



Feasibility of a Border Patrol Auxiliary

By Joseph J. Kolb

Key Points

- President Trump signs Executive Order pledging 5,000 more U.S. Border Patrol agents.
- Current Border Patrol staffing levels are the lowest in seven years.
- Current staffing levels compromise border security.
- More than a third of Border Patrol agents have been relegated to non-patrol duties.
- Former sector chief confirms viability of a civilian auxiliary division.
- Effectiveness of federal auxiliaries has been demonstrated through the Civil Air Patrol and the Coast Guard Auxiliary.
- A civilian Border Patrol auxiliary would be a cost-effective force multiplier and could potentially enhance agent safety.

Introduction

Securing the northern and southwest borders is a chief concern of the Trump administration. Emphasis has been placed on the wall, but security ultimately will come down to boots on the ground as agents of the U.S. Border Patrol (USBP) make the physical apprehensions of illegal border-crossers and contraband. The administration immediately pledged 5,000 new agents in a February executive order, but the question remains whether that is still enough to fully secure the borders.¹

There are currently 19,828 agents serving in the Border Patrol (down from a high of 21,444 in 2011), but not only has there been a steady decline in manpower, a startling number are not actually out patrolling the “line”, as the border is referred to.² Mathematically, the mission is daunting. Of the 19,828 agents, only 17,026 are earmarked to the southwest border. Considering work shifts and the sheer magnitude of the geography agents need to cover, this is not as large a number as it may seem.

According to Victor Manjarrez, Jr., a former sector chief in Tucson and El Paso, as many as 18 percent of agents in each sector could be tasked with non-“line” duties. This now takes the 17,026 down to 13,961, which agents fear creates not only a security void, but an agent safety issue where single agents can be in remote areas by themselves waiting for backup while attempting to apprehend and secure large groups of people.

“Agents can be found in the garage repairing vehicles, welding and repairing the border fence, etc. — the non-duty stuff takes about 18 percent of the manpower,” Manjarrez told the author.

Border Patrol agents who have gone through the 66-day academy in Artesia, N.M., at a cost of around \$25,000 per cadet and who will be making more than \$70,000 plus benefits after three years, should not be wasted perform-

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ing tasks such as vehicle repair or apprehension transfers.³ This is not only a waste of money and valuable human resources; it compromises national security.

Options to bolster manpower have been discussed and have received varying degrees of attention and skepticism. One such concept is the implementation of an auxiliary division comprised of civilian volunteers.

Feasibility of a Border Patrol Civilian Auxiliary

The concept of a civilian auxiliary to augment the agent force is not new. According to Manjarrez, the topic has been broached in the past, but never gained traction. For example, in 2005 then-Commissioner of Customs and Border Protection (CBP) Robert Bonner told the Associated Press there was an effort to explore the feasibility of an auxiliary, but it failed to gain support and traction from the National Border Patrol Council and lawmakers.⁴ In 2007, the John F. Kennedy School of Government at Harvard University published arguably the most comprehensive treatise on the feasibility and applicability of a Border Patrol auxiliary as a cost-effective and viable means to bolster much needed staffing voids along the border.⁵

“I believe the idea of an auxiliary unit would be very helpful in the right situations and the right training,” Manjarrez, told the author. “The idea has come up several times before and I’m glad to hear that someone is thinking about it again.”

Among the duties auxiliary personnel can perform are transportation, booking and processing, hospital watch, electronic video and movement sensor monitoring, dispatch, and vehicle and fence maintenance, all of which currently take agents off the line.

There is a general consensus in the National Border Patrol Council (the union representing Border Patrol agents), which is supported by Manjarrez, that auxiliary staff should not be put in the field. The author disagrees with this position on a variety of levels. With the appropriate training and guidelines, auxiliary personnel can be an additional body in a patrol vehicle typically manned by only one agent. This second person can be an extra set of eyes and ears as well as assist when multiple apprehensions occur simultaneously rather than leaving one agent alone waiting for backup. This can enhance agent safety.

The establishment of a recognized Border Patrol auxiliary division may mitigate the presence of the numerous “volunteer” border watch/patrol organizations already patrolling the border, mostly in Arizona, California, and Texas. One group in California went so far as to call itself the Border Patrol Auxiliary, which has no official status.⁶ These heavily armed militia-like organizations can make a volatile situation explosive, as has been seen in multiple incidents where they disobeyed orders by agents to drop their weapons or respond to commands. In 2015, a member of “Rusty’s Rangers” in south Texas was wounded by an agent after the militiaman refused to drop his weapon.

In a 2014 statement, CBP explicitly posited that it does not endorse or support any private group or organization from taking matters into their own hands as it could have “disastrous personal and public safety consequences.”

The concept of a law enforcement auxiliary does not come without precedent. There are dozens of civilian police departments with vibrant auxiliary units providing valuable support to the certified law enforcement officers.⁷ Among the most robust local programs are the New York City⁸ and Nassau County, N.Y., police departments.⁹ At the national level are the Coast Guard Auxiliary,¹⁰ a component of the Department of Homeland Security, and the Civil Air Patrol (CAP), a volunteer subsidiary of the U.S. Air Force.¹¹

The policy statement of the Coast Guard Auxiliary reads in part that it is a uniformed volunteer component that provides a diverse array of specialized skills, trained crews, and capable facilities to augment the Coast Guard and enhance port and waterway safety.¹² The organization also supports the operational, administrative, and logistical requirements of the Coast Guard. With additional training, Coast Guard auxiliariats are able to be more actively involved in the agency’s mission. This program is called the Operational Auxiliarist Program.¹³ Such an advanced level of training will be discussed below for the Border Patrol auxiliary concept.

In 2012 the Government Accountability Office evaluated the efficacy of the Civil Air Patrol in Homeland Security missions. The report says: “Homeland security partnerships may grow increasingly important as fiscal constraints provide impetus for

federal agencies to look to partners for mission support. One partner is CAP, a congressionally chartered, federally funded, nonprofit corporation with approximately 61,000 volunteer members that can function as the auxiliary of the U.S. Air Force. CAP conducts missions throughout the United States, including counter-drug, disaster relief, and search and rescue, using mostly single-engine aircraft.”¹⁴ The report also specifically noted the air reconnaissance missions CAP has performed for CBP.

The Civil Air Patrol assists U.S. Customs and Border Protection, the Drug Enforcement Administration, and the United States Forest Service in the war on drugs. In 2005, CAP flew over 12,000 hours in support of this mission and led these agencies to the confiscation of illegal substances valued at over \$400 million.¹⁵

The concerns the report presented included legal parameters, mission funding, existing capabilities, and capacity that could affect CAP’s suitability for homeland security missions. For example, as an Air Force auxiliary, CAP is subject to laws and regulations governing the use of the military in support of law enforcement, which, among other things, allow CAP to conduct aerial surveillance in certain situations, but preclude its participation in the interdiction of vehicles, vessels, or aircraft. Similarly, while CAP’s existing operational capabilities — aircraft, vehicles, personnel, and technology — position it well to support certain homeland security missions, they also limit its suitability for others. Since the Border Patrol is a federal law enforcement agency and not military, their auxiliary would be minimally affected by these limitations.

Despite these apparent hurdles, Civil Air Patrol Director of Operations John Desmarais confirmed to the author that CAP has flown and continues to fly border reconnaissance missions.

The groundwork already exists just between these two agencies to provide additional and low-cost support on the waterways and in the air. The next step is to consider what can be done to augment ground operations.

Glenn Kearney, executive president for the New York State Association of Auxiliary Police, told the author that background, desire, and training serve as the foundation for a successful program, and these programs are intended to augment and not replace existing agents or officers.

“We don’t want the officers to babysit our auxiliary officers,” Kearney said. “When it comes to trust, if you can trust a trained officer, you can trust a trained volunteer.”

An additional benefit the Border Patrol may reap from considering this option is a bank of prospective recruits. Kearney says some civilian police departments actually use the auxiliary experience as part of the screening process.

Implementation

The bottom line, according to Kearney, is that there needs to be buy-in from the National Border Patrol Council and DHS. Following the advice of Manjarrez and many in the National Border Patrol Council, auxiliary agents would not be armed or in the field. Volunteers would be armed only with non-lethal devices such as a baton, pepper spray, or Taser (more for self-protection than restraining an individual), and be allowed in a patrol vehicle only with an agent. Similar to civilian law enforcement, the auxiliary agents could assist in apprehensions and detain suspects. Ultimately, this may be subject to a tiered level of training depending on what role an individual is interested in, but most importantly qualifies for.

The tiers of training would include all volunteers to attend an expanded version of the current 20-hour Border Patrol Citizens Academy, which familiarizes community leaders with the mission, sectors, roles, and responsibilities of agents; border security infrastructure and technology; and cursory immigration law topics.¹⁶ This would be followed by upper-tier training of varying lengths depending on roles and responsibilities. The Nassau County Police Auxiliary academy, for example, includes 150 hours of training. Following training the applicant would have to pass a final examination and perform the specific job to demonstrate proficiency.

The following is a prospective tiered assignment scale:

Tier 1. Applicant would be in a non-suspect contact position such as clerical, or fence and vehicle maintenance.

Tier 2. Applicant would be in a non-suspect contact position, but in a higher technical role such as surveillance or drone camera or ground sensor monitor/dispatcher.

Tier 3. Applicant would be in a role that would have direct interaction with suspects, whether in booking/processing, transport, or second seat on patrol. This category would receive the highest and longest level of training that would include self-defense and safe restraint techniques. Candidates could also receive emergency medical technician training to assist with emergencies in the field and at the station.

Conclusion

The Border Patrol likely will be in a net-negative staffing position for some time, even after the additional 5,000 agents are actually vetted, hired, and trained. Staffing will not be at a fully functional level because of the many non-patrol duties agents are called upon to perform. That said, the Department of Homeland Security should consider implementation of a volunteer auxiliary unit specifically recognized and trained to augment the Border Patrol. This is not only a low-cost option to bolster staffing, but may mitigate the presence of militia-like organizations that now often patrol the border without any oversight. The precedents have already been established by civilian law enforcement agencies around the country, as well as by the U.S. Coast Guard auxiliary and the Civil Air Patrol of the U.S. Air Force.

End Notes

- ¹ [“Fact Sheet: Executive Order: Border Security and Immigration Enforcement Improvements”](#), Department of Homeland Security, February 21, 2017.
- ² [“Border Patrol Agent Nationwide Staffing by Fiscal Year \(as of October 1, 2016\)”](#), U.S. Border Patrol, undated.
- ³ [“Border Patrol Agent Pay and Benefits”](#), U.S. Customs and Border Protection, last published April 17, 2017.
- ⁴ [“U.S. mulls involving volunteers in Border Patrol”](#), Fox News, July 20, 2005.
- ⁵ Christopher Hall, et.al., [“Securing the Borders: Creation of the Border Patrol Auxiliary”](#), John F. Kennedy School of Government, Harvard University, May 5, 2007.
- ⁶ Border Patrol Auxiliary [Facebook page](#).
- ⁷ [“Auxiliary Police”](#), Wikipedia, last modified January 7, 2017.
- ⁸ [“Who are the Volunteer Auxiliary Police?”](#), New York City Police Department, undated.
- ⁹ [“Who We Are”](#), Nassau County Auxiliary Police, undated.
- ¹⁰ [“About the Auxiliary”](#), United States Coast Guard Auxiliary, last updated July 14, 2015.
- ¹¹ Civil Air Patrol [website](#).
- ¹² [“US Coast Guard Auxiliary Policy Statement”](#), Commandant of the U.S. Coast Guard, undated.
- ¹³ [“Operational Auxiliarist Program”](#), U.S. Coast Guard Auxiliary, undated.
- ¹⁴ [“HOMELAND SECURITY: Civil Air Patrol Involved in Certain Missions, but DHS Should Assess the Benefits of Further Involvement”](#), Government Accountability Office, November 1, 2012.
- ¹⁵ [“Missions: Emergency Services”](#), George H. W. Bush Composite Squadron (SWR-TX-041), undated.
- ¹⁶ [“U.S. Customs and Border Protection Citizen’s Academy Invitation”](#), press release, U.S. Customs and Border Protection, August 21, 2015.