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Testimony of

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“Narcos: Transnational Cartels and Border Security”**

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Subcommittee on Border Security and Immigration**

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Introduction

Chairman Cornyn, Ranking Member Durbin, and members of the subcommittee, thank you for the opportunity to appear before the Subcommittee on Border Security and Immigration today and to testify on these important issues.

I’m Chris Magnus, the police chief for the City of Tucson, Arizona. I’ve been in policing for 40 years, including 20 years as a police chief. Prior to my current appointment, I served as police chief in Richmond, California and Fargo, North Dakota. Much of my policing career was in Lansing, Michigan. For several years while I was with the Lansing Police Department, I was assigned as a detective with a regional narcotics enforcement squad. This team was a collaborative initiative involving federal, state, and local officers that focused on mid and higher level narcotics dealers.

I have a Master’s degree in Labor Relations and a Bachelor’s degree in Criminal Justice from Michigan State University. I also received an Associate’s degree in Business and certification as a Paramedic from Lansing Community College. I’ve attended the “Senior Executives in State & Local Government” program at the Harvard Kennedy School and the FBI’s National Executive Institute program. I currently sit on the Board of Directors for the Police Executive Research Forum.

As the police chief of a large (255 square mile), diverse community located close to the border with Mexico, I understand the need for effective border security. I've seen how transnational criminal organizations prey on immigrant communities as they traffic drugs and people into the U.S., just as they smuggle guns and bulk cash into Mexico.

There's no simple solution for addressing these problems. Improving border security and achieving community safety requires effective cooperation and trust – between federal, state, and local law enforcement agencies - but just as critically between immigrant communities and those public safety officers who serve them.

Because that cooperation and trust serves as the foundation for effective policing, I have made it a priority throughout my career to work towards strengthening ties between police officers and the communities they serve. Indeed, to further this goal, I've remained steadfast in my commitment to improving services for victims of domestic and sexual violence, reaching out to immigrant and refugee communities, and supporting youth programs such as Police Activities Leagues and Boys and Girls Clubs. Drawing on the lessons learned through these experiences, I have testified before the President's Task Force on 21st Century Policing on best practice models of community policing. I have also worked extensively with the Department of Justice to provide technical support and implement policing best practices in cities across the country.

The Importance of Cooperation

As police chief of Tucson, I appreciate the unique threat posed by transnational criminal organizations. Like other law enforcement agencies, the Tucson Police Department works collaboratively with federal, state, and local authorities to go after drug cartels, human traffickers, money launderers, gun traffickers, and transnational gangs. Such cooperation is necessary to combat these threats and the provision of federal resources to localities, including federal grant funding, helps local law enforcement keep our communities safer.

Earlier this year, our department was one of several local law enforcement agencies that took part in Operation Southern Star VII, partnering with the Marshals Service; the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); and Homeland Security Investigations (HSI) to arrest 53 wanted sex offenders, violent offenders, gang members and those with outstanding felony warrants.¹

Previously, in 2016, we were one of several local law enforcement agencies taking part in a multiagency operation that included HSI and the Drug Enforcement Administration (DEA) to target and interrupt a Tucson-based heroin trafficking ring. The operation

¹ Melissa Egan, "POLICE: 53 arrested in Operation Southern Star VII," KOLD News 13, Aug. 3, 2018, <http://www.tucsonnewsnow.com/story/38809781/police-operation-southern-star-vii/>.

resulted in 16 suspects being brought into custody.² In these instances and many others, we have seen the benefit of partnering with other federal, state, and local law enforcement.

Law enforcement agencies at all levels have a role to play in stopping cartels from moving narcotics and human trafficking victims into the United States. At the same time, the flow of firearms and cash from the United States into Mexico poses major problems for the U.S. and Mexico alike. Cooperation between federal, state, and local law enforcement is essential to undermining transnational criminal organizations, which improves public safety on both sides of the U.S.-Mexico border.

Focusing on True Threats

Border security solutions must effectively address the most serious threats, including the threats posed by transnational criminal organizations, like drug cartels and human trafficking networks. For example, according to recent statistics from U.S. Customs and Border Protection (CBP), more than 80 percent of hard drugs intercepted along the border are seized at ports of entry.³ Directing federal money and resources into improved staffing and infrastructure around ports of entry is more likely to be effective in halting the movement of drugs and guns across the border than constructing new barriers between ports of entry.

Tucson is in Pima County, Arizona, the 6th largest county in the U.S. Last year, our republican elected sheriff, Mark Napier, who has the responsibility for policing a county with 125 miles along the border, told lawmakers they would be better off giving a fraction of the estimated billions it would take to build the wall to law enforcement. He said, "I think it's kind of a medieval solution to a modern problem, 10,000 years ago we were building walls around things, and here we are in 2017, and this is the best idea we can come up with?"⁴ I agree with Sheriff Napier, as do many other law enforcement leaders.

The demand for drugs in the U.S., including a mounting opiate crisis, drives cross-border drug trafficking, leading drug cartels and other transnational criminal organizations to victimize the public on both sides of the border. Reducing the demand for drugs in the U.S. through the use of effective drug treatment programs would address the core of the problem-and drain away the lifeblood of the criminal organizations who take advantage of those who struggle with addiction.

² ICE Newsroom, "16 arrested in multiagency operation targeting Tucson-based heroin trafficking ring," Press Release, Nov. 3, 2016, <https://www.ice.gov/news/releases/16-arrested-multiagency-operation-targeting-tucson-based-heroin-trafficking-ring#wcm-survey-target-id>.

³ Curt Prendergast, "Most hard drugs smuggled through legal border crossings," Tucson.com, May 6, 2017, https://tucson.com/news/local/border/most-hard-drugs-smuggled-through-legal-border-crossings/article_46653d40-7f63-5102-bb38-38da58c06a76.html.

⁴ KTAR.com, "Arizona Sheriff: U.S.-Mexico border wall 'a medieval solution to a modern problem,'" <http://ktar.com/story/1547710/arizona-sheriff-border-wall-a-medieval-solution-to-a-modern-problem/>

Facing growing numbers of opioid deaths in our community in recent years, the Tucson Police Department recently launched a pilot program prioritizing drug treatment over jail.⁵ This three-pronged program, which relies on self-referrals by drug users, deflection from arrest, and outreach by law enforcement officers and caseworkers, has shown promise. The program allows our officers to use their discretion in diverting suspects caught with small amounts of narcotics into drug treatment programs instead of jail. Suspects caught selling drugs or those with felony warrants for violent crimes are ineligible for deflection.

This pilot program, which has the support of prosecutors, academics, and drug treatment professionals, is helping Pima County lower its jail population while getting people with addiction problems, including those addicted to opioids, the treatment they need. By treating addiction primarily as a public health problem through partnering with community service providers, we can reduce the demand for drugs while providing lifesaving treatment to those struggling with addiction.

I believe that state and local law enforcement must work together with federal authorities to protect our communities. At the same time, I believe local law enforcement can best serve our communities by leaving the enforcement of immigration laws to the federal government. Given constrained budgets and what are often inadequate numbers of police personnel at the local level, I believe state and local law enforcement agencies should not be charged with taking on the federal government's mandate to enforce federal immigration laws. Immigration enforcement at the state and local level diverts limited resources critically needed to keep our communities safe.

By taking the lead in enforcing immigration laws, the federal government has an important role to play in maintaining public safety in border communities and throughout the United States. Law enforcement agencies can maximize their impact by prioritizing the gravest threats – focusing on halting drug cartels and gun runners rather than asylum seekers and unaccompanied children.

Public safety improves when law enforcement prioritizes dangerous criminals and criminal organizations that threaten our communities. Rather than apprehending and removing immigrants who have no criminal background, many of whom are merely seeking to work or reunite with family, law enforcement on all levels should prioritize those who threaten community safety, including human traffickers, drug traffickers, as well as other individuals proven to be members of transnational criminal organizations.

Community Policing

Tucson takes pride in being welcoming to immigrants. We are not a “sanctuary city,” which is a term with no clear or consistent definition, but we do work to maintain community confidence in law enforcement. This helps to assure crime victims and

⁵ Caitlin Schmidt, “New Tucson police program will refer opioid addicts to treatment, not jail,” Arizona Daily Star, Jun. 30, 2018, https://tucson.com/news/local/new-tucson-police-program-will-refer-opioid-addicts-to-treatment/article_01b5576b-b401-5a2f-9c1a-8d8efd8a9aod.html.

those who witness crime – native-born and immigrant alike – are comfortable with coming forward and cooperating with the police.

State and local law enforcement need the trust of our communities. Immigrants should feel safe in their communities and comfortable calling upon law enforcement to report crimes, serving as witnesses, and calling for help in emergencies. This improves community policing and public safety for everyone.

Over the last two years, policing has become more difficult in many of our neighborhoods. The climate surrounding immigration resulting from the current administration's crackdown on immigrants and corresponding political rhetoric undermines trust and poses major challenges to law enforcement.

Aggressive enforcement actions by federal immigration authorities in and around Tucson as well as other border state cities, including courthouse arrests, worksite enforcement activities, and other high-profile field operations, terrify the immigrant community, and often lead to rumors and misinformation, which then breeds further panic. These problems are particularly pronounced when the federal government does not provide advance notice of such actions to local authorities. As a result, our immigrant communities do not always turn to us for help or work with us as well as they have in the past. This growing sense of fear and distrust harms public safety for Tucson as a whole and makes it harder for our department to apprehend criminals and protect the public.

Current efforts to force local police officers to take on immigration enforcement responsibilities that belong to the federal government or lose critical federal support only worsen this dynamic. In addition to being halted by a number of federal courts, efforts to strip federal grant funding from localities deemed insufficiently cooperative are likely to backfire. Any fair minded person will agree that cities with fewer crime-fighting resources are prone to experience increases in crime.

Make no mistake, crime will increase in places where crime victims and witnesses are fearful of working with law enforcement. When community members believe that cooperation with law enforcement places themselves or their families at risk of deportation, they will decline to cooperate. If people are afraid of the police, if they fear they may become separated from their families or harshly interrogated based on their immigration status, they won't report crimes or come forward as witnesses. And when crimes go unreported and unsolved, criminals and the cartels are empowered.

Conclusion

Community safety is the central concern of law enforcement leaders at all levels of government. The threat posed by cartels, human traffickers, and other transnational criminal organizations is significant, particularly for communities near the border. In

confronting these challenges, cooperation of immigrant communities is essential and requires community trust. That trust is either built or chipped away one interaction at a time. Community policing is an invaluable tool in prompting such trust, and is an absolute necessity for maintaining public safety.

Though we should all accept this as axiomatic, I will make it clear for the record. Federal, state, and local law enforcement can and should work together to address the criminal enterprise wrought by cartels and other transnational criminal organizations, but in order to effectively do so, they must leave the enforcement of immigration laws to the federal government.

This Subcommittee has a valuable role to play in encouraging effective cooperation between federal, state, and local law enforcement in a manner that promotes community trust. A balanced approach that encourages not only cooperation between local law enforcement and federal authorities, but also cooperation between local law enforcement and immigrant communities, promotes public safety.

Thank you for inviting me to provide testimony on these issues.