

SUMMARY AND CONCLUSION: BORDER COUNTY CITIZENS PAY COSTS

Summary

“A rising tide of illegal immigration,” as one observer described, has impacted significantly the U.S.-Mexico border region of the United States over the last decade. Congress has appropriated billions of dollars to strengthen the federal agencies that are responsible for securing the border, especially the Immigration and Naturalization Service, U.S. Customs, and U.S. Border Patrol. Programs such as JTF-6 and HIDTA have taken new federal resources and transformed the U.S.-Mexico border environment from “relaxed” to one more “hardened.”¹ Yet, for every fence erected and agent added, drug- and people-smugglers from across the line answer in their own creative ways. The number of illegal immigrant apprehensions does not decline; rather, the points of entry simply shift in response to the latest federal initiative. This is not surprising—immigrant smuggling has become enormously lucrative in the past decade. According to an INS spokesperson, smugglers’ charges have increased 1,000 percent in recent years.² The U.S. Border Patrol apprehended 1.35 million illegal immigrants in 1999. Moreover, that figure is expected to rise in ensuing years, if current trends hold steady. Apprehensions in the month of April 2000 were over 37 percent higher than that in April 1999.³ Further, the INS estimates that 275,000 illegal immigrants become absorbed into U.S. society every year—the ones that slip through.

A very small portion of illegal immigrants, illegal residents and legal border crossers gets caught committing a state felony or two or more misdemeanors. When that occurs, they are not deported; rather, they enter the law enforcement and criminal justice system of county governments and undergo the adjudication process just as any U.S. citizen or legal visitor would. An additional, though even smaller, portion also becomes injured, dies, or gives birth on U.S. soil. They, too, are not deported; rather, they enter the indigent health care system of county governments. While the number of illegal immigrants receiving county services is relatively small, the costs of those services—law enforcement, detention, prosecution, adjudication, probation, and medical—are very expensive. The U.S. Congress, under the sponsorship of Senator Jon Kyl and other senators representing the border states of Texas, New Mexico, Arizona and California, is beginning to respond to the outcries of border county officials seeking relief. Congress recognizes that border security is a federal responsibility, and that the federal government should be financially responsible for the burden that illegal immigration is placing on border communities. This study has been funded by the Department of Justice’s National Institute of Justice, through an appropriation secured by Senator Kyl, to provide Congress with the costs to border counties of providing services to criminal illegal immigrants in the areas of law enforcement and criminal justice and to illegal immigrants in the area of emergency medical care.

Scope of Study

The study researched the law enforcement, criminal justice, and emergency medical service departments of 24 counties situated along the U.S.-Mexico border, beginning with Cameron County in Texas and concluding with San Diego County in California. Workload and fiscal data were collected for one fiscal year, FY1999, on expenditures from the county general fund. In some cases,

departments funded through special taxing districts were also included. Site visits to each county were conducted from February 2000 through December 2000. Hundreds of county officials were interviewed, including elected commissioners and supervisors, sheriffs, prosecutors, court clerks and judges; and appointed department heads, managers and auditors. Reference material consisted of county audited budgets, SCAAP application data, court records, INS and Border Patrol statistics, congressional testimony, previous research and newspaper articles. Preliminary and final cost estimates were given to county officials for review. The study limits data to border county governments only. While the costs of illegal immigration also accrue to counties farther north, municipal police departments, state agencies, Indian tribes, and private hospitals, those impacts are not included in this research.

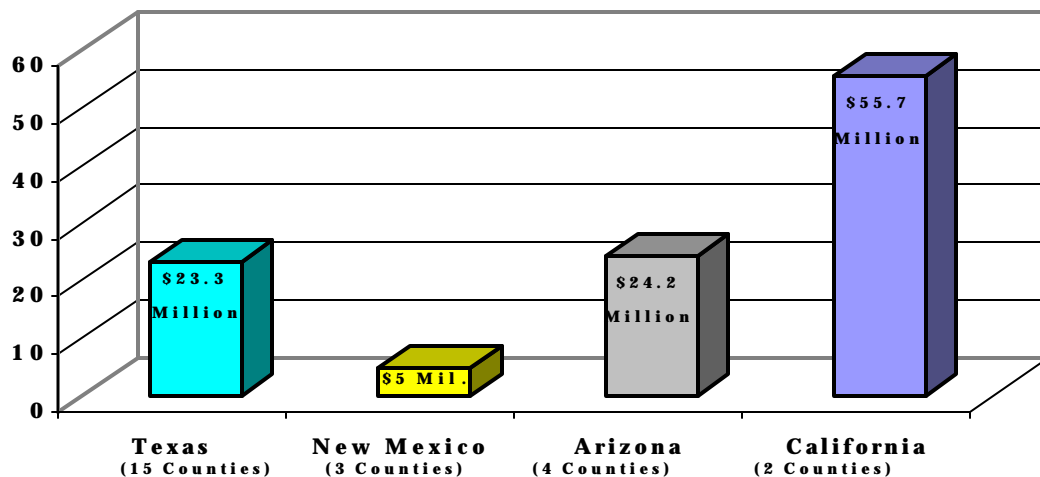
Border Counties Costs

The total cost to border counties was estimated to be \$108.2 million in FY 1999. Costs were calculated by department, by county, by state, and as a region. The basis for estimates was the impact on workload of each department of processing illegal immigrants. Table S1 and graph 1 array combined county cost estimates by state.

Table S1: Total Border County Costs by State

Texas (15 counties)	New Mexico (3 counties)	Arizona (4 counties)	California (2 counties)	Total (24 counties)
\$23.3 million	\$5 million	\$24.2 million	\$55.7 million	\$108.2 million

Graph 1: Border County Costs by State-FY 1999



The two California counties bore the greatest brunt of aggregate costs, over 50 percent of the total, largely because of the size and magnitude of San Diego County and its neighboring Mexican communities. Arizona's four counties, with only 17 percent of the border county population, incurred over 22 percent of the costs. The impact on New Mexico's counties is consistent with their small population, few ports-of-entry, and minimal populations on the Mexican side of the boundary. The impact on Texas counties is small on a per county basis, as it has several very small, rural

counties with little impact; however, several larger counties contain major ports-of-entry, and they were impacted accordingly. Indeed, the research identified key factors that influence the level of impact on a county. Such factors included county population and degree of urbanization, populations of neighboring Mexican municipalities, types of terrain, number of ports-of-entry, and federal strategies to deter illegal entry, among others. Table S2 contains some of these border statistics.

Table S2: Border Statistics by State

State	County Border Population	Border Length	Ports-of-Entry	Municipio Population
Texas (15 Counties)	2 million	1,100 miles	23	2.6 million
New Mexico (3 Counties)	200,000	225 miles	3	32,000
Arizona (4 Counties)	1.1 million	481 miles	7	515,000
California (2 Counties)	3 million	150 miles	6	2 million
Totals (24 Counties)	6.3 million	1,956 miles	39	5.1 million

However, findings also show that when costs are measured on a per capita basis, citizens of some of the smallest and poorest counties bear the highest burden. Table S3 looks at estimated costs by county population, total county cost, and per capita cost.

Table S3: Costs by County and County Citizen

County	Population	Total Cost	Per Capita Cost
Cameron	329,131	\$3,663,064	\$11.13
Hidalgo, TX	534,907	\$2,531,488	\$4.73
Starr	56,577	\$1,440,443	\$25.46
Zapata	11,436	\$432,430	\$37.81
Webb	193,180	\$3,191,064	\$16.52
Maverick	48,639	NA	NA
Kinney	3,465	\$16,026	\$4.63
Val Verde	44,188	\$1,527,737	\$34.57
Terrell	1,202	\$0	\$0
Brewster	8,793	\$56,401	\$34.57
Presidio	8,954	\$465,356	\$51.97
Jeff Davis	2,415	\$44,478	\$18.42
Culberson	3,018	\$610,104	\$202.16
Hudspeth	3,238	\$120,524	\$37.22
El Paso	701,908	\$9,189,896	\$13.09
Dona Ana	170,361	\$3,573,415	\$20.98
Luna	24,360	\$943,476	\$38.73
Hidalgo, NM	6,027	\$485,049	\$80.53
Cochise	112,754	\$4,714,587	\$41.81
Santa Cruz	39,150	\$2,152,663	\$55
Pima	803,618	\$12,850,511	\$16
Yuma	135,614	\$4,525,740	\$33.37
Imperial	145,287	\$5,433,894	\$37.61

San Diego	2,820,844	\$50,257,756	\$17.60
Total	6.3 Million	\$108.2 Million	\$17.31 (ave)

Per capita costs range from a low of \$0 in Terrell County to a high of \$202 in Culberson County (triple the second highest per capita cost, \$55, in Santa Cruz County). Every man, woman and child residing in these 24 counties paid an average of \$17.17 in FY 1999. Further, the total cost of \$108.2 million represents 12 percent of aggregate border county expenditures on law enforcement and criminal justice functions. For every dollar spent on public safety, 12 cents (on average) goes to services for criminal and medically-needy illegal immigrants. That means that in Texas border counties, 16 cents of every dollar is dedicated to services for this population; in New Mexico border counties, it is 52 cents; in Arizona border counties, it is 14 cents; and in California border counties, it is 10 cents. Table S4 presents these data.

TableS4: Border County Costs Per Dollar of Public Safety Budget for Illegal Immigrants

State	Public Safety Budget	Illegal Immigrant Cost	Cost per Dollar
Texas Counties	\$148 million	\$23.3 million	16 cents
New Mexico Counties	\$9.6 million	\$5 million	52 cents
Arizona Counties	\$170.2 million	\$24.2 million	14 cents
California Counties	\$566 million	\$55.7 million	10 cents

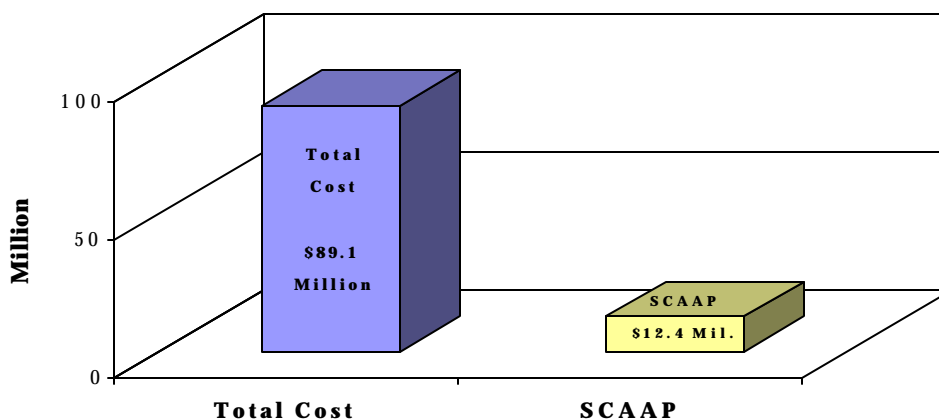
New Mexico counties spend the greatest portion of their public safety budget on criminal illegal immigrants, over half. Texas counties spend the second highest, but at 16 cents it is far less than that of New Mexico border counties. Both New Mexico and Texas border counties have smaller general fund budgets (and smaller law enforcement and criminal justice budgets) than do Arizona and California border counties. The State of New Mexico also has a greater role in the delivery of local public safety services.

The State Criminal Alien Assistance Program, created in 1995 by Congress to compensate county detention facilities for housing criminal illegal immigrants, awarded the border counties a total of \$12.4 million in FY 1999. The payments covered only 11.5 percent of the total impact. As explained in earlier sections, the annual pot of SCAAP money (\$585 million) is distributed to more and more jurisdictions as they become aware of the program and submit applications. (Border counties got 2 percent of the SCAAP pot.) Moreover, only 13 border counties out of 24 received awards. Six of the 15 border counties in Texas received compensation; many of the small, rural counties in Texas either had not heard of the program or did not have the capability of providing necessary documentation to SCAAP (e.g., name, place of birth, crime, and disposition of illegal immigrant inmates.) The 1999 SCAAP award to border counties by state is displayed in table S5 and graph 2.

Table S5: SCAAP Compensation to Border Counties by State-\$12.4 million

State	SCAAP	% total costs
Texas	\$2,168,255	9%
New Mexico	\$397,162	8%
Arizona	\$1,287,624	5%
California	\$8,416,979	15%
Total	\$12.4 Million	11.5% (ave)

Graph 2: SCAAP Contribution to Costs-FY 1999



Arizona's four border counties received the smallest percentage of total costs from SCAAP; at 5 percent, it is one-third that of California's two border counties. However insufficient, border county officials appreciate the compensation they do receive. Senator Kyl and Representative Kolbe both play major roles in securing the annual \$585 million appropriation.⁴

In the area of emergency medical services the total combined expenditure of all 24 counties is \$19.1 million. For purposes of this study, "emergency medical" combines the categories of ambulance services, eligibility determination for indigent health care, direct medical services in county-owned hospitals, and autopsies and burials. Emergency medical costs are arrayed by state in table S6. (It should be noted that these costs accrued to county governments only and do not reflect the enormous uncompensated costs to states and non-county hospitals.)

Table S6: Emergency Medical Costs by State

State	Emergency Medical Cost
Texas Counties	\$941,287
New Mexico Counties	\$1,019,750
Arizona Counties	\$4,025,468
California Counties	\$12,066,531
Total	\$19,066,531

In summary, the cost impact on the 24 border counties on the U.S.-Mexico border of providing services to illegal immigrants in FY 1999 was estimated at over \$108 million. This total includes sheriff, detention, prosecution, defense, lower and trial courts, court clerks, adult probation, juvenile services and emergency medical. Table S7 and graph 3 present a breakout of costs (liberally rounded) by county function and state.

Table S7: Total Costs by County Function and State

Function	Texas	New Mexico	Arizona	California	Total
Sheriff	\$7	\$2	\$7	\$10.8	\$26.8
Detention	\$6.6	\$1.8	\$7.3	\$10.4	\$26.1
Prosecution	\$2	— *	\$1	\$5.2	\$8.2
Defense	\$1.5	— *	\$1.1	\$2.2	\$4.8
Lower Court	\$.7	— *	\$.5	— **	\$1.2
Trial Courts	\$2	\$.06	\$1.1	\$5.8	\$9
Court Clerks	\$1.4	— *	\$.3	— **	\$1.7
Probation	\$.1	— *	\$.4	\$7.1	\$7.6
Juveniles	\$1	\$.03	\$.5	\$2.1	\$3.6
Medical	\$1	\$1.1	\$5	\$12.1	\$19.2
TOTALS	\$23.3	\$5	\$24.2	\$55.7	\$108.2

*state function

** unified with trial courts

Graph 3: Costs by Function - FY 1999

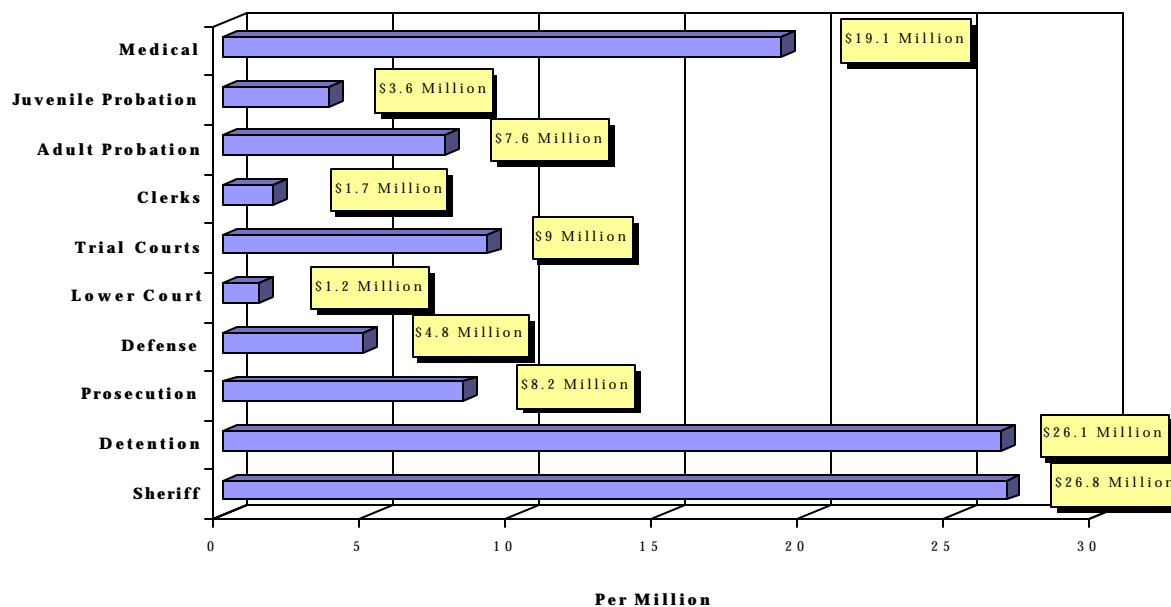


Table S7 and Graph 3 demonstrate the range of costs according to function. It also indicates how California border counties, with the largest populations and consequently the largest budgets, bear the highest total costs. Not surprisingly, they correspond to those with the highest budgets in general. However, the table also shows that states bear some of the costs. The State of New Mexico funds many functions in the county law enforcement and criminal justice system, and the State of California funds the county court system. All four states also provide significant funding to adult probation and juvenile services. Clearly, the costs of providing services to criminal or medically-needy illegal immigrants accrue to border states as well.

Moreover, when emergency medical costs are separated out, the costs of law enforcement and criminal justice services amount to \$89 million, or 82 percent of the total. Medically-related costs

associated with illegal immigrants, illegal residents, or legal border crossers reflect the direct costs to county governments only; the full costs of emergency medical care would be enormous—to hospitals, to states, and to the federal government. However, while the full costs of medical care are ultimately shifted or spread to hospital users, or from other government programs, the costs to county governments for law enforcement, criminal justice and emergency medical service are borne directly by local citizens. These 24 border counties are some of the poorest and fastest growing counties in the country, and their citizens are more limited than most to finance county government. Those additional obligations on county budgets—\$108.2 million worth—could be utilized in other ways that would reflect better the political choices of local citizens, such as a cut in the property tax rate, a new park or improved infrastructure, choices that directly serve the citizens themselves.⁵

Conclusion

Capacity of Border Counties

This research is intergovernmental in nature—levels of government, responsibilities, program implementation, and financing. It is not about immigration or immigration policy. At center are the costs to county governments of implementing programs for populations that are the responsibility of the federal government. Cost analyses, however, were conducted within the context of county government. An understanding of the implications of this research requires a grasp of the roles and capacities of county governments. County governments are fundamentally both local governments and administrative agents of state programs. County leadership is elected locally, county general fund budgets are funded locally, and how budgets are spent impacts the political leadership and the capability of county governments to respond to citizen needs. The capacity of counties in the United States to respond to local demands is severely limited by restricted revenue raising authority and the propensity of the federal government and states to pass along the costs of some programs to counties. Processing illegal immigrants through county systems is a good example. But the capacity of *border* counties to handle the “rising tide” of illegal immigration is especially limited. These counties, with the exception of the two urban ones, are the poorest in the country according to per capita income and federal poverty level data. Moreover, their populations are increasing at a greater rate than those of the rest of the southwest or the nation. The new residents will not likely raise their per capita income levels. The federal government recognizes its responsibility for the spillover effects of illegal immigration on local communities, but the question remains, which level of government is most able to pay for these costs?

Rural counties have not traditionally organized to advance or protect their interests—at the regional, state, or national levels. The U.S./Mexico Border Counties Coalition departs from this tradition. The potential for counties to influence policy at any level of government is unlimited. These 24 border counties could exert influence on any legislative body if they chose. Table 4 on page 12 illustrates this potential: Together the counties have 247 locally-elected officials (the judiciary would add hundreds), \$4.1 billion in total expenditures, \$2.6 billion in general fund expenditures, 130,000 square miles, and an assessed valuation that equals \$217 billion.

Methodology

Accounting for the number of illegal immigrants who receive governmental services is very difficult. The judicial and medical systems are not likely to change their practice of not inquiring into the legal status of clients and patients. County detention facilities attempt to track the illegal immigrant individuals in their systems, but the technology and manpower, not to mention the incentive, are insufficient. Because of the incentive that SCAAP provides, however, some detention facilities have developed methods of tracking. These statistics do not reflect the whole cost because SCAAP limits compensation to the incarceration of those who have been convicted of felonies. Many detainees do not progress through the system to resolution, and many are detained on misdemeanors. Nevertheless, detention data produced for SCAAP has been helpful, especially in assisting prosecution and defense in estimating their impacts. Further, adult probation departments intersect with criminal illegal immigrants through performing the required pre-sentence investigation. This investigation by its nature uncovers legal status. The statistics given by probation departments have been important indicators of the impact in other departments. Statistics on juvenile illegal immigrants are also reliable because of the requirement to contact family.

The cost estimates in this study are clearly conservative. Not only have the limits of technology precluded a complete count, but also illegal immigrants, for understandable reasons, are not prone to admit their illegal status. Officials from Cameron County to San Diego County reported how easy it is to prove residency by producing a property tax bill or electric bill from other family members who are legal residents. As one deputy described, "Illegal immigrants are like ghosts; they just come and go through the county."

Previous research and our own work on cost impacts of illegal immigrants have pointed out the difficulty of collecting hard data on the numbers of illegal immigrants that enter and move through the county systems. Investigator John Weeks, San Diego State University professor, developed a model to estimate the cost impact of illegal immigrants on the county law enforcement and criminal justice system. The model conducts a regression analysis using the factors that were found to influence the level of impact: amount of criminal activity in a county, volume of apprehensions, number of ports-of-entry, number of legal crossings, population of counties and proportion of Hispanics, population within 10 kilometers of the border, per capita income, Mexican border population, length of the county border, and size of the county general fund. The model can be used as an accounting protocol for estimating the impact on the county law enforcement and criminal justice system of illegal immigration. The results of the statistical analysis suggest that it is possible to model with accuracy the total dollar impact on the law enforcement and criminal justice system in border counties. The predictive model is contained in the Appendix.

Some County Concerns

County officials uniformly expressed concerns about several aspects of federal policy. One was the unofficial threshold of drugs required for federal prosecution. Many stated that their jails are burdened by undocumented immigrants who are apprehended at the border for possession of drugs in quantities too small to meet that threshold. The impact of illegal immigrants arrested on drug charges that the federal government refuses to prosecute ripples through the county prosecution and judicial system. In New Mexico, for example, the state threshold is 8 ounces. All quantities greater

than 8 ounces are treated as the same offense, for the federal government's practice only shifts the burden to the local and state governments and allows those caught with amounts under 8 ounces to be prosecuted for comparatively minor state charges. Some officials even express the view that the use of any threshold is arbitrary, and setting the level so high is outrageous. With great relief, county and state prosecutors in the four border states received a federal relief appropriation of \$12 million in January 2001.⁶

Another concern is lack of local control over border strategies, tactics and uses of resources. Needs of individual counties vary greatly, and local officials know best how to address the needs of their own jurisdictions. When federal government resources (e.g., HIDTA funds) come with so many strings attached, counties are unable to use those resources where they would be most needed.

Additional Social Costs

U.S. Representative Jim Kolbe wrote to President Clinton in May 2000, urging him to intervene in Arizona's volatile border situation before "tragedy" strikes: "The situation has reached a crisis point. The absence of hope has created volatility. Anti-foreign sentiment mounts, as does anger with the federal government. Residents, acting in unilateral fashion, are now taking detentions into their own hands."⁷ The estimated cost to border counties does not take into consideration other costs of illegal immigration in terms of private property damage, private property loss, or environmental degradation on state and federal land. Moreover, the tactics of immigrant-smugglers have engendered fear in border residents. One old widow in Douglas, Arizona has had her life altered because of increased traffic of illegals near her home: "I used to go to church in the morning," she says. "Now I don't because I'm afraid of somebody coming out of the ditch here."⁸ Another woman who lives within a mile of the border spent tens of thousands of dollars securing her home with iron bars, double locks and metal shutters that roll over her windows. Neighbors helped her remove garbage bags filled with water bottles, wrappers, shoes and clothing from her property last spring. And a member of the Tohono O'odham tribe, who's reservation shares 75 miles of the border in Pima County, plucks Mexican blankets from his mesquite trees and scoops up piles of water jugs, diaper wrappers, and empty cans. Tribal police say some immigrants, too afraid to ask for help, steal from residents. "It's getting worse. I've started firing at them. You never can tell what they are up to," reports one tribal member.⁹ Senator Kyl summed it up in June 2000 when he secured \$5 million in emergency relief for Arizona counties: "There is an environmental cost, and there probably are lost commercial opportunities. The deterioration of a community is hard to measure."¹⁰ None of these social costs has been factored into this study.

The \$108.2 million taxpayer price tag represents the impact to county governments along the U.S.-Mexico border. This cost is undoubtedly a fraction of the total impact across the United States. Still to be identified and quantified are the costs to border states, counties farther north, Indian tribes on the border, municipal police departments (which make most of the arrests), and hospitals. One such study is forthcoming. Senator Kyl again led the effort in Congress to fund a similar study on hospital costs. It was signed into law by President Clinton in December 2000.¹¹ In the meantime, border counties will continue to spend more and more of their general fund dollars on apprehending and detaining, prosecuting and defending, adjudicating and counseling, and treating and burying illegal immigrants who not only cross into the United States without documentation but also commit state crimes, give birth, become injured or die on the journey.

NOTES: SUMMARY AND CONCLUSIONS

¹ Jose Garcia, *Ibid.*, 3.

² Susan Carroll, "Federal report critical of INS," *Tucson Citizen*, January 22, 2001, A1.

³ Pamela Hartman, "McCain asks Reno to take action on border," *Tucson Citizen*, May 30, 2000, A1.

⁴ That role was acknowledged by Pima County Supervisor and Executive Committee member Sharon Bronson, in Hanna Miller, "Border counties seek funds," *The Arizona Daily Star*, January 16, 2000, B1.

⁵ Senator Kyl held a hearing on border issues in June 2000. Using preliminary cost findings on Arizona counties (\$15 million), he pushed through an emergency relief bill for \$5 million. Commented Kyl, "[This appropriation] is not a complete reimbursement of the four Arizona border counties' costs...but it is an important first step." It was approved three days later. See: Ignacio Ibarra, "U.S. authorizes \$5 million for state's border expenses," *The Arizona Daily Star*, July 1, 2000, A1.

⁶ "Cochise gets \$123,940 in U.S. drug war funds," *The Arizona Daily Star*, January 13, 2001.

⁷ Joseph Garcia, "Kolbe urges Clinton: Act now to calm U.S. border," *Tucson Citizen*, May 30, 2000, A1.

⁸ Tim Steller, "City dwellers on alert, living behind iron bars," *The Arizona Daily Star*, July 13, 1999, A6.

⁹ Stephanie Innes, "Migrants need help, present risk," *The Arizona Daily Star*, June 18, 2000, B1.

¹⁰ Jeff Barker, "Illegals stretch resources on border," *Arizona Republic*, June 28, 2000, A1.

¹¹ See H12140, *Congressional Record*, December 15, 2000.