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Ron DeSantis' Immigration Crackdown Could Prove Costly

A new directive could impose a hefty financial burden on state taxpayers and reduce community trust toward police.

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June 22, 2022

Last week, Florida Gov. Ron DeSantis signed legislation and announced new actions related to immigration enforcement in the state. Among them is a policy that could impose a hefty financial burden on state taxpayers and reduce community trust toward police.

S.B. 1808 requires each law enforcement agency in Florida that operates a county detention facility to enter into an agreement with Immigration and Customs Enforcement (ICE). Under a so-called 287(g) agreement, state and local law enforcement officers are deputized by the Department of Homeland Security to carry out duties typically performed by federal agents. Those officers may interview people about their immigration status, detain individuals, transfer noncitizens to ICE custody, and initiate the removal process.

According to the Florida Policy Institute, 46 of the state's 67 counties, as well as the state Department of Corrections and the city of Jacksonville, currently have 287(g) agreements. Counties with a detention facility that aren't involved in a 287(g) agreement will now have to enter one.

State and local governments often pay dearly to implement 287(g) agreements, as they—rather than the federal government—are responsible for the majority of operating costs. Officer salaries, overtime pay, and supply expenses aren't covered by ICE. States and localities also tend to foot most of the costs associated with detaining migrants.

State officials in Florida have so far provided few details on how localities will be paying for the expenses associated with new 287(g) partnerships. "We expect the cost to participate in the 287(g) program to be minimal and able to be absorbed within existing resources for entities that are not already participating in the 287(g) program," DeSantis' press secretary Christina Pushaw told *Reason* in a statement.

An analysis prepared by the Florida Senate Appropriations Committee in February was similarly vague: "The bill may have an indeterminate negative fiscal impact on a local government that provides funding to a law enforcement agency that is not currently participating in a 287(g) agreement by requiring the local government to expend funds enforcing immigration law in partnership with ICE."

Costs may prove not to be minimal, judging by the experiences of other communities. The sheriff's office in Arizona's Maricopa County had a $1.3 million budget deficit in 2008 largely thanks to 287(g)-related overtime. Prince William County, Virginia, had to raise property taxes to pay the costs associated with its 287(g) agreement, which cost $6.4 million in its first year.

"Most of the counties in Florida are part of the 287(g) program," says Michael Coon, a University of Tampa migration economist who has researched the impacts of 287(g) implementation. "What it's going to do is put a burden on the communities that, for whatever reason, decided not to participate." That includes obvious costs like officer pay and housing detainees—but also secondary expenses that communities incur to settle lawsuits related to 287(g) programs.

These agreements have led to widespread racial profiling in some jurisdictions, prompting legal action against departments. Maricopa County shelled out $43 million in legal fees over its 287(g) program, under which Sheriff Joe Arpaio's deputies carried out regular "sweeps" in Latino neighborhoods before federal officials terminated the county's enforcement agreement. Los Angeles County paid $255,000 to settle a single detainer claim in 2017. "To the extent that these are going to probably continue," says Coon, "what it's going to do is open up the local detention centers or law enforcement agencies to potential liability and extra costs to taxpayers by paying off lawsuit settlements."

Pushaw cites the "hundreds of millions of dollars each year in public education, public health care, criminal justice, the use of public infrastructure systems and other Florida social services and benefits" as costs that would be spared Florida taxpayers if undocumented immigrants are removed. But Florida's undocumented immigrant population paid an estimated $588.3 million in state and local taxes in 2018, according to the American Immigration Council. That's to say nothing of the money they contribute to Florida's economy.

Beyond just financial downsides, 287(g) agreements can negatively impact trust of police and community safety, despite being marketed as a public safety program. "When an immigrant community understands that the local police are cooperating with federal immigration enforcement, it makes them hesitant to interact because they're worried that, in any case, at any time, they could be the ones being detained," Coon explains. "People are going to be afraid to report crimes, or cooperate with the police in investigations."

Those monetary and social costs would perhaps be justifiable if 287(g) programs had a proven track record of ensnaring dangerous undocumented immigrants. But they very often target nonthreating individuals for nonviolent offenses. Almost two-thirds of 287(g) detainees in Gwinnett County, Georgia, were booked for traffic infractions. Deportations in Davidson County, Tennessee, were triggered by minor offenses—like trespassing or fishing without a license—"the vast majority of the time." And in North Carolina, Alex Nowrasteh and Andrew Forrester of the Cato Institute found that 287(g) agreements didn't lead to a decrease in crime, but *did* lead to an increase in assaults against police officers.

Many of the costs to Florida communities will only manifest in time, but the track record of 287(g) agreements elsewhere doesn't bode well for taxpayers or public safety. "It doesn't really have much of an impact on keeping the community safe," says Coon. "It's just going to put an undue burden on communities and that'll trickle through every dimension of society."