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SUBCOMMITTEE on Crime, Terrorism and Homeland Security

Introduction

Testimony of Mr. Mark J. Dannels, Cochise County Sheriff, Arizona before the Subcommittee on Crime, Terrorism and Homeland Security Hearing on "Oversight of Federal Efforts to Combat Human Trafficking." The hearing will be held on Wednesday, April 27th, 2022 at 10:00 a.m..

Chairman Jerrold Nadler, Ranking Member Andy Biggs and Members of this Committee, thank you for the invitation to speak to you today on this very important subject reference; **Public Safety, National Security, Humanitarian and Health.**

History of Cochise County

With eighty-three miles of international border within its jurisdiction, Cochise County plays a significant role in combating drug and human trafficking organizations and the associated violent crime which adversely affects Arizona residents and other areas throughout the United States. In 1990 the Office of National Drug Control Policy (ONDCP) designated Cochise County as a High Intensity Drug Trafficking area within southern Arizona. This designation is a direct result of overwhelming and sustained levels of illicit drug and human trafficking within Cochise County.

With 6,219 square miles, Cochise County is as large as the states of Rhode Island and Connecticut combined. The estimated population of the county in 2022 is approximately 125,000. The geography of the county consists of seven incorporated cities to include the historical town of Tombstone. Surrounded by vast areas of desolate uninhabited desert and mountainous terrain, the seven cities only represent a combined area of 215 square miles, leaving 6004 square miles of unincorporated area. These desolate areas are routinely exploited for smuggling routes by the drug/human traffickers and pose one of the greatest challenges to local law enforcements effort in establishing border security and interdiction efforts. Cochise County is the 38th largest land mass county in the United States, and is home to the United States Army base, Fort Huachuca. Throughout the history of the county ranching and farming has played a significant part in its legacy.

Unlike other border counties in Arizona, Cochise County is unique in that there are two cities in the Republic of Mexico situated on the international border within the county. The cities of Agua Prieta and Naco, with an estimated population of 80,000 and 10,000 respectively, are well know to U.S. Law Enforcement officials as staging and operational centers for one of Mexico's largest and most notorious drug cartels. The Sinaloa Cartel has long employed the use of local Mexican Drug and Human Trafficking Organizations (DTOs) to carry out the Cartel's illegal distribution and transportation into and throughout the United States.

These international DTOs also utilize their established smuggling routes in Cochise County to transport the Cartels illicit profits such as U.S. currency, firearms, and ammunition into Mexico. A large portion of the profit is used to sustain control over the corridor through the use of violence against law enforcement, rival trafficking organizations, and bribes of government officials.

The Mexican drug trafficking organizations operating in Cochise County 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 which cannot be detected by normal radar, cloned vehicles appearing to be law enforcement or other legitimate companies and 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.

Violence against innocent citizens, public officials, law enforcement, and rival drug/human trafficking groups in Mexico continues to escalate. Cochise County's law enforcement and private citizen fears of it spilling into the county were realized in 2010 when a longtime Cochise County resident rancher was senselessly murdered while inspecting fences on his ranch. Further complicating the concerns is the potential for foreign terrorist to employ drug/human trafficking organizations to smuggle individuals and or weapons of mass destruction into the United States through Cochise County.

The adverse affects of the drug and human trafficking organizations operating in Cochise County not only have 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.

Historically speaking, illegal border crossings into the United States are well known in southern Arizona and recognized as a part of everyday life within Cochise County and throughout the southwest border. Many years ago, Cochise County citizens were not overly alarmed when they observed a handful of undocumented aliens travelling through private or public lands in search of jobs. Unfortunately, over time these groups dramatically increased in size and became more reckless, aggressive, and violent, bringing unrest and fear to the citizens living on the border. Examples of this include reckless high-speed pursuits, assaults on citizens, rapes, kidnappings, murders and home invasions to steal one's private and personal possessions. It was apparent the search for the American dream was being over-shadowed by these smugglers, mules, coyotes, bandits, and transnational criminals preying upon our citizens.

Having the true-life experience to live and work as a law enforcement officer/deputy and now Sheriff in Cochise County since 1984, it has been an educational lesson for me reference border security. I have witnessed the escalation of violence by these careless assailants on our citizens raising the question, who actually controls our borders? Cochise County has become known as the gateway to illegal activity for those unlawfully entering the United States.

History: Federal Government's Border Security Plan of the 90s

In the early 1990s, the federal government prepared a plan to address the unsecure, unsafe border. At a press conference in Tucson, Arizona, a Border Patrol spokesman announced their intent to secure the populated areas of the border, specifically San Diego, Yuma and El Paso and the International Ports of Entry. These targeted areas, which I call the "Ps = Ports and Population", would be the federal government's focus points. The second half of their plan was to reroute the illegal activity/disturbances into the rural parts of the southwest border with the thought that these cartel organizations and smuggling groups would be deterred by the rugged and mountainous regions along the border.

Since the release of the plan, many changes have taken place. Specifically, Cochise County initially increased their staffing of Border Patrol agents from a handful of agents to an estimated 1300 agents stationed within Cochise County. Currently, we are down to 400 – 500 Border Patrol agents. To add, an estimated 200 Custom agents working at the port of entries (Douglas and Naco) and within the Cochise County to secure and protect the estimated 83 miles of international border. Infrastructure, such as metal fencing, lightning, cameras, sensors, radars, etc. have been installed between both ports and some distance beyond bringing some needed relief to this area and those that live within. Unfortunately, upgrades were halted by President Biden's executive order on his first day of office leaving our border's infrastructure in disarray. Secondary immigration checkpoints were established on routes (roadways) 20 – 40 miles north of the border but due to staffing shortages, remains closed most of the time.

Over the last 15 months, our southern border has drastically changed, (see attached statistics). Additionally, addressing a health pandemic during a drastic change has negatively impacted our community's Quality of Life. Title 42 was enacted under President Donald Trump and remains today, providing Customs & Border Patrol and my communities some relief. I respect the decision/debate to cancel Title 42, but sadly with lack of a shared action plan or collective message, the concerns by my fellow Sheriffs, Police Chiefs and our federal partners, promotes great concern. Sheriffs from National, Western and Southwest Associations have tried tirelessly to work with this administration with little to no success. It would be an understatement to say Sheriffs are frustrated.

I have personally experienced our once manageable border become a crisis over the last 15 months supported by the attached statistics and increased criminal activity. The Covid health pandemic placed many restrictions on foreign travel, but the conversation regarding illegal entry at our southern border was neglected by our federal leaders. The health exposure and risk experienced by law enforcement officers, deputies and agents became secondary in public restrictions and concerns. In fact, the intellectual avoidance by this administration to actively engage and support our efforts has been absent. Certain members of U.S. Congress continue to ignore our immigration laws/crisis abandoning communities as they struggle to address these challenges. I would remind my fellow elected leaders, we share the same Oath of Office to protect this great country, not to be driven by personal ideologies, but by and for the People.

The existing border plan has been in place for over 26 years and the following are some thoughts regarding the plan in current time:

- An increase in illegal smuggling/activity between the protected areas (ports)
- Increase in larger groups of undocumented aliens between the protected areas (ports)
- Increase in illegal activity outside the protected areas (ports)
- Fear/Frustration increased in rural Cochise County/Southwest Border
- Ranch and Farmlands damaged due to increased illegal activity
- Property (fencing, livestock, waterlines, etc.) damaged
- Burglaries/Thefts increased in rural Cochise County/Southwest Border
- Violent Crimes increased i.e., Homicides, Assaults, Rapes, Drug and Human Smuggling, etc. in rural Cochise County/Southwest Border
- Transnational Cartels/Smuggling Organizations controlled and set up smuggling routes in rural Cochise County/Southwest Border
- Lack of Border Patrol Agents directly on border
- Secondary checkpoints were established as a secondary deterrent but remain closed due to staff shortages
- Lack of Re-Definition to the plan of the 90s (time erased history)
- Loss of recreational land use due to fear of criminal activity
- Economic decline (Cochise County largest decrease in population)
- Legacy Ranches being sold
- Lack of Federally elected leaders to address unsecure border/fears creating a lack of trust and anger by citizens
- Questionable consequences by federal government by those committing border crimes
- Undue pressure on local law enforcement/Sheriffs to address issues, fear, and consequences for those committing crimes
- Lack of funding for local law enforcement/criminal justice system/corrections in order to address border crimes at the local level due to federal government lack of intervention
- Border Security shall be a Mandate, not a Discretionary program
- Border Security v. Immigration Reform (two different programs not to be blended)
- Lack of Trust and Confidence in our Federal Government

Action-Based Solutions Local-State 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 borders. No better example of the importance of local law enforcement during a national crisis was the terrorist attack on September 11, 2001. First responders from local police and fire were the first on scene to address this horrific threat. Local law enforcement is best suited to best understand 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 Cochise County, I felt it was my elected and statutory duty (oath of office to support the United States Constitution and the Arizona Constitution) to protect and secure the Freedoms and Liberties of my citizens, with or without the help of our federal law enforcement partners/policy makers. No longer a debate by those that live in the rural parts of the

southwest border, the rural parts of the Southwest Border are NOT secure and are vulnerable for ANY type of transnational criminal activity.

Working with limited budgets and staffing, Sheriffs along the southwest border struggle each and every day to find ways to enhance the quality of life/safety for those they serve and bring a general sense of deterrence for those choosing our border as a venue to promote their criminal enterprises. The following bullet points are action-driven solutions implemented in hopes of bringing some relief and sense of security for those living in Cochise County:

- Balanced Community Policing (Education, Prevention, Enforcement)
- Transparency + Time = Community Trust
- Collaborated Efforts by all 3-levels of Government
- Creation of a Southwest Border Security Facility in Cochise County
- Law and Order Partnership between Sheriff and County Attorney
- Safe Street Enforcement Programs
- Private and Public Funding donations/grants to purchase upgraded equipment/communications
- Installation of New Radios/Towers/Consoles/Microwave
- Portable Radios to Citizens/Ranchers/Farmers/Schools
- Interoperability/Intelligence Sharing at all 3-levels
- Regional Application for Law Enforcement
- Financial Interdiction Unit
- Regional Border Team by Sheriff supported by Border Patrol, ICE, U.S. Forest
- Ranch Advisory Team
- Ranch Patrol
- Financial Crime Unit
- Consequence Driven Prosecution (all 3-levels)
- Local Trail-Cameras, Sensors, ATVs, Thermal Vehicle, Off-Road Vehicle, etc..
- Factual Situational Awareness for Media, Elected Officials, America
- Quarterly Law Enforcement Leadership Meetings
- Community Outreach Unit
- Community Meet & Greets within Communities
- Aviation Program (Helicopter & Drone)
- Positive-Interactive Use of Media and Social Media

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. Cochise County and other 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:

- Collective Message between Local, State and Federal
- Shared Action Plan by Local, State and Federal Law Enforcement

- Remove “Politics” and Enforce the “Rule of Law”
- Hire more Immigration and Asylum Hearing Officers for all POEs.
- Re-evaluate the plan of the 90s and build upon successes
- Political-Will to make Border Security a Mandated Program
- Immediate need to address the Criminal Cartels (Transnational Organizations)
- Border Security First, Immigration Reform Second
- Maximize Allocated Resources such as Staffing
- Adequately Fund CBP
- 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
- Secondary Checkpoints only after Primary border interdiction is satisfied by stakeholders
- Quality in Life/Citizens living on border supported by Sheriffs and State Governors regarding improved security/safety
- Funding supplement for Local Law Enforcement/Prosecution/Detention/Criminal Justice in support of border crimes
- Continued Funding and Support for Stone Garden Program
- Empowerment with action to Border Patrol Leadership/PAICs (currently Cochise County has dedicated and solution-driven leaders that work well with local law enforcement)
- Enhanced Funding for Regional Communication and Interoperability with local law enforcement
- Bring Local Law Enforcement to Border Security and Immigration discussions

Summary

Our local efforts have proven to be beneficial in bringing over-due solutions to an unsecure border that has become a discretionary program by 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 is another loss of life to one of my citizens and/or law enforcement officers/agents contributed to a border that is NOT secure. 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 group instills fresh hope that our voice does matter and on behalf of the citizens of Cochise County, Arizona and beyond, we hope you won’t forget us and will do your Constitutional mandate to bring positive change to an over-due vulnerable situation.

I will leave each one of you with an open invitation to visit Cochise County along with a personal-guided tour and visit with our citizens to hear/see first-hand America’s true rural border.

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,

A handwritten signature in black ink, appearing to read 'MJD', with a stylized flourish at the end.

Sheriff Mark J. Dannels

Attachments

- a. Sheriff Mark J. Dannels Biography
- b. Arizona Sheriffs Association Letter re Border Security
- c. Western States Sheriffs Association Letter re Position Statement on Border
- d. Governor Doug Ducey's Letter to Secretary of Homeland Security
- e. National Sheriffs Association Letter re Public Safety Challenges on our Border
- f. Photographs/Handouts (34)