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U.S. Borders: Safe or Sieve

Statement of
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Mr. Chairman and Members of the Committee

We appreciate the opportunity to testify today on law enforcement concerns at the Department of the Interior with a particular emphasis on the U.S. Borders. I would especially like to thank you, Mr. Chairman, for your tireless efforts to champion accountability in Federal law enforcement and for your attention to the concerns we raised in our January, 2002 report on law enforcement at Interior entitled, "A Disquieting State of Disorder."

Our assessment of law enforcement was undertaken at the specific request of Secretary Norton who, as the former Attorney General of Colorado, is no stranger to the complexities of law enforcement. Initially we shared a mutual concern that Interior's law enforcement units were all operating independently of one another with no common policies, guidance or operational practices. During the course of our assessment, 9-11 occurred, which served to not only bring into sharper focus the inadequacies of law enforcement in the Bureaus but also the critical need for a headquarters Office of Law Enforcement to serve as a single point of contact for internal and external coordination of Interior's law enforcement programs.

Ultimately, we made 25 separate recommendations that, with few exceptions, were endorsed by the Secretary and incorporated into a decision memo for Bureau Heads to implement. I am happy to report that Interior now has an Office of Law Enforcement and Security and that it is headed by a very capable Deputy Assistant Secretary who has an extensive Federal law enforcement background. However, I regret to inform you that progress in implementing many of our other recommendations is moving at "glacial speed." Simply stated, despite the critical role law enforcement plays in our Nation's Homeland Security efforts, Interior's Bureaus are not placing any sense of urgency on law enforcement reforms. While I consider all of our recommendations critical to the ultimate success of Interior's law enforcement program, there are several recommendations that are particularly germane to the subject of today's hearings. These are the

issues of law enforcement supervision, staffing, and the most important of all of our recommendations, officer safety.

Although our report was very critical of Interior's law enforcement hierarchy, we fully acknowledged that the overwhelming majority of law enforcement professionals at Interior are capable and loyal officers who recognize that their programs are in need of considerable change. Given the predominance of the National Park Service law enforcement program on the borders and the fact that the Service's law enforcement workforce comprises 50% of all Department of the Interior law enforcement personnel, I will limit my comments on these recommendations as they specifically relate to the Park Service.

Unlike any other Federal law enforcement component, the National Park Service holds fiercely to the notion that non-law enforcement managers can adequately supervise law enforcement agents and rangers who have powers of arrest and are authorized to use deadly force. Our recommendation to bring these officers under the direct supervision of professional law enforcement managers was rejected out of hand by Park Service management as an attempt to "stovepipe" and as a return to the command and control era. We also do not consider a Superintendent who has taken a two week course in law enforcement at the Federal Law Enforcement Training Center in Georgia to be a professional law enforcement manager. It is as if these enlightened bureaucrats missed all of the hearings this Congress held in the recent past on the inadequacies of law enforcement accountability by managers – managers who actually **were** all law enforcement professionals.

We first met with the Superintendent of the Organ Pipe Cactus National Monument in July 2001, a year before the murder of Ranger Kris Eggle. At that time, the Superintendent told us that he had eight (8) rangers – six permanent and two seasonal. He fully acknowledged the recent explosion of drug smuggling and flow of illegal aliens at his Park. One year later, when Ranger Eggle was killed, the Park had a protection staff of five. Inexplicably, today, even after last August's tragedy, there are only three (3) permanent law enforcement rangers at the Park, periodically supplemented by seasonal rangers.

Even more disturbing is the statement the Superintendent made to our assessment team that he often assigned non-law enforcement duties

to his small cadre of rangers so they would not become “too much like cops.” Just last week, the LA Times quoted this same Superintendent as saying that the public does not want park rangers with the same hard edge as FBI agents but instead “what the public wants is the park ranger to be cut from the same cloth as a boy scout.” Unfortunately, he is not alone in his thinking. While on the border, we also heard about – and later verified – that another border Superintendent deliberately left law enforcement ranger positions vacant because he did not want to “unbalance” his workforce. That is, he did not want too many law enforcement rangers in proportion to other professionals at his Park. Even more egregious are the occasional reports we hear about Superintendents who order their rangers not to carry their weapons because it might somehow offend park visitors. Mr. Chairman and Members of the Committee, we would submit to you that law enforcement is a dangerous full-time job and those Superintendents and chief rangers who do not understand this fundamental principle of modern policing should not be approving, supervising or managing law enforcement officers.

We also recommended that each of Interior’s law enforcement programs develop staffing models when we learned that, unlike any other state, local or Federal law enforcement program in America, Interior’s Bureaus lacked any discernable staffing methodologies. In fact, in their report on the National Park Service’s law enforcement program, the International Association of Chiefs of Police described law enforcement staffing at the Park Service as “patently illogical and erratic.” Simply stated, we are advocating putting the rangers where the crime is.

Today there are only thirteen (13) permanent law enforcement rangers serving in the seven (7) National Parks along our borders. Clearly, given the dire situation that exists on our borders, any creditable staffing model would call for more than a mere 1% of the total number of law enforcement rangers available to be assigned to these Parks. Perhaps the Park Service management’s philosophy about the crisis at the borders is best summed up by relating a comment of a Park Service Associate Director. Shortly after touring the Southeast border by helicopter he reportedly stated to his law enforcement hosts, “It’s not our problem.”

In contrast, the brave men and women who serve at our Nation’s borders know full well that the countless dangers they encounter each

and every day makes it their problem, one which they are desperate to solve. However, the dangers posed at the borders also exist for the visiting public. Despite this fact, to our knowledge no warning signs have been posted that would warn visitors about these dangers. Every time we ask why not, Park Service officials tell us that they fear increased liability if they were to post warning signs. One ranger at the border told our assessment team that he does not even bother to write up crime reports because “nobody ever asks for them.” Culturally, we simply do not believe that the Service can bring itself to publicly say any National Park is dangerous.

Out of 25 recommendations, we only used the word “immediate” once to describe the urgency of a needed reform. This was with regard to our recommendation that staffing shortages which pose a clear safety risk to law enforcement officers be identified – immediately. Over a year has passed since that recommendation was formally made and, to our knowledge, no serious attempt has been made by the Park Service to complete this task.

Finally Mr. Chairman, I would like to touch on a subject in which I know you have a long standing interest. I have mentioned several times during my testimony today that we regularly receive feedback and source information from working rangers in the field. These communications are often made by rangers who have a genuine fear of retaliation if they are caught talking to the IG. For instance, during our assessment, one group of eight Park Service law enforcement professionals met us in a neutral city to avoid detection from Park Service management. They reported the misuse of monies appropriated for law enforcement being diverted by Park Superintendents for non-law enforcement activities. They also chronicled several instances of past retaliation against rangers who had “rocked the boat” or dared to challenge the status quo. Since our report was issued we have been gratified by the number of working rangers who have called or e-mailed us with their support for our conclusions and the courage to report additional waste and abuse by Park Service management. Many of these matters warrant follow-up investigation.

To signal our commitment to the protection of these sources and our absolute promise to investigate each and every claim of retaliation that comes to our attention, I have appointed a senior investigator to the

newly created position of Associate Inspector General for Whistleblower Protection. He will report directly to me and my Deputy and will have broad authorities to carry out his duties.

Mr. Chairman and members of the committee, I have served in Federal government for a little over 32 years. I have never seen an organization more unwilling to accept constructive criticism or embrace new ideas than the National Park Service. Their culture is to fight fiercely to protect the status quo and reject any idea that is not their own. Their strategy to enforce the status quo is to take any new idea, such as a law enforcement reform, and study it to death. Thus any IG recommendation or, for that matter, Secretarial directive, falls victim to yet another Park Service workgroup charged by their National Leadership Council to defend the status quo from those of us who just do not understand the complexities of being a ranger.

That concludes my prepared remarks. I would be glad to answer any questions you may have.