program for those federally elected leaders and policy makers that have been entrusted to protect our freedoms and liberties. As a Sheriff elected by the good people of my county, my biggest fear—which is shared with all Sheriffs—is the loss of life to one of our citizens and/or law enforcement officers/agents that would be attributed to a border that is NOT secure. We have seen it happen on more than one occasion.

One would hope the priority of securing our border doesn't become just about a price tag and/or political posturing, but rather the legal and moral requirement to safeguard all of America, which so many heroic Americans have already paid the ultimate price for.

Today's opportunity to address this committee instills fresh hope that our voice does matter and on behalf of the citizens of Yuma County, Arizona and beyond, we hope that you will carry out your Constitutional mandate to bring positive change to an overdue vulnerable situation.

As always, you have an open invitation to visit Yuma County, along with a personal guided tour, and visit with our citizens to see/hear first-hand America's true rural border; even when its 115 degrees outside.

Again, thank you very much for the opportunity to share this information with you. I will be happy to answer any questions you may have.

Respectfully Submitted,

Sheriff Leon N. Wilmot

Attachments

1. Sheriff Leon N. Wilmot Biography
2. SCAAP Statistics Summary for Arizona Sheriffs, 2009–2015
3. Letter to Attorney General Loretta Lynch, 05/18/2015
 - Billing Statement
4. National Sheriffs' Association Position Paper on Comprehensive Illegal Immigration Reform, 06/25/2013