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1. Lack of agency coordination may let some avoid capture

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Body

An investigation by KXAS-TV (NBC 5) has uncovered documents that suggest some people crossing the U.S.-Mexico border illegally escaped capture due to a lack of coordination between the Texas National Guard and the United States Border Patrol.

The state of Texas has spent millions of taxpayer dollars to send the Texas National Guard to help secure the Texas-Mexico border.

In the summer of 2014, then-Gov. Rick Perry sent in the Texas National Guard, saying that if the feds couldn't make the border secure then Texas soldiers would. He called members being deployed as part of Operation Strong Safety "the tip of the spear, protecting Americans from these cartels and gangs."

Until now the state has released little information about what the Guard's mission has accomplished. Through an open records request, NBC5 Investigates obtained an incident log detailing what the Guard has done.

The database shows that from August 2014 through the end of June 2015 - the mission's first 10 months - the Guard detected more than 10,000 people crossing illegally in the first 10 months of the mission. But what's not clear is how many of those people were caught.

Records show that about 1,700 people spotted by the Guard surrendered, and 600 turned back to Mexico after being spotted by the Guard.

The records show some of those 10,000 were captured. But the records also suggest more of those people might have been caught if the Guard worked more closely with the U.S. Border Patrol.

The Guard has no power to arrest anyone at the border, so when troops see people crossing illegally they often call the Border Patrol. But records show the Border Patrol doesn't always respond quickly.

The records show one example where the National Guard reported nine undocumented people walking 200 meters from an observation post. The Guard notified Border Patrol, which showed up an hour later and was unable to find the people.

Lack of agency coordination may let some avoid capture

"By the time they respond - many cases - I'm sure these folks are going to be gone, said Ralph Basham, a former commissioner of U.S. Customs and Border Protection who also ran the Border Patrol under former President George W. Bush.

Basham said the National Guard can be a great asset at the border. But because its troops cannot make arrests, he said, they are more effective when Border Patrol agents are positioned nearby and working in close coordination.

Many records show the Border Patrol did not respond when the Guard called, or the logs simply say "BP advised" or "BP notified." There's no indication if Border Patrol responded or not.

"They detect it and there is no supporting entity to take action - what's the value of it?" said David Aguilar, who ran the Border Patrol under Bush and was head of CBP under President Barack Obama.

More people crossing illegally escape capture when the Border Patrol isn't positioned to respond quickly after the Guard reports sightings, Aguilar said. That knowledge may also embolden the drug cartels and human smugglers.

"In many cases where we called in observations the Border Patrol did respond," said **Texas** National Guard Brig. Gen. Patrick Hamilton.

Hamilton, who commands the **Texas** National Guard mission, said his troops work well with the Border Patrol on the ground, but he admits coordinating with the feds is not his top priority.

Hamilton said his job is to support the hundreds of **Texas** Department of Public Safety troopers sent to the border along with the Guard.

And that mission was started because the state thought the Border Patrol didn't have enough staff to do the job.

In a statement, the Border Patrol said it "...values our relationships with federal, state, local and tribal partners, including the National Guard and the **Texas** Department of Public Safety."

But in a letter last year to U.S. Rep. Joaquin Castro, D-San Antonio, the head of CBP said his agency had "declined participation" in the state's border operation.

Today there is still no formal agreement between the **Texas** National Guard and the Border Patrol to work together.

Hamilton said that it would make sense if more coordination was happening at the top levels and that the state tried to make that happen.

Perry asked Obama to deploy troops under federal control, but when the White House didn't do that, the state chose to go it alone.

Under Gov. Greg Abbott, **Texas** has extended the Guard's mission, now known as **Operation Secure Texas**. Over time, Guard troops will be replaced with more state troopers.

Still, without better coordination, some border security experts fear the state's mission may not help as much as it could.

"A lack of coordination will make everybody's job harder - not just the border patrol," Aguilar said.

The **Texas** National Guard now says it made a mistake when it released incident logs to NBC 5. The Guard is now asking the **Texas** attorney general to prevent NBC 5 from getting more recent reports requested earlier this year.

DPS also is fighting to keep NBC 5 from seeing records detailing what state troopers have done at the border. The attorney general ruled the records should be released, but DPS is now suing the attorney general to prevent that.

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