



National Border Patrol Council

Testimony of Brandon Judd
On behalf of the National Border Patrol Council
In front of the House Homeland Security Subcommittee on Border and Maritime Security
January 9th, 2018

Chairwoman McSally, Ranking Member Vela, and distinguished members of the Subcommittee, I would like to thank you all for inviting me to testify today in order to communicate the significant challenges that our Nation's Border Patrol Agents are facing. My organization and I have a long standing relationship with both Chairwoman McSally and Ranking Member Vela and I want to thank you both for all your hard work and support for the Border Patrol.

My name is Brandon Judd and I currently serve as the President of the National Border Patrol Council, where I represent 16,000 Border Patrol field Agents. I have 20 years of experience as a Border Patrol Agent and a thorough understanding of the policies affecting border security. I will be spending the bulk of my time this morning addressing the dramatic increase in assaults on Agents in 2017.

Background

In 2017, assaults on Agents were up 76 percent to reach 774. This included the tragic death of Agent Rogelio Martinez in November in Van Horn, Texas. There is not a day that goes by where at least one Agent is not being sent to the hospital. Although Agent Martinez's death made national news, there are many cases that do not.

Let me give you two recent examples in the last several weeks that barely made the news. On December 26th in Brownsville, Texas, Federal authorities confirmed the shooting of a U.S. Border Patrol Agent patrolling the waters of the Rio Grande. The round shot by a "small caliber" weapon came from the river banks on the Mexican side. One inch the other way and the shot more than likely would have been fatal. On December 30th in San Diego, California, an Agent was hit in the chest by a rock the size of a grapefruit while patrolling on an ATV. The force of the rock knocked him off the ATV causing the vehicle to roll on top of him. Thankfully, the Agent did not lose consciousness and was able to radio for help.

As National President, I am typically called when an Agent is seriously assaulted. I have to tell you, when my phone rings in the middle of the night my heart skips a beat.

Why the Increased Violence

Many may be wondering why assaults on Agents are skyrocketing when apprehensions for 2017 are down. Last year we apprehended 310,000 illegal aliens as opposed to 415,000 in 2016. There is a loose correlation between arrests and assaults on Agents. This correlation is limited to the extent that there will always be a percentage of illegal immigrants who will fight with an Agent to avoid arrest.

I believe that the following issues are driving the escalating violence that we are seeing at the border:

- **Cartel Violence** – All of the human and narcotic trafficking along the border are controlled by the drug cartels. When I joined the Border Patrol 20 years ago, there were smaller less violent organizations who ran the trade. This is not the case anymore. The drug cartels are extremely violent and have killed an estimated 150,000 people, including law enforcement, in Mexico. In the first 6 months of 2017, violence in Mexico increased to a staggering 33 percent. I believe that the violence we are seeing is simply a spillover from the chaos on the other side of the border.
- **Criminal Aliens Attempting to Illegally Reenter** – In 2016 we apprehended over 16,000 criminal aliens. This figure includes both those convicted of crimes, approximately 13,000, and those with outstanding warrants in the U.S., approximately 3,600. Last year the criminal alien apprehensions were lower at 11,000 apprehensions, however this is still a significant number. Criminal aliens are highly likely to assault Agents because many of them are subject to criminal charges for either illegal reentry, or prison time for violating the terms of their parole. In April 2017 Attorney General Sessions's office issued a memo stating that all 94 U.S. Attorneys' offices should prosecute those who transport aliens, aliens with 2 or more illegal reentries, as well as criminal aliens seeking to reenter this country. Although we welcome this change, I am hearing from my Agents on the field that this directive is not being fully implemented. I would greatly appreciate it if this Committee exercise its oversight role and ensure that any assault on an Agent is fully prosecuted.
- **Manpower** – We are currently almost 2,000 Agents below the Congressional floor of 21,370. The President has proposed the hiring of 5,000 additional Agents, which we fully support. The Committee has included the 5,000 additional Agents in the Border Security for America Act and I want to thank the Committee for doing so. However, the President has only proposed and Congress is slated on funding for only 500 new Agents this year. At this rate, the Agents we hire this year will be half way to retirement before we meet this goal in 2028.

In the field, manpower equals response time whether it be a sensor hit or an Agent fighting for his or her life. Currently, we have Agents covering large scale areas where the nearest backup may be more than 15 to 20 minutes away. As someone who has had to struggle to arrest a violent subject on more than one occasion, that kind of response time is equivalent to no response at all.

What Can Congress Do?

I fear that the level of violence that we are seeing now may become the new normal. This is because the two primary drivers of this violence, cartels and criminal aliens, are most likely going to get worse not better in the years ahead. We need to focus our efforts on what we can change. This includes more manpower and ensuring that any assault on an Agent is fully prosecuted.

I want to thank the Committee for your time this morning and I look forward to answering any questions that you may have.