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Executive Summary**

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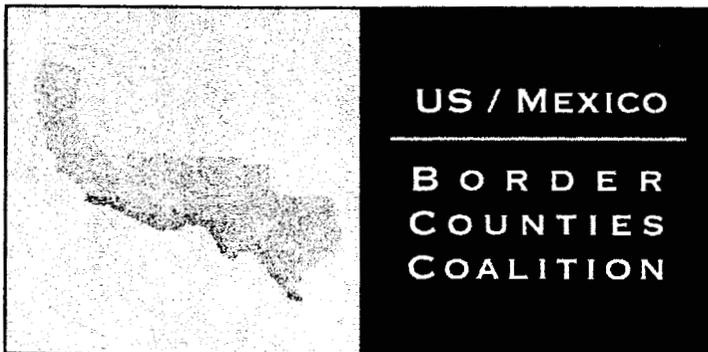
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# ILLEGAL IMMIGRANTS IN U.S.-MEXICO BORDER COUNTIES:

## COSTS OF LAW ENFORCEMENT, CRIMINAL JUSTICE and EMERGENCY MEDICAL SERVICES

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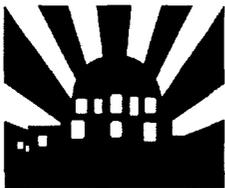
### EXECUTIVE SUMMARY



January 2001

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**FINAL REPORT**

Approved By: J. [Signature]

Date: 1/7/02

# U.S.-Mexico Border Counties Research Team



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## ACKNOWLEDGEMENTS

Our thanks and appreciation go first to the United States/Mexico Border Counties Coalition for providing us with this enormous opportunity for learning about border county issues and experiencing first hand the impact of illegal immigration that border counties grapple with day after day. Second, we wish to acknowledge the hard work of the eight U.S. senators who represent the border states: Senator Gramm and Senator Hutchinson, Texas; Senator Domenici and Senator Bingaman, New Mexico; Senator McCain and Senator Kyl, Arizona; and Senator Feinstein and Senator Boxer, California. Special thanks is due to Senator Kyl for the leadership role he has played throughout.

We are honored to have met and spent time with numerous county officials, both elected and appointed, who govern the counties that stretch along the U.S.-Mexico border from Cameron County, Texas in the east to San Diego County, California in the west. They carved time out of their busy schedules to meet with us, sometimes on several occasions, to educate us about their functions and to explore with us how the presence of criminal undocumented persons has impacted their departments and the emergency medical responses required for persons without legal U.S. residency status. We are humbled by their dedication and hard work in the face of terribly insufficient resources.

We would like to thank our respective institutions for providing crucial support and encouragement: The University of Texas at El Paso, especially for the administrative and research support from the Public Policy Research Center, especially Dennis Soden, Ph.D., and two graduate MPA students, Erica Sullivan and Tina Mayagoitia; New Mexico State University, especially the Department of Government; The University of Arizona, especially the School of Public Administration and Policy, and Alexis L. Hover, Institute for Local Government and Colleen Hench, Biomedical Communications, Arizona Health Science Center; and San Diego State University, especially the Department of Geography and the International Population Center.

We hope that this research contributes meaningfully to the ongoing debate in the U.S. Congress on the impact of illegal immigration on local communities and that it inspires further research on the impacts of illegal immigration on other entities not included in our study: states, municipal police departments, border-area tribes, and hospitals.

The Research Team  
January 24, 2001

## 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. By the end of the year, the number of Border Patrol agents assigned to 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. The Arizona-Mexico boundary is the busiest border in the country, and the Douglas-Naco corridor in Cochise County is the prime choice for entering illegally. Even the U.S. military is getting involved in illegal immigration. In January 2001 the U.S. Army began flying helicopters to assist the U.S. Border Patrol in searching out and capturing illegal immigrants. 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 slipped through.

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." 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. 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, costs which are currently borne by border counties. 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." In an era of devolution, the financial responsibility of enforcing federal immigration policies means 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. 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. 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. By May 2000 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." In California one border county supervisor recounted numerous incidents of illegal crossers getting impaled 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 [undocumented aliens] 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." 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 there, with a disastrous effect on Arizona's busiest port-of-entry. Nogales, the county seat, 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. 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. 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."

## 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 as 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 consequently 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 greater uncompensated cost 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." (Note that estimates for the burden on hospitals will 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. 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.

## 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. 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."

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. 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.

## 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. 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. 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 the U.S.-Mexico border 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. 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. 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.

The region ranks last 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. 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	

## 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. 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. 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. Interviews revealed resentment and frustration with the inadequacy of federal resources, especially regarding HIDTA funds (see below), 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. 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. 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. 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. 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."

## **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/59.4%	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%
<b>Total:</b>	<b>39</b>	<b>316 M</b>	<b>1.35M</b>	<b>1,956 mi</b>

## 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 \$4.1 billion (FY 1999). Their aggregate general fund budget was \$2.6 billion. Together the border counties also spent \$894 million from their general funds on law enforcement and criminal justice services. Millions more were spent on emergency health care and indigent autopsies and burials. The counties' combined assessed valuation was \$217 billion. 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 (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 3 presents some political and fiscal statistics of border counties.

**Table 3: Political and Fiscal Statistics of Border Counties**

State	# Counties	Square Miles	Total Budget	General Fund Budget	Law-Justice Gen Fund	# Elected Officials*	Assessed Valuation
Texas	15	89,926	\$495 million	\$254.4 million	\$148 million	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 million	\$328 million	\$170.2 million	37	\$5 billion
California	2	8,380	\$2.6 billion	\$2 billion	\$566 million	23	\$156 billion
<b>Total:</b>	<b>24</b>	<b>129,825</b>	<b>\$4.1 billion</b>	<b>\$2.6 billion</b>	<b>\$894 million</b>	<b>247</b>	<b>\$217 billion</b>

\*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 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 than do counties.

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.)

## TEXAS' BORDER COUNTY IMPACT

Fifteen of Texas' 254 counties form a 1,092-mile international boundary between the U.S. and Mexico. Population, degree of urbanization, physical topography and degree of impact by undocumented persons on their law enforcement and administration of justice as well as healthcare systems varies tremendously in these 15 counties. Table 4 presents summary characteristics of these border counties. Jeff Davis and Culberson Counties, although not directly on the U.S.-Mexico border, are included in this study because their proximity creates similar challenges experienced by other border counties. The 15 border counties included in this study represent 9.7 percent of Texas' total population. The most populous is El Paso County with 36 percent of the border residents. Hidalgo and Cameron Counties, in the lower Rio Grande Valley, are the next largest border counties. Webb County, with Laredo as the county seat, is the largest county in the middle Rio Grande region. The other counties are small, rural counties with less than 5 percent each of the total border population. Maverick County, chose not to participate in this study.

**Table 4: Texas Border County Statistics**

County	Population	Square miles	Border Length	Ports- of- Entry	INS Border Crossings	Border Patrol Apprehensions
Cameron	329,131 16.8%	2,345 2.5%	66 6.0%	3	22,808,120 12.1%	84,789 22.2%
Hidalgo	534,907 27.4%	4,064 4.4%	68 6.2%	4	31,389,565 16.6%	33,261 8.7%
Starr	56,577 2.8%	3,168 3.4%	59 5.4%	3	8,223,707 4.3%	8,170 2.1%
Zapata	11,436 0.6%	2,582 2.8%	73 6.6%	0	0	582 0.2%
Webb	193,180 9.9%	8,695 9.4%	104 9.5%	3	47,748,336 25.3%	78,234 20.4%
Maverick	48,639 2.4%	3,316 3.6%	87 7.9%	1	8,722,754 4.6%	62,100 16.2%
Kinney	3,465 0.2%	5,532 6.0%	13 1.1%	0	0	18,778 4.9%
Val Verde	44,188 2.2%	3,232 3.5%	98 8.9%	2	5,959,546 3.1%	32,708 8.5%
Terrell	1,202 0.6%	2,385 2.6%	48 4.3%	0	0	953 0.2%
Brewster	8,793 0.5%	16,040 17.5%	164 15.0%	0	0	1,035 0.3%
Presidio	8,954 0.5%	9,987 10.9%	158 14.4%	1	1,976,222 1.0%	1,586 0.4%
Jeff Davis	2,415 0.1%	5,865 6.4%	0	0	0	0
Culberson	3,018 0.2%	9,875 10.7%	0	0	0	1,378 0.4%
Hudspeth	3,238 0.2%	11,840 12.9%	94 8.6%	1	598,193 0.3%	4,708 1.2%
El Paso	701,908 36.0%	2,624 2.8%	60 5.4%	4	60,748,808 32.2%	53,613 14.0%
<b>TOTAL</b>	<b>1,951,051</b>	<b>91,550</b>	<b>1,092</b>	<b>22</b>	<b>188,175,251</b>	<b>381,895</b>

There are 22 ports-of-entry in Texas. According to the INS, 188 million people crossed from Mexico into the U.S. through the State of Texas in 1999. An average of 515,549 persons enter per day through Texas counties. The U.S. Border Patrol apprehended 381,895 alleged undocumented persons during 1999, or an average of 1,046 persons per day.

## Characteristics of Texas County Government

Texas county governments are subordinate units of state government with limited local authority. As general-law units of local government, they are limited to the powers and structures established by state law. Unlike other states, Texas counties may not adopt a home rule charter. This parameter on their operations means that many of their responses to local problems must receive state legislative authorization before action can be taken. Texas counties, therefore, serve a dual function. Within their jurisdiction counties have the responsibility for implementing state policies as well as providing services to their local citizens.

The commissioners' court governs each county. It consists of four commissioners and a county judge. Each is elected to staggered, four-year terms on a partisan basis. Elected from single-member districts, the commissioners represent specific districts, or precincts. The county judge is elected at-large and serves as head commissioner and a voting member of the court. Texas county judges do have judicial responsibilities. They may be called upon to preside in the constitutional county court. Larger urban counties delegate this authority to the county courts at law. The county judge also serves as the chief financial-budget officer in smaller rural counties with fewer than 225,000 residents.

Because of the statutory limits on Texas counties, the commissioners court may set the property tax rate. However, the Texas constitution imposes a maximum permissible rate. According to the Texas Comptroller of Public Accounts, "Under the Texas constitution, a county may levy as many as three individual tax rates for funds dedicated to specific purposes: Farm-to-Market Roads and Flood Control, General Fund and a Special Road and Bridge Fund." All 254 Texas counties impose a property tax for the general fund. Land is appraised by a Central Appraisal District, which also handles appraisal for cities and special districts within a county. Counties have the local option of granting local homestead exemptions. The state also makes available exemptions for disabled persons and disabled veterans. Total county property taxes collected in Texas in 1999 were \$3.2 billion, a 5 percent increase from the previous tax year. County taxable property values reached \$876 billion.

Texas counties have the additional revenue option of imposing a sales and use tax. The Texas sales tax rate is 6.25 percent. Local sales and use taxes, which include city, county, transit authorities and special use districts, cannot exceed an additional 2 percent. One-hundred nineteen of Texas' 254 counties impose a ½ percent county sales and use tax. Intergovernmental grants-in-aid from the state and federal government compose the remainder of the revenue sources for Texas counties. Texas counties received \$43.6 billion from the state, of which \$14.3 billion was attributable to intergovernmental payments. The remainder of the funds included labor costs, public assistance, highway construction and maintenance funds, operating expenses and capital outlays.

County healthcare, while a part of the county general fund, often includes service provision through a special taxing district. Various counties have special districts, with their own boards and taxing authorities, to fund hospitals, health services and emergency services. Other county services such as water, rural fire and police, municipal utilities and community colleges are sometimes funded via special districts. Rural Texas counties often work together for service provision. Adult probation and detention and community supervision of juveniles is often handled in this fashion. Participating counties underwrite the cost of service based on their population as a proportion of the total service area.

## **Texas County Law Enforcement and Criminal Justice System**

The principal law enforcement officer at the county level in Texas is the sheriff. The sheriff's department is responsible for the following: the operation of county jails, criminal investigations, arrest of criminal offenders, giving warrants and civil papers, providing bailiffs for all state courts and law enforcement protection.

The District Attorney (DA) is the main prosecutor that upholds the state penal code. The DA represents the State of Texas in felony criminal actions and misdemeanor criminal actions in the County Court at Law and the Justice of the Peace Courts. One district attorney may provide services for several counties with smaller communities, although the regular jurisdiction for DAs is based on county lines. The County Attorney provides legal council to the Commissioners Court. This office handles civil cases filed against the county. In addition, the County Attorney handles misdemeanor cases up to felony.

Texas District Courts have original jurisdiction in all felony criminal cases, divorce cases, cases involving title to land, election contest actions and civil matters in which the controversy is over \$200. Texas County Courts at Law hear both criminal and civil cases. The courts criminal responsibility includes Class "A" and "B" misdemeanors with the highest fine being \$500. The civil cases heard by the County Courts at Law involve controversies between \$500 and \$5,000. The lowest county court is the Justice of the Peace Court. Justice of the Peace courts have original jurisdiction in Class "C" misdemeanor criminal cases with fines up to \$500. Civil cases with controversies under \$5,000 are heard in the J.P. court. Constables are the peace officers of the justice court.

## **Texas Emergency Medical Services and Indigent Health Care**

Emergency medical services for residents of Texas counties are provided through multiple funding and delivery systems. Special hospital districts have been created in many of the border counties as a way to manage indigent healthcare. These special districts have their own boards of directors and independent taxing authority.

Some counties solely own EMS and ambulance services, while others choose to contract out this service. In still other counties, special hospital districts operate emergency ambulance service. In at least one instance, a local military base whose mission includes the training of flight nurses and surgeons offers medical airlifts.

In those counties with a public health department, the department services the critical role of overseeing indigent healthcare. Counties are mandated by the State of Texas to provide emergency healthcare to undocumented persons through the Type 30 Medicaid program. The federal government enacted a pilot program through the Federal Balanced Budget Act of 1997 that would provide \$3.9 million per year as a special allotment of federal funds to provide healthcare to Program Type 30 (PT30) clients in the State of Texas. The monies were available for a five-year period from 1998 through 2001. The Medicaid program draws reimbursement for claims paid for the PT 30 clients until monies are exhausted each year. Once the \$3.9 million is exhausted, then state funds are used in conjunction with federal dollars to provide service to the patients. Either the county health department, or in some cases a local office of the Texas Department of Health (TDH), make the eligibility determinations for reimbursement under the Program Type 30, Medicaid. According to TDH, the majority of the TP30 funds in Texas are being used for childbirth or the complications of childbirth.

Medical personnel do not inquire whether a person has legal residency status in the U.S. when presented with an individual needing acute care. Intake workers at hospitals and community-based clinics will ask for a social security number and place of birth. Determining the total number of unique patients seen in a given year who are undocumented therefore becomes a daunting task. Interviews with hospital and community-based clinic personnel were used to estimate percentages of patients seen who were presumed to lack legal residency status in the U.S. In some cases, lack of a social security number was used as an indicator.

Determining the nativity and residency status of the deceased presents further challenges. Manner of death, location and circumstances under which the body is found all enter into the assessment of the coroner, medical examiner or Justice of the Peace. In several of the counties, autopsies were not routinely performed if the individual's remains were skeletonized. For the purposes of this research, reported statistics from the local officials were used to determine the fiscal impact of persons who may have lacked legal residency status in the U.S. at the time of death.

## Costs to Texas Border Counties

The total cost to Texas' border counties for the provision of law enforcement, criminal justice and emergency medical service to undocumented persons was estimated to be \$23,289,011, as shown in table T2. This figure includes the general government indirect costs. The impact on the general fund of border counties varies from zero in Terrell County to almost one-third of the total Culberson County budget. On an average, Texans living in border counties spend 9.2 percent of their county's general fund expenditures for the incarceration, prosecution and community supervision of criminal undocumented persons and the provision of emergency healthcare for individuals without legal residency status in the U.S.

The cost estimates for emergency healthcare included all persons without legal residency status, whether they had committed felony criminal acts or not. Table 5 summarizes the data for the Texas border counties. El Paso County shoulders the largest portion of costs associated with criminal undocumented persons, 39.5 percent. Cameron, Hidalgo and Webb Counties, the other counties

with large urban population centers, account for 15.7, 10.9 and 13.7 percent of the total costs, respectively. The average cost per capita in Texas border counties was \$11.94.

**Table 5: Estimated Fiscal Impact of Undocumented Persons by County**

County	Estimated Fiscal Impact	Percentage of Total Estimated Fiscal Impact	General Fund	Estimated Fiscal Impact as Percentage of General Fund	Per Capita Impact
Cameron	\$ 3,663,064	15.7%	\$ 31,790,196	11.5%	\$11.13
Hidalgo	\$ 2,531,488	10.9%	\$ 50,441,047	5.0%	\$4.73
Starr	\$ 1,440,433	6.2%	\$ 8,300,000	17.4%	\$25.46
Zapata	\$ 432,430	1.9%	\$ 5,564,928	7.8%	\$37.81
Webb	\$ 3,191,064	13.7%	\$ 36,700,000	8.7%	\$16.52
Maverick	NA	NA	\$ 4,900,000	NA	NA
Kinney	\$ 16,026	0.1%	\$ 1,241,160	1.3%	\$4.63
Val Verde	\$ 1,527,737	6.6%	\$ 7,985,767	19.1%	\$34.57
Terrell	\$ 0	0%	\$ 1,043,637	0%	\$0.00
Brewster	\$ 56,401	0.2%	\$ 2,336,115	2.4%	\$6.41
Presidio	\$ 465,356	2.0%	\$ 1,702,496	27.3%	\$51.97
Jeff Davis	\$ 44,478	0.2%	\$ 492,483	9.0%	\$18.42
Culberson	\$ 610,104	2.6%	\$ 1,937,814	31.5%	\$202.16
Hudspeth	\$ 120,524	0.5%	\$ 1,814,407	6.6%	\$37.22
El Paso	\$ 9,189,896	39.5%	\$97,744,000	9.4%	\$13.09
<b>Total State Cost</b>	<b>\$ 23,289,011</b>	<b>100.0%</b>	<b>\$253,994,050</b>	<b>9.2%</b>	<b>\$11.94*</b>

\*Average per capita impact cost for counties experiencing fiscal impact. Maverick and Terrell Counties excluded.

## Costs to Texas Border County Departments

By estimating the percentage of total workload associated with processing criminal undocumented persons, researchers in consultation with the local counties determined the cost to the general fund for each department. Using a percentage of the total departmental effort ensured that overhead costs are also included. These figures also incorporate an estimate of the cost of general governmental services for each department, such as human resources, auditor, finance and budgeting. The costs for emergency medical care are county general fund expenditures including ambulance, county eligibility determination and acute medical care.

Texas's 15 counties along the U.S.-Mexico Border spent a total of \$23.6 Million in FY 1999 on services for illegal immigrants in the areas of law enforcement, criminal justice, and emergency medical care. The cost per county ranged from \$0 to \$9.3 million. With a combined population of 2 million, every man, woman and child residing in these 15 counties paid an average of \$12 in local taxes to fund these services. The impact on a per capita basis ranged from 33 cents to \$100. The highest per capita cost of any county on the border. Table 6 further shows the aggregate costs by department.

**Table 6: Texas County Costs by Department**

County	Sheriff	District Attorney	District Court	District Clerk	County Attorney	Court at Law	County Clerk	Justice of the Peace	Indigent Defense	Adult Probation	Juvenile Services	Emerg. Medical	Total by County
Cameron	2,293,818	227,679	90,618	64,239	—	327,783	375,484	11,052	109,406	0	0	162,985	3,663,064
Hidalgo	1,618,794	183,788	65,529	28,247	—	42,724	31,725	63,164	135,469	0	0	362,048	2,531,488
Starr	865,912	93,065	152,191	67,157	74,509	56,098	73,653	NA	27,391	9,701	20,756	NA	1,440,443
Zapata	124,436	5,031	3,480	3,081	25,900	—	23,841	96,396	4,659	2,376	51,919	91,311	432,430
Webb	1,709,495	440,122	97,976	58,244	28,658	62,187	43,980	47,660	373,821	0	259,458	69,463	3,191,064
Maverick	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0
Kinney	7,310	NA	NA	NA	NA	—	NA	8,716	NA	0	NA	NA	16,026
Val Verde	1,054,368	—	71,449	68,118	11,111	14,291	13,479	157,728	89,768	0	0	47,425	1,527,737
Terrell	0	0	0	0	—	—	—	0	0	0	0	0	0
Brewster	8,504	161	700	969	0	0	0	0	12,250	0	1,295	32,522	56,401
Presidio	189,151	14,219	41,631	83,926	32,836	—	—	52,512	18,661	9,344	—	23,076	465,356
Jeff Davis	27,026	834	3,934	7,409	0	—	—	0	0	0	0	5,275	44,478
Culberson	371,425	57,988	24,649	61,272	13,494	—	—	79,430	—	1,846	—	0	610,104
Hudspeth	64,884	392	2,336	10,973	0	—	—	38,945	1,496	1,498	—	0	120,524
El Paso	4,525,131	643,435	343,363	162,701	129,428	1,163,703	141,004	63,647	519,205	16,385	475,224	1006670	9,189,896
<b>Total by Dept.</b>	<b>12,860,254</b>	<b>1,666,714</b>	<b>897,856</b>	<b>616,336</b>	<b>315,936</b>	<b>1,666,786</b>	<b>703,166</b>	<b>619,250</b>	<b>1,292,126</b>	<b>41,150</b>	<b>808,652</b>	<b>1,800,775</b>	<b>23,289,011</b>

Texas sheriffs bore the greatest brunt with nearly \$13 million, over half the total burden. Criminal prosecution took the second highest hit, at \$11.7 million. The federal government, through SCAAP, paid these counties a total of \$2.2 million in FY 1999. The federal government's participation in this aspect of illegal immigration amounted to only 9 percent of the total impact.

## NEW MEXICO'S BORDER COUNTY IMPACT

Three of New Mexico's 33 counties share a 206-mile border with Mexico. These counties—Doña Ana, Luna and Hidalgo—differ widely in terms of a variety of characteristics, including population trends, level of urbanization, development in the border region, and nature and extent of the impact of illegal immigrants on their criminal justice and emergency medical systems. Table 7 presents some summary statistics on the three counties in New Mexico that share the border with Mexico.

**Table 7: New Mexico Border County Statistics**

County	Population (%)	Square miles (%)	Border Length (%)	Ports-of-Entry	INS Crossings (%)	Border Patrol Apprehensions (%)
Doña Ana	170,361 (85%)	3,804 (37%)	53 (26%)	1	217,046 (12%)	19,790 (40%)
Luna	24,360 (12%)	2,965 (29%)	67 (33%)	1	1,607,420 (88%)	23,667 (48%)
Hidalgo	6,027 (3%)	3,447 (34%)	86 (42%)	1	0 (0%)	5,587 (11%)
<b>Total</b>	<b>200,748</b>	<b>10,216</b>	<b>206</b>	<b>3</b>	<b>1,824,466</b>	<b>49,044</b>

Source: Census Bureau, NM Association of Counties, INS, Border Patrol

The southwest region of New Mexico, which consists of Doña Ana, Luna, Hidalgo and Grant Counties, is projected to be one of the fastest growing areas in New Mexico. Between 1990 and 2000, the southwest region is estimated to grow at an annual rate of approximately 2.2 percent, a rate that is 50 percent higher than the statewide average of 1.49 percent. Migration is the major source of growth for the southwest region. Natural increases in the existing population are projected to decline in this region due to the aging of the population in the region and a corresponding decrease in the fertility rate. Retirees will continue to be a substantial proportion of Luna County's population by 2020, with a projected retirement population of approximately 26 percent. The effects of the North American Free Trade Agreement (NAFTA), in the form of a greater volume of migration from Mexico, are expected to continue. Doña Ana and Luna Counties rank among the top five counties in the state for population growth between 1990 and 1999. While New Mexico's population is growing at dramatic rates, the population of communities in Mexico (including Chihuahua) have experienced even more rapid increases. While two of the border counties are experiencing rapid growth, the western-most county along the border is suffering from noticeable population decreases. Hidalgo County has been hard hit by the closure of a copper smelter that had been a major employer in the county; the mine closure has resulted in abrupt out-migration and substantial reductions in the tax base.

Most of the state's border with Mexico is marked by barbed wire fences built primarily to keep cattle from wandering across the international line. But barbed wire is easily and frequently cut to allow illegal crossings through the desolate desert. Unlike the armed ranchers in Cochise County, determined to protect their property from illegal immigrants, residents in some areas of the New Mexico border region have been more inclined to place water along frequently used paths to avoid unnecessary deaths from dehydration and heat exhaustion. In addition to this private support for

illegal immigrants demonstrated by some individuals, New Mexico's multi-billion dollar agricultural industry is greatly impacted by crackdowns and expulsions of undocumented workers by the INS.

The entire State of New Mexico is served by the El Paso Sector of the U.S. Border Patrol, a sector that has been referred to as "a busy corridor for illicit smuggling" and one with more than 700 vehicles seized in each of the past several years in connection with drug or alien smuggling. In the past few years, illegal alien apprehension has risen 60 percent, and drug seizures have increased by 50 percent. In March 2000, the Border Patrol reported apprehending 220,000 undocumented immigrants along the U.S./Mexico border, 600 of them in New Mexico. To compound the problem of immigration, New Mexico is experiencing a drug problem more severe than its neighboring states and the entire nation, and the problem is worsening despite increased efforts by law enforcement. Between 1995 and 1998, rates of violent crime and all crime were down nationwide and in neighboring states; yet New Mexico experienced increases. In July and August of 1996, the INS and other agencies apprehended 483 illegal aliens working in New Mexico, nearly all (97 percent) from Mexico. The enforcement effort was conducted in 13 key states, and New Mexico accounted for the second largest work site apprehensions after Texas. In March 1997, the INS launched "Operation High Point" to intensify Border Patrol surveillance of a critical 10-mile stretch of New Mexico's border with Mexico that increasingly is being used as a corridor for illegal alien and drug smuggling, and the region has experienced a 25 percent increase in narcotics seizures.

New Mexico border counties participate in the High Intensity Drug Trafficking Areas (HIDTA) program, and they receive partial payments for incarceration expenses from SCAAP. Despite these existing forms of assistance, New Mexico border counties are bearing a heavy burden. One of the greatest burdens incurred by counties is in detention and incarceration, yet HIDTA resources cannot be used for those activities. County officials also report frustration with the lack of local control over how best to use HIDTA funds in the effort to address the drug trafficking problem.

As California and Texas, and more recently Arizona, clamp down on traditional illegal alien crossing points, New Mexico experiences an increasing border-control problem. There are areas where people can drive or walk across the border relatively easily; there also are areas that are so vast as to negate effectively any possibility of monitoring by understaffed local and federal agencies.

Detention centers in New Mexico's border counties are forced to house a growing number of illegal immigrants without adequate compensation from the state or federal government. Border counties in New Mexico were quick to realize the importance of the U.S./Mexico Border Counties Coalition. Luna County Commissioner Dennis Armijo is one of four elected members of the coalition's executive board; Doña Ana County Commissioner Carlos Garza hosted the BCC meeting in Las Cruces in June 1999.

## Characteristics of New Mexico County Government

New Mexico county governments are subdivisions of the state with limited local authority. The state constitution dictates the terms of office for all county officials, establishes term limits, and specifies a process for recall for all elected county officers. According to the state constitution, county commissioners, the assessor, sheriff, probate judge, treasurer, and clerk each serve four-year terms. County commissioners, of which there must be either three or five, must serve staggered

terms. Since 1992, all county officers are limited to two consecutive four-year terms, after which they are ineligible to hold any public office for a two-year period. All elected county officials are subject to recall by the voters of the county.

Counties in New Mexico may incur debt for only a limited number of specific purposes provided for in the state constitution and state law, and then only after the proposition to create such debt has been approved by the county's voters. Counties are also limited to aggregate indebtedness not to exceed 4 percent on the value of taxable property within the county. Counties are further restricted by a state anti-donation provision.

County revenue sources include the property tax; an oil and gas ad valorem tax; various licenses, fees and permits; intergovernmental grants-in-aid from the state and federal government, and a proportion of the gross receipts tax that is collected by the state and returned to the counties. The taxable value of real property is calculated at a rate of one-third of the full value, and property tax rates vary considerably between and within counties. New Mexico counties tend to fund a variety of important activities outside the general fund. The extensive use of special funds is important in the context of this study because of the primary focus on general fund impacts of criminal illegal immigrants. It is not uncommon for the detention, emergency medical service, and/or indigent health care components to be outside the general fund.

## New Mexico County Law Enforcement and Criminal Justice System

The chief law enforcement official at the county level is sheriff. The sheriff is elected for a four-year term, and may serve no more than two consecutive terms of office. In some counties, the detention function is within the sheriff's department; in others, detention is kept under the direct control of the county manager. County detention centers function as pre-sentence holding facilities as well as jails for sentences of not more than one year or 365 days.

Juvenile offenders in New Mexico are not the responsibility of any criminal justice agency, but rather the state Children, Youth and Families Department. In New Mexico, holding juvenile offenders accountable for their actions and rehabilitating them is defined as more of a social welfare function than a law enforcement or corrections function, and more of a state rather than a local responsibility. Although the state district courts have exclusive authority to hear juvenile cases, and some counties operate juvenile detention facilities, the impact of illegal immigrants in this area is minimal in New Mexico. Because juvenile offenses are considered a family rather than a law enforcement issue, there is a limited capacity in the state to address offenses by juvenile illegal immigrants whose families remain in Mexico. Juvenile illegal immigrant offenders are more likely to be deported rather than prosecuted if their offenses do not rise to the level required for federal prosecution. There is some speculation on the part of local law enforcement personnel in the state that this aspect of New Mexico law has contributed to the increased use of juveniles to smuggle drugs across the border into the state.

The New Mexico State Constitution provides for a judicial branch that includes the Supreme Court, the Court of Appeals, District Courts, Magistrate Courts, Probate Courts, and other such lower courts as are created by the legislature. New Mexico's 33 counties are divided into 13 judicial districts, served by 72 District Judges. The District Court is the court of unlimited general

jurisdiction and is commonly referred to as the trial court in New Mexico. These courts have exclusive juvenile jurisdiction and handle the vast majority of felony cases. New Mexico's 54 Magistrate Courts have jurisdiction in civil matters in which the amount involved does not exceed \$7,500; they also have jurisdiction in criminal matters over most misdemeanors and other criminal actions where specific jurisdiction is granted by law such as DWI/DUI cases, traffic violations, and select felony cases.

Each county has at least one magistrate court; in the border region, Doña Ana County has three while Luna and Hidalgo Counties have one each. The more populous counties have boundaries that coincide with a judicial district, while the less populous counties share a district with up to three neighboring counties. In no instance, however, is a county divided into more than one district. In the border region, Doña Ana County is served exclusively by the Third Judicial District with its six judges; Luna and Hidalgo Counties, as well as Grant County, are covered by the Sixth Judicial District with its two judges.

Unlike many other states in which the counties consist of fully empowered legislative, executive and judicial branches, New Mexico maintains much of the responsibility for the judicial branch at the state level. At both the District and Magistrate court levels, the judges, court administrators, and court clerks are employees of the state, not the county. Similarly, District Attorneys (prosecutors), while elected by the residents of the county or counties served by the district, have their salaries paid by the state. Public Defenders as well as probation and parole officers are also state rather than county officials. It is, however, the responsibility of the counties to provide offices and judicial facilities for these state officials within their respective counties.

The understaffed and overburdened federal courts in New Mexico contribute to an increased burden on the state courts. As a result of the Southwest Border Initiative, a coordinated national strategy launched in 1995 to curb illegal immigration and drug smuggling from Mexico, a disproportionate burden has been placed on the border region as demonstrated by multiple indicators. The five border districts currently handle 26 percent of the 60,000 criminal cases in the federal court system; the other 89 district courts handle the remaining 74 percent. Between 1974 and 1998, criminal filings in the five border district courts increased more than 125 percent, from 6,460 to 14,517. The average caseload per judge in these courts is four times the national average. Criminal defendant filings in New Mexico rose 57 percent to 1,981 cases in fiscal year 1999. In New Mexico, responding to this increasing demand is particularly difficult. As noted by U.S. Senator Pete V. Domenici (R-NM) in June 2000, "[i]n New Mexico, a federal court in Las Cruces handles 65 percent of all the federal criminal matters in the state, yet there is not a single full-time sitting judge in that court. We desperately need ... new judgeships if our courts are to keep pace with the skyrocketing incidences of criminal activity along our southern border." The number of defendants waiting for court action in Las Cruces has risen up to 400 at times, according to Chief U.S. District Judge for New Mexico. Since 1994, criminal cases filed in border courts have increased by 125 percent with drug cases doubling between 1994 and 1998, and immigration-related prosecutions increasing more than five-fold in the same period. During the same period, while DEA, Border Patrol, INS and FBI personnel in the border region have grown 155, 99, 93 and 37 percent, respectively, the federal judicial officer resources have only increased 4 percent. As the federal courts have been overwhelmed, a larger share of the burden has been shifted to county law enforcement and detention systems, and the state judicial system in New Mexico.

Without exception, the magistrate and district courts in the border counties are severely overburdened and have increasing backlogs of cases. This problem, which is exacerbated by the demands of processing illegal immigrants for state offenses, impacts the counties in the form of extended terms of detention while those in their custody— both illegal immigrants and legal residents— await trial and sentencing.

## **New Mexico County Emergency Medical Services and Indigent Health Care**

Emergency medical services are provided by New Mexico counties through a variety of delivery mechanisms and funding methods. Some counties have their own ambulance services, others contract with private companies, and still others contract with municipal government entities. A combination of paid and volunteer employees is generally used for public provision of this service. The extent of medical care that can be provided within the county varies considerably. Some counties are served only by medical clinics that are open limited hours and are unable to provide comprehensive medical treatment. For such counties, the transportation costs for EMS can reach exorbitant levels. The costs of medically-necessary treatment and transportation services provided to illegal immigrants can create a substantial drain on the county coffers when bills go unpaid for extended periods of time.

Given the economic profile of the state, it is not surprising that many New Mexicans depend on publicly-funded health care programs, such as Medicare and Medicaid. New Mexicans without resources may receive medically-necessary care (charity care) from hospitals, clinics and private providers. Another category of people, the medically indigent, become the responsibility of the county. The state's Indigent Hospital and County Health Care Act identifies the individual counties as "the responsible agency for the ambulance transportation or the hospital care or the provision of the health care to indigent patients domiciled in that county for at least three months...." The Act defines the medically indigent as those persons to whom an ambulance service, a hospital or a health care provider has provided medical care, ambulance transportation or health care services who have available assets and/or income sufficient to support themselves and their household, but who normally are unable to pay the cost of some or all health care. The statutory definition includes minors who have received such transportation and/or treatment and whose parents or person having custody meets the above definition. County Indigent Funds in New Mexico are supported primarily through gross receipts taxes collected by the state and returned to the county. Other funds and sources often provide additional revenues and the counties carry forward any unspent balances from the previous fiscal period.

Federal law mandates that hospitals and emergency medical personnel treat anyone who needs emergency care, including illegal immigrants. But the federal government only pays for the care of illegal immigrants who are in the custody of the INS or other authorized federal agent. The costs of caring for those individuals not in federal custody are picked up the hospital or the local jurisdiction providing the services, often through the indigent health care system. Although the federal government provides matching funds through Medicaid, the increased workload places a considerable burden on the county coffers.

As with the criminal justice functions, some emergency medical and health care activities that are commonly performed at the county level in other states are maintained at the state level in New

Mexico. Included in this category are autopsies of individuals whose deaths occur while they are residents in a county or state institution or those in the custody of law enforcement officials. As a result, some expenses that are included for counties in the other border states are not included for the three New Mexico counties.

### Costs to New Mexico Border Counties

New Mexico's three border counties share a 206-mile border with Mexico and have a combined population of roughly 200,000 people. There are three ports-of-entry currently in operation in the state and one other under consideration. If one considers only the general fund burden incurred by New Mexico border counties in providing services to illegal immigrants, the cost estimate would be \$1.9 million; the general fund burdens incurred by the individual counties are presented in table 8.

**Table 8: Estimated Costs of Illegal Immigrants by County-General Fund**

County	Cost Estimate (%)	Per Capita Cost
Doña Ana	\$896,780 (46%)	\$5.26
Luna	\$603,256 (31%)	\$24.76
Hidalgo	\$447,780 (23%)	\$74.30
<b>TOTAL</b>	<b>\$1,947,816</b>	<b>\$9.74</b>

The general fund estimates presented above are misleading in that they dramatically underestimate the true burden placed on these three counties. Many New Mexico counties, because of low property tax rates and restricted revenue sources, find it necessary to pay for programs through special funds. For these counties, it is inappropriate to limit the study of the impacts of illegal immigrants on New Mexico counties to the general fund. The burden on Doña Ana County, for example, almost triples when special funds used for the detention center, indigent health services and emergency medical services are added to those burdens on the general fund. Please note that not all county special funds supporting criminal justice and emergency medical services were incorporated into the estimates presented in this report; only those that are the equivalent of the general fund in that they are paid for by general tax dollars and place a burden on county residents are included; grant funds are explicitly excluded from the cost estimates.

When the relevant special funds are included, the total costs to the three counties of providing criminal justice and emergency medical services to undocumented persons, including indirect costs, is \$5 million. Average per capita costs for the three border counties combined is almost \$25. Table 9 summarizes these total and per capita costs for the three border counties in New Mexico.

**Table 9: Estimated Costs of Illegal Immigrants by County-Total Budget**

County	Cost Estimate (%)	Per Capita Cost
Doña Ana	\$3,573,415 (71%)	\$20.98
Luna	\$943,476 (19%)	\$38.73
Hidalgo	\$485,049 (10%)	\$80.53
<b>TOTAL</b>	<b>\$5,001,940</b>	<b>\$24.92</b>

When considered in comparison to the other states that border Mexico, the impact of illegal immigration on the criminal justice and emergency medical systems in New Mexico counties may initially appear to be minimal, even with the special funds included. The sheer length of the Texas-Mexico border, the larger number of ports-of-entry in neighboring states, and the substantially larger populations of Arizona, California and Texas, all contribute to this disparity. Additionally, the dominance of the state government in New Mexico relative to the counties with respect to the judicial process compounds the gap. It is also imperative that the reader consider per capita impacts and other measures which place the effects in context, rather than aggregate dollar impacts alone. For example, the total burden incurred by Luna or Hidalgo Counties may seem trivial in comparison to estimates for some of the more populous counties in the other border states; yet, the per capita costs are extremely high especially when considered in light of the relative poverty of residents in these counties.

### **Costs to New Mexico Border County Departments and Functions**

The percentage impact on workload of processing illegal immigrants is the basis for determining the costs incurred by each county department. Taking a percentage of the workload insures that costs of general department overhead (such as secretarial support and department administration) are included. In addition to the direct costs, a proportional estimate of the indirect costs of services from general county government (including support from the county human resource management department, county manager, county commission, and budget office, for example) is added to each department's estimate to reflect better the full burden incurred by the county. Because of the extensive use of special funds to provide services typically found in the general fund, the New Mexico county estimates also include a proportion of those special funds where applicable. Table 10 presents the net cost estimates for each department involved in the provision of criminal justice and emergency medical services.

Table 10: Costs to New Mexico Border Counties by County and Department

TOTAL \$5,001,940		
<b>Doña Ana County</b> \$ 3,573,415	<b>Luna County</b> \$943,476	<b>Hidalgo County</b> \$485,050
<b>Sheriff</b> \$1,576,347	<b>Sheriff</b> \$193,331	<b>Sheriff</b> \$461,850
<b>Detention - Adult</b> \$982,419	<b>Detention - Adult</b> \$675,248	<b>Detention - Adult</b> (included in Sheriff)
<b>Detention - Juvenile</b> \$12,933	<b>Detention - Juvenile</b> \$15,996	<b>Detention - Juvenile</b> (not applicable)
<b>Judicial System</b> \$61,588	<b>Judicial System</b> \$2,478	<b>Judicial System</b> (not applicable)
<b>Emergency Medical</b> \$30,472	<b>Emergency Medical</b> \$37,813	<b>Emergency Medical</b> \$18,192
<b>Indigent Health Care</b> \$909,655	<b>Indigent Health Care</b> \$18,610	<b>Indigent Health Care</b> \$5,008

### New Mexico Border County Summary

New Mexico's three counties on the U.S.-Mexico Border spent a combined \$5 million from their local tax funds in FY 1999 providing services to illegal immigrants for law enforcement, criminal justice, and emergency medical care. The total cost per county ranged from \$485,000 to \$3.6 million. With a combined population of 200,000, each man, woman and child residing in these counties paid an average of \$25 to fund these extra services. Table 11 presents the aggregated costs to New Mexico border counties by department. Sheriffs departments bore the greatest hit, at \$1.93 million. When combined with adult detention, a separate department in two counties, the total comes to \$3.6 million, a full 72 percent of the total impact. The federal government, through SCAAP, gave these counties \$397,000 in compensation for detaining some criminal illegal

immigrants. The federal payment represents only 8 percent of the total fiscal burden on New Mexico's border county citizens.

**Table 11: New Mexico Border County Combined Costs by Department**

<b>Department</b>	<b>Dona Ana County</b>	<b>Luna County</b>	<b>Hidalgo County</b>	<b>Totals by Department</b>
<b>Sheriff</b>	<b>\$1,576,347</b>	<b>\$193,331</b>	<b>\$461,850</b>	<b>\$2,231,528</b>
<b>Adult Detention</b>	<b>\$982,419</b>	<b>\$675,248</b>	<b>Included in above</b>	<b>\$1,657,667</b>
<b>Judicial System</b>	<b>\$61,588</b>	<b>\$2,478</b>	<b>NA</b>	<b>\$64,066</b>
<b>Juvenile Detention</b>	<b>\$12,933</b>	<b>\$15,996</b>	<b>NA</b>	<b>\$28,929</b>
<b>Emergency Medical</b>	<b>\$30,472</b>	<b>\$37,813</b>	<b>\$18,192</b>	<b>\$86,477</b>
<b>Indigent Health Care</b>	<b>\$909,655</b>	<b>\$18,610</b>	<b>\$5,008</b>	<b>\$933,273</b>
<b>Totals by County</b>	<b>\$3,573,414</b>	<b>\$943,476</b>	<b>\$485,050</b>	<b>\$5,001,940</b>

## ARIZONA'S BORDER COUNTY IMPACT

Arizona's four border counties include Cochise County, Santa Cruz County, Pima County, and Yuma County. They have a combined population of 1.1 million, 18 percent of the 6.3 million population in the 24 border counties. Seven ports of entry operate in Arizona: two in Cochise County, two in Santa Cruz County, two in Pima County, and one in Yuma County. In 1999 the INS recorded 34.2 million border crossings into Arizona, roughly 11 percent of all crossings along the southern border. In that same year, however, approximately 530,000 apprehensions were made by the Border Patrol, nearly 40 percent of the total number of U.S./Mexico border apprehensions. Arizona clearly experiences a disproportionately high share of illegal apprehensions; the state, indeed, is the top choice for entering illegally. Moreover, the hottest spot currently for illegal entry is the Douglas area in Cochise County, where 56 percent of Arizona apprehensions were recorded. On a per capita basis, however, Santa Cruz County has the greatest proportion of illegal crossings of the four border counties. The terrain along Arizona's border is rugged and remote, but not impassable. The most daunting passage is through vast stretches of uninhabited desert in Pima and Yuma Counties. Still, Arizona is relatively accessible—temperature rather than terrain is the principal physical deterrent. Table 12 presents border county data in Arizona.

**Table 12: Arizona Border County Statistics**

County	Population (%)	Square miles (%)	INS Crossings (%)	BP Apprehensions (%)	Ports-of-Entry
Cochise	112,754 (10.5%)	6,256 (28%)	7,078,430 (21%)	295,247 (56%)	2
Santa	39,150 (3.5%)	1,246 (6%)	14,774,813 (43%)	86,529 (16%)	2
Pima	803,618 (74%)	9,240 (41%)	1,665,802 (5%)	59,865 (11%)	2
Yuma	135,614 (12%)	5,561 (25%)	10,638,342 (31%)	87,939 (17%)	1
<b>Total:</b>	<b>1,091,136</b>	<b>22,303</b>	<b>34,157,387</b>	<b>529,580</b>	<b>7</b>

Source: DES, INS, BP

### Characteristics of Arizona County Government

Arizona county governments are subdivisions of the state but with considerable local authority. While only the two urban counties, Maricopa and Pima, have the option of framing and adopting a home rule charter (though neither county has achieved voter approval), counties can levy a one-half cent sales tax for general purposes, set their own service charges, impose development impact fees, and establish sub-taxing districts for jails, health care, sports stadiums, and benefit service districts. Principal revenues for the county general fund come from the county property tax and state-shared taxes. (The State of Arizona distributes to counties a portion of the state sales tax, gasoline tax, vehicle license tax, and lottery profits.) Counties are uniformly structured: the governing body,

called board of supervisors, is comprised of three or five members, elected to four-year terms from districts. The chairman is selected from among the members. The board of supervisors has overall fiscal and fiduciary responsibility for the county, but it does not oversee operations of the seven elected department heads, called county constitutional officers. They include county assessor, county attorney, clerk of superior court, county recorder, county school superintendent, sheriff, and county treasurer. All elected officials run on a partisan basis and can serve an unlimited number of terms. Judicial officers—superior court judges, justices of the peace, constables—are also elected on a partisan basis. (Superior court judges in Maricopa and Pima Counties are appointed by the governor and subsequently stand for voter retention.) All 15 counties have appointed professional managers or administrators with broad authority. Arizona counties belong to the Arizona Association of Counties, the County Supervisors Association of Arizona, and the National Association of Counties. Many top appointed officials also belong to the International City/County Management Association and the Arizona City/County Management Association.

## Arizona 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 to juvenile offenders), the county criminal justice system is complex and expensive. Most aspects of this system are funded through the county general fund with revenues generated locally. In all counties, whether situated along the border or not, the major portion of the general fund goes toward financing law enforcement and criminal justice. Arizona's system at the county level typically consists of eight departments. They include: sheriff, indigent defense, county attorney (civil and criminal), justice court, clerk of superior court, superior court, adult probation, and juvenile court center. The departments of sheriff, county attorney, and clerk of superior court are headed by officials elected countywide to four-year terms. Elected presiding superior court judges oversee the superior and justice (and municipal) courts and appoint court administrators. Each department has multiple divisions, depending on the size of the county and the level of criminal activity. The indigent defense system is the responsibility of the board of supervisors, and the adult probation and juvenile court functions are the responsibility of the superior court. The board of supervisors, however, has full legal and fiduciary responsibility for all departments in the law enforcement and criminal justice system.

Arizona border counties spent a combined \$170.1 million from the general fund on law enforcement and criminal justice functions, or \$155 per capita. The proportion of general fund expenditures that finances the county law enforcement and criminal justice system ranges from a low of 37.5 percent in Santa Cruz County to a high of 61 percent in Yuma County. (The average is 48 percent.) The four counties spent from \$16 per resident to \$154 for law enforcement and justice services. These statistics are found in table 13.

Table 13: General Fund Expenditures on Law Enforcement and Criminal Justice

County	Expenditure (% gen fund)	Per Capita
Cochise	\$14,178,450 (39%)	\$126
Santa Cruz	\$ 6,043,014 (37.5%)	\$154
Pima	\$132,000,000 (54%)	\$16
Yuma	\$17,917,646 (61%)	\$132
TOTAL:	\$170,139,110	\$155

### Arizona County Indigent Health Care System

The county indigent health care system consists of several components. Counties are mandated by the state to provide health care to resident indigents through the state's version of Medicaid, called Arizona Health Care Cost Containment System (AHCCCS). Indigent medical services are not provided to nonresidents, but they can receive emergency care through the State Emergency Services (SES), a division of AHCCCS, or Federal Emergency Services (FES), a division of the federal government. Care for illegal immigrants treated under SES is indirectly financed by counties through their annual mandated contribution to AHCCCS. The SES program consumes about 9/10 of 1 percent of the state AHCCCS budget, and it is assumed that that portion of the county contribution goes to SES. The vast majority of non-resident indigents in border counties who receive emergency medical care, including labor and delivery, are undocumented immigrants. Further, counties conduct interviews and reviews to determine if applicants qualify for AHCCCS. Many of the applicants who do not qualify are illegal (though many who do qualify are residing illegally), so the eligibility determination function factors in a county's cost for emergency medical care for illegal immigrants. The number of applicants that are disqualified becomes the basis for determining cost. (Note that the requirements for qualifying for medical services differ among county, state and federal programs. There seems to be some disagreement on the interpretation of those qualifications, and more research is needed to determine exactly what types of non-residents, including illegal immigrants, are covered by either SES or FES [e.g., marital status and intent to remain in the state].)

Pima County presents a different situation with respect to emergency medical care. The county owns and operates Kino Hospital, so the county is in the medical care delivery business directly. While Kino Hospital is budgeted as an enterprise (i.e., self-supporting), the county general fund subsidized the hospital for \$18 million in FY 1999. Pima County also incurred some pre-AHCCCS medical expenses for illegal immigrants.

Medical personnel do not typically inquire about patient alienage, only county residency, so a county's illegal immigrant caseload is very difficult to determine. Estimated impacts on emergency medical services and eligibility determinations were based on general trends in border counties, interviews with a number of health care workers on various aspects of their work, and common sense. Likewise, the alienage of autopsy and burial recipients is not routinely documented, so other indicators were considered, such as manner of death (e.g., dehydration) and name (e.g., "John Doe"). Impact estimates in this domain, therefore, are meant to give only a general idea of costs.

## Costs to Arizona Border Counties

Arizona's four border counties incurred an additional expenditure of \$24.2 million from the general fund during FY 1999 because of the influx of illegal immigrants who committed state felonies or two or more misdemeanors. The majority of this additional financial burden fell on law enforcement and criminal justice departments; a small portion was also tied to indigent health care for *any* illegal immigrant. Table 14 presents the cost estimates for each county as well as the cost per resident. These totals include the cost estimate for receiving services from general county government (e.g., information systems, board of supervisors, human resources, finance and budgeting).

Table 14: Estimated Costs of Illegal Immigrants by County

County	Cost Estimate (% of total)	Per Capita Cost
Cochise	\$4,714,587 (19.9%)	\$41.81
Santa Cruz	\$2,152,663 (8.6%)	\$55
Pima	\$12,850,511 ( 51.8%)	\$16
Yuma	\$4,525,740 (19.7%)	\$33.37
Total:	\$24,243,501	\$22.22 (ave)

Arizona's border counties spent an average of \$22.22 per person to provide services to criminal illegal immigrants and illegal immigrants given emergency medical care, autopsies, or burials. Pima County's total share of the burden is 52 percent. Santa Cruz County's burden, however, is significantly disproportionate to that of the other three: The county's per person expenditure, at \$55 is \$33 greater than the border average of \$22.

## Costs to Arizona Border County Departments

Estimated costs to each department were determined first by estimating the impact on departmental workload of processing criminal illegal immigrants and illegal immigrants needing emergency medical services. Considering workload and then taking a commensurate percentage of a department's general fund budget insures that the administrative overhead of the department is included. Additionally, estimates include the interdepartmental charges for general government services ("Gen Gov") as explained in Chapter 1. Note that autopsies and burials are also included in the category of "emergency medical." Table 15 presents estimated total costs by county and department.

Table 15: Costs to Arizona Border Counties by County and Department

Total \$24,243,501			
Cochise County \$4,714,587	Santa Cruz County \$2,152,563	Pima County \$12,850,511	Yuma County \$4,525,740
Sheriff \$3,505,722	Sheriff \$1,376,480	Sheriff \$6,032,764	Sheriff \$3,407,805
County Attorney \$171,232	County Attorney \$128,940	County Attorney \$450,421	County Attorney \$218,167
Indigent Defense \$260,495	Indigent Defense \$115,130	Indigent Defense \$623,282	Indigent Defense \$125,747
Justice Court \$104,163	Justice Court \$95,868	Justice Court \$208,339	Justice Court \$59,487
Clerk of Superior Court \$96,903	Clerk of Superior Court \$64,990	Clerk of Superior Court \$36,342	Clerk of Superior Court \$61,698
Superior Court \$238,462	Superior Court \$156,320	Superior Court \$520,443	Superior Court \$211,518
Adult Probation \$44,856	Adult Probation \$149,528	Adult Probation \$132,308	Adult Probation \$105,581
Juvenile Center \$210,819	Juvenile Center \$55,255	Juvenile Center \$254,967	Juvenile Center \$0
Emergency Medical \$81,935	Emergency Medical \$16,152	Emergency Medical \$4,591,645	Emergency Medical \$335,736

### Arizona Border County Summary

Arizona's four counties on the U.S.-Mexico border spent a combined \$24.2 million from their general funds in FY 1999 providing services to illegal immigrants for law enforcement, criminal justice, and emergency medical care. The total costs per county ranged from \$2.2 million to \$13 million. With a combined population of over 1.1 million people, each man, woman and child

residing in these counties paid an average of \$22 to fund these extra services (the range was \$16 to \$55). Table 16 further shows the aggregate cost to each department in these counties. Sheriff's departments bore the greatest brunt, for a combined cost of \$14.3 million, or nearly 60 percent of all costs. The second hardest hit service area was emergency medical services, autopsies, and burials, for a total of \$5 million, largely because Pima County owns a hospital. The combined costs for indigent defense and superior court were both at \$1.1 million. It should be noted that defending criminal illegal immigrants is more expensive than prosecuting them. This could be because counties must hire contract attorneys at an hourly rate in order to handle the extra caseload with conflicts of interest. The federal government, through SCAAP, gave these counties \$1.3 million in compensation for the detention of some criminal illegal immigrants. Federal participation in this burden amounted to only 5 percent of the total burden on Arizona's border county citizens.

**Table 16: Arizona Border County Combined Costs by Department**

Department	Cochise	Santa Cruz	Pima	Yuma	Totals by Department
Sheriff	\$3,505,722	\$1,370,480	\$6,032,764	\$3,407,805	\$14,316,771
County Attorney	\$171,232	\$128,940	\$450,421	\$218,168	\$968,761
Indigent Defense	\$260,495	\$115,130	\$623,282	\$125,747	\$1,124,654
Justice Court	\$104,163	\$95,868	\$208,339	\$59,487	\$467,857
Clerk of Superior Court	\$96,903	\$64,990	\$36,342	\$61,698	\$259,933
Superior Court	\$238,462	\$156,320	\$520,443	\$211,518	\$1,126,743
Adult Probation	\$44,856	\$149,528	\$132,308	\$105,581	\$432,273
Juvenile Center	\$210,819	\$55,255	\$254,967	\$0	\$521,041
Emergency Medical	\$81,935	\$16,152	\$4,591,645	\$335,736	\$5,025,468
<b>Totals by County</b>	<b>\$4,714,587</b>	<b>\$2,152,663</b>	<b>\$12,850,511</b>	<b>\$4,525,740</b>	<b>\$24,243,501</b>

## CALIFORNIA'S BORDER COUNTY IMPACT

Two of California's 58 counties (Imperial County and San Diego County) share the state's 150-mile border with Mexico. In 1999 the population of San Diego County was estimated by the Demographic Research Unit of the California Department of Finance to be 2,855,901 and that of Imperial County to be 144,481, as shown below in table C1. Together, these counties represent 9 percent of the total population of California. San Diego County, which encompasses the San Diego metropolitan area, is the largest urban area of the entire border region and has been for the last 100 years. It alone accounts for 45 percent of the population residing in the U.S. counties adjacent to Mexico.

Six ports-of-entry operate in California: three in San Diego County and three in Imperial County. In FY 1999 the INS recorded 92 million crossings from Mexico into California, 21 percent of the 435 million land crossings into the United States in that fiscal year, and 29 percent of the land crossings from Mexico into the U.S. This amounts to an average of more than 250,000 persons crossing the border each day through these six points-of-entry. In that same year, approximately 392,000 apprehensions of presumably undocumented immigrants were made in the San Diego County and Imperial County sectors by the Border Patrol, representing 29 percent of the total number of apprehensions along the U.S.-Mexico border. This number represents a decline from previous years and is attributable to the impact of the fences that have been constructed along the border in San Diego County as part of Operation Gatekeeper. These fences have pushed illegal crossers farther to the east, into Imperial County and especially to Arizona. Table 17 presents border county statistics.

**Table 17: California Border County Statistics**

County	Population	Border Length	Square Miles	Ports-of-entry	INS crossings	Border Patrol Apprehensions
San Diego	2,820,844 (95%)	17,135 (89%)	4,204 (50%)	3	55,711,929 (61%)	171,743 (44%)
Imperial	145,287 (5%)	2,092 (11%)	4,175 (50%)	3	36,133,488 (39%)	220,439 (56%)
<b>TOTAL</b>	<b>2,966,131</b>	<b>19,227</b>	<b>8,380</b>	<b>6</b>	<b>91,845,417</b>	<b>392,182</b>

Sources: California Department of Finance Demographic Research Unit, Immigration and Naturalization Service, U.S. Border Patrol

### Characteristics of California County Government

California county governments represent the largest political subdivision of the state having corporate powers. The specific organizational structure of a county in California will vary from county to county, but each county is required to be governed by a Board of Supervisors consisting of five members. California law provides for two kinds of counties— general law and charter. General law counties adhere strictly to state law regarding the number and duties of elected county officials. Charter counties have some latitude or "home rule" with regard to the election of officials and the administration of the county. Note, however, that in all counties the sheriff, district attorney, and assessor are required to be elected. Although charter counties have more flexibility than general law counties, a charter does not give county officials any extra authority over local

regulations, revenue-raising abilities, budgetary decisions, or intergovernmental relations. Of the two U.S.-Mexico border counties in California, San Diego is a charter county and Imperial is a general law county.

It is important to note that in California counties lack some of the powers of self-government that California cities have. In particular, cities have broad revenue generating authority that is not available to counties. Counties may be seen generally as an instrument of state government, but with the added responsibility for the specific health and welfare of residents within the county. In general, the California Constitution authorizes counties to make and enforce local ordinances, as long as they do not conflict with general laws. A county can sue and be sued, purchase and hold land, manage and dispose of its properties, and levy and collect taxes authorized by law.

In FY 1999 the principal source of revenue for the general fund of most California counties came from state-shared taxes (so-called intergovernmental revenues). The State of California distributes to counties a portion of the state revenues (from sources including state income tax and federal block grants), although this funding comes largely in the form of revenue dedicated to specific programs. General county revenues include property taxes, sales taxes, vehicle license fees, and the real property transfer tax.

## California County Law Enforcement and Justice System

Law enforcement in California counties is shared by several different agencies. The California Highway Patrol operates in every California county, with the mission to ensure safety and provide service to the public as they utilize the highway transportation system and to assist local government during emergencies when requested. Most counties also have a Sheriff's Department, which enforces laws in unincorporated parts of the county, as well as within municipalities that contract with the Sheriff's Department for those services rather than establishing their own. (Larger municipalities will fund their own local police agency.) Additionally, there are sworn police officers in public and private universities, in community colleges, and in special districts (such as the San Diego Harbor Police). There are also sworn officers in the Courts (the Marshal's office), and in federal agencies such as the Border Patrol.

The Sheriff's Department is usually responsible for incarceration of prisoners before and during trial, and for minor offenses carrying a sentence of less than one year. Convicted felons are normally incarcerated in facilities operated by the California Department of Corrections. The prosecution of alleged criminals is undertaken by the County District Attorney, and the supervision of persons on probation is undertaken by the County Department of Probation. The defense of indigents is the responsibility of the County Public Defender and Alternative Public Defender.

The system of justice is conducted under the auspices of the Superior Court system. The Court system in California has undergone important recent changes in funding and structure. In 1997 the California legislature passed the Lockyer-Isenberg Trial Court Funding Act, which consolidated all Court funding at the state level, and also capped the amount of money that each county would be required to contribute to the state court fund. In centralizing the funding, the legislation unlinked the contribution that each county made from the amount that each county's court might receive. In other words, each county contributes to court costs, but those costs are not necessarily

proportionate to the costs associated with the court in that county. The contribution required of each county is based on its funding of state courts in FY 1995. Furthermore, counties are required to continue funding court facilities and those court-related costs that are outside the statutory definition of court operations, including indigent defense, pretrial release, and probation costs. This legislation went into effect on January 1, 1998 and counties were still working out the budgetary implications during the 1999 fiscal year.

The other change taking place in California courts is court unification. Prior to 1998, the Constitution of the State of California provided for a two-tier system of trial courts that consisted of 58 superior courts (one in each county) and 209 municipal courts. Superior courts had jurisdiction over all felony cases and all general civil cases involving disputes over \$25,000. These courts also had jurisdiction over probate, juvenile, and family law cases. The municipal courts had jurisdiction over misdemeanor and infraction cases, civil matters involving claims of \$25,000 or less, including small claims that did not exceed \$5,000, and presided over felony arraignments and preliminary hearings to determine probable cause to hold defendants for further proceedings in superior court. On June 2, 1998, California voters approved a constitutional amendment permitting judges in each county to merge their superior and municipal courts into a single countywide court upon the vote of a majority of the county's superior court judges and a majority of its municipal court judges. Upon unification, the municipal court judges become superior court judges and are subject to countywide election. Upon unification, municipal court employees become employees of the unified superior court, and municipal court locations become locations of the countywide superior court. All aspects of the criminal justice system, including arraignments, hearings, trials, and the handling of both misdemeanors and felonies, are therefore now dealt with in the unified Superior Court. Both San Diego and Imperial Counties unified their courts in 1998.

## California County Indigent Health Care System

California has a complex system of health-care provision for low-income and indigent persons. The state provides funding through two separate, but related programs---Medi-Cal and the Healthy Families Program. Although these programs are funded by the state, eligibility is determined at the county level by employees of county health and human services departments. Counties may also either provide direct help or assist in the funding of necessary services for indigent uninsured persons who are not covered by any other program. Eligibility and scope of services will vary from county to county. In many counties, including San Diego and Imperial, this task is typically contracted to nonprofit community clinics. Such clinics provide primary care services to a mix of Medi-Cal and uninsured low-income patients, as well as to fee-for-service patients. Neither county has a county-owned or -funded hospital.

Low-income and indigent health care is oriented especially to the needs of children and pregnant women. It is likely that the biggest single category of medical expense for undocumented immigrants from Mexico to California is that associated with pregnancy, delivery, and post-natal care. A child born in the U.S. to an undocumented immigrant is automatically a U.S. citizen and may be eligible for reimbursed medical care, even if the mother is not eligible. The task of determining such eligibility normally falls to workers employed by a county's health and human services department. There is very little likelihood that a non-pregnant adult undocumented immigrant will qualify for any program of medical assistance; as a consequence treatment provided

to these individuals is normally a charity that is absorbed by the provider. It is illegal to inquire about legal residence until after medical services have been provided, so only after-the-fact can the health care provider determine whether the person has resources to pay for himself or herself, or whether he or she is covered by insurance or by a publicly-funded program such as Medi-Cal.

## Costs to California Border Counties

The total annual cost to California's border counties for providing law enforcement and criminal justice services to criminal illegal immigrants and emergency medical care to any illegal immigrants is estimated to be \$55,691,650. This estimate includes indirect costs for general government services to these departments. Table 18 summarizes these data for the two border counties of California

Table 18: Estimated Costs of Illegal Immigrants by County

County	Cost Estimate (% of total)	Per Capita Cost
San Diego	\$50,257,756 (90%)	\$17.60
Imperial	\$5,433,894 (10%)	\$37.61
TOTAL	\$55,691,650	\$18.56 (ave)

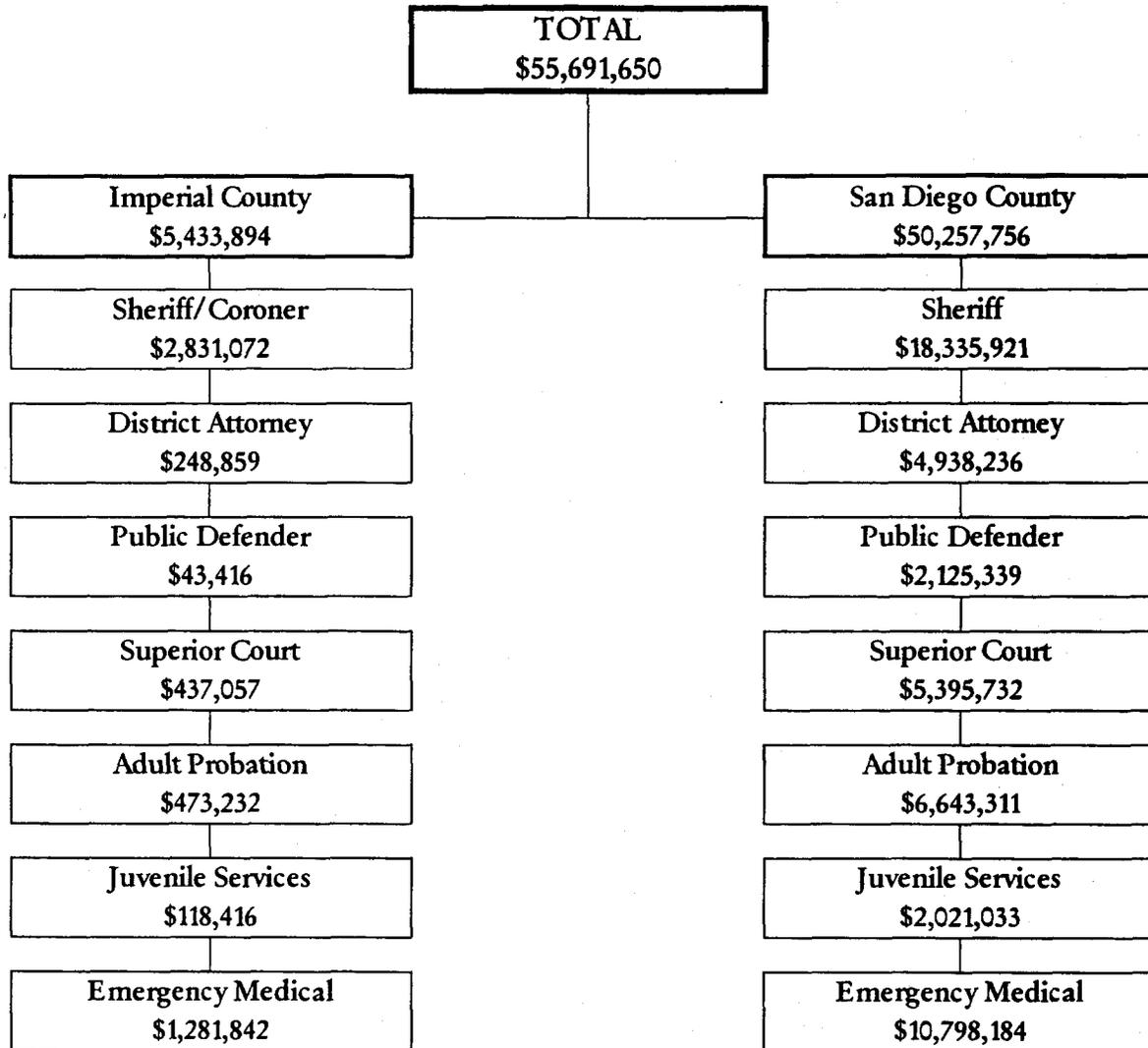
San Diego County's estimated cost of \$50.3 million accounts for 90 percent of the costs of the two counties combined, but table C2 shows that the impact per person is more than twice as high in Imperial County (\$37.61 per person) as it is in San Diego County (\$17.60).

## Costs to California County Departments

The basis for determining the cost to the general fund for each department is the estimated percentage of workload in each department related to processing criminal illegal aliens. The results of these calculations are shown in table C3 and are discussed in more detail below in the sections devoted to each county.

Taking a percentage of workload insures that general department overhead costs are included as well as the direct costs of providing services. Also added is an estimate of the cost of services from general county government (e.g., auditor, human resources, finance and budget) to each department. These costs are included in the data shown above in table 19. The costs for emergency medical care (including ambulance/paramedic services and acute care), autopsies, and burials of indigents are combined under the heading of "emergency medical." These latter estimates are for all illegal immigrants, whether criminal or not.

Table 19: Costs to California Border Counties by County and Department



### California Border County Summary

California's two counties on the U.S.-Mexico border spent a combined \$56 million from their general funds in FY 1999 providing services to illegal immigrants for law enforcement, criminal justice and emergency medical care. The cost per county was \$5.4 million for Imperial County and \$50.3 million for San Diego County. With a combined population of three million people, each man, woman and child residing in Imperial and San Diego Counties paid an average of \$18.56 to fund these additional services. Table 20 further shows the aggregate cost to the counties by department.

Consistent with border counties in other states, the sheriff bears the greatest burden, \$24 million, which is 43 percent of the total impact. Emergency medical care incurred the second greatest cost, \$12 million, and adult probation's costs reached \$7 million. The federal government, through SCAAP, paid these counties \$8.4 million in compensation for the detention of criminal illegal

immigrants in FY 1999. The federal responsibility for this aspect of illegal immigration amounts to only 15 percent of the total burden on California's border county citizens.

**Table 20: California County Combined Costs by Department**

Department	Imperial County	San Diego County	Totals by Department
Sheriff	\$2,831,072	\$18,335,921	\$21,166,993
District Attorney	\$248,859	\$4,938,236	\$5,187,095
Public Defense	\$43,416	\$2,125,339	\$2,168,755
Superior Court	\$437,057	\$5,395,732	\$5,832,789
Adult Probation	\$473,232	\$6,643,311	\$7,116,543
Juvenile Services	\$118,416	\$2,021,033	\$2,139,449
Emergency Medical	\$1,281,842	\$10,798,184	\$12,080,026
<b>Totals by County</b>	<b>\$5,433,894</b>	<b>\$50,257,756</b>	<b>\$55,691,650</b>

## U.S.-MEXICO BORDER COUNTIES: SUMMARY AND CONCLUSION

### 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.” Yet, for every fence erected and agent added, drug- and people-smugglers from across the line respond in their own creative ways. The number of illegal immigrant apprehensions does not decline; rather, the points of entry simply shift to avoid 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. The U.S. Border Patrol apprehended 1.35 million illegal immigrants in 1999. Moreover, that figure is expected to rise in ensuing years, if recent trends continue. Apprehensions in the month of April 2000 were more than 37 percent higher than that in April 1999. Further, the INS estimates that 275,000 illegal immigrants slip through and become absorbed into U.S. society every year.

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 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 high and they place a tremendous burden on border counties. 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 (Senators Gramm, Hutchinson, Domenici, Bingaman, McCain, Feinstein and Boxer), 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 a report on 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.

### Border Counties Costs

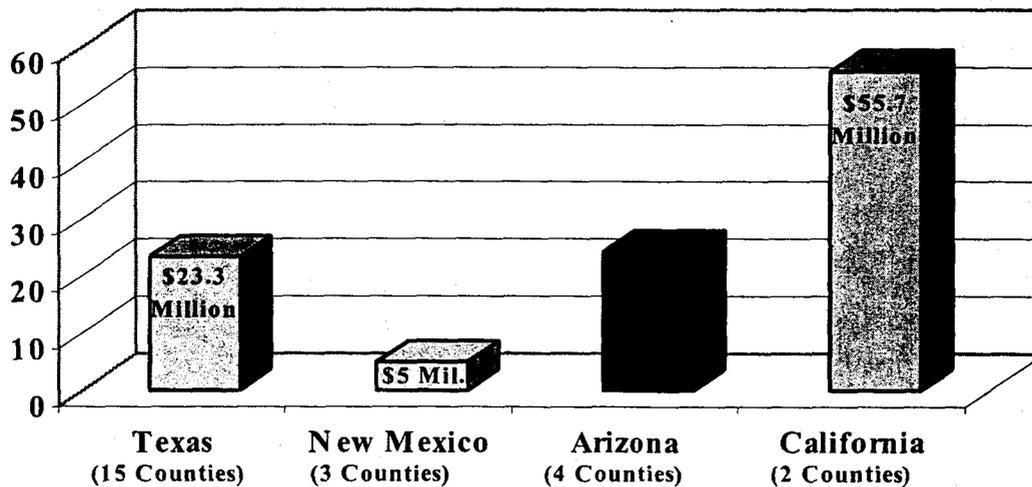
The total cost to border counties was estimated to be \$108.2 million in FY 1999. Costs were calculated by department, by county, by state, and as a region. The basis for estimates was the

impact on workload of each department of processing illegal immigrants. Table 21 and graph 1 arrays combined county cost estimates by state.

Table 21: 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 smaller aggregate 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 22 contains some of these border statistics.

Table 22: Border Statistics by State

State	County Border Population	Border Length (Approximate)	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
Total (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 23 looks at estimated costs by county population, total county cost, and per capita cost.

Table 23: 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 (nearly triple the second highest per capita cost, \$80.53, in Hidalgo County, NM). Every man, woman and child residing in these 23 counties paid an average of \$17.31 in FY 1999 (Maverick

County is excluded). 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 24 presents these data.

**Table 24: 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
Total	\$894 Million	\$108.2 Million	12 cents (ave)

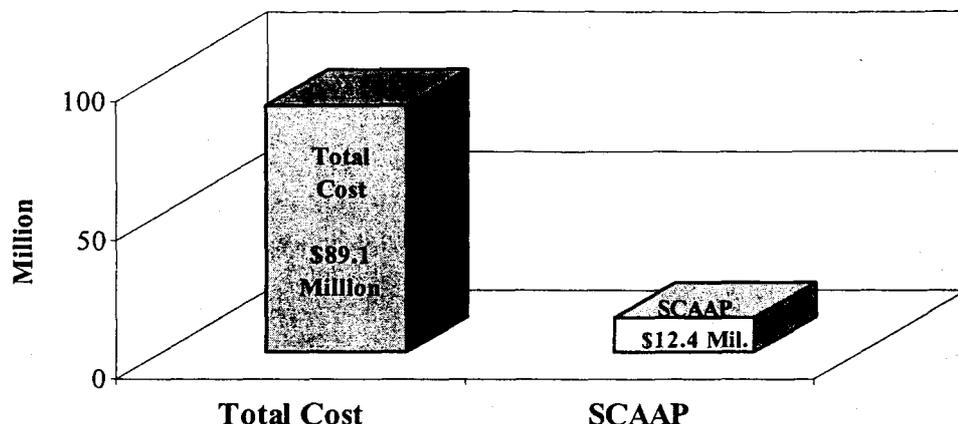
New Mexico counties spend the greatest portion of their public safety budget on criminal illegal immigrants—over half. Texas counties spend the second highest, but at 16 cents it is far less than that of New Mexico border counties. Both New Mexico and Texas border counties have smaller general fund budgets (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 criminal justice 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 (or 20 percent when costs for detention and emergency medical are deducted). 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 total 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 25 and graph 2.

**Table 25: 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, though, border county officials appreciate the compensation they do receive.

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 26. It should be noted that these estimates only reflect costs to county governments, and do not reflect the enormous uncompensated costs to states and non-county hospitals.

**Table 26: 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

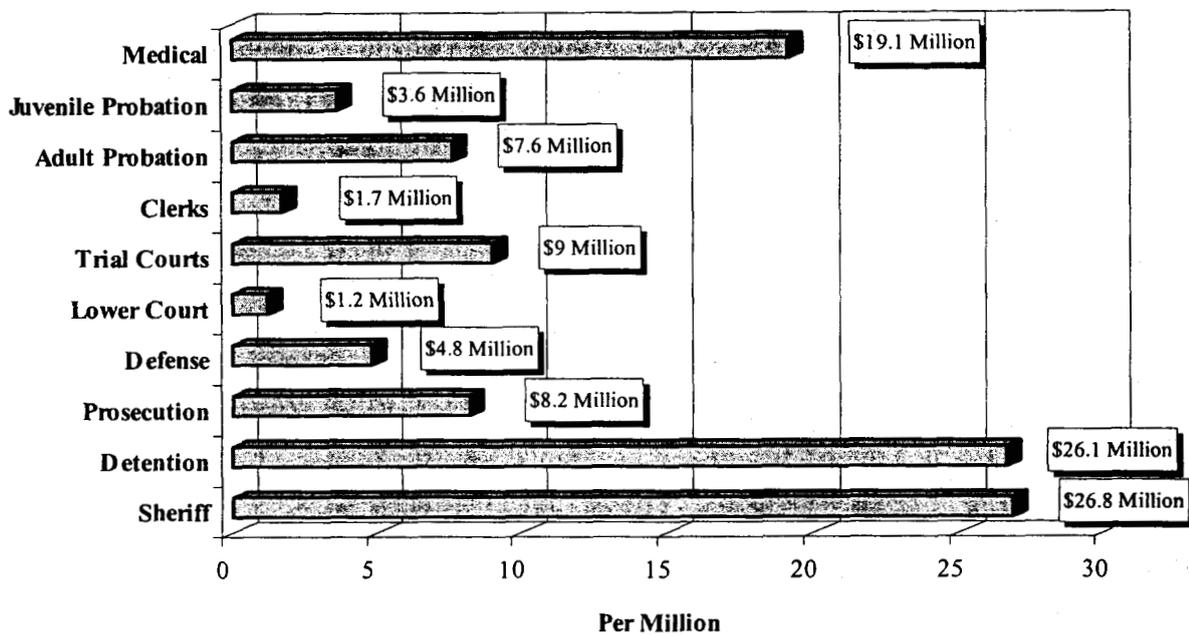
In summary, the cost impact on the 24 border counties on the U.S.-Mexico border of providing services to illegal immigrants in FY 1999 was estimated at over \$108 million. This total includes sheriff, detention, prosecution, defense, lower and trial courts, court clerks, adult probation, juvenile services and emergency medical. Table 27 and graph 3 present a breakout of costs (liberally rounded) by county function and state.

Table 27: Total Costs by County Function and State (in millions of dollars)

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	\$0.7	*	\$0.5	**	\$1.2
Trial Courts	\$2	\$0.06	\$1.1	\$5.8	\$9
Court Clerks	\$1.4	*	\$0.3	**	\$1.7
Probation	\$1	*	\$0.4	\$7.1	\$7.6
Juveniles	\$1	\$0.03	\$0.5	\$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



The above table demonstrates 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 in their ability 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 reductions in the property tax rate, new parks, improved infrastructure, or other activities that would directly serve the citizens themselves.

## Conclusion

### Capacity of Border Counties

This research is intergovernmental in nature; it raises issues associated with levels of government, responsibilities, program implementation, and financing. It is not about immigration or immigration policy *per se*. The primary focus is the cost to county governments of implementing programs for populations that are or should be the responsibility of the federal government. A full understanding of the implications of this research requires a grasp of the roles and capacities of county governments. County governments serve a dual role; they are 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 generally 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, Pima County and San Diego County, 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. Clearly, the border counties are not the level of government that 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 policy issue if they chose. Table 3 on page 9 illustrates this potential: Together the counties have 247 locally-elected officials (the judiciary would add hundreds more), \$4.1 billion in total expenditures, \$2.6 billion in general fund expenditures, 130,000

square miles in area, and an assessed valuation that equals \$217 billion. In forming the Coalition and selecting this issue as their first priority, county officials in the border region have sent a clear signal about their needs.

## Research Methods

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."

There are two methods by which to determine costs to counties on an annual basis. One option would be to replicate this in-depth analysis conducted for this study. An alternative would be to develop a detailed record-keeping procedure for county officials. The former is too costly and the latter is too cumbersome for county officials. In the absence of hard data, an accepted method for estimating costs would be to develop a predictive model. Such a model has been developed by investigator John Weeks, a San Diego State University professor. The model, which is presented and explained in the Appendix in the full report (under separate cover), 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 results of this 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.

## 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." 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." 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. 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." 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. A study that will address this issue 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. 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 to children, become injured or die on the journey.