



STATEMENT ON BORDER SECURITY

from Sheriff Mark D. Napier

We Must Secure Our Southern Border with Mexico

There has been and will likely continue to be much debate about border security and how to achieve it. As the Sheriff of Pima County let me be crystal clear, our southern border with Mexico must be secured. As a law enforcement professional in this county for three decades I have witnessed, in its many forms, the tragic results and the societal costs of the lack of border security. Over the years, I have heard political leaders of all stripes talk about securing the border with little positive consequence. Today, many portions of our border with Mexico are not secure in any meaningful way. Our Ports of Entry lack the staffing and technology necessary to be effective deterrents to transnational crime. To suggest that the lack of border security is not a problem is intellectually dishonest. Equally problematic is allowing such a significant issue to be mired in endless political debate and partisan divide. It is time, past time, to move forward with meaningful border security.

The Case for Border Security

There are three unimpeachable reasons that without respect to political ideology we should embrace in support of the need to secure immediately our border with Mexico. They are public safety, national security and human rights.

Public Safety

No rational person can deny that the lack of a secure border presents a public safety problem, not only for Pima County but also for our nation. The porous border is exploited by transnational crime organizations to engage in drug trafficking, human trafficking and sex trafficking. We have a public health crisis with respect to opioid use that is leading to overdose deaths and lifetime addiction. Methamphetamine is also on the rise and leads to overdoses and an increase in criminality. The public safety threat of drug trafficking is significant and the societal costs are staggering. Human traffickers exploit migrants criminally, sexually and financially. Criminals and gang members posing as migrants can and do use the lack of border security to enter our country to further their criminal behavior. We have ample examples of this occurring. The lack of a secure border is an undeniable public safety crisis.

National Security

It is disingenuous to suggest that a lack of border security is not a national security issue. We simply do not know who is coming across our border. We know that there are bad actors from hostile nations that wish us harm. This is not a political or biased statement, but rather a factual one. The lack of border security can be leveraged by those wishing us harm to come into our country undetected. The lack of border security is an undeniable national security concern.



Human Rights

To deny that there is a human rights nexus to border security is morally wrong. Tacitly encouraging migrants to make the dangerous journey to our border and then attempt to cross into remote areas of our county is not compassionate public policy. Our deputies recover more than 100 bodies a year in the remote areas of Pima County. Migrants die due to the harsh environment or at the hands of border bandits or coyotes. Many walk hundreds of miles from Central America, some with children in tow, to get to the border in hope of a better life believing they can just come in. This leads to human rights issues along the border and even deaths. People in many parts of the world face desperate conditions we can hardly imagine. They seek a better life for themselves and their families, much in the same way many of us would in the face of similar circumstance. A secure border, along with more sensible legal immigration policies, would dissuade this dangerous and often deadly behavior. The lack of border security is a human rights issue.

I have been, and will remain, consistent in my stance on border security. Let me reiterate, we need to secure our southern border with Mexico immediately for the three aforementioned reasons.

How to Secure the Border

There has been much focus on “The Wall.” The term “The Wall” has become synonymous with border security. This term has become a lightning rod of division that has detracted, more than added, to thoughtful approaches to securing our border. “The Wall” is a soundbite, not a cogent public policy position.

The U.S./Mexico border is nearly 2000 linear miles. It presents topography, environmental and land use challenges to what might be considered a traditional wall. There are mountains, waterways, Native American Reservations and environmentally sensitive areas where traditional physical barriers will be difficult, if not impossible, to construct. Some areas are very remote and lack the supporting infrastructure to facilitate a massive construction project of this scale. Even if properly funded and enjoying wide spread public support, it would take many years to construct a wall across the entirety of the border with Mexico. We cannot wait for years and be hostage to the future whims of subsequent political leadership to secure our border.

There are many places where physical barriers make sense and are the best solution to securing the border. They should be constructed without delay. In other locations, we need to turn to technology, which thanks to modern advances is robust and effective. In other areas, we need more human resources to ensure security. Likely, in all locations we will need some blend of physical barriers, technology and human resources to be successful.

The ultimate goal of these efforts should be the complete and total operational security of our southern border. Endless debate about what constitutes a “wall” and who pays for it does little to advance much needed border security.



As we discuss border security, we need to remember the importance of addressing our Ports of Entry (POE). POEs are not being discussed enough and are a major vulnerability. We have to ensure security while still supporting the effective flow of legitimate transnational commerce. Commerce with Mexico through the POEs is vital to the economy of Arizona. Annually commerce with Mexico pumps in billions into our economy. Allowing Mexican citizens the ability to cross into the United States to engage in legitimate commerce is also vital to our economy. The POEs need better staffing and technology to support the efficient flow of legitimate transnational commerce while having the ability to interdict illegitimate/criminal transnational activity.

We should not let partisan politics stand in the way of securing the border. It is clear we have done so for many decades and through several presidential administrations. We need to secure the border for public safety, national security and human rights reasons the mechanism of how it is done is far less interesting to me than getting it done. The idea that a wall is the only solution because it is permanent is misguided. A wall that in the future for political reasons is not monitored, enforced or maintained is only an impediment not real security.

Proactive Immigration Enforcement

While I support the increased attention given to the border and welcome additional federal resources, the Pima County Sheriff's Department does not have the capacity to engage in proactive enforcement of federal immigration laws. We have approximately 500 sworn personnel to provide law enforcement services to an area of 9,200 square miles. We have budget capacity to provide to provide essential law enforcement services to the people of our County. Daily our correctional facility houses between 1800 and 1900 inmates. We have the capacity for 2100. We lack sufficient capacity to detain significant numbers of people for federal immigration violations. The Pima County Sheriff's Department does not have the ability from either an operations or incarceration perspective to engage in active enforcement of federal immigration violations. Federal authorities best address these violations of federal law. That being stated, when our personnel come in contact with someone who is believed to be in this country without proper documentation, we have an affirmative responsibility to contact federal law enforcement to investigate the person's status; and we do so. There are several thousand Border Patrol personnel in Pima County. They are able to respond rapidly to our requests for support. There is no need for personnel of the Pima County Sheriff's Department to be cross-certified as immigration agents (287G Program).

The Pima County Sheriff's Department cooperates and works collaboratively with all our federal law enforcement partners. We value these relationships. We recognize ICE Detainers and cooperate with them. We are required by State Law to verify the immigration status of persons housed in our Adult Detention Center prior to their release. A relatively small portion of persons crosschecked through ICE result in an Immigration Detainer request, less than 5%. An ICE Detainer, as currently drafted, does not provide a legal basis for detaining a person. Therefore, we cannot engage an extension of detention based solely on the existence of an ICE Detainer. When we no longer have a legal basis to hold an inmate, and are aware of an ICE Detainer, we notify ICE that we are beginning out-processing of the inmate. This generally takes



approximately two (2) hours to complete. This provides sufficient time for ICE to take custody of the person. Through collaboration/cooperation with ICE, we work to ensure that no person with an ICE Detainer is released into our community.

If local law enforcement becomes proactive in immigration enforcement, we will not enhance public safety, but rather deteriorate it. People in our community without legal documentation must be able to come forward and interact with law enforcement as victims and witnesses to criminal activity. If these people cannot interact with local law enforcement out of fear of deportation, we create an entire block of our community that will be victims of crime with no recourse and will not be partners with the community in reporting crime. To combat this, the Pima County Sheriff's Department has a policy specifically prohibiting asking crime victims about immigration status unless that status is directly related to the crime being investigated. Additionally, and to speak positively about our community relationships, the Pima County Sheriff's Department has seen no data that indicates any changes with the Hispanic community calling 9-1-1 in our jurisdiction, nor do we have any indication that any group is fearful to contact our agency to report crimes. After hearing various accounts of a decrease in calls to law enforcement from our Hispanic community members, we took the proactive step of researching our 9-1-1 call data. For the last 10 years the ratio of 9-1-1 calls from persons of Hispanic origin have remained consistently between 23-25% of 9-1-1 calls received. There is no data to support there has been any chilling effect on the Hispanic community contacting the Sheriff's Department. All people of Pima County must be able to interact with law enforcement without fear.

Closing

I fully support efforts to secure our border. There are compelling and undeniable reasons to do so. We need to move forward absent of political rhetoric on both sides and secure our border. The investment made in doing so will be returned many times over in reduced crime, lower addictions and overdoses to illegal drugs and in reduction of other societal/humanitarian costs. The Pima County Sheriff's Department is committed to providing the highest level of public safety services to all people of our County. We proactively attack crime problems and criminal behavior without regard to the immigration status of the criminals involved and will continue to do so.