## The Bill Blackwood Law Enforcement Management Institute of Texas

The Effects of Illegal Immigration on Local Law Enforcement **An Administrative Research Paper Submitted in Partial Fulfillment** Required for Graduation from the **Leadership Command College** By Jay Jaekel

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#### **ABSTRACT**

The effects of illegal immigration on local law enforcement is relevant to contemporary law enforcement because until the federal government takes actions to correct the issue and provide appropriate assistance, the state and local agencies will be forced to provide local solutions to a national problem. This approach will create a piecemeal system of enforcement by local jurisdictions within the state, with no hope of uniformity. All state and local law enforcement agencies and their officials stand to benefit from the results of this research because little has been done to address the problem of illegal immigration for those agencies. At the very least, this research will shed light on the need for the current bilingual officers to be utilized in the staffing process.

The purpose of this research is to assist law enforcement administrators in identifying and developing avenues to address the necessity for bilingual officers in order to meet the future needs of the changing dynamics of the state population. The method of inquiry used by the researcher included a review of articles, Internet sites, and joint House and Senate Subcommittee transcripts, which include prepared statements from border sheriffs. The method of inquiry also utilized a survey of various agencies from across the state in which topical questions were posed and responses were recorded.

The researcher discovered that state and local agencies are not factoring the illegal immigration equation into the planning and staffing process. The researcher concluded that historic planning strategies related to the growth in population, like using

known census projections, are utilized but no consideration is being given in the area	of
illegal immigration.	

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#### INTRODUCTION

From the birth of the United States, immigration has played an important role in the development of American society but not without certain fears or concerns. The issues surrounding the current immigration debate being discussed on the state and national level have historical similarities to the ones of the past, with the exception of the development of technological advances and its ability to assist with cultural connections. Predominant immigration concerns or fear during the turn of the century and shortly after were generalized around the influx of non-English speaking western Europeans reluctance to "learn the language" and the feeling of an invasion into the accepted culture of the United States. The merging of cultures, ideas, and beliefs into a unified country has been at the front of citizen's concerns, and these same concerns are present in the modern American debate about immigration.

The relevance of illegal immigration to law enforcement is the impact of the unmeasured population on staff and budget planning. In addition to the social implications, there appears to be growing concerns about the criminal implications associated with this segment of the population. Law enforcement must actively participate in the development of strategies that address related issues in a proactive approach to assist the assimilation or interaction of legal immigrants with police professionals, while addressing the influx of individuals who arrive illegally that look to avoid contact.

The purpose of this research is to discover if agencies within the state take into account the associated issues related to the calls for police response from illegal immigrants located in their jurisdiction. The research will examine what impact the

associated issues have on state and local agencies. The research will determine whether law enforcement administrators believe there is a problem and to what extent it impacts their department's effectiveness.

The research question to be examined focuses on whether or not law enforcement administrators factor the illegal immigration issue into the strategic planning process. This planning process may include the number of bilingual officers a department recruits and retains and if the bilingual officers are considered in shift scheduling. The method of inquiry includes a review of articles, Internet sites, and joint House and Senate Subcommittee transcripts, which include prepared statements from border sheriffs. The researcher will also utilize a survey of various agencies from across the state in which topical questions are posed and responses are recorded.

The intended outcome of the research will examine whether or not law enforcement administrators and/or decision makers recognize the presence and impact of illegal immigrants on their jurisdictions' ability to function efficiently. The field of law enforcement will benefit from the research because little has been done to bring light to the impact illegal immigration is having on local communities. It will further encourage and stimulate discussions that this is, in fact, more than a federal issue; it is a local issue as well.

#### **REVIEW OF LITERATURE**

During the literature review, the research focused on the area of illegal immigration in the United States and the impact on local communities. The research noted the associated issues and implications of illegal immigration in the areas of staffing shortages, language barriers, and budget and fiscal considerations. It took into

account the projected changes of the demographic makeup of communities and the impact on a local department's ability to service the needs of citizens. The review documented the governmental areas of responsibilities, the agencies charged with enforcement, state and local responses, and current changes to both.

According to Orrenius (2001), the research found that the first large-scale immigration from Mexico was rooted in the guest-worker program called Bracero. The project was established, and it allowed the legal immigration of workers from Mexico into the United States to assist in labor shortages as a result of World War II. From 1942 to 1964, the program brought in an average of more than 200,000 workers annually, with the majority concentrated in Texas, California, Arkansas, Arizona, and New Mexico. At the conclusion of the war, however, United States' farmers and fruit and vegetable growers lobbied the federal government to extend the program. It was not until 1964 that the organized labor organizations were vocal enough to have the program abandoned (Orrenius 2001), thus resulting in a loss of the worker exchange program and increase in illegal immigration.

Additionally, according to Orrenius (2001), it was not until 1986 that the United States attempted to address the illegal immigration issue with the enactment of the Immigration Reform and Control Act (IRCA). Due to the poor economic conditions in Mexico in the 1980s, the migration and apprehension rates in the United States started to rise. As a result, the IRCA allocated more funds to the Immigration and Naturalization Service (INS) and border enforcement, which was able to impose sanctions on employers who knowingly hired undocumented workers and created an agricultural guest-worker program. In essence, the IRCA offered amnesty to agricultural

guest workers and long-term United States residents, which resulted in an estimated three million illegal immigrants gaining citizenship (Orrenius, 2001).

Ten years after the enactment of IRCA, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed; it attempted to correct some provisions of IRCA by increasing the penalties of document fraud, increasing the penalties on human smugglers and illegal entrants, and increasing the size of the Border Patrol by the year 2001. The IIRIRA also streamlined deportation proceedings, limited judicial review of deportation orders, and made false attestation of citizenship punishable by up to five years in prison. During the same time period, welfare reform legislation denied illegal immigrants and many legal immigrants access to most public benefits. While the passage of IIRIRA did not have a large impact on the illegal immigration, it did make the adjustment of legal status more difficult for illegal aliens residing in the United States (Orrenius, 2001).

As a result of the magnitude of the immigration problem facing the federal government and the increased security restrictions as a result of the terrorist attacks of September 11, 2001, several of the associated issues related to the immigration problem were displaced to the state and local levels of government. The most impact to local agencies has been in the area of decreased federal funds. The following was a quote from Sheriff Leo Samaniego, El Paso County Sheriff's Office, El Paso, Texas during sworn testimony at the United States House Committee on the Judiciary, joint hearing of the Subcommittee on Immigration, Border Security, and Claims and the Subcommittee on Crime, Terrorism, and Homeland Security on March 2, 2006:

There are two issues that plague this area. First, the Federal government is expecting local agencies to assist with addressing the national drug problem, and now with increased national security efforts, but at the same time has been reducing law enforcement resources, such as federal law enforcement grants and prison reimbursement funds [State Criminal Alien Assistance Program]. Secondly, the Federal government is expecting more of its Federal agencies on the Southwest Border without providing adequate resources. (p. 12)

As a direct result of the decrease in available federal funding, other issues related to adequate staffing levels of bilingual officers and accurate calculations for budget and fiscal considerations appear to have developed related to the level of immigration. In 2005, as a result of the federal government's inability to respond and react, 16 sheriffs of counties that border the Republic of Mexico formed the Texas Border Sheriffs Coalition, which had a combined level of experience of almost 460 years, with 101 of them being at the level of Sheriff. The area of responsibility for the Texas Border Coalition consisted of 39,764 square miles and over 1,276 miles of wide-open, porous, and unprotected border with Mexico. In that area of responsibility, some of the sheriffs had as few as six or less deputies to protect their counties, not including the protection of the border (United States Congress, March 2, 2006). Fortunately, most of the staff in the Coalition was bilingual and able to address the issues of language, but as the levels of non-English speaking people spread throughout the state, agencies found themselves struggling to keep up with the demands.

Little research into the calculations of budget and fiscal impact on state and local agencies within the state of Texas was available for analysis, but according to national

projections, some estimates place the monetary amount nationally around \$10 billion dollars yearly. This estimate possibly includes the cost of staff hours, equipment, and administrative work associated with the detention and/or arrest of undocumented foreign-born immigrants. The State of California is reported to have spent almost \$3 billion dollars, in a single year, providing services to illegal immigrants. The county of San Diego is estimated to have spent more than \$50 million dollars a year to arrest, jail, prosecute, and defend illegal immigrants, of which they were federally reimbursed approximately \$2 million dollars (United States Congress, August 14, 2006). The County of San Diego, in 2005, joined The North County Regional Gang Task Force, which targeted sophisticated street gangs involving major narcotics sales, transportation, and smuggling, as well as violent crimes. During that year, 232 of the 448 arrested were in violation of immigration laws. In the first 6 months of 2006, the team arrested 433 individuals; of those, 367 were in violation of immigration laws. The monetary issue is a problem because the daily average of cost per inmate in county jail is approximately \$90 dollars per day, with an average stay of six days. For the first half of 2006, the average cost for housing illegal immigrants was approximately \$198,000 (United States Congress, August 14, 2006). The problem found in the research is that all of the indices used to estimate population fluctuations and increases show the trends increasing at alarming rates, thus the result of the increase will no doubt have additional impacts on the costs associated with the immigration issue.

To say that the federal government is failing completely to allocate appropriate time and funding to this issue would not be completely accurate. As a result of the violent attacks of September 11, 2001, Congress has taken steps to correct immigration

concerns. In 2003, the Immigration and Naturalization Service, the United States Customs Service, and the Federal Protective Service began merging their law enforcement functions, expertise, and resources into the United States Bureau of Immigration and Customs Enforcement (ICE), which is located within the newly formed Department of Homeland Security. Part of the new mission of ICE was to include immigration issues, but it was also mandated to expand investigations and prevent terrorist's attacks, as well as criminal activity by targeting the people, money, and materials that support terrorist-related organizations and activities. As a result of the merger, ICE brought together approximately 20,000 employees from various agencies in six operational units (United States GAO, 2004).

Since the creation of the Department of Homeland Security's Office of Immigration and Custom Security, there are approximately 6,000 agents assigned to the Office of Investigations within ICE. These agents are located in numerous field offices and are responsible for enforcing immigration and custom laws. Another ICE subdivision, the Office of Detention and Removal Operations (DRO), is responsible for detaining, processing, and removing aliens illegally found in the United States.

According to the GAO report in 2004, "The DRO has 21 field offices throughout the United States and operates eight secure detention facilities known as service processing centers and augments these centers with seven contract detention facilities" (p. 6).

With the merging of federal agencies, the process of addressing immigration issues has begun to slow and become problematic due to the delayed response on the state and local level. Until the federal government elects to completely address the

national issue of illegal immigration and develop a comprehensive approach to the problem, state and local departments will feel the effects. When the issue is brought before Congress for deliberation, input should be obtained from the individuals that are directly involved; otherwise, the possibility of being "blind-sided" by the result could occur. Until the federal government finds a better solution, the agencies affected will continue to address the problem as best they can.

One such effort was undertaken in the city of Phoenix, Arizona. Operation ICE Storm is an example of the response to the issue of illegal immigration and included an ICE-directed task force composed of federal, state, and local agencies. The focus of the operation was to identify and dismantle the financial infrastructure associated with the illegal human smuggling ring discovered in the area. According to the GAO report in 2004, "In congressional testimony in May 2004, ICE stated that the Phoenix Police Department credited ICE Storm with a17 percent decline in homicides and an 82 percent decline in migrant related kidnappings in the final 3 months of 2003" (p. 10). The following was a quote from Sheriff Todd Garrison, Dona Ana County Sheriff's Office, Las Cruces, New Mexico during sworn testimony in front of the United States House Committee on the Judiciary, joint hearing of the Subcommittee on Immigration, Border Security, and Claims and the Subcommittee on Crime, Terrorism, and Homeland Security on March 2, 2006:

"My message today is very clear. I support the Border Patrol. In county law enforcement we have learned the value of cooperation due to unique challenges and minimal resources. I don't want to do the Border Patrol's job. However, when someone calls 911, a sheriff's deputy would be the one responding to that

call. The 911 calls don't get transferred to the Department of Homeland Security in Washington, D.C." (p. 16)

As seen from the literature review, the government has attempted to identify and address both legal and illegal immigration issues. Historically, immigrants have arrived in the United States to fulfill a given need or desire for a better life of job opportunity. They have arrived via either legal or illegal avenues. In an attempt to create a strategic approach to addressing immigration concerns, many variables have to be considered and evaluated, and the process will not be completed without a close look from the policy makers.

#### **METHODOLGY**

The research question to be examined considers whether or not law enforcement administrators factor the illegal immigration issue into the strategic planning process.

This planning process may include the number of bilingual officers a department recruits and retains and if the bilingual officers are considered in shift scheduling. The research will determine whether administrators believe there is a problem and to what extent it impacts their department's effectiveness.

The researcher hypothesizes that the increasing number of non-English speaking individuals in a given jurisdiction impacts the decision making process of staffing levels. It further hypothesizes that state and local agencies are not currently evaluating the changing demographics related to the illegal population and are not planning accordingly. The method of inquiry will include a review of articles, Internet sites, and joint House and Senate Subcommittee transcripts related to the national illegal immigration debate.

The instrument that will be used to measure the researcher's findings regarding the subject of the effects of illegal immigration on local law enforcement will include a survey questionnaire. The size of the survey will consist of 15 questions, distributed to 48 survey participants from the pre-established Texas Department of Public Safety geographic boundaries. The response rate to the survey instrument resulted in a 100% return of the 48 subjects examined.

The information obtained from the survey will be analyzed by law enforcement decision makers to help establish processes that assist agencies create strategic plans to effectively service the citizens in their jurisdiction. These strategic plans will further be reviewed for implementation in their jurisdictions by the controlling government bodies to help guide them in creating comprehensive policies that better assist the concerns of the citizens in their area.

#### **FINDINGS**

The survey was distributed to past and current participants of the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT). They were selected as survey participants because they are considered by their agencies to be involved in the decision-making process and/or have the authority to influence policy. It was delivered in three stages: the first survey was distributed during LEMIT Module I (2007) in College Station, Texas; the second was delivered via electronic mail to a list of participants in the LEMIT program shortly after the completion of Module I (2007); and the final stage was delivered during Module II in Denton, Texas (2008). The survey was constructed to collect general demographic information about the respondents. The first five questions established the type, size, location, population, and rank of the respondent's

agencies. The remaining ten questions sought to collect percentage ranges and used closed-ended questions related to the respondent's agencies knowledge and beliefs regarding illegal immigration.

The respondent demographics were the following: 71% of the respondents surveyed work for municipal agencies, 13% for state agencies, and 8% for either county or other types of organizations. A total of 38% of the respondents were from agencies with sworn personnel of over 100, 31% were from departments with between 11 to 30 sworn personnel, 23% were from agencies with between 51 to 100 sworn personnel, 6% were from agencies with between 31 to 50 sworn personnel, and 2% were from agencies with fewer than ten sworn personnel. Of the respondents surveyed, a majority (88%) was currently at the rank of sergeant or lieutenant, 6% were at the department head level (chief of sheriff), 4% were captains within their organizations, and 2% were at the assistant chief/chief deputy level. The estimated populations of the agency's jurisdiction were as follows: 4% worked in rural areas with less than 5,000 individuals, 14,5% controlled jurisdictions of 5,000 to 10,000, 21% had areas of control between 10,000 and 30,000, 37.5% worked in population areas of 30,000 to 100,000, and 23% operated in areas over 100,000 citizens. According to the pre-established Texas Department of Public Safety regional designations (Appendix 2), 52% of the respondents were located in the south and southeast area of Texas (region 2a, 2b, and 3), 21% were in the north Texas area (region 1a and 1b), 19% were from central Texas (region 6), 4% were located in west and northwest Texas (region 4 and 5), and 4 % were unsure of their exact geographic placement on the state map.

Survey poll results for the core questions were as follows: when asked to rate the respondent's knowledge of understanding of issues of illegal immigration, 92% indicated that they had a limited to working knowledge. Interestingly, 6% stated that they had an extensive working knowledge of illegal immigration.

As shown in Figure 1, 94% of the respondents indicated that their department responded, on a weekly average, to "Spanish Speaking Only" calls for service. Only 4% indicated the average was between 26% – 50%, and 2% advised that they did not have any issues with "Spanish Speaking Only" calls for service.

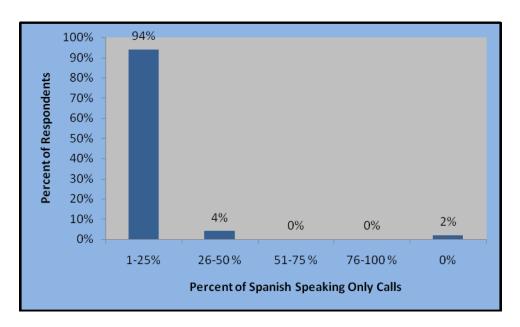


Figure 1. Weekly Reponses to Spanish Speaking Only Calls

Similarly, as seen in Figure 2, 83.3% of the respondents have at least 25% of their employees indicating that they are bilingual, 10.4% have anywhere from 26%–50% of a bilingual staff, 2.1% have over 75%, and 4.2% do not have any "translators."

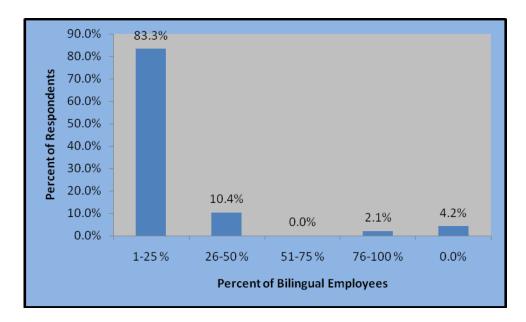


Figure 2: Percentage of Bilingual Employees

Although most of the respondents have access to bilingual staff members, an overwhelming 87.5%, or 42 of the 48 respondents, advised that the access to bilingual employees has no impact or influence on staffing or scheduling concerns and only 12.5% said that they did include bilingual access in scheduling (Figure 3). One interesting note discovered was that no respondent indicated an answer of unsure or unknown on this particular question.

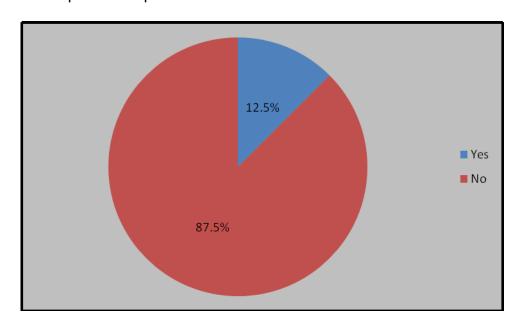


Figure 3: Number of agencies reporting whether or not having access to bi-lingual employees' plays a role in staffing/scheduling.

Some interesting correlations were revealed during the statistical analysis of the survey. When the respondents were asked to estimate the percentage of their jurisdictional population that consisted of illegal immigrants, the responses were nearly identical to the percentages related to the availability of bilingual officers within the department.

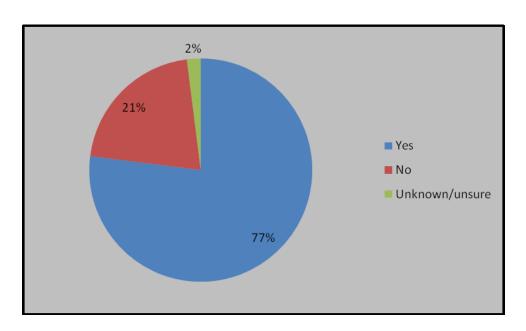


Figure 4: Number of agencies reporting whether or not population growth affects budgeting and staffing.

When asked if the growth in population affects budgeting and staffing considerations, 77% indicated that growth is a considering factor (Figure 4). On the other hand, 64.5% said that the unknown or unmeasured population in their jurisdictional area of control is not considered in the process (Figure 5). An aside on this trend is that nearly 23% of the respondents did not know if the illegal population was being considered in the process.

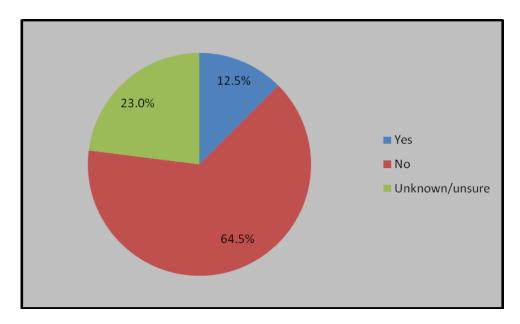


Figure 5: Number of agencies reporting whether or not <u>unmeasured population</u> amounts factor into budgeting and staffing.

In the final two questions of the survey instrument, which was included as a result of the research process, two questions were asked. The respondents were questioned about their knowledge or awareness of a federal government program in which state and local agencies can enter into a Memorandum of Agreement (MOA) with the Department of Homeland Security to enforce federal immigration laws after they received appropriate training. Over half, 56.3%, of the respondents were not aware of the training or agreement; just over a third, 33.3% were aware, and 10.3% were unsure or did not know.

The final question to the respondents gauged their agencies belief that the ability to enforce or protect state laws has been affected by illegal immigration. The results were relatively divided between no (39.6%), yes (37.5%), and unknown (22.9%).

#### **DISCUSSIONS/CONCLUSIONS**

The problem or issue examined by the researcher considered whether or not state and local law enforcement agencies take into account the associated issues

related to the calls for police response from illegal immigrants located in their jurisdiction. The research examined what impact the associated issues have on city and police agencies. The research was to determine whether law enforcement administrators believe there is a problem and to what extent it impacts their department's effectiveness. The purpose of this research was to discover the impact or effects an unmeasured amount of the population within a given jurisdiction has on its ability to properly service the needs of the community. The research question that was examined focused on to what extent law enforcement executives and administrators factored the illegal immigration into the strategic planning of their department.

The author hypothesized that the increasing number of non-English speaking individuals in a given jurisdiction impacted the decision making process of staffing levels. It further hypothesized that state and local agencies are not currently evaluating the changing demographics related to the illegal population and planning accordingly.

The author concluded from the findings that state and local agencies are not factoring the illegal immigration equation into the planning and staffing process. The researcher concluded that historic planning strategies related to the growth in population, like using known census projections, are utilized but no consideration was being given in the area of illegal immigration.

The findings of the research were found to support parts of the hypothesis, as well as, dispute other parts. The reason why the findings did support the hypothesis was related to the failure of agencies to evaluate the changing demographics and respond accordingly. The reason why the findings did not support the hypothesis was because it was anticipated that the current use of available bilingual officers within an

agency were being utilized effectively. The findings showed that an overwhelming number of agencies do not utilize the available resources of bilingual officers in staffing.

Limitations that might have hindered this study resulted because the traditional belief amongst law enforcement at the state and local level is that the illegal immigration is a "national" problem, and state and local agencies do not have policies in place to address the changing demographics. The study of the effects of illegal immigration on local law enforcement is relevant to contemporary law enforcement because until the federal government takes actions to correct the issue and provide appropriate assistance, the state and local level agencies will continue to be inundated with the adverse affects. All state and local level decision making individuals in law enforcement agencies stand to benefit from the results of this research because little has been done to correct the problem. At the very least, this research will shed light on the need for the current bilingual officers to be utilized in the staffing process. Administrators can use the research to develop recruitment and retention techniques of diversified individuals not to "fix" the immigration problem but to help them cope with the situation.

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## **APPENDIX/APPENDICES**

## Appendix 1

# Law Enforcement Management Institute of Texas Administrative Research Paper Survey "Recruitment and Retention of Bilingual speaking Law Enforcement Personnel"

	Kecruitilleli	t and Retention of Dinngual speaking Law Emorcement Personn
1.	What type o	f agency do you currently work for?
	A.	Municipal
	B.	County
	C.	Constable
	D.	State
	E.	Other
2.	What is the	size of your agency's sworn personnel?
	A.	1-10
	B.	11-30
	C.	31-50
	D.	51-100
	E.	100 +
3.	What is you	r current rank?
	A.	Sergeant
	B.	Lieutenant
	C.	Captain
	D.	Assistant Chief / Chief Deputy
	E.	Chief / Sheriff
4.	What is the	estimated population of the jurisdiction your agency controls?
	A.	0-5,000
	B.	5,001-10,000
	C.	10,001-30,000
	D.	30,001-100,000
	E.	100,001 +

5. What DPS Region is your agency located within? (See attached map)

A.	Region 1A/B	D.	Region 4
B.	Region 2 A/B	E.	Region 5
C.	Region 3	F.	Region 6

6.	With your best estimate, what percentage of the adult population in your jurisdiction consists of bilingual speaking citizens?		
	A.	None	
	B.		
	C.	26-50 Percent	
	D.	51-75 Percent	
	E.	76-100 Percent	
7. What percentage of your staff is		tage of your staff is bi-lingual?	
	A.	None	
		1-25 Percent	
		26-50 Percent	
	D.		
	E.	76-100 Percent	
8.	3. Does the access to bi-lingual employees play a role in staffing/scheduling?		
	A.	Yes	
	B.	No	
	C.	Unknown / Unsure	
9.	9. On an average how many times per week does your agency respond to "Spanish Speaking Only" calls for service?		
	<b>A</b>	None	
	A.	None	
	B.	1-25 Percent	
	C.		
	D.	51-75 Percent	
	E.	76-100 Percent	
10.	Does the pop	pulation growth of your jurisdiction affect budgeting and staffing as?	
	A.	Yes	
	В.	No	
	C.	Unknown / Unsure	
	C.	Olikilowii / Olistite	
11.	If yes, does to populations?	he budgeting and staffing take into account the changing makeup of minority	
	A.	Yes	
	В.	No	
	Б. С.	Unknown / Unsure	
	C.	UIIKIIUWII / UIISUIC	

12. Does your ag	gency have a monetary incentive program for bilingual speaking officers?
A.	Yes
B.	No
C.	Unknown / Unsure

- 13. If yes, how much per month/year?
- 14. Does your agency actively recruit new personnel for staffing short falls?
  - A. Yes
  - B. No
  - C. Unknown / Unsure
- 15. Does your agency have a monitory recruitment incentive package for lateral transferring officers? i.e. \$ per years of service.
  - A. Yes
  - B. No
  - C. Unknown / Unsure
- 16. If yes, is there an increased amount for bilingual speaking officers?
  - A. Yes
  - B. No
  - C. Unknown / Unsure
- 17. Does your agency actively recruit bilingual speaking individual?
  - A. Yes
  - B. No
  - C. Unknown / Unsure

Thank you, for your timely response to the survey. If you are completing the survey electronically, please bold your answers, save the changes, put survey in the subject line and e-mail to <a href="mailto:jjaekel@ci.dickinson.tx.us">jjaekel@ci.dickinson.tx.us</a>.

If you are completing the survey in writing, please mark the most appropriate answer and return to the attention of:

Sgt. J. Jaekel Dickinson Police Department 4000 Liggio St. Dickinson, Texas 77539

## Appendix 2

## DPS Regional map

Used to determine the geographic location of Agencies surveyed for stastical analysis.

