

Testimony of  
**Richard Wiles**

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"Securing the Borders and Am, What Remains to Be Done"

America's Points of Entry

Prepared Statement of Sheriff Richard Wiles

El Paso County, Texas before the U.S. Senate Committee on the Judiciary Subcommittee on Immigration, Border Security and Citizenship

Wednesday, May 20, 2009 ? 10:00 AM

Good afternoon, my name is Richard Wiles and I want to thank you for taking the time to address this important national issue. Immigration reform is a complex issue that affects many people as well as different levels and branches of government and the role that border issues play within immigration reform is a unique and important one. In December of 2007, I retired as the Chief of Police of the El Paso, Texas Police Department after 26 years of service. I am currently the Sheriff of El Paso County, Texas.

El Paso County has a population of over 700,000 and continues to grow at a rapid pace, thanks in large part to the growth of our military base, Fort Bliss. For the last 12 years, El Paso has been named the second or third safest large city in the United States through a yearly publication from an independent non-profit research group called Morgan Quinto.

People often ask how it is possible for El Paso to be such a safe community, given the fact that El Paso is right on the border with Juarez, Mexico, one of the most violent cities in the world. El Paso remains a major drug corridor for drugs coming into the United States from Mexico, as well as a corridor for weapons and money heading back into Mexico. It is also a poor community, with a large transient population and a large immigrant population. This is where the complexity begins.

I will point out, that as a member of the U.S.-Mexico Border and Immigration Task Force, I know there has been much work completed on a comprehensive strategy to deal with the issues involved in immigration reform. It is difficult to engage in law enforcement and criminal justice contemporary practices when members of the community are afraid to step forward for fear of deportation. It is clear that comprehensive reform is needed and necessary and will ultimately address issues important to law enforcement. In developing a comprehensive response to immigration, it is imperative that Congress has an understanding of the unique issues facing El Paso and many other border communities. The issues we face cannot be lumped together when drafting the appropriate response to immigration and border security. There is a significant difference between immigration enforcement, particularly as it relates to undocumented immigrants, and criminal law enforcement, which is independent from immigration issues.

From a law enforcement perspective, the first issue I want to discuss is illegal immigration and undocumented immigrants. There seems to be a misperception in some communities across our country that people who illegally enter our country from Mexico do so for the purpose of engaging in criminal activity. This could not be further from the truth. In fact, even members of the U.S. Border Patrol will, without hesitation, admit that the vast majority are here for economic reasons. In many respects, they enter illegally knowing there are U.S. employers that want and need the labor they provide. With the current immigration system, it's as if we are waving them in with one hand and telling them to stop with the other.

What should be the law enforcement response to illegal immigration in our local communities? I am not pro-illegal immigration. As a law enforcement officer, I respect the laws of our country and the necessity for them to be followed to provide for an orderly and safe society. Immigration and immigration enforcement rest solely with the federal government and federal agencies. Yet, when the government ignores its duties and obligations, this burden falls increasingly on state and local law enforcement, and this is especially true in border communities.

In the past, there has been discussion of local, county and state law enforcement agencies "assisting" in the area of immigration enforcement; this is not good policy. While Chief of Police in El Paso, I was a member of the Major Cities Chiefs Association. This organization is comprised of the leaders of the largest sixty-four law enforcement agencies (local and county) in the United States and Canada. I was one of nine members of an immigration subcommittee that ultimately made recommendations to the full Association, which were adopted in June 2006. I have attached a copy of the report for your review.

The general recommendation of the Major Cities Chiefs Association was that local law enforcement should not be engaged in the enforcement of federal immigration law. Although there are many reasons for this, I will concentrate on two main ones. First, local agencies lack resources to engage in the enforcement of immigration law that are clearly the responsibility of the federal government. Secondly, local law enforcement depends on the cooperation of the community it serves to prevent and solve crimes in its jurisdiction. In fact, many local agencies spend large amounts of time, energy, and money (mostly through federal funding such as Community Oriented Policing grants) building relationships for just this purpose. The enforcement of federal immigration laws by local law enforcement will undermine these efforts and impair cooperation and communication between local law enforcement and the communities they serve.

Additionally, last year I attended a conference on local law enforcement and immigration enforcement put on by the Police Foundation in Washington D.C., which was well-attended. The vast majority of agency heads present at that conference agreed with the findings of the Major Cities Chiefs Association that the work of state and local law enforcement officers is undermined when they act as federal immigration agents. Section 287(g) of the Immigration and Nationality Act was also discussed. This is the federal law that allows Immigration and Customs Enforcement (ICE) to enter into agreements with local law enforcement agencies to enforce federal immigration law. Section 287(g) was expanded from its original intent and, as such, is no longer feasible or appropriate for the reasons I have already stated. The Police Foundation is scheduled to release a new report this afternoon discussing how local immigration enforcement

challenges the public safety mission of law enforcement agencies. The report is titled, "The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties."

Federal agencies have the personnel, training, equipment and systems in place to handle immigration enforcement. If they are deficient in any of these areas, that is something for them to overcome, not a reason to put an additional burden on local, county and state agencies which are already struggling to keep up with the demands they face.

The second issue I would like to address relates to the unique criminal issues faced by law enforcement agencies in our border communities. Due to the demand all across our nation, illegal drugs continue to flow North while money and weapons flow South. In addition, border communities must deal with human smuggling and border crime, which many times are offenses committed against undocumented immigrants. These crimes include robbery, sexual assault, kidnapping, and even murder.

These acts clearly are within our jurisdiction and responsibility and take law enforcement resources away from our neighborhoods when we have to respond to them. We understand we have an obligation to protect ALL persons within our borders and we respond appropriately without regard to immigration status. Our purpose is to prevent crime and when we fail to do that, to apprehend criminal offenders. We also understand that when we arrest a drug smuggler, drug seller, human smuggler or rapist, it prevents drugs and crime from expanding into other areas of our country. In this regard, we are truly at the front lines using local resources to address a national problem.

Ultimately, our main concern is border and community security. Our position on immigration enforcement works and it shows in the fact that we are an extremely safe community. El Paso wants to remain one of the safest large cities in the United States. We are growing and expanding and we want to maintain the safety and security necessary for our citizens to be free from crime and the fear of crime. I believe that if we became involved in federal immigration enforcement, that trust and respect we have with our community would fracture and fail. It would create a communication gap that would hamper our ability to continue our efforts in crime reduction.

If the federal government needs the help of local law enforcement, it would be better concentrated on issues related to crime. We are already working with many federal agencies on issues such as drug smuggling, weapons trafficking, gangs, vehicle thefts, etc. With the proper resources, we stand ready to assist our federal and state partners on issues that are important to all of us and most certainly the communities we serve and represent. Ultimately, the entire nation benefits when we are successful at stopping the flow of illegal drugs and preventing criminals from continuing to victimize our citizenry.