



Testimony

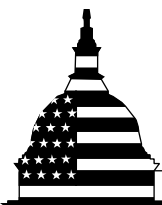
Before the Subcommittee on Border
and Maritime Security, Committee on
Homeland Security, House of
Representatives

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BORDER PATROL

Goals and Measures Not Yet in Place to Inform Border Security Status and Resource Needs

Statement of Rebecca Gambler, Director
Homeland Security and Justice Issues



G A O

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Highlights of [GAO-13-330T](#), a testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

Within DHS, U.S. Customs and Border Protection's (CBP) Border Patrol has primary responsibility for securing the southwest border between ports of entry. CBP reported apprehending over 327,000 illegal entrants and making over 17,150 seizures of drugs along the border in fiscal year 2011. Across the border, most apprehensions (over 38 percent) and drug seizures (28 percent) occurred in the Tucson sector. This statement discusses (1) apprehension and other data CBP collects to inform changes in southwest border security and data used to show effectiveness of resource deployments, and (2) the extent to which Border Patrol has developed goals and measures to identify resource needs under its new strategic plan. This statement is based on GAO's December 2012 report on CBP's management of southwest border resources and prior reports on DHS's efforts to measure border security, with selected updates from February 2013 on Border Patrol fiscal year 2012 operations data. To conduct prior work, GAO analyzed DHS documents and data from fiscal years 2006 to 2011, and interviewed CBP officials, among other things. To conduct selected updates, GAO reviewed Border Patrol data and interviewed Border Patrol officials.

What GAO Recommends

In a December 2012 report, GAO recommended that CBP ensure Border Patrol develops milestones and time frames for developing border security goals and measures to assess progress made and inform resource needs. DHS concurred with these recommendations and plans to address them.

View [GAO-13-330T](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

February 26, 2013

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Goals and Measures Not Yet in Place to Inform Border Security Status and Resource Needs

What GAO Found

Since fiscal year 2011, the Department of Homeland Security (DHS) has used changes in the number of apprehensions on the southwest border between ports of entry as an interim measure for border security as reported in its annual performance plans. In fiscal year 2011, DHS reported a decrease in apprehensions, which met its goal to secure the southwest border. Our analysis of Border Patrol data showed that apprehensions decreased within each southwest border sector from fiscal years 2006 to 2011, generally mirroring decreases in estimated known illegal entries. Border Patrol attributed these decreases in part to changes in the U.S. economy and improved enforcement efforts. In addition to apprehension data, sector management collect and use other data to assess enforcement efforts within sectors. Our analysis of these data show that the percentage of estimated known illegal entrants apprehended from fiscal years 2006 to 2011 varied across southwest border sectors; in the Tucson sector, for example, there was little change in the percentage of estimated known illegal entrants apprehended over this time period. The percentage of individuals apprehended who repeatedly crossed the border illegally declined across the border by 6 percent from fiscal years 2008 to 2011. Further, the number of seizures of drugs and other contraband across the border increased from 10,321 in fiscal year 2006 to 18,898 in fiscal year 2011. Additionally, southwest border sectors scheduled more agent workdays in fiscal year 2011 to enforcement activities for patrolling the border than for any other enforcement activity. The Tucson sector, for example, scheduled 73 percent of workdays for enforcement activities; of these, 71 percent were scheduled for patrolling within 25 miles of the border. Other sectors scheduled from 44 to 70 percent of enforcement workdays for patrolling the border. Sectors assess how effectively they use resources to secure the border, but differences in how they collect and report data preclude comparing results. Border Patrol issued guidance in September 2012 to improve the consistency of sector data collection and reporting, which may allow comparison of performance in the future.

Border Patrol is developing performance goals and measures to define border security and the resources needed to achieve it, but has not identified milestones and time frames for developing and implementing goals and measures under its new strategic plan. Prior to fiscal year 2011, DHS used operational control—the number of border miles where Border Patrol had the capability to detect, respond to, and interdict cross-border illegal activity—as its goal and measure for border security and to assess resource needs to accomplish this goal. At the end of fiscal year 2010, DHS reported achieving varying levels of operational control of 873 (44 percent) of the nearly 2,000 southwest border miles. In fiscal year 2011, citing a need to establish new goals and measures that reflect a more quantitative methodology and an evolving vision for border control, DHS transitioned to using the number of apprehensions on the southwest border as an interim goal and measure. As GAO previously testified, this interim measure, which reports on program activity levels and not program results, limits DHS and congressional oversight and accountability. Milestones and time frames could assist Border Patrol in monitoring progress in developing goals and measures necessary to assess the status of border security and the extent to which existing resources and capabilities are appropriate and sufficient.



United States Government Accountability Office
Washington, DC 20548

Chairwoman Miller, Ranking Member Jackson Lee, and Members of the Subcommittee:

I am pleased to be here today to discuss our past work regarding the Department of Homeland Security's (DHS) efforts to deploy and manage resources along the southwest border and to assess the results of those efforts. In fiscal year 2011, DHS's U.S. Customs and Border Protection (CBP) reported spending over \$4 billion to secure the U.S. border with Mexico.¹ The Office of Field Operations, within CBP, is responsible for securing the national borders at designated U.S. land border ports of entry.² Border Patrol, also within CBP, is the federal agency with primary responsibility for securing the borders between the ports of entry. CBP has divided geographic responsibility for southwest border miles between ports of entry among nine Border Patrol sectors. In fiscal year 2011, Border Patrol reported apprehending over 327,000 illegal entrants and making over 17,150 seizures of drugs along the southwest border. Across the southwest border, the Tucson sector reported making the most apprehensions—over 38 percent—and the most drug seizures—more than 28 percent—in fiscal year 2011.

Border Patrol is moving to implement a new strategy for securing the border between ports of entry. Border Patrol's 2004 National Border Patrol Strategy (2004 Strategy), developed following the terrorist attacks of September 11, 2001, was designed to facilitate the buildup and deployment of border resources to ensure the agency had the right mix of personnel, technology, and infrastructure and to deploy those resources in a layered approach at the immediate border and in other areas distant from the border. For example, from fiscal years 2004 through 2011, the number of Border Patrol agents on the southwest border nearly doubled, from about 9,500 to about 18,500; and DHS reported that since fiscal year 2006, about \$4.4 billion has been invested in southwest border technology and infrastructure. Through fiscal year 2010, these resources were used to support DHS's goal to achieve "operational control" of the

¹This figure represents the estimated percentage of net costs applied to the southwest border for CBP's Border Security and Control Between the Ports of Entry and Border Security Fencing, Infrastructure, and Technology programs.

²Ports of entry are officially designated facilities that provide for the arrival at, or departure from, the United States.

nation's borders by reducing cross-border illegal activity. The extent of operational control—also referred to as effective control—was defined as the number of border miles where Border Patrol had the capability to detect, respond to, and interdict cross-border illegal activity. In May 2012, Border Patrol issued the 2012-2016 Border Patrol Strategic Plan (2012-2016 Strategic Plan), stating that the buildup of its resource base and the operations conducted over the past two decades would enable the Border Patrol to focus on mitigating risk rather than increasing resources to secure the border. This new strategic plan emphasizes using intelligence information to inform risk relative to threats of cross-border terrorism, drug smuggling, and illegal migration across locations; integrating border security operations with those of other law enforcement partners; and developing rapid response capabilities to deploy the resources appropriate to changes in threat.

My testimony today summarizes the findings of our December 2012 report on CBP's management of resources at the southwest border, and our past work highlighting DHS's processes for measuring security at the southwest border.³ As requested, my statement discusses (1) what apprehension and other data show about Border Patrol efforts and deployments across the southwest border and to what extent the data show these deployments to have been effective in securing the border, and (2) the extent to which Border Patrol has developed goals and measures to identify resource needs under its new strategic plan and assess results.

My statement is based on prior products that examined CBP's management of resources and DHS's processes for measuring security at the southwest border, with selected updates related to Border Patrol fiscal year 2012 operations data conducted in February 2013. For the past products, among other methodologies, we analyzed Border Patrol planning and operational assessment documents, interviewed relevant DHS officials, and analyzed data related to Border Patrol performance and cross-border threats for fiscal years 2006 through 2011; we

³See GAO, *Border Patrol: Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs*, [GAO-13-25](#) (Washington, D.C.: Dec. 10, 2012); *Border Patrol Strategy: Progress and Challenges in Implementation and Assessment Efforts*, [GAO-12-688T](#) (Washington, D.C.: May 8, 2012); and *Border Security: Preliminary Observations on Border Control Measures for the Southwest Border*, [GAO-11-374T](#) (Washington, D.C.: Feb. 15, 2011).

determined that these data were sufficiently reliable for the purposes of our report.⁴ We also analyzed data supporting the border security measures reported by DHS in its annual performance reports for fiscal years 2005 through 2012.⁵ More detailed information on our scope and methodology can be found in our report and testimonies. For the selected updates, we interviewed Border Patrol officials and analyzed Border Patrol fiscal year 2012 apprehension and seizure data; we determined that these data were sufficiently reliable for the purposes of this testimony. We conducted this work in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions, based on our audit objectives.

⁴[GAO-13-25](#).

⁵See [GAO-12-688T](#) and [GAO-11-374T](#).

Apprehensions
Decreased across the
Southwest Border
from Fiscal Years
2006 to 2011, but Data
Limitations Preclude
Comparing Overall
Effectiveness of
Resources Deployed
across Southwest
Border Sectors

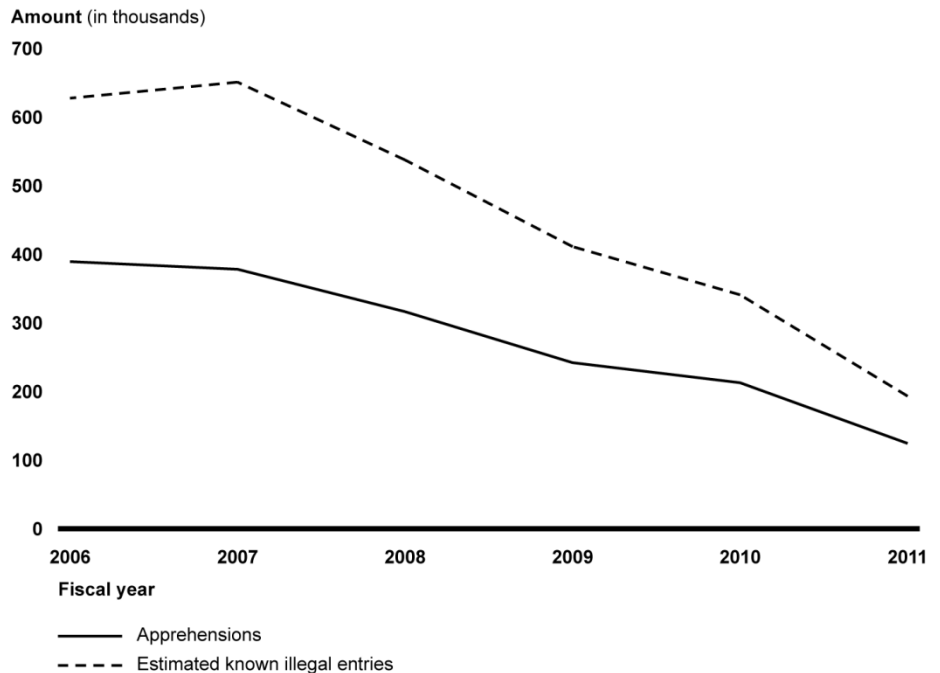
Apprehensions Decreased
at about the Same Rate as
Estimated Known Illegal
Entries across the
Southwest Border from
Fiscal Years 2006 to 2011;
Other Data Provide a
Broader Perspective on
Changes in Border
Security

Since fiscal year 2011, DHS has used changes in the number of apprehensions on the southwest border between ports of entry as an interim measure for border security as reported in its annual performance reports. In fiscal year 2011, DHS reported data meeting its goal to secure the land border with a decrease in apprehensions. In addition to collecting data on apprehensions, Border Patrol collects and analyzes various data on the number and types of entrants who illegally cross the southwest border between the ports of entry, including collecting estimates on the total number of identified—or “known”—illegal entries. Border Patrol’s estimate of known illegal entries includes illegal, deportable entrants who were apprehended, in addition to the number of entrants who illegally crossed the border but were not apprehended because they crossed back into Mexico (referred to as turn backs) or continued traveling into the U.S. interior (referred to as got aways).⁶ Border Patrol collects these data as

⁶ We defined these illegal entries as estimated “known” illegal entries to clarify that the estimates do not include illegal entrants for which Border Patrol does not have reasonable indications of cross-border illegal activity. These data are collectively referred to as known illegal entries because Border Patrol officials have what they deem to be a reasonable indication that the cross-border activity occurred. Indications of illegal crossings are obtained through various sources such as direct agent observation, referrals from credible sources (such as residents), camera monitoring, and detection of physical evidence left on the environment from animal or human crossings.

an indicator of the potential border threat across locations. Border Patrol data show that apprehensions within each southwest Border Patrol sector decreased from fiscal years 2006 to 2011, generally mirroring the decrease in estimated known illegal entries within each sector.⁷ In the Tucson sector, for example, our analysis of Border Patrol data showed that apprehensions decreased by 68 percent from fiscal years 2006 to 2011, compared with a 69 percent decrease in estimated known illegal entries, as shown in figure 1.

Figure 1: Border Patrol Apprehensions and Estimated Known Illegal Entries in Tucson Sector, Fiscal Years 2006 through 2011



Source: GAO analysis of CBP data.

⁷Border Patrol arrests both deportable aliens and nondeportable individuals, but for the purposes of this testimony we define “apprehensions” to include only deportable aliens, in keeping with Border Patrol’s definition. According to the Immigration and Nationality Act, deportable aliens include those who are inadmissible to the United States or present in violation of U.S. law, who have failed to maintain their status or violated the terms of their admission, or who have committed certain criminal offenses or engaged in terrorist activities, among others. (See 8 U.S.C. § 1227 for a complete list of the classes of deportable aliens.) Aliens with lawful immigration status and U.S. citizens would be considered nondeportable.

Border Patrol officials attributed the decrease in apprehensions and estimated known illegal entries from fiscal years 2006 through 2011 within southwest border sectors to multiple factors, including changes in the U.S. economy and successful achievement of its strategic objectives.⁸ Border Patrol's ability to address objectives laid out in the 2004 Strategy was strengthened by increases in personnel and technology, and infrastructure enhancements, according to Border Patrol officials. For example, Tucson sector Border Patrol officials said that the sector increased manpower over the past 5 years through an increase in Border Patrol agents that was augmented by National Guard personnel, and that CBP's Secure Border Initiative (SBI) provided border fencing and other infrastructure, as well as technology enhancements.⁹ Border Patrol officials also attributed decreases in estimated known illegal entries and apprehensions to the deterrence effect of CBP consequence programs—programs intended to deter repeated illegal border crossings by ensuring the most efficient consequence or penalty for individuals who illegally enter the United States. Data reported by Border Patrol following the issuance of our December 2012 report show that total apprehensions across the southwest border increased from over 327,000 in fiscal year 2011 to about 357,000 in fiscal year 2012.¹⁰ It is too early to assess

⁸Specifically, these objectives were to (1) deter illegal entries through improved enforcement—defined as increasing the certainty of apprehensions through the proper mix of assets and implementing prosecution strategies that establish a deterrent effect in targeted locations—and (2) leverage “smart border” technology to multiply the effect of enforcement personnel. Border Patrol defines “smart border” technology to include camera systems for day/night/infrared operations, sensors, aerial platforms, and other systems.

⁹The number of Border Patrol agents in the Tucson sector increased from nearly 2,600 in fiscal year 2006 to about 4,200 in fiscal year 2011, augmented by 9,000 National Guard personnel deployed periodically from June 2006 through July 2008 under Operation Jump Start. Under SBI, CBP expended approximately \$850 million on technology in Arizona such as wide-area and mobile surveillance systems, to augment Tucson sector operations. Other infrastructure as of March 2012 included installation of 352 miles of pedestrian fencing and 299 miles of vehicle fencing along the southwest border, for a combined total of 651 miles of fencing.

¹⁰See [GAO-13-25](#). Our analysis of Border Patrol data—queried as of March 2012—also shows over 327,000 apprehensions across the southwest border in fiscal year 2011. According to Border Patrol officials, any differences in our apprehension and seizure numbers and those of Border Patrol are due to variances in when the data were “queried,” or reported—that is, Border Patrol reports apprehension and other data on an “end-of-year” basis, and therefore agency data do not reflect adjustments or corrections made after that reporting date.

whether this increase indicates a change in the trend for Border Patrol apprehensions across the southwest border.

Border Patrol collects other types of data that are used by sector management to help inform assessment of its efforts to secure the border against the threats of illegal migration, smuggling of drugs and other contraband, and terrorism. These data show changes, for example, in the (1) percentage of estimated known illegal entrants who are apprehended, (2) percentage of estimated known illegal entrants who are apprehended more than once (repeat offenders), and (3) number of seizures of drugs and other contraband. Border Patrol officials at sectors we visited, and our review of fiscal years 2010 and 2012 sector operational assessments, indicated that sectors have historically used these types of data to inform tactical deployment of personnel and technology to address cross-border threats; however, the agency has not analyzed these data at the national level to inform strategic decision making, according to Border Patrol headquarters officials. These officials stated that greater use of these data in assessing border security at the national level may occur as the agency transitions to the new strategic plan.

Apprehensions compared with estimated known illegal entries. Our analysis of Border Patrol data showed that the percentage of estimated known illegal entrants who were apprehended by the Border Patrol over the past 5 fiscal years varied across southwest border sectors. The Tucson sector, for example, showed little change in the percentage of estimated known illegal entrants who were apprehended by Border Patrol over the past 5 fiscal years. Specifically, our analysis showed that of the total number of estimated known aliens who illegally crossed the Tucson sector border from Mexico each year, Border Patrol apprehended 62 percent in fiscal year 2006 compared with 64 percent in fiscal year 2011, an increase of about 2 percentage points. Border Patrol headquarters officials said that the percentage of estimated known illegal entrants who are apprehended is primarily used to determine the effectiveness of border security operations at the tactical—or zone—level but can also affect strategic decision making. The data are also used to inform overall situational awareness at the border, which directly supports field planning and redeployment of resources.

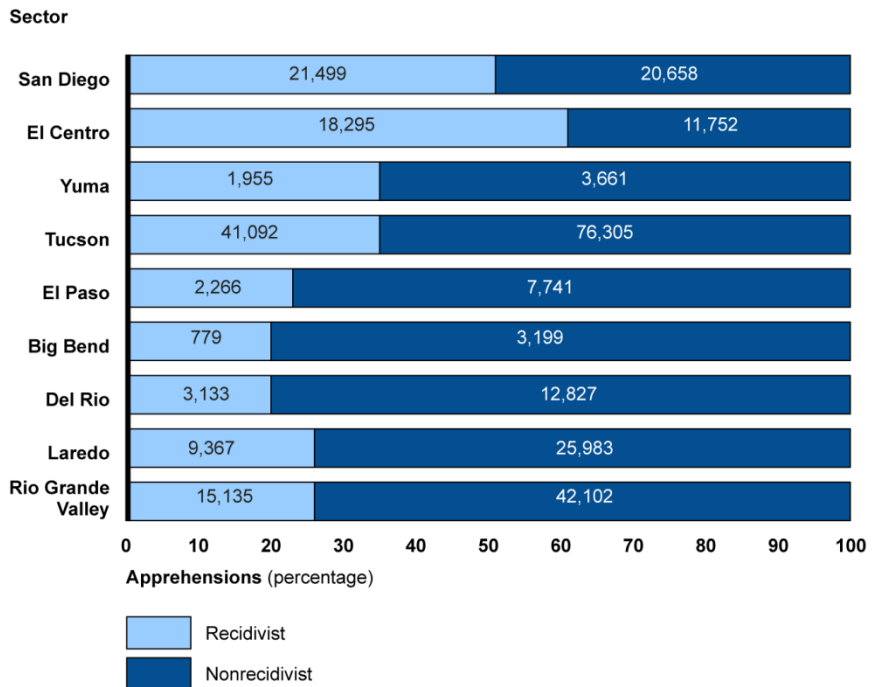
Repeat offenders. Changes in the percentage of persons apprehended who have repeatedly crossed the border illegally (referred to as the recidivism rate) is a factor that Border Patrol considers in assessing its ability to deter individuals from attempting to illegally cross the border. Our analysis of Border Patrol apprehension data showed that the

recidivism rate has declined across the southwest border by about 6 percentage points from fiscal years 2008 to 2011 in regard to the number of apprehended aliens who had repeatedly crossed the border in the prior 3 years.¹¹ Specifically, our analysis showed that the recidivism rate across the overall southwest border was about 42 percent in fiscal year 2008 compared with about 36 percent in fiscal year 2011. The Tucson sector had the third-highest recidivism rate across the southwest border in fiscal year 2011, while the highest rate of recidivism occurred in El Centro sector, as shown in figure 2. According to Border Patrol headquarters officials, the agency has implemented various initiatives designed to address recidivism through increased prosecution of individuals apprehended for crossing the border illegally.¹²

¹¹We used a rolling 3-fiscal year time period to determine the percentage of apprehensions of deportable aliens in a given year who had previously been apprehended for illegally crossing the border in any of the previous 3 years, at any southwest border location. We used four rolling 3-fiscal year time periods because our analysis covered a 5-year period and required comparable time periods to assess recidivism in each fiscal year. Using a single time period would result in a bias, given that some apprehensions in earlier years would be incorrectly classified as nonrecidivist.

¹²Border Patrol's 2012-2016 Strategic Plan emphasizes the importance of the application of appropriate consequences to illegal entrants. Border Patrol has developed a new Consequence Delivery System that guides management and agents in evaluating each individual apprehended and identifying the ideal consequence to break the smuggling cycle. Consequences delivered under the system include administrative, criminal prosecution, and programmatic elements that are designed to stem the flow of illegal activity.

Figure 2: Recidivism and NonRecidivism Numbers and Percentages for Border Patrol Apprehensions across Southwest Border Patrol Sectors, Fiscal Year 2011



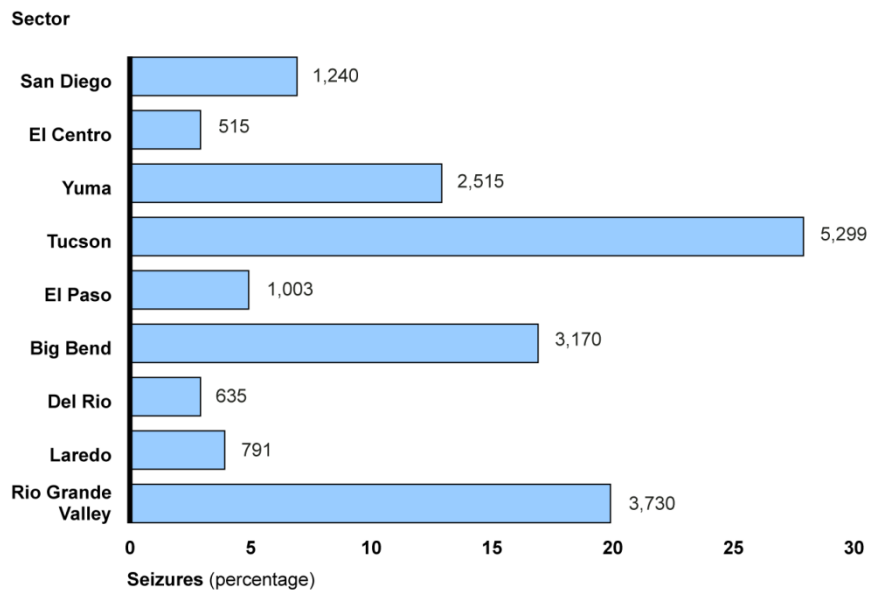
Source: GAO analysis of CBP data.

Seizures of drugs and other contraband. Border Patrol headquarters officials said that data regarding seizures of drugs and other contraband are good indicators of the effectiveness of targeted enforcement operations, and are used to identify trends in the smuggling threat and as indicators of overall cross-border illegal activity, in addition to potential gaps in border coverage, risk, and enforcement operations. However, these officials stated that these data are not used as a performance measure for overall border security because while the agency has a mission to secure the border against the smuggling threat, most smuggling is related to illegal drugs, and that drug smuggling is the primary responsibility of other federal agencies, such as the Drug Enforcement Administration and U.S. Immigration and Customs Enforcement, Homeland Security Investigations.

Our analysis of Border Patrol data indicated that across southwest border sectors, seizures of drugs and other contraband increased 83 percent from fiscal years 2006 to 2011, with drug seizures accounting for the vast majority of all contraband seizures. Specifically, the number of drug and

contraband seizures increased from 10,321 in fiscal year 2006 to 18,898 in fiscal year 2011. Most seizures of drugs and other contraband occurred in the Tucson sector, with about 28 percent, or 5,299, of the 18,898 southwest border seizures occurring in the sector in fiscal year 2011 as shown in figure 3.¹³ Data reported by Border Patrol following the issuance of our December 2012 report show that seizures of drugs and other contraband across the southwest border decreased from 18,898 in fiscal year 2011 to 17,891 in fiscal year 2012.¹⁴ It is too early to assess whether this decrease indicates a change in the trend for Border Patrol seizures across the southwest border.

Figure 3: Number and Percentage of Seizures of Drugs and Other Contraband across Southwest Border Patrol Sectors, Fiscal Year 2011



Source: GAO analysis of CBP data.

¹³Drugs accounted for the vast majority of all contraband seizures; contraband seizures other than drugs include firearms, ammunition, and money. Although drug seizures increased 81 percent from fiscal years 2006 through 2011, the percentage of all contraband seizures that were drug seizures compared with the percentage of all contraband seizures remained nearly constant, averaging about 93 percent over this time period.

¹⁴[GAO-13-25](#).

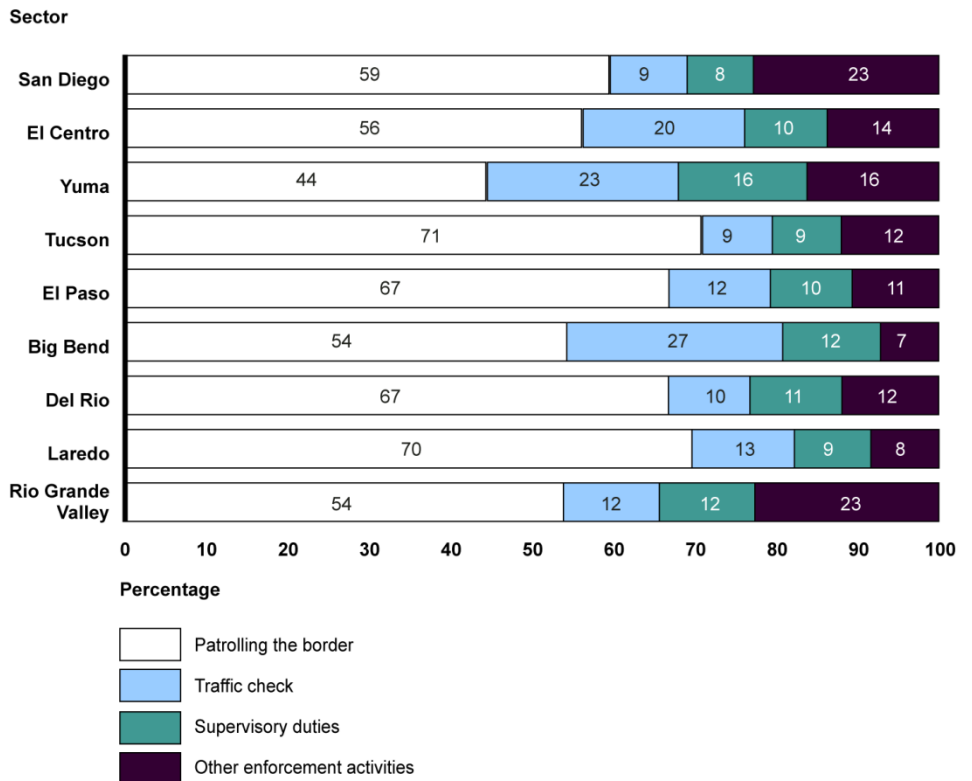
Sectors Schedule Agents to Patrol the Border More than Other Enforcement Activities; Data Limitations Preclude Comparison of Overall Effectiveness across Sectors

Southwest border sectors scheduled most agent workdays for enforcement activities during fiscal years 2006 to 2011, and the activity related to patrolling the border accounted for a greater proportion of enforcement activity workdays than any of the other activities. Sectors schedule agent workdays across various activities categorized as enforcement or nonenforcement.¹⁵ Across enforcement activities, our analysis of Border Patrol data showed that all sectors scheduled more agent workdays for “patrolling the border”—activities defined to occur within 25 miles of the border—than any other enforcement activity, as shown in figure 4. Border Patrol duties under this activity include patrolling by vehicle, horse, and bike; patrolling with canines; performing sign cutting; and performing special activities such as mobile search and rescue.¹⁶ Other enforcement activities to which Border Patrol scheduled agent workdays included conducting checkpoint duties, developing intelligence, and performing aircraft operations.

¹⁵The percentage of total agent workdays scheduled for deployment across enforcement activities compared with nonenforcement activities in fiscal year 2011 ranged from a low of 66 percent in the Yuma sector to a high of 81 percent in the Big Bend sector. The Tucson sector scheduled 73 percent of agent workdays across enforcement activities in fiscal year 2011. Examples of nonenforcement activities include administrative duties, training, and intelligence support.

¹⁶“Sign” is the collective term for evidence that Border Patrol agents look for and find after they have dragged dirt roads using tires lying on their sides flat on the ground and pulled by chains behind a sport utility vehicle. “Sign” can be footprints, animal prints, and tire or bicycle tracks—any indication in the smooth surface created by the drag. The term “cutting” refers to the practice of concentrating on the marks within discrete, manageable slices or segments of terrain. Border Patrol agents track illegal cross-border activity by cutting for sign to find persons who may have crossed the border illegally.

Figure 4: Border Patrol Agent Workdays Scheduled across Enforcement Activities across Southwest Border Sectors, Fiscal Year 2011



Source: GAO analysis of CBP data.

Note: Percentage may not add to 100 percent because of rounding.

Border Patrol sectors and stations track changes in their overall effectiveness as a tool to determine if the appropriate mix and placement of personnel and assets are being deployed and used effectively and efficiently, according to officials from Border Patrol headquarters. Border Patrol calculates an overall effectiveness rate using a formula in which it adds the number of apprehensions and turn backs in a specific sector and divides this total by the total estimated known illegal entries—determined by adding the number of apprehensions, turn backs, and got

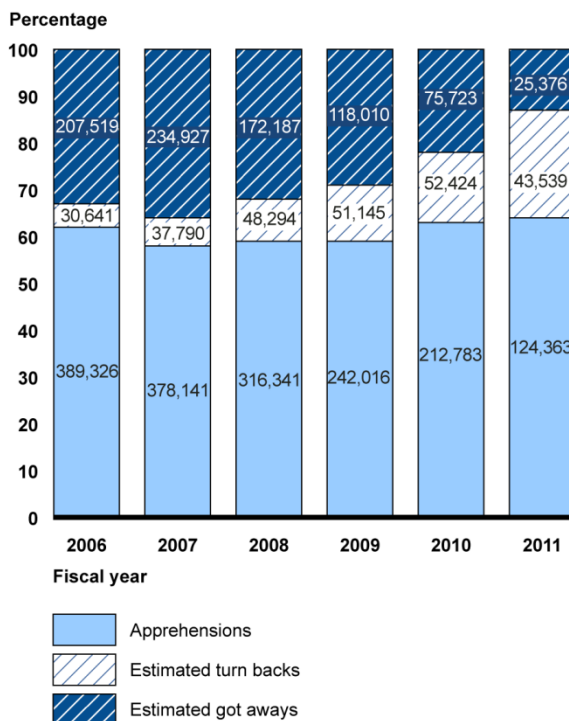
aways for the sector.¹⁷ Border Patrol sectors and stations report this overall effectiveness rate to headquarters. Border Patrol views its border security efforts as increasing in effectiveness if the number of turn backs as a percentage of estimated known illegal entries has increased and the number of got aways as a percentage of estimated known illegal entries has decreased.

Border Patrol data showed that the effectiveness rate for eight of the nine sectors on the southwest border increased from fiscal years 2006 through 2011.¹⁸ For example, our analysis of Tucson sector apprehension, turn back, and got away data from fiscal years 2006 through 2011 showed that while Tucson sector apprehensions remained fairly constant at about 60 percent of estimated known illegal entries, the percentage of reported turn backs increased from about 5 percent to about 23 percent, while the percentage of reported got aways decreased from about 33 percent to about 13 percent, as shown in figure 5. As a result of these changes in the mix of turn backs and got aways, Border Patrol data showed that enforcement effort, or the overall effectiveness rate for Tucson sector, improved 20 percentage points from fiscal year 2006 to fiscal year 2011, from 67 percent to 87 percent.

¹⁷Border Patrol officials stated that only entrants who can be traced back to a cross-border entry point in a border zone are to be reported as got aways. These officials also noted that while the agency strives to minimize variance in the collection of these data by using standard terminology and consistent collection and reporting methods, in many cases the determination of a turn back or got away depends on agent judgment. Patrol agents-in-charge are responsible for ensuring that Border Patrol agents are aware of the integrity of data collection at their respective stations and field commanders must ensure the accurate counting of got away data for reconciling possible inconsistencies in data between operational boundaries.

¹⁸The exception was the Big Bend sector, which showed a decrease in the overall effectiveness rate from 86 percent in fiscal year 2006 to 68 percent in fiscal year 2011.

Figure 5: Number of Tucson Sector Border Patrol Apprehensions, Turn Backs, and Got Aways as a Percentage of Estimated Known Illegal Entries, Fiscal Years 2006 through 2011



Source: GAO analysis of CBP data.

Border Patrol headquarters officials said that differences in how sectors define, collect, and report turn back and got away data used to calculate the overall effectiveness rate preclude comparing performance results across sectors. Border Patrol headquarters officials stated that until recently, each Border Patrol sector decided how it would collect and report turn back and got away data, and as a result, practices for collecting and reporting the data varied across sectors and stations based on differences in agent experience and judgment, resources, and terrain. In terms of defining and reporting turn back data, for example, Border Patrol headquarters officials said that a turn back was to be recorded only if it is perceived to be an “intended entry”—that is, the reporting agent believed the entrant intended to stay in the United States, but Border

Patrol activities caused the individual to return to Mexico.¹⁹ According to Border Patrol officials, it can be difficult to tell if an illegal crossing should be recorded as a turn back, and sectors have different procedures for reporting and classifying incidents. In terms of collecting data, Border Patrol officials reported that sectors rely on a different mix of cameras, sign cutting, credible sources, and visual observation to identify and report the number of turn backs and got aways.²⁰

According to Border Patrol officials, the ability to obtain accurate or consistent data using these identification sources depends on various factors, such as terrain and weather. For example, data on turn backs and got aways may be understated in areas with rugged mountains and steep canyons that can hinder detection of illegal entries. In other cases, data may be overstated—for example, in cases where the same turn back identified by a camera is also identified by sign cutting. Double counting may also occur when agents in one zone record as a got away an individual who is apprehended and then reported as an apprehension in another zone. As a result of these data limitations, Border Patrol headquarters officials said that while they consider turn back and got away data sufficiently reliable to assess each sector's progress toward border security and to inform sector decisions regarding resource deployment, they do not consider the data sufficiently reliable to compare—or externally report—results across sectors.

Border Patrol headquarters officials issued guidance in September 2012 to provide a more consistent, standardized approach for the collection and reporting of turn back and got away data by Border Patrol sectors. Each sector is to be individually responsible for monitoring adherence to the guidance. According to Border Patrol officials, it is expected that once the guidance is implemented, data reliability will improve. This new guidance may allow for comparison of sector performance and inform

¹⁹Officials said that sometimes illegal entrants can be “drop offs” or “decoys” to lure agents away from a specific area so others can cross, such as smugglers returning to Mexico to pick up another load, or an individual crossing the border to steal an item and take it back to Mexico.

²⁰“Camera” indicates that one of the remote cameras caught sight of an individual; “sign cut” indicates that an agent encountered footprints that led him/her to believe that an unauthorized crossing took place; “credible source” indicates a report by a non-Border Patrol witness, who could be a local law enforcement agent, a citizen, or a ground sensor; “visual” indicates an agent actually witnessed an unauthorized crossing

decisions regarding resource deployment for securing the southwest border.

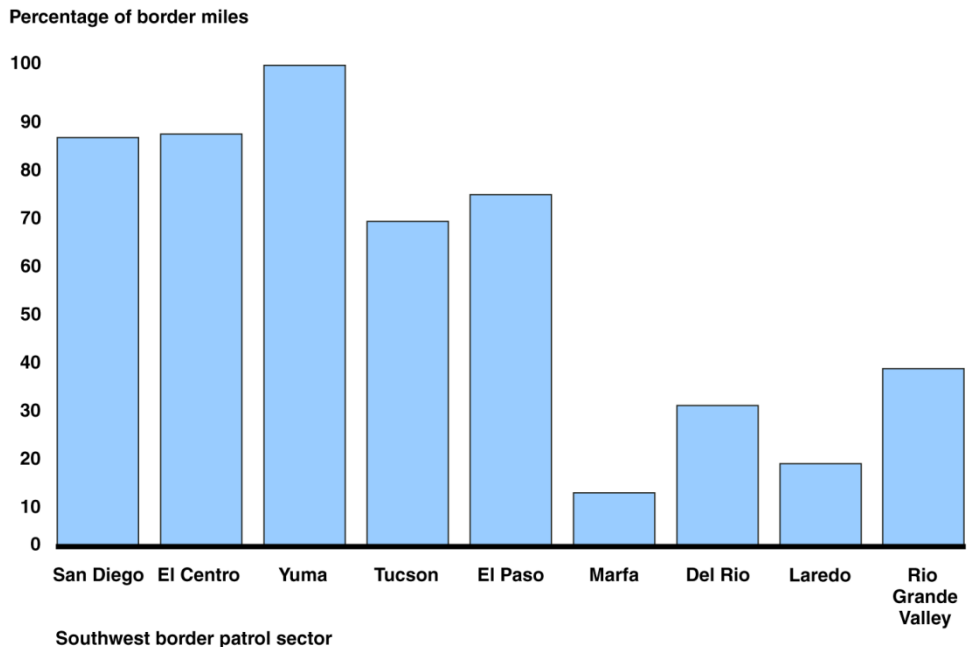
Border Patrol Has Not Yet Developed Goals and Measures for Assessing Efforts and Identifying Resource Needs under the New Strategic Plan

Border Patrol officials stated that the agency is in the process of developing performance goals and measures for assessing the progress of its efforts to secure the border between ports of entry and for informing the identification and allocation of resources needed to secure the border, but has not identified milestones and time frames for developing and implementing them. Since fiscal year 2011, DHS has used the number of apprehensions on the southwest border between ports of entry as an interim performance goal and measure for border security as reported in its annual performance report. Prior to this, DHS used operational control as its goal and outcome measure for border security and to assess resource needs to accomplish this goal.²¹ As we previously testified, at the end of fiscal year 2010, Border Patrol reported achieving varying levels of operational control of 873 (44 percent) of the nearly 2,000 southwest border miles.²² For example, Yuma sector reported achieving operational control for all of its border miles. In contrast, the other southwest border sectors reported achieving operational control ranging from 11 to 86 percent of their border miles, as shown in figure 6. Border Patrol officials attributed the uneven progress across sectors to multiple factors, including terrain, transportation infrastructure on both sides of the border, and a need to prioritize resource deployment to sectors deemed to have greater risk of illegal activity.

²¹Border Patrol sector officials assessed the miles under operational control using factors such as operational statistics, third-party indicators, intelligence and operational reports, resource deployments, and discussions with senior Border Patrol agents.

²²[GAO-11-374T](#).

Figure 6: Southwest Border Miles under Operational Control by Border Patrol Sector, as of September 30, 2010



Source: GAO analysis of Border Patrol data.

DHS transitioned from using operational control as its goal and outcome measure for border security in its Fiscal Year 2010-2012 Annual Performance Report. Citing a need to establish a new border security goal and measure that reflect a more quantitative methodology as well as the department's evolving vision for border control, DHS established the interim performance goal and measure of the number of apprehensions between the land border ports of entry until a new border control goal and measure could be developed. We previously testified that the interim goal and measure of number of apprehensions on the southwest border between ports of entry provides information on activity levels, but it does not inform program results or resource identification and allocation decisions, and therefore until new goals and measures are developed, DHS and Congress could experience reduced oversight and DHS accountability.²³ Further, studies commissioned by CBP have documented that the number of apprehensions bears little relationship to

²³ [GAO-12-688T](#).

effectiveness because agency officials do not compare these numbers with the amount of cross-border illegal activity.²⁴

Border Patrol officials stated that the agency is in the process of developing performance goals and measures for assessing the progress of its efforts to secure the border between ports of entry and for informing the identification and allocation of resources needed to secure the border, but has not identified milestones and time frames for developing and implementing them. According to Border Patrol officials, establishing milestones and time frames for the development of performance goals and measures is contingent on the development of key elements of the 2012-2016 Strategic Plan, such as a risk assessment tool, and the agency's time frames for implementing these key elements—targeted for fiscal years 2013 and 2014—are subject to change. Specifically, under the 2012-2016 Strategic Plan, the Border Patrol plans to continuously evaluate border security—and resource needs—by comparing changes in risk levels against available resources across border locations. Border Patrol officials stated the agency is in the process of identifying performance goals and measures that can be linked to these new risk assessment tools that will show progress and status in securing the border between ports of entry, and determine needed resources, but has not established milestones and time frames for developing and implementing goals and measures because the agency's time frames for implementing key elements of the plan are subject to change.²⁵

Standard practices in program management call for documenting the scope of a project as well as milestones and time frames for timely completion and implementation to ensure results are achieved.²⁶ These standard practices also call for project planning—such as identifying time frames—to be performed in the early phases of a program and recognize

²⁴For example, see Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, Va.: Oct. 18, 2005).

²⁵Border Patrol officials stated that DHS and Border Patrol have established a performance goal—linked to relevant measures—addressing border security that, as of October 2012, was being used as an internal management indicator. However, a DHS official said it has not been decided whether this goal and the associated measures will be publicly reported or used as an overall performance goal and as measures for border security.

²⁶The Project Management Institute, *The Standard for Program Management*© (Newtown Square, Penn., 2006).

that plans may need to be adjusted along the way in response to unexpected circumstances. Time frames for implementing key elements of the 2012-2016 Strategic Plan can change; however, milestones and time frames for the development of performance goals and measures could help ensure that goals and measures are completed in a timely manner.

To support the implementation of Border Patrol's 2012-2016 Strategic Plan and identify the resources needed to achieve the nation's strategic goal for securing the border, we recommended in our December 2012 report that Border Patrol establish milestones and time frames for developing a (1) performance goal, or goals, for border security between the ports of entry that defines how border security is to be measured and (2) performance measure, or measures—linked to a performance goal or goals—for assessing progress made in securing the border between ports of entry and informing resource identification and allocation efforts.²⁷ DHS agreed with these recommendations and stated that it plans to establish milestones and time frames for developing goals and measures by November 30, 2013. Milestones and time frames could better position CBP to monitor progress in developing and implementing goals and measures, which would provide DHS and Congress with information on the results of CBP efforts to secure the border between ports of entry and the extent to which existing resources and capabilities are appropriate and sufficient.

Chairwoman Miller, Ranking Member Jackson Lee, and members of the subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have at this time.

²⁷ [GAO-13-25](#).

GAO Contact and Staff Acknowledgments

For further information about this testimony, please contact Rebecca Gambler at (202) 512-8777 or gablerr@gao.gov. In addition, contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. Individuals making key contributions to this statement included Lacinda Ayers (Assistant Director), Frances A. Cook, Barbara A. Guffy, Stanley J. Kostyla, Brian J. Lipman, Jerome T. Sandau, and Ashley D. Vaughan.

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