

**TESTIMONY OF RICHARD S. WILLIAMS
BEFORE THE GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND
HUMAN RESOURCES**

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The extent and impact of narcotics trafficking on the international border in Texas and New Mexico, and the response of the various federal law enforcement agencies entrusted with deterring drug smuggling activities.

Good afternoon, and thank you for the honor of testifying today before Chairman Mark Souder of the Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy and Human Resources. On behalf of New Mexico Governor Bill Richardson, Department of Public Safety Secretary John Denko, and New Mexico State Police Chief Carlos Maldonado and the many federal, state, and local law enforcement organizations and community leaders, I am appreciative of the federal support and leadership provided by New Mexico Congressman Steve Pearce. Thank you for your time, attention and support regarding this critical issue that significantly impacts the southwest region along with the entire country.

NATURE OF THE PROBLEM

The southwestern border continues to be a focal point for narcotics smuggling operations. Albuquerque, Las Cruces and El Paso, TX, have seen an increase in drug smuggling operations as this region of the country is a primary trans-shipment point for drug trafficking organizations.

According to the Drug Enforcement Administration, an estimated 60% of all illegal narcotics smuggled into the United States come in through Mexico into the southwest border with a large percentage coming in through New Mexico and Texas.

The barrier or fencing system which physically keeps offenders and vehicles from entering the country is inadequate and there is a lack of surveillance or monitoring technologies deployed along the border. Even if the technology was in place there is a lack of sufficient law enforcement personnel to respond to incursion sites rapidly.

Contributing to the problem is a lack of a common communications capacity along the border to facilitate the information sharing capabilities between law enforcement and the civilian population. On several occasions civilian ranchers have witnessed criminal activity but they are unable to contact law enforcement immediately because of a lack of cell phone towers and coverage. By the time they get to a conventional phone from these remote areas, several hours have passed and the criminal activity has moved from the area.

Local Problems

In 2000, New Mexico had an estimated population of 1,819,046, which ranked the state 36th in population for the entire country. For this same year, New Mexico had a total Crime Index of 5,518.9 reported incidents per 100,000 population and ranked our state third highest in the country for the Crime Index. Many of these reported crimes were for violent crimes including domestic violence, aggravated assaults, murder and property crimes. These crimes have a direct impact on the citizens and visitors of our state that we are sworn to protect. A significant contributing factor to this disparity is the influx of narcotics that are transported through our state.

The State of New Mexico is the fifth largest state in land area, and is geographically located along the southwest border with Republic of Mexico. New Mexico maintains a “Rural State” designation due to the size of the state and the sparse population. New Mexico has three land Ports of Entry on its 180-mile border with Mexico.

From west to east, they are Antelope Wells, Columbus and Santa Teresa. The Antelope Wells, Port of Entry is located in the “Boot Heel” region of New Mexico and is operational from 8:00 a.m. to 4:00 p.m. Vehicular traffic is most common as commuters search for ways to reduce travel time to primary destinations in the western portion of the United States.

The Columbus Port of Entry is located approximately thirty miles South of Deming along State Road 11 and is near Palomas, Mexico. The Columbus Port of Entry is the busiest port in New Mexico for pedestrians traffic and non-commercial vehicular traffic. The Columbus Port of Entry is the State’s only crossing that is operational twenty-four hours a day, seven days a week.

The Santa Teresa Port of Entry is designated as the official crossing point for commercial traffic and is located approximately ten miles from El Paso, Texas. The commercial products that are commonly entered into our country include cattle, lumber, iron, clothing and most any other commercial product. The Santa Teresa Port of Entry is operational from 6:00 a.m. to 10:00 p.m.

A priority of the New Mexico State Police, District Four Las Cruces, is to work with the United States Customs and Border Protection Agency along with the New Mexico Motor Transportation Division and the New Mexico Border Authority in enhancing trade opportunities with Mexico, while not compromising the security of our citizens. A reformation of the Santa Teresa Port of Entry is in the planning stages and we are working with these agencies in the development of this port.

Undoubtedly drug trafficking organizations utilize these ports of entry to bring vehicles across into the United States packed with illegal drugs or undocumented aliens. The alarming reality is that other criminal organizations can utilize the same tactics as drug smugglers to bring across terrorists who are willing and waiting to attack our country or use Weapons of Mass Destruction.

Additionally, the remaining southern border with Texas has approximately 1,000 miles of international border and twenty-six ports of entry all in close proximity to the State of New Mexico. Any of these border crossings can be used to reach major highways to destinations throughout the country. The entire southwest border region is at risk due to the unsecured nature and enormous geographical land area to be covered. The task of securing our international border is monumental and cannot be undertaken by one agency alone. It will take an extensive amount of resources, personnel and commitment from all law enforcement if we are going to secure the border.

ADDITIONAL GEOGRAPHIC CONCERNS

The specific geography of our state provides ideal conditions for drug smuggling and drug manufacturing activities. There are thousands of miles of primary and secondary roadways in the state and along the Mexican border. New Mexico has three major interstate highways traveling through the state. There are 63,900 miles of highway in New Mexico including the state's interstates. The states main vehicular arteries are Interstates Forty, Twenty-five, and Ten.

Interstate Ten extends from Santa Monica, California, through the southwest portion of New Mexico and along the border with Mexico, to Interstate Ninety-five in Jacksonville, Florida. This provides an ideal route for drug smugglers to transport illegal narcotics east toward Florida and to the eastern portion of the United States and west toward California and the western United States.

Interstate Twenty-five extends from Las Cruces, New Mexico, and intersects with Interstate Forty in Albuquerque, New Mexico, and several main arteries in Colorado including Denver. The Interstate connects with Interstate Ninety in Buffalo, Wyoming. This is another ideal route for drug smugglers to transport illegal narcotics toward the northern and northwest portion of the United States.

Interstate Forty extends from Barstow, California, through central New Mexico to the Virginia/Tennessee state line. This is another ideal route for drug smugglers to transport illegal narcotics from California and Arizona toward the eastern and northeastern portion of the United States.

IMPACT ON LAW ENFORCEMENT

The impact of drug related and/or violent crime in New Mexico has many aspects. The first and most important aspect is the violence associated with drug trafficking organizations. Like the criminal drug trafficking groups from Columbia that preceded them, organized crime syndicates from Mexico are extremely violent and routinely employ intimidation and violence while conducting drug transactions in New Mexico. There have been numerous incidents that illustrate the ruthlessness of these organizations. Much of the drug-related violence that has become common place in Mexico has spilled over to communities within New Mexico and this has a direct impact on the citizens of our State.

An example of the violence associated with illegal narcotics and the impact of the drug problem in New Mexico is that drug abusers/traffickers have not hesitated to direct violence at New Mexico Law Enforcement.

This problem directly impacted the New Mexico State Police in August of 2001, when Officer Lloyd Aragon was murdered. Officer Aragon was attempting to stop a vehicle that was fleeing from a municipal police department as they traveled down Interstate 40 in Cibola County.

Officer Aragon was traveling to Albuquerque, New Mexico for narcotics interdiction case in Federal court when he overheard the pursuit that was traveling in his direction. Officer Aragon attempted to assist the pursuing officers by placing stop sticks onto the roadway in an attempt to deflate the offender's vehicle tires.

The offender intentionally swerved at Officer Aragon striking him at a high rate of speed and killing him instantly. The investigation revealed that the offender was fleeing police as he had just committed a theft of methamphetamine precursors at a local discount store.

In addition to Officer Aragon's murder, law enforcement officers are being assaulted as they encounter drug smugglers backpacking narcotics across the international border. In April of 2004, United States Border Patrol Agents working along the border in Hildago County were attacked as they investigated a trail of illegal smugglers. The smugglers attacked the agents as they attempted to secure the offenders and conduct further investigation. The Agents were forced to defend themselves and later determined that the offenders were backpacking the drugs in our Country.

METHODS OF OPERATION

Backpacking is a common method utilized by the drug trafficking organizations along the international border. Generally the narcotics are walked across the border then placed in a predetermined location. A cell phone is utilized and other conspirators remove the product and begin the journey to destinations in and outside of New Mexico. Drug Smuggling operations have become more and more aggressive as these drug trafficking organizations employ counter surveillance in an attempt to reduce the probability of being apprehended.

According to the United States Border Patrol, the offenders who generally walk the narcotics into the United States are males between fifteen and forty years of age. They typically transport a backpack of fifty pounds of Marijuana for several miles. The offenders usually transport the drugs in groups of five or six and they walk single file across the border. The offenders are generally paid between \$750.00 to \$1,500.00 each load they successfully cross into the country.

A significant concern is that these offenders are walking through rough terrain quite often in extreme heat with limited supplies of food and water. Intelligence gathered from these smugglers indicates that they are taking a large amount of vitamins and supplements prior to their journey across the border. A very recent concern is that drugs like Ephedra, which is banned in the U.S., are being given to the backpackers to enhance their performance and hasten the journey as they illegally cross into the country.

Backpacking smuggling operations are just one method of transportation and law enforcement throughout the southwest border are still interdicting narcotics shipments in commercial vehicles, private vehicles, busses, trains, and through the postal and shipping industries.

Another common method of transportation utilized by drug smugglers is that of vehicular traffic across the desert or on secondary dirt roads or paths. Mexican drug smugglers have been known to alter vehicles in order to carry large narcotics loads across the border and drop off the load at a predetermined location then quickly return across the border to safety. Several of these smugglers are using narcotics or alcohol prior to their journey in an effort to reduce the anxiety associated with drug trafficking. The term "Chemical Courage" has been adopted by law enforcement along the border that describes the potential offenders that may be encountered by law enforcement officers. These offenders have attempted to evade law enforcement, run over law enforcement and are an extreme danger to the safety of all involved.

Common predetermined locations include hiding narcotics in a field near the brush, in culverts or arroyos, or near specific mile markers. Generally a telephone call is made once the narcotics have arrived and another member of the organization will pick up the narcotics for the trip to the final destination.

RESPONSE OF LAW ENFORCEMENT

Federal, state and local law enforcement are committed to reducing the impact that illegal narcotics have on our community. The State of New Mexico has developed a statewide coordinated strategy utilizing seven (7) Regional Task Forces to combat violations of the State and Federal Controlled Substance Act.

Each one of the Regional Task Forces experience drug related and social problems unique to their area of responsibility. These Regional Task Forces are funded through Drug Control and Systems Improvement (DCSI) formula grant and the High Intensity Drug Trafficking Area (HIDTA) federal grant. These funding sources provide financial support to enhance task force operations in a joint effort to reduce the negative impacts of narcotics at the source of supply and the street level. These efforts are designed to strictly improve the quality of life for the citizens and visitors of New Mexico.

The New Mexico State Police, Narcotic Section, is an active member of each Regional Task Force and assists the regions with resources on a statewide level. The federal funds provide payment of investigative expenses that state, city, county and tribal agencies incur during Regional Task Force narcotic investigations.

The New Mexico State Police and the New Mexico Motor Transportation Division diligently work interdiction operations on a statewide level and participate in operation “Cobija”. In Spanish the word “Cobija” translates to blanket or covering and this operational name symbolizes the extensive amount of resources deployed during the operational periods. Operation Cobija is designed to provide a coordinated response from all levels of law enforcement during specific operational periods. This operation has been extremely successful in the past at interdicting large quantities of narcotics and apprehending drug smugglers.

Once a road case seizure has occurred, our Narcotics Section is called in to further the investigation in an attempt to identify the source, destination and other conspirators. Interviews with the offenders are conducted and the case agent works closely with the prosecuting authority (federal or state) regarding the filing of charges and the prosecution of the case.

Controlled deliveries have been completed to other areas of the country in cooperation with other state and federal law enforcement agencies. These cases have been successful at apprehending offenders and identifying drug trafficking organizations throughout the United States as well as the exterior boundaries of our country.

COMMUNICATION AND COORDINATION AMONG LAW ENFORCEMENT

On the local level communication and coordination among federal, state, and local law enforcement is exceptional primarily due to the coordination of the regional task force concept. These agencies work closely at targeting drug offenders at the local, state, regional, and international level. According to the Southwest New Mexico Border Security Task Force there is a lack of Memorandums of Understanding and formal agreement between government agencies delineating responsibilities and working relationships to address border security issues. The goal is to reduce duplication of efforts and increase efficiency and effectiveness.

The New Mexico State Police conducts undercover operations that generally start at the local and state level and pursues the investigation to the regional and international level. Many of the undercover cases are eventually developed into federal cases as they are adopted by the federal agencies and prosecuted in federal court. It is not unusual for a street level operation to generate several large drug distributor apprehensions.

Coordination is the key to successful management of case operations. The New Mexico Investigative Support Center (NMISC) funded by HIDTA, is crucial to law enforcement operations throughout the southwest border. The NMISC provides a collection center for all drug seizures and arrest information.

The center also distributes the collected intelligence not only to local law enforcement agencies throughout the state, but to other law enforcement agencies throughout the nation. The data is analyzed and entered into various intelligence databases for information sharing among all law enforcement conducting narcotics enforcement operations.

Additionally, the NMISC provides case and operational de-confliction that is critical for officer safety among law enforcement agencies. This basically informs a law enforcement jurisdiction if they are operating on the same target as another jurisdiction. The law enforcement agencies then decide who will work the specific target or organization and reduce duplication of efforts and increase safety for law enforcement personnel.

An example of the case support offered by the NMISC includes link analyses, phone toll analyses, pen registers and document preparation for court presentations. Case analysts travel throughout New Mexico to assist with raid preparation and seizure information. The services provided by the NMISC are immeasurable and provide law enforcement officers with critical information that facilitates furthering the investigation to the source of supply.

The Department of Public Safety co-manages the NMISC with the Federal Bureau of Investigation and we have two commissioned supervisors and two commissioned agents assigned to the unit. Additionally, the Department of Public Safety provides one civilian supervisor and two civilian analysts to the NMISC.

SUMMARY

It is apparent that the United States/Mexico border is an area of concern for all law enforcement organization in New Mexico and Texas. The lack of resources, communication technology, surveillance technology and barrier systems all contribute to the problem.

As California and Arizona take monumental efforts to secure their portion of the border, New Mexico and Texas cannot be overlooked. Moving criminal activity from one location to another is not the answer and we must look for ways to deter criminal activity and enhance law enforcement capabilities.

It will take a collective effort from all federal, state and local law enforcement organizations along with community leaders to enhance our border security and safety. Speaking for the Department of Public Safety, I assure you that our organization is willing to contribute resources on a statewide level to this critical issue.

I has been both an honor and privilege to present this information to the committee. Chairmen Souder this will conclude my presentation and I will be open to take any questions from the committee.