

**Tuesday, March 24, 2015, at 10:00 a.m., Senate Homeland Security and Governmental Affairs Committee**

Testimony for the hearing on **the Border: Assessing the Impact of Transnational Crime**

Chairman Johnson, Ranking Member Carper, and Members of the Committee, good morning and thank you for your invitation for me to speak to you today on this very important issue.

My name is Benny Martinez. I'm the chief deputy sheriff of Brooks County in South Texas. The Brooks County sheriff's department, with five deputies and the sheriff, is responsible for maintaining law and order within a rural region of 943 square miles that encompasses the county seat of Falfurrias. Outside of the city of Falfurrias, the county consists primarily of privately owned ranchland. The sandy terrain is mostly vegetated with mesquite trees, scrub oaks, and prickly pear cactus. The county's total population is about 8,500.

Brooks County has a U.S. Border Patrol checkpoint, known as the Falfurrias checkpoint that is approximately 70 miles north of the U.S/Mexico border on U.S. Highway 281. U.S. Highway 281 is a major north/south artery from the Rio Grande Valley area that leads to Houston, San Antonio, Austin and Dallas and other destinations throughout the interior of the United States.

Highway 281 is part of the Gulf Coast corridor, which is one of the most active drug and human smuggling corridors in the United States. The Falfurrias checkpoint was the busiest checkpoint in the country in regards to undocumented crosser apprehensions (until the surge of unaccompanied minors last summer) and narcotic seizures. The current checkpoint facility will soon be replaced by a new one that will increase the number of inspection lanes from three to eight.

Because of Brooks County's geographical location and the Border Patrol checkpoint, it has its own very unique challenges. In most cases, smugglers/coyotes drop off undocumented crossers and drug smuggling backpackers on the south side of the Falfurrias checkpoint. They are led by the smugglers and made to walk east and west of Highway 281, moving north through private ranch lands, to then get picked up on Texas Highway 285 by other smugglers who will then transport them on the Gulf Coast corridor to cities north. In other cases local gang members or others seeking monetary gain, who live in the county, drive their human and drug loads through private property by having access to keys to locked property gates.

The sad reality is that many of those who are being led through the brush by the smugglers do not survive their demanding journey. In the past six and a half years, the county has recovered 443 bodies of undocumented crossers. We estimate that we recover less than half of all those who perish. From 2008 to 2014 the Brooks County has spent almost \$700,000 for body recoveries.

The Mexican cartels and the transnational and statewide gangs continue to increase the level of organized criminal activity in the Rio Grande Valley and throughout the state. We, who live in and near border communities where cartel drug and human smuggling operations are prevalent, face additional public safety issues such as home invasions; felony vehicle evasions; pseudo police stops; extortion, kidnappings, sexual

assaults of illegal aliens, and the recruitment of Texas children to transport drugs, people, and stolen vehicles across the border. The gangs and cartels have been responsible for shootings at law enforcement officers patrolling the Rio Grande River and they've contributed to the deaths of undocumented crossers on Texas ranches and farms.

Violent transnational gangs such as MS-13 gang members are in Texas and elsewhere. MS-13 was recently linked in two separate murders of school-age children in the Houston area, one of which was ordered from El Salvador. Nearly all of the subjects had illegally crossed into the United States at the Texas border.

Since 2011, the number of MS-13 members encountered by U. S. Border Patrol in the Rio Grande Valley sector has increased each year, accelerating in 2014. This coincides with increased illegal migration from Central America during the same time period. In Fiscal Year 2014, MS-13 represented 43 percent of all gang encounters within the Rio Grande Valley sector, and approximately 11 percent of MS-13 members encountered were juveniles. In addition, there are at least three major Mexican/American gangs that are known to be active in our communities and throughout Texas, if not the country.

There was one particular case that affected me and one of my deputies personally. You will note the unsealed indictment that is included with my written testimony. In this case a smuggler from Falfurrias with a history of smuggling marijuana north and bringing cash back south, stated to an informant that two Zeta members were upset that they lost a load of 1100 lbs. of marijuana in December of 2010 because of Brooks County law enforcement. They heard that Benny Martinez was in charge of law enforcement in the county and the Zeta members wanted to know where Benny and one of his deputies lived so that they could make Benny "talk".

Also of great concern to Brooks County is the known apprehension of undocumented crossers from special interest countries with confirmed ties to terrorist groups.

I would like to emphasize that Brooks County law enforcement has a very close working relationship with state and federal law enforcement partners. Without their help, I can't imagine how we would have fared. The Texas Lieutenant Governor's office stepped up to the plate two years ago when no one else would and directed \$150,000 to the county to help with our depleted budget.

I would also like to recognize those who have come to Brooks County's aid and to the aid of the family members of the 443 deceased victims found in the county. Dr. Kate Bradley, from Texas State University; Dr. Lori Baker, from Baylor University; Dr. Krista Latham, from Indianapolis University; and Dr. Harrell Gill-King, from North Texas State University have all helped in identifying the victims so that their families could be notified.

In closing, while we are faced with many difficult security challenges, we also have to remind ourselves that South Texas is the epicenter of legitimate trade and travel for the country. Therefore, it is incumbent upon local, state and federal law enforcement agencies to ensure our communities remain safe -- and with the help of this committee -- I am confident the safety, economic vitality and prosperity of our region will continue to prevail.

Again, Mr. Chairman, Ranking Member and Committee Members, thank you for the opportunity to share Brooks County's challenges and those of the nation's concerning the dangerous affliction of transnational crime. I would be pleased to answer any questions that you may have.

Closing statement:

Until the United States is serious about securing the border, the transnational criminal organizations will continue to operate on the border, within small rural communities, and throughout all major cities of this nation. I hope and pray that this committee will recommend strong measures be taken and acted upon to do just that. I also hope that you would seriously consider recommending that Brooks County be added to the existing list of border counties because of the overwhelming financial burden it receives due to its geographical location.