

# Executive Memorandum

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## State and Local Law Enforcement's Key Role in Better, Faster, Cheaper Border Security

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Congress recently passed the Secure Fence Act of 2006, which requires the federal government to gain operational control of the U.S. southern border within 18 months. Achieving this goal will require the cooperation of state and local law enforcement in the border communities of Texas, New Mexico, Arizona, and California. However, Congress and the Administration need to provide better tools for integrating and supporting efforts to make the U.S.–Mexican border area safe, secure, and prosperous.

**A Call to Action.** The Secure Fence Act's most critical component is the mandate for quickly gaining control of the border. Doing it fast is just sound strategy. Yet, by themselves, most of the law's measures (e.g., more manpower and fences) will likely fail because implementation will take months or years, allowing the hundreds of thousands of people seeking to enter the U.S. to find ways to circumvent these measures.

An effective strategy must focus on speed. It should disrupt the current illegal migration patterns quickly and dramatically, leaving legal migration as the only viable option. This strategy should have three components: dominant and persistent enforcement, rapid and robust deployment, and legal alternatives for south–north

migration. The Secure Fence Act does not address any of these requirements.

Thus, while the sense of Congress is right, the tools that it has provided are inadequate. Adding more Border Patrol agents will take much longer than 18 months. Deploying more National Guard forces would strain an already overtaxed military. Army troops are also an expensive answer and not ideally suited to the mission. Adding additional capacity by contracting private-sector services could boost the

Border Patrol's capabilities, but contractors are not suitable for every law enforcement task.

The Administration should continue to build a more robust professional border security force to safeguard the air, land, and sea on the southern border. This should include a mix of professional cadre in the Department of Homeland Security (DHS) and the flexibility to supplement them with contractor

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- An effective immigration strategy would disrupt the illegal migration patterns quickly and dramatically, leaving legal migration as the only viable option.
  - Enhanced local law enforcement in border communities is key to gaining operational control of the border within 18 months.
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This paper, in its entirety, can be found at:  
[www.heritage.org/research/immigration/em1015.cfm](http://www.heritage.org/research/immigration/em1015.cfm)

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support where practical. However, a “bridging” capability is needed now to gain operational control of the border within the 18-month time limit.

#### **The Role of State and Local Law Enforcement.**

Enhanced law enforcement in border communities in the form of more robust community policing should be a key component in building the bridging capability. Local law enforcement officers are ideal because they often have the best intelligence on threats in their areas, are most familiar with the local people and geography, and are trained experts in community policing techniques.

The value of community policing is primarily to deter the types of crime that are associated with illegal human trafficking along the border (e.g., trespassing, theft, and document forgery), not to enforce federal immigration laws. Deterring this criminal activity will in turn make the federal government’s challenge of policing the border more manageable.

State and local governments will support these programs because they have a vested interest in making their communities more safe and secure. In addition, since the focus of their efforts is deterring crime—not arrest, prosecution, and incarceration—these programs should not substantially increase the burden on state and local judicial and penal systems. The federal government should support their efforts because they contribute directly to a federal mission. This recommendation is an important policy shift away from the federal government’s tendency to subsidize routine local law enforcement through wasteful and ineffective programs such as the Office of Community Oriented Policing Services (COPS) toward enlisting local law enforcement to help secure the nation’s borders.

#### **The Way Ahead.** The Administration should:

- **Revise** its homeland security grant criteria to increase emphasis on law enforcement capabilities (e.g., communications and equipment) that support policing in border communities and to allow grants to cover personnel costs (e.g., overtime pay) for border security activities.
- **Make** funding state and regional intelligence fusion centers in the border communities a priority. These centers will act as focal points for sharing and analyzing information on home-

land security and criminal activity among federal, state, and local entities.

- **Encourage** local and state law enforcement to participate in federal Border Enforcement Security Task Forces along the southern border.
- **Work** closely with state and local law enforcement to develop requirements for the Secure Border Initiative.

In addition, Congress should:

- **Allow** states and cities participating in Section 287(g) programs (compacts with the DHS that enable state and local law officers to assist in federal immigration enforcement) to fund their participation with homeland security grants.
- **Require** the DHS to draft a strategy for implementing Section 287(g) nationwide, with first priority given to the border states, and to create a national training center to teach lessons learned and best practices.
- **Encourage** accountability in how local law enforcement uses homeland security grants by giving the DHS Office of Inspector General sole authority to freeze DHS funding to local law enforcement grantees that misuse grants until they repay the misallocated funds.

**Conclusion.** Federal support for border security policing should be viewed as a short-term bridging program to secure the border now. Congress should resist the temptation to turn these grants into a pork-barrel program allocated through earmarks. To fund these efforts, Congress and the Administration should plan to allocate about \$400 million per year over three years out of the projected spending on homeland security grants. Few other uses of these funds could have a more immediate, practical, and useful impact on the national effort to make America more safe, free, and prosperous.

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