INTRODUCTION

For decades, the United States federal government has developed and implemented border security strategies to counter illegal cross-border activity. While some strategies have alleviated the influx of illegal immigration to certain geographic areas, increased border controls in these locations have made other, less controlled areas of the border more vulnerable. Rising crime rates, discarded debris, increased apprehension rates, and growing public scrutiny in these less secure areas provide clear evidence that border security is at once a social, an economic, and a national security issue.

Prior to 9/11, the United States Border Patrol (USBP) had established security efforts along the international border. Since then, however, the constant flow of unauthorized migrants and “the increasing mobility and destructive potential of modern terrorism has required the United States to rethink and rearrange fundamentally its systems for border...security.”1 Yet, despite the border security efforts of the Bush Administration and the United States Department of Homeland Security (DHS), the problem persists and continues to worsen, particularly along the Arizona-Sonora border (ASB). There is a critical need to rethink border security systems, particularly along the Southwest border, that leads observers to ponder: who is primarily responsible for securing our borders? What is the USBP doing to secure the border given the additional threat of terrorism?2

Defining Borders

In order to articulate functional definitions, the “border” refers to the 2,000 mile geopolitical divide between the United States and Mexico. However, for purposes of this paper, the “border” is specifically the international border between the State of Arizona, United States and the State of Sonora, Mexico. The 377-mile Arizona-Sonora Border (ASB) is a portion of one of the world’s busiest international boundaries and, as such, an overwhelming number of cross-border illegal and legal activities occur there daily.3 Although there is a geo-political border, a full understanding of the complexities and dynamics of the ASB requires recognition and analysis of the communities on both sides of the border. The economic dependency, and the environmental and cultural ties between these border communities, adds a multifaceted dynamic and dimension to understanding the ASB. This cultural, social, and economic region has received recognition from governments and the public; therefore, to encompass these intrinsic interdependencies, the term “border region” was officially recognized in 1983 in the La Paz Agreement. The border region includes 100 kilometers (67 miles) north and south of the geopolitical divide between the United States and Mexico.4 The border region has a population of approximately three million people, and it continues to grow exponentially as compared to the national average of both the United States and Mexico.5 This includes all of the cities, town, communities, tribes, and counties within this area, which share common challenges.
9/11 brought a new dimension to the problem of illegal immigration with potential terrorists seeking to enter the country, thereby elevating border security to a national priority. The United States government responded to 9/11 with the creation of DHS, a department tasked with “preventing terrorist attacks within the United States, reducing American’s vulnerability to terrorism and minimizing the damage and recovery from attacks that do occur.”6 DHS was created under the Homeland Security Act of 2002 and merged twenty-two agencies into one department and ostensibly one mission. One of the newly created directorates was Border and Transportation Security, which abolished the Immigration and Naturalization Services (INS) and divided its functions among Citizenship and Immigrant Services (CIS), Immigration and Customs Enforcement (ICE), U.S. Coast Guard (USCG), and Customs and Border Protection (CBP). While these units continue to exist within DHS, the directorate of Border and Transportation Security was recently disbanded by Secretary Chertoff, in July 2005. Now, CIS processes legal immigration services and enforces illegal immigration along with the USCG, ICE, and CBP. The duties of illegal immigration enforcement are further divided between ICE and CBP: ICE enforces immigration law within the interior of the United States and CBP enforces and protects the United States border. The goal in integrating customs inspectors, immigration inspectors, and agricultural inspectors under CBP was to provide one face at the border and one comprehensive strategy with a unity of force. However, USBP – although a unit of CBP – remains distinct, with its own mission and force.

By law and according to the National Border Patrol Strategy, CBP is the authoritative law enforcement agency charged to protect the nation's borders and ensure that the United States is not penetrated by terrorists, unauthorized migrants, human smugglers, human traffickers, drug smugglers, or contraband.7 Under the auspices of a new directorate, the priority mission of the USBP is homeland security, defined as “nothing less than preventing terrorists and terrorist weapons – including potential weapons of mass destruction – from entering the United States.”8 The priority mission functionally establishes and maintains operational control of the United States border between the ports of entry (POE). On the other hand, it is CBP's mission to control the United States border as a whole. The aftermath of 9/11 caused policy makers to expand the traditional mission to include preventing terrorists and terrorist weapons from entering the United States, in addition to “interdicting illegal aliens and drugs and those who attempt to smuggle them across our borders.”9 The USBP’s area of operation and responsibility is between land and sea POE, which extends across 7,000 miles of border with Canada and Mexico and 12,000 miles of coastal borders.

Border Strategy, 1994-2004

While the USBP patrols both the northern and southern borders, 90 percent of USBP resources are deployed along the United States-Mexico Border (USMB) because it is considered the focal point for illegal immigration with ninety-seven percent of all illegal alien apprehensions.10 The four border states along the USMB are divided into nine USBP Sectors: San Diego and El Centro, California; Yuma and Tucson, Arizona; El Paso (New Mexico and two counties in Texas); Marfa, Del Rio, Laredo and McAllen, Texas. While these four states share a geopolitical and geo-physical border with Mexico, they do not share the same topography, climate, or challenges. Accordingly, the USBP faces the challenge of developing different operational tactics and techniques for each sector.
Tucson Sector represents forty-three percent of the total annual Southwest USBP’s apprehensions. This percentage indicates that most of the illegal cross-border activity occurs within 262 miles of the total 2,000 miles of international border with Mexico. Table 1 indicates that in the past decade the Tucson Sector has become the most active in terms of illegal cross-border activity, with a significant increase in total apprehensions along the Southwest border: from eight percent in 1993 to forty-three percent in 2004.

### Table 1. United States Border Patrol Apprehension Statistics 1993 – 2004.

According to the INS, this phenomenon is a tactical dimension of the INS' National Strategic Plan, which accounts for various ways to control the influx of illegal immigration in the concentrated border areas of San Diego and El Paso. In 1994, the INS focused enforcement efforts in San Diego and El Paso; the goal was to shift migrants outside of the urban area, to more open areas, a strategic and tactical intention of INS. The intention was not to shift migrants into different jurisdictions; instead it was to continue shifting the migrants and break up criminal networks by gaining control in the less secure areas over time. As indicated by the USBP Chief David Aguilar:
Historically, major CBP Border Patrol initiatives, such as Operation Hold the Line, Operation Gatekeeper, and Operation Rio Grande in our El Paso, San Diego, and McAllen Sectors, respectively, have had great border enforcement impact on illegal migration patterns along the southwest border, proving that a measure of control is possible. Together, these border security operations have laid the foundation for newer strategies and enforcement objectives and an ambitious goal to gain control of our Nation’s borders, particularly our border with Mexico.¹³

Border security experts argue that the border security strategy is at a stage where the migration flow is concentrated in Arizona. However, this concentration can be due to changes in leadership, administrations and a non-continuous flow of resources to these less secure areas, leaving the Tucson Sector as the primary gateway for illegal cross-border activity along the USMB. The various border operations mentioned in Chief Aguilar’s testimony are part of the first phases of the overall national border security strategy developed in the early 1990s. DHS is developing and implementing new strategies – such as the Arizona Border Control Initiative – to continue the border security strategy’s second phase in minimizing the vulnerabilities along the international border.

A review of USBP strategy from 1993 to 2004 will help illuminate how these particular USBP strategies led to the current challenges faced by the Arizona Tucson Sector. The build-up of border enforcement along the USMB first started in the early 1990s under the Clinton Administration, in response to public concern about illegal immigration from Mexico and its effect on public services and employment in the United States.¹⁴ Experts called for a strategy that would simultaneously increase tighter enforcement of United States immigration laws while the North American Free Trade Agreement (NAFTA) spurred Mexican economic growth. Together, these experts asserted, both would help reduce the flow of illegal immigration from Mexico to the United States. Consequently, INS designed several border security strategies to prevent illegal cross-border activity. These strategies derived from a mixture of community policing theory and a low-intensity warfare concept. In addition, the challenges along the border were concentrated, and the need to protect the international border from illegal entry caused border security experts to research and implement new theories. Border security strategies focused on deterrence by deploying large numbers of border patrol agents, increasing the hours of actual border patrolling, and enhancing border security technology. These resources were deployed to strategically designated areas of the Southwest border with the greatest number of crime and disorder. During this period, the San Diego and El Paso sectors represented the gateways used by 70-80 percent of the unauthorized migrants entering the United States.¹⁵ The strategy made sense and the demand for federal response resulted in the implementation of this strategy with the greatest border security funding appropriation in United States history.

Rather than spread the resources across the entire USMB, the INS “concentrated border enforcement strategies” were implemented in four specific segments of the international border: Operation Hold-the-Line in El Paso, Texas in 1993, Operation Gatekeeper in San Diego in 1994, Operation Rio Grande for South Texas in 1997, and Operation Safeguard in central Arizona in 1995.¹⁶ These strategies were developed with the intention of increasing the USBP’s probability of apprehension to a level that would
deter potential migrants from crossing into El Paso or San Diego. Eventually, the intent was for border crossers to “spread the word” on the difficulty of entering the United States (without being apprehended) to potential migrants and deter them from leaving their hometowns in Mexico and other countries.

Operation Safeguard began operations in 1999 in Nogales, Arizona. It was not until 1999 that USBP in Arizona began to participate in the concentrated border enforcement strategy. Some experts argue that this was because Arizona contains extensive natural hazards, which were perceived as a deterrent to migrants attempting a clandestine entry into the United States. Former INS Commissioner Doris Meissner believed no one would risk their lives to illegally cross the border in areas of formidable mountains and extreme desert temperatures. Essentially, “Mother Nature” would take care of USBP’s responsibility. However, experts were incorrect in this assumption, as seen by the significant loss of life by many migrants attempting to cross in these geographically desolate areas.

A Strategy for the Next Decade

Our nation is still facing a steady increase in the number of illegal immigrants residing in our communities along with an increase in the number of deaths in the desert; both demonstrate that the current border enforcement system is flawed. Roughly ten years after the implementation of the INS Strategic Plan, border security remains a critical national mission. Throughout this period, the United States has increased funding for immigration control and border security initiatives. These increases have not translated into a more secure border and are still deemed inadequate to meet the post-9/11 mission. According to the Search for International Terrorist Entities (SITE) Institute, the border enforcement policy was unsuccessful because “despite extensive surveillance, the border remains porous because of the stretches of desert it crosses and Mexico’s established smuggling networks.” This premise was a component of the INS National Strategic Plan, yet the border remains insecure.

While these border security efforts had a significant impact in the San Diego and El Paso Sector, less secure sectors are suffering from the incomplete multi-phase implementation of the National Border Strategy. The ASB current border insecurity situation is due to the incomplete implementation of the National Border Strategy Phase II; insufficient resources continue to be deployed within the Tucson Sector.

Two main factors contribute to the ever-increasing demands placed upon border security resources along the USMB. First, the pressure of enhanced law enforcement strategies in certain sectors has resulted in a shift of migrants from more secure urban areas to those rural communities that are less protected and populated. For example, as crime rates dropped in San Diego and El Paso, due to more concentrated border security efforts, the Tucson Sector experienced an increase in illegal activity supplemented by violent crimes of auto-theft, extortion, rape, and homicide. Moreover, on a statewide basis, both Arizona and Sonora are currently facing higher crime rates. Arizona ranks first in auto-theft and third in homicide in the United States, while Sonora ranks third in homicide in Mexico.

Second, Mexico is experiencing an influx of Islamic migrants. Conceivably, as the United States government increases security measures and tightens immigration law, potential terrorists may seek the assistance of human smugglers to infiltrate the porous international border. If this proves to be the case, then the policymakers should ask the
same question that Arizona Senator Kyl posed on August 27, 2004: “Why wouldn’t those seeking to attack America be tempted to join the hundreds of thousands already illegally entering from Mexico?”24 In fact, intelligence collected from domestic and international law enforcement communities indicates that terrorists are seeking other means to enter the United States.25 As terrorist organizations continue to network in Mexico and exploit sophisticated organized smuggling rings, the USBP could seemingly be faced with a new paradigm: human smugglers, colloquially known as Coyotes, as potential terrorist partners.

As noted, in the early 1990s the USBP launched a concentrated border security strategy in the El Paso and San Diego Sectors causing migrants and smugglers to move their operations to less secure sectors along the USMB. The United States General Accounting Office report suggests that these strategies showed positive results for both sectors. However, the remaining seven sectors along the Southwest border saw an increase in illegal cross-border activity, particularly the Tucson Sector. In 1993, the San Diego Sector represented 43.6 percent of the Southwest border apprehensions, and the El Paso Sector represented 23.6 percent.26 Yet, as the USBP claimed victory in the San Diego and El Paso Sectors with a reduction in apprehensions by 6 percent and 72 percent, respectively, the Tucson Sector experienced an increase of 50 percent.27 This increase is a clear indication of the balloon effect along the USMB: the displacement of illegal cross-border activity to another, less secure, sector of the international border. This phenomenon was an intended consequence of the National Strategic Plan and demonstrated that the border control efforts in the San Diego and El Paso Sectors were working. However, the migrant flow shift was not intended to stop in the USBP Tucson Sector; instead, the intent was to continuously shift migrants from one sector to another causing disruption of organized smuggling rings. This strategy derives from the theory of hot spots and the practice of community-oriented policing.

Place-oriented crime prevention strategies, a component of community policing, are commonly used by law enforcement agencies throughout the United States. The theory behind place-oriented crime prevention suggests that crime occurs in clusters, or “hot spots,” and is not evenly distributed throughout the United States. As defined by the United States Department of Justice, Office of Justice Programs:

A hot spot is an area that has a greater than average number of criminal or disorder events, or an area where people have a higher than average risk of victimization. This suggests the existence of cool spots – places or areas with less than average amount of crime or disorder.28

This phenomenon is used by individuals everyday, evidenced by the places people tend to avoid given their probability of victimization. This suggests that crime is not evenly distributed. One can deduce that the National Strategic Plan drew from this theory; this is evident because resources were focused in the urban areas. The USBP continues to implement strategies that are complementary to community policing. Experts suggest that this “hot spots” phenomenon is supported by three complementary theories: environmental criminology, routine activities, and rational choice. Environmental criminology theory explores and analyzes the environment in which a criminal act is conducted. The analysis takes into consideration the criminal interaction with targets, the opportunities across space and time, and the characteristics of the area, such as safe
Routine activities theory is based on the notion that in the absence of a capable guardian, crime occurs when the bandit comes into close proximity of a potential target. Rational choice theory is based on the belief that bandits are capable of making their own decisions and opt to commit crime in order to benefit.

Another interesting analysis that is drawn from community-policing is that as law enforcement pressure is applied in “hot spots,” crimes begin to emerge in “cool spots.” Experts claim “focused police interventions, such as directed patrols, proactive arrests, and problem solving, can produce significant crime prevention gains at high-crime ‘hot spots.’” In a nutshell, “hot spot” policing suggests that if the environment is manipulated (i.e., increased patrols, arrests, etc.), then victims and offenders have fewer interactions and bandits have fewer opportunities to commit crimes, which ultimately results in a decrease in the crime rate. In addition, once a “hot spot” is controlled and crime has decreased, bandits will move to a less patrolled area to continue their criminal activities. These criminal migrations are occurring at the Southwest border. Apprehension statistics are a clear indication that illegal border crossers (IBC) have migrated to areas less patrolled by USBP, such as the Tucson Sector.

The USBP has focused its resources in the urban areas along the international border for a variety of reasons, such as preventing bandits from interacting with border community residents and restricting bandits from access to safe havens or camouflaging into the community. In addition, the balloon effect experienced in the Tucson Sector parallels the concept of “hot spots” in urban areas. Once the community policing addresses a “hot spot” crime area, the crime moves into a less policed area. Similarly, when the USBP focuses enforcement efforts along the USMB, migrants and bandits move into less secured sectors. This shift was the intention of the USBP’s concentrated border security strategy. Therefore, USBP was not surprised to see bandits and smugglers moving towards the Tucson Sector.

Why, then, isn’t the USBP Tucson Sector prepared to handle the influx of migrants? The answer could be a combination of issues – politics, resources, or the simple notion that geographical constraints would be a sufficient deterrent for migrants entering the United States. The United States government must continue to develop and implement timely border security strategies that take into consideration the movement of illegal activities along the border in order to successfully secure the USMB, as described above. However, the post-9/11 need to protect the United States from another terrorist attack requires intelligence analysts to observe for potential emerging terrorist threats along the international border and then quickly address these threats with stealth and innovation.

One Solution: The ASB Model

While the efforts of Congress and the USBP continue, the illegal immigration problem persists and becomes increasingly divisive in communities nationwide. The current deployment and employment of resources must be revisited to increase efficiency and alleviate the challenges along the USMB. The application of force along the border, without the proper use of intelligence to modify the use of force in a timely and adequate manner along the USMB, could potentially accelerate the “balloon effect.” The use of the Arizona-Sonora Border (ASB) model or a similar border model would allow strategists to minimize the geographical displacement effects prior to applying force along the USMB.
The ASB model is an analytic model that incorporates factors relevant to the problem of illegal cross-border activity in the USBP Tucson Sector. While a model can never fully reflect the true complexity of illegal cross-border activity factors, illegal cross-border activity has some structural features that lend themselves to analytical modeling. In other words, illegal cross-border activity is not a random event; it exhibits organized and structured occurrences and can be modeled. The ASB model is a “plug and play” model that can assist in forecasting what may occur along the border within a five day window, given certain IBCs’ distribution and USBP resource deployment. The model does not project actual numbers of IBCs, but rather the success rate of the USBP as a function of the infiltration and migration patterns, and the resources mix. Given a certain distribution of IBCs, and different migration rates, the question is: how should USBP Border Security resources be deployed to be most effective? Specifically, the model examines the effect of apprehension rates (which depend on the resources mix) on the number of IBCs that successfully evade the USBP. Given the functional relation, one can calculate the desired deployment of resources in order to optimize effectiveness.

The purpose of the ASB model is to assist policymakers and operational planners to address the problem of illegal cross-border activity with a logical and systematic approach. The mathematical model can help organize, articulate, and analyze the essential problems in the USBP Tucson Sector. The ASB model provides insight into the complex interdependencies that exist in establishing and maintaining control of the international border with Mexico. It captures the interactions among the location and intensity of cross-border activities, apprehension rates, and migration rates. This model is an attempt to offer a mathematical solution to the problem of optimal deployment of border security resources in the USBP Tucson Sector along the ASB. The appropriate employment and deployment of border security resources can minimize illegal cross-border activity and reduce the border’s vulnerabilities.

CONCLUSION

The ASB model examines illegal cross-border activity situations in the USBP Tucson Sector, or any part of it, and forecasts the effectiveness of USBP border security resources deployment. Although this model is specific to the USBP Tucson Sector, it can be implemented anywhere along the Southwest Border with minor modifications. The ASB model demonstrates that by increasing border security enforcement efforts, it may augment humanitarian concerns along the USMB. As migrants move away from high enforcement areas to low enforcement areas, in other words, they move away from areas where the border security enforcement is more effective, and are thus exposed to greater natural hazards. Therefore, as operational planners and policy makers develop new strategies, these humanitarian concerns and consequences need to be taken into consideration in order to reduce deaths in the desert and improve bi-national relations with Mexico.

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4 La Paz Agreement defined the border region as 100 km north and 100 km south of the United States-Mexico International border. See “La Paz Agreement,” (August 14, 1983). Text of the La Paz Agreement, including Annex I-V is available at http://yosemite.epa.gov/oa/MexUSA.nsf/La+Paz+Agreement+-+Web?OpenView&ExpandView.


7 The Labor Appropriation Act of 1924 established the United States Border Patrol in response to rising illegal entries particularly along land borders.


9 Ibid.


12 The illegal cross-border activity accounted for is the activity that is observed and interdicted.


15 Ibid., 6.

16 The majority of resources for Operation Safeguard did not arrive until 1999.


21 This is one theory with regards to the displacement of migrants along the USMB. An alternative theory is the economic growth rates experienced in Phoenix and Las Vegas. These two cities are experiencing a fast growth rate followed by an increase in construction and employment. This boom in jobs in Nevada and Arizona causes the illegal migrant flow to switch to follow the employment opportunities.


27 Ibid.


29 Ibid.