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Checkpoint apprehensions down

Tucson Sector off by 77%, GAO reports

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A nine-month investigation by the Government Accountability Office concludes that the Border Patrol's Tucson sector checkpoints have suffered a 77 percent decline in apprehensions since 2001- the year after Congress imposed a requirement that the inspection stations be moved every seven days.

But the GAO, the investigative arm of Congress, could not determine whether the decrease occurred because of the congressional mandate for temporary checkpoints or because illegal entrants and drug loads are simply being brought in through other areas.

A dispute between the Border Patrol and Rep. Jim Kolbe, R-Ariz., over permanent vs. temporary checkpoints has been ongoing for more than a decade.

The GAO's ambiguous conclusions have added fuel to the fire but answered few questions about the effectiveness of the agency's checkpoints in Arizona.

For years, Kolbe has criticized the effectiveness of permanent checkpoints, arguing that they serve little purpose if everyone knows where they are.

That led him to include language in Border Patrol appropriations that requires temporary checkpoints on the theory that they are more likely to surprise narcotic and migrant smugglers. The congressionally approved restriction has been in place on Arizona highways since 2002.

The Border Patrol's top officials have argued that the agency needs permanent checkpoints to do its job effectively.

The agency currently operates temporary checkpoints along Interstate 19 near Arivaca, Arizona 90 north of Sierra Vista and Arizona 80 north of Tombstone, among other places.

Although the GAO notes its report shows a decline in apprehensions attributable to the checkpoints, "It does not provide information on whether the apparent success in apprehensions is more a function of a large volume of attempted entries than better agent work or positioning of checkpoints."

Later in the 91-page report, the GAO writes: "Our analysis of Border Patrol data suggests that, as measured in apprehensions per agent work year, the restrictions in the Tucson Sector may have had a negative impact on the performance of its interior checkpoints."

Randy Graf, Republican congressional candidate in Arizona's District 8, blamed Kolbe for the 77 percent decline.

"The GAO report clearly says that there's a problem in Tucson sector. We're 77 percent behind the rest of the country," said Graf's campaign manager, Steve Aiken. "We still make the same assertion that this is Kolbe's hamstringing the Border Patrol."

The GAO officials who wrote the report did not return phone calls, but in the report, they recommend that Customs and Border Protection, which oversees the Border Patrol, develop a way to gauge the checkpoints' effectiveness.

"Although the Border Patrol told us that the legislative restrictions on funding for construction of checkpoints in the Tucson Sector, combined with the requirement to relocate checkpoints on a 7- or 14-day schedule, had reduced their effectiveness, it did not have a data-based analysis to support these statements," the report states.

Kolbe's office points to another part of the report that says the Border Patrol has been simply dismantling its I-19 checkpoint after 14 days, then putting it back up eight hours later.

"We're arguing that they are skirting around the law right now. They open and close them in the same location," said Kolbe spokeswoman Kristen Hellmer.

"They're not abiding by the law and they're being less effective by it," she said.

The Border Patrol told the GAO the situation here degrades its ability to be effective in the Tucson Sector.

Tucson Sector spokesman Jose Garza said the agency is still reviewing the GAO report but said the sector continues to maintain that permanent checkpoints are needed, in addition to temporary checkpoints.

"We need the permanent checkpoints - they send a message of deterrence," Garza said.

He said permanent checkpoints would allow the agency to install ramps and X-ray machines to more carefully inspect vehicle traffic. They would also allow for the installation of computers to operate software to run illegal entrants through an FBI database, the Integrated Automated Fingerprint Identification System.

Garza said there is no budget money allotted to install software or even phone land lines at temporary checkpoints.

Permanent infrastructure, like that along Interstate 8 east of San Diego, would also make the job safer for agents because there would be more adequate lighting and shade, he said.

Right now, for example, agents at the I-19 checkpoint use overpasses for shade and generator-powered lights along the shoulder of the highway.

Garza did not have current apprehension numbers for checkpoints available, but said in fiscal year 2003 the temporary checkpoint on I-19 accounted for 3,221 of the 77,553 apprehensions in the sector's Nogales station.

As for temporary checkpoints providing an element of surprise, the Border Patrol told the GAO that smugglers using cell phones and observers know "within minutes about the closure of a checkpoint," the report said.

Law enforcement officials disagree on the effectiveness of the checkpoints.

Former Santa Cruz County Attorney Martha Chase told the GAO she thought a permanent checkpoint would be more beneficial than a temporary one.

Santa Cruz County Sheriff Tony Estrada said a better idea might be to stop illegal entrants and drugs before they hit the interior of the United States. Checkpoints disperse criminals into his county, he said, adding to local law enforcers' challenges.

"We have a permanent checkpoint already, and it's called the U.S.-Mexico border," he said. "I'm of the belief that there's one border. That's where I'd like to see things stopped."

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