

INTRODUCTION: THE BURDEN FALLS ON COUNTIES

Just before the Christmas holiday in 2000, a team of 20 soldiers arrived in Douglas, Arizona to improve border roads. The month before, National Guardsmen had worked to extend the steel wall separating the United States and Mexico. Beyond the 12-foot-high steel fence, Border Patrol agents reinforced fortifications of remote motion sensors, video and infrared cameras, sky towers and high-intensity lights that extend for more than 10 miles on either side of Douglas.¹ By the end of the year, the number of Border Patrol agents in the Douglas station had increased by 300, bringing the total to 1,000 agents. Are these measures suggestive of renewed fervor in the War on Drugs? The prevention of smuggling into the United States is, indeed, the goal of these holiday maneuvers, but the target is not so much illicit drugs as it is undocumented persons. Arizona's border is the busiest stretch in the country, and the Douglas-Naco corridor in Cochise County is the prime choice for entering illegally. More than 616,000 illegal-immigrant apprehensions were made in Fiscal Year 1999-2000, an increase of 100,000 over the previous year's, and this number does not include illegal immigrants turned back or deterred, or the thousands that likely got away.

In New Mexico's border counties, the five district courts are swamped with caseloads that are more than four times the national average. The county's law enforcement and criminal justice system is overwhelmed with illegal immigrants who are apprehended at the border for possession of drugs in quantities too small to meet the unofficial threshold required for federal prosecution. Says U.S. Senator Pete Domenici, "We desperately need...new judgeships if our courts are to keep pace with the skyrocketing incidents of criminal activities along our southern border."² And in Hidalgo County, Texas, juvenile border crossers run through RV parks to "steal bicycles and other things." Residents of RV parks now patrol their own park, make apprehension, and call the sheriff.

A small portion of this number of illegal immigrants, as well as of the immigrant population residing illegally or entering legally to work every day, gets caught committing a state felony or two or more misdemeanors. When they are apprehended on a state offense, they are not deported. Rather, they enter the county law enforcement and criminal justice system and undergo the adjudication process just as any U.S. citizen or legal visitor would. In the last few years, Congress and the media have addressed the financial burden on state and county prosecutors of processing drug smugglers, a federal crime, but public and congressional awareness of the financial burden on county governments of detaining and adjudicating criminal illegal immigrants is only beginning to emerge. Moreover, when illegal immigrants are injured, give birth or die, they receive emergency medical care or autopsies and burials at local expense.

U.S. senators and representatives from the southwestern states that share the border with Mexico--- Texas, New Mexico, Arizona and California---have begun introducing legislation to address this growing financial impact. The 1995 State Criminal Alien Assistance Program (SCAAP), which partially pays county detention facilities for detaining criminal illegal immigrants, is illustrative of these efforts.³ The federal government exercises exclusive control over immigration policy; states and county governments have no control over the flow of immigrants into their border communities. While Washington has kept tight reins on these policies, the federal government has ignored many of the costs associated with immigration policies and strategies.⁴ Arizona Senator Jon Kyl, who has taken the lead in the U.S. Senate to get counties reimbursed by the federal

government, noted: “Ensuring the integrity of our national borders is the responsibility of the federal government. Compensating local communities for the effects of not doing so is another.”⁵ In an era of devolution of the financial responsibility of enforcement consequences of federal immigration policy, the counties are caught in a bind. Few state resources have been made available to assist counties, which means that the costs of illegal immigration fall mainly on local taxpayers. This study examines the impact on workload and budgets in two functional areas of county government: law enforcement and criminal justice services for criminal illegal immigrants; and emergency medical care, autopsies and burials for illegal immigrants. Findings should assist lawmakers in crafting legislation that would remove the added costs on workload and budgets from county governments and place them where they belong, with the federal government. Senator Kyl spearheaded the effort to secure funding for this study.

A County Fiscal Problem

Of any level of government in the United States, counties operate under the most restricted authority to raise and spend revenue. County governments must also balance their budgets every year and live within strict limitations on incurring debt. Unanticipated expenditures throughout the fiscal year mean cutting back on budgeted programs and services. Further, county governments along the U.S.-Mexico border are some of the poorest in the nation and traditionally operate with slim budgets and staffing. Single incidents can bankrupt a small departmental budget. In one case, Border Patrol agents discovered 130 illegal immigrants crammed into a rental truck in Hidalgo County, New Mexico.⁶ Holes had been cut in the top of the truck, but the immigrants had no food or water. Many fled on foot into the desert and became casualties. Accidents on U.S. interstate highways are also becoming common, as vans holding immigrants blow tires or drivers fall asleep, spilling injured immigrants out into the desert. Treatment, as well as autopsies and burials, often becomes a county expense.⁷ Moreover, ranchers near the border, particularly in Cochise County, have begun to organize themselves in hopes of deterring the escalating practice of trespassing across their property. The situation had become so volatile that U.S. Senator John McCain called on Attorney General Janet Reno to take immediate action to protect Arizona border residents from a flood of illegal immigration. “The people of Cochise County,” he wrote, “cannot tolerate the lawlessness, crime and property damage associated with the absence of an appropriate federal response to the flood of illegal aliens any longer.”⁸ In California one border county supervisor recounted numerous incidents of illegal crossers getting gored while attempting to jump over the border fence, ending up in Imperial County hospitals. And in Zapata County, Texas (one of the poorest of the poor counties), illegal fishing is the most prevalent incident. In one example, an illegal immigrant fisherman couldn’t pay the fine, so he went to jail. While there, he was fitted with a heart pacemaker that set the sheriff’s budget back \$10,000. Additionally, according to deputies, “UDAs also receive a lot of dental work, which we have to pay for.”

County governments are largely dependent on the local property tax as their main source of revenue. Property tax collections are determined by the county tax rate and the assessed value of the land. Counties are also dependent on the largesse of their state governments to return a portion of state taxes that are generated in counties. Not all states share state taxes, however, and only a few counties have the authority to levy a tax other than the property tax. Limiting county revenue resources further, counties do not levy a personal or corporate income tax, a good source of revenue in healthy economic cycles. Compounding the fiscal constraints of county governments further,

many counties along the border contain large portions of land owned by the federal government or Indian tribes, which are not taxable. County governments traditionally have difficulty in financing their expansive operations, and the additional burden of providing services to illegal non-citizens is causing concern among county officials and local citizens. As Senator Kyl put it, "These are very small, tax-based counties. When you put this kind of expense on them, it is overwhelming."⁹ Border counties began to address these concerns in 1998.

The United States/Mexico Border Counties Coalition

When criminal illegal immigrants began to overwhelm the law enforcement and criminal justice system in one of Arizona's smallest and poorest counties, Santa Cruz County, the board of supervisors looked for ways to finance the additional drain on its resources. The Border Patrol and INS had bolstered their efforts in San Diego County and El Paso County, suppressing illegal entries in there, but that successful strategy had a disastrous effect on Arizona's busiest port-of-entry. Nogales became swamped with illegal crossers and criminal activity, particularly from juveniles living in neighboring Nogales, Sonora ("tunnel kids"). The Santa Cruz County Board of Supervisors commissioned a study by The University of Arizona to determine the impacts on workload and budgets throughout its criminal justice system.¹⁰ The findings of that study became the impetus for bringing together their counterparts from counties along the entire border to discuss common border problems.

In June 1998 elected representatives from 10 border counties met in San Diego to discuss creating an organization that would address the unique challenges facing the border region. Within one year 18 counties had joined the fledging organization. A charter was framed three months later, and members developed the following agenda: (1) to obtain additional federal reimbursement for costs incurred by county taxpayers to provide public safety and public health services; (2) to seek better federal oversight in conducting the 2000 census on border counties; (3) to initiate an advocacy role with the U.S. Congress, notably reestablish the Border Congressional Caucus; and (4) to advocate for a stronger Congressional focus on air and water quality issues along the border.¹¹ The Coalition is governed by a four-member executive committee elected to represent counties in each of the border states: Carlos Aguilar, El Paso County, Texas Commissioner; Dennis Armijo, Luna County, New Mexico Commissioner; Sharon Bronson, Pima County, Arizona Supervisor; and Tom Veysey, Imperial County, California Supervisor. The Coalition succeeded in garnering the support of all eight U.S. senators from the border states, who subsequently introduced and adopted legislation to fund a study that would determine the costs to border counties of providing public safety and public health services to illegal immigrants. Arizona Senator Jon Kyl and other border senators and U.S. representatives requested the cost estimates to serve as the basis for reimbursing border counties. Urges the senator, "This study is a critical element in assisting border counties. The sooner Congress gets these data, the sooner border counties will get financial relief."¹²

Literature Review: Limits on Researching Illegal Immigrants

There are inherent problems in collecting hard data on the presence of illegal immigrants in the county system. The difficulty of estimating time and cost impacts to county governments has been

noted in previous research. County departments do not generally track the illegal immigrant population in their systems, and in fact many departments consider making inquiries into the legal status of clients or patients inappropriate, unethical or even illegal. Moreover, county governments, particularly in smaller, poorer counties, do not have information systems up to the task of tracking such data. Indeed, much of the data for this study were acquired by hand tally, which is a very labor-intensive process that few county departments can undertake. Other investigators encountered the same difficulties. The following summarizes the findings of the five earlier studies.

The first attempt to document and assess the costs of illegal immigration focused on the criminal justice system in San Diego County, California and El Paso County, Texas.¹³ *The Impact of Illegal Immigration on the Criminal Justice System* was funded by a grant from the National Institute of Justice and conducted by the San Diego Association of Governments. Investigators found that undocumented aliens (UDA) constituted 12 percent of the selected felony arrest population in San Diego County and 15 percent in El Paso County in FY 1986. Total costs to San Diego County's entire criminal justice system, including the San Diego Police Department's patrol time, were estimated at \$15 million. Costs for El Paso County were not estimated. Workload and cost estimates were based on random samplings of police investigation time, pre-sentence incarceration, and criminal justice processing through court disposition. Estimates were conservative, as they excluded misdemeanor cases. Researchers recommended developing an approach for delineating alien status that would reflect the population more accurately, as the current approach ("in which lying is the norm") results in underestimations. The study provides valuable strategies for determining alien status when hard data are lacking, and good explanations for why processing alien cases requires more time and expense. The research also discusses the obstacles in collecting these data and examines some broader issues. It presents a comparison of outcomes of the alien serious felony population with all other serious felony cases, the number of repeat offenses in both populations, an assessment of the coordination of efforts among criminal justice agencies, and policy recommendations to improve efforts.

The Urban Institute studied the fiscal impact of undocumented aliens (UDA) in Arizona, California, Texas, New Jersey, New York, Florida, and Illinois.¹⁴ These seven states were selected because they contain 85 percent of all undocumented aliens. The impetus for *Fiscal Impacts of Undocumented Aliens: Selected Estimates for Seven States*, was the ongoing debate between federal agencies and states over which level should bear the costs of undocumented aliens. The study estimates the costs of providing services in the three service areas of state prisons, state and local education, and state emergency medical care. In the area of state incarceration, 21,000 illegal aliens were found at a cost of \$474 million (71 percent in California). In the area of education, 640,000 UDA children were enrolled in public schools during the 1993-1994 school year at a cost of \$3.1 billion to states and localities. In the area of emergency medical care, UDAs received care that cost \$445 million in 1993. The total impact on the three service areas came to \$4 billion. Through standard demographic techniques combined with census data, the study also estimated the tax revenues generated by UDAs through income taxes, sales taxes, and state and local property taxes, which amounted to \$1.9 billion in 1993. The U.S. General Accounting Office (GAO) reexamined the data at the request of U.S. Senator Barbara Boxer to assist Congress in evaluating California's request for federal reimbursement. The GAO report also recognized the difficulty of arriving at credible estimates because "...limited data exist and there is a lack of consensus among investigators on the appropriate methodologies, assumptions, and data sources to use in estimating costs associated with illegal aliens."¹⁵

In 1997 and 1999 a model for estimating impacts on workload and thus budgets on county law enforcement and criminal justice systems was developed in two studies conducted by The University of Arizona's Institute for Local Government.¹⁶ In the smallest of Arizona's border counties, Santa Cruz County, elected officials and department heads were interviewed extensively. Jail data prepared for SCAAP, probation pre-sentence investigation reports, INS crossing data and Border Patrol apprehensions, and anecdotal information all formed the basis for estimates. For FY 1996 the cost to Santa Cruz County was estimated at \$2.9 million; two years later, following increased interdiction efforts by the Border Patrol, the cost dropped to \$1.9 million. Additionally, both studies compared the impact on Santa Cruz County with that on several other border and inland counties in Arizona. Several factors were identified that explained the rate of illegal immigration and thus of criminal activity; they included the population of nearby Mexican cities, border terrain, weather, federal interdiction strategies all along the border, and the presence of major transportation routes to other points in the United States.

Scope of Study

Research for this study has been conducted under a grant from the U.S. Department of Justice. The appropriation was contained in legislation signed by President Clinton in December 1999 and awarded to the United States/Mexico Border Counties Coalition in January 2000. The purpose of the grant is to measure the costs to all 24 border counties of providing services to illegal immigrants in the areas of law enforcement, criminal justice, and emergency medical care. The study examines one year of data, Fiscal Year 1999, which commenced on July 1, 1998 and ended on June 30, 1999. (The 1999 fiscal year for Texas counties began on October 1, 1998 and ended on September 30, 1999.) All fiscal data refer to FY 1999 unless otherwise noted. County governments operate with two budgets. The general fund, for operations, is largely funded through local taxes. The total budget includes all funds, such as the general fund, grant-funded programs, special districts, earmarked revenue funds, and debt service funds. Cost estimates presented in this study refer only to the general fund except where noted in special cases. This means that estimated costs would be considerably higher if other funds in the law enforcement, criminal justice and indigent health care systems were taken into account. Since total budgets are infused with intergovernmental transfers, pinpointing the fiscal incidence of the impact would become complicated. Estimates would then reflect costs to other levels of government as well to counties. Moreover, the research does not include comprehensive impacts of misdemeanor crimes. For one thing, the federal government limits any reimbursement program to felonies or multiple misdemeanors; for another, most lower court judges consider it unlawful to query the legal status of defendants and are unable to offer even a reasonable estimate of workload impact.

Costs of providing services to illegal immigrants also accrue to municipal police departments, state agencies, public and private hospitals, border county Indian tribes, and other counties farther north, but determining those additional costs is beyond the scope of this study. In fact, many would posit that hospitals bear a much costlier burden than county law enforcement, criminal justice and indigent health care departments do. As Senator Kyl again noted, "Numerous hospitals... have documented the overwhelming costs they incur to provide emergency medical treatment to undocumented aliens. Hospitals are bound by law to treat all those with emergency medical conditions. When they medically treat illegal immigrants they should be reimbursed for those costs."¹⁷ (Note: Estimates for the burden on hospitals should be forthcoming. Senator Kyl

shepherded a bill authorizing funding for a study to document medical care costs in border states; it was signed into law by President Clinton in December 2000.)

Although this study is limited to the impact on counties sharing a border with Mexico, it is important to recognize that the burden extends to residents of other counties throughout the border states. The economic and social costs of illegal immigration and drug smuggling are not limited to the counties examined in this report, although they clearly bear the brunt of the burden. In December 1999, for example, a well-publicized traffic accident demonstrated how this problem reaches the more northern parts of states. In that single incident, a van containing 17 illegal workers from Mexico crashed on Interstate-40, east of Albuquerque, killing 13 people and placing a burden on the state and local law enforcement and health care systems more than 200 miles from the border.¹⁸ Communities some distance from the border are responding to the perceived threat to their resources in a variety of ways. In January 1996 the Santa Fe, New Mexico City Council adopted a non-binding resolution stating that no municipal resources, including law enforcement personnel, would be used to identify or apprehend non-citizens solely on the basis of their immigration status.¹⁹

Research Methods

This research addresses two questions: (1) What is the impact on the workload of each department in the county law enforcement and criminal justice system of providing services to criminal illegal immigrants and emergency medical care, autopsies and burials to all illegal immigrants? and (2) What is the cost to the county general fund of providing those services? Four university researchers collected data on the counties in their respective states. Site visits to each county began in February 2000 and concluded in December 2000. In many cases, several site visits were made. Interviews were held on site with governing board members, elected department heads, appointed department heads, judicial officials, division heads, county managers, and information management specialists. Officials of the U.S. Border Patrol and state agencies (e.g., crime tracking and probation) were also consulted. Months of follow-up work proceeded by e-mail, fax, and telephone calls. Preliminary and final estimates were given to county officials for review and comment. Other data sources include county budgets (both adopted and audited), U.S. Census data, INS border crossing data, Border Patrol apprehension data, newspaper accounts, public documents, public testimony in congressional hearings, and the academic literature for background information and previous research.

Estimated costs encompass all impacted departments in each county's law enforcement and criminal justice system, as well as county costs associated with efforts to provide emergency medical care, autopsies and burials. For one thing, the responsibilities of county government vary from state to state, and those differences are explained in the next section. For another, states bear a good portion of the costs because they provide the services or provide large doses of funding in the areas of juvenile justice, adult probation, and emergency medical care (and in some cases, prosecution and adjudication). Another, less direct, impact registers in some general government departments that provide internal services to line departments. Those departments include the county governing body, the county manager or administrator, human resources, finance and budgeting, and management information services, among others. These administrative costs are noted in tables by "Gen Gov" or "General Government," referring to general government services provided to line departments. They were determined in one of two ways. First, Arizona's border counties use a

professional consulting firm to determine the cost to each county department of using internal services. Those estimates are reported in a “Central Services Allocation Plan” for each county.²⁰ Second, Texas, New Mexico and California’s general government costs were calculated by taking a portion of the budgets of internal service units and apportioning it to each relevant line department (proportional to the total general fund). Thus, each department under analysis was apportioned its share of indirect costs according to its percent of total estimated costs of providing services to criminal and medically-needy illegal immigrants.

Detailed estimates are provided for 23 counties. The 24th, Maverick County, Texas, chose not to participate in this study. Calculations for each department are based on its general fund audited budget and the proportion of its workload devoted to serving illegal immigrants. Calculations for all departmental estimates are presented in each county section. For departments that provide services in other areas besides criminal (e.g., clerk and courts), officials estimated the portion of the budget that is allocated to criminal work, noted as “Crim Budget” in tables. The remaining expenditures are excluded from calculations. As noted earlier all fiscal data refer to Fiscal Year 1998-1999 (FY 1999). For the majority of counties, budgeted expenditures have been professionally audited and thus reflect “actual” costs rather than proposed. In most cases, actual expenditures were about the same or slightly less than those adopted at the beginning of the fiscal year. Since county audits can take six months to conduct, the audits for some counties had not been completed. The term “NA” found in tables refers to “not available”; department officials either were unresponsive to queries or unable to make an estimate on workload impact. The notation “—” found in table cells indicates that the county either does not have this department or it is combined with another. Explanations can be found in the county narratives.

The study reports not only workload and cost estimates by department, but also aggregate cost estimates on a per capita basis for each county. The size of the impact varies by county, and impacts in some of the smaller counties could be viewed as minimal. The sheer length of the Texas border, the large numbers of ports-of-entry in some states, the size of the neighboring Mexican populations all contribute to a disparity in impact levels. The dollar amount, however, does not necessarily relate to a county’s capacity to pay for the burden of services to illegal immigrants. Therefore, a per capita impact is also presented to place the effects of illegal immigration in context.

The terms “illegal immigrant,” “illegal alien,” “undocumented alien” (also referred to as UDA in the field), and “undocumented citizen” (UDC in the field) are used interchangeably by county and federal officials. This study primarily uses the term illegal immigrant, illegal alien, or undocumented person. Moreover, the focus of the research—the illegal immigrant—actually includes three types of immigrant population: those who enter the country illegally, those who reside in the country illegally, and those who enter legally for day work (“border crosser”). The INS estimates that 275,000 illegal immigrants are absorbed into the U.S. each year.²¹ While the vast majority of subjects in the study held Mexican citizenship, many others came from India, China, Russia, Poland, Bulgaria, Cuba, Ecuador, Guatemala, Honduras, and El Salvador.

Hundreds of county and federal officials were interviewed and consulted. They are neither cited nor listed in the endnotes sections because of U.S. Department of Justice regulations on the “Confidentiality of Identifiable Research and Statistical Information” and “Protection of Human Subjects.”²²

U.S./Mexico Border Environment

The line that separates the United States from Mexico runs along some 1,900 miles from Brownsville to San Diego. The overall goal of protecting the sovereignty of the U.S. includes preventing passage of both persons without documentation and illegal substances from entering into the U.S. But the *security* of persons living on or near the border is of peripheral interest to the federal government and left largely up to local law enforcement and criminal justice agencies, particularly those of counties.²³ The INS has initial responsibility for determining who may be admitted into the U.S. It also has responsibility for enforcing immigration laws. The arrest of aliens who are in violation of the Immigration and Nationality Act is called an “apprehension.” Aliens are apprehended under three different INS programs: Border Patrol, Investigations, and Inspections. Of the three units, the Border Patrol is the largest by far.²⁴ The mission of the U.S. Border Patrol is to secure 8,000 miles of land and water boundaries that exist between ports-of-entry, to prevent illegal entry, and to interdict drug and people smugglers and other crimes. The Border Patrol divides into nine segments, called sectors; they are located in McAllen, Laredo, Del Rio, Marfa, and El Paso, Texas (which also encompasses New Mexico); Tucson and Yuma, Arizona; and El Centro and San Diego, California. California has one other, in Livermore, and the remaining sectors are located in New Orleans, Miami, Havre in Montana, Blaine and Spokane, Grand Forks in North Dakota, Buffalo, Swanton in Vermont, Ramey in Puerto Rico, Houlton in Maine, and Detroit.

Border Demographics

Total population in the 24 border counties reached 6.3 million in 1999.²⁵ Counties in Texas hold 31 percent of the population, counties in New Mexico contain 3 percent, counties in Arizona have 18 percent, and California’s compose 48 percent. San Diego County is the most populated, with 2.8 million, followed by Pima County with 803,000 and El Paso County with 700,000. Residents of the border region tend to be young, immigrant, and poorly educated.²⁶ Further, the Southwest Border Region, according to the U.S. Census Bureau, is the fastest growing region in the country. From 1990 through 1999 the population increased by 22.1 percent, compared to 14.9 percent in Southwest states and just 10.2 percent in the U.S.²⁷

The region, especially in Texas, also ranks 50th in per capita income. Moreover, all border counties have been designated by the federal government as “medically underserved.” The border counties in Texas have even been termed “more depressed than Appalachia.” Eleven Texas counties fall into the poorest 1 percent of all U.S. counties (per capita income of under \$11,000), two of five of the poorest are Maverick and Starr Counties. Nearly all are ranked in the poorest 10 percent, with a per capita income of under \$14,000, and 17 have unemployment rates greater than 2 percent above the U.S. rate of 4.2 percent. Residents of only one county, San Diego County, are above the U.S. poverty rate of 13.1 percent. The Southwest Border Region has 25.5 percent of its population in that category, compared to 16.7 percent of the poverty level in the Southwest and 13.1 percent in the U.S.²⁸ Table 1 presents some border demographics.

Table 1: U.S.-Mexico Border Demographics

States	Population/%	# Counties	Per Capita Income
Texas	2 million/32%	15	<\$11,000
New Mexico	.2 million/3%	3	<\$14,000
Arizona	1.1 million/17%	4	<\$14,000
California	3 million/48%	2	<\$14,000
Total	6.3 million	24	

Border States, Twin Cities, and Colonias

Four U.S. states border Mexico: Texas, New Mexico, Arizona and California. In the aftermath of the Mexican War, the Treaty of Guadalupe Hidalgo was signed in 1848 in which Mexico ceded Upper California, Arizona, New Mexico, and recognized claims over Texas, for \$15 million. The Rio Grande, called the *Rio Bravo* in Mexico, defines the border in Texas. It meanders 1,254 miles on a path from El Paso/*Ciudad Juarez* to Brownsville/*Matamoros*. Texas is often called a binational, bicultural, bilingual “state,” a subculture within itself.²⁹ The border regions in the other three states could also be so described, for many major cities in Northern Mexico align the border with U.S. cities. Called “twin cities,” they are intertwined in many ways with their American neighbors: families, culture, economies, even names. The major twin cities include Brownsville-*Matamoros*, McAllen-*Reynosa*, Laredo-*Nuevo Laredo*, Eagle Pass-*Piedras Negras*, El Paso-*Ciudad Juarez*, Douglas-*Agua Prieta*, Nogales-*Nogales*, San Luis (Yuma)-*San Luis Rio Colorado*, Calexico-*Mexicali*, and San Diego/*Tijuana*.

Twenty-four counties in four states are contingent to the border (although with just a tip of land in two counties). Several others (many would argue) are an integral part of the “border region,” which is defined as U.S. territory within 150 miles of the border. This study is limited to the 24 counties that are contingent to the border, presenting from east to west. A special political jurisdiction called a “colonia” is found throughout the border region.³⁰ A colonia is any identifiable community in the U.S.-Mexico border region that meets the criteria of lack of a potable water supply, inadequate sewage systems, or a shortage of decent, safe, and sanitary housing. The border region is defined by the U.S. Housing and Urban Development (HUD) as an area within 150 miles of the border excluding Metropolitan Statistical Areas with populations exceeding one million (e.g, San Diego). Colonias are entitled to receive up to 10 percent of the state Community Development Block Grant (CDBG) funding of the four border states. The U.S. Department of Agriculture (DOA) also participates in the colonia program through its Rural Development Program. Local governments and county boards of supervisors make the colonia designations. There are thousands of colonias in Texas (800 in Hidalgo County alone), largely Hispanic, and about 80 in Arizona, some white, some Indian, and some Hispanic. New Mexico and California also have colonias. Some colonias are actually incorporated municipalities (e.g., the City of South Tucson).

Mexico’s Border States

Six Mexican states with a total population of 15.8 million form the border with the United States. They are, from east to west: *Tamaulipas*, *Nuevo Leon*, *Coahuila*, *Chihuahua*, *Sonora*, and *Baja California*.

(The State of *Chihuahua* borders both the El Paso area and the State of New Mexico.) The size of the population on each side of the border is a factor in the level of legal and illegal crossings and apprehensions. Mexico’s estimates for 1999 indicate that about 5.4 million people live by or near the border. *Tijuana* is the most populated, with 1.3 million residents, and five others have populations ranging from 1 million to 400,000---*Ciudad Juarez, Mexicali, Camargo/Reynosa, and Matamoros*. Another six Mexican border cities have populations over 100,000. The cities bordering Texas compose 48 percent of the Mexican border population, followed by California’s neighbors with 38 percent, Arizona’s with 10 percent, and New Mexico’s with 5 percent. There is no equivalent in Mexico to the American county. Table 3 presents some Mexican border statistics. It should be noted that border county officials in this study assert that the *municipio* populations are notoriously undercounted (as are their own populations).

Table 3: Mexican State/*Municipio* Statistics

U.S. State	# Mexican States/Pop	<i>Municipio</i> Pop.
Texas	3.5/ 11.4 M	2.6 M/47%
New Mexico	.5/?	32,000/.6%
Arizona	1/ 2.2 M	515,200/9.4%
California	1/ 2.2 M	2 M/36%
Total	15.8 M	5.5 M

Federal Border Strategies

Federal strategies to interdict smuggling and to prevent illegal entry influence the direction and character of illegal immigration (and other immigrant activities). When the INS and Border Patrol tighten up one area, prospective immigrants move to an easier venue. From the early 1980s to the beginning of the new century, a relatively relaxed border environment became “hardened” in various ways, especially on the U.S. side.³¹ Border enforcement rose as a national priority. Budgets were increased, priorities shifted, and new strategies were activated. Among them were Operation Alliance, a 1986 creation of the Southwest Border Drug Task Force, and Joint Task Force 6 (JTF6), authorized in 1991, recognizing the Border Patrol as the lead agency in narcotics interdiction between ports-of-entry. In 1996 the Illegal Immigrant Reform and Immigrant Responsibility Act facilitated removal of undocumented immigrants and gave the Border Patrol more agents.³² Escalating resources for federal agencies has not been matched, however, with commensurate gains for state and local law enforcement and criminal justice agencies, a fact which has led to “turf rivalry and professional jealousy” among local agencies. For one thing, the pay and prestige of federal law officers are far greater than those of local law enforcement agents. For another, local personnel are more familiar with the region, have closer contact with relevant publics, and can make the difference between success and failure in investigative and operational activities.³³ Interviews revealed resentment and frustration with the inadequacy of federal resources, especially regarding HIDTA funds, which cannot be used where they are needed the most, for detention. Additionally, as more and more jurisdictions throughout the entire country apply for SCAAP funds, each border county’s share diminishes.

One of the better efforts in encouraging cooperative efforts among different levels of jurisdiction exists in a federal program called High Intensity Drug Trafficking Area (HIDTA). Created in 1988 by the Office of National Drug Control Policy (ONDCP), the program forms teams of federal, state

and local officers that engage in investigative work, intelligence gathering, operations, and prosecutions. The program covers the salaries and equipment of state and local participants and shares in forfeited assets.³⁴ County officials, however, are highly critical of the effectiveness of the program in achieving border control or reducing drug trafficking and their lack of control over the use of HIDTA resources.

The very success of INS and Border Patrol enforcement policies in one region can create severe hardship in other regions. In 1999, when the El Paso and San Diego borders were intensified, would-be illegal entrants shifted to Arizona; Douglas and Nogales became overwhelmed. Nogales was then strengthened, causing an alarming shift in crossing attempts in Douglas.³⁵ Operation Blockade in 1993 sealed parts of the border in El Paso through forward deployment of agents at the borderline. Blockade, later renamed Operation Hold-the-Line, was credited with a 72 percent drop in apprehensions in the El Paso Sector. Agents were directed to form a human blockade with 400 agents and vehicles posted every 100 yards from one end of El Paso to the other.³⁶ San Diego's Operation Gatekeeper sent them fleeing to the El Centro and Tucson Sectors. Operation Rio Grande expanded to Brownsville in 1997, bringing in 60 more agents and support personnel, an increased overtime budget, equipment, helicopters, floodlights, and low-light vision equipment. Plans were to secure the Brownsville-Harlingen-McAllen border region and eventually spread westward to join up with Blockade.³⁷ Predictably, Starr, Zapata, Webb and Maverick Counties saw increased apprehensions. As one administrator for a hospital overwhelmed with illegal immigrant patients described, "It's like poking your finger in a balloon. If you displace air in one place, it's going to bulge out somewhere else."³⁸

Border Crossings and Apprehensions

The INS operates 39 ports-of-entry along the U.S.-Mexico border. Twenty-three are located in Texas, three in New Mexico, seven in Arizona, and six in California. The INS reports that 316 million people crossed legally from Mexico into the United States in 1999. Sixty percent of crossings occurred in Texas, half of 1 percent in New Mexico, 11 percent in Arizona, and 29 percent in California. The Border Patrol reports making 1.35 million apprehensions in 1999. Texas' portion amounted to 28 percent, New Mexico's was 4 percent, Arizona's portion was 39 percent, and California's was slightly more than that of Texas, 29 percent.

The length of the border is roughly 1,956 miles, running from Brownsville to San Diego. The length comprises about 1,100 miles in Texas (56 percent), 225 miles in New Mexico (12 percent), 481 miles in Arizona (25 percent), and 150 miles in California (8 percent). These figures were calculated as simple Euclidean distances on Microsoft Encarta. In the absence of roads running along the border, the exact length of the border probably cannot be known. For example, authorities calculate that the length of the Arizona border is anywhere from 350 miles to 366.6 miles, but the Euclidean method results in a calculation of 481 miles. (Inaccuracies are bound up in the nature of measuring any irregular perimeter, but the relative distance of each state is probably accurate.) Table 2 arrays some of these border statistics.

Table 2: U.S.-Mexico Border Statistics

STATE	Ports-of-Entry	INS Crossings/%	BP Apprehen%	Border Length/%
Texas	23	188 M/66%	382,000/28%	1,100 mi/56%
New Mexico	3	1.8 M/.6%	49,000/4%	225 mi/12%
Arizona	7	34.2 M/11%	530,000/39%	481 mi/25%
California	6	92 M/29%	392,000/29%	150 mi/8%
Total:	39	316 M	1.35M	1,956 mi

The Border Counties

Twenty-four county governments are contiguous to the U.S.-Mexico border. Texas has the longest portion of the border and 15 of the counties. Three are in New Mexico, four in Arizona, and two in California. They have a combined population of 6.3 million and a combined area of 130,000 square miles. These counties had an aggregate annual total budget of _____ (FY 1999) and an aggregate general fund budget of _____. They also had a combined assessed valuation of \$217 billion. The border counties together spent _____ from their general funds on law enforcement and criminal justice services. Millions more were spent on emergency health care and indigent autopsies and burials. Border counties are governed by a total of 110 governing board members, called "commissioner" in Texas and New Mexico and "supervisor" in Arizona and California. They are elected by district on a partisan basis to four-year terms. Texas counties also elect one board member countywide, an executive called "county judge," which is similar to a municipal mayor but with some judicial responsibilities. In addition to the governing board (and one of the greatest differences between counties and municipalities), counties also elect several department heads countywide, called county constitutional officers. The border counties elect a total of 135 such department heads. In addition to the 247 total elected county officials, most judicial officers are also elected locally. Lower court (justices of the peace and magistrates) and trial court judges (superior or district court) add hundreds of locally-elected officials to run county government. Further, constables, who conduct business related to lower court functions, are also elected. Table 4 presents some political and fiscal statistics of border counties.

Table 4: Political and Fiscal Statistics of Border Counties

State	# Counties	Sq. Mi.	Total Budgets	Gen Fund Budgets	Law-Justice Gen Fund	# Elected Officials*	Assessed Valuation
Texas	15	89,926				164	\$53 Billion
New Mexico	3	10,216	\$11.4 Million	\$31.7 Million	\$9.6 Million	23	\$2.93 Billion
Arizona	4	22,303	\$965 M	\$328 M	\$170.2 Million	37	\$5 Billion
California	2	8,380	\$2.6 Billion	\$2 Billion	\$566 Million	23	\$156 Billion
Total:	24	129,825				247	\$217 Billion

*Excludes trial and lower court judges and constables.

The counties along the U.S.-Mexico border share similar characteristics with all other American counties. They are considered administrative arms of the state whose authority and powers are defined and limited by state constitutions and state statutes. They primarily deliver services that are mandated by the state, namely public health, law enforcement, criminal justice, roads and bridges, and social services. They are, however, fundamentally local governments, financed through local taxes and governed by locally-elected citizens. They respond to millions of constituent requests, provide municipal-type services in unincorporated areas (e.g., libraries, planning and zoning, economic development, contributions to nonprofit community-based organizations, etc), and lobby the state and federal governments on important issues. They belong to their state-level county association, the National Association of Counties, and other professional organizations. Numerous affiliate groups (e.g., of county treasurers, recorders, clerks, sheriffs, or prosecutors) combine resources to advance their own professional development and exert influence on relevant legislation and policy. Counties also play major roles in regional development and border issues, including that of international diplomat. As one official observed, "Counties don't just do roads anymore. They are full service governments with the demands of cities but without their resources. Legislators need to recognize that counties play critical roles in local and regional governance." Eighteen of the 24 border counties are members of the U.S./Mexico Border Counties Coalition.

Most of the larger counties employ a professional manager (also called administrator or executive assistant), similar to the municipal council-manager form of government. This position comes with broad authority over departments under the direction of the governing board. County managers belong to professional organizations such as the International City/County Management Association and county associations in their respective states. County governing boards have overall fiscal and fiduciary responsibility for the entire county, but they do not oversee the operations or budgets of elected department heads, an historically contentious matter where budgets are concerned. Often the manager will play a diplomatic role in board-elected department head negotiations.

The county governments in the four border states share many basic characteristics. Small differences, embedded in state constitutions and state statutes, however, directly influence the level of impact of illegal immigrants. For example, California and Arizona permit counties to frame and adopt home rule charters; New Mexico and Texas do not. (Home rule authority often brings additional taxing authority, and only San Diego County has adopted a charter.) California and Arizona counties have slightly greater authority to generate revenues than those of New Mexico and Texas. Counties in both states can implement a local sales tax for discretionary purposes. New Mexico counties are required to direct their gross receipts tax revenues to specific purposes. Furthermore, state government in California and Arizona are more generous in sharing state-level taxes with their counties. The state sales tax, gasoline tax, and vehicle license tax, as well as lottery proceeds in Arizona, help diversify the county tax base and lessen dependence on the property tax. Texas counties, in contrast, receive grants for specific functions (e.g., adult probation and juvenile detention) but do not get a share of the state sales tax. The border states that impose an income tax do not share those revenues with county governments.

Most county law enforcement and criminal justice functions are financed with local tax revenues. Some, however, are totally financed by the state and others are heavily subsidized. California has recently taken over trial courts and lower courts; counties are only responsible for their facilities and maintenance. New Mexico counties elect their district attorney, but it is a state position. Adult and

juvenile probation are heavily funded by all four states, and emergency medical care for indigents is largely subsidized by state and federal programs.

The County Law Enforcement and Criminal Justice System

County governments have a state responsibility to process anyone apprehended on state felony or multiple misdemeanor charges. From apprehension to preliminary hearings, prosecution and indigent defense, pre-trial services, adjudication, probation and detention, including a range of services for juvenile offenders, the county criminal justice system is complex and expensive. Most aspects of this system are financed through the county general fund with revenues generated locally (or other locally-generated funds). The states of California, New Mexico and Texas run a few departments entirely, and all four states contribute substantially to a few other departments. The system of law enforcement and criminal justice at the county level comprises from eight to 11 separate departments. In California, Arizona and New Mexico, those departments provide services within single counties; in Texas counties, some departments are shared among several counties, depending on population (e.g., district attorney and district court).

The basic system comprises law enforcement, detention, prosecution (adult and juvenile); indigent defense (adult and juvenile); lower court (misdemeanors); district or superior court (felonies); clerk of the court; adult probation; and juvenile center (probation and detention). Texas counties have two prosecutors: county attorney (misdemeanors and juveniles) and district attorney (felonies). Texas counties also have a county clerk and a district clerk. In smaller counties, those two offices may be combined. Smaller counties in Texas and New Mexico often do not have their own juvenile center, adult probation or county and district courts, as well. Each county section covers the law enforcement and criminal justice system in detail. All county judicial systems also have elected constables; they play varying but minor roles in the processing of criminal illegal immigrants, and their costs were not estimated in some states. Juvenile services presents a special problem to counties. There is no federal precedent for prosecuting illegal immigrants who are under the age of 18. That places the entire burden of prosecution and detention on counties. Some law enforcement officials in California have observed an increase in juvenile crime because of the lack of federal sanctions; criminally-minded adults in Mexico are encouraged to recruit juveniles to commit crimes, especially burglary. Fortunately, county juvenile departments do keep statistics on the legal status of their wards; juvenile justice is considered a family matter and probation officers must attempt to contact parents and families in Mexico.

The County Emergency Medical Service and Indigent Health Care System

County governments have traditionally fulfilled the state-mandated function of indigent health care to indigents and other public health-related programs, such as immunizations and restaurant inspections. States are charged by the national government with providing health care, and they typically mandate their counties to deliver the services and bear a portion of health care costs. The majority of costs, however, are financed by the national government and the states. The responsibility of counties for the delivery of indigent health care varies among the four border states. They not only have standard health care departments, but they also determine the eligibility of applicants for state indigent health care under various federal Medicare and Medicaid programs

(requirements for determining eligibility are generally established by state legislatures for state programs and by Congress for federal programs). Applicants who do not qualify for indigent health care sometime become the total responsibility of the counties. In the case of illegal immigrants, qualifications vary for federal and state emergency care coverage depending on marital status and destination (i.e., intent to remain indefinitely in that particular state). In the area of health care, states and the federal government bear the greater costs of treating illegal immigrants.

Counties also can and do provide ambulance service, either owning the service or contracting with private carriers. Some counties, notably Arizona's Pima County, own and operate a county hospital. Counties in Arizona are also responsible for long-term care of county residents and other health care programs. Further, counties contract to nonprofit community clinics for indigent uninsured patients not covered by any program. Additionally, counties perform autopsies (if death is under suspicious circumstances) and burials of indigents. (As noted earlier, this study limits the costs of medical services to illegal immigrants to county governments and does not attempt to estimate the enormous costs reputedly borne by hospitals.)

Overview of Study

This study calculates and examines the costs to 24 counties situated along the U.S.-Mexico border of providing law enforcement and criminal justice services to criminal illegal immigrants who have committed a state felony or two or more misdemeanors and emergency medical services, autopsies and burials to any illegal immigrant. The following four chapters cover the border counties of each state, beginning with Cameron County in Texas and moving westward to San Diego County in California. Each state chapter includes a brief overview of the state and its counties, including the county law enforcement and criminal justice system, the indigent health care system, and fiscal matters that determine a county's capacity to finance its mandated and unanticipated requirements. The chapters also contain a section on the border environment, including statistics for legal crossings and Border Patrol apprehensions, geography, and other factors that influence the level of illegal immigrant activity. The state chapters then present individual sections on each county that include cost calculations for each department within that county and other information relevant to the impact of illegal immigration. An abundance of tables presents workload and cost calculations for every department under analysis. A section wraps up each state chapter with a summary of the impact on local citizens in these border counties. A summary and analysis of findings with conclusions and recommendations for further research complete the study. It should be noted that estimating workload and cost impacts has been done within the context of the capacity of county governments to bear the burden. For that reason, county fiscal and demographic data assume a significant role in the narratives. In the end, it is the citizens of these border counties that pay the price.

ENDNOTES: INTRODUCTION

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- ² R. Romo, "Federal caseload strains N.M.," *Albuquerque Journal*, February 17, 2000, quoting Pete V. Domenici.
- ³ The State Criminal Alien Assistance Program (SCAAP) provides assistance to states and localities that are incurring costs of incarcerating criminal illegal immigrants who have been convicted of state or local offenses. It is a payment program, however, not a reimbursement or entitlement program. Only a small portion of expenses are ultimately provided for through this program. Although the application process has been streamlined and computerized, border counties tend to receive less as more and more jurisdictions across the country apply for a static pool of funds (\$585 million).
- ⁴ Mannheim, 1995.
- ⁵ Jon Kyl, "Border effort shortchanged by president," *Tucson Citizen*, February 12, 1999.
- ⁶ "Border patrol finds 130 illegals in truck," *Tucson Citizen*, September 28, 2000.
- ⁷ Tim Steller, "Cops are helpless as migrant-van crashes mount," *The Arizona Daily Star*, October 9, 2000, A1.
- ⁸ Pamela Hartman, "McCain asks Reno to take action on border," *Tucson Citizen*, May 30, 2000, A1.
- ⁹ Susan Carroll, "Illegal crossers cost Pima the most," *Tucson Citizen*, November 30, 2000, A1, quoting Senator Jon Kyl.
- ¹⁰ Tanis J. Salant, *Border Impact: Law Enforcement & Criminal Justice, Santa Cruz County, Tucson: Government Programs, Office of Economic Development, The University of Arizona*, October 1997.
- ¹¹ The U.S./Mexico Border Counties Coalition Fact Sheet, January 1999.
- ¹² Senator Jon Kyl, quoted in "Sucking Up Border Bucks," *Arizona Alumnus*, Tucson: The University of Arizona, Summer 2000.
- ¹³ Susan Pennell, Christine Curtis and Jeff Tayman, *The Impact of Immigration on the Criminal Justice System*, San Diego: San Diego Association of Governments, July 1989.
- ¹⁴ Rebecca Clark, Jeffrey Passel, Wendy Zimmerman, and Michael Fix, *Fiscal Impacts of Undocumented Aliens: Selected Estimates for Seven States*, Washington, D.C.: The Urban Institute, September 1994.
- ¹⁵ U.S. General Accounting Office, "ILLEGAL ALIENS: Assessing Estimates of Financial Burden on California," Washington, D.C.: U.S. General Accounting Office, November 1994.

¹⁶ See Tanis J. Salant, *Border Impact: Law Enforcement & Criminal Justice, Santa Cruz County (ibid.)*, and *Border Impact: Criminal Illegal Immigrants on the Law Enforcement & Criminal Justice System, Santa Cruz County, Arizona*, Tucson: Institute for Local Government, The University of Arizona, January 1999.

¹⁷ C.T. Revere, "Emergency grants will help Ariz. border area," *Tucson Citizen*, July 1, 2000, B1.

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²⁰ The firm that prepares the "Central Service Cost Allocation Plan" for Arizona counties is DMG-Maximus, located in Phoenix.

²¹ U.S. Immigration and Naturalization Service, "Illegal Alien Resident Population," 2000, <http://www.ins.gov/graphics/aboutins/statistics/illegalalien/index.htm>.

²² See: U.S. Department of Justice Circular 28 CFR Parts 22 and 46.

²³ Jose Garcia, "Operational Milieus: Security Regimes on the U.S.-Mexico Border," paper presented to the annual meeting of the Latin American Studies Association, Miami, March 16, 2000, Las Cruces, New Mexico: New Mexico State University.

²⁴ U.S. Immigration and Naturalization Service, "Enforcement," 1998, <http://ins.gov/yearbook/html>.

²⁵ All population estimates are provided by the U.S. Census Bureau or relevant state agencies and refer to 1999.

²⁶ John Sharp, *Bordering the Future: Challenge and Opportunity In the Texas Border Region*, Austin: Texas Comptroller of Public Accounts-Research Division, July 1998.

²⁷ "A Demographic Briefing on the Southwest Border Region," presented to The President's Interagency Task force on the Economic Development of the Southwest Border at the meeting "Bordering the 21st Century" held at New Mexico State University, Las Cruces, New Mexico, February 23, 2000.

²⁸ *Ibid.*

²⁹ Sharp, *Ibid.*, page 98.

³⁰ See: "Community Development Block Grant Setaside for Colonias," <http://www.hud.gov/cpd/cdbg/cdbgcolonias.html>; and "Colonias in Arizona," <http://www.hud.gov/azcol.html>.

³¹ Jose Garcia, *Ibid.*

³² Garcia, *Ibid.*

³³ Enforcement, *Ibid.*

³⁴ Garcia, *Ibid.*

³⁵ Garcia, *Ibid.*

³⁶ Sharp, *Ibid.*, 163.

³⁷ Sharp, *Ibid.*, 164.

³⁸ Haley Nolde, "Border Hospitals on the Brink,"
<http://www.motherjones.com/newswire/borderhospitals.html>.