



OPERATION BORDER STAR: Wasted Millions and Missed Opportunities

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I. Executive Summary

Operation Border Star (“Border Star”) is the latest in a succession of homeland security efforts implemented in Texas. In the 80th Regular Session, the Texas Legislature appropriated \$110 million for border security efforts, calling for multi-agency collaboration to respond to violent crime, drug smuggling and the threat of terrorism. This report examines the data reported by eleven of the almost 40 participating local law enforcement entities who were awarded \$5 million through Operation Border Star during the latter half of 2007 and into 2008, and suggests more effective strategies to make Texans safer.

Major Recommendations and Findings

- Measure only criminal activity related to organized crime, target drug corridors and prioritize investigations.

Operation Border Star’s performance measures encourage participating agencies to engage in law enforcement activities that do not further the state’s goal of improving state-wide public safety and protecting Texas from organized crime.

For example, the Cities of La Joya and Sullivan City have between 4,300 and 4,700 residents. Their police departments combined to make 9,576 traffic stops as part of Operation Border Star, resulting in 3,314 citations and 5,387 warnings issued. That’s roughly 1 traffic stop per resident. The Val Verde County Sheriff’s Department searched 851 vehicles during 83 days of participation in Operation Border Star, resulting in one substantial drug seizure of 623 pounds of marijuana and no asset forfeitures. Given that traffic stops do not yield effective results for combating organized crime, law enforcement would make better use of resources by investigating serious crimes.

Current performance measures fail to focus Operation Border Star’s efforts on the drug corridors where organized crime and related criminal activities occur.

Cartel-related crime, both detected and undetected, occurs in the border region’s four largest cities and the major highways connecting those cities to the rest of the United States. To applaud a 65 percent crime drop in unincorporated areas along the border

makes no sense, as the majority of the border population affected by cartel-related crime lives outside of the unincorporated areas. Changes in the overall crime rate for unincorporated areas of the border should be abandoned as an indicator of successful operations.

- Provide training and oversight for fusion centers and abandon inappropriate technology, like the virtual border surveillance program.

Texas' recent development of a vast regional network of fusion centers and "Joint Operations Intelligence Centers" are not serving the goal of public safety and confusing valuable criminal intelligence with unimportant statistics and innocent activities.

In a bulletin prepared for law enforcement, one regional Texas fusion center encouraged local law enforcement to be on the lookout for Muslims and efforts by non-Muslims to accommodate Muslim religious practices.

Texas has spent federal grant dollars on technological experiments that have completely failed. The virtual border surveillance program has failed to meet any of the state's stated goals for the program, and according to federal law enforcement, may actually help the cartels avoid detection.

- Create a law enforcement integrity unit in an independent agency to investigate cartel-related corruption.

Operation Border Star has failed to ensure that law enforcement corruption does not disrupt its mission. Since 2005, the heads of three Operation Border Star participating departments have been arrested, indicted or convicted of organized crime-related activity.

- Drop alien apprehensions as a performance measure and add a measure that focuses law enforcement attention on human trafficking.

Measuring alien arrests encourages local law enforcement to detain aliens, instead of arresting gang members.

Ten of the eleven departments analyzed in this report utilized Operation Border Star resources to detain 656 suspected deportable aliens and arrested a combined total of five criminal gang members. El Paso Police Department alone arrested 53 criminal gang members and detained no aliens. This is evidence that law enforcement efforts will be more effective when they are not bogged down by attempting to verify immigration status.

II. Methods & Overview

The ACLU analyzed performance measures for Operation Border Star submitted by the El Paso Sheriff's Office, El Paso Police Department, Laredo Police Department, Zapata County Sheriff's Office, Val Verde Sheriff's Office, Del Rio Police Department, Cameron County Sheriff's Office, McAllen Police Department, San Patricio County Sheriff's Office, La Joya Police Department, and Sullivan City Police Department. Data on performance measures were taken directly from the Daily Input Forms submitted by individual law enforcement agencies to the Governor's Department of Emergency Management as part of the grant reporting requirements.

Operation Border Star Overview

Operation Border Star was created to keep Texans safe, based on the idea that decreasing criminal activity in the border region would protect all Texans. (For additional background see Appendix A, "History of Border Security Operations in Texas.") The design of the Border Star program dramatically limits its effectiveness. Instead of creating incentives for proactive law enforcement operations, Border Star measures everyday policing activity. By sending information on arrests for offenses like public intoxication, driving while intoxicated (DWI) and disorderly conduct to Joint Operations Intelligence Centers (JOICs), Border Star reporting requirements undermine the utility of this data collection. The following sections outline flaws in the program design and make recommendations for how to effectively measure Border Star's contributions to public safety.

Furthermore, Border Star has been a failure because it provides no incentive to conduct investigations into serious crime, which would take a deeper look at the mechanisms driving organized crime in the border region and discover why, despite the infusion of millions of taxpayer dollars, organized crime continues to flourish.

A \$5 million snapshot of Operation Border Star:



At a glance	
Agencies reporting	11
Days of operations	1,115
Total cost to taxpayers	\$5,064,908.12

The data reveal that most of local law enforcement agencies spend the majority of their Border Star resources on everyday policing activities. Because the grant reporting forms require information on *all* law enforcement activities, and because much of this information is not germane to homeland security operations, it makes data analysis at the JOICs less efficient.

Critical homeland security operations?	
Most frequently reported activities	Totals
Calls for service	169,037
Traffic stops	45,176
Citations issued	44,923
Warnings issued	12,450
Vehicles Searched	2,479

The following are measures that are relevant to organized crime on the border and help to illustrate the larger picture of drug and gang activity. The low outputs of departments, especially when viewed without the contributions of El Paso Police Department, indicate that Border Star operations are failing to target the most serious threats to public safety.

How much bang for your buck?	
Number gang members arrested	58
Number gang members arrested <i>without El Paso PD</i>	5
Number drug arrests	1,110
Number drug arrests <i>without El Paso PD</i>	64
Total monetary seizures	\$308,272.00
Stolen vehicles recovered	13

III. Recommendations & Analysis

Focus homeland security expenditures

RECOMMENDATION: **Measure only arrests, currency seizures and criminal activity that are related to organized crime**

The following performance measurements should be the focus of homeland security grant reporting because they target northbound movement of drugs and southbound movement of currency and stolen vehicles. **These measures alone, however, will not be effective; they must be utilized in connection with investigations and prosecutions.**

1. Arrests for drug transportation or smuggling
2. Arrests for stolen vehicles used for drug transportation or smuggling
3. Currency seizures connected to organized crime arrests
4. Number of drug interdictions in drug trafficking quantities
5. Number of arrests for alien smuggling
6. Incidents of kidnapping or extortion

You manage what you measure

Border Star uses the wrong performance measures

Recipients of Border Star funds are required to measure a total of 47 performance measures and report them to Joint Operations Intelligence Centers (JOICs). The JOICs serve as a clearinghouse for all law enforcement data reported by agencies participating in Operation Border Star. In Border Star's current form, the JOICs are inundated with data from these 47 performance measures, the majority of which provide no useful intelligence for targeting organized crime. Measuring only arrests is a fundamentally inadequate way to measure success. (See Appendix B, "Performance Measures for Operation Border Star: A look at the Daily Input Form.")

This focus on surface level data collection provides no incentive to conduct investigations and thereby take a deeper look at the mechanisms driving organized crime in the border region. The following are examples of current performance measures that fail to focus efforts on organized crime:

- **Drug arrests.** By reporting only the raw number of arrests for drug possession, this performance measure makes no distinction between personal use quantities or transnational shipments. By focusing only on arrest data, Border Star creates incentives to report a high number of arrests and fails to create incentives for targeted investigation. Arrest for possession by end users and street-level dealers should be excluded from accountability measures.
- **Asset forfeiture.** Similar to drug arrests, arrest data for asset forfeiture does not identify funds seized from criminal organizations, and there is no component of the performance measure that creates an incentive to go beyond the asset seizure and investigate the potential link to organized crime.
- **Gang members:** This measure is also flawed because it makes no distinction between rank and file gang members and high-level decision makers, nor does it

distinguish between local gangs unconnected to Mexican drug cartels and organizations integral to the cartel's smuggling operations and related criminal activity.

Several performance measures actually divert law enforcement resources away from the mission of keeping Texans safe from drug trafficking and violent crime:

- **Calls for service:** This was the most frequently reported performance measure for participating agencies. Calls for service are already part of the routine role of law enforcement and, if anything, participating agencies are being taken away from their high-visibility patrols by precisely the activities they are being asked to measure. **A performance measure on calls for service sanctions the use of Border Star funds for ordinary law enforcement activities, and suggests that Border Star appropriations are a means for the state to supplement local law enforcement salaries.**
- **Public drunkenness & disorderly conduct:** Reporting on public intoxication and disorderly conduct does not provide meaningful intelligence related to drug trafficking, gang activity or human smuggling.

RECOMMENDATION: Focus resources on drug corridors

Reduction in crime rates in unincorporated areas fails to impact Texas public safety meaningfully and fails as a measure of performance.

As a measure of success, proponents of Operation Border Star tout a 65 percent drop in crime in unincorporated areas of the border from the third quarter of 2005, when the first border security operations began, to the third quarter of 2007, during Operation Border Star.¹ This number provides no indication that the \$110 million investment in border security has impacted the ability of the Mexican cartels to move drugs and other contraband in Texas.

Depending on the definition of "border region," between 87 percent and 93 percent of the total border population resides in the region's six most populous metropolitan areas. The 65 percent drop statistic excludes the vast majority of the crime committed on the border, and the bulk of the population affected by that crime. (See Appendix C, "Much Ado about Crime Rates.")

Measuring success in terms of changes in the crime rate in the unincorporated regions of the border fails to focus resources on the drug corridors, which run from the border's major cities along I-10, I-35 and the main North-South routes leaving the lower Rio Grande Valley.

There is no connection between a 65 percent crime drop in unincorporated areas on the border and increased public safety in the state of Texas in general. Crime drops can be attributed to other factors, such as peace officers failing to report crimes or suppression of crime reporting by private citizens. Given the presence of other factors, a drop in crime reporting may not actually mean that fewer crimes are being committed.

Instead, homeland security resources should be targeted towards known drug trafficking corridors and known drug trafficking operatives in the border region. This can

be accomplished by establishing a funding formula for homeland security grants that distributes resources based on the number of known operatives in the areas and the quantity of drug interdictions accompanied by investigations, rather than the size of a given jurisdiction.

RECOMMENDATION: Promote a proactive approach through investigations
Targeted investigations make the most effective use of valuable law enforcement resources.

Collect the dots to connect the dots

Focus on investigation

If Border Star data collection were reorganized to focus on arrests that are linked to organized crime, the next step would be to ensure that law enforcement resources were focused on investigating those connections. Rather than simply reporting a drug arrest, law enforcement should be required to conduct an investigation for every trafficking-sized drug seizure. Law enforcement cannot connect the dots of complex drug trafficking webs unless they first collect those dots. Targeted investigations will make the most effective use of valuable law enforcement resources, shifting the focus away from end users who boost arrest numbers but provide no useful intelligence on dangerous trafficking operations.

RECOMMENDATION: Make homeland security appropriations accountable
A third party, such as the Comptroller’s Office, should be responsible for auditing homeland security expenditures.

Too much is at stake

A program that represents this much general revenue must be audited by a third party. Meaningful oversight must come from outside of the Governor’s Department of Emergency Management, the agency currently administering the program. Outside auditing will ensure that homeland security appropriations are used only to deter, investigate and gather intelligence on drug trafficking and organized crime on the border. An outside auditor will ensure that another set of eyes, independent from the law enforcement running the operation, will be on the lookout for misuse of border security funding.

Use Technology and Intelligence Tools Wisely

RECOMMENDATION: Establish meaningful oversight over fusion centers and JOICs to ensure compliance with federal intelligence standards
North Central Texas Fusion System highlights the need for standards and oversight.

A central component of the state’s border security strategy has been the proliferation of intelligence centers, including both “fusion” centers and JOICs. Texas currently has at least six regional fusion centers either operational or in the planning stages. The two operational fusion centers are the North Central Texas Fusion Center in Collin

County and the Texas Security Analysis and Alert Center in Austin.² There are a total of 11 JOICs operating in Texas, six of which participate in Operation Border Star.³ There is little or no oversight over these operations. In order to ensure that these efforts actually aid law enforcement in undermining the cartels, Texas' fusion centers and JOICs need serious oversight that ensures compliance with federal intelligence standards.

A recent incident involving the North Central Texas Fusion System highlights the need for oversight. In a briefing issued by the North Central Texas Fusion System, the author warned law enforcement of the efforts of Muslim terrorists and their lobbyists and allies to promote the agenda of Muslim supremacy in the United States. The article mixed references to Muslim religious practice, an anti-war group, and the U.S. Department of the Treasury, making no distinction between lawful civilian activities and criminal intelligence threats. The briefing concluded: "Given the stated objectives of these lobbying groups and the secretive activities of radical Islamic organizations, it is imperative for law enforcement officers to report these types of activities to identify potential underlying trends emerging in the North Central Texas region."⁴

There is little doubt that Texas law enforcement would benefit from focused, disciplined intelligence operations targeted at the criminal cartels that threaten the safety of border residents. Our current intelligence operations appear to be neither focused on intelligence that is cartel-related, nor in compliance with federal codes that create protections for ordinary civilian activity and ensure that only intelligence relevant to criminal investigations is collected and stored in intelligence databases.

<p>RECOMMENDATION: Discontinue border cameras Avoid major investments in untested technology.</p>
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As reported by both the El Paso Times⁵ and Houston Chronicle⁶ in January 2009, Texas has spent \$2 million in federal grant funding to operate a virtual border surveillance program that uses video surveillance cameras and a publicly accessible website to attempt to deter illegal crossings along the Texas-Mexico border. Operated through the Texas Border Sheriffs Association, there are 13 cameras in operation at this time. Over the first six months of operations, only three arrests were made as a result of the cameras.

According to an NPR story by John Burnett⁷, some law enforcement officials believe that the cameras, which are publicly accessible through blueservo.net, are being used by the cartels to identify times when particular stretches of the international boundary are unmonitored, so that they can time movement of shipments of contraband accordingly.

Studies of the effectiveness of public surveillance cameras show they are entirely ineffective at deterring crime and marginally effective at assisting in investigations and solving crimes. The virtual border surveillance program is an extreme example of the ineffectiveness of this technology to police outdoor spaces. The State of Texas should reject dedicating any additional resources to this program, whether from the state general revenue or federal grant sources.

Root Out Law Enforcement Corruption

"We may as well just send Border Security funds directly to drug dealers. We've been spending money against our own interests."⁸

--State Representative Jessica Farrar

"If you increase the number of people on the border, you are going to get more corruption."⁹

--James "Chip" Burrus, FBI Official

RECOMMENDATION: Protect Texas from the destructive impact of cartel-driven corruption, which has already infiltrated departments participating in Operation Border Star

Create a robust and well-funded law enforcement integrity unit in an independent agency.

On October 20, 2008, Starr County Sheriff Reymundo Guerra resigned after allegations that he helped the Gulf Cartel to smuggle drugs across the border. Since 2005, Starr County had received over \$4.4 million in state and federal grants from the Governor's Office to engage in border security operations.¹⁰ In Hidalgo County, Deputy Emmanuel Sanchez also resigned after his arrest in Georgia where he was in possession of \$1 million of alleged drug money.¹¹ Combined, Starr and Hidalgo counties have received nearly \$5 million in homeland security funding since 2005.¹²

Unfortunately, these cases of corruption are not isolated incidents. Since the inception of heightened border security operations in Texas there have been numerous

Overtime means burnout and bad judgment for officers

At a hearing of the Senate Committee on International Relations and Trade in September 2008, Chief Juan Antonio Castañeda from Eagle Pass Police Department indicated that his officers would frequently sign up to work Border Star shifts to earn overtime pay, and then call in sick for their regular shifts. The assumption of Border Star is that its strength lies in boots on the ground, yet if officers respond only to overtime shifts then there are no boots on the ground and, of greater concern, no one investigating crimes during regular hours.

The reality on the border is that law enforcement agencies have limited resources. Providing funding for overtime pay is a Band-Aid, not a long-term solution. There is an additional risk to public safety in terms of considering officer burnout. Officers who are required to work overtime experience stress, impaired judgment, and burnout, leading to bad decisions and negative public safety outcomes.

documented cases of official corruption. These cases highlight the challenges presented by the cartel threat. Not only have we wasted taxpayer dollars on the salaries of corrupt officials, we have inadvertently empowered and provided intelligence to the enemy, the cartels themselves.

Given the billions of dollars at the disposal of drug cartels, policymakers must be proactive in recognizing the real risk and temptation of bribery. Even with millions of dollars of homeland security expenditures, drug shipments continue to cross our borders. Effective border security is not only a question of increasing expenditures, but also a question of how we ensure accountability for our investment.

The following list is not exhaustive, but presents cases of corruption along the border that have received media attention from 2005 to present.

- **Starr & Hidalgo Counties, October 2008:** Starr County sheriff and Hidalgo County deputy sheriff are indicted on federal drug trafficking charges after their departments received \$5 million in border security grants from 2005 to 2008.
- **Collin County, July 2008:** deputy constable arrested on abuse of official capacity for assisting Gulf Cartel drug smugglers.
- **El Paso, June 2008:** a former border patrol agent, who had been receiving bribes to allow marijuana and cocaine through his checkpoint since 1990, sentenced to 70 years in federal prison on charges of bribery and conspiracy to possess cocaine.
- **El Paso, April 2008:** a U.S. customs inspector sentenced to 20 years for assisting drug smugglers during the entirety of her four-year tenure as a customs agent.
- **Laredo, November 2007:** a former deputy commander of the Laredo Multi-Agency Narcotics Task Force sentenced, along with an accomplice, for extorting \$44,500 in bribes from drug traffickers. Since 2005, the former deputy commander and his accomplice prevented the detection of cocaine loads ranging from 10 kg to 40 kg.
- **Laredo, October 2007:** a former Laredo police chief pled guilty to taking bribes in return for protecting illegal gambling operations; 2 former Laredo police officers also pled guilty to related charges.
- **Edinburg, April 2006:** five brothers, including one current Edinburg police officer and a former McAllen police officer, were arrested on drug trafficking charges.
- **Laredo, March 2006:** a senior border patrol agent and his brother were sentenced to 20 and 17 ½ years respectively for accepting bribes to allow drugs through the border patrol checkpoint.

Trend towards enforcing federal immigration policy

Securing international borders falls squarely within the jurisdiction of the federal government, as does immigration enforcement.

At a hearing of the Senate Committee on International Relations and Trade in September 2008, Chief Victor Rodriguez of the McAllen Police Department expressed his concern that Texas law enforcement was on the path to enforcing federal immigration policy. He explained, “Homeland security has come to mean border security and border security has come to mean illegal aliens.”

The State of Texas insists that these border security efforts are not enforcing federal immigration law, but the direct reporting to Border Patrol indicates otherwise.

- **Brownsville, December 2005:** a Cameron County sheriff was convicted of accepting bribes and using deputies to escort drug runners through the county.¹³

We propose the creation of a law enforcement integrity unit, focused on organized-crime related offenses by law enforcement, and ideally housed in an agency not engaged in current border security operations, like the Texas Commission on Law Enforcement Officer Standards and Education. Housing the law enforcement integrity unit in the Department of Public Safety or another law enforcement agency currently operating on the border undermines the independence of the unit and increases the risk that officers already corrupted by the cartels could be assigned to the unit.

Avoid Getting Bugged Down in Immigration Enforcement

RECOMMENDATION: Alien contacts should be excluded as a performance measure

Cooperation of crime victims and witnesses is good for public safety

By requiring Operation Border Star agencies to report alien contacts, Border Star encourages local and state law enforcement to spend their resources on immigration enforcement instead of targeting violent and organized crime. The time spent by local law enforcement detaining and transferring aliens to Border Patrol is time not spent on activities that target the criminal cartels and violent crime.

Further, when local law enforcement engage in immigration policing activities they ensure that crimes committed against or witnessed by recent immigrants and their families will go underreported. A suppression of crime reporting and reluctance to cooperate with criminal investigations undermines public safety generally, and is particularly damaging to border law enforcement operations, where crime victims are often undocumented immigrants.

- **Alien contacts:** An entire section of the performance measures requires peace officers to determine the country of origin of any undocumented immigrants they arrest. This information is then turned over to Border Patrol. As four of six JOICs are located in Border Patrol Sector Headquarters, it is data that Border Patrol, the agency receiving these individuals into custody, already collects and maintains independent of Operation Border Star.
- **Absconded aliens:** Peace officers are asked to count and report the number of individuals who they did not arrest that they presume, on the basis of no investigation, are undocumented immigrants. This performance measure is too imprecise to provide valuable information.

The Texas Border Security Council recommends continuing to use decreases in the apprehension rate of aliens as an indicator of the success of Operation Border Star. However, regardless of whether reduced alien apprehension actually indicates success of Operation Border Star, Border Star participating agencies, including DPS, should not report alien contacts or “absconded aliens” as performance measures. Neither of these measures is valuable to the JOICs.

RECOMMENDATION: Create a performance measure for human trafficking
Making a priority of identifying human trafficking cases means that victims will be more likely to come forward and assist with investigations.

Prevalence of human trafficking in Texas

Human trafficking rings are another form of organized crime that operates in the border region and victims are frequently misidentified, or not identified at all. Border Star performance measures fail to target this public safety threat on the border. Human trafficking is the commercial trade of human beings who, against their will, are subjected to sexual exploitation, involuntary servitude, sweatshop labor, and/or other forms of severe abuse. Between 17,500 and 18,500 people are trafficked into the U.S. each year,¹⁴ and since 2001 over 20 percent of trafficking victims in the U.S. have been identified in Texas.¹⁵ Knowing that trafficking is a prevalent public safety concern in Texas, it is disappointing that Border Star ignores this reality and does not include identification of trafficking victims as a performance measure to track progress in the border region.

IV. Data from Selected Departments

In focus: El Paso Police Department

Targeted use of Border Star funds leads to positive public safety outcomes

Of the 11 law enforcement agencies that provided data for this report, El Paso Police Department made the most effective and targeted use of Border Star funds. El Paso PD reported receiving funds of just over \$1 million and in 69 days of operations reported the following activities:

El Paso Police Department			
Activity	El Paso PD	Other 10 agencies	Total
Marijuana (lbs)	19,831.29	33,578.00	53,409.29
Cocaine (gms)	45,633.37	3,099.64	48,733.01
Heroin (gms)	4,334.81	0.68	4,335.49
Methamphetamine (gms)	271.24	111.00	382.24
Drug arrests	1,046	64	1,110
Gang members	53	5	58
Arrests of undocumented immigrants	0	656	656

Activities of El Paso PD appeared to focus on interdiction of drug shipments and gang members, and their activities represent the majority of drug seizures and gang arrests by all agencies that reported data to the ACLU of Texas.

Promoters of Border Star claim that the homeland security program is not about enforcing immigration policy, but why are agencies reporting immigration status? By asking participating agencies to report the immigration status of certain arrestees, Border Star distracts departments from protecting Texas from organized crime and cartel-related violence. The El Paso PD data are an example of what local agencies can accomplish if they do not waste time making and reporting alien apprehensions.

In focus: La Joya Police Department & Sullivan City Police Department

Unfocused efforts that make communities less safe

Both La Joya Police Department and Sullivan City Police Department demonstrate what can happen when law enforcement agencies do not make targeted use of Border Star funds, instead focusing on making and reporting arrests for performance measures that do not enhance public safety.

La Joya Police Department	Sullivan City Police Department
<ul style="list-style-type: none">• Population 4,724 (est. 2007)• 230 days of operations• 5,492 traffic stops• 3,238 warnings issued• 193 vehicles searched• 852.61 lbs marijuana, 1.70 gms cocaine, 0.5 gms heroin• \$2,030.00 seized• 2 gang arrests• 243 undocumented aliens arrested (11 absconded)• 36 arrests for public intoxication	<ul style="list-style-type: none">• Population 4,390 (est. 2007)• 189 days of operations• 4,174 traffic stops• 1,254 warnings issued• 70 vehicles searched• 12,586 lbs marijuana, no cocaine, no heroin• No currency seizures• 1 gang arrest• 159 undocumented aliens arrested (104 absconded)• 85 arrests for public intoxication

La Joya PD reported more traffic stops than residents living the city, and Sullivan City PD reported almost as many traffic stops as residents.¹⁶ There were nearly 200 vehicle searches in 230 days of operations in La Joya, yet the city does not sit on a major north-south corridor.

La Joya PD averaged 23 traffic stops per day of operations, while Sullivan City PD averaged 22 traffic stops per day of operations. This represents a significant disruption to ordinary people going about their daily lives. The low percentage of stops that result in drug seizures, despite the fact that La Joya and Sullivan City are situated in the middle of known drug trafficking corridors, indicates that Border Star resources are not being used in a targeted manner, resulting in lost opportunities to make Texans safer.

In focus: Cameron County Sheriff’s Office

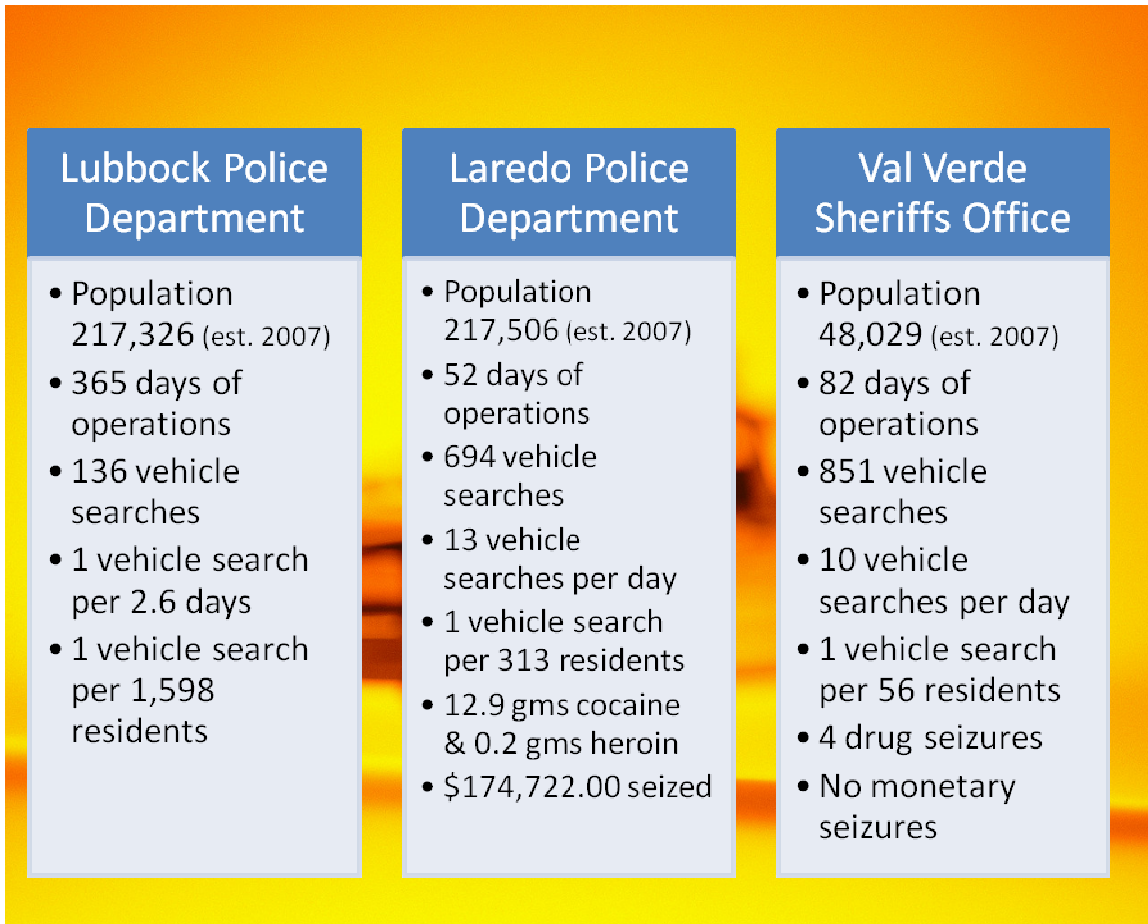
Where is the money going?

Cameron County Sheriff’s Office patrols a jurisdiction that, being adjacent to both the Gulf of Mexico and the Rio Grande, renders it extremely vulnerable to drug trafficking and smuggling activities. The Cameron County Sheriff’s Office reported a grant award of \$439,734.00. For 90 days of Border Star operations, Cameron County sheriffs reported only one crime, which was an aggravated assault. This indicates that the grant reporting requirements – already based upon flawed measures – are not being enforced. This also indicates that there is a lack of accountability for how Border Star funds are spent by local law enforcement agencies.

In focus: Laredo Police Department and Val Verde Sheriff’s Office

Disrupting the lives of ordinary people

A recent report on the Lubbock Police Department indicated that in the course of an entire year they conducted 136 vehicle searches.¹⁷ This number of vehicle searches stands in stark contrast to those of two agencies participating in Border Star, Laredo Police Department and Val Verde Sheriff’s Office.



These numbers indicate that Laredo PD and Val Verde SO are conducting their Border Star activities in a way that is extremely invasive to private citizens, with only marginal public safety payoff.

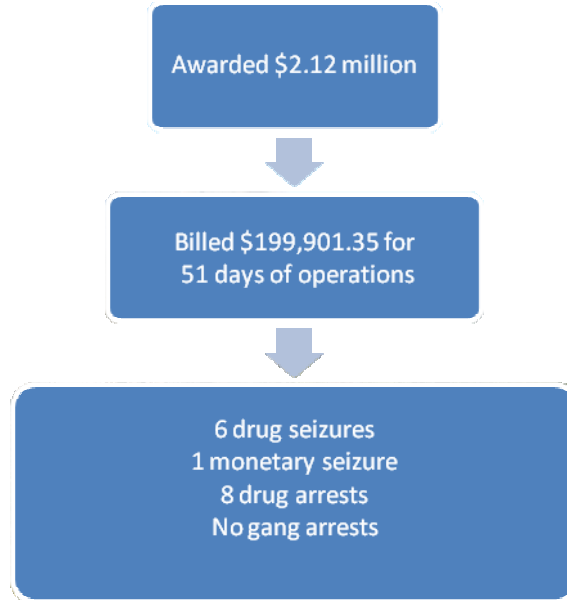
The results for Laredo PD, focused on monetary seizures as opposed to drugs, indicate that Laredo PD has a disproportionate focus on the southbound lanes of major highways as opposed to an approach that targets interdiction of drug shipments entering Texas. The two drug seizures that Laredo PD managed to interdict included 12.9 grams of cocaine and 0.2 grams of heroin – quantities that hardly qualify as transnational drug shipments.

The numbers for Val Verde SO are no more encouraging. Their four drug seizures consisted of three seizures of marijuana weighing less than 0.07 lbs each, and one seizure of 623.85 lbs. If one vehicle search for every 56 residents yields such insubstantial drug seizures, it is clear that Val Verde SO has failed to engage in investigations and is randomly searching vehicles at the expense of ordinary people.

Disrupting the lives of ordinary people

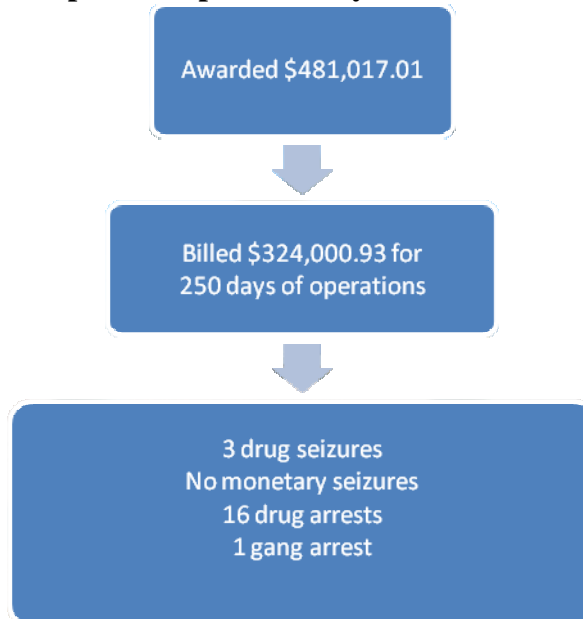
The number of traffic stops reported for Border Star operations was extremely high. In 1,099 days of operations, agencies reported 45,176 traffic stops. Again, this performance measure is not connected to any information on whether or not an arrest resulted from the

Snapshot: El Paso Sheriff's Office



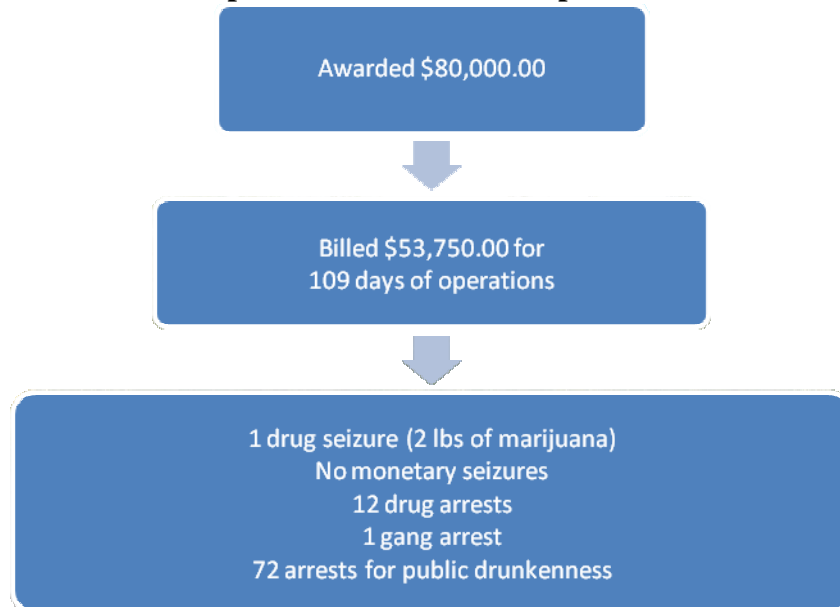
El Paso Sheriff's Office was the largest recipient of Border Star funds in the ACLU of Texas sample. Of the six drug seizures they achieved in 51 days of operations, half were for personal use quantities. It is also striking that El Paso Sheriff's Office did not arrest any gang members, while El Paso Police Department arrested 53 gang members in 69 days of operations.

Snapshot: Zapata County Sheriff's Office



Zapata County Sheriff's Office drug seizures entailed 8,605.43 lbs of marijuana, 7.7 grams of cocaine and 111 grams of methamphetamine. These amounts, combined with one gang arrest in nearly eight months of operations, indicates that Border Star funds are not being used to their full potential.

Snapshot: Del Rio Police Department



Del Rio Police Department reported only one insubstantial drug seizure in 109 days of operations. For their one gang arrest they made 72 arrests for public intoxication, demonstrating that agencies want to show that they are working and making arrests, even when those arrests are not strategic for homeland security. Border Star administrators must ensure that performance measures like public drunkenness are not part of reporting requirements so that agencies don't get bogged down in useless measures.

V. Conclusion

Operation Border Star is providing local law enforcement agencies with resources, but not clear guidance for their effective use. In this fragile economy, there is too much funding at stake to not require transparent and effective use of homeland security resources.

Over-reliance on deterrence strategy

Supporters frequently describe Operation Border Star as a “boots on the ground” approach. “Boots on the ground” is a high-visibility, deterrence-based strategy operating under the assumption that law enforcement visibility will discourage the commission of crimes. In an October 2008 press release, Governor Perry articulated the assumption that underlies Border Star and the other homeland security programs, which is that boots on the ground make Texans safer. Addressing citizens of Dallas, Perry said: “Here in the Metroplex, a number of police departments will receive six-figure grants, which they will use to put more boots on the ground, and really take the fight to these gangs.”¹⁸ Gangs, drug trafficking cartels and other organized crime rings are fluid and complex organizations. Deterrence-only, or “boots on the ground” strategies fail Texans because they ultimately fail to make our communities safer. **Merely putting boots on the ground fails Texans because that strategy does not target cartel leadership or their assets.** “Boots on the ground” operations garner extensive media attention, but unfortunately they simply do not pay off in terms of public safety outcomes.

The Kansas City Preventive Patrol experiment of 1974 drew upon the hypothesis that “visible police presence prevents crime by deterring potential offenders.”¹⁹ However, the experiment proved that “**routine preventive patrol in marked police cars has little value in preventing crime or making citizens feel safe.**”²⁰

The Kansas City Preventive Patrol reveals an important tenet underlying public safety efforts: visible patrols must be part of a larger, coordinated strategy that deters criminal activity, pursues investigations, and gathers intelligence. A comprehensive approach to improve public safety will require:

- **Deterrence:** Prevent crime and make arrests when crimes are committed. Track not only arrests, but also prosecutions.
- **Investigation:** Investigation into crimes propels law enforcement from a reactive to a proactive strategy
- **Intelligence:** Building intelligence will better inform law enforcement on where to most effectively target precious resources.



Keeping Texans safe is a priority for everyone. When it comes to making the most of precious homeland security and law enforcement resources, Texas can do better by ensuring that the funds are used in a targeted way that focuses on organized crime, targets drug corridors and prioritizes investigations. Operation Border Star and its predecessors have fallen short, and taxpayers deserve more bang for their buck.

VI. Appendices

Appendix A History of Border Security Operations in Texas

Despite decreasing rates of violent crime on the border, Texas has poured vast sums of money into homeland security initiatives. A combined \$35 million in state and federal funds were allocated to Border Security programs Operation Linebacker and Operation Wrangler.²¹ By September 2006, a total of \$25 million had been spent on Operation Rio Grande.²² Another \$110 million was appropriated in the 80th Legislative Session for homeland security efforts, creating the Operation Border Star program.

Operation Border Star is the latest in a succession of border security efforts under Governor Perry. These efforts have been characterized by closer collaboration between local law enforcement agencies and federal agencies such as Customs and Border Patrol, effectively **blurring the line between local law enforcement and federal immigration enforcement activities.**

Operation Linebacker

Operation Linebacker began in September 2005, initiated by the Texas Border Sheriffs Coalition. At the crux of Operation Linebacker were patrols, random vehicle checkpoints, increased funding to border law enforcement agencies, and use of cameras along the Rio Grande.

Governor Perry pledged \$9.7 million in state money acquired via federal grants to Operation Linebacker, which consisted of the following activities: (1) increased patrols in high crime areas; (2) random vehicle checkpoints in high crime areas; (3) dedication of additional state resources to border law enforcement agencies; and (4) use of state-funded cameras along the Rio Grande.²³ These additional resources and law enforcement activities were designed to improve public safety, yet represent nothing more than patrols and surveillance cameras. Linebacker had no requirement for investigation of criminal cartels.

The most troublesome aspect of Linebacker is the focus on immigration enforcement at the expense of criminal law enforcement. By November 2006, reports from sixteen county sheriff's departments revealed that **Linebacker caught undocumented immigrants seven times more often than it arrested criminals.**²⁴ Not only was Linebacker failing to make substantive contributions to public safety in the border region, it was wasting scarce local law enforcement resources enforcing federal immigration law.

Operation Rio Grande

A continuation of the spending initiated with Operation Linebacker, Operation Rio Grande was inaugurated in February 2006 to coordinate local, state and federal law enforcement agencies in the name of border security. Even state agencies such as the Texas Parks and Wildlife Services and the Texas Department of Transportation participated in Operation Rio Grande.

During this time, approximately \$5 million was dedicated to setting up surveillance cameras in rural areas of the border. Video footage from these cameras was broadcast live

over the Internet from the website www.texasborderwatch.com. From their home computers, viewers could watch surveillance camera footage from 12 cameras along the border in Val Verde, Hidalgo, and Cameron Counties.

Data from an open records request submitted by the ACLU of Texas indicates that Houston, Dallas, Austin, San Antonio, El Paso and Fort Worth all ranked in the Top 10 Cities for Registered Users on TexasBorderWatch.com. The site also drew subscribers from New York, Los Angeles, Chicago, and Atlanta. Inviting people from across the country with no law enforcement training to “watch from home” and patrol the border was shown to be a waste of taxpayer dollars. By November 6, 2006, the “value of sessions” was only half of the \$5 million invested in the program. Analysis conducted on November 6, 2006 indicated that the average session length was five minutes, revealing that most users looked upon the site as a curiosity and not a law enforcement tool.

Operation Wrangler

Operation Wrangler was designed as a “surge” operation to emphasize the work of coordinated branches of law enforcement. No fewer than 133 police departments, 90 sheriff’s offices, 604 Texas Army National Guard troops, along with state and federal agencies participated in Operation Wrangler.²⁵ While the Governor’s office touted one-time drug seizures, other expressed concern over racial profiling in traffic stops.

The Mexican Consulate in Dallas publicly stated that they had seen a surge in detentions of undocumented immigrants, and related this to the statewide participation in Operation Wrangler.²⁶ Thirty-seven of forty-four detainees interviewed by the Mexican Consulate reported that they had been racially profiled by local law enforcement after being pulled over for traffic violations. Not only is it troubling that a border security operation supposedly targeting drug trafficking and human smuggling turned into racial profiling and local enforcement of immigration policy, it is alarming that “border” security operations swept across the entire state of Texas.

Below is a timeline of border security operations with approximate dates and costs. The State of Texas has dedicated more and more resources to these operations without evidence of material benefits to state-wide public safety.

Crimes Against Property					
Vehicles Reported Stolen:				0	0
Burglaries:				0	0
Thefts:				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
Crimes Against the State					
Warrant Arrest:				0	0
Drug Arrest:				0	0
Disorderly Conduct:				0	0
Public Drunkenness:				0	0
Criminal Mischief:				0	0
Evading Arrest:				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
				0	0
Criminal Gang Apprehensions					
Mexican Mafia:				0	0
MS-13				0	0
TX Chicano Brotherhood				0	0
TX Syndicate:				0	0
Zetas:				0	0
				0	0
				0	0
				0	0
				0	0

Appendix C Much Ado About Crime Rates

“Today, El Paso is the nation’s third safest city, so we believe that our community has much to share with others on the right strategies to keep the peace. Ultimately, immigration is a federal issue, and the expertise and costs should reside there, not in Border communities or state budgets.”²⁸

--State Senator Eliot Shapleigh

Crime rates in Texas have been dropping on their own

The data show that violent crime rates in the state have remained relatively constant since 2003, despite population growth. The violent crime rate per 100,000 inhabitants has actually *decreased* since 2003. This adds reason to question the claim of a 65 percent drop in serious crime in the border region.

Violent Crime in Texas ²⁹			
Year	Population	Violent Crimes Reported	Rate per 100,000
2003	22,103,374	122,246	553.1
2004	22,490,022	121,554	540.5
2005	22,859,968	121,091	529.7
2006	23,507,783	121,378	516.3
2007	23,904,380	122,054	510.6

Crimes rates along the Texas-Mexico border remain low and stable, even for cities located adjacent to some of the worst cartel violence in Mexico. El Paso is frequently ranked one of the safest U.S. cities with a population over 500,000.³⁰ An analysis of crime data from border cities and comparably-sized cities around Texas reveals that violent crime rates are lower in border cities.^{31,32}

City	Population	Violent Crimes 2006	Violent Crimes 2007	Violent Crimes 2008
Laredo	221,253	1,198	1,281	
Lubbock	213,998	2,169	1,953	
McAllen	129,455		195	215
Waco	122,514		529	525

Urban concentration in Texas Border Counties³³					
No.	County	Population (est. 2007)	Metro/Micropolitan area	Population (est. 2007)	Percent urban
1	Cameron	393,463	Brownsville – Harlingen	387,210	
2	Hidalgo	725,105	McAllen - Edinburg – Mission	710,514	
3	Maverick	52,911	Eagle Pass	51,656	
4	Val Verde	49,003	Del Rio	48,029	
5	Webb	242,788	Laredo	233,152	
6	El Paso	745,609	El Paso	734,669	
7	Brewster	9,508			
8	Hudspeth	3,768			
9	Jeff Davis	2,531			
10	Kinney	3,433			
11	Presidio	8,273			
12	Starr	63,674			
13	Terrell	1,097			
14	Zapata	14,996			
Population totals (actual border region)					
County total		2,316,159	Metro/Micropolitan area total	2,165,230	93%
15	Brooks	8,491			
16	Crockett	4,367			
17	Culberson	3,241			
18	Dimmit	10,736			
19	Duval	13,690			
20	Edwards	2,250			
21	Frio	17,220			
22	Jim Hogg	5,537			
23	Kenedy	454			
24	La Salle	6,468			
25	McMullen	871			
26	Pecos	17,504			
27	Real	3,217			
28	Reeves	12,801			
29	Sutton	4,408			
30	Uvalde	27,950			
31	Willacy	21,504			
32	Zavala	12,349			
Population total (Federal Definition from La Paz Agreement)					
County total		2,489,217	Metro/Micropolitan area total	2,165,230	87%

Texas dedicates increasing sums to deficient programs

Operation Linebacker: \$10 million

April 2005 - November 2005

Linebacker caught undocumented immigrants seven times more than it arrested criminals

Operation Rio Grande: \$25 million

June 2006 - October 2006

Use of online surveillance cameras fails as a cost-effective law enforcement tool

Operation Wrangler: \$25 million

January 2007 - May 2007

Mexican consulate in Dallas cries foul over surge in detentions

Operation Border Star: \$110 million

August 2007 - August 2009

Use of flawed performance measures creates incentives to produce arrests instead of investigations

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- ² John Rollins, “Fusion Centers: Issues and Options for Congress,” Congressional Resource Center, Updated January 18, 2008. Online. Available: <http://www.fas.org/sgp/crs/intel/RL34070.pdf>. Accessed March 11, 2009.
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- ⁶ Staff, “Costly Arrests: Results from video surveillance program of Texas border underwhelming,” *Houston Chronicle* (February 1, 2009).
- ⁷ John Burnett, “A New Way to Patrol the Texas Border: Virtually,” *All Things Considered* (February 23, 2009).
- ⁸ Brandi Grissom, “Sheriff’s offices with indicted officers got \$5M to secure border,” *El Paso Times* (November 24, 2008).
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- ¹⁰ Brandi Grissom, “Sheriff’s offices with indicted officers got \$5M to secure border,” *El Paso Times* (November 24, 2008).
- ¹¹ *Ibid.*
- ¹² *Ibid.*
- ¹³ All of these examples are taken from recent news reports. Special thanks to Scott Henson who collected the examples from 2005 and 2006 in supplemental material submitted by the Texas Criminal Justice Coalition regarding Interim Charge 7 before the Senate Committee on Transportation and Homeland Security, April 25, 2006, in conjunction with the testimony of Ana Yáñez Correa.
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