

County Jail Survey Report 2008

Legislative Department
Texas Association of Counties

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Executive Summary

In order to estimate the impact of illegal immigration on county sheriff departments or, more specifically, the county jails in those departments, it would seem to be necessary to have a good understanding of the number of illegal immigrants which pass through these departments. Unfortunately, for a number of reasons, most estimates suffer from one or more deficiencies. As this survey points out, tracking of the status of immigrants in county jails is problematic at times. As a result, the numbers, whether counts of illegal immigrants or total costs, are reported as estimates rather than exact measures.

There are estimated to be 3,711 illegal immigrants in county jails at the time of the survey.¹ Extrapolating from the survey counties to all counties results in an estimate of \$60,749,900 spent statewide by county sheriff departments in FY2007 to deal with illegal immigrants. This cost estimate is more or less in line with previous costs estimates produced by the state. The real issue however is not their accuracy but the fact that both estimates indicate that the cost to counties of dealing with illegal immigrants in their jails runs into the tens of millions of dollars statewide.

In FY2007, the federal government, through the State Criminal Alien Assistance Program (SCAAP), awarded county governments in Texas less than \$10 million for handling illegal immigrants.

In addition to looking at the cost to counties, the survey also asked about their relationship with Immigration and Customs Enforcement (ICE). Many counties noted a strong, professional relationship. Others were less happy with ICE. The issue appears primarily to be with staffing levels and the lack of local support from ICE.

Counties noted that the response time for ICE can be excessive outside of regular business hours and that the distances that ICE officers must travel to get to the county jails often restricts their interaction with local jails. However, counties that have had problems working with ICE appear to have found a solution by working with local Border Patrol agents. While this solution may or may not be ideal, it does work for those counties.

¹ See the discussion on question 6 of this survey.

How can the state help? As might be expected from the above discussion, counties requested additional funding to cover the expense of dealing with illegal immigrants. However, the request was not always for additional funding for themselves; often the request was for additional funding for ICE.

One comment suggested that the state could use its influence to lobby for additional funding for ICE. The possibility that the state could push for additional ICE funding is quite attractive given the number of comments found throughout the survey on the lack of staffing at ICE, lack of local ICE offices, etc.

A related issue is the need noted by many respondents to improve the process whereby immigrants' status is identified or verified. Respondents identified improving this process as one of the two top challenges in dealing with illegal immigrants in the county jails.

However, the most common challenge noted came in regards to language. Many counties noted language skills, primarily Spanish, as their most pressing need. Closely related to the language issue, three respondents also listed social, cultural and religious challenges in dealing with illegal immigrants.

Other requests were for

- improved coordination with ICE;
- a statewide policy on illegal immigration; and
- granting local law enforcement officers authority to arrest and detain illegal immigrants.

Introduction

In 2007, Tom Craddick, the Speaker of the Texas House of Representatives, issued a series of interim charges. Included among them was a joint charge to both the House Committee on Corrections and the House Committee on County Affairs. These committees were charged by the speaker to:

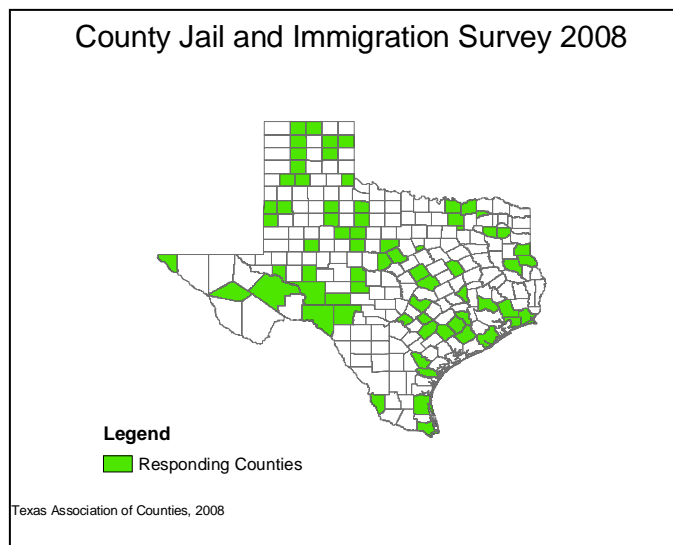
Study policies and procedures related to illegal immigration and border security of the TDCJ, county probation departments, and local and county jail facilities, and make recommendations to improve coordination with international, federal, state, and local authorities.

Upon receiving an information request from the House Committee on Corrections, the Texas

Association of Counties (TAC) created a survey based on a set of questions received from the Committee. After editing the survey, originally designed for probation departments, TAC consulted with representatives of the Sheriffs' Association of Texas to finalize the questions. On January 28, 2008 e-mail messages were sent to approximately 240 county sheriffs. Due to problems with invalid e-mail addresses

and similar issues, 13 of those messages were never received by the sheriffs. On February 11th, a reminder message was sent to those who had not responded to the original request. The survey was closed February 20, 2008.

Seventy counties were able to complete the survey by the time it closed. They are shown in Map 1.



Map 1

Section I of this report reviews the responses received from the counties. Section II covers the survey results and Section III goes over related issues that require additional study.

Please note that the survey was designed to investigate the impact of illegal immigrants on county jails. As a result the report focuses on county jails, county sheriff departments, and adult illegal immigrants. The impact of illegal immigrants on the state prison system or adult probation is not covered in this report. Juvenile illegal immigrants are also not covered in this report, however, it should be noted that those juveniles with criminal allegations become the responsibility of local juvenile probation departments or the Texas Youth Commission until their cases are resolved. At that point, state and local entities coordinate with federal services to address the needs and placement of juvenile illegal immigrants.

I. Survey Responses

In this section, the responses to the survey are reviewed question by question.

Initial review of the survey responses pointed out one possible area of concern with the survey itself. Both Randall and Zapata Counties noted that they held illegal immigrants in their county jail under contract with Immigration and Customs Enforcement (ICE). Potter County noted that all of their illegal immigrants are held in Randall County. The survey questions and instructions did not differentiate between inmates held under contract with ICE and those held for other reasons. Although not noted on the survey, Val Verde County also holds inmates under contract with the federal government.² Therefore, the survey results for many of the questions will be presented in two groups. The first group will represent all responding counties and the second group will be all responding counties except Randall, Val Verde, and Zapata.

In addition, Haskell County noted that they use a privately run jail to house their inmates. Thus, they were unable to respond to some of the questions on the survey.³

In the survey, the questions were grouped by six subject areas.

1. Jail Policies and Procedures
2. The Number of Illegal Immigrants in the County Jails
3. Language and Nationality of Illegal Immigrants Being Held in Jail
4. The Cost of Holding Illegal Immigrants
5. Immigration and Customs Enforcement (ICE)
6. Comments

Definitions

Detainer - An ICE detainer is when ICE flags a person in the custody of another law enforcement agency, such as a county sheriff, because they have probable cause to believe an immigration law has been violated. When the person has

² See the discussion and notes on question 6.

³ Haskell's responses to a number of questions reiterated that their jail was privately run and as a result they could provide no further information on questions 6, 8-16, and 21-22. For those questions, Haskell was not included in determine averages, totals, or any other statistics.

finished his or her sentence, or otherwise settled all local charges, ICE agents will pick him or her up to begin deportation proceedings.⁴

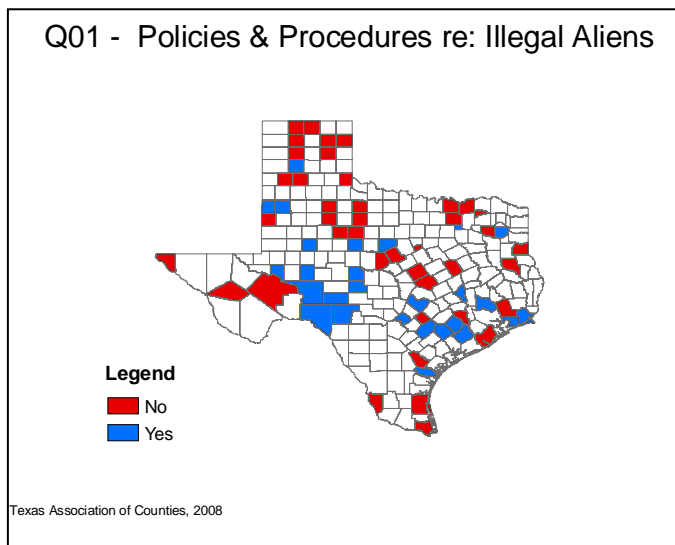
Jail Policies and Procedures

1. Does your department have policies and procedures regarding illegal immigrants?

Most respondents reported no departmental policies and procedures in place regarding illegal immigrants.

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
Yes	28	40.6%	26	39.4%
No	41	59.4%	40	60.6%

However, as seen in the response to question 2, most also reported having procedures in place to verify the legal status of immigrants. The apparent discrepancy can easily be explained by noting that question 2 deals with all



Map 2

immigrants as opposed to “illegal” immigrants.

In Map 2, the counties that responded that they do not have policies and procedures regarding illegal immigrants are shown in red. Along the border, the largest concentration of counties reporting policies and procedures in place are around Del Rio (Crocket, Edwards, Sutton, Val Verde, etc.).

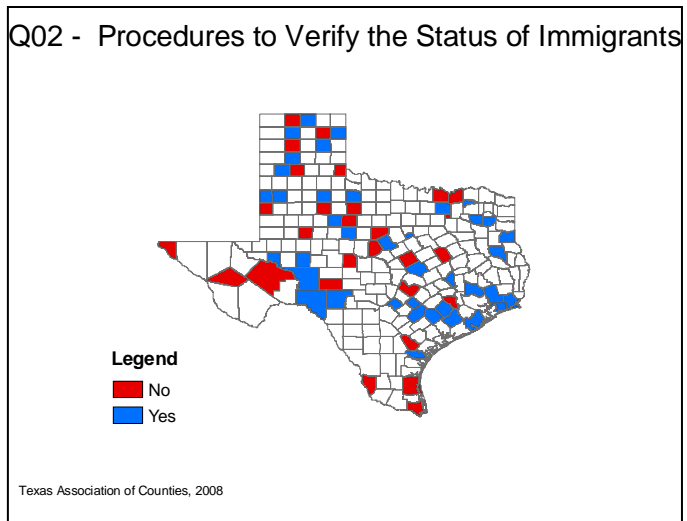
2. Does your department have procedures to verify the legal status of immigrants in your jail?

⁴ “What is ICE?,” *The (Greeley, CO) Tribune*, 13 December 2006
<http://www.greeleytrib.com/article/20061213/NEWS/112130073>

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
Yes	40	58.8%	38	58.5%
No	28	41.2%	27	41.5%

Every region of the state had both counties that answered yes and counties that answered no to the question, "Does your department have procedures to verify the legal status of immigrants in your jail?"

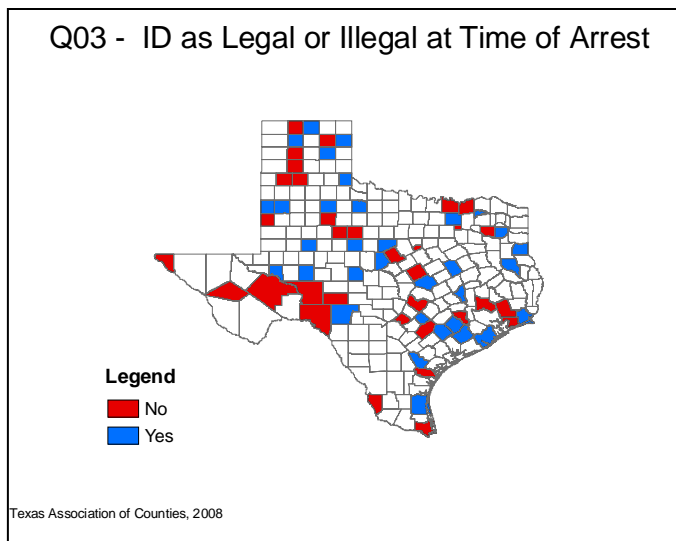
The next question was very similar in that it also asked about procedures to identify the legal status of immigrants. However, it was narrower in that it was limited to a specific window of opportunity.



Map 3

3. Do you ID people brought in for booking as legal or illegal at the time of arrest?

Over half the respondents reported that they identify the status of immigrants at the time of booking. However, the standards for that identification varied greatly from county to county. Several of the respondents indicated that status is identified based solely on the claims of the individual. Other counties require more; for example, one county stated, "Our deputies ask for DL or criminal history check when they are arrested." Most respondents, however,



Map 4

indicated yes or no and provided no additional details.⁵

Anecdotally, a conversation was held with a representative Bexar County in late February 2008 in which they were asked about some of their procedures for dealing with illegal immigrants. The Bexar County jail verifies immigrant status by computer system to the ICE office and the National Crime Information Center (NCIC) in Chicago. There is no ICE officer in the jail, nor is one contacted when an interview is needed. The information that is available through the computer system is obtained and the jailers notify ICE if appropriate. If there is no response from ICE within 4-6 hours, and the person is able to make bond, the individual is released. If they can not make bond, they are sent to a different facility to wait for an interview with ICE.

Map 4 shows in blue the respondents who identify status at the time of arrest.

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
Yes	34	50.7%	34	53.1%
No	33	49.3%	30	46.9%

⁵ A place for comments was provided on the survey. It was marked as optional.

The Number of Illegal Immigrants in the County Jails

4. What is your total jail capacity?⁶

Average jail capacity of the respondents is 339.6, however that is total beds. As Childress County noted, a portion of those beds are reserved for females. Sections of the jail reserved for females can not be used to house male inmates. This can cause overcrowding problems. For example, a 100 bed jail has 90 male inmates and 1 female inmate. However, the jail's female wing has 20 of the beds. Thus, the 90 men must be held in what amounts to an 80 bed jail. One solution would be for the county to contract with another jail to hold the additional inmates.

While the average seems high, it should be noted that multiple urban counties responded to the survey. The maximum capacity noted is 3,080 for Travis County, the most populous county to respond to the survey. On the other hand, several counties indicated that they did not have a jail. Of those counties that do have a jail, the median⁷ number of beds is 96.

As previously mentioned, Haskell uses a privately run facility. Roberts has a total capacity of three, but that is for a 72 hour holding facility. Kent noted that Dickens County houses their inmates and Randall houses inmates for Potter. Kenedy replied "N/A" to this question. A quick review of the Texas Commission on Jail Standards' Jail Population Report⁸ shows that Kenedy has a total jail capacity of zero indicating that, like fellow respondent Jeff Davis County, they have no jail.

5. What is your current jail population?

Respondents indicated a total of 17,249 inmates or 80.6% of the 21,395 beds noted in question 4.⁹ This is a bit higher than the 79.1% of capacity noted for February

⁶ Unless otherwise indicated, all comments and data associated with this survey question are based on the response of ALL counties.

⁷ The median is the number in the middle of a set of numbers. The median of the set (1, 2, 3, 4, 9) is 3 since 1 & 2 are lower, and 4 & 9 are higher.

⁸ Texas Commission on Jail Standards, *Jail Population Report: February 1, 2008*, <http://www.tjcs.state.tx.us/docs/abrerrpt.pdf>

⁹ As of 01 February 2008, total statewide jail capacity is 87,165 and the actual jail population is 68,926 according to the Texas Commission on Jail Standards.

1, 2008 for all county jails.¹⁰ Haskell County was unable to provide a total capacity since their inmates are held in a privately run jail. Similarly, Kent County was unable to provide a total capacity since they utilize the jail facilities in Dickens County.

The median jail population at the time of the survey for the responding counties was 64. Without Randall, Val Verde and Zapata the median drops to 59.

6. How many illegal immigrants are currently in your jail? (Estimate, if necessary)

Surprisingly, most of the respondents had few if any illegal immigrants in their jails. The median number of illegal immigrants in the jails was 2 at the time of the survey. Overall illegal immigrants accounted for only 10.9% of the current jail population. On the other hand, the variance in the responses was very large. For example, Val Verde County reported that 1,000 out of 1,227 people in its jail were illegal immigrants.¹¹ That is 80.5% of the reported population in that county's jail. It is also 53.0% of the 1,888 illegal immigrants in county jails at the time of this survey.

When Randall, Val Verde and Zapata Counties are removed from the calculations, the number of illegal immigrants goes down and the percentage of the current jail population falls to 5.1%.

If all of the counties that were unable to estimate the number of illegal immigrants currently being held are excluded, then the percentage jumps up to 15.3% of the population. Of course this exclusion removes the data from El Paso and Travis Counties, among others. Since these are the two most populous counties in the survey, not including them impacts the reliability of the resulting percentage.

¹⁰ Texas Commission on Jail Standards, *Texas County Jail Population: February 1, 2008*, <http://www.tcjs.state.tx.us/docs/popsum.pdf>

¹¹ Val Verde County was the first county to begin prosecutions for Operation Streamline, a decision by the federal government to prosecute all illegal immigrants, even those with only administrative violations and no criminal charges. (See: *DHS Launches "Operation Streamline II"*, www.cbp.gov/xp/cgov/newsroom/news_releases/archives/2005_press_releases/122005/12162005.xml.) In addition, some of those sentenced for criminal charges are doing their time in the county jail instead of being sent to a Bureau of Prisons facility in El Paso. For some sentences of 90-120 days, it is more cost effective to leave the inmate in the county instead of transporting the individual to a federal facility. The federal government pays the county to house those inmates for them.

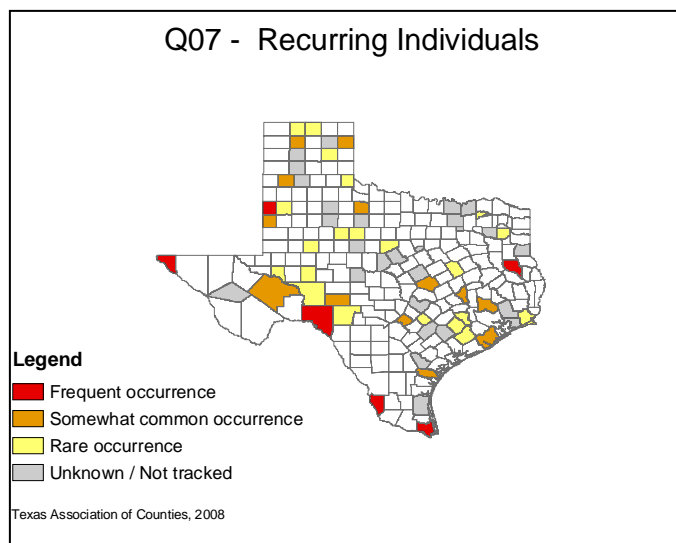
Although there are some questions as to its reliability, one could extrapolate out to a statewide population of illegal immigrants in county jails. Multiplying 15.3% times the statewide total jail population (as of February 1, 2008) of 68,926 results in an estimate of 10,546 illegal immigrants in county jails. However, in addition to the reliability issues with that percentage, it should be noted that the estimate includes both illegal immigrants held on other charges as well as illegal immigrants held under contract with ICE.

A revised estimate can be calculated that excludes those counties that are holding prisoners for other jurisdictions, have no jail (so that their inmate are being held elsewhere), or that were unable to provide an estimated number of illegal immigrant inmates. Excluding those 16 counties from the calculations leaves 789 illegal immigrants held by the respondents, down from the previously stated 1,888 for the responding counties. Extrapolating out from those 54 counties produces an estimate of 3,711 inmates statewide versus the original estimate of 10,546.

Of those 54 counties, 51 were able to provide an estimated cost per day for holding inmates. Multiplying each of those 51 counties' count times their estimated cost per day times 365 days per year results in an estimated annual cost of \$12.2 million. Extrapolating out to all 254 counties produces an estimate of \$60,749,900 spent by county sheriff departments in FY2007 to deal with illegal immigrants.

7. How common is it for a deported individual to re-enter the U.S. and cycle back through your county jail on local warrants issued after the person was deported (for example, probation warrants for failure-to-report)?

Almost 30% of the 68 responding counties that answered this question reported that deported individuals commonly or frequently cycle back through their jails on local warrants.



Map 5

Unfortunately, as seen in the table on the following page, even more of the respondents indicated that they could not answer this question (“Unknown / Not tracked”).

Anecdotal evidence obtained from an ex-county official while developing the survey had indicated that most counties would have seen few if any deported individuals re-cycling through the jail of the county from which they had been deported.

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
Frequent occurrence	6	8.8%	4	6.2%
Somewhat common occurrence	14	20.6%	14	21.5%
Rare occurrence	21	30.9%	21	32.3%
Unknown / Not tracked	27	39.7%	26	40.0%

8. How many illegal immigrants currently in your jail are convicted felons?

It was anticipated that most respondents would indicate few if any convicted felons among their illegal immigrant population. Only 139 convicted felons, approximately 7.4% of the total illegal immigrant population in county jails at the time of this survey, were reported in county jails.

Nine respondents, including El Paso, Travis and Val Verde, said the number of illegal immigrants in this category was “unknown.”¹² Of those 57 counties that were able to respond with a number or estimate, only three indicated the presence of 10 or more convicted felons among the illegal immigrants in their jails. They were Brazos (10), Collin (79), and Jefferson (11). Thirty-four respondents indicated no felons among their current illegal immigrant population.¹³

9. How many inmates are being held in your jail only because they are illegal immigrants? (No other offense.)

¹² Randall County was among those who responded “unknown” to question 8. As a result, no separate calculations “without Federal” are provided.

¹³ This includes five respondents who answered “n/a” to question 8.

As with the previous question, it was anticipated that most respondents would answer “none” in response to question 9. In fact, 55 respondents said that no illegal immigrants were being held solely because of their illegal status.

Val Verde responded that 80% of its illegal immigrant population is being held solely because they are illegal immigrants.¹⁴ Zapata indicated they could not estimate the number, “unknown-they are federal inmates.”

¹⁴ See the discussion and notes on question 6.

Language and Nationality of Illegal Immigrants Being Held in Jail

10. How many illegal immigrants in your jail do not speak either English or Spanish?

Only Cameron, Randall and Val Verde counties indicated the presence of more than 3 illegal immigrants who did not speak either English or Spanish. Cameron's response stated that at times "up to 12 or more" illegal immigrants in their jail do not speak either English or Spanish. This indicated a problem with the survey question. The intention was to ask about the current population which should have been explicitly stated on the survey form since in hindsight it was obviously not clear to all of the participants.

Randall County, which holds inmates for ICE under federal contract, had only 5 who did not speak either English or Spanish and Cameron County had 12. Val Verde County indicated 1% of the illegal immigrants in their jail fall into this category. Even with their large population of 1,000 illegal immigrants, this is only 10 individuals.

Forty-nine counties reported no individuals in this category. Five more counties answered "n/a" to question 10. As a group, the respondents indicated only 31 illegal immigrants in the county jails, 1.6% of the total number of illegal immigrants currently held, who could not speak either English or Spanish.

11. How many illegal immigrants in your jail speak a form of Spanish but it is a dialect that is not understood by your translators and other Spanish speakers?

Of the 66 counties that answered question 11, 54 indicated no one in this category, five more indicated "n/a" and four answered "unknown." The three remaining counties indicated a total of 13 illegal immigrants who speak a form of Spanish not understood by the translators and other Spanish speakers. Of those 13, 10 were found in Randall County, two in Jefferson County and one in Moore County.

12. Approximately what percentage of all illegal immigrants currently in your jail are citizens of a country other than Mexico? (Put N/A if you are unable to estimate.)

Of the 66 counties that answered question 12, 36 indicated no one in this category, 19 indicated “n/a” and two answered “unknown.” The remaining nine counties responded with percentages ranging up to 15% (Val Verde), but averaged only 1.4%. That average includes a response of 5% from Randall, 12.5% from Zapata, and the previously mentioned 15% from Val Verde; without those three counties, the average drops to 0.7%.

13. What are those other countries? (For example: Honduras-3, China-1, Unknown1)

In question 13, we asked the respondents to indicate the national origins of those individuals identified in question 12. The following table summarizes their responses. Some respondents were able to provide the number of individuals from each country, others were not.

County	Countries
Brazos	Honduras - 2
Collin	Argentina-2, Columbia-1, El Salvador-3, Guatemala-3, Guyana-1, Honduras-2, Nigeria-1, Puerto Rico-1, Russia-1, Spain-1, Zambia-1
Jefferson	Cuba-1, Columbia-2, Kenya-1, Vietnam-1, Honduras-2, Guyana-1
Montgomery	Honduras, Guatemala, El Salvador
Moore	Guatemala
Randall	Iran, Korea, Pakistan, Guatemala
Val Verde	Guatamala-12, Honduras-65, El Salvador-25, Nicaragua-5, Columbia-3, Ecuador-3
Zapata	Central and South America.

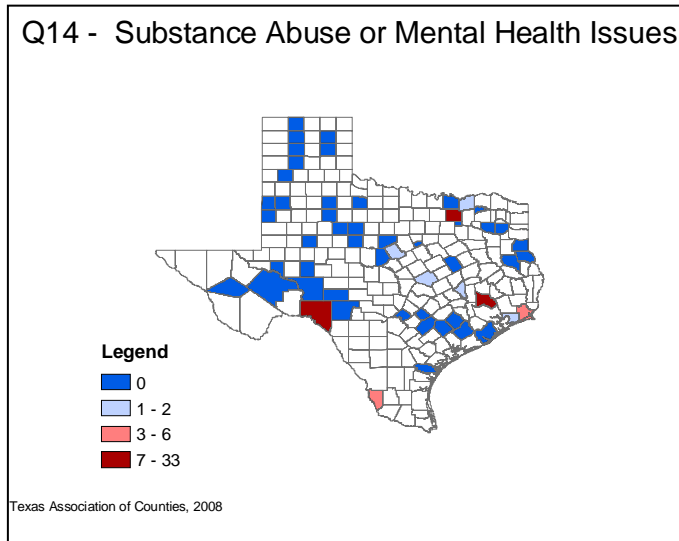
The listed countries from outside North and South America are: Iran, Kenya, Korea, Pakistan, Russia, and Spain.

In addition, Brown County commented that they had previously held someone from Germany. Jones County noted that all of their illegal immigrant inmates have been from Mexico, although there were currently none in the jail.

Cost of Holding Illegal Immigrants

14. Approximately how many illegal immigrants in your jail are currently receiving any kind of treatment for substance abuse or mental health issues?

Of the 65 counties that answered question 14, 45 indicated no one in this category as shown in the accompanying map. Five respondents indicated “n/a” and five answered “unknown.” The remaining 10 counties had a total of approximately 65 inmates. That is 3.5% of the total population of illegal immigrants held by the responding counties.



Map 6

On this question, Zapata answered, “5%-Federal inmates.” This response was calculated as equivalent to three inmates given that the county had 50 illegal immigrants per their response to question 6.

The five “unknown” responses came from Austin, Cameron, Coryell, El Paso, and Travis. Cameron, El Paso, and Travis are the three most populous counties that responded to the survey. Lack of data from these respondents is likely to have significantly impacted the total number of inmates receiving “treatment for substance abuse or mental health issues.”

15. What is your estimated cost per day for holding an inmate?

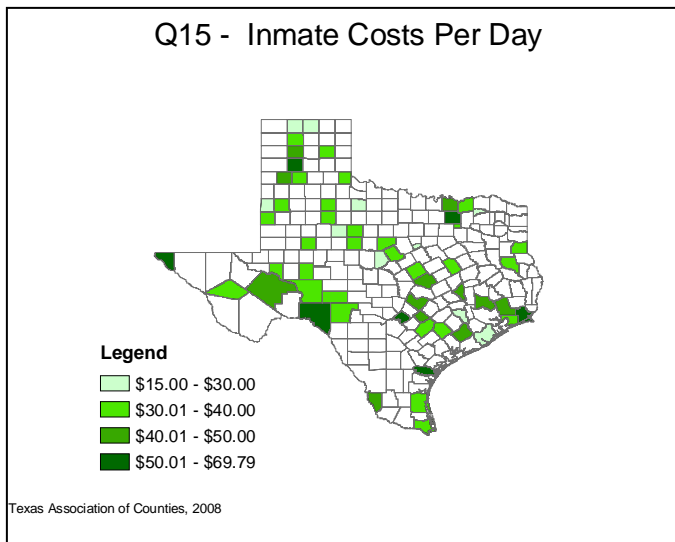
The 60 respondents’ who were able to answer this question estimated their cost per day for holding an inmate from a low of \$15/day to \$69.79/day. The average cost was \$38.47/day and the median was \$38/day. Three other counties were unable to provide an estimate. One county answered “unknown” and two responded “n/a.” Yoakum noted that their cost per day of \$32 was for housing prisoners outside the county.

16. What are your estimated total FY2007 annual financial costs for dealing with illegal immigrants in your jail?

As might be expected, most of the respondents had a problem estimating annual financial costs of dealing with illegal immigrants in their jails in FY2007. Of the counties that answered the question, only 30 were able to provide a dollar amount. Of those, Moore County's estimated cost was estimated to be "under \$50,000.00" for the year. Caldwell and San Patricio did not provide an estimate but did note that the illegal immigrants were only held for a short time before being picked up by federal authorities.

The limited response clearly makes any extrapolation suspect. For completeness, however, the 30 counties estimated a total cost of \$23,865,842 for dealing with illegal immigrants in FY2007. That is an average of \$795,528 per county. This extrapolates to a statewide total of \$202,064,129 when multiplied by 254 counties. This is somewhat more the \$60.7 million estimate calculated under question 6.

However, as with question 6 a revised estimate can be calculated that excludes those counties that are holding prisoners for other jurisdictions, have no jail (so that their inmate are being held elsewhere), or that were unable to provide an estimated number of illegal immigrant inmates. That leaves only 27 counties with a total estimated cost of \$7.6 million for 2007. Extrapolating out to all 254 counties results in an estimate of \$71.2 million for dealing with illegal immigrants in county jails.

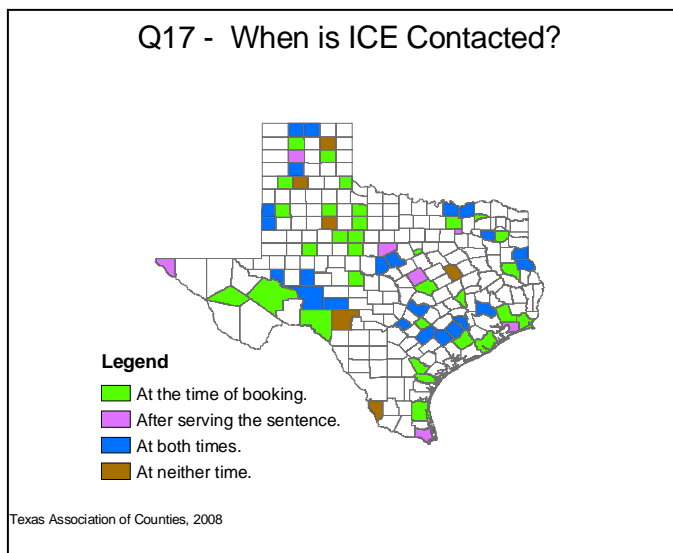


Map 7

Immigration and Customs Enforcement (ICE)

17. Do you contact ICE at the time of booking or after the individual finishes serving their sentence?

Response	All Counties		w/o Randall	
	Number	Percent	Number	Percent
At the time of booking.	31	45.6%	30	46.2%
After the individual finishes serving their sentence.	7	10.3%	7	10.8%
At both times.	24	35.3%	23	35.4%
At neither time.	6	8.8%	5	7.7%



Map 8

The map shows the respondents who contact ICE “at the time of booking” in green and those who contact ICE “after the individual finishes serving their sentence” in purple. If they contact ICE at both times the county is blue and if they do not contact ICE at either time they appear in brown.

Question 17 elicited a number of comments. Some respondents noted that they go

further and contact ICE at other times as well. In addition, ICE maintains a presence in some county jails. Among the comments are the following.

- “Contact is made with ICE at the time of booking plus contact is still kept so that subject is not forgotten or lost among the paperwork.”
- “Contact Border Patrol, [they have an] Office down the street.”
- Contacts ICE after the individual finishes serving their sentence “only if they have placed a formal hold on [the] inmate.”

- “The arresting officer contacts Border Patrol at the time of the arrest.”
- “ICE is contacted at the earliest opportunity. Sometimes it is at booking sometimes later.”
- Contact after the individual finishes serving their sentence, “Only if ICE has placed a hold on the inmate.”
- “If known or suspected at time of booking, ICE is notified then.” – Contact ICE at both times.
- “All persons who report a place of birth other than the U.S. during intake [are] reported to ICE. If a detainer is placed on an individual, ICE is contacted to take custody once the local criminal charges have been disposed of.”
- “ICE maintains a presence in our facility five days a week.”
- Contacts ICE at both times “for questions of identity or verification of questioned documents or info received.”
- “ICE does not respond. We contact Border Patrol.”

18. Do you report all illegal immigrants or just illegal immigrant felons to the ICE?

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
All	54	81.8%	51	81.0%
Felons only	5	7.6%	5	7.9%
Do not report	7	10.6%	7	11.1%

Question 18 also produced a number of comments. Several of these comments reinforce the fact that some counties work only with Border Patrol, not with ICE.

- “BORCAP [Border Patrol Criminal Alien Apprehension Program] comes on a daily basis.”
- “At times, ICE has not wanted us to report Class "C" misdemeanors. Currently, we are reporting all offenses.”
- “We don't have any contact with ICE.”
- “If they are arrested, they are reported, no exception.”
- “Only to Border Patrol.”

- “Only if ICE has placed a hold on the inmate.”
- “We notify ICE if the person arrested reports that they were born in a country other than the U.S.”
- “Border Patrol does a daily sweep of all inmates in the jail or they will show up when called by jail personnel.”

19. Does your department have a formal, informal or no relationship with ICE (check one)?

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
Formal	20	29.4%	18	7.7%
Informal	44	64.7%	43	66.2%
No relationship	4	5.9%	4	6.2%

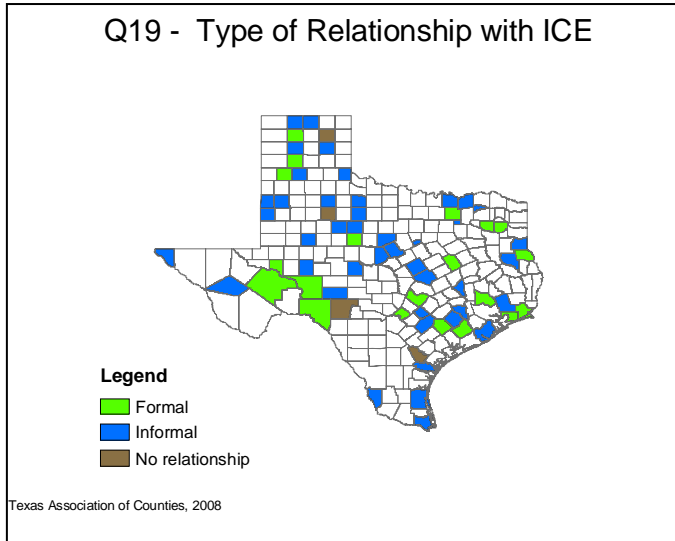
Question 19 also had a lot of comments. From those who have a formal relationship:

- “We will be participating in the DOJ program for video-conferencing with ICE and their illegal immigrant interviews”
- “ICE has had their supervisors at our facility a couple of times in recent years and at one time agreed to make us a teleconferencing station. At this time, this has never materialized. ”
- “We both help each other out to identify illegal immigrants.”
- “[W]ork close with San Angelo sector and Comstock”
- “ICE Agent comes to the jail on a regular basis to interview inmates and place detainees.”
- “The Travis County Sheriff's Office establishes open lines of communication and cooperates with all local, State and Federal Law Enforcement agencies and their staff.”
- “We have a direct number to a duty officer in our area.”

And from those who have an informal relationship:

- “Good close working relationship!”

- “[A]s needed basis”
- “We just contact the Dallas center when we have an illegal in jail so they can either place a detainer on them or let us know that they don't want them.”
- “They are allowed to check jail records”
- “We call them and they pick up the individual almost immediately after notification of pending release. We have not housing contract or anything like that. ”
- “[G]ray county gets along with ice.”
- “ICE has been very helpful when we call.”
- “Only thru the Sheriff's Office”
- “We call them, they come. DUH”
- “We have a good relationship with ICE.”
- “Any time we have a question or the need to have an inmate evaluated ICE has always been very helpful. Our phone calls are always answered or returned promptly.”
- “ICE shows up every once in a while and are welcomed.”



Map 9

20. How would you characterize your interactions with ICE?

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
Excellent	23	33.8%	23	35.4%
Good	29	46.0%	26	40.0%
Fair	11	17.2%	11	16.9%
Poor	1	1.5%	1	1.5%
Non-existent	4	5.9%	4	6.2%

Comments for question 20 follow. From those with excellent relations with ICE:

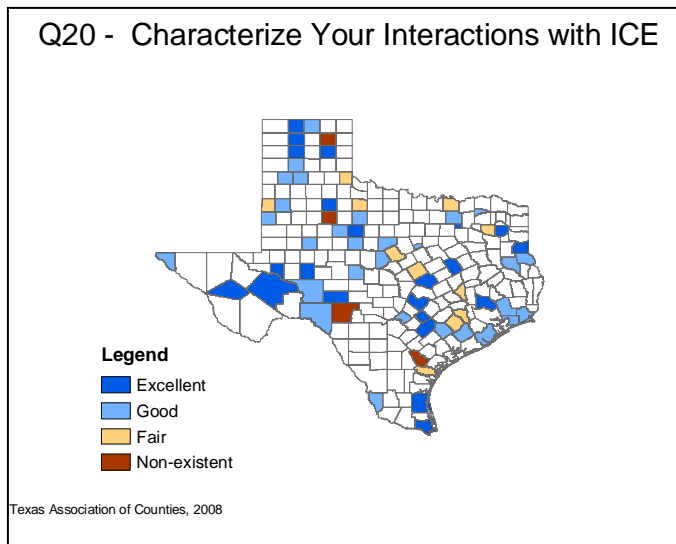
- “So don't mess it up.”
- “[A]bsolutely no problems.”
- “[W]ith the local agents and office, relations are excellent, since the centralization and cutting of local regional offices, relations are not good. Other offices have no idea where we are or needs.”

From those with good relations with ICE:

- “see #19”
- “Only thru the Sheriff's Office.”

From those with fair relations with ICE:

- “I would say the relationship was better when we dealt with the agents out of Amarillo on a personal level. It is different when you call the Dallas office because they don't know us, nor do we know them.”



Map 10

From those with non-existent relations with ICE:

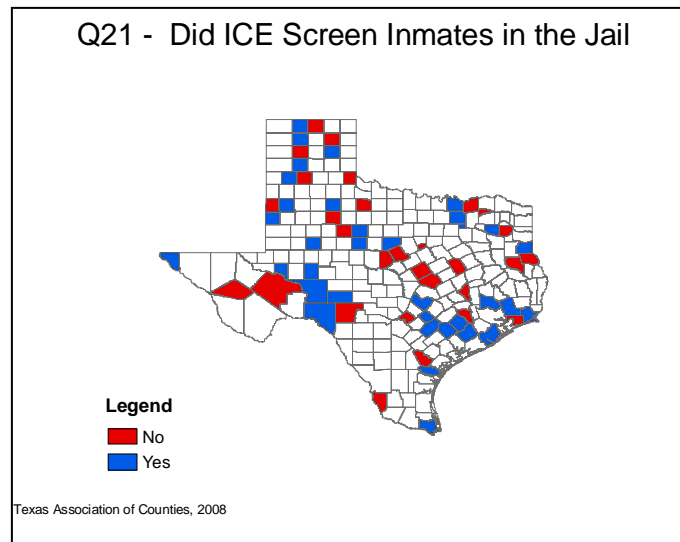
- “The federal government only uses us rarely helps us.”

21. In 2007, did ICE come into your jail to screen inmates?

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
Yes	36	55.4%	34	54.8%
No	29	44.6%	28	45.2%

Question 21 also produced a few comments. This first set of comments is from counties where ICE came to screen inmates in 2007:

- “daily”
- “VERY rare”
- “Numerous times”
- “[U]sually we will start with the phone interview first. [I]f one of the agents is at the jail we will ask them to interview the person while they are here.”



Map 11

- “They come every year to inspect our jail and we always pass.”
- “The initial screen in is normally done over the telephone. This is when we are asked to place a hold for ICE. Normally the next day they come to the jail and talk to the inmate again. Sometimes they will take them out to their office and talk to them there.”

The next set of comments is from counties where ICE did not come to the jail to screen inmates in 2007:

- “Only on request and generally by phone.”
- “Phone interviews”
- “Don't have a jail.”
- “We do not have a Jail.”

Further Comments

22. Please describe your department's main challenges with illegal immigrants in your jail, such as identifying or verifying immigration status, working with ICE, language, other cultural issues, etc.

Survey respondents raised a number of issues in response to question 22 as seen in the following table which lists the challenges noted by the respondents along with how many listed each particular item.

Issues	# Counties
Language	16
Social skills	1
Religious customs	1
Cultural issues	2
Identifying or verifying status	10
Classification and housing	1
Most are indigent	1
Medical health issues	2
Mental health issues	2
Criminal offenses and investigations	2
Alcohol/drug abuse	1
Family assaults	1
Re-entry of illegals into country	1
Holding until convicted	1
The inability to help ICE house offenders temporarily.	1
Timely access to verification of immigration status with ICE's Law Enforcement Support Center (LESC) and Integrated Support Center (ICS) is problematic on nights and week-ends.	1
Delays in ICE call backs, we have 24 hour access to phone lines, sometimes ICE is not staffed 24 hours.	1
Delays in Homeland Security detainers from ICE	1
Working with ICE	1
ICE is understaffed	1
Getting ICE to pick up illegals in a timely manner	1
Time delays since no local ICE staff	1
Dealing with illegal immigrants who come to this country and commit crimes.	1

None (no challenges)	8
Did not answer question	13

A few items stand out within that extensive list. First, the most common issue noted was the language barrier. Several smaller counties noted a shortage of bilingual staff, although for most the problem seemed to be with a lack of Spanish speaking staff since this is the most common language spoken by illegal immigrants in Texas county jails. However, Childress County did mention the language challenge they face is primarily with individuals “from the south of Mexico or Central America.”

Closely related to the language issue, respondents in Limestone, Randall, and Taylor Counties listed social, cultural and religious challenges in dealing with illegal immigrants.

Identification or verification of status was the second most common challenge noted by the respondents. Respondents noted a number of related challenges in dealing with ICE. However, for most counties who noted challenges with ICE the real issue seems to be either that ICE is under-staffed or that the nearest office is so far away as to hinder support and cooperation.

23. In what ways do you feel the State could be more helpful to jails with immigration concerns?

The respondents had a number of comments on how the State could be more helpful in regard to immigration concerns. These comments are summarized in the following table.

Issues	# Counties
State financial assistance	7
Federal problem, not a state problem	5
Develop immigration policy	3
State coordinate with ICE	3
Provide arrest powers	2
Help verify status of immigrants	2
State lobby for more money and/or more resources for ICE	2
Provide training	1
Assist county to coordinate with ICE	1

The summary table indicates that financial assistance is the primary way in which the state could assist county jails. However, it does not show why the financial assistance is requested. One county noted that the state could help with “funding to help with the higher than average cost of medical and mental health care; assist in funding program to attract more bilingual officers.”

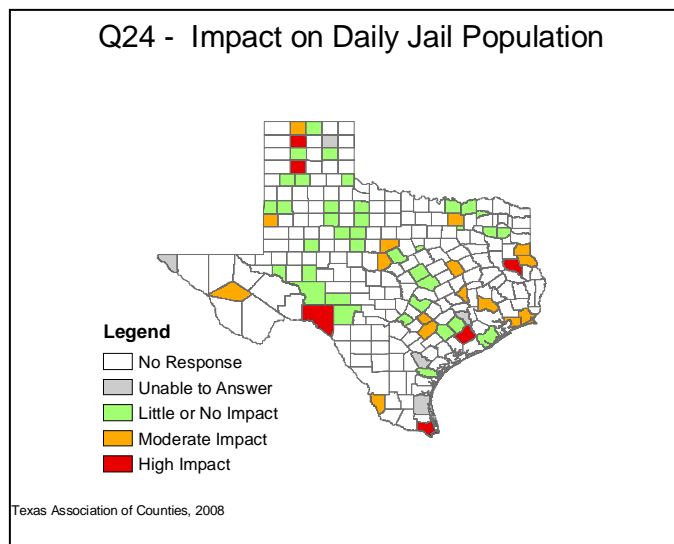
This response in part reinforces the problem with the language barrier noted in responses to question 22. However, it also notes a problem with increased medical and mental health care costs associated with illegal immigrants which can be a financial strain on some counties.

24. To what extent do illegal immigrant offenders impact your daily jail population?

Response	All Counties		w/o Federal	
	Number	Percent	Number	Percent
High impact - results in overcrowding and significantly increases the jail budget	6	9.2%	5	7.9%
Moderate impact	16	24.6%	15	23.8%
Little or no impact	38	58.5%	38	60.3%
Unable to answer	5	7.7%	5	7.9%

As the map shows, the responses were not determined by distance from the border. Both high and low impacts were noted across the state.

Over half of the responding counties noted little or no impact from illegal immigrants on the daily jail population. In part this may have indicated a difference with how the question was



Map 12

perceived. For example, one county noted that, “Persons in our custody are being held on local criminal charges. Their immigration status is of no consequence as they must dispose of the criminal charges regardless.” However, the intent of the question was to determine the impact on the jail population relative to a hypothetical situation in which no illegal immigrants were in the local community (and thus unable to commit local crimes). It is unclear how the differing perceptions of this question affected the responses.

25. Is there anything else you would like to add?

Issues	# of Counties
Illegal immigration is a federal problem	2
Improve response times by ICE	2
Need education/training	1
Using a private jail (impacts ability to respond to survey)	1
Don't track and can't verify status of illegal immigrants	1
TDC ¹⁵ overcrowding impacts moving aliens out of county jail	1

The immigration questions raised a number of concerns among the respondents as seen in the above table. Responses to previous questions also indicated that some counties perceive illegal immigration as a federal problem rather than a local problem. They have also noted the need for improved response times and the inadequate resources at the disposal of ICE as well as the need for education and training at the local level.

In addition, one county raised the question of prison overcrowding and noted the impact on the state’s ability to move illegal aliens out of county jails. While not explicitly stated, it seems clear in this case that the illegal aliens under discussion are those inmates who have been convicted of a state felony and therefore awaiting transportation to a state facility.

¹⁵ Texas Department of Corrections.

II. Findings

Unfortunately respondents from several counties could not answer all of the questions in this survey. For example, several of the more populous counties could not estimate the number of illegal immigrants currently being held. This inability created barriers to adequately estimating the number of illegal immigrants currently in all county jails statewide. As a result it is difficult to determine the true extent of the cost to counties for dealing with illegal immigrants.

In fact, just determining how many illegal immigrants are in Texas is a difficult question. The Pew Hispanic Center estimated that the U.S. had 11.1 million undocumented (illegal) immigrants in 2005.¹⁶ Of that number, Texas accounted for between 1.4 million and 1.6 million.¹⁷ The Department of Homeland Security arrived at a slightly higher estimate for 2006 of 1.64 million unauthorized (illegal) immigrants.¹⁸

Responses to question 6 of the survey indicate that an estimated 3,711 illegal immigrants were in county jails across the state at the time of the survey. While there are reasons to question the accuracy of this estimate (as discussed in Section I - *Survey Responses*), it does provide a baseline for discussion. For example, compare this estimate of the number of illegal immigrants in county jails to the previous estimates for the number of illegal immigrants in the state. Doing so provides an estimated 0.23% to 0.27% of the total illegal immigrant population in Texas is currently being held in county jails using the 1.6 million and 1.4 million estimates respectively.

Many of the illegal immigrants counted in this survey are being held in county jails under contract with the United States government, specifically Immigration and Customs Enforcement (ICE). Unfortunately, the survey did not differentiate between illegal immigrants being held due to a federal contract from those held

¹⁶ Pew Hispanic Center, *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.* (Washington, D.C., March 7, 2006), 4 quoted in Texas Comptroller of Public Accounts, *Undocumented Immigrants in Texas: A Financial Analysis of the Impact to the State Budget and Economy* (Austin, TX: CPA, December 2006), 3.

¹⁷ Texas Comptroller of Public Accounts.

¹⁸ Michael Hoefler, Nancy Rytina, and Christopher Campbell, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006* (Washington, DC: Office of Immigration Statistics, Department of Homeland Security, August 2007), 4.

for other reasons such as local charges. It also did not distinguish those held under contract with other jurisdictions. Potter County, for example, sends its inmates to the Randall County Jail who reported a total number on the survey just as we asked them to. In addition, Val Verde's 1,000 illegal immigrants include a number of inmates from other jurisdictions. Thus, using the numbers reported by all of the responding counties would overstate the actual costs to counties.

Therefore the estimate of 3,711 was calculated after excluding counties that are holding prisoners for other jurisdictions, that have no jail (implying their inmates, if any, are being held elsewhere), or that were unable to provide an estimated number of illegal immigrant inmates. Removing three more counties, so that only respondents that were able to provide an estimated cost per day for holding inmates, and then extrapolating to all counties results in an estimate of \$60,749,900 spent statewide by county sheriff departments in FY2007 to deal with illegal immigrants.

Using only the counties that were able to provide an estimated total cost of dealing with illegal immigrants in the county jails, without falling into the excluded category, provides a second estimate of \$71.2 million. Fewer counties were used to produce this estimate, reducing its credibility. It is useful, nonetheless, in that it adds credence to the earlier estimate of \$60.7 million.

In 2006, the state Comptroller found that undocumented immigrants in Texas create a financial gain to the state while at the same time creating a financial burden on local governments. "While state revenues exceed state expenditures for undocumented immigrants, local governments and hospitals experience the opposite, with the estimated difference being \$928.9 million for 2005."¹⁹

In reaching that estimated cost difference, the Comptroller estimated 2005 costs to county sheriff's offices for undocumented offenders of \$49,055,092 for 15 of the 95 counties that received 2005 State Criminal Alien Assistance Program (SCAAP) awards. SCAAP provides partial reimbursement to states and local jurisdictions for housing criminal aliens.²⁰ The federal government limits SCAAP reimbursements to costs incurred related to undocumented immigrants who are

¹⁹ Texas Comptroller of Public Accounts, *Undocumented Immigrants in Texas: A Financial Analysis of the Impact to the State Budget and Economy* (Austin, TX: December 2006), 20.

²⁰ U.S. Government Accountability Office, *Information on Criminal Aliens Incarcerated in Federal and State Prisons and Local Jails* (Washington, D.C.: April 7, 2005), (GAO-05-337R) quoted in Texas Comptroller of Public Accounts, 12.

convicted of felonies or certain misdemeanors. SCAAP awards are based solely on a jurisdiction's costs for correctional officers, the number of "eligible" undocumented immigrant offenders and the number of inmate days involved. No other costs are included in the calculation of SCAAP awards.

The \$60.7 to \$71.2 million estimate range produced by this survey is more than the \$49 million estimate developed by the Comptroller. However, the Comptroller's estimate was developed for only 15 counties, not the entire state. While those 15 counties do account for 63.8% of the total state population,²¹ they account for only 5.9% of the total number of counties.

However, the real issue is that both estimates place the statewide cost to county sheriff departments well into the tens of millions of dollars. Yet the SCAAP awards fund only a portion of this expense. The FY2007 awards for Texas total \$29,064,697 of which \$19,348,827 went to the State of Texas with only the remaining \$9,715,870 going to the counties.²²

Responses to specific questions and the additional comments made throughout the survey indicate something of a love-hate relationship with Immigration and Customs Enforcement (ICE). Although the purpose of this survey was general in scope, some specifics about the counties' relationship with ICE were revealed. First, it can not be stated too clearly that many respondents enjoy an excellent relationship with ICE which they wish to see continue.

On the other hand, some counties have not found their relationship with ICE to be quite as enjoyable. The problem seems to be related, in many cases, to staffing and logistical issues. Several respondents noted that ICE is understaffed, that there are delays in dealing with ICE, or that ICE is not fully staffed on nights and weekends. Other survey comments point to the difficulty in working with an agency that has no local office. These comments echo statements made by other organizations.

"ICE has indicated that they want to work closely with local law enforcement on immigration issues, however, given the increased demands of state and local law enforcement agencies in addressing

²¹ U.S. Bureau of the Census, *County Population Estimates and Estimated Components of Change: April 1, 2000 to July 1, 2006* (Washington, D.C., 2007).

²² United States Bureau of Justice Assistance, FY2007 SCAAP Awards, <http://www.ojp.usdoj.gov/BJA/grant/07SCPpay.pdf>

those issues, ICE has been severely hampered by the limited amount of special agents assigned compared to the approximately 18,000 state and local law enforcement agencies who may need their assistance. Further, ICE response can vary by state, by region and even time of day – with few resources available when local agencies seek support after normal business hours.”²³

Some of the counties that have had difficulties working with ICE appear to have resolved the issue by working with the Border Patrol.

A related issue is the need noted by many respondents to improve the process whereby immigrants’ status is identified or verified. Respondents identified improving this process as one of the two top challenges in dealing with illegal immigrants in the county jails.

However, the most common challenge noted came in regards to language. Many counties noted language skills, primarily Spanish, as their most pressing need. Closely related to the language issue, respondents in three counties also noted social, cultural and religious challenges in dealing with illegal immigrants.

When asked how the state could help, funding was the most common response. While generally the comments were for additional funding from the state, there was one comment which suggested that the state could use its influence to lobby for additional funding for ICE. The possibility that the state could push for additional ICE funding is quite attractive given the number of comments found throughout the survey on the lack of staffing at ICE, lack of local ICE offices, etc.

Other requests were for

- improved coordination with ICE;
- a statewide policy on illegal immigration; and
- granting local law enforcement officers authority to arrest and detain illegal immigrants.

²³ The International Association of Chiefs of Police, *Police Chiefs Guide to Immigration Issues* (July 2007) 26 quoted in Dr. Tony Fabelo, “Immigration Reform and State Criminal Justice: An Overview of Emerging Issues”, *Report to the Texas House Corrections Committee* (February 1, 2008).

III. Further Study

Evaluation of the responses to this survey pointed out a number of areas of research that could benefit from further study.

ICE – Numerous comments throughout the survey pointed out that while some counties enjoy truly excellent support and cooperation with ICE, others are not so lucky. In many cases, this lack appears to be related with either perceived under-staffing at ICE or lack of a nearby, local ICE office. A future study could evaluate either the staffing level of current ICE offices and/or the logistical difficulties raised by the distance of those offices from local law enforcement offices.

Repeat offenders – Anecdotal evidence from prior to initiating this survey indicated that most illegal immigrants, after being deported, were unlikely to return to the same area (county). However, only 21 out of 41 counties that tracked this statistic noted that it was rare “for a deported individual to re-enter the U.S. and cycle back through your county jail on local warrants issued after the person was deported.”

The implication is that repeat offenders are a problem for local law enforcement departments. The extent to which counties and other local law enforcement departments in Texas have to deal with these repeat offenders is an area ripe for future study.

Categorization of the Jail Population – As discussed in the *Findings* section, this survey and report did not distinguish between illegal immigrants held in county jails on local charges, those held on federal charges (waiting for ICE or the Border Patrol to pick them up) and those held under contract with federal authorities. Any future study should attempt to distinguish between these categories of inmates.

Demographics of the Jail Population – While it asked about national origin, the survey did not ask about gender and other demographics of the illegal immigrant population in the county jails. As mentioned in the *Survey Responses* section, county jail beds are not all equal. Female inmates are kept in one part of the jail; male inmates are kept in another. These and other demographical

differences offer an opportunity for future study since, for example, one part of the jail can reach capacity while another is relatively empty.

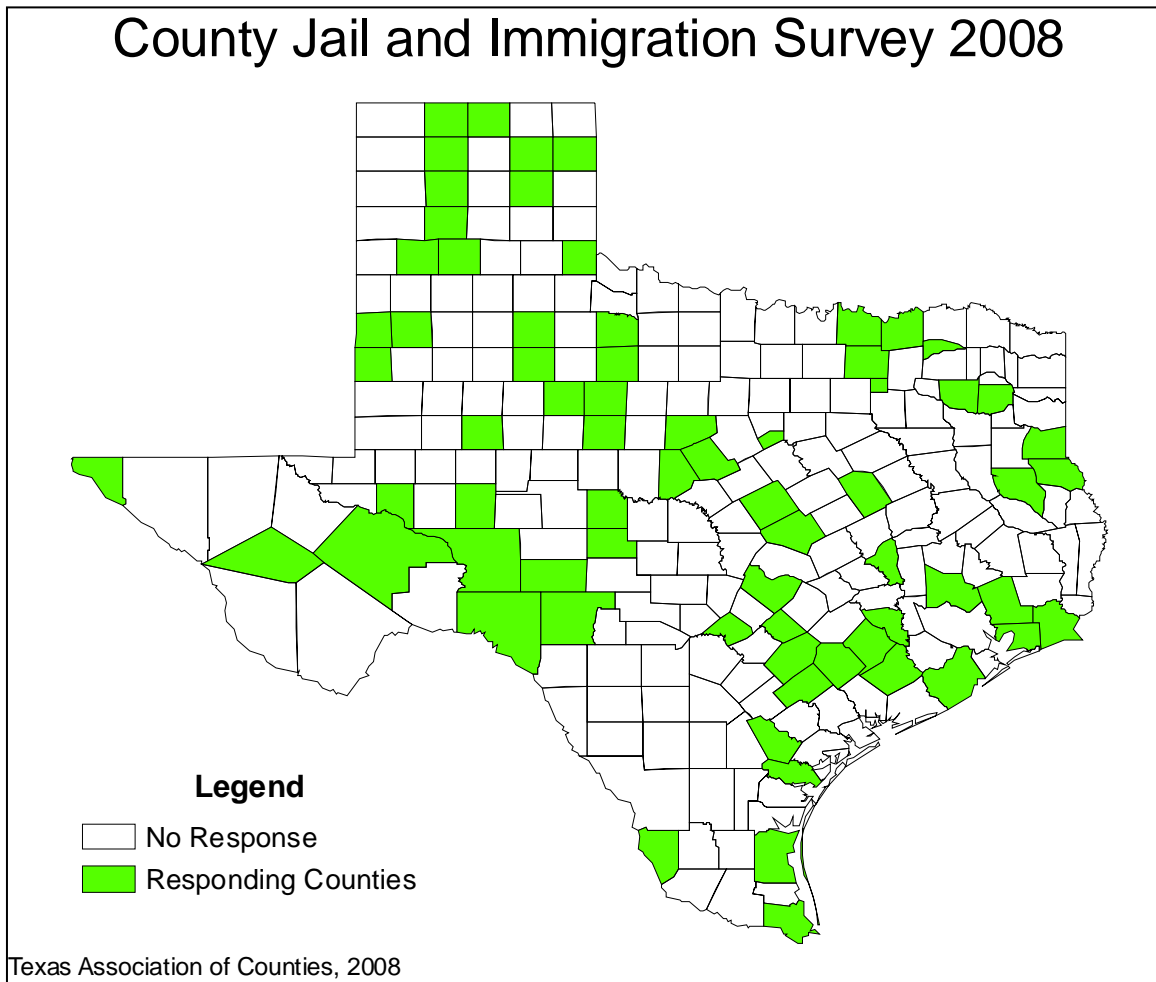
Lastly, the survey did not attempt to obtain information on the number of illegal immigrants that are released from county jails. When an illegal immigrant in county custody has resolved all of the charges against them, they must be released within a short time period if they are not picked up by ICE or some other federal law enforcement agency such as the Border Patrol. This information could be important in understanding the development or extent of “migrant networks” in the state.²⁴

Texas Department of Corrections (TDC) – One county noted that while in general they have little problem with illegal immigrants in their jail, they have noted a problem in getting convicted illegal immigrants into TDC due to the prison overcrowding issue. While only one county noted this issue, it points out the need for further study of the impact of prison overcrowding on county jail populations.

²⁴ Pia M. Orrenius, Madeline Zavodny and Leslie Lukens, *Why Stop There? Mexican Migration to the U.S. Border Region* (Working Paper, Dallas, TX: Federal Reserve Bank of Dallas, March 2008).

Appendix – Survey Respondents

Some counties began the survey but did not complete it. The map below shows the counties that were able to complete the survey. Only the responses from the highlighted counties were used to prepare this report.



Additional surveys were returned after the survey closed. Those that arrived too late (meaning after significant portions of this document were drafted) were not included in this analysis.