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BORDER PATROL

Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness



GAO

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Highlights of [GAO-09-824](#), a report to congressional requesters

Why GAO Did This Study

The U.S. Border Patrol, part of the Department of Homeland Security's Customs and Border Protection (CBP), operates checkpoints on U.S. roads, mainly in the southwest border states where most illegal entries occur. As part of a three-tiered strategy to maximize detection and apprehension of illegal aliens, Border Patrol agents at checkpoints screen vehicles for illegal aliens and contraband. GAO was asked to assess (1) checkpoint performance and factors affecting performance, (2) checkpoint performance measures, (3) community impacts considered in checkpoint placement and design, and (4) the impact of checkpoint operations on nearby communities. GAO work included a review of Border Patrol data and guidance; visits to checkpoints and communities in five Border Patrol sectors across four southwest border states, selected on the basis of size, type, and volume, among other factors; and discussions with community members and Border Patrol officials in headquarters and field locations.

What GAO Recommends

GAO recommends that CBP take several actions to strengthen checkpoint design and staffing, and improve the measurement and reporting of checkpoint effectiveness, including community impact. CBP agreed with our recommendations, and identified actions planned or underway to implement the recommendations.

View [GAO-09-824](#) or key components. For more information, contact Richard Stana at (202) 512-8777 or stanar@gao.gov.

BORDER PATROL

Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness

What GAO Found

Checkpoints have contributed to the Border Patrol's ability to seize illegal drugs, apprehend illegal aliens, and screen potential terrorists; however, several factors have impeded higher levels of performance. Checkpoint contributions included over one-third of the Border Patrol's total drug seizures, according to Border Patrol data. Despite these and other contributions, Border Patrol officials said that additional staff, canine teams, and inspection technology were needed to increase checkpoint effectiveness. Border Patrol officials said they plan to increase these resources.

The Border Patrol established three performance measures to report the results of checkpoint operations, and while they provide some insight into checkpoint activity, they do not indicate if checkpoints are operating efficiently and effectively. In addition, GAO found that a lack of management oversight and unclear checkpoint data collection guidance resulted in the overstatement of checkpoint performance results in fiscal year 2007 and 2008 agency performance reports, as well as inconsistent data collection practices at checkpoints. These factors hindered management's ability to monitor the need for program improvement. Internal control standards require that agencies accurately record and report data necessary to demonstrate agency performance, and that they provide proper oversight of these activities.

The Border Patrol generally followed its guidelines for considering community safety and convenience in four recent checkpoint placement and design decisions, including the proposed permanent checkpoint on Interstate 19 in Arizona. Current and projected traffic volume was a key factor in the design of the proposed Interstate 19 checkpoint, but was not considered when determining the number of inspection lanes for three recently completed checkpoints in Texas due to a lack of guidance. Having explicit guidance on using current and projected traffic volumes could help ensure that future checkpoints are appropriately sized.

Individuals GAO contacted who live near checkpoints generally supported their operations but expressed concerns regarding property damage that occurs when illegal aliens and smugglers circumvent checkpoints to avoid apprehension. The Border Patrol is not yet using performance measures it has developed to examine the extent that checkpoint operations affect quality of life in surrounding communities. The Border Patrol uses patrols and technology to detect and respond to circumventions, but officials said that other priorities sometimes precluded positioning more than a minimum number of agents on checkpoint circumvention routes. The Border Patrol has not documented the number of agents needed to address circumventions at the proposed I-19 checkpoint. Given the concerns of nearby residents regarding circumventions, conducting a workforce planning needs assessment at the checkpoint design stage could help ensure that resources needed for addressing such activity are planned for and deployed.

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Abbreviations

ADOT	Arizona Department of Transportation
CAR	Checkpoint Activity Report
CBP	U.S. Customs and Border Protection
CCD	Department of Education Common Core Data
COMPEX	Compliance Examination
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DOJ	Department of Justice
EIS	Environmental Impact Statement
FBI	Federal Bureau of Investigation
GPRA	Government Performance and Results Act
ICE	U.S. Immigration and Customs Enforcement
KP	kilometer post
MLS	Multiple Listing Service
NAICS	North American Industry Classification System
NEPA	National Environmental Policy Act
PAR	Performance and Accountability Report
SBI	Secure Border Initiative
UCR	Uniform Crime Reporting
VACIS	Vehicle and Cargo Inspection System

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United States Government Accountability Office
Washington, DC 20548

August 31, 2009

Congressional Requesters

Several hundred thousand individuals enter the country illegally and undetected each year, and the impact of this illegal activity affects communities within the southwest border states. Some of these illegal aliens,¹ on more than one occasion, have evaded detection at the border ports of entry² by hiding themselves, drugs, or other contraband in vehicles. Others trekked through the Arizona desert, waded across the Rio Grande, or otherwise eluded capture by roving law enforcement patrols somewhere along the nearly 2,000-mile expanse of the southwest border. U.S. Customs and Border Protection (CBP), a component within the Department of Homeland Security (DHS), is responsible for managing, controlling, and securing our nation's borders, at and between the ports of entry. Between the ports of entry, the U.S. Border Patrol, a component of CBP, is responsible for detecting and preventing the illegal entry of persons and contraband, including terrorists and weapons of mass destruction. To achieve these goals on the southwest border, the Border Patrol has implemented a multilayered enforcement strategy. This strategy includes the use of traffic checkpoints generally located from 25 to 100 miles of the border, where Border Patrol agents screen vehicles for any illegal aliens or contraband that were able to cross the border undetected.³ Some of these checkpoints have a permanent structure with off-highway inspection lanes and technology to facilitate inspection and convenience, while other checkpoints have temporary infrastructure in the form of trailers and generators that are generally used on secondary roads with low traffic volume.

¹ In addition to persons who enter the United States illegally, the term "illegal alien" may also encompass persons who entered legally but are subject to removal under 8 U.S.C. § 1229a. For example, an alien who entered the country legally may nevertheless be removed once his or her lawful immigration status expires, or if the alien commits certain crimes or engages in activities that endanger public safety or national security. See 8 U.S.C. § 1227 for the various classes of deportable aliens and 8 U.S.C. § 1182 for the various classes of inadmissible aliens.

² At a port of entry location, CBP officers are to secure the flow of people and cargo into and out of the country, while facilitating legitimate travel and trade.

³ The Border Patrol also operates checkpoints on the northern border, but these checkpoints were outside the scope of this review.

Communities within the border enforcement area may be positively or negatively impacted by the placement, design, and operation of checkpoints and other Border Patrol resources, depending on sufficient, efficient, and strategic use of these resources to address the volume and type of illegal activity. In regard to checkpoint placement, for example, the Border Patrol needs to balance identifying locations that provide the best tactical advantage to detect and apprehend illegal activity against the impact that such a location would have on public safety issues that may result from traffic delays and inadvertent channeling of illegal activity into surrounding communities. In regard to checkpoint operation, the Border Patrol must balance resources needed to detect and apprehend illegal activity at the checkpoints against the need to deter and prevent illegal travel through local neighborhoods by placing resources along community perimeters. Historically, the Border Patrol has been unable to address the volume of cross-border illegal activity, putting greater reliance on the efficient and strategic use of resources, including checkpoints.

To help federal agencies operate more efficiently and effectively, the Government Performance and Results Act of 1993 (GPRA) requires the establishment of performance goals that define the level of performance to be achieved, and measures by which to track progress toward these goals and identify areas that need improvement.⁴ We previously reported in 2005 that checkpoints serve an important role in U.S. border security strategy and that community support for checkpoints was generally positive; however, we recommended that the Border Patrol develop measures and collect data to report on, and potentially improve, checkpoint productivity and effectiveness.⁵ Our report also discussed community concerns in the state of Arizona in regard to checkpoint placement, design, and operation. You asked us to determine the progress the Border Patrol has made in implementing these prior recommendations and resolving community concerns, including concerns about the planned permanent checkpoint on Interstate 19 (I-19) in Arizona. This report addresses the following objectives:

⁴ Pub. L. No. 103-62, 107 Stat. 285 (1993). Under GPRA, federal agencies are required to develop strategic plans, performance plans, and performance reports that set long term and annual goals along with the means for accomplishing the goals and report on achieving them.

⁵ GAO, *Border Patrol: Available Data on Interior Checkpoints Suggest Differences in Sector Performance*, [GAO-05-435](#) (Washington, D.C.: Jul. 22, 2005).

-
- How has checkpoint performance contributed to meeting Border Patrol goals for securing the southwest border, and what factors, if any, have affected checkpoint performance?
 - To what extent has the Border Patrol established measures of performance for checkpoints?
 - To what extent has the Border Patrol considered community impacts in the placement and design of checkpoints since 2006, including the planned I-19 permanent checkpoint?
 - How do checkpoint operations impact nearby communities, particularly those near the I-19 checkpoint, and to what extent does the Border Patrol address those impacts?

To address these objectives, we reviewed Border Patrol checkpoint policy documents, reports, manuals, and guidance, and held discussions with relevant headquarters and field officials concerning border strategy, checkpoint operations, and the design and placement of checkpoints. We conducted site visits and observed checkpoint operations at 15 checkpoints, located in five of the nine Border Patrol sectors: San Diego sector, California; Tucson sector, Arizona; El Paso sector, Texas and New Mexico; and Laredo and Rio Grande Valley sectors in Texas. The sectors we visited were selected to provide diversity in the size and types of checkpoint operations; estimated volume of illegal aliens; and topography and density of road networks. While our site visit results are not representative of observations that may have been made at other times or locations, they provided us with an overall understanding of checkpoint operations.

To assess the reliability of checkpoint performance data collected by the Border Patrol, we spoke with agency officials at Border Patrol's Washington, D.C. headquarters and at the five sectors we visited in the field about data integrity procedures, including methods by which data are checked and reviewed internally for accuracy. We also provided a data collection instrument to the Border Patrol seeking information on how checkpoint agents collect checkpoint performance data. We determined that despite limitations in overall data collection and oversight processes, the data recorded on certain data fields—specifically apprehensions and drug seizures at checkpoints—are sufficiently reliable for the purposes of this report, with limitations noted as appropriate.

To assess the extent to which the Border Patrol considered community impacts in the design and placement of checkpoints, our scope included checkpoints that were either (a) new permanent checkpoints constructed since 2006, or (b) new permanent checkpoints currently under construction. We did not include older checkpoints in our analysis because the guidelines and standards for checkpoint placement and design were different and limited documentation is available for them, according to Border Patrol and CBP officials. We did not include checkpoints that were or are being renovated or expanded, because they would not be subject to the Border Patrol's checkpoint placement guidelines. We also did not include tactical checkpoints in our analysis, because these lack permanent infrastructure. We also included in our analysis the planned I-19 permanent checkpoint, rather than all planned checkpoints, because of the extent of the controversy regarding that particular checkpoint.

To assess the extent that operations from Border Patrol checkpoints impact surrounding areas, we interviewed officials from 14 state and local law enforcement agencies, and various business groups, community leaders, and other members of communities located near checkpoints we visited to obtain their views on the impacts of checkpoint operations. Because this selection of places was a nonprobability sample, the results from our site visits cannot be generalized to other locations and checkpoints; however, what we learned from our site visits provided a useful perspective on the issues addressed in this report. We also interviewed Border Patrol field officials at the 15 checkpoints we visited regarding the impacts of checkpoint operations. In addition, we gathered and compared available crime, tourism, economic, and real estate data for the state of Arizona and communities near the current checkpoint on I-19 to examine the extent to which checkpoint operations impact surrounding communities. We determined that these data used within the report and appendixes were sufficiently reliable for providing historical trends and general descriptions.

We conducted this performance audit from July 2008 to August 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides this reasonable basis for our findings and conclusions based on our audit objectives. Appendix I provides additional details about our scope and methodology.

Background

CBP's U.S. Border Patrol is the uniformed enforcement division responsible for border security between designated official ports of entry into the country. The Border Patrol reports that its priority mission is to prevent terrorists and terrorist weapons, including weapons of mass destruction, from entering the United States. In addition, the Border Patrol has a traditional mission of preventing illegal aliens, smugglers, narcotics, and other contraband from crossing the border between the ports of entry. To carry out its missions, the Border Patrol had a budget of \$3.5 billion in fiscal year 2009 to establish and maintain operational control of the U.S. border.⁶ As of June 2009, the Border Patrol had 19,354 agents nationwide, an increase of 57 percent since September 2006. Of these agents, about 88 percent (17,011) were located in the nine Border Patrol sectors along the southwest border.⁷ About 4 percent of the Border Patrol's agents in these sectors were assigned to traffic checkpoints, according to the Border Patrol.

Despite efforts to enhance border security in recent years, DHS reports show that significant illegal activity continues to cross the border undetected. At the ports of entry, CBP has both increased training for agents and enhanced technology. However, the DHS Annual Performance Report for fiscal years 2008-2010 sets a goal for detecting and apprehending about 30 percent of major illegal activity at ports of entry in 2009, indicating that 70 percent of criminals and contraband may pass through the ports and continue on interstates and major roads to the interior of the United States. Between the ports of entry, CBP is implementing the Secure Border Initiative (SBI), a multiyear, multibillion-dollar program aimed at securing U.S. borders and reducing illegal immigration through a comprehensive border protection system.⁸

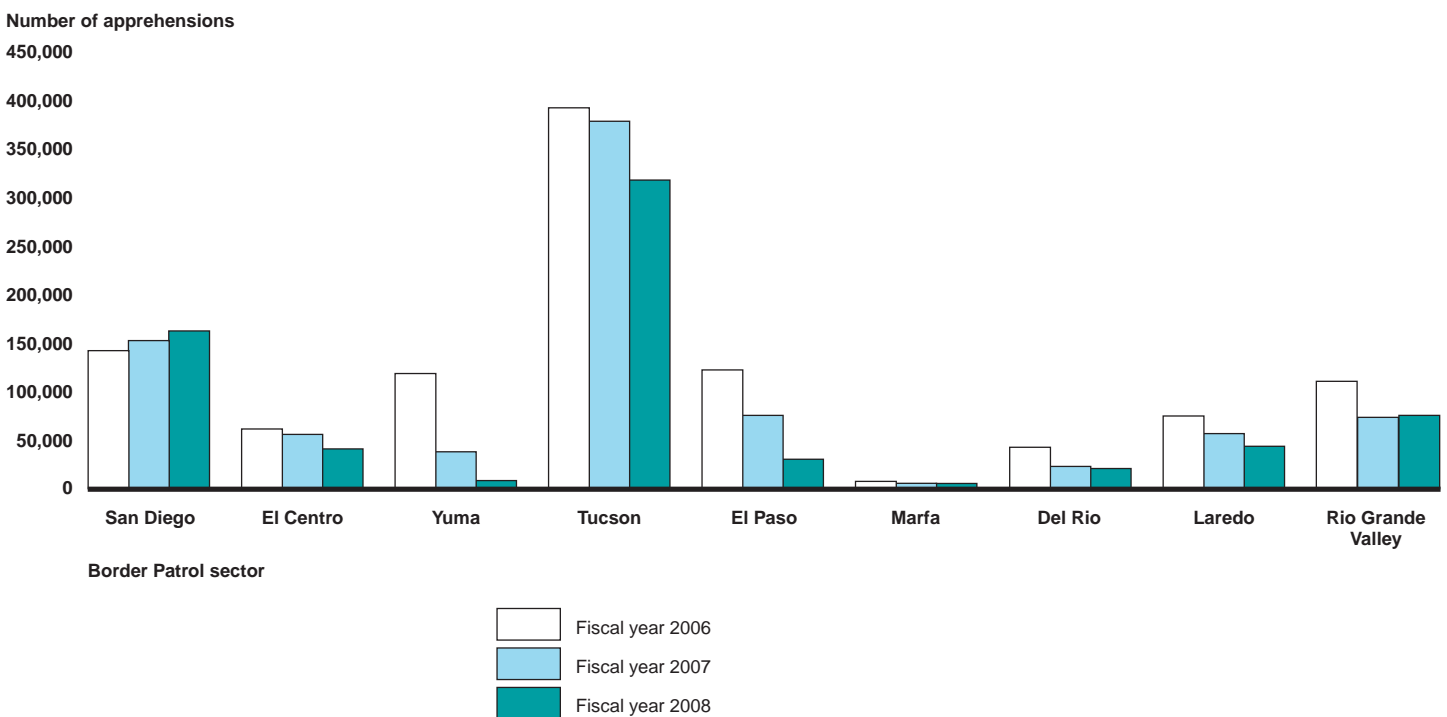
⁶ The Border Patrol defines operational control as the ability to detect, respond, and interdict border penetrations in areas deemed as high priority for threat potential or other national security objectives.

⁷ Border Patrol sectors, led by a Chief Patrol Agent, are further divided into stations, led by a Patrol Agent in Charge, where each station is responsible for operations within a specific area of the sector.

⁸ This system has two main components: SBI tactical infrastructure, which consists of fencing, roads, and lighting between the ports of entry; and *SBI_{net}*, which employs radars, sensors, and cameras to detect, identify, and classify the threat level associated with an illegal entry. As of May 2009, CBP had completed 629 miles of the planned 661 miles of vehicle or pedestrian fencing along the southwest border, and was field testing *SBI_{net}* technology. See GAO, *Secure Border Initiative Fence Construction Costs*, [GAO-09-244R](#) (Washington, D.C.: Jan. 29, 2009).

Along the southwest border, overall Border Patrol apprehensions of illegal aliens have declined over the past 3 years, from nearly 1.1 million in fiscal year 2006, to 705,000 in fiscal year 2008. This decreasing pattern was reflected in all sectors except San Diego, which showed a steady increase across these years, as shown in figure 1.

Figure 1: Total Apprehensions of Illegal Aliens Across the Southwest Border for Fiscal Years 2006 through 2008



Source: GAO analysis of Border Patrol data.

The Tucson sector continues to have the largest number of apprehensions compared to other sectors along the southwest border, as shown in figure 1. Border Patrol officials stated that targeted enforcement efforts in other Border Patrol sectors in previous years caused a shift in illegal cross-border activity to the Tucson sector.

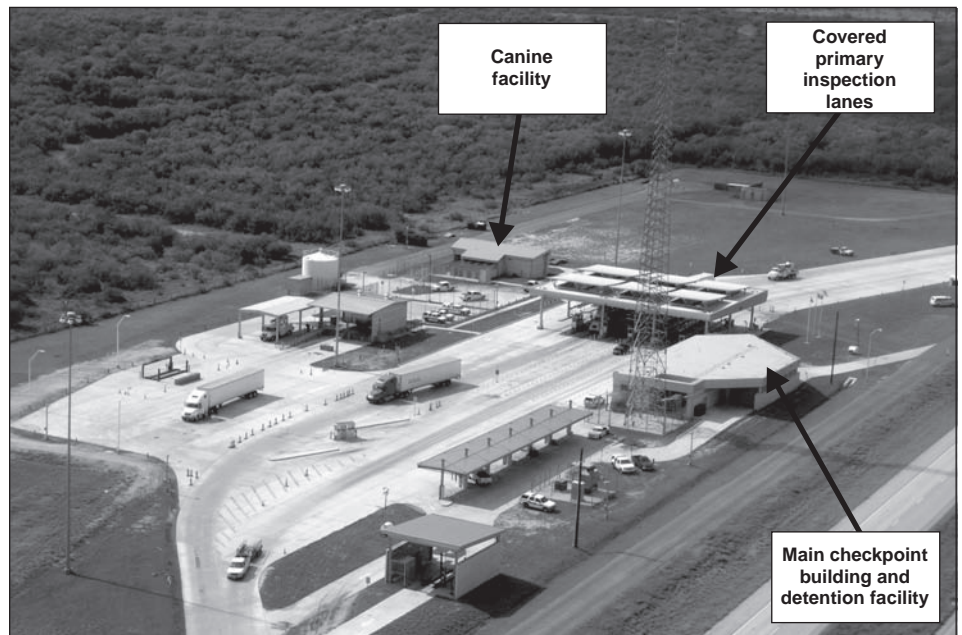
Checkpoint Role and Characteristics

Checkpoints are the third layer in the Border Patrol's three-tiered border enforcement strategy. The other two layers are located at or near the border, and consist of line watch and roving patrol. According to the Border Patrol, the majority of Border Patrol agents are assigned to line watch operations at the border, where they maintain a high profile and are

responsible for deterring, turning back, or arresting anyone they encounter attempting to illegally cross the border into the United States. Roving patrol operations consist of smaller contingents of agents deployed behind the line watch to detect and arrest those making it past the first layer of defense in areas away from the immediate border. Traffic checkpoints are located on major U.S. highways and secondary roads, usually 25 to 100 miles inland from the border. This permits them to be far enough inland to detect and apprehend illegal aliens, smugglers, and potential terrorists attempting to travel farther into the interior of the United States after evading detection at the border, but are close enough to the border to potentially control access to major population centers.

The Border Patrol operates two types of checkpoints—permanent and tactical—that differ in terms of size, infrastructure, and location. While both types of checkpoints are generally operated at fixed locations, permanent checkpoints—as their name suggests—are characterized by their bricks and mortar structure, that may include off-highway covered lanes for vehicle inspection, and several buildings including those for administration, detention of persons suspected of smuggling or other illegal activity, and kennels for canines used in the inspection process (see fig. 2).

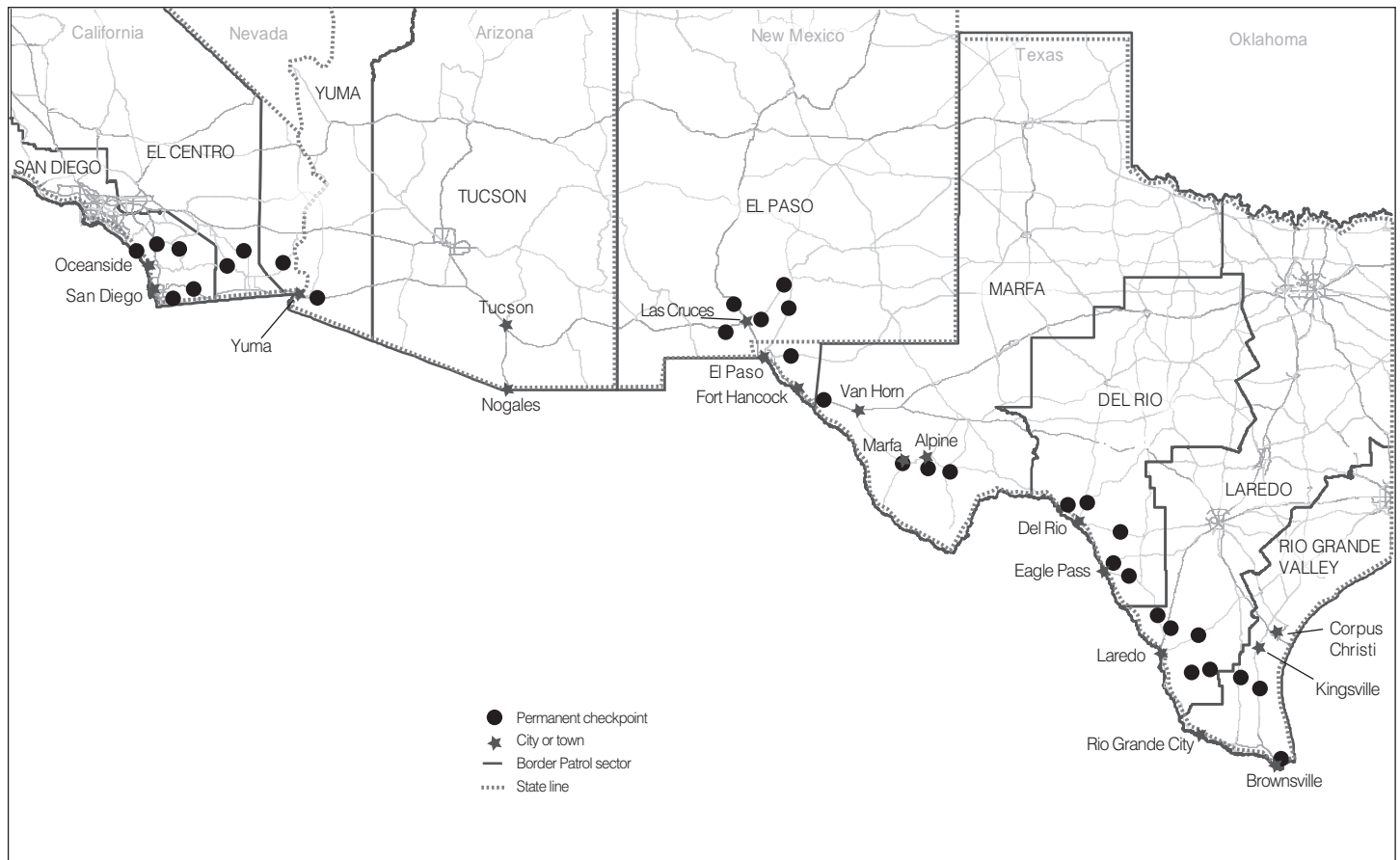
Figure 2: Permanent Checkpoint on I-35, North of Laredo, Texas



Source: Border Patrol.

Permanent checkpoints are equipped with technology and computers connected to national law enforcement databases to enhance the ability of agents to identify suspects, research criminal histories, and cross-check terrorist watch lists. Permanent checkpoints generally have electricity, communication towers, and permanent lighting to enhance operations at night and in poor weather conditions. These facilities also offer greater physical safety to agents and the public—particularly when they are located off-highway—by virtue of protective concrete barriers separating agents from vehicle traffic, and better signage and lighting. Permanent checkpoints also have assets to help lessen the chance that illegal aliens and smugglers will be able to successfully bypass the checkpoint to avoid detection. These assets include remote video surveillance, electronic sensors, and agent patrols in the vicinity of the checkpoints, which may also include horse patrols and all-terrain vehicles. There are 32 permanent checkpoints along the southwest border, in eight of the nine Border Patrol sectors, as shown in figure 3. Of the nine sectors, only the Tucson sector does not have permanent checkpoints, instead operating tactical checkpoints.

Figure 3: Border Patrol Sectors and Permanent Checkpoints along the Southwest Border



Sources: GAO (analysis), Mapinfo (map), Border Patrol (data).

Tactical checkpoints are also operated at a fixed location but do not have permanent buildings or facilities, as shown in figure 4.⁹ One of the intents of tactical checkpoints is to support permanent checkpoints by monitoring and inspecting traffic on secondary roads that the Border Patrol determined are likely to be used by illegal aliens or smugglers to evade apprehension at permanent checkpoints. Tactical checkpoint

⁹ According to the Border Patrol, in the case of both permanent and tactical checkpoints, the Border Patrol must obtain operating permits from the relevant state Department of Transportation. Because it can be time consuming to obtain the necessary permits from a state Department of Transportation, tactical checkpoints, like their permanent counterparts, operate from fixed locations.

infrastructure may consist of a few Border Patrol vehicles, used by agents to drive to the location; orange cones to slow down and direct traffic; portable water supply; a cage for canines (if deployed at the checkpoint); portable rest facilities; and warning signs. In general, tactical checkpoints are intended to be set up for short-term or intermittent use, and open and close based on intelligence on changing patterns of smuggling and routes used by illegal aliens. As a result, the number of tactical checkpoints in operation can change on a daily basis. Thirty-nine tactical checkpoints were operational at some point in fiscal year 2008 on the southwest border.

Figure 4: Tactical Checkpoint at Arivaca Road, South of Tucson, Arizona



Source: GAO.

Authority at Border Patrol Checkpoints

Border Patrol agents at checkpoints have legal authority that agents do not have when patrolling areas away from the border. The United States Supreme Court ruled that Border Patrol agents may stop a vehicle at fixed checkpoints for brief questioning of its occupants even if there is no reason to believe that the particular vehicle contains illegal aliens.¹⁰ The Court further held that Border Patrol agents “have wide discretion” to

¹⁰ *U.S. v. Martinez-Fuerte*, 428 U.S. 543, 545 (1976).

refer motorists selectively to a secondary inspection area for additional brief questioning.¹¹ In contrast, the Supreme Court held that Border Patrol agents on roving patrol may stop a vehicle only if they have reasonable suspicion that the vehicle contains aliens who may be illegally in the United States—a higher threshold for stopping and questioning motorists than at checkpoints.¹² The constitutional threshold for searching a vehicle is the same, however, and must be supported by either consent or probable cause, whether in the context of a roving patrol or a checkpoint search.¹³

Checkpoints in the Tucson Sector

The Tucson sector is the only sector along the southwest border without permanent checkpoints. Although other sectors along the southwest border deploy a combination of permanent and tactical checkpoints, the Tucson sector has only tactical checkpoints that operate from fixed locations. Legislation effectively prohibited the construction of permanent checkpoints in the Tucson sector, beginning in fiscal year 1999. Specifically, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, stated that “no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.”¹⁴ The effect of this legislative language was that no permanent checkpoints could be planned or constructed in this sector, which had no permanent checkpoints when the prohibition took effect. Subsequent appropriations acts carried this construction prohibition

¹¹ *Id.*, at 563-564.

¹² *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 881-882 (1975).

¹³ *U.S. v. Ortiz*, 422 U.S. 891, 896-97 (1975).

¹⁴ Pub. L. No. 105-277, 112 Stat. 2681, 2681-59 (1998).

forward through fiscal year 2006.¹⁵ Furthermore, during fiscal years 2003 through 2006, the Border Patrol was subject to an additional appropriations restriction that required it to relocate checkpoints in the Tucson sector on a regular basis.¹⁶ Beginning in fiscal year 2007, the appropriations restrictions that applied to checkpoints in the Tucson sector did not appear in DHS's annual appropriations acts.¹⁷ In response, the Border Patrol fixed the position of the I-19 checkpoint at kilometer post (KP) 42, near Amado, Arizona.¹⁸ Although the I-19 checkpoint has been operating since November 2006 at this fixed location, the checkpoint lacks permanent infrastructure and the associated benefits. For example, the Border Patrol does not have the facilities to detain apprehended illegal aliens at or near the checkpoint or the access to national databases to determine whether apprehended individuals are wanted criminals or potential terrorists. The facility also lacks protective concrete barriers separating agents from vehicle traffic and a canopy to protect agents and

¹⁵ Consolidated Appropriations Act, 2000, Pub. L. No. 106-113, 113 Stat. 1501, 1501A-12 (1999); District of Columbia Appropriations Act, 2001, Pub. L. No. 106-553, 114 Stat. 2762, 2762A-60 (2000); Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, Pub. L. No. 107-77, 115 Stat. 748, 756-57 (2001); Consolidated Appropriations Resolution, 2003, Pub. L. No. 108-7, 117 Stat. 11, 58 (2003); Department of Homeland Security Appropriations Act, 2004, Pub. L. No. 108-90, 117 Stat. 1137, 1138-39 (2003); Department of Homeland Security Appropriations Act, 2005, Pub. L. No. 108-334, 118 Stat. 1298, 1300-01 (2004); and Department of Homeland Security Appropriations Act, 2006, Pub. L. No. 109-90, 119 Stat. 2064, 2066-67 (2005). DHS's fiscal year 2005 appropriations act required CBP to submit an expenditure plan to the House and Senate appropriations committees that included location, design, costs, and benefits of each proposed Tucson sector permanent checkpoint, but the act maintained the prohibition against obligating funds for construction of a permanent checkpoint in the Tucson sector.

¹⁶ For fiscal years 2003, 2004, and 2006, the Border Patrol was required to relocate checkpoints in the Tucson sector at least once every seven days. Consolidated Appropriations Resolution, 2003, Pub. L. No. 108-7, 117 Stat. 11, 58 (2003); Department of Homeland Security Appropriations Act, 2004, Pub. L. No. 108-90, 117 Stat. 1137, 1138-39 (2003); and Department of Homeland Security Appropriations Act, 2006, Pub. L. No. 109-90, 119 Stat. 2064, 2066-67 (2005). During fiscal year 2005, the Border Patrol was required to relocate checkpoints in the Tucson sector at least an average of once every 14 days. Department of Homeland Security Appropriations Act, 2005, Pub. L. No. 108-334, 118 Stat. 1298, 1300-01 (2004).

¹⁷ Department of Homeland Security Appropriations Act, 2007, Pub. L. No. 109-295, 120 Stat. 1355, 1358-59 (2006); Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, 121 Stat. 1844, 2044-45 (2007); and Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, 122 Stat. 3574, 3654-55 (2008).

¹⁸ The kilometer post (KP) designations stem from a time when the metric system was being proposed as an alternative to the English system of measurement.

canines from exposure to the elements while conducting inspections, as shown in figure 5.

Figure 5: Checkpoint on I-19, South of Tucson, Arizona



Source: GAO.

The Border Patrol has developed plans to construct a permanent checkpoint on I-19, but the House Committee on Appropriations instructed the Border Patrol to first take some interim steps. Specifically, in the House report accompanying DHS's appropriations bill for fiscal year 2009, the committee instructed the Border Patrol not to finalize planning for the design and location of a permanent checkpoint on I-19 until it first establishes and evaluates the effectiveness of an upgraded interim checkpoint. According to Border Patrol officials, the upgraded interim checkpoint will have a canopy, a third inspection lane, and an expanded secondary inspection area, among other improvements. In addition, the committee also told the Border Patrol to consider the findings from this GAO study in its planning efforts.¹⁹ The Border Patrol expects the upgraded interim checkpoint to be completed by May 2010. Tucson sector

¹⁹ H.R. Rep. No. 110-862, at 32 (2008).

officials estimate that constructing the upgraded interim checkpoint will cost approximately \$1.5 million and constructing the permanent I-19 checkpoint will cost approximately \$25 million.

Checkpoint Contributions Support the Border Patrol's Mission, But Several Factors Affect Higher Levels of Performance

Checkpoint operations have contributed to furthering the Border Patrol's mission to protect the border, and have also contributed to protection efforts of other federal, state, and local law enforcement agencies. However, Border Patrol officials have stated that additional canines, non-intrusive inspection technology, and staff are needed to increase checkpoint effectiveness. Border Patrol officials stated that they are taking steps to increase these resources at checkpoints across the southwest border.

Contributions to the Border Patrol's Mission Include Seizing Illegal Drugs, Apprehending Illegal Aliens, and Screening for Potential Terrorists

Checkpoints contribute to the Border Patrol's mission to protect the nation from the impact of contraband illegally transported across the border, as well as the impact of illegal aliens, some of whom may have ties to organized crime or countries at higher risk of having groups that sponsor terrorism.

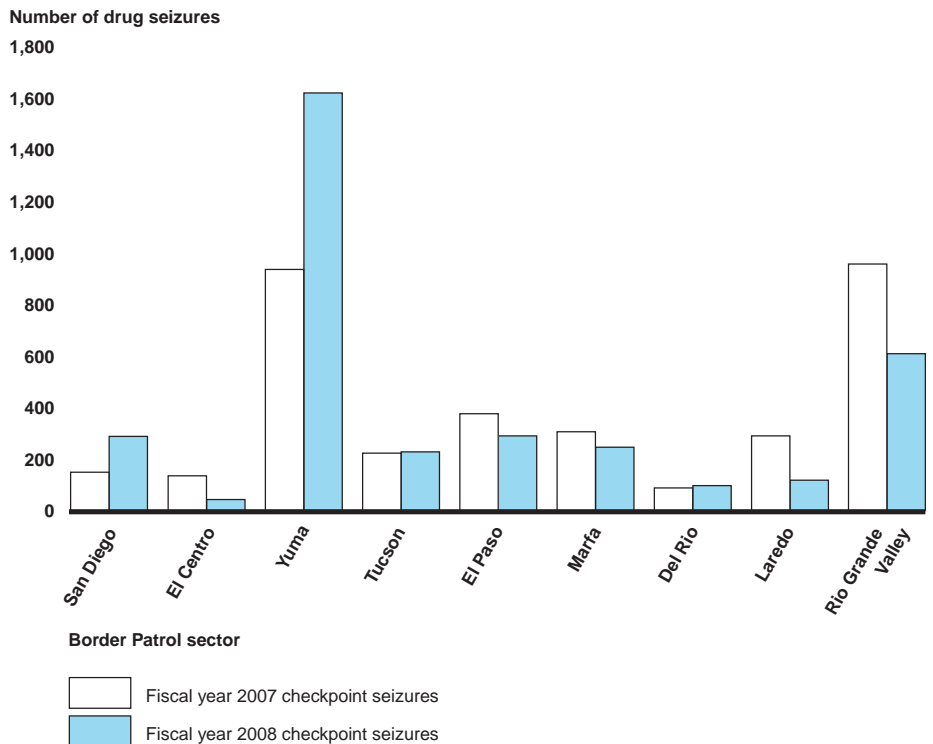
Seizing Illegal Drugs

Border Patrol data show that checkpoints assisted federal efforts to disrupt the supply of illegal drugs. In fiscal year 2008, over 3,500 of the almost 10,100 drug seizures by the Border Patrol along the southwest border occurred at checkpoints. With a relatively small allocation of agents—about 4 percent, according to Border Patrol officials—checkpoints accounted for about 35 percent of Border Patrol drug seizures along the southwest border. Checkpoint seizures included various types of illegal drugs. For example, the Tucson sector checkpoint on I-19 seized 3,200 pounds of marijuana, with an estimated street value of \$2.6 million, in a single event in June 2009. Additionally, the Laredo sector checkpoint on I-35 seized almost 240 pounds of cocaine with an estimated street value of \$7.6 million in a single event in March 2009.

Overall, the number of drug seizures at southwest border checkpoints increased slightly from 3,460 in fiscal year 2007 to 3,540 in fiscal year 2008 (an increase of about 2 percent), while total Border Patrol seizures decreased slightly, from 10,285 to 10,065 (a decrease of about 4 percent). In two sectors, however, seizures at checkpoints increased substantially,

as shown in figure 6. Specifically, drug seizures at San Diego sector checkpoints increased by 93 percent from fiscal year 2007 to 2008, while drug seizures at Yuma sector checkpoints increased by 73 percent. Yuma sector checkpoints also had more than twice the number of seizures compared to other individual sectors.

Figure 6: Drug Seizures at Checkpoints in the Southwest Border Sectors for Fiscal Years 2007 and 2008



Source: GAO analysis of Border Patrol data.

Note: The Rio Grande Valley sector's definition of an "at checkpoint" seizure is broader than that used by other sectors. Other sectors report counting seizures occurring only at the checkpoints, while the Rio Grande Valley sector counts all seizures occurring within 2.5 miles of the checkpoint, as of August 2008.

According to San Diego sector officials, the increase in seizures at San Diego sector checkpoints can be attributed to a number of factors, including

- a 78 percent increase in the operational hours of sector checkpoints,
- a 123 percent increase in sector manpower,

-
- utilizing an additional inspection lane during peak traffic times at the checkpoint on I-8, rather than allowing traffic to pass without inspection, and
 - increased infrastructure (fencing, light poles, remote video surveillance system) in the western corridor of the sector may have pushed traffic east towards the sector checkpoints.

Yuma sector officials attributed the increase in Yuma sector checkpoint seizures to factors including increases in tactical infrastructure and technology at the border, which have allowed the sector to move more agents and canines to sector checkpoints.

Apprehending Illegal Aliens

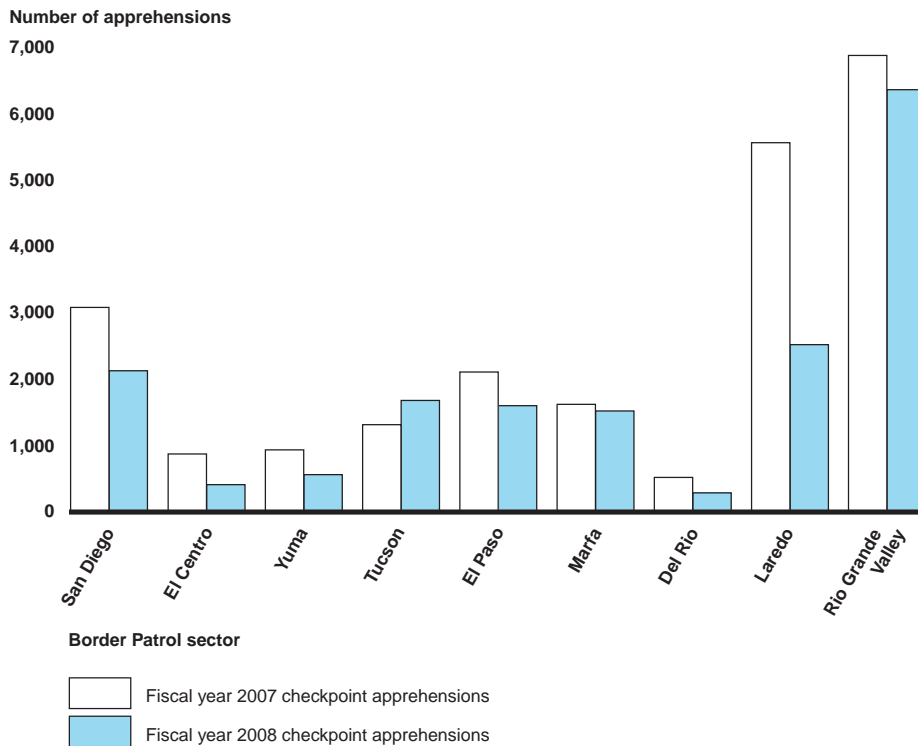
Checkpoints have also contributed to apprehensions of illegal aliens. Nearly 17,000 illegal aliens were apprehended at checkpoints, or 2 percent of the more than 705,000 total Border Patrol apprehensions along the southwest border in fiscal year 2008. Checkpoint apprehensions ranged from single individuals to large parties of illegal aliens led by “coyotes.”²⁰ For example, we observed the apprehension of an illegal alien at a San Diego sector checkpoint who was hidden beneath the trunk floor of a passenger vehicle during our visit to the San Diego sector in October 2008. More recently, the Laredo sector checkpoint on I-35 found 13 illegal aliens concealed in a tractor-trailer trying to traverse the checkpoint in a single event in April 2009. The illegal aliens and the driver of the tractor-trailer were processed for prosecution.

Overall, apprehensions at checkpoints decreased from fiscal year 2007 to 2008, and at a greater rate than for other Border Patrol activities. During this time frame, the number of apprehensions at all southwest Border Patrol checkpoints decreased by 26 percent (from 22,792 to 16,959), while

²⁰ “Coyotes” refers to professional people smugglers. A prominent border security expert reported in 2008 that illegal aliens have adapted to tighter border enforcement by relying upon the skills and experience of professional people smugglers (generally known as coyotes) to guide them across the border and transport them to their final destination. Today, four out of five undocumented migrants are relying on coyotes to evade the Border Patrol and reduce the risks of crossing through remote desert and mountainous areas that pose life-threatening hazards, according to the report. See Wayne Cornelius, *Reforming the Management of Migration Flows from Latin America to the United States* (Center for Comparative Immigration Studies, University of California-San Diego, Dec. 2008). Border Patrol officials in the Tucson sector reported that the cost to an illegal alien to be smuggled across the border—using a coyote—in the sector has increased from \$2,250 in fiscal year 2007 to \$2,750 in fiscal year 2008, although the extent to which these increases are due to checkpoint operation or other Border Patrol operations, such as line watch or roving patrols, is unknown.

apprehensions for other Border Patrol activities along the southwest border decreased by 18 percent (from 858,638 to 705,005). In one sector, however, checkpoint apprehensions increased from fiscal year 2007 to 2008, as shown in figure 7. Tucson sector checkpoint apprehensions increased by 28 percent from fiscal year 2007 to 2008, although the total number of checkpoint apprehensions remained higher in the San Diego, Laredo, and Rio Grande Valley sectors.

Figure 7: Apprehensions of Illegal Aliens at Checkpoints in the Southwest Border Sectors for Fiscal Years 2007 and 2008



Source: GAO analysis of Border Patrol data.

Note: Rio Grande Valley sector's definition of an "at checkpoint" apprehension is broader than that used by other sectors. Other sectors report counting apprehensions occurring only at the checkpoints, while Rio Grande Valley sector counts all apprehensions occurring within 2.5 miles of the checkpoint, as of August 2008.

Border Patrol officials stated that Tucson sector checkpoint apprehensions increased because the sector maintained nearly full-time operations at all sector checkpoints during fiscal year 2008. Additionally, the Border Patrol increased the number of operational checkpoints in the sector from 10 in fiscal year 2007 to 13 in fiscal year 2008.

Border Patrol officials said that apprehensions decreased in other sectors in part due to the deterrent effect of increased Border Patrol presence and infrastructure, and initiatives to criminally prosecute illegal aliens. For example, Laredo sector officials said that checkpoint apprehensions decreased by nearly half from fiscal year 2007 to 2008 due to the following contributing factors:

- **Increased staff.** The number of Border Patrol agents in the Laredo sector increased from approximately 1,200 agents in fiscal year 2007 to approximately 1,636 agents in fiscal year 2008. In addition, Operation Jump Start, which ended in July 2008, provided 286 National Guard soldiers to support Border Patrol operations in the sector, with approximately 36 deployed to support checkpoint operations. These soldiers were placed in areas highly visible to the checkpoints which, along with increased Border Patrol agents, created a deterrent to illegal activity.
- **Improved infrastructure and technology.** Deterrence and detection capabilities increased in the Laredo sector in terms of improved traffic checkpoint technology, cameras, license plate readers, and vehicle and cargo inspection systems (VACIS). In addition, fiscal year 2007 was the first full fiscal year in which the new state-of-the-art checkpoint on I-35 was operational. Border Patrol officials believe that human and narcotics smugglers rerouted their cargo to other locations due to the deterrent effect of the new checkpoint.
- **Increased prosecutions.** At the beginning of fiscal year 2008, Laredo sector implemented a prosecution initiative—known as Operation Streamline—to prosecute and remove all violators charged with illegal entry in targeted areas in the sector. Although sector checkpoints were not in these targeted areas, sector officials reported that this zero tolerance policy resulted in a higher prosecution rate in fiscal year 2008, providing a deterrent to illegal aliens across the sector.²¹

Screening for Potential Terrorists

Checkpoints also help screen for individuals who may have ties to terrorism. CBP reported that in fiscal year 2008, there were three

²¹ Zero tolerance policies have been established to various extents along the southwest border. Studies by the Homeland Security Institute have shown that prosecution of apprehended aliens who illegally enter the country provides an effective deterrent against repeated illegal re-entry. See Homeland Security Institute, *Customs and Border Protection (CBP) Operational Assessment*, RP06-51-02 (Arlington, Va.: Mar. 30, 2007).

individuals encountered by the Border Patrol at southwest border checkpoints who were identified as persons linked to terrorism. In addition, the Border Patrol reported that in fiscal year 2008 checkpoints encountered 530 aliens from special interest countries,²² which are countries the Department of State has determined to represent a potential terrorist threat to the United States.²³ While people from these countries may not have any ties to illegal or terrorist activities, Border Patrol agents detain aliens from special interest countries if they are in the United States illegally and Border Patrol agents report these encounters to the local Sector Intelligence Agent, the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force, U.S. Immigration and Customs Enforcement (ICE) Office of Investigations, and the CBP National Targeting Center. For example, according to a Border Patrol official in the El Paso sector, a checkpoint stopped a vehicle and questioned its three Iranian occupants, determining that one of those occupants was in the United States illegally. The individual was detained and turned over to U.S. Immigration and Customs Enforcement for further questioning.

Contributions to Other Federal, State, and Local Law Enforcement Missions Include Identifying Criminals and Leveraging Resources

Federal, state, and local law enforcement officials from the five sectors we visited told us that Border Patrol checkpoints enhance their operations and mission achievement. For example, federal Drug Enforcement Administration (DEA) officials stated that in addition to individual drug seizures, checkpoints supported DEA goals to disrupt and dismantle drug smuggling operations by gathering intelligence from captured drug smugglers turned over to DEA, helping to identify patterns in smugglers' routes of ingress to the United States, and increasing smuggling costs by forcing the use of increasingly sophisticated methods of concealment to evade detection.

²² According to Border Patrol officials, aliens from special interest countries that have been lawfully admitted into the United States—such as foreign students studying at U.S. universities or foreign military personnel undergoing training at U.S. military installations—and later encountered by agents, are not detained and their information is not reported to intelligence authorities except in certain circumstances. These circumstances include probable cause that a violation of U.S. law has occurred or the alien does not possess the proper immigration documents to be in or remain in the United States legally at the time they are encountered.

²³ We could not report the number of encounters with special interest aliens by each sector, or by specific checkpoints, because this information is considered Law Enforcement Sensitive.

Checkpoints provided benefits to state and local law enforcement officials, including the identification and detention of criminals who were attempting to evade arrest by state highway patrol, city police, or county sheriffs, and providing other services in rural areas with sparse law enforcement presence. For example, Border Patrol agents at the I-5 checkpoint in San Clemente, California, referred a vehicle with two men to secondary inspection because the men were acting suspiciously. Upon inspection, agents found a small quantity of marijuana and methamphetamine, a large quantity of cash, and a handwritten demand note. The men and evidence were turned over to the local sheriff who determined that the men had robbed a local pharmacy and were primary suspects in another armed robbery. In terms of other services, several state and local law enforcement officials we met with said that checkpoint personnel could respond more quickly to highway accidents and provide access to detention facilities for transfer of illegal aliens captured by local authorities. For example, a sheriff responsible for law enforcement near the U.S. Route 77 checkpoint in Border Patrol's Rio Grande Valley sector reported that the Border Patrol regularly provides assistance and backup to his office, such as responding to highway accidents or other incidents, because he often has only one deputy on duty to cover a large geographic area. Additionally, this same sheriff reported that if he apprehends an illegal alien, he turns the person over to the Border Patrol agents at the nearby checkpoint for processing and detention.

Factors Affecting Checkpoint Performance Include Operational and Resource Limitations

Border Patrol guidance and officials from five sectors we visited identified operational requirements and resources that are important for effective and efficient checkpoint performance, including (1) continuous operation, (2) full-time canine inspection capability, (3) non-intrusive inspection technology, and (4) number and experience of checkpoint staff. While most permanent checkpoints were operational nearly 24 hours per day in fiscal year 2008, Border Patrol officials have stated that additional canines, non-intrusive inspection technology, and staff are needed to increase checkpoint effectiveness.

Continuous Operation

According to the Border Patrol, operating checkpoints continuously—that is, 24 hours a day, 7 days a week—is key to effective and efficient checkpoint performance. Keeping checkpoints operational is important because smugglers and illegal aliens closely monitor potential transit routes and adjust their plans to ensure the greatest chance of success. For example, a 1995 study of checkpoint operations in the San Diego sector by the former U.S. Immigration and Naturalization Service showed that when the checkpoint on I-5 was closed, apprehensions at the nearby and

operational I-15 checkpoint fell sharply—there was a 50 percent decline in 1 month.²⁴ According to the study, this decline resulted from illegal aliens choosing to travel through the closed checkpoint on I-5 instead of the operational checkpoint on I-15.²⁵ Recent testimony before Congress by the Arizona Attorney General discussed the sophisticated surveillance and communication technology currently used by smugglers.²⁶ Such technology could allow for immediate notification of security vulnerabilities, such as a checkpoint closure. Tucson sector Border Patrol officials and the Assistant Special Agent in Charge from DEA's Tucson District Office explained that smugglers of humans and drugs, often sponsored by organized crime, store loads of people or drugs in “stash houses” after illegally crossing the border until transit routes are clear. As soon as a checkpoint is closed, the people or drugs in the stash houses are moved through the checkpoint.

Border Patrol data showed that in fiscal year 2008 most of the 32 permanent checkpoints were near continuous operation, with 25 having operated 22 hours or more, and 3 having operated between 20 and 22 hours per day, on average. Those operated most frequently include permanent checkpoints located off highway with enhanced weather infrastructure in place. For example, the U.S. Route 77 checkpoint in Border Patrol's Rio Grande Valley sector was operational almost 24 hours per day on average in fiscal year 2008, closing only for a total of 22 hours because of inclement weather related to Hurricane Dolly.

The remaining four permanent checkpoints were operational less than 7 hours per day on average in fiscal year 2008. These included two checkpoints with on-highway inspection lanes that were located in high traffic areas and two checkpoints that were no longer used because they were relocated to other locations. For example, the I-5 and I-15 checkpoints in the San Diego sector have on-highway inspection lanes, as shown in figure 8, and the high traffic volume passing through these

²⁴ Prior to the establishment of DHS, which took effect in 2003, the Border Patrol was a component of the Immigration and Naturalization Service, U.S. Department of Justice.

²⁵ Office of Policy and Planning, U.S. Immigration and Naturalization Service, U.S. Department of Justice, *Evaluation of Traffic Checkpoints at San Clemente and Temecula*, June 1995.

²⁶ Testimony of the Honorable Terry Goddard, Attorney General for the State of Arizona, in a joint hearing before the Senate Judiciary Committee, Subcommittee on Crime and Drugs, and Senate Caucus on International Narcotics Control, on March 17, 2009.

checkpoints overwhelms the capability to perform checkpoint inspections more than 2 hours per day, on average, without causing significant traffic congestion and safety concerns.²⁷

Figure 8: I-5 and I-15 Checkpoints Near San Diego, California



Source: Border Patrol.

The I-8 checkpoint in Yuma sector was relocated as a new tactical checkpoint 60 miles east of the location where the former permanent checkpoint was located, due to encroachment of developers and increasing freeway traffic. Finally, the Oak Grove checkpoint in the San Diego sector was operational for only 26 hours in fiscal year 2008 because checkpoint operations were shifted from the Oak Grove checkpoint to other checkpoints farther east, as well as roving patrols, to increase enforcement in those targeted areas, according to sector officials.

Border Patrol data also showed that in general tactical checkpoints are operated much less frequently than permanent checkpoints, a median of less than 2 hours per day for tactical checkpoints compared to a median of over 23 hours per day for permanent checkpoints.²⁸ Border Patrol officials said that safety conditions and staff shortages were the primary reasons for closure. Tactical checkpoints, which generally consist of trailers and generators, are more vulnerable to adverse weather conditions than permanent structures, and may be lower in priority for staffing during

²⁷ Border Patrol policy requires that checkpoint operations be suspended if traffic congestion could affect the safety of agents or the traveling public. Similarly, Border Patrol policy requires that checkpoints shut down if there are slick or icy roads, or extreme weather conditions.

²⁸ In contrast, Tucson sector's tactical checkpoint on I-19 was operational for 22 hours per day, on average, in fiscal year 2008.

times of low traffic volume. In addition, Border Patrol headquarters officials said that differences in operational hours for tactical checkpoints across sectors can occur because of the operational decisions of each sector's Chief Patrol Agent based on information on smuggling trends and available staffing to address those trends.

Use of Canines

Border Patrol checkpoint policy states that full-time canine presence at checkpoints is important for the effective and efficient inspection of vehicles and cargo for illegal drugs and persons, but the manager of Border Patrol's canine program noted that in general there is not a sufficient level of canines at checkpoints.²⁹ According to Border Patrol officials, smugglers have become increasingly sophisticated in the design of concealed compartments that agents would find difficult or impossible to detect without canine assistance. Often, canines alerting to the presence of illegal drugs or hidden persons may provide Border Patrol agents the only source of probable cause to search a vehicle or its occupants, according to Border Patrol officials.³⁰ (See fig. 9)

²⁹ According to officials from the Rio Grande Valley sector, checkpoints in the sector have full-time canine coverage.

³⁰ In *United States v. Place*, 462 U.S. 696, 706-07 (1983), the Supreme Court determined that probable cause was not necessary for detection canines to perform an exterior sniff of luggage located in a public place, because such an investigative technique was not a search within the meaning of the Fourth Amendment.

Figure 9: Canine Working Checkpoint Inspections



Source: Border Patrol.

Border Patrol officials said there were not enough canines for full-time checkpoint coverage, even in sectors with the most heavily used smuggling corridors. In the Tucson sector, for example, sector officials said that as of July 15, 2009 they have 99 canine teams, but 120 teams would ensure availability when officers are not available for duty due to leave, training, or supporting other law enforcement agencies.³¹ Border Patrol's canine program manager said that the Border Patrol expected to train 180 canines in fiscal year 2009 and will send a majority of these canines to southwest border sectors to address gaps in canine coverage at checkpoints.³² In fiscal year 2010, the Border Patrol plans to expand its

³¹ In addition, use of canines at Tucson sector checkpoints was limited by the lack of infrastructure to provide adequate shelter during times of extreme temperature. Tucson sector officials said that multiple canine teams are also needed at checkpoints because drug smugglers often use decoy vehicles scented with drugs to divert the canine team to secondary inspection, so that vehicles following with larger drug loads can pass through the checkpoint undetected.

³² As of July 15, 2009, there are 631 canines stationed in southwest border sectors, according to the Border Patrol.

canine facility to facilitate training and hopes to train an additional 250-300 canines. However, the program manager noted that additional trained canines will not alleviate the Border Patrol's immediate need for these assets as many of the trained canines will replace older canines that will be retiring. The program manager stated that while the Border Patrol does not have the resources to address the need for canines in the near term, the agency plans to train 1,500 canines by fiscal year 2014 which, including canine retirement and replacement, will result in 1,300 deployed canines across all Border Patrol activities, including checkpoints.

Inspection Technology

The Border Patrol has identified the deployment of non-intrusive inspection technologies that allow the inspection of hidden or closed compartments—in particular, the ability to find contraband and other security threats—as one of its high-priority needs to improve checkpoint performance. Non-intrusive inspection technologies, such as a VACIS or backscatter X-ray machine, as shown in figure 10, use imaging to help trained operators see the contents of closed vehicles and containers, which helps them to intercept a broad array of drugs, other contraband, illegal aliens, or other items of interest without having to search physically.³³ Border Patrol officials told us that they have seen smugglers using increasingly complex concealment methods at checkpoints, emphasizing the importance of deploying new detection technologies to counter these threats. For example, Tucson sector officials reported that within 1 month of deployment of a backscatter machine at a sector checkpoint, they identified 30 hidden compartments in vehicles being used to smuggle illegal drugs. Border Patrol officials said that backscatter machines have been of great value to checkpoint officials for discovering hidden compartments.

³³ A VACIS uses gamma rays to inspect the contents of a vehicle, while a backscatter X-ray machine uses lower dose X-rays to screen vehicles.

Figure 10: Van with Backscatter X-ray Scanning a Truck (left photograph) and VACIS Unit (right photograph) Used at Checkpoints to Detect Concealed Persons or Contraband



Source: Border Patrol.

As of May 2009, the Border Patrol reported that it had eight mobile non-intrusive inspection technologies, such as a VACIS or backscatter machine, deployed to support Border Patrol operations in the nine southwest border sectors. Of these eight non-intrusive inspection technologies, four were dedicated to specific checkpoints and four were deployed to sectors and were moved among checkpoints or other locations as deemed necessary by the sector's Chief Patrol Agent. The Border Patrol reported that the agency is in the process of acquiring additional mobile non-intrusive inspection equipment for southwest border checkpoints. Once these units are acquired, the Border Patrol intends to develop a plan to prioritize the deployment of these units among checkpoints. Border Patrol officials are of the opinion that mobile backscatter units are cheaper to obtain and maintain than VACIS units, require fewer dedicated staff, produce images that are easier for Border Patrol agents to interpret, and do not require an environmental assessment to be completed prior to deployment.

Despite tentative plans to deploy additional non-intrusive inspection technologies at checkpoints, resource constraints may preclude or delay acquisition and deployment. Both VACIS and backscatter units require a large concrete apron and trained operators for effective operation, and some checkpoints lack adequate space or available staff. For example, at one checkpoint which has a VACIS unit, reportedly only 4 of the 12 agents originally trained to operate the VACIS remain because of attrition, decreasing the amount of time the VACIS can be used to screen vehicles. Border Patrol sector officials said that it can be difficult getting agents to volunteer for VACIS training, as other Border Patrol duties are preferable.

Number and Experience of
Checkpoint Staff

Furthermore, officials responsible for the current checkpoint on I-19 south of Tucson, Arizona, reported that more space is needed to improve the effectiveness of the backscatter unit, as the unit requires an off-road area sufficient to permit its safe operation without interfering with traffic flow.

Checkpoint performance can also be hindered by limited staffing at checkpoints. Border Patrol policy recommends the minimum number of agents for checkpoint operation, but sector managers may have other priorities for staff placement. Despite the rapid increase in overall staffing numbers on the southwest border, the number of agents remains insufficient to fully staff all areas of need, according to Border Patrol officials. As a result, sector chiefs have developed strategies that prioritize areas within the sector for achieving operational control. Priority areas differ among sectors, but generally include the immediate border area and urban centers, rather than checkpoints. For example, in the Tucson sector, the Border Patrol deploys about 8 percent of sector operational agents to sector checkpoints on an average day, according to sector officials. Tucson officials we met with stated that they would like to deploy additional staff to the checkpoint, but no additional agents were available, as the majority of agents are staffed to border areas, which are sector priority areas. According to Border Patrol officials, checkpoint staffing numbers should increase as the Border Patrol continues to hire new agents.

Checkpoint performance can also be hindered when assigned staff are new and do not have experience gained by continuous on-the-job training or do not have the desire to work at checkpoints. Border Patrol officials stated that nearly half of all agents have less than 2 years of experience, and Border Patrol officials in some sectors stated that agents generally do not consider checkpoint duty to be a desirable assignment. As such, checkpoints may be staffed on a rotational basis. These problems are minimized in locations where Border Patrol stations have operational responsibilities for checkpoints only.³⁴ For example, agents at five checkpoints in the El Paso sector are generally staffed to the checkpoint or checkpoint circumvention routes on a fairly continuous basis. In

³⁴ Each Border Patrol station is assigned a certain area of responsibility within a Border Patrol sector. In some sectors, checkpoints are operated by stations that are not responsible for an area that includes the international border with Mexico, such as the Alamogordo and Las Cruces stations in the El Paso sector. In other sectors, such as the Tucson sector, stations are responsible for staffing agents to both checkpoints and the international border.

contrast, Tucson sector agents rotate checkpoint duty with roving patrol and other enforcement activities, such as line watch, and may serve at the checkpoint at least once every 14 days, according to sector officials.

Checkpoint Performance Measures Have Been Established, but Data Limitations Hinder their Usefulness

The Border Patrol established a number of measures for checkpoint performance to inform the public on program results and provide management oversight; however, information gaps and reporting issues have hindered public accountability, and inconsistent data collection and entry have hindered management's ability to monitor the need for program improvement.

Performance Measures Developed for Public Accountability Hindered by Information Gaps and Reporting Issues

The Border Patrol chose 3 of 21 performance measures identified by a working group in 2006 to begin reporting the results of checkpoint operations under the Government Performance and Results Act of 1993 (GPRA).³⁵ Under GPRA, agencies are required to hold programs accountable to Congress and the public by establishing performance goals, identifying performance measures used to indicate progress toward meeting the goals, and use the results to improve performance as necessary. Agencies report their program goals, measures, results, and corrective actions to the public each year in their Performance and Accountability Report (PAR). The Border Patrol first reported the checkpoint performance results for these three measures in CBP's fiscal year 2007 PAR.

The three GPRA measures used for public reporting relate to (1) checkpoint drug seizures as a percentage of all Border Patrol seizures, (2) checkpoint apprehensions as a percentage of all Border Patrol apprehensions, and (3) the percentage of checkpoint apprehensions that are referred to a U.S. Attorney for criminal prosecution. These measures were chosen as contributing directly to the DHS goals to protect the nation from dangerous persons and contraband, and were recommended

³⁵ In response to our previous report ([GAO-05-435](#)), the Border Patrol formed a working group to identify possible performance measures to evaluate checkpoints. In April 2006, the working group issued the results of its work, identifying 21 possible performance measures to use for checkpoint evaluation.

as GPRA measures in a 2007 study commissioned by CBP.³⁶ The remaining 18 measures identified by the working group collectively provide some indication of checkpoint performance, but individually provide more indirect support of border security goals. For example, the working group identified separate measures for comparing the number of apprehensions and seizures at checkpoints to those on circumvention routes³⁷ and the number of seizures or apprehensions at checkpoints that involved methods of concealment to smuggle persons or contraband.

Information gaps preclude using the performance measures to determine the full extent of a checkpoint's effectiveness relative to other checkpoints and Border Patrol strategies for protecting the nation from illegal aliens and contraband. According to GPRA guidance, measures should reflect program outcomes and provide information to assess accomplishments, make decisions, realign processes, and assign accountability. Studies commissioned by CBP, however, have documented that measures of the number of seizures or apprehensions bear little relationship to effectiveness because they do not compare these numbers to the amount of illegal activity that passes through undetected.³⁸ In the absence of this information, the Border Patrol does not know whether seizure and apprehension rates at checkpoints are low or high, and if lower rates are due to ineffective performance, effective deterrence, or a low volume of illegal drugs or aliens passing through a checkpoint. As a result, the Border Patrol is unable to use these measures to determine if one checkpoint is performing more effectively or efficiently than another checkpoint, or how effective the checkpoint strategy is compared to

³⁶ Homeland Security Institute, *Customs and Border Protection (CBP) Operational Assessment*, RP06-51-02 (Arlington, Va.: Mar. 30, 2007). In general, this report assesses various CBP operations and programs, performance measures for checkpoint operations, and the feasibility of using third-party indicators as performance measures. The report is deemed Law Enforcement Sensitive and is therefore not publicly available.

³⁷ Checkpoint circumvention routes are identified areas that experience illegal alien or smuggler traffic attempting to avoid the checkpoint.

³⁸ See Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative*, (Arlington, Va.: Oct. 18, 2005); Homeland Security Institute, *CBP Apprehensions at the Border*, RP05-25f-04 (Arlington, Va.: June 21, 2006).

strategies placing agents at the border or other locations.³⁹ Border Patrol headquarters officials said that they do not use the measures as management indicators of checkpoint performance specifically, although officials do use the results along with other information for oversight of overall border strategy.

CBP has not developed models to address these information gaps for checkpoints, but has done so for other aspects of its border security strategy. Identifying the extent of illegal activity that occurs is a challenge faced by law enforcement agencies, but in some cases CBP uses programs and models specific to certain operations that estimate illegal activity levels based on various factors. For example, CBP uses a program, known as Compliance Examination (COMPEX), which estimates the total amount of illegal activity passing undetected through official U.S. ports of entry. Developed under the former U.S. Customs Service, COMPEX randomly selects travelers entering the country for more detailed inspections. On the basis of the extent to which violations are found in the in-depth inspections, CBP estimates the total number of inadmissible aliens and other violators who seek to enter the country. CBP then calculates an apprehension rate by comparing the number of violators it actually apprehends with the estimated number of violators that attempted entry, and reports these results in DHS's annual performance report to provide program accountability. Other efforts included models to estimate the probability of apprehension by sector and an estimate of the number of illegal border crossings across the southwest border, and estimates of undetected illegal activity passing across smaller geographic zones. Border Patrol officials reported that they are exploring the feasibility of developing a checkpoint performance model to address checkpoint operational effectiveness and checkpoint impact on overall border security.⁴⁰ Although standard practices in program management call for

³⁹ Sector and checkpoint officials said that changes in apprehension and seizure numbers over time can be useful indicators of individual checkpoint performance. For new checkpoints, officials expect to see a surge in apprehensions and seizures followed by lower numbers as illegal aliens and drug smugglers seek to use other routes more likely to result in successful passage. In the Tucson sector, for example, officials stated that the number of apprehensions and seizures increased since the checkpoint became fixed at KP 42 in November 2006. Tucson sector officials noted that when the permanent checkpoint on I-19 begins operations, they expect that apprehensions and seizures will initially increase (due to enhanced operational capabilities), but over time apprehensions and seizures will likely decrease (as smugglers attempt to relocate their operations).

⁴⁰ CBP and Border Patrol officials said there could be a number of factors that could influence whether development of a checkpoint performance model was feasible, including, for example, consideration of legal issues relating to checkpoint searches.

documenting milestones to ensure results are achieved, the Border Patrol did not identify time lines or milestones for completing this effort.⁴¹ Doing so could help provide the Border Patrol with reasonable assurance that its personnel will determine the feasibility of developing a checkpoint performance model within a time frame authorized by management.

Reporting issues at Border Patrol headquarters also hindered using the performance measure results to inform Congress and the public on checkpoint performance. The Border Patrol began annual reporting on the three GPRA measures of checkpoint performance in the CBP fiscal year 2007 PAR, but the information reported was inaccurate, resulting in an overstatement of checkpoint performance for both fiscal years 2007 and 2008, as shown in table 1. Annual Performance and Accountability Reports are to document the results agencies have achieved compared to the goals they established, which, as we have previously reported, is key to improving accountability for results as Congress intended under GPRA.⁴² We used Border Patrol data to calculate results for the three checkpoint measures for fiscal years 2007 and 2008 and compared these numbers to results the Border Patrol reported in the PARs. Our analysis showed that the actual checkpoint performance results were incorrectly reported for two of the three measures in fiscal year 2007 and for one measure in fiscal year 2008. As a result, the Border Patrol incorrectly reported that it met its checkpoint performance targets for these two measures.

⁴¹ Project Management Institute, *The Standard for Program Management*, (Newtown Square, Pa.: 2006).

⁴² GAO, *Results-Oriented Government: GPRA Has Established a Solid Foundation for Achieving Results*, [GAO-04-38](#) (Washington, D.C.: Mar. 10, 2004).

Table 1: Results of Border Patrol Checkpoint Performance Measures as Reported in Annual Performance and Accountability Reports and GAO Analysis

Apprehensions at checkpoints as a percentage of total Border Patrol apprehensions			
	Target	Results reported by Border Patrol	Results based on GAO analysis
Fiscal year 2007 PAR	5-10%	5%	3%
Fiscal year 2008 PAR	3-8	2	2
Percentage of checkpoint cases referred to a U.S. Attorney			
	Target	Results reported by Border Patrol	Results based on GAO analysis
Fiscal year 2007 PAR	3-13%	13%	9%
Fiscal year 2008 PAR	8-15	18	6

Source: GAO analysis of Border Patrol data.

Note: Agency targets and results are for all checkpoints nationwide. GAO analysis includes data only for checkpoints on the southwest border, but including data from the few checkpoints on the northern border does not affect the analysis results.

The results of our analysis differed from those reported in the PARs for several reasons. In regard to errors in reporting apprehensions, the Border Patrol reported that Tucson sector data were excluded because including such data would unfairly reflect on overall checkpoint performance, as the Tucson sector has a substantially higher volume of illegal aliens compared to other sectors. According to the Border Patrol, disclosure statements explaining the exclusion of Tucson sector data were inadvertently omitted from the fiscal year 2007 PAR, and that full disclosure would be presented in future reports.

In regard to errors in reporting the number of checkpoint cases referred to a U.S. Attorney for criminal prosecution, reported data were overstated because they included referrals to all prosecuting authorities—federal, state, and local. Including only those referrals to a U.S. Attorney, as defined in the PAR, would reduce reported performance results by nearly one-third in 2007 and nearly two-thirds in 2008. The Border Patrol indicated that including referrals to all prosecuting authorities is more representative of checkpoint performance because prosecutions in general are a deterrent to crime. Department of Justice (DOJ) officials agreed, noting that there are a variety of cases generated at checkpoints which are referred to state and local law enforcement agencies and prosecutors. For example, due to the volume of cases and limited resources, many U.S. Attorneys’ Offices have “intake” or “prosecution thresholds” by which narcotics cases below certain quantities are routinely referred to state authorities for arrest and prosecution, according to DOJ officials. In

addition, there are other state offenses, such as individuals arrested on outstanding warrants, stolen vehicles or merchandise, or some weapons violations, that are also intercepted at Border Patrol checkpoints. DOJ officials stated that a measurement that did not include these types of cases referred to state authorities would miss a substantial number of criminal cases which were generated by the checkpoints and thus neglect a valuable indicator of their effectiveness. For these reasons, Border Patrol plans to revise the performance measure definition for future PARs to include referrals to any prosecuting authority.

In addition to these reporting issues, data collection issues across Border Patrol checkpoints also contributed to inconsistent data reported in the Performance and Accountability Report. *Standards for Internal Control in the Federal Government* call for pertinent information to be recorded and communicated to management in a form and within a time frame that enables them to carry out internal control and other responsibilities. This includes the accurate recording and reporting of data necessary to demonstrate agency operations.⁴³ To implement this requirement, the Border Patrol developed a checkpoint activity report (CAR) in 2006 as a means for field agents to report daily summaries of checkpoint performance, and provided relevant guidance. Supervisory agents at each station and sector had oversight responsibility for ensuring that data entry complied with agency guidance, and headquarters officials had responsibility for conducting a final review and reliability check.

Information we collected from stations responsible for checkpoint data entry showed that data collection practices were inconsistent and incomplete for the apprehension and referral measures included in the PAR. We provided a data collection instrument to the Border Patrol seeking information on how checkpoint agents input data into the CAR for data fields related to apprehensions and seizures at and around checkpoints. Border Patrol headquarters officials forwarded this data collection instrument to stations responsible for operating checkpoints along the southwest border. The responses we received from stations

⁴³ GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: Nov. 1999).

responsible for 60 checkpoints operating along the southwest border in fiscal year 2008 showed inconsistencies in data reporting.⁴⁴

- Apprehension measure. Officials responsible for data entry at two checkpoints in the Rio Grande Valley sector did not follow guidance in recording apprehensions at the checkpoint. CAR guidance defines “at checkpoint” as an apprehension or seizure that occurs within the pre-primary, primary, or secondary inspection area of the checkpoint. Instead, officials at these two checkpoints attributed all apprehensions within a 2.5-mile radius to the checkpoint, overstating actual checkpoint apprehensions. Officials said they instituted this practice in August 2008 because it more accurately represented checkpoint performance in forcing illegal activity to use longer circumvention routes to get around the checkpoint. However, the CAR contains other data fields to capture apprehensions on checkpoint circumvention routes, and results are reflected in a separate performance measure.
- Referral measure. Officials responsible for 26 checkpoints reported that they did not regularly or accurately enter data for the number of checkpoint apprehensions referred to a U.S. Attorney, understating checkpoint performance in apprehending criminals who may pose a threat to public safety. In some cases, Border Patrol sector officials said this occurred because at the end of the day when checkpoint data are submitted, supervisors did not know if cases will be referred, and the CAR may not have been updated to reflect any subsequent referrals.

Border Patrol headquarters officials said that they were unaware of these data inconsistencies, and that headquarters officials had generally provided limited oversight of checkpoint performance data, relying instead on checkpoint and sector officials to ensure data reliability. According to the *Standards for Internal Control in the Federal Government*, activities need to be established to monitor performance measures and indicators.⁴⁵ Such controls should be aimed at validating the propriety and integrity of performance measures and indicators. Establishing controls for headquarters oversight of checkpoint performance data could provide the

⁴⁴ The Border Patrol operates a total of 71 permanent and tactical checkpoints on the southwest border. We received responses from 60 checkpoints. Based on the response rate, we determined that the responses were reliable for the purposes of this report. See appendix I for more information on the data collection instrument.

⁴⁵ [GAO/AIMD-00-21.3.1](#).

Performance Measures
Established for Program
Management Hindered by
Limited System
Capabilities and
Inconsistent Data Entry
Practices

Border Patrol with additional assurance related to the accuracy, consistency, and completeness of its checkpoint performance data used to report on the checkpoint performance measures in the annual PAR. Border Patrol officials said that they have formed a workgroup to examine these data integrity issues with respect to checkpoint activity reporting, and would take action to address the identified issues. For example, regarding the referral measure, Border Patrol headquarters officials said that they plan to modify the CAR so that information, such as a referral to a U.S. Attorney, will be extracted from the databases that agents use to process the aliens administratively and criminally. Because the data are to be extracted from these systems, agents should no longer have to enter the information in two places and errors should be eliminated in checkpoint reporting.

In addition to the measures used for public reporting in the annual PAR, the Border Patrol identified other measures for checkpoints that taken together can provide indicators of performance for internal management of the program (see appendix II). According to the Senate report accompanying GPRA,⁴⁶ performance indicators should, wherever possible, include those that correlate the level of program activity with program costs, such as costs per unit of result or output. The Border Patrol checkpoint performance working group established 21 performance indicators of checkpoint operations that were divided into four main groups, including indicators of program costs in terms of operations and maintenance and man-hours:

- **At the checkpoint.** These eight measures examine the extent that checkpoint resources are operational and effective. They include the percentage of time checkpoints are operational or closed for various reasons; number of seizures or apprehensions due to canine detection, sensors, or other technology; number of smuggling events using a method of concealment; number of aliens per smuggling load; and cost effectiveness of checkpoints considering operations and maintenance costs.
- **Immediate impact areas.** These six measures compare checkpoint apprehensions and seizures to those on checkpoint circumvention routes, in geographic areas adjacent to the checkpoint, and at

⁴⁶ S. Rep. No. 103-58 (1993).

transportation centers (i.e., bus terminals, train stations) and staging areas (such as stash houses).

- **At the border.** These three measures compare checkpoint operations to other Border Patrol enforcement operations. Two of these three measures—a comparison of checkpoint apprehensions and drug seizures to all apprehensions and seizures—were used as GPRA reporting measures in the annual PAR. The third measure related to cost effectiveness in terms of comparing man-hours dedicated to checkpoint operations to man-hours dedicated to other enforcement activities.
- **Quality of life.** These four measures examine how checkpoint operations help address major crime across communities and assist other federal, state, local and tribal agencies. One of these four measures—referral of smugglers for prosecution to a U.S. Attorney—was included as a GPRA reporting measure in the annual PAR. The remaining three measures examined the reduction of major crimes in areas affected by checkpoint operations, the number of cases referred to other agencies identified by checkpoint operations, and the number of apprehensions turned over to the Border Patrol by other agencies during times the checkpoint is operational or non-operational.

Inconsistent data entry practices by field agents preclude using many of the measures as indicators of performance or cost effectiveness. Responses received from station officials responsible for operating 60 checkpoints on our data collection instrument showed that data reported in the CAR were often incomplete, inconsistent across stations, or missing altogether. These officials reported that checkpoint data entry issues were caused by unclear definitions in checkpoint performance data guidance, differences between data fields and operations, and perceived duplication of effort for information available in E-3, which is the primary information system used by CBP for tracking all enforcement activities conducted by its components.⁴⁷

- **Unclear definitions in guidance.** Data entry personnel differed in how they interpreted guidance related to checkpoint data fields,

⁴⁷ Formerly called ENFORCE, E-3 is the system of record used by the Border Patrol that tracks an apprehended individual from initial arrest to disposition. An illegal alien or drug smuggler is processed into E-3 as soon as the arrest occurs and the individual is fingerprinted.

resulting in inconsistent data reporting across checkpoints and across different shifts at individual checkpoints. Attributes of successful performance measures include that the measure is clearly stated, the name and definition are consistent with the methodology used to calculate it, and the measure produces the same result under similar conditions.⁴⁸ In reporting the number of apprehensions or seizures on circumvention routes, however, officials at one checkpoint we visited considered all activity within the station's area of responsibility to be circumventions, while officials at other checkpoints considered only the activity on defined circumvention routes. Border Patrol guidance for the CAR defined circumventions as "to avoid, or get around by artful maneuvering," but did not specify how this definition should be applied by checkpoint officials. One Border Patrol field official said that at one location, supervisors used different definitions for entering information in the same data fields because of unclear definitions in CAR guidance, resulting in inconsistencies in data entry. Specifically, this Border Patrol field official noted that there was confusion among agents responsible for inputting data into fields related to concealment methods and cases turned over to other agencies, because neither field is defined in the CAR guidance. Officials responsible for 16 of 47 checkpoints responding to an open-ended question reported that agents need additional instruction, training, or clearer guidance in using the CAR.

- **Differences between data fields and operations.** Some data fields in the CAR are inconsistent with operations, resulting in an understatement of some activities, including indicators for one of the cost effectiveness measures. For example, checkpoint officials are required to track the number of agents staffed per shift in the CAR, but at least 20 permanent checkpoints operate using an overlapping four-shift schedule, while the CAR provides for a three-shift format. As a result, agent hours may be understated at the majority of permanent checkpoints along the southwest border because checkpoint officials could not record all of the hours worked in a four-shift schedule.
- **Duplication with other information systems.** Field agents considered CAR data entry time consuming and somewhat duplicative of other information systems. Manual efforts by field agents to go through all arrest reports daily to identify those that are pertinent to

⁴⁸ For nine key attributes of successful performance measures, see GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, [GAO-03-143](#) (Washington, D.C.: Nov. 22, 2002).

checkpoints for summary in the CAR can be a labor-intensive effort. Detailed information on the arrest or activity summarized in the CAR is already reported in E-3, which tracks enforcement efforts from the initial arrest to final disposition. Officials responsible for 15 of 47 checkpoints responding to an open-ended question in our data collection instrument recommended that reporting requirements among information systems should be integrated to reduce duplication of effort.

Overall, Border Patrol officials said that they were unaware of the extent of these data entry and reporting issues, and that headquarters officials had generally provided limited oversight of checkpoint performance data, relying instead on checkpoint and sector officials to ensure data reliability. Internal control standards require that agencies monitor their activities, through management and supervisory personnel, to assess the quality of performance over time.⁴⁹ Consistent with these standards, we have previously reported that an agency's management should have a strategy to ensure that ongoing monitoring is effective and will trigger separate evaluations where problems are identified or systems are critical to measuring performance.⁵⁰ Border Patrol headquarters officials stated that the workgroup formed to address data integrity issues would take steps to address these identified data entry issues, but officials did not identify how they would ensure proper oversight of checkpoint data collection. Specifically, to address unclear definitions in the CAR, Border Patrol officials reported that they plan to provide updated directives to field staff regarding definitions, and would provide associated guidance regarding data input in the CAR. To address differences between data fields and operations, Border Patrol officials said they would update the CAR to reflect the current operation of checkpoints. Border Patrol officials noted that the time frames for completing these actions are unknown at this point because guidance and systems need to be developed and then approved by Border Patrol leadership. Until the Border Patrol fully addresses these data entry and oversight issues, it will not be able to ensure that data inputted into the CAR accurately reflects checkpoint operations. Finally, in regard to system duplication, Border Patrol officials stated that the recent rollout of E-3 does provide the means to report some performance data for checkpoints that are common to all components,

⁴⁹ [GAO/AIMD-00-21.3.1](#).

⁵⁰ GAO, *Internal Control Management and Evaluation Tool*, [GAO-01-1008G](#) (Washington, D.C.: Aug. 2001).

such as seizures and apprehensions, but that the CAR is still necessary to track data for some performance indicators that are unique to checkpoints, such as hours checkpoints are in operation and staff assigned to operate those checkpoints.

Other data limitations preclude the Border Patrol from implementing a measure comparing the cost effectiveness of checkpoint operations with other Border Patrol strategies, such as line watch and roving patrol operations. We previously recommended that the Border Patrol implement such a measure to determine whether it was efficiently utilizing resources among checkpoints and among its three-tiered border enforcement strategy, and to assist in allocating additional resources within sectors or between sectors so that those resources would have the greatest impact.⁵¹ While the GPRA measures do compare checkpoint apprehensions and seizures to other Border Patrol activities, the Border Patrol indicated that data are not available on the number of agents staffed to line watch and roving patrol operations.⁵² Without accurate data on the number of agents staffed to line watch and roving patrol operations, it will not be possible to compare the cost effectiveness of checkpoints with these other Border Patrol activities. According to Border Patrol officials, the agency discontinued tracking agent hours by assignment in 2004, when it became cost prohibitive to maintain the information system capturing these data,⁵³ and a comparable system to the CAR was not implemented for operations other than checkpoints. Officials stated that they plan to address this limitation by developing a new data system to track agent hours and assignments for border enforcement operations. The Border Patrol plans to initially deploy this new data system by the end of fiscal year 2009, and add updates as needed to accurately track agent hours by assignment.

⁵¹ GAO-05-435.

⁵² The Border Patrol has taken steps to identify operations and maintenance costs for checkpoints, establishing baseline data for fiscal year 2008, and can determine the number of agents staffed at checkpoints using the checkpoint activity report.

⁵³ Border Patrol agent assignments and hours were captured in the Performance and Analysis System when the Border Patrol was under the auspices of the former Immigration and Naturalization Service, according to the Border Patrol.

Border Patrol Considered Community Impact in Checkpoint Placement and Design

Among other factors, the Border Patrol considered community safety and convenience in recent checkpoint placement and design decisions, in accordance with Border Patrol guidelines and requirements of other federal, state, and local agencies. The placement and design process was completed for three new permanent checkpoints since 2006, and no public comments were received about their design or placement in fairly remote areas of Texas. Some members of the public have raised concerns about the placement and size of a proposed permanent checkpoint for I-19 in Arizona, which is to be located closer to nearby communities. Draft plans we reviewed for the I-19 checkpoint were consistent with Border Patrol guidelines to locate checkpoints in less populated areas away from schools and hospitals and also considered current and future traffic volumes in accordance with Department of Transportation goals to facilitate highway travel and reduce congestion.

Checkpoint Placement Decisions Considered Factors Related to Public Safety and Convenience

The Border Patrol finalized three placement decisions for new permanent checkpoints in the last 3 years in accordance with its Design Guide and policy documents.⁵⁴ These checkpoints, all located in Texas, were placed on I-35, U.S. Route 83, and U.S. Route 62/180.⁵⁵ In regard to checkpoint location, Border Patrol guidance includes factors intended to maximize operational effectiveness and minimize adverse impact on the public and surrounding communities. Specifically, the guidance states that to provide strategic advantage, checkpoints should be placed in locations that provide good visibility of the surrounding area, near the confluence of two or more significant roads leading away from the border, and have minimal

⁵⁴ The Border Patrol's guidelines for checkpoint placement are documented primarily in Border Patrol's facility design guide, which has a section on checkpoint design, and checkpoint policy documents. According to the Border Patrol, "The Design Guide contains criteria and concepts for the planning and design of Border Patrol facilities...The Guide identifies general architectural design issues, defines operations, describes design concepts, categorizes space, and provides specific technical criteria on building materials and systems...The operational and architectural information contained in the Guide should be viewed as DHS Border Patrol policy, applicable to the design of all new facilities."

⁵⁵ The I-35 and U.S. Route 62/180 checkpoints were relocated to adapt to changing conditions, according to Border Patrol officials. The I-35 checkpoint was relocated because a newly constructed toll road would have allowed vehicles to avoid the old checkpoint. The new checkpoint was built north of the interchange of the toll road with I-35, and close to the confluence of two or more significant roads leading away from the border, per checkpoint placement criteria. The U.S. Route 62/180 checkpoint was relocated 3 miles from where it had been previously to allow for a larger, off-highway facility that could accommodate heavy traffic volume and increase safety for agents and the traveling public. On U.S. Route 83, a new permanent checkpoint is replacing a tactical checkpoint.

routes that could be used by illegal aliens to circumvent the checkpoint. The guidelines discuss community impact in terms of public safety issues and traffic considerations. Specifically, preferred checkpoint locations are at least a half mile from businesses, residences, schools and hospitals, or other inhabited locations. In addition, the Border Patrol guidelines suggest that checkpoints be located on a stretch of highway providing sufficient visibility for traffic compatible with safe operations, for both the traveling public, as well as agents working at the checkpoint.⁵⁶

We mapped the locations of the three permanent checkpoints placed by the Border Patrol since 2006 along with relevant population data, schools, and hospitals, and the results were consistent with Border Patrol guidance. Specifically, the mapping analysis results, shown in table 2, indicated that the three checkpoints were located in sparsely populated areas and at least 9 miles from the nearest hospital or school.⁵⁷

Table 2: Selected Border Patrol Checkpoint Locations Compared with Surrounding Population Densities and Distances to Nearest Hospitals and Schools

Checkpoint location	Estimated number of people living within 1 mile	Estimated number of people living within 5 miles	Approximate distance from nearest hospital (in miles)	Approximate distance from nearest school (in miles)
I-35, Laredo sector	4	114	21	10
U.S. Route 83, Laredo sector	8	206	28	11
U.S. Route 62/180, El Paso sector	3	472	18	9

Sources: Population estimates: GAO analysis of 2000 Census Data; Hospital data: 2008 Medicare Hospital Data; School data: Department of Education Common Core Data for school year 2006-07 and MapInfo.

Border Patrol placement decisions for these checkpoints also passed through federal, state, and local government review, as well as public review during the environmental assessment process.⁵⁸ Our review of

⁵⁶ This is defined as a relatively flat, straight stretch of highway, which provides sufficient advance warning to drivers that they are approaching a checkpoint.

⁵⁷ Although population density is not identified in the Border Patrol’s checkpoint placement guidelines, we used it as a proxy measure for the Border Patrol’s “remote location” guideline.

⁵⁸ The federal review process was governed by the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190, 83 Stat. 852 (1970), which requires agencies to evaluate the likely environmental effects of projects they are proposing using an environmental assessment or, if the projects likely would significantly affect the environment, a more detailed environmental impact statement.

documentation showed that the Border Patrol conducted environmental assessments for the three checkpoint locations that included potential community impacts due to noise, air quality, and water resources, as well as potential socioeconomic impacts on local income, housing or businesses, child protection, and increased traffic congestion.⁵⁹ The results of the assessments were documented along with relevant correspondence with federal, state, and local agencies showing compliance with relevant laws and requirements.⁶⁰ Results of the environmental assessment conducted for the three checkpoints showed no adverse impact on communities that would require an environmental impact statement,⁶¹ and no public comments were received.⁶²

The placement process for a proposed checkpoint on I-19 in Arizona has not yet reached the stage of soliciting formal public comment, but some citizens living in nearby communities have expressed concerns about its proposed location south of Tucson at KP 41. While some citizens expressed support for the checkpoint, others noted that the checkpoint would negatively impact local communities, and should be located elsewhere, or removed altogether. Community members with this latter view stated that the Border Patrol should devote checkpoint resources to deter illegal entry at the border.

Tucson sector officials said they chose KP 41 as the best site for a permanent checkpoint on I-19 among three other locations: KP 42 (the location of the current tactical checkpoint), KP 25, and KP 50. According

⁵⁹ Other factors include those related to hazardous waste, biological and cultural resources, soils, and environmental justice.

⁶⁰ The Border Patrol and CBP's Office of Facilities Management and Engineering are responsible for approving an environmental assessment for a checkpoint, which in effect certifies that the environmental assessments were complete and accurate. Other agencies, such as the U.S. Army Corps of Engineers, may be involved in conducting an environmental assessment.

⁶¹ If adverse environmental impacts are found during the assessment process, CBP officials told us they will work to mitigate the impact. If the impact cannot be mitigated, then CBP issues an Environmental Impact Statement (EIS) for public comment. Under NEPA, an agency can employ certain mitigation measures that will lower the otherwise significant impacts of an activity on the environment to a level of insignificance. In this way, the agency can avoid preparing an EIS. For example, see *Spiller v. White*, 352 F.3d 235, 241 (5th Cir. 2003).

⁶² The draft environmental assessments were made available for public review for 30 days, with public notification provided through a prominent local newspaper. A notarized statement of the newspaper submission was included in the assessment package.

to Tucson sector officials, while the KP 50 site provided certain strategic advantages,⁶³ the KP 41 site was selected because it was furthest from populated areas while also providing strategic advantage. Officials also noted that when determining the checkpoint's location, they consulted with developers regarding expected population growth and plans for development along the I-19 corridor, but officials stated that it is difficult to know what development will or will not take place in the future, as plans can change. According to officials, these discussions indicated that development was expected along I-19, but more densely around the KP 25 and KP 50 sites than the KP 41 site. In addition, officials from the Arizona Department of Transportation said that the KP 41 location would likely meet state requirements for highway traffic safety, but could not make a final determination until the final plans were submitted for review and approval.

We mapped the four proposed locations for the I-19 checkpoint along with relevant population data, schools and hospitals, and the results were consistent with Border Patrol guidance, as shown in table 3. For example, the data showed that the KP 41 and KP 42 sites were in areas with fewer people than the other two locations. We also reviewed county planning documents and zoning maps to determine how the proposed checkpoint locations compared with plans for future development. These documents showed that areas around KP 41 were zoned for lower density population than the KP 25 and KP 50 proposed checkpoint locations.⁶⁴

⁶³ According to Tucson sector officials, locating a checkpoint near KP 50 would negate the need to operate a separate checkpoint on Arivaca Road. Currently, the Border Patrol operates a checkpoint on Arivaca Road, north of the I-19 checkpoint, because that road can be used to avoid the I-19 checkpoint. Officials stated that the KP 25 location did not offer tactical advantages, but was considered as a possible location because a temporary checkpoint had previously been located there when the I-19 checkpoint rotated between KP 42 and KP 25 in response to congressional direction not to have a fixed location.

⁶⁴ Santa Cruz County zoning maps show that although KP 41 is surrounded by rural zoning, there is an area zoned for residential use within one-half mile of the proposed checkpoint location. The town of Amado, located near the KP 41 location, is considered a growth area. The corridor near KP 25—from Rio Rico to Nogales—is intended to be the core of the county's commerce activities.

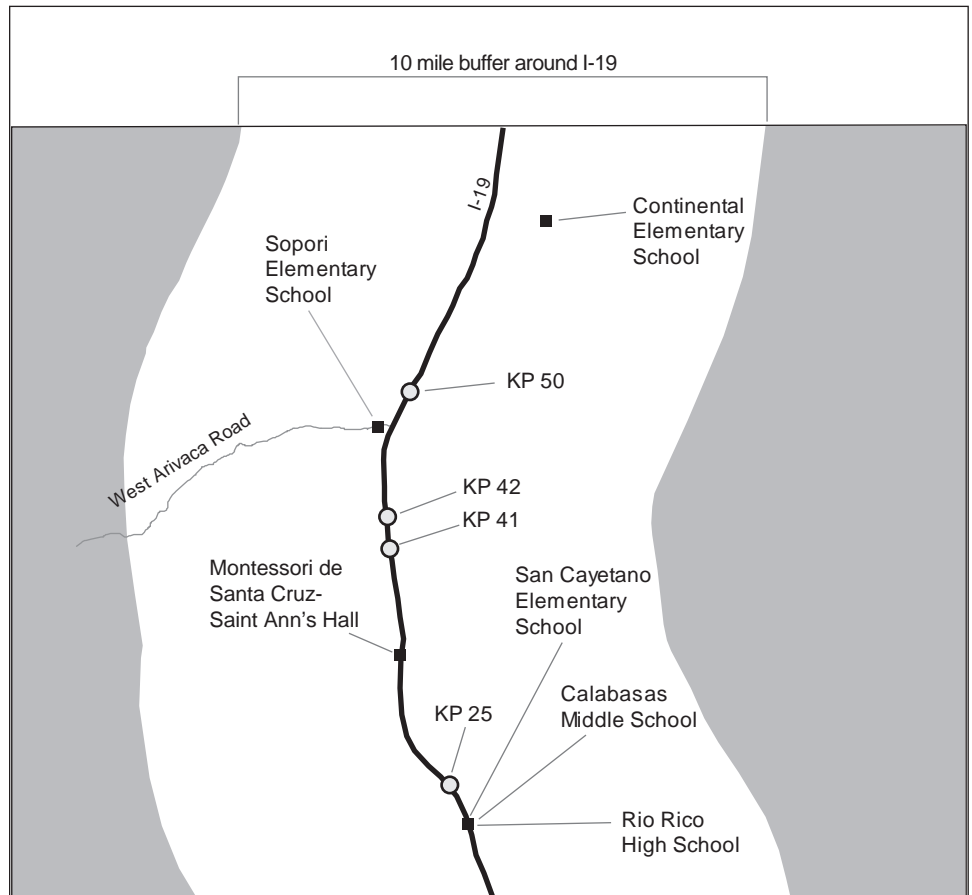
Table 3: I-19 Proposed Checkpoint Locations Compared with Surrounding Population Densities and Distances to Nearest Hospitals and Schools

Kilometer post	Estimated population living within 1 mile	Estimated population living within 5 miles	Approximate distance from nearest hospital (in miles)	Approximate distance from nearest school (in miles)
41 (planned location)	10	720	22	3
42	10	578	23	4
25	118	2821	13	2
50	92	1683	28	2

Sources: Population estimates: GAO analysis of 2000 Census Data; Hospital data: 2008 Medicare Hospital Data; School data: Department of Education Common Core Data for school year 2006-07 and MapInfo.

Our mapping analysis also showed that the KP 41 and KP 42 sites were farther away from schools than the other locations, as shown in figure 11. Proximity to the Rio Rico high school was a reason cited by the Border Patrol for not choosing the KP 25 location.

Figure 11: Map of I-19 Corridor with Proposed Checkpoint Locations and Distances From Schools



Sources: GAO (analysis), Mapinfo (map), Border Patrol (data).

We also traveled to the four proposed locations on I-19 with Border Patrol officials who showed us differences among the sites and factors they considered in choosing KP 41, including proximity to populated areas, tactical advantage, and costs of construction. (See table 4.) Officials noted that while the KP 41 site had certain disadvantages, such as the highway access road parallel to the interstate (known as a frontage road) and the proximity to the community of Tubac, they pointed out that KP 41 was furthest from populated areas, and was the only site that did not have outlying roads near the interstate that would allow illegal aliens to circumvent the checkpoint. We also observed that the terrain around KP 41 was relatively flat, which Border Patrol officials explained would allow for surveillance of the surrounding area. In contrast, the KP 25 location

was near both elevated areas and canyons where Border Patrol officials said it would be more difficult to identify and apprehend illegal activity around the checkpoint. With respect to the KP 42 site, Border Patrol officials stated that substantial amount of earthwork would be needed to level the land, which would increase the construction costs. (See appendix III for photographs of the various sites.)

Table 4: Border Patrol Reasons for Not Selecting Certain Locations for the I-19 Permanent Checkpoint

Kilometer post	Reasons location not selected, according to the Border Patrol
25	<ul style="list-style-type: none"> • Proximity to Rio Rico population areas and schools • Frontage roads and residential streets could allow vehicle circumvention • Terrain (mountains, canyons, vegetation) would more easily allow pedestrian circumvention • Topography would restrict surveillance capability
42 (site of current tactical checkpoint)	<ul style="list-style-type: none"> • Higher cost due to amount of fill required • Frontage roads could allow circumvention • Proximity to highway overpass would limit expansion
50	<ul style="list-style-type: none"> • Frontage roads could allow vehicle circumvention • Proximity to populated Green Valley community

Source: Border Patrol information and GAO observations.

We also traveled along I-19 from the U.S. border at Nogales to the city of Tucson and Border Patrol officials showed us why other sites would not be suitable alternatives for a checkpoint location. Border Patrol officials stated that areas south of KP 25 are considered too close to the border to provide strategic value, a factor listed in Border Patrol guidance. Areas between KP 25 and KP 41, between KP 42 and KP 50, and north of KP 50 were not considered suitable for a checkpoint for reasons including topography, proximity to communities, availability of circumvention routes, or highway characteristics—such as curves in the road—that were not compatible with safe operations.

Checkpoint Size and Design Generally Considered Safety and Convenience of Travelers, Agents, and Detainees

The Border Patrol’s three permanent checkpoints constructed since 2006 were generally designed in accordance with its checkpoint design guidelines. Factors of consideration included in the design guidelines related to operational effectiveness, the safety and comfort of agents and canines working the checkpoint, the safety and convenience of the public traveling through the checkpoint as well as detainees held at the checkpoint, and aesthetics for blending checkpoint architecture with the surrounding community.

According to CBP facilities management officials, checkpoint size is largely determined by the number of inspection lanes at the checkpoint, and primary and secondary inspection areas account for the majority of a checkpoint's size. CBP officials stated that checkpoint buildings, such as the main building housing administration and detention, generally account for a relatively small percentage of the checkpoint size.

Regarding inspection lane criteria, checkpoint design guidelines recommend sufficient capacity to quickly and safely move traffic through the checkpoint. Specifically, the design should consider current and projected traffic volume traveling through the checkpoint, as well as the preference to locate inspection lanes off-highway, consistent with national and state initiatives to reduce traffic congestion and improve highway safety.⁶⁵ The guidelines also recommend a minimum of two primary inspection lanes to separate commercial and passenger vehicles, and a canopy to cover all inspection areas.

We reviewed the inspection lanes for the three new permanent checkpoints—which were all located in Texas—and results were partially consistent with checkpoint design guidance. In accordance with checkpoint design guidelines, the design for all three checkpoints included off-highway inspection lanes that separated commercial and passenger traffic, canopy covers protecting agents and the public, and at least the minimum number of primary inspection lanes. However, we could not determine if the Border Patrol complied with its checkpoint design guidelines to consider current and future traffic volumes when determining the number of inspection lanes at each checkpoint, because it did not conduct traffic studies when designing the three checkpoints. Although not explicitly required, senior CBP and Border Patrol facilities officials stated that the number of inspection lanes at a checkpoint should be based to a large extent on current and projected traffic volume over the next 20 years to ensure that checkpoint capacity will be sufficient in the near future, and this should be documented in a traffic study. Traffic design engineering principles discuss the importance of considering current and expected traffic volumes over a given period when designing a project, to ensure sufficient capacity. According to CBP facilities officials, however, traffic studies were not conducted for the U.S. Route 62/180

⁶⁵ The length of the inspection lanes is also determined by criteria related to traffic volume and safety. For example, space is needed for the inspection lanes to ensure traffic does not back up onto the highway, and that the entry and exit ramps are not too steep for safe movement on and off highway.

checkpoint or the U.S. Route 83 checkpoint, and officials said they have no record of a traffic study being conducted for the I-35 checkpoint.⁶⁶ Officials stated that traffic studies may not have been conducted because it is not an explicit requirement in checkpoint design guidelines, but agreed that they should have been done to inform decisions regarding checkpoint design and the number of inspection lanes. In the absence of documented traffic studies, the Border Patrol cannot determine if the number of inspection lanes at each of these checkpoints is consistent with current and projected traffic volumes, or if a different number of lanes would have been more appropriate.

To provide some information on traffic volumes for these three checkpoints, we obtained available data on 2007 traffic volumes for areas near the location of each of the three checkpoints from the Texas Department of Transportation.⁶⁷ As shown in table 5, the relative number of inspection lanes at each checkpoint appears consistent with 2007 traffic volumes, in that the I-35 checkpoint has a higher traffic volume and more inspection lanes than the other two checkpoints.

⁶⁶ CBP officials stated that a traffic study for the I-35 checkpoint may have been conducted under legacy INS—as the checkpoint design project was initiated under INS—but CBP has no record of it. Regarding the U.S. Route 83 checkpoint, CBP officials stated that a traffic study was not conducted because the checkpoint was replacing the existing facility. CBP officials did not explain why a traffic study was not conducted for the U.S. Route 62/180 checkpoint.

⁶⁷ Texas Department of Transportation calculates traffic volumes at specific mile markers. We obtained data on traffic volumes at the mile marker closest to the location of the checkpoint. Future traffic projections were not available from the Texas Department of Transportation.

Table 5: Checkpoint Inspection Lanes Compared to Traffic Volume for the Three Checkpoints Constructed Since 2006

Checkpoint	2007 Estimated traffic volume (in vehicles per hour) ^a	Number of inspection lanes	
		Primary	Secondary
I-35, Laredo sector	340	6	5
U.S. Route 83, Laredo sector	60	3	2
U.S. Route 62/180, El Paso sector	67	2 ^b	1

Source: GAO analysis of Texas Department of Transportation and Border Patrol data.

^a Traffic volume is estimated based on an average of northbound and southbound traffic. It is possible that the volume could be higher for northbound traffic than southbound.

^b According to the Border Patrol, the U.S. Route 62/180 checkpoint generally uses one primary lane because traffic volume has been low and it allows them to expand their secondary area for safer operations. When traffic increases they plan to open both primary lanes.

Regarding criteria for facilities and other resources, Border Patrol design guidance lists the buildings and features that are recommended for inclusion at new permanent checkpoints. According to Border Patrol officials, this listing of facilities and resources was based on existing checkpoint design, as well as the professional judgment of Border Patrol officials regarding the facilities and resources that enhance checkpoint operations, and should be adjusted to the circumstances of each checkpoint to maximize checkpoint effectiveness and efficiency and also facilitate the safety and convenience of agents, the public, and detainees. For example, design guidance provides for detention facilities at checkpoints to reduce the amount of time agents have to leave the checkpoint to transport illegal aliens to other locations, and also provides separate areas for men, women, and children who are detained to facilitate their safety.

We reviewed Border Patrol design documents for the three Texas checkpoints and results showed that two of the three checkpoints had all but one of the recommended resources; however, one checkpoint did not have several resources, as shown in table 6. The one resource not included at the new I-35 checkpoint in the Laredo sector and the new U.S. Route 62/180 checkpoint in the El Paso sector was commercial truck scales, which can improve checkpoint operations by giving agents another tool for detecting contraband. According to Border Patrol officials, truck scales allow agents to compare the weight of cargo on the truck's manifest to the

current weight of cargo at the checkpoint. A disparity between the two measurements could indicate that the amount or type of cargo has changed. The U.S. Route 83 checkpoint was also lacking many other recommended resources, such as canine facilities, due to space constraints at the site, according to sector officials. Officials stated that there was limited space to accommodate all of the resources, because the land is not owned by the Border Patrol but provided through a multiuse agreement between DHS and the Texas Department of Transportation. These officials added that additional funding would be needed to expand the checkpoint site to accommodate these resources. However, sector officials stated that the resources currently available at the checkpoint are sufficient for basic operations, considering the relatively low volume of traffic at the checkpoint.

Table 6: Facilities and Resources Recommended in Border Patrol Checkpoint Design Guidance Compared to Recently Constructed Permanent Checkpoints

Recommended resource/facility	I-35 checkpoint (Laredo sector)	U.S. Route 83 checkpoint (Laredo sector)	U.S. Route 62/180 checkpoint (El Paso sector)
Safe and adequate detention and processing area to include records check capabilities	Yes	Yes	Yes
Control room set up for sensors, dispatch and radio communication, and video monitoring	Yes	Yes	Yes
Safe storage space for detainee possessions	Yes	Yes	Yes
Loading docks, including safe holding area for removed cargo	Yes	No—Limited space available	Yes
Area for vehicle lifts	Yes	Yes	Yes
Canine facilities	Yes	No—Limited space available	Yes
Staff and visitor parking areas	Yes	Yes	Yes
Area for commercial truck scales	Yes, but commercial truck scales are not in place	No—Limited space available	Yes, but commercial truck scales are not in place
Storage area for miscellaneous equipment and tools	Yes	Yes	Yes
Storage area for evidence	Yes	No—Limited space available	Yes

Source: Border Patrol checkpoint design guidance, Border Patrol data, and GAO analysis.

Border Patrol guidelines also include criteria to use aesthetics in the architecture and design of checkpoints. These criteria state that checkpoints should be designed in a manner that complements the indigenous architecture of the surrounding area, including building scale and proportion. The environmental assessments for the three Texas

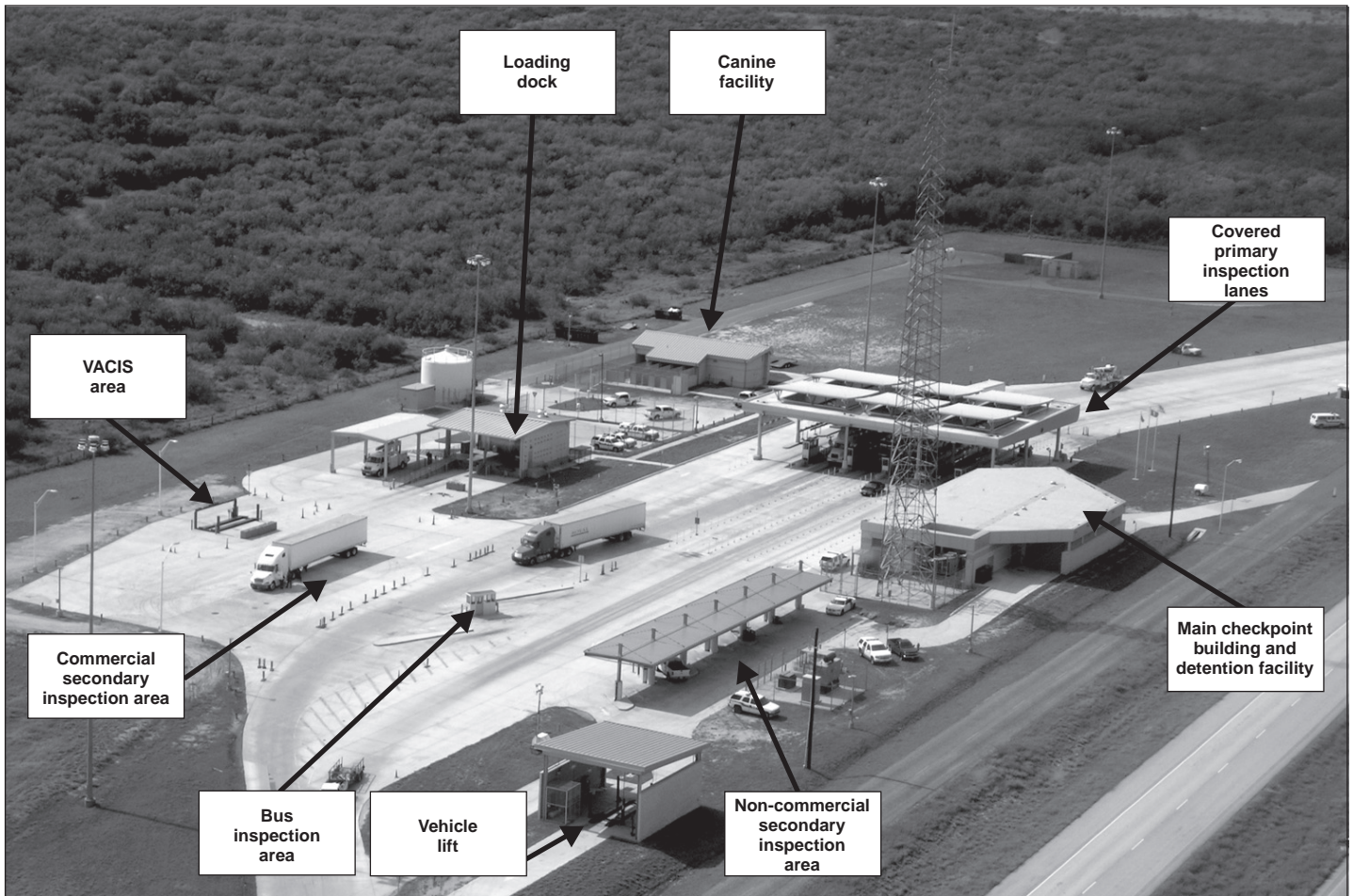
checkpoints showed no significant aesthetic impact because of the remote locations of the checkpoints and lack of community concern over the design of existing checkpoints. No public comments were received during the 30-day comment period raising concerns about the lack of aesthetics in the three checkpoints' final designs.

I-19 Permanent Checkpoint Design

The design process for the proposed permanent checkpoint on I-19 in Arizona has not yet been completed as of July 2009, but some citizens living in nearby communities have expressed concerns about its potential size and appearance. Border Patrol officials stated that in general, the I-19 and other new permanent checkpoints are to be larger than existing checkpoints because many of the latter are outdated and undersized to address current traffic volume and changes in operation. As these older checkpoints are replaced, the Border Patrol plans to enlarge and redesign them to reflect new technology and to incorporate lessons learned from experiences with more recently built checkpoints, according to officials.

CBP and Border Patrol officials stated that plans for the permanent I-19 checkpoint are based on the recently constructed I-35 checkpoint near Laredo, which they identified as a model checkpoint in terms of layout, resources, and size. (See figure 12.) Tucson sector officials said that the I-19 checkpoint design also incorporated lessons learned from the I-35 checkpoint design. For example, officials stated that the design of the I-35 checkpoint was found to be too small and had to be expanded to accommodate a VACIS unit, and that operations at the I-35 checkpoint showed that more space was needed in the inspection areas for safe truck maneuvering.

Figure 12: I-35 Checkpoint, North of Laredo, Texas



Source: Border Patrol.

One key difference between the I-19 checkpoint design and that of the three new checkpoints in Texas is that the Border Patrol plans to incorporate aesthetics into the I-19 checkpoint design, in response to community concerns. Some community members who visited the I-35 checkpoint were concerned that the I-19 checkpoint would disrupt the beauty of the local landscape in that it would be too large and visually unappealing. Although not reflected in the current draft design, Border Patrol officials said the final design issued for public comment would reflect input from the community on options for blending the checkpoint in with the surrounding community and landscape.

Border Patrol officials from the Tucson sector and the community have coordinated on other aspects of the I-19 checkpoint design. Tucson sector officials have met with community members at least 45 times from 2006 to 2009 to address community questions or concerns. In addition, a community workgroup was established in April 2007 to allow direct community involvement in discussions about the proposed permanent checkpoint.⁶⁸ In June 2007, this workgroup split into two subcommittees. One subcommittee issued a report to the Border Patrol with recommendations to reduce the impact of the checkpoint on surrounding communities and to improve its effectiveness and public convenience. The other subcommittee issued a report expressing opposition to a permanent checkpoint on I-19, recommending that resources be placed on the border instead.

We met with Border Patrol officials and reviewed documents showing how the Border Patrol has modified the design of the checkpoint in response to community input. To address concerns about the size of the checkpoint, for example, Border Patrol officials said they removed certain structures from the design plans, such as a station house, helipad, and fueling island. In addition, to ensure checkpoint lighting did not adversely impact a local observatory, officials stated that they plan to comply with the local dark sky ordinance by covering checkpoint lighting with a canopy, among other things.⁶⁹ Border Patrol officials stated that other recommendations made by the workgroup to increase the safety and convenience for travelers through the checkpoint—such as clearly posted signage—will be included in the checkpoint design, as shown in table 7.

⁶⁸ The Community Workgroup on Southern Arizona Checkpoints was co-chaired by the Border Patrol Chief for the Tucson sector and the cognizant U.S. Congresswoman. Members included community representatives from the business community (13), local citizens (11), government representatives, including law enforcement (5), and a local religious leader. According to the workgroup, more than 500 citizens participated in the four workgroup meetings, including citizens from a range of communities such as Nogales, Amado, Arivaca, Rio Rico, Tubac, Green Valley, and Tucson. The workgroup split into two subcommittees. The Interim/Permanent Checkpoint Subcommittee identified areas where the Border Patrol can make operational and nonoperational adjustments to the checkpoint facility to improve enforcement and expedite legitimate travelers, based on the footprint and resources at the I-35 checkpoint near Laredo. The Options Subcommittee identified alternatives to an interim or permanent checkpoint in southern Arizona.

⁶⁹ Pima County, Arizona, has a dark night sky ordinance, which imposes requirements on outdoor illumination devices in order to protect visibility of the dark night sky.

Table 7: Border Patrol Response to Community Recommendations Expressed on the Draft Design of the I-19 Checkpoint

Community recommendations	Border Patrol response as of June 2009
Aesthetics	
Adhere to local dark sky ordinance	Checkpoint is to meet or exceed dark sky ordinance requirements
Seek to mitigate noise	Recommendation to be researched and considered
Safety/convenience	
Clearly posted signage	Included in draft design
Off-highway location	Included in draft design
Rumble strips	Included in draft design
Sufficient traffic lanes to preclude congestion	Included in draft design
Safe inspection area, to include canopies	Included in draft design
Separate lanes for commercial and non-commercial traffic	Included in draft design
Separate lanes to expedite those enrolled in expedited travel programs	Not part of current design plans due to limited time savings for those enrolled, according to sector officials
Refrigerated dock spaces for perishable commodity examinations at the secondary inspection area	Included in draft design
A VACIS machine as part of the facility	Another type of non-intrusive inspection technology—an X-ray backscatter machine—is included in draft design

Source: Community Workgroup on Southern Arizona Checkpoints and Border Patrol.

Draft Planning Documents Show Proposed I-19 Checkpoint Will Be Largest Checkpoint

Our review of the draft plans for the I-19 permanent checkpoint showed that it is planned to surpass the I-35 checkpoint as the largest checkpoint on the southwest border in terms of total acreage and acreage used for checkpoint operations, including primary and secondary inspection lanes, as shown in table 8. Overall, the I-19 checkpoint is about 20 percent larger than the I-35 checkpoint in terms of total acreage and about 69 percent larger in terms of the acreage to be used for checkpoint operations.

Table 8: Comparison of Proposed I-19 Permanent Checkpoint with I-35 Checkpoint

Checkpoint	Border Patrol sector	Total site acreage	Acreage used for checkpoint operations	Primary inspection lanes	Secondary inspection lanes
I-19 (proposed)	Tucson	18	7.1	8	9
I-35	Laredo	15	4.2	6	5

Source: CBP and Border Patrol data.

Border Patrol officials estimate that 11 of the 18 total acres at the I-19 checkpoint site are not planned to be dedicated to checkpoint operations, but are expected to be used for

- graded slope area (4.0 acres),
- storm water retention areas and septic water filtration areas (3.5 acres), and
- freeway on and off ramps (3.7 acres), which is a requirement from the Arizona Department of Transportation.

According to the CBP project manager for the I-19 checkpoint, the large size of the checkpoint is largely due to the number of inspection lanes that are planned to meet current and future traffic volume, per design guidelines. The guidelines indicate that a sufficient number of primary and secondary inspection lanes are needed to ensure that current traffic volume can be processed through the checkpoint with minimal traffic backups and vehicle wait times, as longer wait times create safety concerns and inconvenience the traveling public. When traffic backups reach a certain distance from the checkpoint, sector officials said that they allow traffic to pass through the checkpoint uninspected, which decreases checkpoint effectiveness.⁷⁰ Smugglers and illegal aliens use these opportunities to pass through the checkpoint undetected, according to sector officials.

Of the eight primary inspection lanes included in the draft design plan for the I-19 permanent checkpoint, five lanes are required to address current traffic volume, according to sector officials. The lanes for processing the current traffic volume include two lanes for commercial traffic and three lanes for passenger traffic. The design is consistent with guidance and the community workgroup recommendations to include off-highway inspection lanes that separate commercial and passenger vehicles, dedicated truck and bus lanes, and canopy coverage for all inspection areas.

The remaining three primary inspection lanes in the I-19 checkpoint design plan are to ensure sufficient capacity for processing future traffic volume. Border Patrol budget documents state that the checkpoint construction

⁷⁰ According to Tucson sector officials, I-19 checkpoint agents allowed traffic to pass through the checkpoint without undergoing inspection on nine occasions in fiscal year 2008.

process alone is estimated to take 5 years, and design guidelines recommend that construction projects consider capacity needs over the next 10 years, which can reduce overall construction costs and maintain longer periods of operational efficiency. The Arizona Department of Transportation projects that traffic on the I-19 corridor will increase by 23 percent from 2007 to 2017, and 35 percent from 2007 to 2027.⁷¹ Using traffic projections for the year 2017, the site engineer for the proposed I-19 checkpoint estimated that the five lanes for passenger vehicles will result in wait times averaging less than 2 minutes, except for three one-hour periods per day when wait times may increase to 8 to 10 minutes.⁷² According to the engineer, if the number of passenger lanes is reduced to four, for example, then wait times are estimated to exceed 20 minutes three times per day during peak traffic periods, which would require suspension of inspection activities and which is unacceptable, according to the Border Patrol. Border Patrol officials stated that six of the eight lanes will be able to convert between screening passenger vehicles and commercial traffic, which will give the I-19 checkpoint flexibility during operation to adapt to changing traffic patterns.

In regard to the secondary inspection lanes, the proposed nine lanes were found to be insufficient to meet the Border Patrol's targeted rates of inspection, according to reports by an engineering firm commissioned to provide an advisory review for the I-19 checkpoint design. The engineer reported that to meet target inspection rates during peak periods, the Border Patrol would need to increase the number of secondary lanes for non-commercial traffic from 7 to 22 lanes. Tucson sector officials said that they will not build the additional secondary lanes because they do not have the resources and staff to use them at this time.⁷³ As a result, the

⁷¹ CBP is also planning to expand the Mariposa port of entry in the next few years, which is expected to significantly increase the volume of commercial traffic from Mexico on the I-19 corridor. According to the Arizona Department of Transportation, the traffic projections did not include the port expansion, because when the traffic projections were conducted, the port expansion had not been finalized.

⁷² Specifically, the engineer estimates that wait times will be less than 2 minutes for 20 hours per day, on average, and that a wait time of 8 to 10 minutes will occur for three hours per day, starting at 8 a.m., 3 p.m., and 6 p.m., and a wait of just over 2 minutes at 8 p.m., due to a higher volume of traffic at these times.

⁷³ According to Tucson sector officials, the current I-19 checkpoint is generally staffed with 8 agents per shift. Sector officials plan to staff the permanent checkpoint with between 33 and 39 agents during the peak shift (with all inspection lanes open), and fewer agents during off-peak times.

number of referrals of non-commercial traffic from primary to secondary inspection will be decreased as needed to preclude traffic congestion.

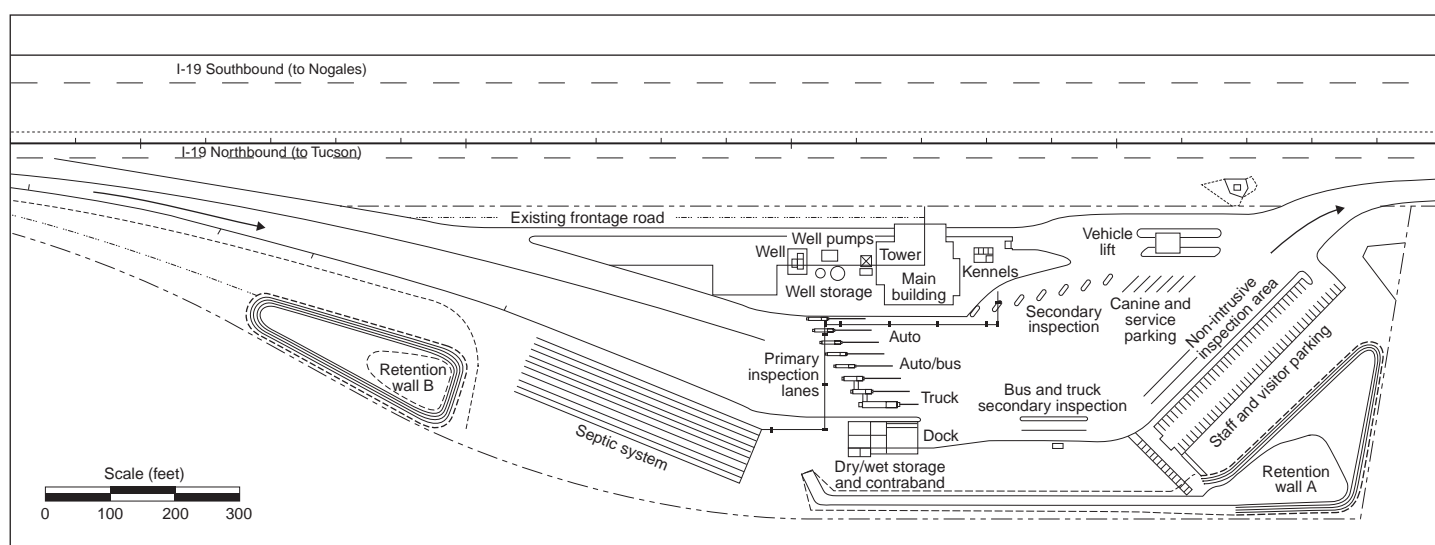
Plans for the size of the I-19 checkpoint facilities are also consistent with relevant guidelines. Space allocation guidelines are based on many factors, including a functional evaluation of individual space, group consensus of Border Patrol staff, comparison to existing structures, and use of standard formulae. Border Patrol checkpoint design guidelines include general processes for determining the size of these resources or the space required—such as how large the main checkpoint building should be—but do not impose a one-size-fits-all approach on checkpoints. As a result, the sizes of each of these areas may vary at different checkpoints based on the unique circumstances and operational needs of each checkpoint. For example, the size of the main checkpoint building, which includes administration, processing, and detention facilities,⁷⁴ is larger at the planned I-19 checkpoint than the I-35 checkpoint by approximately 3,400 square feet, reflecting a greater estimated need at the I-19 checkpoint for processing and detention of illegal aliens.⁷⁵ Sector officials stated that having sufficient processing and detention capability at the I-19 checkpoint increases operational efficiency and effectiveness, as agents will no longer have to frequently transport apprehended individuals to the Tucson or Nogales stations for processing and detention. In comparison, the canine kennel building at the I-35 checkpoint is nearly 2,900 square feet larger than the planned kennel at the I-19 checkpoint. According to CBP data, the canine kennel building at the I-35 checkpoint is approximately 3,200 square feet, while the I-19 checkpoint kennel is planned for approximately 290 square feet. Laredo sector officials said that the I-35 checkpoint kennel was large because the building includes an office, storage room, bathing room for the canines, bathroom, mechanical room, and a quarantine area. Tucson sector officials stated that the smaller size is because the I-19 checkpoint kennel will be only used as a rest area for the canines.

⁷⁴ The administration area allows for the supervision of checkpoint operations and staff, and performing of administrative duties, such as scheduling, fiscal management, and reporting to the patrol station or sector headquarters. The processing area provides a secure area where detainees can be interviewed and processed. Detention facilities provide a secure area where detainees can be held until transported offsite.

⁷⁵ Tucson sector officials intend for the I-19 checkpoint to serve as an apprehension and processing hub for multiple areas of enforcement between Tucson and Nogales. The Tucson station and the Nogales station apprehend 200 to 300 aliens per day, according to Tucson sector officials.

Plans for the types of resources to be placed at the I-19 checkpoint for conducting effective operations are also consistent with relevant guidelines. For example, at the I-19 checkpoint, the Border Patrol plans to include canine facilities, non-intrusive inspection technology, vehicle lifts, and loading docks, among other resources, as shown in figure 13.

Figure 13: Border Patrol Site Plan of the Proposed I-19 Permanent Checkpoint



Source: Border Patrol.

Community Members Cited Some Adverse Impacts of Checkpoint Operations, and Border Patrol Reported Having Limited Resources to Minimize Them

Community members living near checkpoints we visited across the four southwest border states told us they generally supported checkpoints operating near them because of the law enforcement presence they provide, but remained most concerned about the property damage that occurs when illegal aliens trespass on private property to avoid the checkpoints. Border Patrol policy highlights the need to detect and respond to this circumvention activity; however, officials stated that other priorities sometimes precluded positioning more than a minimum number of agents and resources on checkpoint circumvention routes. Tucson sector officials stated that when a permanent checkpoint on I-19 is constructed, it will provide additional technological enhancements to monitor activity in the surrounding areas, but they have not documented the number of agents that would need to be deployed to address this activity. Despite concerns regarding property damage type incidents, community members we spoke with generally said that checkpoint

operations had not adversely impacted their communities in terms of violent crime, business, or property values, except for those around the I-19 checkpoint in Arizona. Although the Border Patrol has identified performance measures that could be used to monitor the quality of life in areas affected by checkpoint operations, these measures have not been implemented. Data were not available to determine any causal relationship between checkpoint operations and community well-being; however, some data were available showing overall trends in real estate values, tourism, and crime without controlling for checkpoint operation or other factors.

Property Damage, Theft, and Littering Cited as Adverse Impacts of Checkpoint Operations

Members of local governments, state and local law enforcement, business groups, ranchers, and residents responding to our request for input generally supported the Border Patrol and checkpoint operations because of the law enforcement presence they provide, but generally agreed that checkpoint operations cause illegal aliens and smugglers to attempt to circumvent the checkpoint—resulting in adverse impacts to nearby residents and communities, such as private property damage, theft, and littering. These concerns were cited most often by ranchers and residents in areas around checkpoints. Ranchers in Texas, California, and Arizona said that they experienced cut fences that allowed cattle or other livestock to escape; drained water tanks or water wastage from irrigation lines that were left open; theft of water, food, clothing, or vehicles; and trash including plastic water jugs and food containers that are either left on the property as trespassers move through the area, or that washed down rivers or streams from other areas. Local law enforcement officials near two checkpoints in Texas we visited said that they frequently respond to calls from ranchers for these reasons, and ranchers said that these impacts have increased their ranch security expenses.⁷⁶ The level of concern was lower in areas where checkpoints operated infrequently. For example, the San Diego sector's checkpoints on I-5 and I-15 are rarely operational, resulting in little need for circumvention and fewer concerns expressed by community members.

The greatest level of concern about trespassing and property damage was expressed in the Tucson sector, which has experienced higher levels of illegal alien apprehensions across the southwest border. In fiscal year

⁷⁶ Ranchers reported that increased security expenses related to hiring additional security staff, purchasing night vision goggles and other equipment for ranch staff, time and materials to repair property damage, and operational delays in ranch business when incidents occur.

2008, for example, just under half of the 705,000 total Border Patrol apprehensions of illegal aliens across the southwest border occurred in the Tucson sector, and sector officials cited a high level of interaction with the community in responding to citizen concerns. However, these apprehensions occurred all across the sector, making it difficult to determine the extent that trespassing on private property was due to attempts to circumvent the checkpoint or use of other transit routes.

Our review of Border Patrol data for the Tucson sector showed that significantly more illegal aliens were apprehended in the area around the I-19 checkpoint than at the checkpoint itself, although the reverse was true for drug seizures, as shown in table 9.⁷⁷ Specifically, data show that in fiscal year 2008 about 94 percent of apprehensions occurred in the areas surrounding the I-19 checkpoint compared to 27 percent of drug seizures.

Table 9: Number of Apprehensions and Seizures at the I-19 Checkpoint and Area Surrounding I-19 Checkpoint

	At the I-19 checkpoint		Area surrounding the I-19 checkpoint	
	Apprehensions	Seizures	Apprehensions	Seizures
Fiscal Year 2008	507	153	7,486	57
Fiscal Year 2007	474	167	4,351	45

Source: Border Patrol, CAR for I-19 checkpoint.

These data also show that increases in the number of apprehensions and drug seizures were greater in the areas surrounding the I-19 checkpoint than at the checkpoint itself between 2007 and 2008, suggesting that community impact may have also increased. Specifically, from 2007 to 2008 there was a 72 percent increase in the number of apprehensions in the surrounding area, compared to a 7 percent increase at the checkpoint. Data show that the number of drug seizures for these areas increased by 27 percent from 2007 to 2008, while declining by 8 percent at the checkpoint.

Data limitations precluded our determining where illegal aliens and smugglers were apprehended in relation to community boundaries, or comparing the extent that apprehension patterns on circumvention routes,

⁷⁷ According to the Border Patrol, an apprehension or seizure made circumventing the I-19 checkpoint is defined as an arrest made within grid 80, a square of 7.4 miles by 7.4 miles with the checkpoint close to the center. This grid contains the communities of Amado and Arivaca.

or other transit routes, were similar across sectors. Tucson sector Border Patrol officials stated that illegal activity on circumvention routes generally occurs in remote locations, but the Tucson sector has not yet implemented global positioning technology sector-wide, as used by some other sectors, to pinpoint the location of apprehensions and drug seizures. Instead, this information is tracked among geographic grids comprising 7.4 square miles. In addition, while the CAR contains data fields to capture activity on apprehensions made of those attempting to circumvent checkpoints, definitions for these fields were not used consistently across all checkpoints, based on an analysis of checkpoint officials' responses to our data collection instrument.

Border Patrol officials stated that the checkpoint strategy intends to push illegal aliens and smugglers off-highway into rural areas where they can be more easily apprehended, and the extent that these persons attempt to avoid the checkpoint is an indicator that checkpoints are an effective deterrent. Border Patrol officials said that when a new checkpoint is put in place, or an enhancement is made at an existing checkpoint, apprehensions commonly increase, followed by a decrease as smugglers and illegal aliens search for less rigorously defended transit routes that provide a greater chance of success. In terms of the I-19 checkpoint, for example, Border Patrol officials attributed increasing rates of checkpoint circumvention apprehensions to fixing the checkpoint at its permanent location at KP 42 in November 2006. Over time, officials said that the fixed location for the checkpoint resulted in more continuous operation and greater ability to deploy sensors and other resources that enhance checkpoint effectiveness.

Border Patrol officials acknowledged that the checkpoint strategy can adversely impact private property owners, and said that sometimes there were not enough agents in place to deter illegal activity or apprehend trespassers in surrounding areas. According to Tucson sector officials, for example, eight agents per shift are assigned to work the checkpoint lanes and two to four agents per shift are generally assigned in proximity to the I-19 checkpoint to address activity in the surrounding areas, but that number varies from shift to shift and depends on the activity levels during a given time of year. Border Patrol policy highlights the need to detect and respond to checkpoint circumvention, stating that it is just as critical to checkpoint effectiveness as the inspection process, and should be

addressed with appropriate staff.⁷⁸ However, despite the rapid increase in overall staffing numbers on the southwest border, Border Patrol sector managers may have other priorities for staff placement and stations may only staff checkpoints—and circumvention routes—with the minimum required manpower.⁷⁹ In the Tucson sector, for example, checkpoints and other interior locations had lower priority for staffing than border locations, especially border towns such as Nogales, which are major transit routes for illegal activity and had experienced higher levels of violent crime. As the Border Patrol has gained better control of these priority areas at the border, planning documents show that emphasis will shift to other areas, including the I-19 checkpoint.

Checkpoint guidance also identifies other resources, such as technology, that can assist Border Patrol agents in detecting and responding to circumvention activity, but checkpoints do not always have these resources available on a continuous basis. This guidance states that a combination of resources, including ground sensors and video surveillance cameras, should be used by each sector and station as needed to monitor and address local circumvention activities. According to Border Patrol officials, the placement and use of these resources can depend on the proximity of checkpoints to populated areas, the extent of illegal activity in the area, and the availability of circumvention routes around the checkpoint. However, officials said that checkpoints may have lower priority than other Border Patrol activities to receive new technology, and older equipment may be less reliable and less available for continuous operation, particularly at tactical checkpoints. For example, the four cameras being used at the I-19 checkpoint are not connected to commercial power and are therefore vulnerable to generator and microwave transmitter issues, according to sector officials. We also noted during our visit to the Tucson sector that staff were not available to monitor the remote surveillance cameras, limiting their effectiveness. A sector official stated that these cameras were continuously monitored only when there was a sufficient number of staff operating the checkpoint lanes and back-up patrols. Having these technology resources available—and monitored—on a continuous basis is important because Border Patrol

⁷⁸ The policy states that for a single lane checkpoint, there is a minimum requirement of one agent assigned to back-up or roving patrol, but that staffing may need to be increased depending on the circumstances, such as the number of circumvention routes.

⁷⁹ I-19 checkpoint officials stated that agents patrol the circumvention routes on horseback and on all-terrain vehicles.

officials said that circumvention routes were more likely to be patrolled in response to a sensor alert or camera indicating that a response is needed to address activity in these areas.

Tucson sector officials stated that when a permanent checkpoint on I-19 is constructed, it will include a wider range of sensors and technology improvements, such as SBInet towers,⁸⁰ that will provide a better view of the surrounding areas than the towers at the current checkpoint site and that will enhance agents' ability to monitor the circumvention areas around the checkpoint. However, checkpoint design and planning documents do not include an estimate of the number of agents that would be deployed to address circumvention activity at the new checkpoint. Our prior work on strategic workforce planning stated that staffing decisions, including needs assessments and deployment decisions, should be based on valid and reliable data.⁸¹ Per Border Patrol checkpoint design guidelines, sector officials are expected to determine the number of staff they will need for checkpoint operations, such as inspections and processing, as part of the design process for constructing new checkpoints. For example, the anticipated staffing level for the new permanent I-19 checkpoint would be 39 agents on the peak shift, according to Border Patrol officials. However, the anticipated deployments of these agents are not included in official design or operational documents, and sector officials are not required to conduct a workforce planning needs assessment to determine how to best address impacts on surrounding areas from illegal aliens and smugglers attempting to avoid the checkpoint. Sector officials stated that technology improvements would enable fewer agents to monitor illegal traffic in these areas, and that a sufficient number of agents will be deployed as necessary in response to the level of illegal activity. However, given the limited resources currently deployed to address circumvention activity at the I-19 checkpoint and community concerns regarding the extent of illegal activity in the circumvention areas, conducting a workforce planning needs assessment at the checkpoint design stage could help the Border Patrol ensure that sufficient resources are planned for and deployed at the new checkpoint to address circumvention activity.

⁸⁰ SBInet towers are equipped with radar, cameras, and communications systems.

⁸¹ GAO, *A Model of Strategic Human Capital Management*, [GAO-02-373SP](#) (Washington, D.C.: Mar. 2002).

Citizen reports are also important sources of information alerting Border Patrol agents to illegal aliens and smugglers trespassing on private property, and Border Patrol officials told us they also make efforts to establish relationships with local ranching and community groups. For example, in the Laredo and San Diego sectors, there are a total of 19 agents whose full-time or collateral duties are to regularly coordinate with local ranchers, maintain relationships, and provide the ranchers with a direct point of contact. Border Patrol stations within these sectors can develop their own community relations strategies. In the Rio Grande Valley sector, for example, Falfurrias station officials told us they hold a monthly meeting with local ranchers to discuss any issues or information that should be shared regarding the level of activity and number of incidents on the various circumvention routes. In contrast, the Patrol Agent in Charge of the Kingsville station said he prefers to maintain personal relationships with local area ranchers. The Tucson sector, where officials have cited a high level of community interaction, has a full-time Community Relations Director who participated in more than 45 community meetings from 2006 to 2009 to discuss issues relating to the current and planned I-19 checkpoint. Across other sectors, community relations strategies can include participating in community events and organizations such as fairs, car shows, and reading to children in local schools.

Increased Violent Crime and Decreased Business and Real Estate Values Not Commonly Cited as Adverse Impacts of Checkpoint Operations

Despite concerns regarding property damage type incidents, representatives of local government, state and local law enforcement, business, ranching, and residents responding to our request for input generally stated that checkpoints had no adverse effects on their communities in terms of violent crime rates, business, and real estate values, similar to findings in our 2005 report in which we reported that most local community members we contacted saw traffic checkpoints as beneficial to their communities.⁸² In some cases this could be due to the fact that many checkpoints are located in remote areas away from large population centers, or that some checkpoints are operated infrequently. In regard to crime, officials from 12 law enforcement agencies across the four southwest border states told us that checkpoint operations did not cause an increase in local violent crime rates. Furthermore, officials from seven of these law enforcement agencies stated that they believed checkpoints, as well as the presence of Border Patrol agents, provided a

⁸² GAO-05-435.

deterrent to criminal activity in their communities. For example, officials from the Alamogordo, New Mexico, Department of Public Safety stated that their 2007 crime rates place them with some of the lowest crime rates among similarly sized cities in New Mexico. The Department's Director believed that this was due, in part, to the presence of the Border Patrol agents at the checkpoints on U.S. Routes 54 and 70, approximately 25 miles south and west of the city of Alamogordo, respectively. In regard to real estate values, an official from the local Economic Development Council in Kingsville, Texas, told us that homes sales and values north of the U.S. Route 77 checkpoint had increased over the years, which he believed was due to the increase in agents purchasing homes in the area.

In contrast, some community members living near the I-19 checkpoint in the Tucson sector—which is operated for nearly 24 hours per day and is in the proximity of small communities—expressed concerns that checkpoint operations caused adverse impacts to their communities in terms of increased violent crime, loss of tourism, and reduced real estate values. A 2007 letter from U.S. Representative Gabrielle Giffords to the Border Patrol Chief detailed concerns from residents in her district that smugglers were invading their communities, threatening their homes, and that they had been affected by violence associated with what appeared to be disputes among drug smugglers. Residents from the town of Tubac, Arizona, which is a community close to the I-19 checkpoint location, reported concerns that tourism in their community had declined due to the proximity of the checkpoint. In addition, the president of a local civic association from Tubac told us that the checkpoint had negatively affected home sales and housing values.

Border Patrol Has Identified Measures for Assessing Impact of Checkpoint Operations on Surrounding Areas, but Has Not Used Them

Border Patrol officials said that they are not yet using performance measures they had developed to examine how checkpoint operations—including checkpoint circumvention activity—impact the quality of life in surrounding communities. The measures—which are consistent with the Border Patrol National Strategy to reduce crime and consequently improve the quality of life and economic vitality in border enforcement areas—examine major crime reduction, smuggler activity in areas affected by checkpoint operations, and coordination with other federal, state, and local law enforcement agencies. (See appendix II for a description of the quality of life measures.) We have previously reported that measuring performance allows organizations to track the progress they are making

toward their goals and gives managers critical information on which to base decisions for improving their programs.⁸³ Our previous work has shown that when evaluating performance, agencies needed to have measures that demonstrated results, covered multiple priorities, provided useful information for decision making, and successfully addressed important and varied aspects of program performance.⁸⁴

The Border Patrol has included data fields in the CAR to collect information relevant to some of the quality of life measures, but the Border Patrol has not developed specific guidance for using the data to assess the impact of operations on surrounding areas, and not all sectors and stations consistently enter the data necessary to use the measures. These limitations in guidance and data collection have hindered the ability of the Border Patrol to assess the impact of checkpoints on local communities. For example, one quality of life measure examines the number of apprehensions and seizures turned over to the checkpoint from other agencies, known as agency assists or referrals, when the checkpoint is operational or non-operational. These data can provide information on the extent to which the Border Patrol is able to address illegal activity traveling through communities to circumvent the checkpoint when it is operational. While the Border Patrol does not consistently track agency assists and referrals from local law enforcement agencies in the CAR, data we obtained from two local sheriff's departments near the I-19 checkpoint in the Tucson sector show that analyzing this information over time may be informative. As shown in figure 14, Arizona's Santa Cruz County Sheriff's Department reported a total of 84 assists to other agencies, including the Border Patrol, in District 2 (which contains the I-19 checkpoint⁸⁵) an increase of approximately 8 percent from 2007.⁸⁶ North of the I-19 checkpoint, Pima County Sheriff's Department Green Valley District⁸⁷ reported a total of 247 referrals to the Border Patrol in 2008, a

⁸³ GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, GAO/GGD-96-118 (Washington, D.C.: June 1996).

⁸⁴ GAO-03-143.

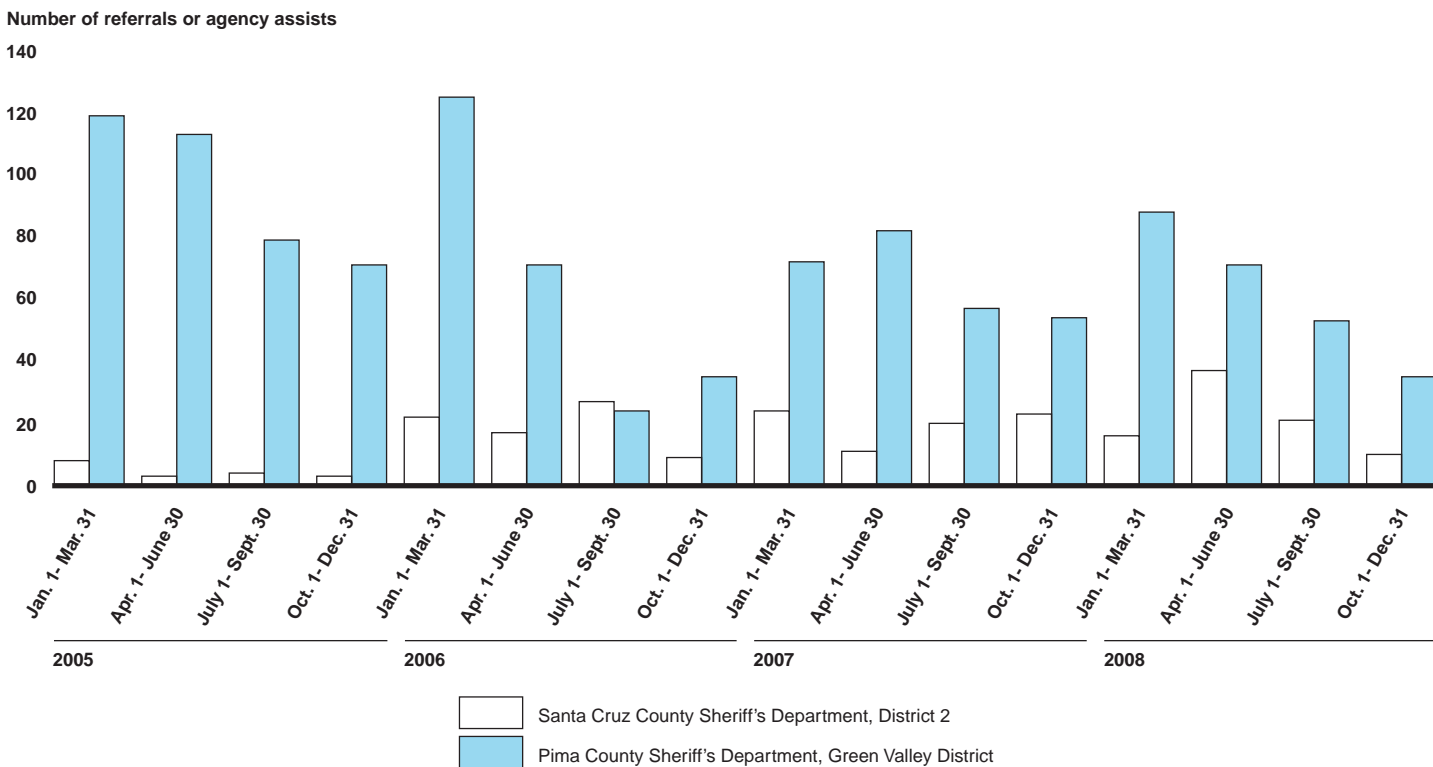
⁸⁵ Santa Cruz County Sheriff's Department District 2 covers the area from Rio Rico to the south up to the Pima County line on the north, including the areas of Tubac, Tumacacori, Carmen, Amado, and Arivaca.

⁸⁶ Santa Cruz County Sheriff's Department tracks all agency assists in one category. According to the Santa Cruz County Sheriff's Department, approximately 75 percent of all agency assists are incidents where the individual is turned over to the Border Patrol.

⁸⁷ Pima County Sheriff's Department Green Valley Patrol District covers the area from the Santa Cruz County line on the south to approximately KP 80 on I-19 on the north.

decrease of approximately 7 percent from 2007. Analysis of these data by the Border Patrol may show, for example, the extent to which relative fluctuations and differences in agency assists or referrals in and among locations are due to checkpoint operations or other factors, such as Operation Stonegarden, a program providing funding to state and local law enforcement personnel to provide additional coverage on routes of egress from border areas.

Figure 14: Quarterly Number of Pima County Sheriff's Department Referrals to the Border Patrol and Santa Cruz County Assists to Other Agencies, January 1, 2004 through December 31, 2008



Source: Pima County and Santa Cruz County Sheriff's Departments.

Note: Santa Cruz County Sheriff's Department tracks the number of agency assists, which includes Border Patrol and all other agency assists. Pima County Sheriff's Department tracks the number of referrals to the Border Patrol separately from other agencies.

Data Unavailable to Link Checkpoint Operations to Changes in Community Crime Rates, Tourism, or Real Estate Values

Sufficient data were not available for us to determine any causal relationship between checkpoint operations and local crime rates, tourism trends, or real estate values in nearby communities. With respect to the I-19 checkpoint, these data limitations also precluded a comparison of community impacts for the time before and after the checkpoint on I-19 became fixed at the KP 42 location in November 2006. Such a comparison would require a complete set of historical data to develop a baseline understanding, before interpreting factors that can change the baseline. However, there are limited data sets for specific geographic areas around the I-19 checkpoint, with county level data the smallest possible geographic area, in many cases. We conducted a literature search and identified several studies that attempted to link Border Patrol checkpoints or other aspects of border enforcement operations to local crime, business, or real estate values. These studies were also unable to establish a causal link between Border Patrol operations and changes in crime rates or real estate values due to unavailable or incomplete data, or the inability to separate the impact of border operations from many other contributing factors, such as local and national economic factors.⁸⁸ In terms of crime data, for example, officials from Santa Cruz and Pima County Sheriff's Departments said that data are not available in their information systems to identify the number of crimes committed by illegal aliens, or how many crimes occurred on checkpoint circumvention routes. A more detailed discussion on our methodology and limitations to this analysis can be found in appendix I.

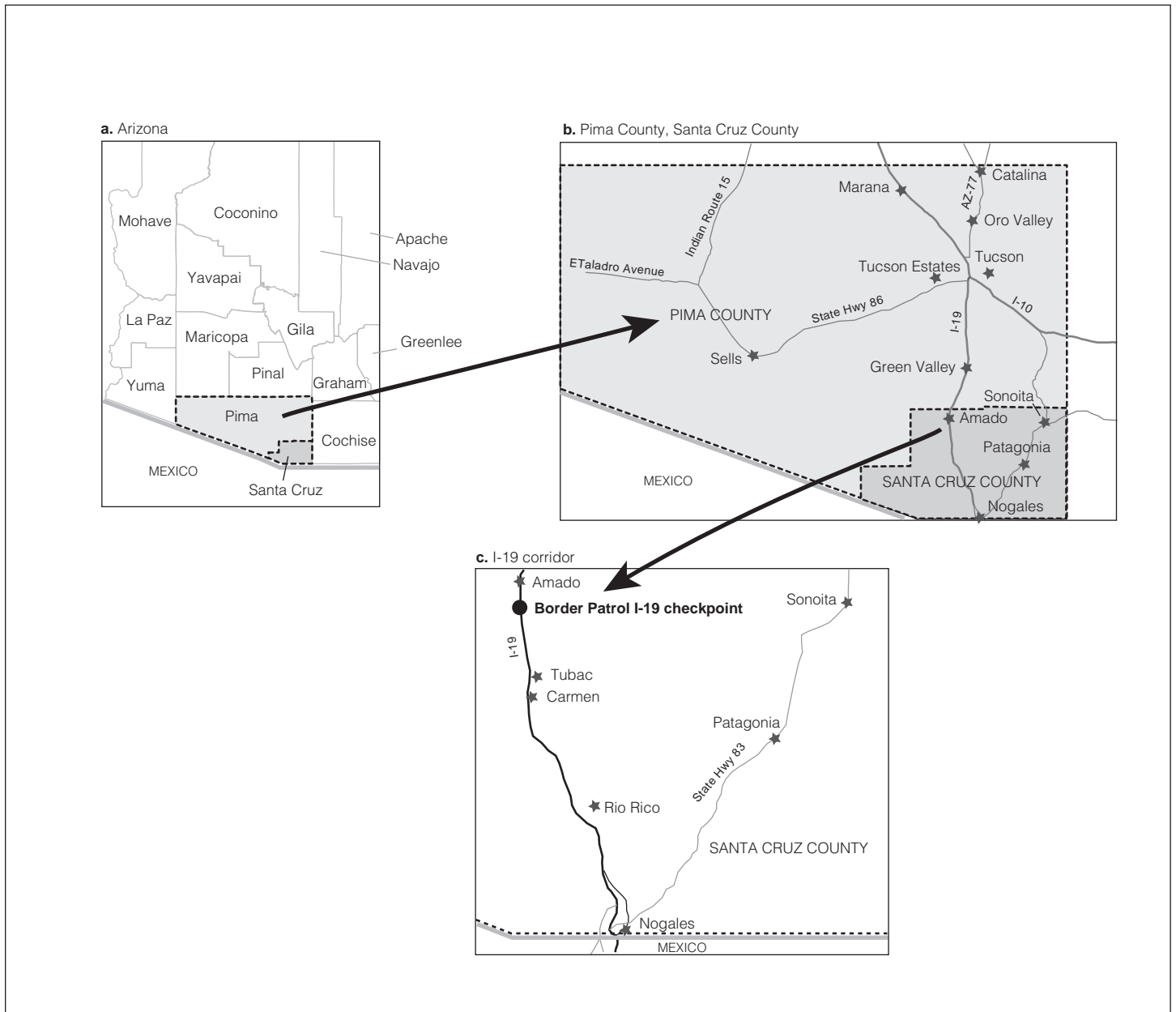
Despite the limitations in determining any causal relationship between checkpoint operations and crime, tourism, and real estate values in nearby communities, some historical data were available from federal, state, and local agencies that could be used to show overall trends in real estate values, tourism,⁸⁹ and crime for some communities near the I-19 checkpoint, relevant counties, and the state, without controlling for checkpoint operations or other factors. As shown in figure 15, the I-19 checkpoint in Arizona is located in the northern part of Santa Cruz County and the county immediately to the north is Pima County. Communities

⁸⁸ Homeland Security Institute, *Customs and Border Protection (CBP) Operational Assessment*, RP06-51-02 (Arlington, Va.: Mar. 30, 2007) and Homeland Security Institute, *Measuring the Effect of the Arizona Border Control Initiative* (Arlington, Va.: Oct. 18, 2005).

⁸⁹ We used data on tourism, rather than business activity, because U.S. Census Bureau data on business activity trends for 2007 and 2008 were not available at the time of completing this report. Business trend data from the U.S. Census Bureau can be found in appendix V.

closest to the I-19 checkpoint include Tubac, which is located approximately 4 miles south of the checkpoint in Santa Cruz County, and Green Valley, which is located about 15 miles north of the checkpoint in Pima County.

Figure 15: Map of all Arizona Counties, Santa Cruz and Pima Counties, and the I-19 Corridor

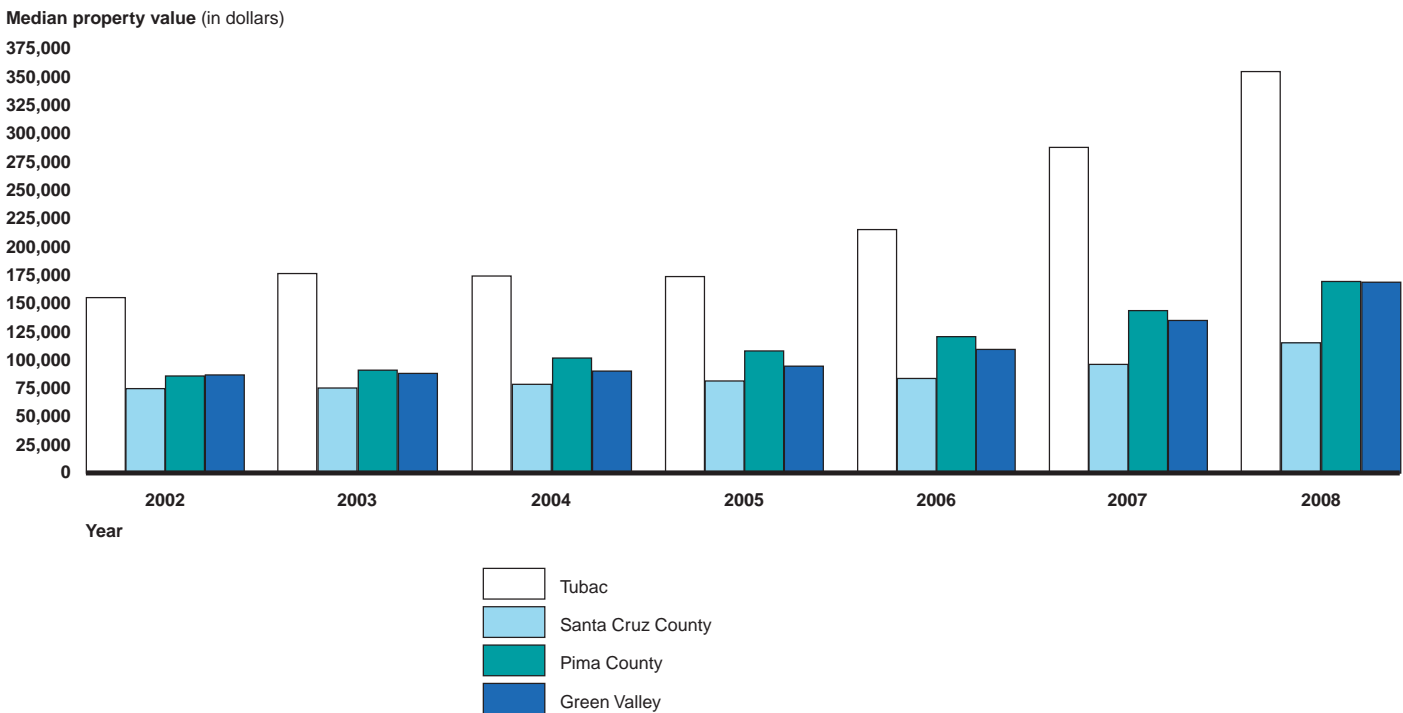


Sources: GAO (analysis), MapResources (map).

Real Estate Property Values

Real estate property values for locations south and north of the I-19 checkpoint have generally been increasing in the years from 2002 through 2008 as measured by the median county tax assessed value, shown in figure 16. The Tubac community had the highest real estate values of the areas we examined, with property values more than three times as high as properties in Santa Cruz County, and more than twice as high as properties in the Green Valley community and Pima County.⁹⁰ Data on the median sales price and net assessed value of homes in these areas showed similar results, as shown in appendix IV.

Figure 16: Median Real Estate Property Value for Residential Properties in the Arizona Communities of Tubac and Green Valley and Counties of Santa Cruz and Pima, 2002 through 2008



Source: Santa Cruz County Tax Assessor's Office and Pima County Tax Assessor's Office.

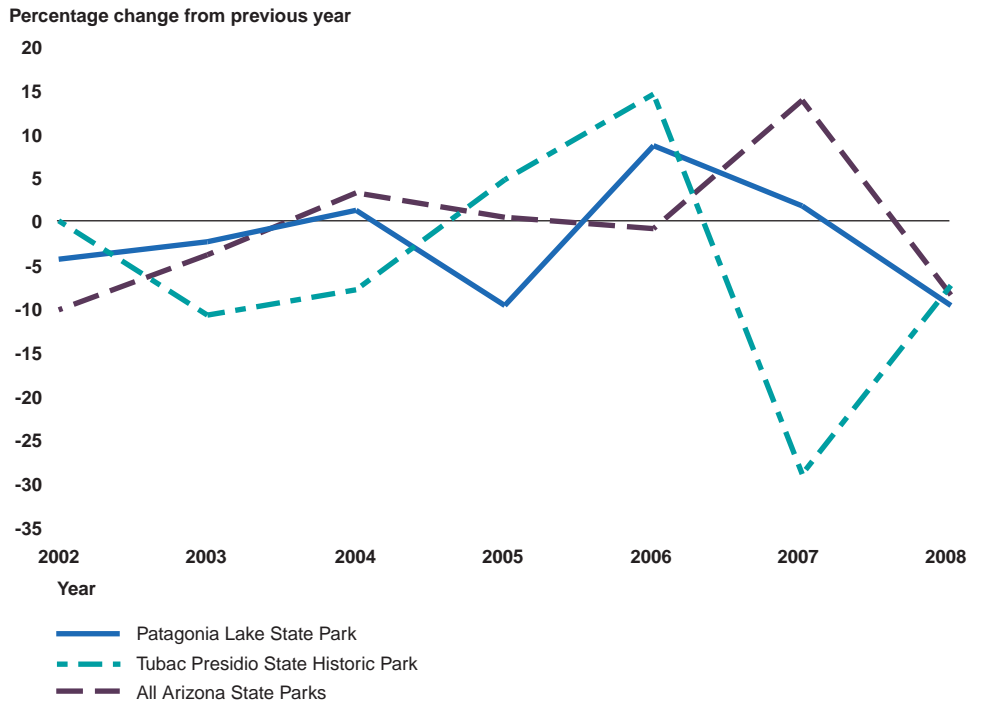
⁹⁰ According to the Arizona Department of Revenue, all counties are required to have 18-month lag data and the sales data are adjusted based off current market trends.

Tourism

Tourism data, as reflected by visitor data reported by Arizona state parks, showed no consistent pattern between the years 2002 through 2008 for parks located near Tubac community (Tubac Presidio State Historic Park),⁹¹ or in other areas of Santa Cruz County (the Patagonia Lake State Park), and Arizona. As shown in figure 17, the number of visitors to these parks generally fluctuated within a 15 percent window from year to year, except for the year between 2006 and 2007, when visitors to Tubac state park decreased by 29 percent, a substantial difference compared to other locations. According to an Arizona State Parks representative, this decline could have been caused by several factors, including a large number of events in 2006 at the Tubac state park to celebrate the park's 50th anniversary that resulted in more park attendees in 2006, an overall decline in visitors to other parks in Santa Cruz County, and a statewide decline in overall spending and international visitors. All of these parks experienced a decline in visitors the following year ending 2008, ranging from 7 to 10 percent. Similar declines were seen in other tourism data based on lodging statistics for the counties and state of Arizona (see appendix VI).

⁹¹ We used data on the number of visitors to the state parks because other tourism data from the Arizona Office of Tourism were unavailable below the county level. These county-level tourism data, such as revenue per available room and occupancy rates, are included in appendix VI.

Figure 17: Percentage Annual Change in Number of Visitors to Arizona State Parks, 2002 through 2008



Source: GAO analysis using most recent data from the Arizona State Parks.

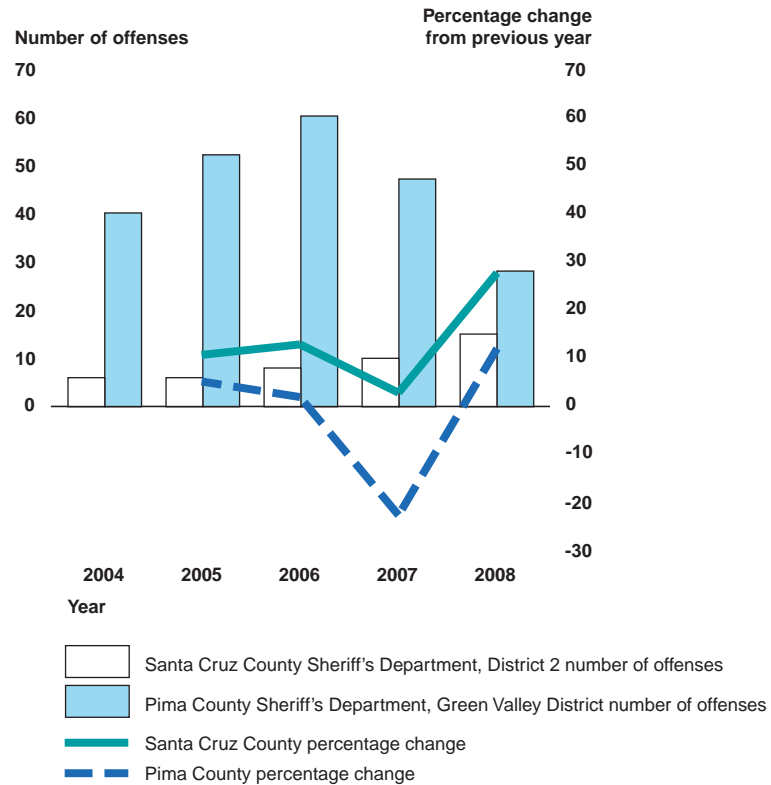
Crime

Violent crime data from county sheriff departments⁹² showed that the number of homicides, sexual and aggravated assaults, and robberies was substantially lower in the district containing the I-19 checkpoint and the surrounding communities of Tubac,⁹³ Tumacacori, Carmen, Amado, and Arivaca than other nearby areas, from 2004 through 2008, but has been increasing at a higher rate than nearby areas in the last 2 years as shown in figure 18. Specifically, violent crime in District 2 almost doubled from 8 offenses in 2006 to 15 offenses in 2008. In contrast, violent crime in the Green Valley District north of the I-19 checkpoint has been decreasing since 2006, although the number of offenses remains almost twice as high. Additional information on crime trends for these counties can be found in appendix VII.

⁹² Officials from Santa Cruz and Pima County Sheriff's Departments said that data are not available in their information systems to identify if any of these crimes were committed by illegal aliens.

⁹³ The Santa Cruz County Sheriff's Department does not track crime data for the Tubac community specifically. Tubac is not an incorporated city and does not have its own police department but is included within the Santa Cruz County Sheriff's Department District 2.

Figure 18: Number of Violent Crime Offenses and Annual Percentage Change for Selected Arizona Locations, 2004 through 2008

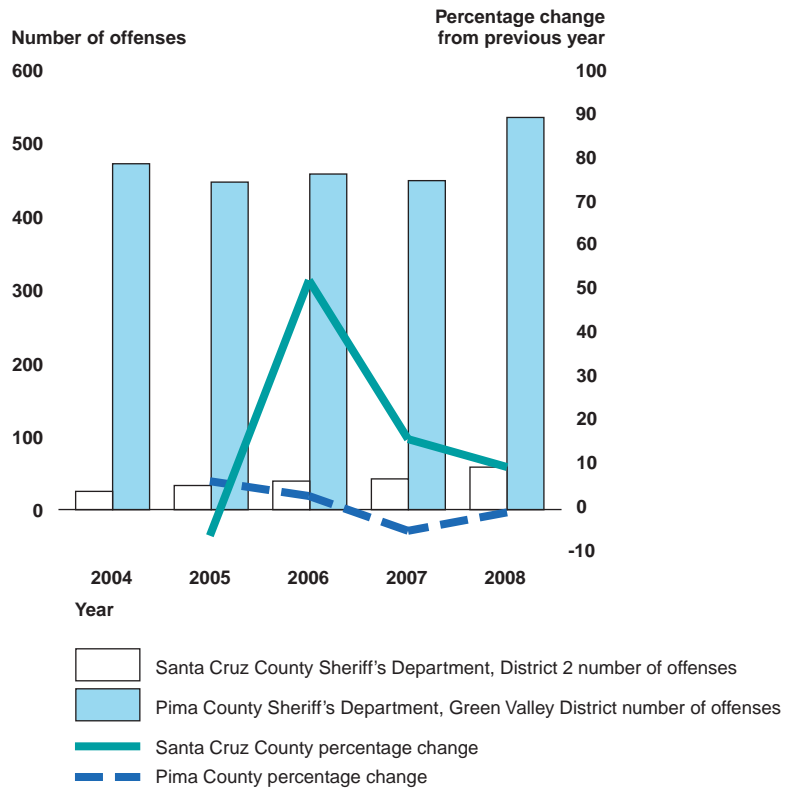


Source: GAO analysis of Pima County and Santa Cruz County Sheriff's Departments data.

Note: Percentages for data from relatively small populations may convey a level of precision that can be misleading because they can change greatly with minor changes in the data, therefore, when this occurs, we identify the number.

Crime patterns were similar for property offenses, which include burglary, larceny, auto theft, and arson. As shown in figure 19, District 2 containing the I-19 checkpoint experienced a 38 percent increase in property crimes compared to Green Valley District from 2007 to 2008, although the total number of offenses in 2008 was much lower; 58 versus 534 offenses, respectively. County level changes were also higher for Santa Cruz County compared to Pima County, which had a slight decline.

Figure 19: Number of Property Crime Offenses and Percentage Annual Change for Selected Arizona Locations, 2004 through 2008



Source: GAO analysis of Pima County and Santa Cruz County Sheriff's Departments data.

Conclusions

Within the past few years, CBP and the Border Patrol have increased staff, fencing, and other technology at the border to deter repeated illegal border crossings. Despite these investments at the border, however, it would appear that checkpoints will continue to serve a purpose as part of the Border Patrol's three-tiered strategy. As long as agency goals indicate that the majority of major criminal activity will pass through the ports of entry undetected, checkpoints are uniquely positioned to provide additional opportunities to apprehend illegal aliens and contraband that travel from the ports along U.S. interstates or roads.

Since our last report, the Border Patrol has established performance measures indicating checkpoint contributions toward apprehending illegal aliens and seizing illegal drugs, but the lack of information on those passing through checkpoints undetected continues to challenge the Border Patrol's ability to measure checkpoint effectiveness and provide

public accountability. While the Border Patrol has developed other measures in response to our 2005 recommendation that collectively may provide some indication of checkpoint effectiveness and efficiency, these measures cannot be effectively used until field agents accurately and consistently collect and enter performance data into the checkpoint information system. Field agents are unlikely to do so until guidance is improved, and rigorous oversight is implemented at the station, sector, and headquarters levels. The Border Patrol states that it will take action to address these issues. Until these actions are completed, however, the integrity of the CBP performance and accountability system in regard to checkpoint operations is uncertain. We reiterate the need for CBP to act on our prior recommendation to implement a cost-effectiveness measure in order to help encourage action by headquarters and field managers to identify best practices for checkpoint operation, and implement these practices across locations. Similarly, while the Border Patrol's national strategy cites the importance of assessing the community impact of Border Patrol operations, the implementation of such measures is noticeably lacking. Implementing such measures in areas of community concern may serve to provide greater attention and priority in Border Patrol operational and staffing decisions to address any existing issues.

Although the Border Patrol's checkpoint design process includes factors related to the safety and convenience of travelers, agents, and detainees, the absence of explicit requirements in Border Patrol checkpoint design guidelines and standards to consider current and expected traffic volumes when determining the number of inspection lanes and to conduct traffic studies could result in inconsistencies in the checkpoint design process and the risk that checkpoints may not be appropriately sized. Furthermore, the fact that the checkpoint strategy intends to push illegal aliens and smugglers to areas around checkpoints—which could include nearby communities—underscores the need for the Border Patrol to ensure that it deploys sufficient resources and staff to these areas. Conducting a needs assessment when planning for a new or upgraded checkpoint could help better ensure that officials consider the potential impact of the checkpoint on the community and plan for a sufficient number of agents and resources.

Recommendations for Executive Action

To improve the reliability and accountability of checkpoint performance results to the Congress and the public, we recommend that the Commissioner of Customs and Border Protection take the following four actions:

-
- Establish milestones for determining the feasibility of a checkpoint performance model that would allow the Border Patrol to compare apprehensions and seizures to the level of illegal activity passing through the checkpoint undetected.
 - Establish internal controls for management oversight of the accuracy, consistency, and completeness of checkpoint performance data.
 - Implement the quality of life measures that have already been identified by the Border Patrol to evaluate the impact that checkpoints have on local communities. Implementing these measures would include identifying appropriate data sources available at the local, state, or federal level, and developing guidance for how data should be collected and used in support of these measures.
 - Use the information generated from the quality of life measures in conjunction with other relevant factors to inform resource allocations and address identified impacts.

To ensure that the checkpoint design process results in checkpoints that are sized and resourced to meet operational and community needs, we recommend that the Commissioner of Customs and Border Protection take the following two actions:

- Require that current and expected traffic volumes be considered by the Border Patrol when determining the number of inspection lanes at new permanent checkpoints, that traffic studies be conducted and documented, and that these requirements be explicitly documented in Border Patrol checkpoint design guidelines and standards.
- In connection with planning for new or upgraded checkpoints, conduct a workforce planning needs assessment for checkpoint staffing allocations to determine the resources needed to address anticipated levels of illegal activity around the checkpoint.

Agency Comments

We provided a draft of this report to DHS and DOJ for review and comment. DHS provided written comments on August 24, 2009, which are presented in appendix VIII. In commenting on the draft report, DHS and CBP stated that they agreed with our recommendations and identified actions planned or underway to implement the recommendations. DOJ did not provide formal comments. CBP and DOJ also provided technical comments, which we incorporated as appropriate.

We are sending copies of this report to the Secretary of Homeland Security, the Commissioner of U.S. Customs and Border Protection, the Attorney General, and other interested parties. In addition, this report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you have any further questions about this report, please contact me at (202) 512-8777 or stanar@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix IX.

Richard M. Stana

Richard M. Stana
Director, Homeland Security and Justice Issues

List of Requesters

The Honorable Jon Kyl
Ranking Member
Subcommittee on Terrorism and Homeland Security
Committee on the Judiciary
United States Senate

The Honorable John Cornyn
Ranking Member
Subcommittee on Immigration, Refugees and Border Security
Committee on the Judiciary
United States Senate

The Honorable David E. Price
Chairman
Subcommittee on Homeland Security
Committee on Appropriations
House of Representatives

The Honorable John McCain
United States Senate

The Honorable Bob Filner
House of Representatives

The Honorable Gabrielle Giffords
House of Representatives

The Honorable Silvestre Reyes
House of Representatives

The Honorable Ciro D. Rodriguez
House of Representatives

Appendix I: Objectives, Scope, and Methodology

Objectives

This report addresses the following four principal questions:

- How has checkpoint performance contributed to meeting Border Patrol goals for securing the southwest border, and what factors, if any, have affected checkpoint performance?
- To what extent has the Border Patrol established measures of performance for checkpoints?
- To what extent has the Border Patrol considered community impacts in the placement and design of checkpoints since 2006, including the planned I-19 permanent checkpoint?
- How do checkpoint operations impact nearby communities, particularly those near the I-19 checkpoint, and to what extent does the Border Patrol address those impacts?

Scope and Methodology

To address our objectives, we examined and analyzed Border Patrol checkpoint policy documents, reports, manuals, and guidance concerning border strategy and checkpoint operations. We interviewed cognizant Border Patrol officials at Washington, D.C. headquarters, officials in sector offices, and personnel at selected permanent and tactical checkpoints. We visited five Border Patrol sectors—San Diego, California; Tucson, Arizona; Laredo, Texas; Rio Grande Valley, Texas; and El Paso, Texas (which also covers all of New Mexico). In total, we visited 12 permanent checkpoints and 3 tactical checkpoints, as shown in table 10.

Table 10: Checkpoints Visited by GAO, by Border Patrol Sector

Sector	Checkpoints visited
San Diego	<ul style="list-style-type: none"> • I-5 (permanent) • I-15 (permanent) • I-8 West (permanent) • State Route 94 (permanent)
Tucson	<ul style="list-style-type: none"> • I-19 (tactical) • Arivaca Road (tactical) • State Route 82 (tactical)
Laredo	<ul style="list-style-type: none"> • I-35 (permanent) • U.S. Route 83 North (permanent)
Rio Grande Valley	<ul style="list-style-type: none"> • U.S. Route 77 (permanent) • U.S. Route 281 (permanent)
El Paso	<ul style="list-style-type: none"> • I-10 (permanent) • I-25 (permanent) • U.S. Route 54 (permanent) • U.S. Route 70 (permanent)

Source: GAO.

The five sectors we visited were selected to provide a range in the size and types of checkpoint operations; estimated annual volume of illegal aliens; volume of vehicular traffic transiting checkpoints; topography and density of road networks; presence or absence of large urban areas on or near the border, both on the U.S. and Mexican sides; and types of checkpoints (permanent and tactical). As we were told by the Border Patrol in deciding which sectors and checkpoints to visit, and as we found during our site visits, these five sectors contained a wide variety of operating conditions. For example, we observed that traffic volumes varied widely at different checkpoints. Similarly, there were variations in the estimated numbers of illegal aliens entering these sectors over the last several years, and differences in topography, with some being comparatively mountainous and others being comparatively flat. During the winter months, the Laredo and Rio Grande Valley sectors have the Rio Grande as a natural barrier to illegal immigration, while the Tucson sector has a flat desert at the border that is easily crossed. Some sectors have permanent checkpoints, such as at Temecula, California, that must be supplemented with tactical checkpoints, because of substantial secondary road networks around the permanent checkpoint. Others, such as Rio Grande Valley, have no alternative secondary roads available to evade the permanent checkpoints on the limited north-south highways. Some sectors, such as San Diego and Laredo, have large U.S. and Mexican urban areas on or very near the

international border, while others, such as Tucson, have only a few much smaller cities on either side at the border. In choosing these sectors, which are located in all four southwest border states (California, Arizona, New Mexico, and Texas), we sought and found a wide range of conditions that appear to reasonably represent the range of operating conditions faced by the Border Patrol across the Southwest. However, we were unable to observe all operating conditions at all times and the conditions we describe are therefore based on available documentation and observations at our site visits only.

We also interviewed selected officials in communities near some of the checkpoints, including state and local law enforcement and community officials, selected community leaders, citizens, and owners of local businesses. These included the communities of Temecula, California; Green Valley, Arizona; Nogales, Arizona; Sahaurita, Arizona; Tubac, Arizona; Laredo, Texas; Sarita, Texas; Kingsville, Texas; Falfurrias, Texas; Las Cruces, New Mexico; and Alamogordo, New Mexico. Because these places and persons was a nonprobability sample, the results from our site visits cannot be generalized to other locations, checkpoints, local officials, or citizens, but what we learned from our site visits and the persons we interviewed provided a useful perspective on the issues addressed in this report.

However, this report does not address some of the larger issues surrounding illegal immigration into the United States, such as the disparities in average daily wages between Mexico and the United States, and the incentives created by these disparities for illegal immigration, as well as the difficulties of neutralizing such disparities through work site enforcement. We have addressed some of these issues in prior work.¹ In addition, although deterring illegal immigration through the likelihood of detection and apprehension is a goal of the Border Patrol—and checkpoints—we did not attempt to measure the deterrent effect of the Border Patrol's operations, as this would have required, among other things, opinion surveys of Mexican citizens and potential contraband smugglers. This report also does not address the larger factors related to illegal drugs in the United States, such as the demand for illegal drugs in the United States and the incentives those create, U.S. and Mexican

¹ See, for example, GAO, *Immigration Enforcement: Weaknesses Hinder Employment Verification and Worksite Enforcement Efforts*, [GAO-06-895T](#) (Washington, D.C.: June 19, 2006).

government efforts to address the smuggling of illegal drugs, and the U.S. government anti-drug policies.

We conducted this performance audit from July 2008 to August 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides this reasonable basis for our findings and conclusions based on our audit objectives.

Checkpoint Contributions

To assess the contributions checkpoints make to the Border Patrol's mission and the factors that affect checkpoint performance, we reviewed Border Patrol policy and guidance regarding checkpoint operations and interviewed officials at Border Patrol headquarters, including the Chief and other senior managers, and officials responsible for operating checkpoints in five of the nine Border Patrol sectors on the southwest border. We obtained data reported in Border Patrol's checkpoint activity report (CAR) for all checkpoints, permanent and tactical, located in southwest border states. We were limited to data from fiscal years 2007 and 2008 because while the CAR was implemented in July 2006, consistent data for all checkpoints were not available until October 2006—the beginning of fiscal year 2007. To obtain checkpoint apprehensions and seizures by sector, we added apprehensions and seizures that occurred at each sector's checkpoints for each fiscal year. Of the 71 checkpoints located in the nine southwest border sectors, only two checkpoints in the Rio Grande Valley sector defined apprehensions and seizures at checkpoint in a manner inconsistent with Border Patrol guidance. These two checkpoints count all apprehensions and seizures occurring within 2.5 miles of the checkpoint as occurring "at checkpoint," as of August 2008. Prior to August 2008, these two checkpoints used the same definition as other checkpoints—that an apprehension or seizure at a checkpoint occurs "at the immediate checkpoint." Nevertheless, we believe these checkpoint data to be sufficiently reliable for reporting purposes, with limitations noted, based on the steps we describe in the next section. We also obtained data from the Border Patrol on total apprehensions and drug seizures across each of the nine southwest border sectors to compare the relative contributions of each sector's checkpoints to overall apprehensions and drug seizures on the southwest border. In addition, we obtained data from the CAR on the number of aliens from special interest countries encountered at checkpoints in fiscal years 2007 and 2008, and obtained information from U.S. Customs and Border Protection (CBP) and

Border Patrol officials regarding how those encounters are managed and documented. We reviewed Border Patrol guidance and interviewed officials responsible for checkpoint operations in five Border Patrol sectors regarding factors that influence checkpoint performance. We also interviewed Drug Enforcement Administration and selected local law enforcement officials located near checkpoints in five Border Patrol sectors to determine the extent to which Border Patrol checkpoints support or impact their respective law enforcement operations.

Assessment of Checkpoint Performance Measures

To assess Border Patrol's checkpoint performance measures, we reviewed documents from Border Patrol and CBP, including a document identifying various checkpoint performance measures developed by Border Patrol, CBP's annual Performance and Accountability Reports (PAR) for fiscal years 2006 through 2008, and DHS's annual performance reports for fiscal years 2007 through 2010. We also reviewed our prior report on checkpoints, which found that Border Patrol had not established adequate performance measures for checkpoints.² We met with Border Patrol headquarters officials responsible for developing and implementing checkpoint performance measures to discuss the measures and how they are used by Border Patrol management. We also met with officials at the Border Patrol sectors we visited to discuss the checkpoint performance measures. In addition, we compared Border Patrol's performance measures and data collection practices with the Government Performance and Results Act of 1993 (GPRA)³ and GAO's *Standards for Internal Control in the Federal Government*.⁴

To assess the reliability of checkpoint performance data and to determine how checkpoint supervisors input information into the CAR, we sent a data collection instrument to Border Patrol officials, who provided it to all Border Patrol stations along the southwest border responsible for operating checkpoints. The CAR is the primary data collection system for checkpoint performance data. We received responses from 60 checkpoints. We determined, based on these responses, our own observations of checkpoint data entry at some checkpoints, and a review of Border Patrol provided data, that data on "at checkpoint"

² [GAO-05-435](#).

³ Pub. L. No. 103-62, 107 Stat. 285 (1993).

⁴ [GAO/AIMD-00-21.3.1](#).

apprehensions and seizures were sufficiently reliable for reporting purposes, but other data fields were not consistently collected and therefore not reliable for our reporting purposes. Based on the results of the data collection instrument, we identified various factors that contribute to checkpoint data reliability issues. We also interviewed Border Patrol headquarters officials and officials at the five sectors we visited in the field about data integrity procedures, including methods by which data are checked and reviewed for accuracy. We also reviewed documents to determine what guidance is provided for collecting and reporting checkpoint performance data, and what steps could be taken to address identified data problems.

To assess Border Patrol's reporting of checkpoint performance measures in the annual CBP PAR, we compared the reported results with our own calculations of checkpoint performance data. These checkpoint performance measures reported in the PAR are (1) apprehensions at checkpoints as a percentage of total Border Patrol apprehensions, (2) drug seizures at checkpoints as a percentage of total Border Patrol drug seizures, and (3) percentage of checkpoint cases referred to a U.S. Attorney. For the first two measures, we used data from the CAR to calculate the total number of checkpoint apprehensions and checkpoint drug seizures, and divided that result by total apprehensions and drug seizures in Border Patrol's nine southwest border sectors. For the referral measure, we again used data from the CAR to calculate the total number of checkpoint cases that result in a referral to a U.S. Attorney. We then divided that number by total apprehensions occurring at southwest border checkpoints. We noted discrepancies between Border Patrol's reported performance and our analysis of the results of Border Patrol performance measures, and we discussed these discrepancies with Border Patrol officials responsible for checkpoint performance measurement.

We attempted to analyze other aspects of checkpoint performance, such as apprehensions at checkpoints compared to apprehensions on circumvention routes and apprehension and seizures using methods of concealment. However, our ability to report on these measures for all checkpoints was limited because we identified inconsistencies through our data collection instrument in how those data are reported by checkpoints in southwest border sectors. We discussed the issues we found with Border Patrol headquarters officials responsible for oversight of checkpoint operations.

We also developed additional measures intended to allow for comparisons between checkpoints, but certain data limitations hinder detailed

quantitative analysis. As stated earlier, it is not possible to use the numbers of apprehensions and seizures made at checkpoints as the sole basis for comparison between checkpoints, because there are a number of factors and variables that can influence and impact checkpoint performance. For example, a checkpoint that accounted for 500 apprehensions is not necessarily better or more effective than a checkpoint that accounted for 50 apprehensions. The differences in apprehension totals between the checkpoints could be attributed to a number of factors that are outside of the control of the checkpoint, such as variations in operational hours and differences in traffic volume. As such, we developed measures that were intended to normalize or control for these variables. These measures included examining apprehensions and seizures on an operational hour basis, apprehensions and seizures per agent year, and apprehensions and seizures based upon the average annual daily traffic volume at the checkpoint.

First, in the case of our operational hour analysis, checkpoints that were not operational as long as others appeared to perform better than checkpoints that were operational nearly 24 hours per day. For example, using this measure, the I-5 checkpoint in the San Diego sector is one of the best performing checkpoints. However, it is only operational, on average, 1.5 hours per day. Meanwhile, the checkpoint located on U.S. Route 281 in Falfurrias, Texas, seizes more drugs and apprehends more illegal aliens than the I-5 checkpoint, and is open 23 hours and 20 minutes every day, on average, but does not perform as well as the I-5 checkpoint using an operational hour measure. Therefore, while the I-5 checkpoint performs well using an operational hour analysis measure, one can assume that drugs and illegal aliens pass through that checkpoint in the hours that it is not operational.

Second, we attempted to develop a cost effectiveness measure for permanent checkpoints that would examine apprehensions and seizures per agent work year. We chose this measure because a question that is frequently, if not almost universally, asked about government programs, is, "What is known about their cost effectiveness?" One potential measure of such cost effectiveness for the Border Patrol would be how much did it cost to apprehend a single person or seize illegal drugs in one checkpoint compared with other checkpoints or other Border Patrol activities? While this measure and others should not be taken in isolation as further guides to management decisions, knowledge of the basic costs of an agency's key outcomes (such as apprehensions of illegal aliens) per unit of input (agent labor costs) can be part of the basis for improved allocation of resources.

While such a performance measure can provide some information on cost effectiveness, some apprehensions or seizures may be considered more important to the agency than others. For instance, apprehending a drug smuggler or a terrorist might be considered more important than apprehending an illegal alien job seeker. Additionally, in attempting to develop this measure, we learned that at least 20 of the 32 permanent checkpoints on the southwest border have migrated to a four overlapping shift format, while the CAR is limited to reporting of three shifts. As a result, at least 20 permanent checkpoints are unable to accurately report the number of agents assigned to the checkpoint, limiting our ability to conduct an apprehension and seizure by agent work year analysis. In addition, the Border Patrol does not track the number of agents staffed to line watch and roving patrol operations, so we could not compare the performance of checkpoints (as measured by apprehensions and seizures per agent work year) to these other Border Patrol activities.

Third, we attempted to conduct an analysis of permanent checkpoints' apprehensions and seizures in relation to traffic volume. Because it could be assumed that checkpoints with high traffic volumes may also have high apprehension and seizure totals, such an analysis was an attempt to normalize for differences in traffic volume to determine if certain checkpoints have higher apprehension and seizure rates per traffic volume than others. Higher rates of apprehensions and seizures could indicate a more effective checkpoint—that is, one that is better able to detect illegal activity—or it could be due to volume of illegal traffic coming through the checkpoint. We attempted to use the traffic volume numbers reported by checkpoint in the CAR, but could not determine whether those numbers were reliable. Therefore, we accessed the online transportation databases for the four southwest border states and obtained average annual daily traffic volume for major highways in California, Arizona, New Mexico, and Texas. However, we could not conduct a comprehensive analysis for all checkpoints using this measure because (1) checkpoints were located at various distances from a traffic counter or (2) checkpoints (particularly tactical checkpoints) were on a highway that did not have a traffic counter.

**Border Patrol's
Consideration of
Community Impacts in the
Checkpoint Placement and
Design Process**

Regarding checkpoint placement and design, we met with officials from CBP Facilities Management and Engineering, Border Patrol Tactical Infrastructures, Border Patrol Southwest Operations Division, and Border Patrol sector and station offices to understand the checkpoint placement and design process and the roles and responsibilities of each office and component. We also reviewed available Border Patrol and CBP documentation describing the checkpoint placement and design process,

such as the 2003 Border Patrol Facilities Design Guide and Border Patrol checkpoint policy.

We assessed the extent to which the Border Patrol considered community impacts in the design and placement of checkpoints that were either (a) new permanent checkpoints constructed in the last 3 years, or (b) new permanent checkpoints currently under construction. We did not include all checkpoints in our analysis, because the guidelines and standards for checkpoint placement and design have changed over time, and it would not be appropriate to assess checkpoints that were built decades ago with current checkpoint placement and design guidelines. In addition, limited documentation is available for checkpoints constructed prior to 2006, according to Border Patrol and CBP officials. We did not include checkpoints that were or are being renovated or expanded, because they would not be subject to Border Patrol's checkpoint placement guidelines. We also did not include tactical checkpoints in our analysis, because these lack permanent infrastructure. We also included in our analysis the planned I-19 permanent checkpoint, rather than all planned checkpoints, because of the extent of the controversy regarding that particular checkpoint.

We obtained information on checkpoints that met our criteria from Border Patrol and CBP. Based on this information, and review of available documentation, we determined that three checkpoints met our criteria: (1) the I-35 checkpoint in the Laredo sector, which was completed in 2006, (2) the U.S. Route 62/180 checkpoint in the El Paso sector, which was completed in 2009, and (3) the U.S. Route 83 checkpoint in the Laredo sector—expected to be completed in October 2009. For each of these checkpoints, we reviewed available documentation related to the placement and design of these checkpoints, including Border Patrol Facilities Design Guide—which has a section for checkpoint design—and Border Patrol checkpoint policy. These documents describe Border Patrol's guidelines for placement and design of checkpoint facilities, including where they should be located and the types of resources and capabilities that checkpoints should include. Border Patrol officials noted that these documents provide general guidance on checkpoint placement and design, rather than specific requirements. We also reviewed environmental assessments, which describe the Border Patrol's rationale for selection of a particular site, information on consideration of environmental and community impact, and the Border Patrol's coordination with various federal and state agencies. We also talked with CBP and Border Patrol headquarters officials and Border Patrol sector

officials about how placement and design decisions were made for these checkpoints.

Regarding the planned I-19 permanent checkpoint, we used the Border Patrol Facilities Design Guide and Border Patrol checkpoint policy as our primary basis for evaluating the placement and design of the I-19 checkpoint. We reviewed available documentation from Border Patrol's Tucson sector regarding the placement factors considered in determining the location of the I-19 permanent checkpoint. To observe firsthand the possible checkpoint locations, we traveled along the I-19 corridor, from Nogales to Tucson, with Border Patrol officials who explained their rationale for tentatively choosing the KP 41 location, and why other sites were not suitable, in their view.

We reviewed available documentation related to the design of the checkpoint, including a site plan which showed the layout of the proposed checkpoint and draft environmental assessments. We also met with Border Patrol officials about their rationale for the design for the checkpoint, including total size (footprint), resources, and size of various functional areas. We talked with officials from the Arizona Department of Transportation (ADOT) about their input and requirements for the I-19 permanent checkpoint location. We obtained and analyzed ADOT traffic projection data, which was developed by a contractor working for ADOT, and talked with ADOT engineers and the I-19 permanent checkpoint project manager about traffic projections. We also talked with officials and reviewed planning documents from the Santa Cruz County Department of Community Development to obtain information on plans for development in the areas near the proposed checkpoint location. In addition, we reviewed the recommendations on the design of the permanent I-19 checkpoint made by the Workgroup on Southern Arizona Checkpoints, and the Border Patrol's responses to the recommendations.

We also analyzed the Program Advisory for the I-19 permanent checkpoint, which was prepared by an engineering firm contractor to the Border Patrol. This document identifies space recommendations based on an assessment of checkpoint requirements, traffic capacity, apprehension and holding assessments, checkpoint operations, and number of staff. We met with the project manager for the I-19 checkpoint project to discuss these documents and the placement and design of the checkpoint. The project manager also provided square footage information for both the proposed I-19 permanent checkpoint and the I-35 checkpoint in the Laredo sector, which allowed us to compare the sizes of the two checkpoints. We used the I-35 checkpoint as a basis for comparison because Border Patrol

officials told us that the I-35 checkpoint was used as a frame of reference for the I-19 permanent checkpoint, and the I-35 checkpoint was also a large, permanent checkpoint. We also compared plans for the proposed I-19 permanent checkpoint with other large checkpoints in terms of number of primary and secondary inspection lanes, and total property size (acreage). We obtained data on number of inspection lanes and checkpoint size from the Border Patrol and CBP, and found the data to be sufficiently reliable for reporting purposes. For other potential variables, such as number of buildings, total building square footage, and traffic volume, we found that data were not consistently available and therefore were not sufficiently reliable for reporting purposes.

To determine if the Border Patrol followed its checkpoint placement guidelines regarding locating checkpoints in remote areas for the three checkpoints either constructed or under construction since 2006, we calculated the distances between each checkpoint and the nearest school and hospital, as listed in MapInfo's institution data. To determine the reliability of the institution data for schools, we compared it to the Department of Education's Common Core Data (CCD) for schools in the counties surrounding the checkpoints. We determined that the institution layer supplemented with data from the CCD was sufficiently reliable for our purposes. To determine the reliability of the institution data for hospitals, we compared it to a list of Medicare eligible hospitals in the counties surrounding the checkpoints. We determined that the institution layer supplemented with the Medicare Hospital data was sufficiently reliable for our purposes. We also used 2000 Census data to estimate the populations within 1 and 5 miles of each location. Population estimates were calculated by using MapInfo to draw a circle with a 1- or 5-mile radius around the checkpoint locations provided by the Border Patrol. These circles were then layered over 2000 Census block group-level population data. For each block group, we determined the proportion of the area that fell within the 1- or 5-mile radius of the checkpoint. The Census population for each block group that fell within the boundary of interest was multiplied by the proportion as an estimate of what proportion of the population in the block group lived within 1 or 5 miles of the checkpoint. The estimates for each block group were then added together to estimate the total population living around the checkpoint. For the planned I-19 permanent checkpoint, we calculated distances of four proposed checkpoint locations from the nearest school and hospital, and we used 2000 Census data to estimate the populations within 1 and 5 miles of each location.

Community Impacts of Checkpoint Operations

To assess the extent that the Border Patrol has considered community impacts in the operation of checkpoints, we reviewed Border Patrol operational guidance, policy documents, and training materials that describe Border Patrol standards and processes for monitoring and responding to circumvention activity. We also met with Border Patrol officials at the 15 checkpoints we visited to discuss their efforts to monitor and respond to circumvention activity and how they coordinate with nearby communities.

To understand the extent that operations from Border Patrol checkpoints impact surrounding areas, we interviewed state and local law enforcement, business groups, community leaders, and other members of communities in the areas we visited to obtain their perspectives on impacts, if any, experienced by those who live or work within the areas surrounding checkpoints. In the five Border Patrol sectors we visited, we met with the following

Fourteen law enforcement agencies in five sectors:

- Tucson sector: Arizona Department of Public Safety; Pima County Sheriff's Department; Sahuarita Police Department; Santa Cruz County Sheriff's Department; and Tucson Police Department.
- San Diego sector: California Highway Patrol; Oceanside Police Department; San Diego County Sheriff's Department; and Temecula Police Department.
- Rio Grande Valley sector: Kenedy County Sheriff's Department
- Laredo sector: Laredo Police Department and Webb County Sheriff's Department.
- El Paso sector: Alamogordo Department of Public Safety and Doña Ana County Sheriff's Department.

Business organizations in three sectors:

- Temecula Chamber of Commerce (San Diego sector),
- Kingsville Economic Development Council (Rio Grande Valley sector),
- Tubac Chamber of Commerce and other Chamber of Commerce members who were participants in the Community Workgroup on Southern Arizona Checkpoints town hall meeting (Tucson sector).

And ranchers and residents in three sectors (San Diego, Tucson, and Laredo) that we, or the Border Patrol, identified because they were

landowners, residents, or business owners of the areas surrounding specific Border Patrol checkpoints.

For each sector we visited, we attempted to identify local community organizations or community members who could provide insight into the impacts of checkpoint operations. However, in some cases—such as when checkpoints were located in areas that were rural and remote—we were unable to identify appropriate local organizations or community members that could provide insight on the impacts of checkpoint operations. In those cases we relied on the perspectives of local law enforcement officials that patrolled the area of jurisdiction around the checkpoint. In our meetings with these organizations and community members, we asked specific questions regarding the impacts from checkpoint operations and Border Patrol’s response to these impacts. Because the checkpoints and potential interviewees were a nonprobability sample, the results from our site visits cannot be generalized to other locations and checkpoints; however, what we learned from our site visits provided a useful background into the types of impacts that occur as a result of checkpoint operations.

In the Border Patrol Tucson sector, there was a community group—known as the Community Workgroup for Southern Arizona Checkpoints—that was organized around issues relating to the I-19 checkpoint. Chaired by the Border Patrol sector chief and U.S. Congresswoman Gabrielle Giffords, the mission of the workgroup was to build a better understanding among southern Arizona communities on checkpoint operations and community impacts and to make recommendations on issues, concerns, and ideas regarding the current checkpoint and proposed permanent checkpoints. We reviewed documents from the workgroup and news articles that reported concerns of the community. While in the Tucson sector, we held a town hall style meeting for all workgroup members and others from the community. The town hall meeting was facilitated with a prepared set of questions to ensure that we obtained input regarding perceived community impacts from checkpoint operations. This was the only Border Patrol sector that had an organized and involved community group that had been actively discussing Border Patrol checkpoints, as far as we could determine.

We attempted to determine the extent to which checkpoint operations can be linked to third-party indicators such as crime, economic, tourism, and property value data. Based on extensive research and analysis, we determined there were many limitations to drawing such causal links. Third-party indicators, such as these, are complex statistics impacted by

numerous factors, many of which have little to do with border enforcement. It is difficult to further separate checkpoint operations from overall border enforcement, and data on crime, economic, tourism, and property values can fluctuate in ways that have no correlation to checkpoint operations, but may be influenced by other factors, such as the U.S. and global economies. Additionally, to understand any trends in these indicators there needs to be a complete set of historical data to develop a baseline understanding before interpreting factors that can change the baseline. If checkpoint operations could impact trends, data should be tracked for several years before and after a checkpoint is established to understand and control for external variables that may also be impacting trends. Given the community concerns regarding the checkpoint on the I-19 highway in the Tucson sector, we collected some historical data on crime, business, and real estate values for communities close to the I-19 checkpoint, the checkpoint's surrounding and nearest counties, and the state of Arizona. Those data are presented in the report and appendices simply to show overall trends, without controlling for checkpoint operation or other factors. We are unable to draw any conclusions from these data and cannot link checkpoint operations to any of these indicators. We also cannot infer that real estate values, tourism, or crime trends are better or worse for nearby communities since the checkpoint on the I-19 highway became fixed at the KP 42 location in November 2006. We determined that the property value, economic, tourism, and crime data used within the report and appendices were sufficiently reliable for providing historical trends and general descriptions of each of the below categories. To determine the reliability of these data, we reviewed existing information about the data systems and interviewed knowledgeable officials about the data, as available.

Property value data. We obtained and reviewed data on property values from federal, state, and local agencies. At the federal level we reviewed available data on property values from several nationwide data sets, such as Federal Housing Finance Board, U.S. Department of Housing and Urban Development, Case-Shiller, National Association of Realtors, and U.S. Census Bureau, and determined that their level of geographic reporting was not specific enough to the areas of interest, such as Tubac and Green Valley. At the state level we reviewed available data from the Arizona Department of Commerce and the Arizona Tax Research Association, which provides annual publications on property tax rates and assessed values. The publication is completed every 2 years and compiles county- and district-level data on net assessed values for all properties, which is based on tax rates and levy sheets that are officially adopted by each of the County Board of Supervisors. The values provided to the Board of

Supervisors comes from each of their Tax Assessor's offices and are all calculated in the same way. Within this publication, Tubac is defined by the Tubac Fire District boundaries. We used available data from the Arizona Tax Research Association from 2000 to 2008, calculated percentage changes from year to year, and compiled the data into charts for reporting. At the county level, we reviewed median property values as provided by the Santa Cruz County and Pima County Tax Assessor's Offices. Santa Cruz County Tax Assessor's Office provided annual median property values for the county and the area of Tubac. Pima County Tax Assessor's Office provided annual median property values for the county and the area of Green Valley, as defined by the Green Valley Fire District boundaries. Each of the offices use guidelines set by the Arizona Department of Revenue to determine median property value, which is calculated based on sales for each tax year and have an 18 month lag. For example, for tax year 2008, property sales data analyzed was from the time frame of January 1 through December 31, 2005, and January 1 through June 30, 2006. We used available data, calculated percentage changes from year to year, and compiled the data into charts for reporting. We also obtained Multiple Listing Service (MLS) data from Brasher Real Estate, Inc., a real estate company located in the Tubac area. MLS data is listings of sales of land and residential properties within specific geographic areas. We obtained data on sales in Tubac, Rio Rico, Amado, Nogales, Tumacacori, and Green Valley. We used available data to calculate quarterly totals and compiled the data into a chart for reporting. Because real estate values can be calculated in different ways we reported data on several indicators to provide a complete picture of property values in the various geographic areas. With each of these indicators it is important to note that there has been a significant housing market downturn nationwide that can affect any and all of these available data sets and we cannot draw any conclusion between checkpoint operations and the health of property values in a specific area.

Economic data. We obtained and reviewed data from multiple state and national agencies, such as Arizona Indicators, Arizona Department of Commerce, U.S. Department of Labor, Bureau of Labor Statistics, and U.S. Department of Commerce, Bureau of Economic Analysis and U.S. Census Bureau. Each of these data sets track information by the North American Industry Classification System (NAICS), which is the system used to classify establishments by industry by the United States, Canada, and Mexico. Because art and tourism are important to the economy of Tubac, and concerns had been expressed regarding the impact of the Border Patrol checkpoint on the real estate industry in Tubac, we also collected data on the Accommodation and Food Services, Arts, Entertainment, and

Recreation, and Real Estate and Rental and Leasing NAICS industries for each of the data sets. One limitation to using any type of economic data is that it is important to consider the context of the increases and decreases in percentage changes within the significant economic downturn faced nationwide. After reviewing available data sets, we compiled data and calculated the annual percentage change for each of the indicators:

- U.S. Department of Commerce, U.S. Census Bureau, County Business Pattern annual data on annual payroll, number of employees, and number of establishments, broken down by NAICS category, for the state of Arizona, Pima County, Santa Cruz County, and the area of Tubac, through the end of 2006. Data from 2007 were unavailable at the time of our report. One limitation to using these data is that the variation in number of establishments over time gives little sense of how big the establishments or variations are, for example, whether there were consolidations that reduced the number of establishments but not the level of economic output.
- U.S. Department of Commerce, Bureau of Economic Analysis annual data on the number of jobs and personal income, broken down by NAICS category, for the state of Arizona, Pima County, and Santa Cruz County, through the end of 2007. Annual state Gross Domestic Product data are also available through the end of 2007. Data for the Tubac area were not available.
- U.S. Department of Labor, Bureau of Labor Statistics, Quarterly Census of Employment and Wages quarterly and annual data on wages, broken down by NAICS category, for the state of Arizona, Pima County, and Santa Cruz County, through the end of 2007. Data for the Tubac area were not available.

Although the Bureau of Economic Analysis and Bureau of Labor Statistics data were more current than the U.S. Census Bureau County Business Pattern data (as data were available for 2007 and 2008), data were not available at the ZIP code level—only for the county level. Therefore, we decided not to include those data within our report.

Tourism data. The Arizona Office of Tourism provides data on Arizona’s tourism industry, compiling data at the state and county levels. For the state of Arizona, Pima County, and Santa Cruz County, we obtained and reviewed data from 1998 to 2008 on occupancy rates, average daily rates, and revenue per available room and 2005 through 2008 on lodging demand and supply. Data for the Tubac area were not available for these

indicators. However, the Arizona State Parks collects data on the total number of visitors to all Arizona state parks, including a state park near Tubac. We obtained and reviewed data on total annual number of visitors from 2001 to 2008 for Tubac Presidio State Historic Park and Patagonia Lake State Park, which is also in Santa Cruz County. We used available data to calculate percentage changes from year to year, for each of the indicators, and compiled the data into various charts for reporting.

Crime data. We obtained and reviewed 2004 through 2008 crime reporting from the Arizona Department of Public Safety, Pima County Sheriff's Department, and Santa Cruz County Sheriff's Department. We also obtained and reviewed 2004 through 2007 annual crime reporting from Federal Bureau of Investigation (FBI) Uniform Crime Reports for Pima County and the state of Arizona. Pima County and Santa Cruz County Sheriff's Departments both provided additional district level data for us to review crimes that occurred within the areas closest to the I-19 checkpoint. We calculated the annual percentage change for major crime categories and compiled the data into various charts for reporting. We present the crime data to show overall trends and number of various types of offenses in the communities near the I-19 checkpoint, but cannot link any of these crimes to checkpoint operations, due to several important limitations. First, local law enforcement agencies we collected data from do not track the citizenship status of those arrested for crimes and could not identify which crimes were committed by illegal aliens. They also do not determine whether a crime was committed by someone attempting to circumvent the checkpoint. Accordingly, there is no way to determine if a particular criminal act was committed by an illegal alien that was attempting to circumvent the checkpoint or if the crime was unrelated to the checkpoint. Second, local law enforcement agencies we collected data from compile their crime data by county or by districts, not by a specific geographic region around checkpoints. As a result, these agencies could not provide data that would show the number and types of crimes that occurred within a certain radius around a checkpoint.

Appendix II: Proposed Border Patrol Checkpoint Performance Measures

In 2006, the Border Patrol convened a working group led by Border Patrol headquarters officials with participation from field representatives. This group identified 21 possible performance measures regarding checkpoint operations. These 21 possible performance measures were divided into four main groupings:

- At the checkpoint
- Immediate impact areas
- At the border
- Quality of life

The 21 performance measures and a description of each measure are listed below.

At the Checkpoints

1. **Ensure the traffic checkpoints are consistently operational in accordance with national and sector priorities and threat levels:** This measure is to examine the percentage of time traffic checkpoints are operational compared to non-operational.
2. **Maintain compliance with national Border Patrol checkpoint policy:** This measure is to examine the percentage of time for each reason why traffic checkpoints are non-operational.
3. **Determine effectiveness of canines at traffic checkpoints:** This measure is to examine the number of smuggling events, both human and narcotics, at traffic checkpoints detected by canines compared to the number of smuggling events detected without canine assists.
4. **Identify types of concealment methods used by smugglers at traffic checkpoints:** This measure is to examine the number of apprehensions made at traffic checkpoints with concealment methods used compared to apprehensions without concealment methods.
5. **Identify the number of aliens in smuggling loads:** This measure is to examine the number of apprehensions in each smuggling load made at traffic checkpoints.
6. **Utilize technologies in support of traffic checkpoint operations to identify the appropriate technology required for efficient checkpoint operations:** This measure is to examine the number of

apprehensions and seizures attributable to technology support for traffic checkpoint operations.

7. **Examine the effectiveness of sensors on traffic checkpoint operations:** This measure is to examine the number of apprehensions and seizures attributable to sensor activations when the traffic checkpoints are operational or non-operational.
8. **Examine operating and maintenance cost effectiveness of checkpoint operations:** This measure is to examine the cost effectiveness associated with operating and maintaining permanent traffic checkpoints compared to tactical traffic checkpoints. This measure is to also examine the cost effectiveness associated with the operating and maintenance of traffic checkpoint operations compared to the overall budget allocated for border enforcement activities.

Immediate Impact Areas

9. **Evaluate changes in patterns and trends to identify checkpoint circumvention routes:** This measure is to compare the number of apprehensions at the traffic checkpoint to apprehensions on circumventing routes.
10. **Compare checkpoint apprehensions to apprehensions from circumventing routes when the checkpoint is operational:** The measure is to compare the number of apprehensions at the traffic checkpoint to apprehensions on circumventing routes.
11. **Compare checkpoint narcotics seizures to narcotic seizures on circumventing routes when the checkpoint is operational:** The measure is to compare the number of seizures at the traffic checkpoint to seizures on circumventing routes.
12. **Monitor effects of checkpoint operation on other areas:** This measure is to compare the percentage of apprehensions and seizures at traffic checkpoints to the apprehensions and seizures in adjacent zones or other zones impacted by checkpoint operations.
13. **Examine the impact the operational checkpoint has on transportation check activities, such as aircraft, bus, or train checks:** This measure is to compare the number of apprehensions from transportation checkpoints compared to when traffic checkpoints are operational and non-operational.

14. **Examine the impact operational checkpoints have on staging areas (i.e., stash houses):** This measure is to compare the number of apprehensions at staging areas when traffic checkpoints are operational or not operational.

At the Border

15. **Compare traffic checkpoint operation apprehensions to other enforcement activities:** This measure is to examine the number of traffic checkpoint apprehensions compared to all other enforcement activities.
16. **Compare traffic checkpoint operation seizures to other enforcement activities:** This measure is to examine the number of traffic checkpoint seizures compared to all other enforcement activities.
17. **Compare man-hours dedicated to checkpoint operations to man-hours dedicated to other enforcement activities:** This measure is to compare the percentage of manpower used at traffic checkpoints to the manpower used at other enforcement activities.

Quality of Life

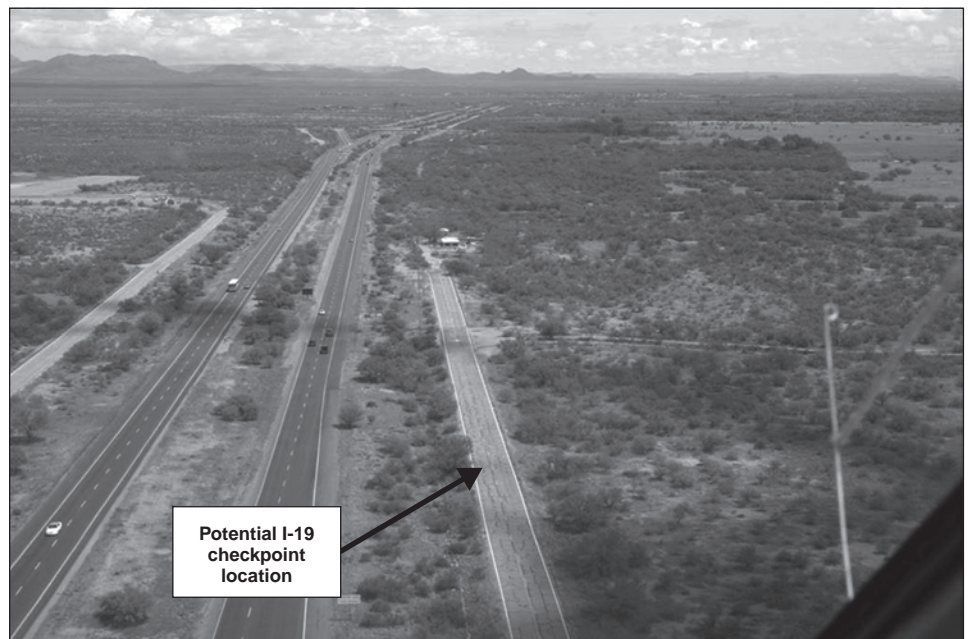
18. **Examine the reduction of major crimes in areas affected by checkpoint operations and beyond:** This measure is to examine the number of apprehensions of major crimes in areas affected by traffic checkpoint operations compared to the number of major crimes in other border enforcement areas without traffic checkpoint operations.
19. **Refer smugglers for prosecution:** This measure is to examine the number of border related cases pertaining to traffic checkpoint operations referred to the U.S. Attorney (including state, county, and local attorneys) or not referred.
20. **Coordinate with federal, state, local, and tribal agencies to support and improve border enforcement activities:** This measure is to compare the number and type of events/cases that were referred to or notified for other agencies that are related to traffic checkpoint operations.
21. **Examine the number and location of apprehensions turned over to the Border Patrol by other agencies when the checkpoint is**

operational to determine effect of operational checkpoint on communities: This measure is to compare the number of apprehensions turned over to Border Patrol by other agencies compared to when the traffic checkpoint is operational and non-operational.

Appendix III: Photographs of Potential Checkpoint Locations on I-19, in Arizona

The following figures represent aerial photographs of the four potential checkpoint locations considered by the Border Patrol, on I-19, in southern Arizona. These photographs show the interstate, nearby roads, and the surrounding areas.

Figure 20: KP 41, Looking North, Aerial View, Location Marked



Source: Border Patrol.

**Appendix III: Photographs of Potential
Checkpoint Locations on I-19, in Arizona**

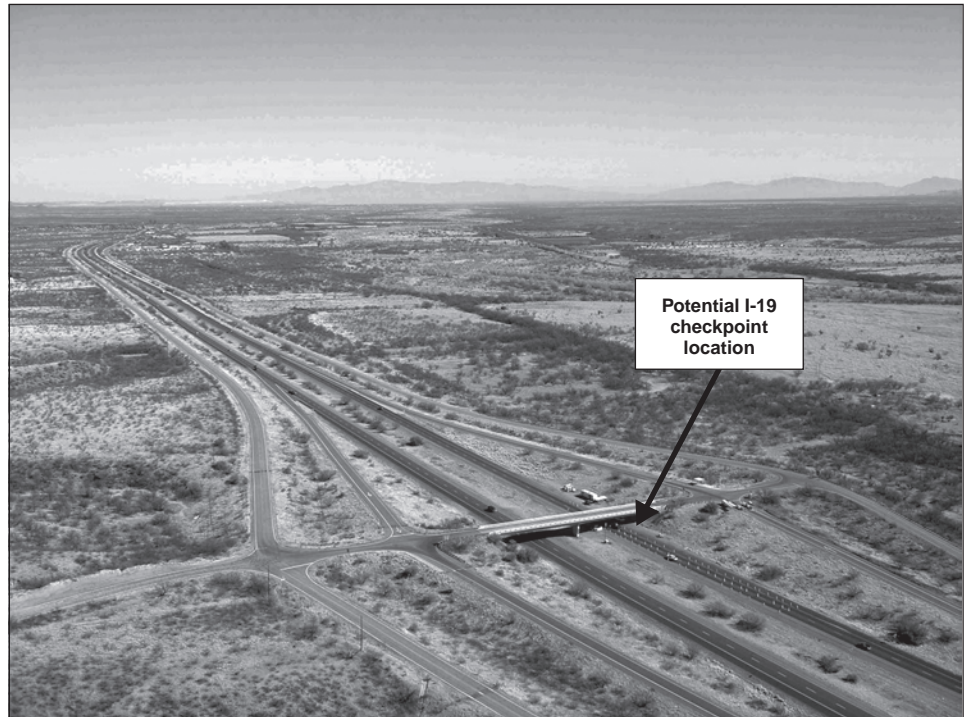
Figure 21: KP 25, Looking South, Aerial View, Location Marked



Source: Border Patrol.

**Appendix III: Photographs of Potential
Checkpoint Locations on I-19, in Arizona**

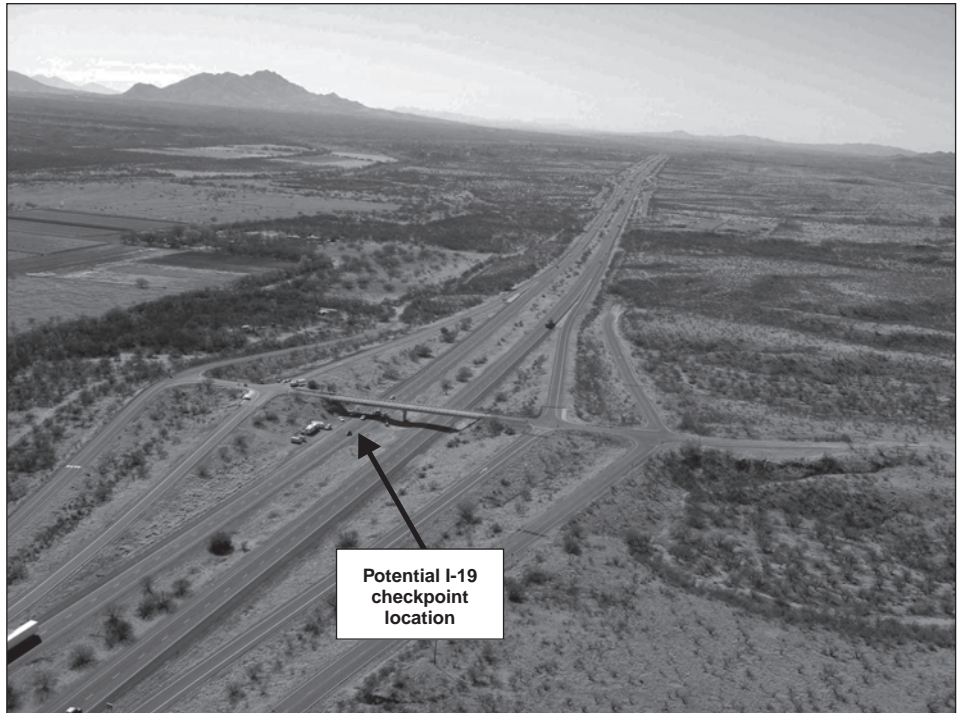
Figure 22: KP 42, Looking North, Aerial View, Location Marked



Source: Border Patrol.

**Appendix III: Photographs of Potential
Checkpoint Locations on I-19, in Arizona**

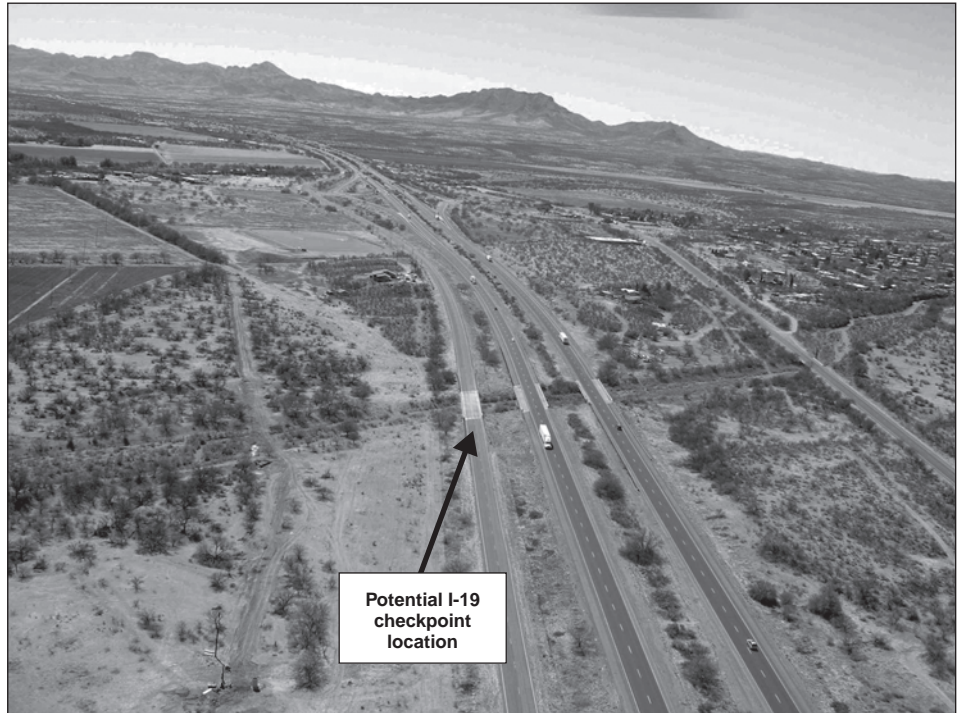
Figure 23: KP 42, Looking South, Aerial View, Location Marked



Source: Border Patrol.

**Appendix III: Photographs of Potential
Checkpoint Locations on I-19, in Arizona**

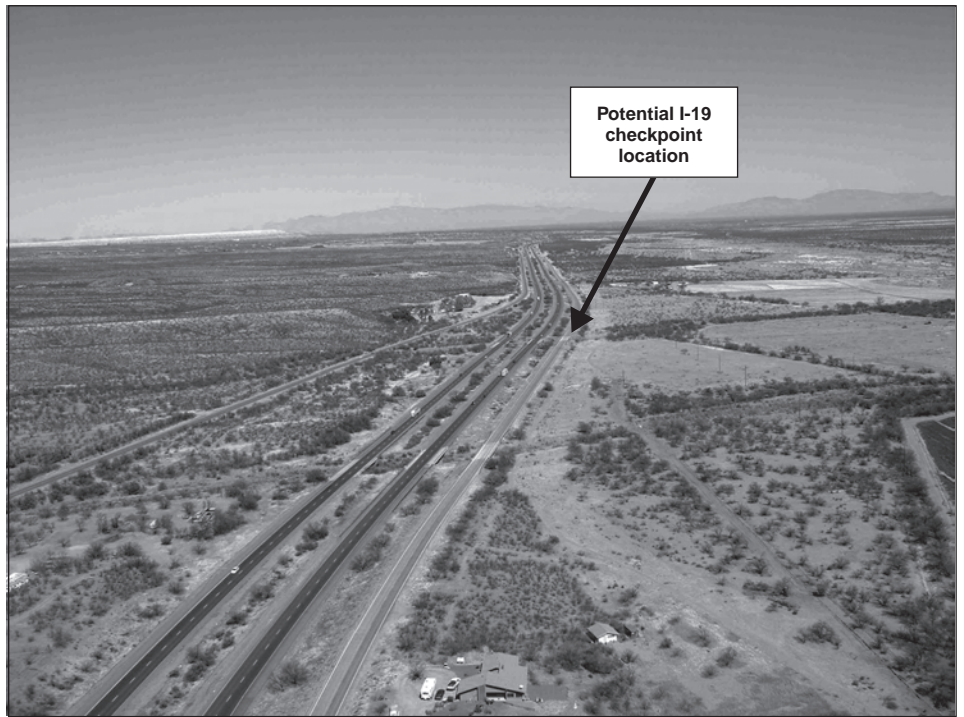
Figure 24: KP 50, Looking South, Aerial View, Location Marked



Source: Border Patrol.

**Appendix III: Photographs of Potential
Checkpoint Locations on I-19, in Arizona**

Figure 25: KP 50, Looking North, Aerial View, Location Marked



Source: Border Patrol.

Appendix IV: Additional Property Value Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

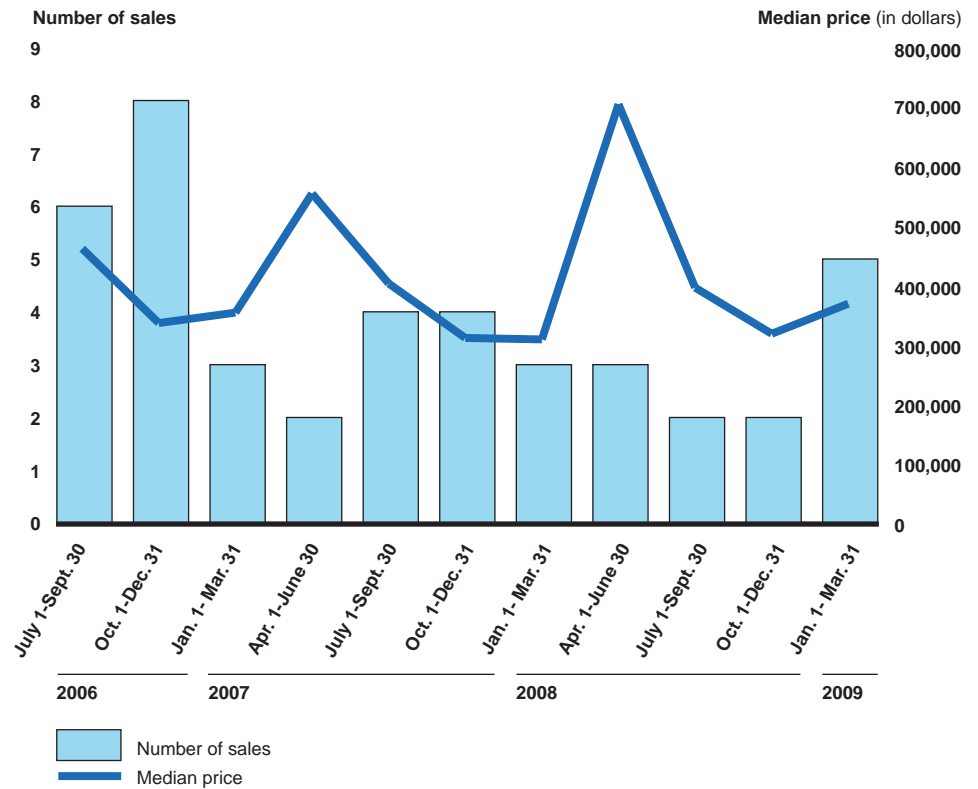
In addition to the median property values that were included earlier in this report, we identified additional indicators for showing local trends in property values. We obtained multiple listing service (MLS) data, from a real estate agency in Tubac, and net assessed values, as reported by the Arizona Tax Research Association. MLS data provides listings for residential and land sales at the ZIP code level. The data show all listings within a ZIP code area, providing the listing prices, final sale prices, and number of transactions in specific geographic areas.¹ The Arizona Tax Research Association publishes annual data on the total net assessed values for all properties in the state of Arizona. Net assessed value is the full cash value, or market value, of all real property in Arizona.²

According to MLS data, the median sales price for a home in Tubac has fluctuated from July 2006 to March 2009, as shown in figure 26. In 2008 the median sales price was approximately \$384,000, and in 2007 it was \$375,000.

¹ MLS data does not hold constant the mix of properties that sell from one period to the next.

² Although the full cash value is synonymous with market value, the value established by the tax assessors may be equal to, or less than, the actual market value. These lower values are the result of adjusting all sale prices for mass appraisal error, creative financing, personal property, and time on the market.

Figure 26: Median Residential Sales Prices and Number of Sales in Tubac, July 2006 through March 2009



Source: GAO analysis of Multiple Listing Service (MLS) data provided by Brasher Real Estate, Inc.

The net assessed value of properties in Santa Cruz County, Tubac,³ Pima County, and Green Valley⁴ have increased each year from 2000 to 2008, as shown in table 11 and figure 27. The net assessed value of properties in Santa Cruz County increased by 18 percent from 2007 to 2008, from approximately \$341,684,000 to approximately \$404,366,000.

³ Tubac was defined by the boundaries of the Tubac Fire District.

⁴ Green Valley was defined by the boundaries of the Green Valley Fire District.

**Appendix IV: Additional Property Value Data
for the State of Arizona, Santa Cruz County,
Pima County, and Tubac**

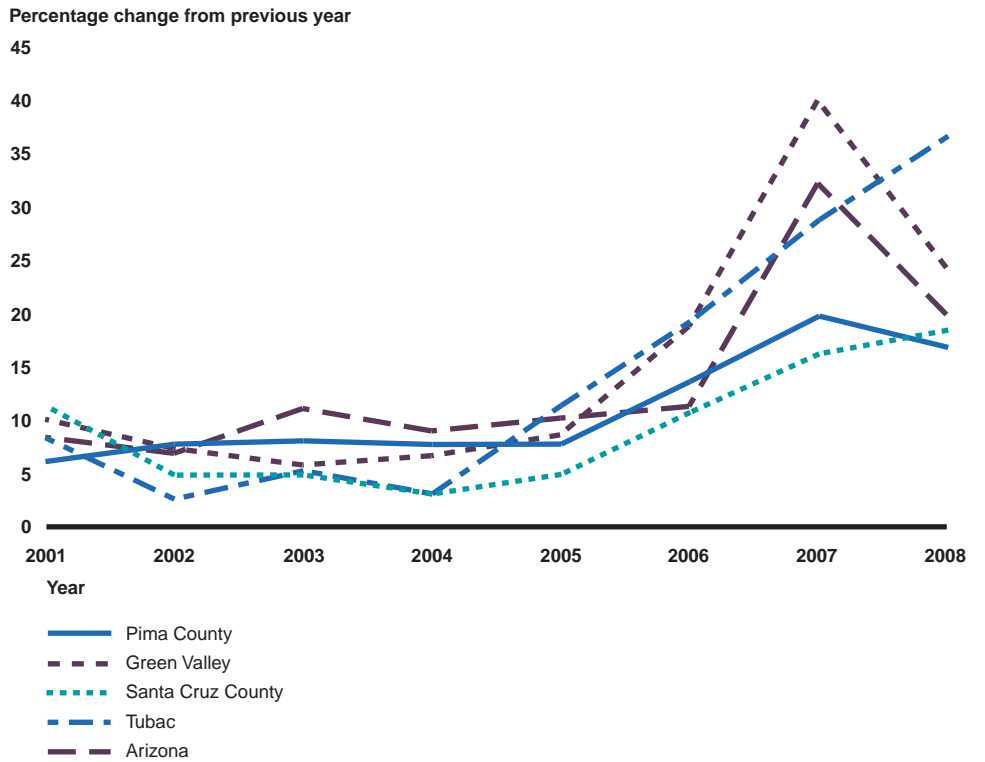
Table 11: Total Net Assessed Values and Percentage Change from Previous Year (in parenthesis) for Select Areas in Arizona, 2000 through 2008

Amounts in dollars					
	Arizona	Pima County	Green Valley	Santa Cruz County	Tubac
2000	31,837,391,782	4,236,070,095	142,771,161	201,651,947	40,443,083
2001	34,473,431,135 (8.3%)	4,491,395,307 (6%)	157,035,701 (10%)	224,373,276 (11.3%)	43,787,427 (8.3%)
2002	36,805,206,912 (6.8%)	4,835,561,219 (7.7%)	168,439,401 (7.3%)	235,055,570 (4.8%)	44,889,292 (2.5%)
2003	40,839,898,348 (11%)	5,221,270,997 (8%)	178,073,695 (5.7%)	246,303,386 (4.8%)	47,213,927 (5.2%)
2004	44,461,738,026 (8.9%)	5,620,156,274 (7.6%)	189,805,249 (6.6%)	253,681,084 (3%)	48,634,083 (3%)
2005	48,931,946,145 (10.1%)	6,050,950,040 (7.7%)	206,007,295 (8.5%)	265,933,931 (4.8%)	54,121,934 (11.3%)
2006	54,394,761,521 (11.2%)	6,869,955,457 (13.5%)	244,514,539 (18.7%)	294,247,098 (10.6%)	64,489,462 (19.2%)
2007	71,837,099,233 (32.1%)	8,220,395,835 (19.7%)	342,015,821 (39.9%)	341,683,683 (16.1%)	82,974,970 (28.7%)
2008	86,090,579,647 (19.8%)	9,594,861,519 (16.7%)	424,769,584 (24.2%)	404,365,519 (18.3%)	113,278,840 (36.5%)

Source: Arizona Tax Research Association.

**Appendix IV: Additional Property Value Data
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Figure 27: Percentage Change from Previous Year, Net Assessed Values for Select Areas in Arizona, 2001 through 2008



Source: GAO analysis of Arizona Tax Research Association data.

Appendix V: Additional Economic Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

We identified indicators for showing local economic trends from the U.S. Census Bureau. The U.S. Census Bureau provides an annual series of County Business Pattern data available at the national, state, county, and ZIP code level and tracks the number of establishments, number of employees, and total payroll across industries. The data are derived from U.S. Census Bureau business establishment surveys and federal administrative records. These data are available through the end of 2006.¹

The U.S. Census Bureau County Business Patterns provides subnational economic data, which covers most of the country's economic activity, is used for studying the economic activity of small areas and analyzing economic changes over time, and is available by North American Industry Classification System (NAICS) industry.² According to the Arizona Department of Commerce, art and tourism are important to the economy of Tubac, and concerns had been expressed regarding the impact of the Border Patrol checkpoint on the real estate industry in Tubac. Accordingly, the NAICS industries included within the following analysis are Accommodation and Food Services, Arts, Entertainment, and Recreation, and Real Estate and Rental and Leasing.³ In 2006, over half of the total 87 establishments⁴ in Tubac⁵ were retail trade and accommodation and food services, with 38 and 10 establishments, respectively, as shown in figure 28 and table 12. The four other industries with the highest numbers of establishments in Tubac are shown in figure

¹ Data for 2007 were not available at the time of our report. Other economic indicator data are publicly available, such as data on employment, wages, and establishments from the U.S. Department of Commerce, Bureau of Economic Analysis, and U.S. Department of Labor, Bureau of Labor Statistics. Although these data are available for 2007, the smallest geographic area for reporting is at the county level, rather than for the Tubac area.

² The North American Industry Classification System (NAICS) is the system used to classify establishments by industry by the United States, Canada, and Mexico and is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

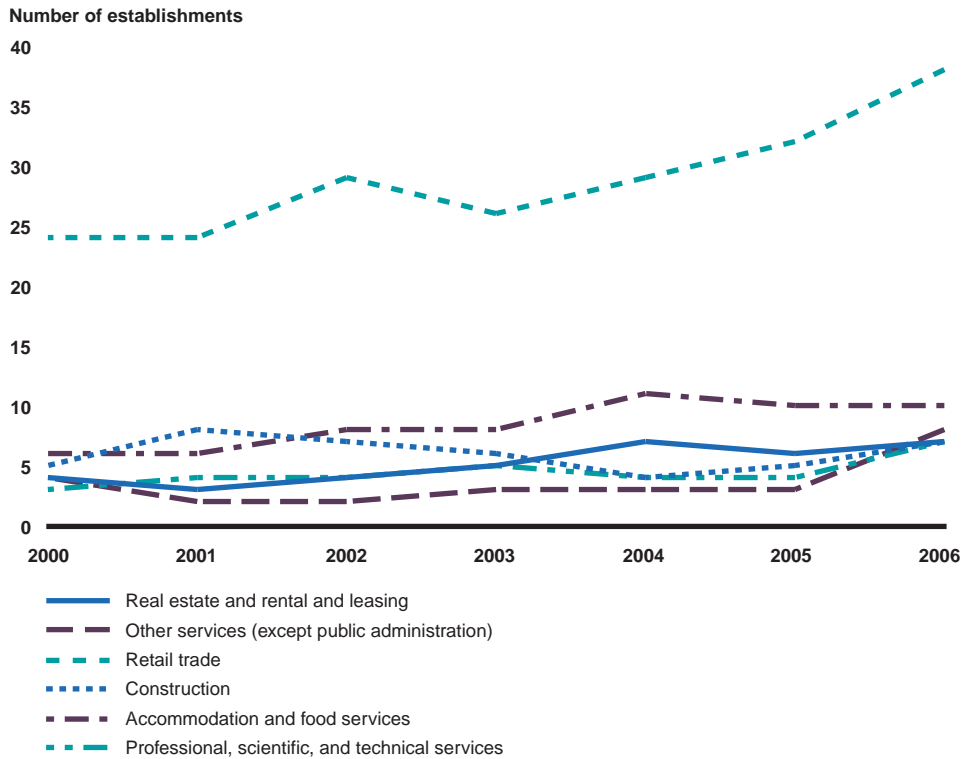
³ The other NAICS sectors available include Agriculture, Forestry, Fishing, and Hunting; Mining; Manufacturing; Utilities; Transportation and Warehousing; Wholesale Trade; Retail Trade; Finance and Insurance; Information; Professional, Scientific, and Technical Services; Administrative and Support, Waste Management and Remediation Services; Educational Services; Health Care and Social Assistance; Management of Companies and Enterprises; and Other Services (Except Public Administration).

⁴ According to the U.S. Census Bureau, an establishment is defined as a single physical location where business is conducted or where services are performed.

⁵ Tubac, Arizona, was searched using ZIP code 85646.

28, other services (except public administration) with eight establishments and construction, real estate, rental and leasing, and professional, scientific and technical services each with seven.

Figure 28: Trends for Top Six Industries in Tubac, by Number of Establishments, 2000 through 2006



Source: U.S. Census Bureau.

**Appendix V: Additional Economic Data for the
State of Arizona, Santa Cruz County, Pima
County, and Tubac**

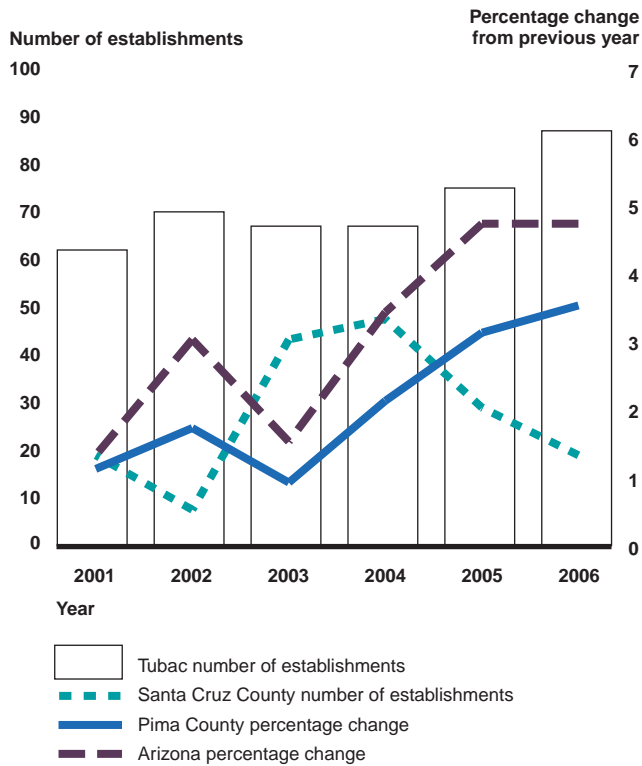
Table 12: Total Number of Establishments in Tubac, by NAICS Industry, 2000 through 2006

Industry	2000	2001	2002	2003	2004	2005	2006
Retail trade	24	24	29	26	29	32	38
Accommodation and food services	6	6	8	8	11	10	10
Other services (except public administration)	4	2	2	3	3	3	8
Construction	5	8	7	6	4	5	7
Real estate, rental and leasing	4	3	4	5	7	6	7
Professional, scientific and technical services	3	4	4	5	4	4	7
Administrative, support, waste management, and remediation services	0	0	0	0	1	1	2
Arts, entertainment and recreation	3	3	3	2	1	1	2
Unclassified establishments	1	0	1	0	0	2	2
Utilities	3	2	1	1	0	1	1
Manufacturing	2	2	2	3	2	3	1
Educational services	1	1	1	1	1	1	1
Health care and social assistance	0	0	2	2	1	1	1
Forestry, fishing, hunting, and agriculture	0	1	2	2	2	2	0
Wholesale trade	3	5	2	2	0	1	0
Transportation and warehousing	1	0	1	1	1	1	0
Finance and insurance	1	1	1	0	0	1	0

Source: U.S. Census Bureau.

From 2004 to 2006, the total number of establishments in Tubac increased from 67 to 87, as shown in figure 29. In 2006, the 87 establishments was a 16 percent increase from 2005, compared to a 1.3 percent increase for Santa Cruz County.

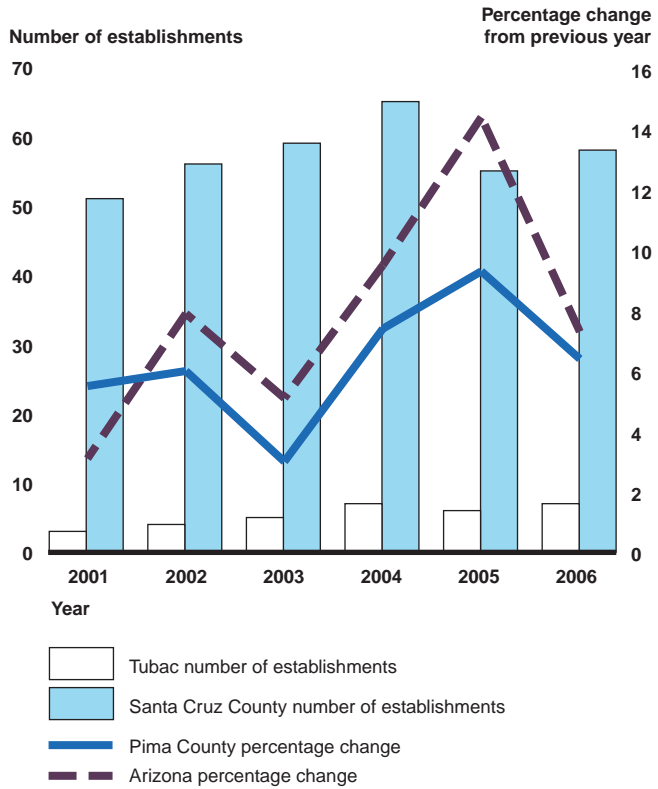
Figure 29: Number of Establishments in Tubac and Percentage Change from Previous Year, Total Number of Establishments for Arizona, Pima County and Santa Cruz County, 2001 through 2006



Source: GAO analysis of U.S. Census Bureau data.

With respect to the number of real estate, rental and leasing establishments from 2001 to 2006, Tubac consistently had fewer than 10 establishments, and Santa Cruz County ranged between 51 and 65 establishments. However, Pima County followed a similar pattern to the state of Arizona, as shown in figure 30.

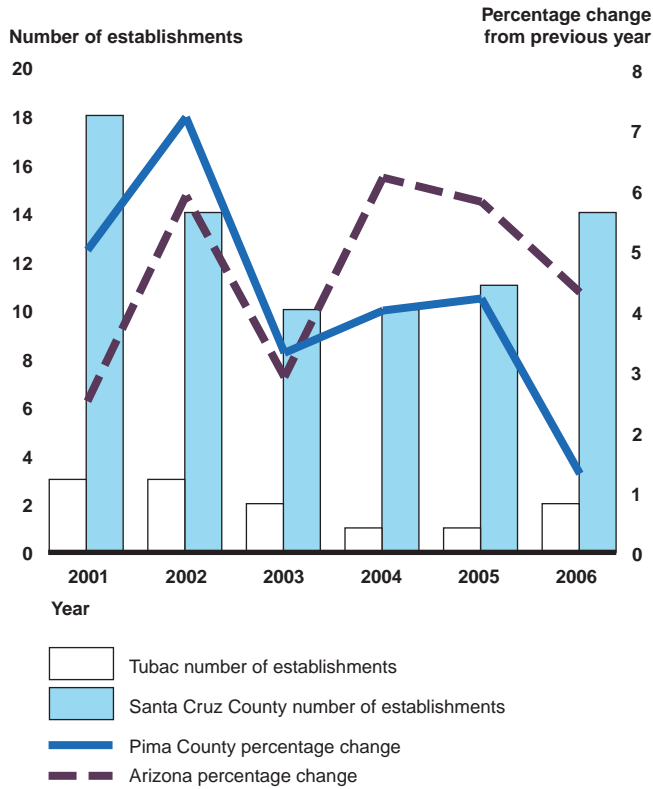
Figure 30: Number of Real Estate, Rental, and Leasing Establishments in Tubac and Santa Cruz County and Percentage Change from Previous Year for Arizona and Pima County, 2001 through 2006



Source: GAO analysis of U.S. Census Bureau data.

Figure 31 shows that in 2006, Tubac had 2 art, entertainment, and recreation establishments, compared to 305 in Pima County and 1,859 in the entire state of Arizona.

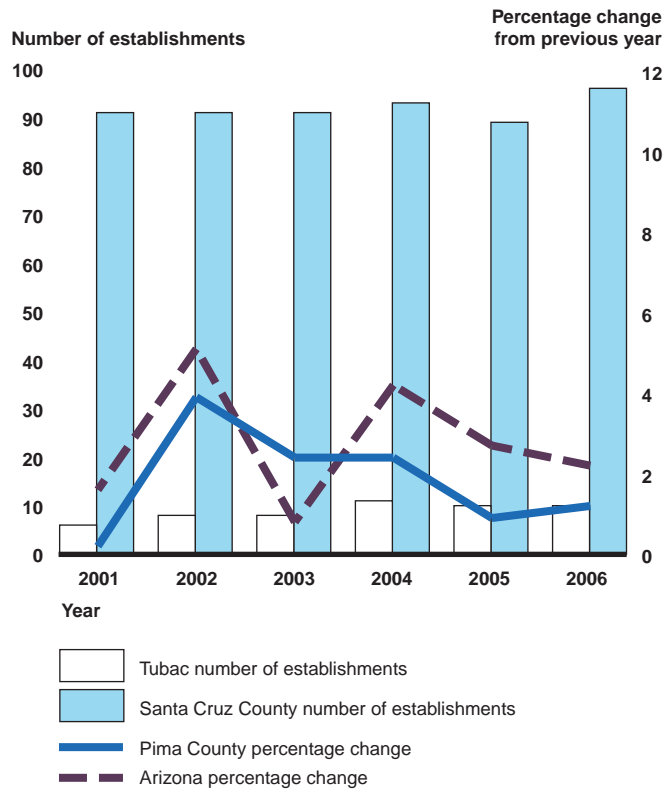
Figure 31: Number of Arts, Entertainment, and Recreation Establishments in Tubac and Santa Cruz County and Percentage Change from Previous Year for Arizona and Pima County, 2001 through 2006



Source: GAO analysis of U.S. Census Bureau data.

From 2005 to 2006, Santa Cruz County had an increase in the number of accommodation and food service establishments, from 89 to 96, and Tubac had no change, with 10 establishments each year. Arizona and Pima County had percentage increases of 2 and 1 percent respectively, from 2005 to 2006, as shown in figure 32.

Figure 32: Number of Accommodation and Food Service Establishments in Tubac and Santa Cruz County and Percentage Change from Previous Year for Arizona and Pima County, 2001 through 2006

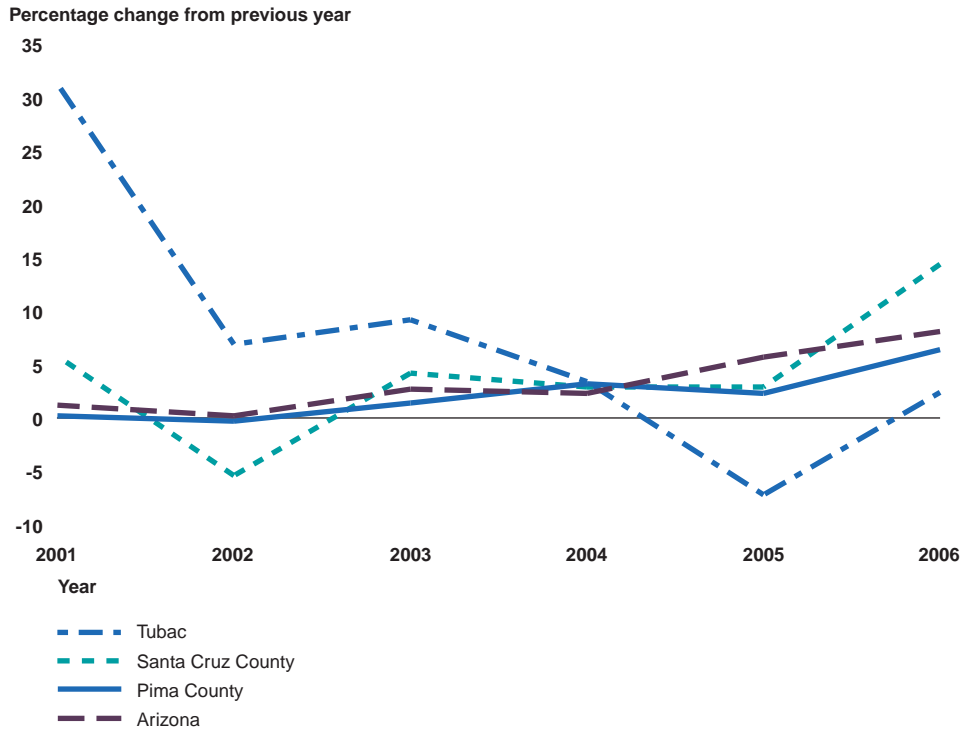


Source: GAO analysis of U.S. Census Bureau data.

In terms of number of employees,⁶ Tubac saw a decrease from 2004 to 2005, when compared to Santa Cruz County, Pima County, and the state of Arizona, as shown in figure 33. From 2005 to 2006, the number of employees in Tubac increased by 2 percent, while the number of employees in the state increased by 8 percent.

⁶ According to the Census Bureau, the number of employees consists of the number of paid full and part-time employees, including salaried officers and executives of corporations, who (for all sectors except Construction and Manufacturing) were on the payroll during the pay period. Included are employees on paid sick leave, paid holidays, and paid vacations; not included are proprietors or partners of unincorporated businesses.

Figure 33: Percentage Change from Previous Year, Number of Employees for Tubac, Santa Cruz County, Pima County, and Arizona, 2001 through 2006



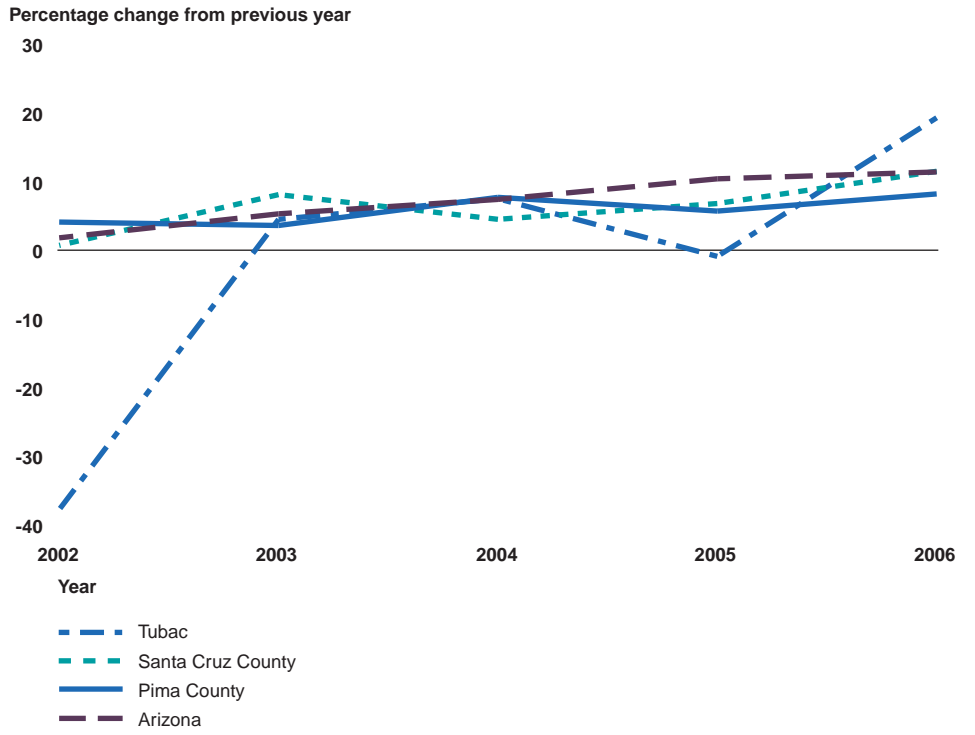
Source: GAO analysis of U.S. Census Bureau data.

With respect to total annual payroll,⁷ from 2004 to 2005 Tubac had a 1 percent decrease, while the state and counties had between 6 to 10 percent increases, as shown in figure 34. However, from 2005 to 2006, Tubac saw a larger percentage increase—19 percent, to \$10,093,000—than the state and counties.

⁷ Annual payroll includes the gross earnings of all employees during the calendar year and includes all forms of compensation, such as salaries, wages, commissions, dismissal pay, bonuses, vacation and sick leave pay, and compensation in kind, prior to such deductions as employees' social security contributions, withholding taxes, group insurance, union dues, and savings bonds. U.S. Census Bureau follows the definition of payroll used for calculating the federal withholding tax and recommended to all federal statistical agencies by the Office of Management and Budget.

Appendix V: Additional Economic Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

Figure 34: Percentage Change from Previous Year, Total Annual Payroll, 2002 through 2006

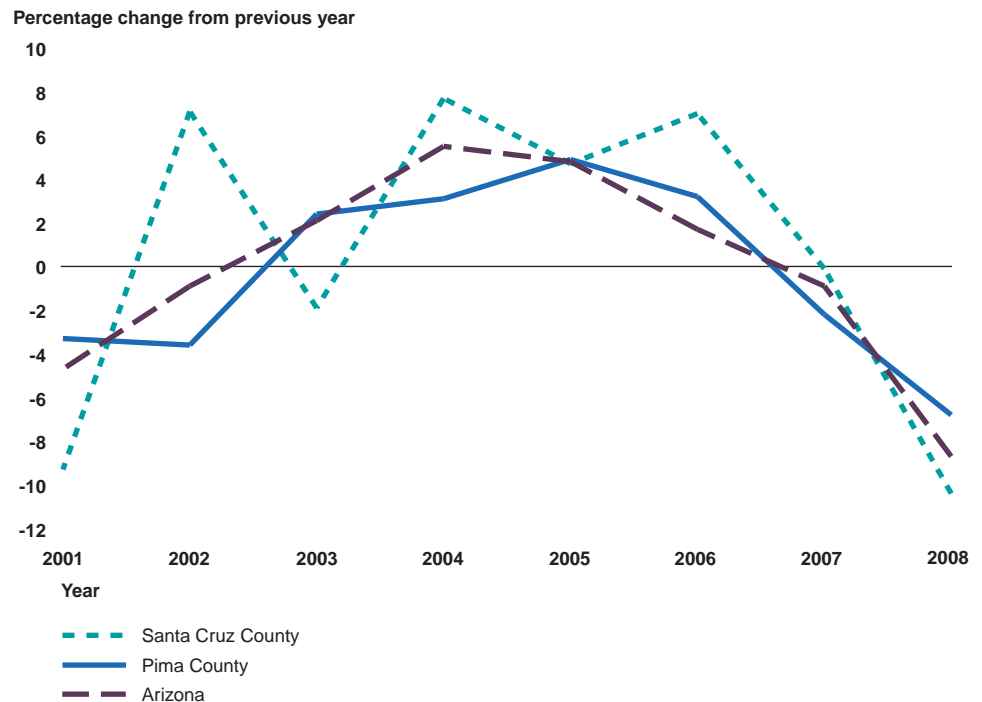


Source: GAO analysis of U.S. Census Bureau data.

Appendix VI: Additional Tourism Data for the State of Arizona, Santa Cruz County, and Pima County

The Arizona Office of Tourism provides information on tourism within the state and counties. It provides statewide and county data on occupancy rates, revenue per available room, and lodging supply and demand, through 2008. However, none of these indicators were available for the area of Tubac. Overall, occupancy rates for the state of Arizona, Pima County, and Santa Cruz County have been in a steady decline since 2006, with Santa Cruz County having the largest percentage decrease in 2008 occupancy rates, when compared to the others, as shown in figure 35. According to an Arizona Office of Tourism representative, the state and county downward trends in tourism are a part of the downward trends seen in the general economic climate in Arizona and that the overall demand for tourism has been decreasing, possibly due to a general downturn in the nationwide economy. In 2008, Santa Cruz County had a 62 percent occupancy rate for all lodging in the county.

Figure 35: Percentage Change from Previous Year, Lodging Occupancy Rates, 2001 through 2008

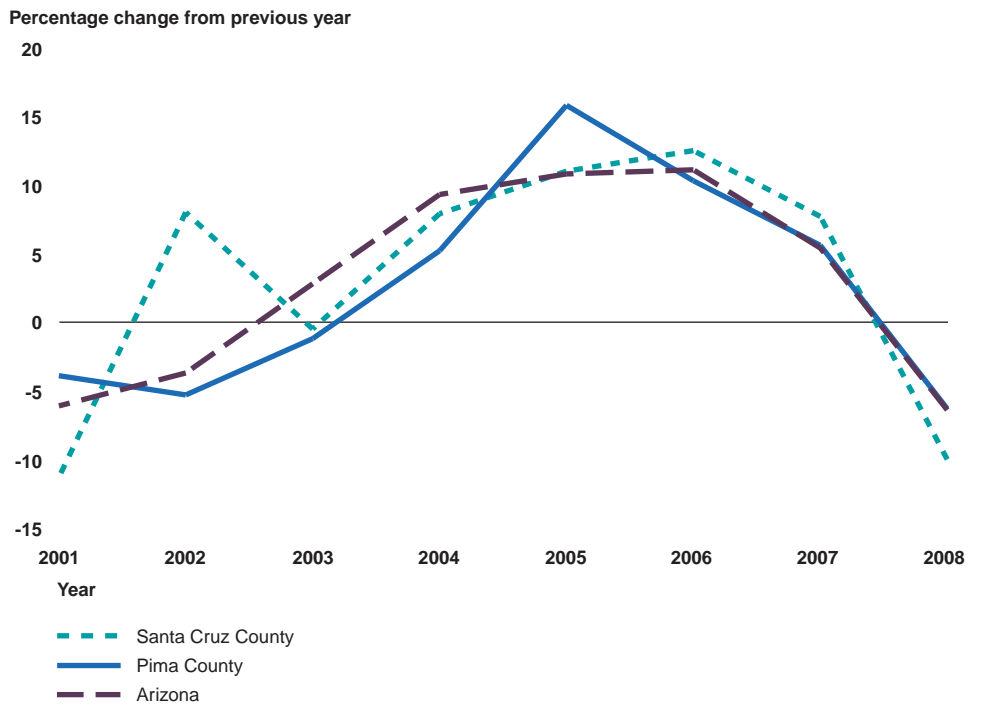


Source: GAO analysis of Smith Travel Research data.

Appendix VI: Additional Tourism Data for the State of Arizona, Santa Cruz County, and Pima County

With respect to revenue per available room, the state of Arizona, Santa Cruz County, and Pima County followed similar trends from 2006 to 2008. From 2007 to 2008, all areas saw a decline in revenue per available room, with Santa Cruz County having the largest percentage decrease, as shown in figure 36. In 2008, Santa Cruz County was making \$45 revenue per each available room, a decline from \$50 the previous year.

Figure 36: Percentage Change from Previous Year, Revenue Per Available Room, 2001 through 2008



Source: GAO analysis of Smith Travel Research data.

Appendix VII: Additional Crime Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

Regarding crime indicators, we obtained additional data from the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) program, Pima County Sheriff's Department, and Santa Cruz County Sheriff's Department. Law enforcement agencies throughout the country—at the city, county and state levels—participate in the UCR program by providing summarized reports on eight major offenses,¹ which include violent crimes² and property crimes³ known to law enforcement, through the end of 2007, at the state and jurisdiction level. In addition to these eight crime categories, we obtained data on all other crimes⁴ from the Pima County and Santa Cruz County Sheriff's Departments, which provide information on the frequency of offenses within the jurisdictions. In our discussions with each of these agencies, they told us that they do not attribute any of the below trends to checkpoint specific activities. Furthermore, the agencies do not track which offenses are committed by illegal aliens.

According to FBI UCR data, from 2006 to 2007, the state of Arizona has seen a decline both in violent and property crimes, as shown in figure 37. Data on these crimes within the state of Arizona is presented to allow for comparisons to the local jurisdiction crime rates. From 2006 to 2007, Arizona's decline in both violent crimes and property crimes went from approximately 316,000 to 310,000.

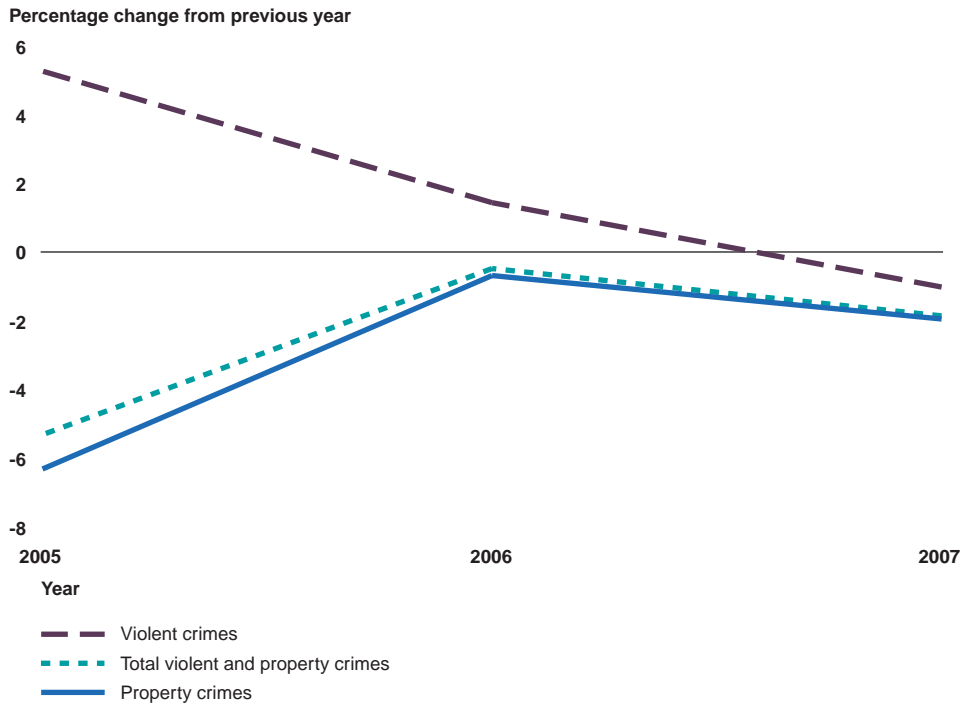
¹ The committee that created the Uniform Crime Reporting program identified eight categories of offenses as the most appropriate measure of the Nation's criminality, which are (1) murder and nonnegligent manslaughter, (2) forcible rape, (3) robbery, (4) aggravated assault, (5) burglary, (6) larceny-theft, (7) motor vehicle theft, and (8) arson. The committee also formulated standardized offense definitions, for the eight offenses, to provide nationwide uniformity in crime reporting.

² Violent crimes are defined in the UCR program as those offenses which involve force or threat of force and include murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault.

³ According to the UCR, property crimes include the offenses of burglary, larceny-theft, motor vehicle theft, and arson. The object of the theft-type offenses is the taking of money or property, but there is no force or threat of force against the victims, according to the UCR.

⁴ The UCR program divides offenses into two groups—Part I and Part II. The Part I offenses include the eight violent and property crimes. Part II offenses are all crime classifications other than those defined as Part I.

Figure 37: Percentage Change from Previous Year for Violent Crimes and Property Crimes in Arizona, 2005 through 2007

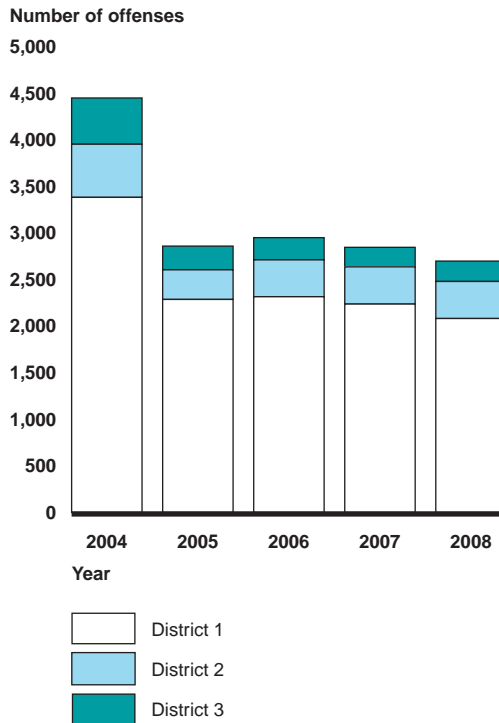


Source: GAO analysis of FBI Uniform Crime Reporting data.

According to offense data provided by Santa Cruz County Sheriff’s Department, total offenses in Santa Cruz County have declined from 2006 to 2008, as shown in figure 38. The Santa Cruz County Sheriff’s Department has three patrol districts: District 1 is the area of Rio Rico, which includes the I-19 corridor from Nogales to District 2; District 2 includes the I-19 checkpoint and Tumacacori, Carmen, Tubac, Amado, and Arivaca; and District 3 includes Sonoita, Elgin, Canelo, Lochiel, Mowery, and San Rafael Valley. As shown in figure 38, the majority of crimes in Santa Cruz County occur within District 1, which is the area of Rio Rico,⁵ with 2,085 total offenses in 2008, compared to 398 and 219 from Districts 2 and 3, respectively. From 2007 to 2008, District 1 had a 7 percent decrease in total offenses, District 2 had a 3 percent decrease, and District 3 had a 0.5 percent increase.

⁵ Rio Rico (pop 10,413) is a planned community located 57 miles south of Tucson and 12 miles north of the international border.

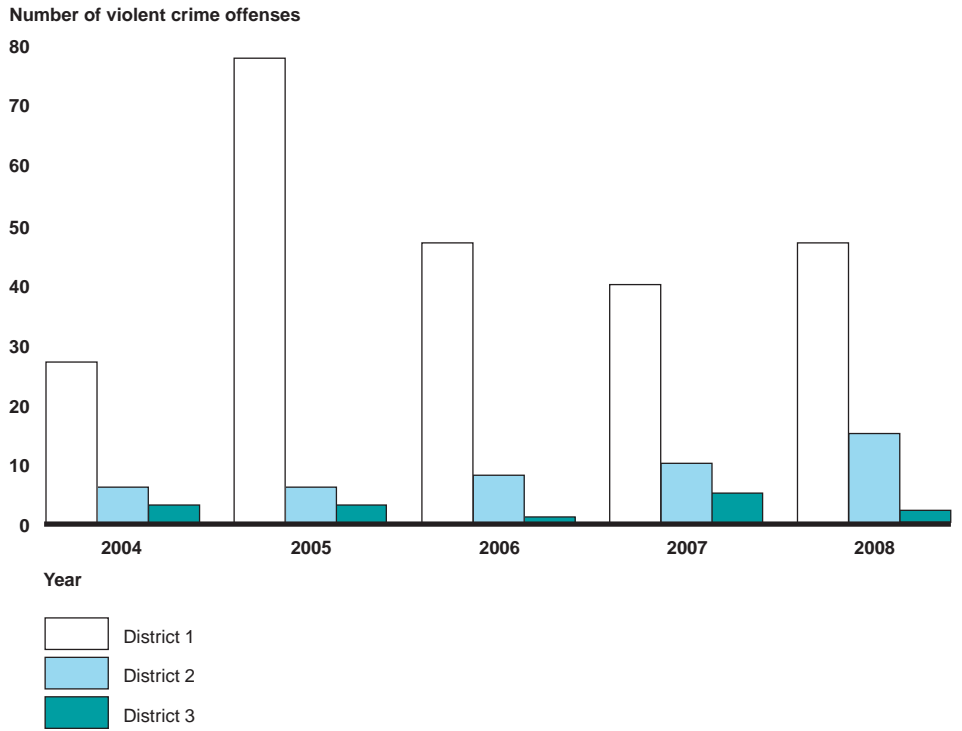
Figure 38: Santa Cruz County Total Offenses, 2004 through 2008



Source: Santa Cruz County Sheriff's Department.

With regards to violent crimes, from 2005 to 2008 District 2 has seen an increase each year, while the number of violent crimes within Districts 1 and 3 have fluctuated, as shown in figure 39. From 2007 to 2008, District 1 had an increase from 40 to 47 offenses, District 2 had an increase from 10 to 15, and District 3 had a decrease from 5 to 2 violent crime offenses.

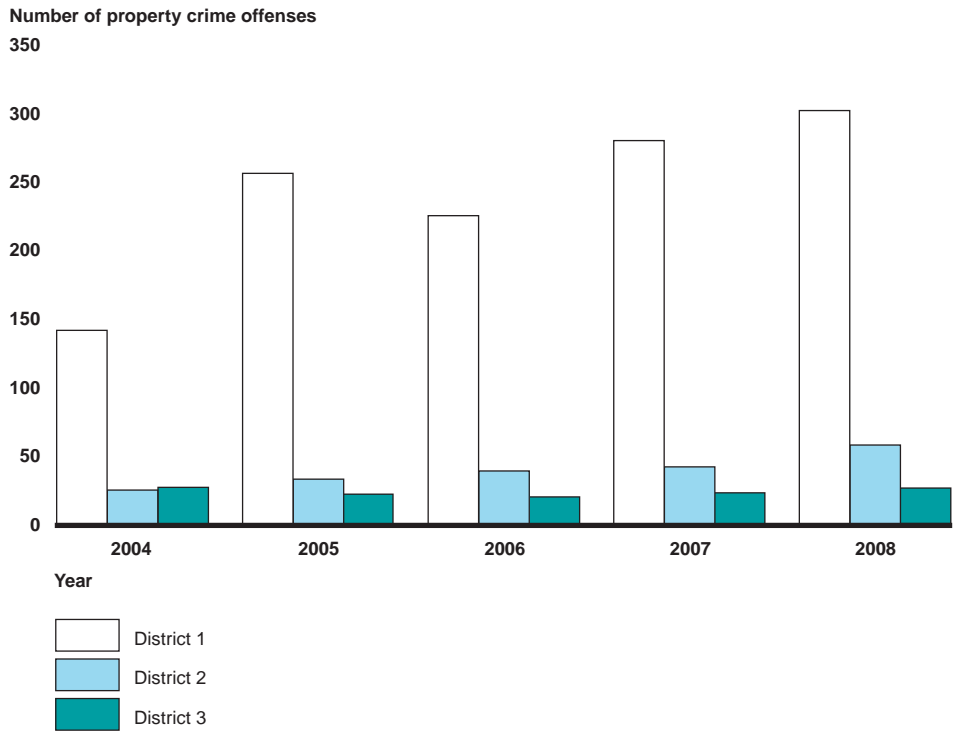
Figure 39: Santa Cruz County Number of Violent Crime Offenses by District, 2004 through 2008



Source: Santa Cruz County Sheriff's Department.

Property crime offenses increased in Districts 1 and 2 from 2004 to 2008, as shown in figure 40. More recently, between 2007 and 2008 District 1 had an increase from 281 to 303 offenses, District 2 had an increase from 42 to 58, and District 3 had an increase from 23 to 26.

Figure 40: Santa Cruz County Number of Property Crime Offenses by District, 2004 through 2008



Source: Santa Cruz County Sheriff's Department.

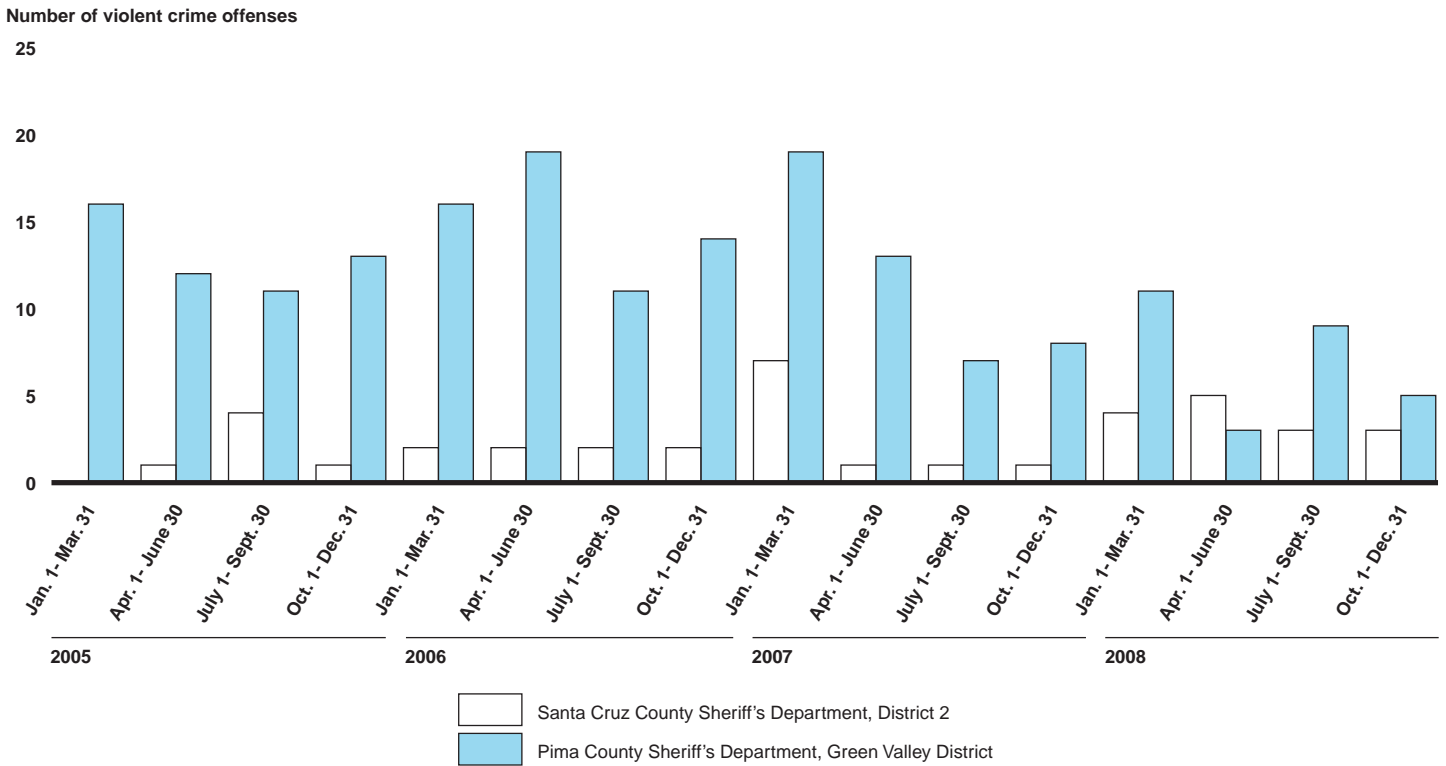
In addition to crime data on districts within Santa Cruz County, we also obtained crime data for the Pima County Green Valley District,⁶ which is adjacent to District 2 of the Santa Cruz County Sheriff's Department and closest to the I-19 checkpoint. Figures 41, 42, and 43 present various crime data from Santa Cruz County Sheriff's Department District 2 and Pima County Sheriff's Department Green Valley District.

From 2005 to 2008, the number of violent crimes within both districts has fluctuated, with no clear pattern emerging, as shown in figure 41.

⁶ Pima County Sheriff's Department is split into several patrol districts. The Green Valley District covers the area from the Santa Cruz County line on the south to approximately kilometer post 80 on I-19 on the north.

Appendix VII: Additional Crime Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

Figure 41: Cross-District Comparison of Violent Crime Offenses, Quarterly from January 1, 2005, through December 31, 2008

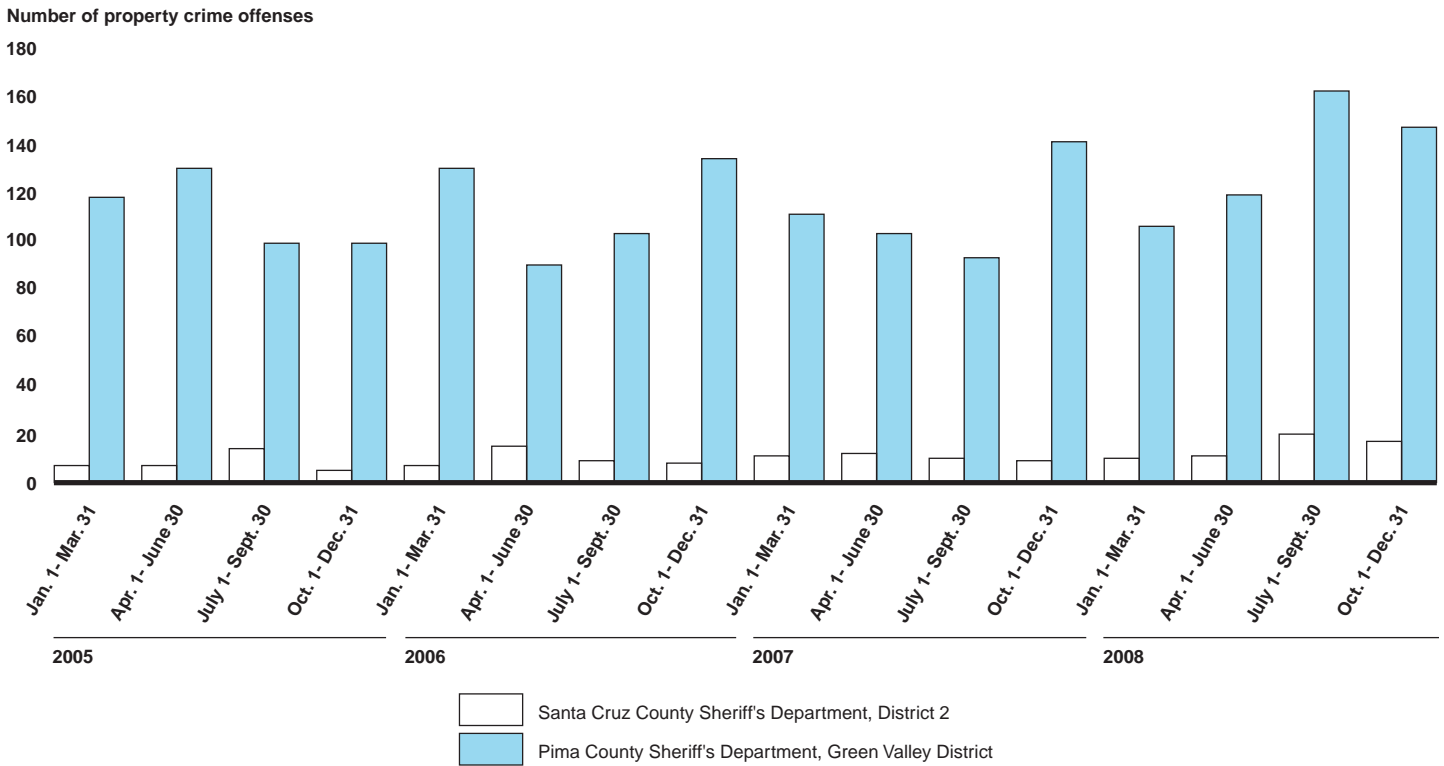


Source: Pima County and Santa Cruz County Sheriff's Departments.

With respect to property crime data, the number of crimes within Green Valley District has varied from 2005 to 2008, while property crimes within Santa Cruz County District 2 have remained relatively stable over the same time period, as shown in figure 42. For the most recent quarter in which data are available, there were 147 property crime offenses in the Pima County Sheriff's Department, Green Valley District, compared to 17 in the Santa Cruz County Sheriff's Department, District 2.

Appendix VII: Additional Crime Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

Figure 42: Cross-District Comparison of Property Crime Offenses, Quarterly from January 1, 2005 through December 31, 2008



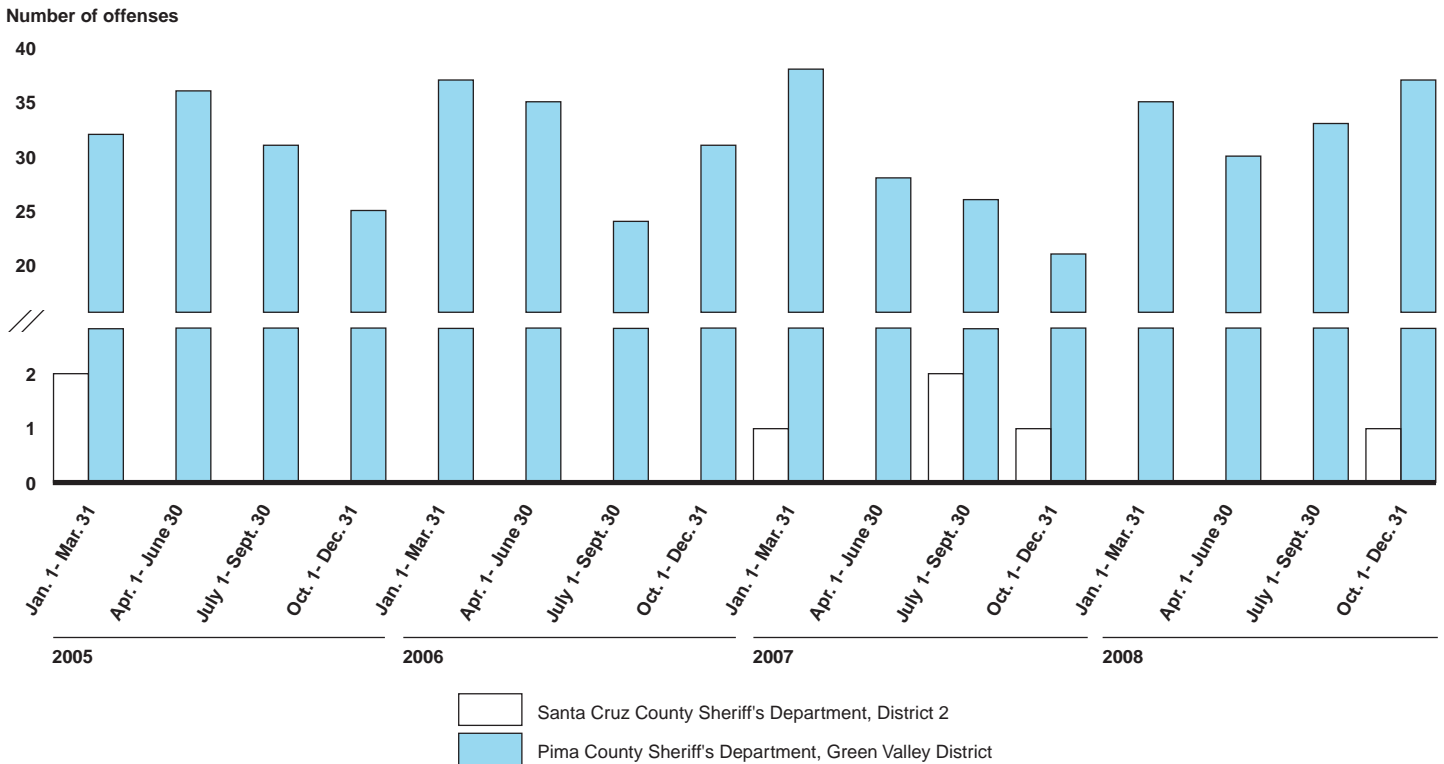
Source: Pima County and Santa Cruz County Sheriff's Departments.

We also obtained cross-district data on criminal damage offenses,⁷ which also shows no clear trends in the number of offenses within each district from 2005 to 2008, as shown in figure 43. In the last quarter of 2008, there were 37 criminal damage offenses in the Pima County Sheriff's Department, Green Valley District, compared to one in the Santa Cruz County Sheriff's Department, District 2.

⁷ In Arizona, criminal damage generally involves crimes that result in damage to or defacement of private or public property. Ariz. Rev. Stat. §§ 13-1602, 13-1604. Criminal littering or polluting is also a crime in Arizona. Ariz. Rev. Stat. § 13-1603.

Appendix VII: Additional Crime Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

Figure 43: Cross-District Comparison of Criminal Damage Offenses, Quarterly from January 1, 2005, through December 31, 2008



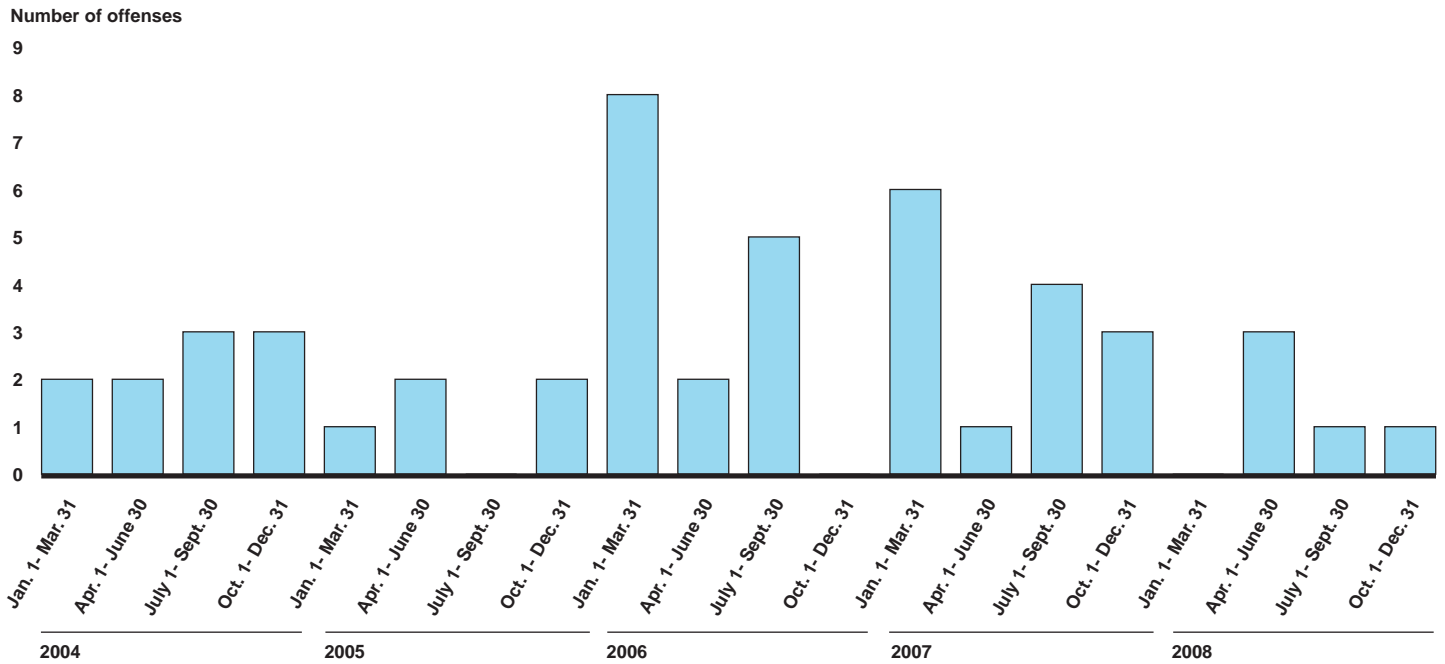
Source: Pima County and Santa Cruz County Sheriff's Departments.

The number of narcotics and drug related offenses⁸ in Santa Cruz County Sheriff's Department, District 2, peaked in 2006, and has declined since then, as shown in figure 44. In 2008, there were a total of five narcotics and drug related offenses.

⁸ The narcotics and drug related offense data we received include the following crime categories: Narcotics, Possession/Marijuana for sale, Possession of Drug Paraphernalia, Possession of Marijuana, and Possession/Sale/Transportation of Marijuana.

Appendix VII: Additional Crime Data for the State of Arizona, Santa Cruz County, Pima County, and Tubac

Figure 44: Number of Narcotics and Drug Related Offenses in Santa Cruz County Sheriff's Department, District 2, Quarterly from January 1, 2004, through December 31, 2008



Source: Santa Cruz County Sheriff's Department.

In addition to data on major crimes, we also obtained data on selected other offenses and incidents within Santa Cruz County Sheriff's Department District 2, from 2004 to 2008 (see table 13).

**Appendix VII: Additional Crime Data for the
State of Arizona, Santa Cruz County, Pima
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Table 13: Number of Other Offenses or Incidents Reported to Santa Cruz County Sheriff's Department, District 2, Quarterly from January 1, 2004, through December 31, 2008

Offense/ incident	Abandoned vehicle	Assault	Attempted theft	Dead body reported	Livestock offenses	Threats	Trespass	Destruct/damage/ vandalize property	Property damage reported	Weapons offense
Jan 1, 2004 - Mar 31, 2004	2	0	0	1	0	0	0	1	1	0
Apr 1, 2004 - Jun 30, 2004	4	0	0	0	2	0	0	0	1	0
Jul 1, 2004 - Sep 30, 2004	4	0	1	4	0	0	0	0	5	0
Oct 1, 2004 - Dec 31, 2004	0	0	0	0	0	2	0	2	2	0
Jan 1, 2005 - Mar 31, 2005	0	1	0	2	0	0	0	1	6	0
Apr 1, 2005 - Jun 30, 2005	6	1	0	2	0	0	0	0	3	1
Jul 1, 2005 - Sep 30, 2005	2	2	0	2	0	1	1	0	2	0
Oct 1, 2005 - Dec 31, 2005	7	1	0	2	0	0	0	0	6	0
Jan 1, 2006 - Mar 31, 2006	2	1	0	3	1	0	1	0	7	0
Apr 1, 2006 - Jun 30, 2006	3	1	0	1	0	1	0	0	7	1
Jul 1, 2006 - Sep 30, 2006	3	2	0	0	1	1	1	0	5	0
Oct 1, 2006 - Dec 31, 2006	1	0	0	3	0	1	0	0	5	0
Jan 1, 2007 - Mar 31, 2007	1	1	1	1	1	1	1	2	4	1
Apr 1, 2007 - Jun 30, 2007	3	0	0	3	0	1	0	1	6	0
Jul 1, 2007 - Sep 30, 2007	3	0	0	1	0	1	0	1	2	1
Oct 1, 2007 - Dec 31, 2007	0	1	0	4	0	1	0	1	3	1
Jan 1, 2008 - Mar 31, 2008	2	1	1	1	0	0	0	3	3	0
Apr 1, 2008 - Jun 30, 2008	2	0	0	1	0	1	1	2	3	1

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Offense/ incident	Abandoned vehicle	Assault	Attempted theft	Dead body reported	Livestock offenses	Threats	Trespass	Destruct/damage/ vandalize property	Property damage reported	Weapons offense
Jul 1, 2008 - Sep 30, 2008	11	0	0	6	0	1	0	3	1	2
Oct 1, 2008 - Dec 31, 2008	2	0	0	6	0	0	0	1	3	0

Source: Santa Cruz County Sheriff's Department.

Appendix VIII: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

August 24, 2009

Mr. Richard M. Stana
Director
Homeland Security and Justice Issues
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Stana:

Re: Draft Report GAO-09-824, Border Patrol: Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness (GAO Job Code 440736)

The Department of Homeland Security (Department) appreciates the opportunity to review and comment on the U.S. Government Accountability Office's (GAO's) draft report referenced above. The Department, particularly U.S. Customs and Border Protection (CBP) under which the Border Patrol currently is located, agrees with the six recommendations contained therein.

GAO found that checkpoints have contributed to the Border Patrol's ability to seize illegal drugs, apprehend illegal aliens, and screen potential terrorists; however, several factors have impeded higher levels of performance. GAO recommends that CBP take four actions to improve the reliability and accountability of checkpoint performance results and two actions to ensure that the checkpoint design process results in checkpoints that are sized and resourced to meet operational and community needs. CBP's actions to address each recommendation are described below.

Recommendation 1: Establish milestones for determining the feasibility of a checkpoint performance model that would allow the Border Patrol to compare apprehensions and seizures to the level of illegal activity passing through the checkpoint undetected.

Response: The Border Patrol is interested in establishing a checkpoint performance model to accurately describe and evaluate the percentage of illegal traffic that is detected by agents as it moves through checkpoint inspection areas. While a useful model (COMPEX) exists at U.S. ports of entry (POE), this same model cannot be applied at checkpoints due to the differences in statutory authorities between POEs and checkpoints. POEs have statutory authority to conduct thorough inspection of individuals, personal items, and vehicles. In contrast, at a checkpoint, agents have a lower search authority and probable cause is required to conduct a search on a vehicle, passengers, and all personal items when consent is not given. It is, at

best, a difficult task to create a model for the checkpoints that will ascertain checkpoint effectiveness to the extent that the COMPEX model works at POEs. Nevertheless, the Border Patrol is committed to exploring the development of a checkpoint model that will allow the Border Patrol to measure the effectiveness of checkpoints.

The Border Patrol has already taken the first steps toward accomplishing the goal of creating a model to measure effectiveness. Members of the Strategic Planning, Policy and Analysis Division met on June 19, 2009 – the first of four workshops – to explore possible options. Following this meeting, three possible resources were identified that could possibly assist in the development of this model. On July 27, 2009, Border Patrol met with one of these resources, the Office of Immigration Statistics (OIS), to explore how OIS could assist them. The second option is to work with the National Center for Border Security and Immigration (BORDERS). Under a Department grant awarded to the Centers of Excellence, BORDERS is a consortium of 14 institutions led by the University of Arizona dedicated to the development of solutions to meet the changing operational demands of the border. A meeting is scheduled with this group this month. Should neither of these free resources be available to provide the desired assistance, a contract will be considered. If the contract option is pursued, a statement of work will be completed by the middle of the first quarter of fiscal year (FY) 2010. The contract should then be awarded within five months and work should be completed by the contractor halfway through FY 2011. The model developed by the contractor would then be implemented by the end of FY 2011. Border Patrol will exercise the option to contract services only when funding is available.

Recommendation 2: Establish internal controls for management oversight of the accuracy, consistency, and completeness of checkpoint performance data.

Response: Solutions to control the accuracy, consistency, and completeness of checkpoint performance data are currently being implemented. In April 2009, the Border Patrol convened a workgroup in Washington, DC consisting of headquarters personnel and subject matter experts from the field. This group discussed checkpoint data integrity issues and checkpoint performance measures. To address the data integrity concerns, the workgroup revised and clarified the checkpoint definitions to prevent incorrect data entry. The workgroup reviewed and edited current performance measures to tailor them into more meaningful performance indicators, creating new measures with metrics previously not considered, and remodeled and streamlined data collection procedures to avoid redundancy. With the migration of the Border Patrol system of record from ENFORCE to e3, Border Patrol can further ensure data integrity by taking advantage of technology enhancements and the lessons learned. Initial technological changes are expected near the end of FY 2009, with final upgrades occurring between the middle and end of FY 2010. In addition to the aforementioned remedies, a program manager at headquarters was selected in February 2009 to oversee all checkpoint data and its collection.

Recommendation 3: Implement the quality of life measures that have been identified by the Border Patrol to evaluate the impact that checkpoints have on local communities. Implementing these measures would include identifying appropriate data sources available at the local, state, or federal level, and developing guidance for how data should be collected and used in support of these measures.

Response: One of the primary goals of the checkpoint workgroup that met in April 2009 was to reevaluate and, if necessary, edit all current and previously discussed performance measures. In particular, the workgroup focused on the quality of life measures and discussed the implementation of these measures. A second workshop is planned for September 2009 to expound on the results from the April workshop and to develop standards for the collection of data from outside agencies to support the quality of life measures. The goal is to eventually present the entire gamut of checkpoint performance measures, identify the data source for each of the measures, and to provide guidance on data collection and reporting. These new performance measures will be supported by the initial systems changes expected around the end of FY 2009 with final changes occurring between the middle and end of FY 2010.

Recommendation 4: Use the information generated from the quality of life measures in conjunction with other relevant factors to inform resource allocations and address identified impacts.

Response: Although Border Patrol has not concluded the series of workgroup meetings dedicated to reevaluating checkpoint data, performance measures, and data sources, officials intend to use the quality of life measures recommended by the workgroup to enable them to measure not only their impact on the local communities and other law enforcement agencies, but to aid in resources allocation decisions. Officials have already begun to better define existing data fields in the Checkpoint Activity Report (CAR) to ensure data consistency and integrity for such elements as apprehensions and seizures occurring on circumvention routes. Further, officials are exploring capturing performance data in the CAR for previously considered performance measures such as assisting other law enforcement agencies to determine how this impacts on Border Patrol projected staffing decisions. By the end of FY 2010, Border Patrol envisions a new cadre of performance measures to include quality of life measures which will inform future resource allocation decisions.

Recommendation 5: Require that current and expected traffic volumes be considered by the Border Patrol when determining the number of inspection lanes at new permanent checkpoints, that traffic studies be conducted and documented, and that these requirements be explicitly documented in Border Patrol checkpoint design guidelines and standards.

Response: The Border Patrol Design Standard will be updated with an addendum institutionalizing CBP's requirement to acquire, document, and utilize traffic study data collected by the individual states' departments of transportation if such data is available. These traffic studies will be documented by CBP in the concept planning and site development phase of permanent checkpoints, and utilized as the baseline requirement to determine the number of inspection lanes at new permanent checkpoints. The addendum will be issued by the end of Calendar Year 2009.

Recommendation 6: In connection with planning for new or upgraded checkpoints, conduct a workforce planning needs assessment for checkpoint staffing allocations to determine the resources needed to address anticipated levels of illegal activity around the checkpoint.

Response: In the recent proposal for construction of a permanent checkpoint on Interstate 19 in Arizona, a planning needs assessment was conducted to address future staffing needs as well as future levels of activity. The precedent has been set to use this type of analysis in future planning. The checkpoint workgroup to be convened before the end of this fiscal year

will be evaluating current checkpoint policy in order to clarify and add important information. The policy regarding the establishment of a new checkpoint or the upgrade of an old checkpoint will be addressed. In addition, the Border Patrol is exploring the possibility of not only capturing current work assignments as seen in the CAR, but also capturing projected manpower requirements for checkpoints – which includes circumvention activities – in the Operational Requirements Based Budget Program (ORBBP). As part of the annual operational planning process, currently every Border Patrol sector identifies and prioritizes their future resource needs for personnel, technology, and infrastructure not only for border zones, but also for Critical Transit Nodes (CTNs). However, a CTN is a summary category comprised of checkpoints, and bus and train checks. By capturing checkpoint resource requirements separately, Border Patrol officials believe they can show a better nexus between the planning process and justification for future resource needs. They will be working to modify and update the electronic CTN module during FY 2010 in preparation for capturing the projected checkpoint resource requirements beginning with the FY 2011 operational planning process. This action should address the GAO recommendation.

Sincerely,

Michael E. M. Land
for

Jerald E. Levine
Director
Departmental GAO/OIG Liaison Office

Appendix IX: GAO Contact and Staff Acknowledgments

GAO Contact

Richard M. Stana, (202) 512-8777 or stanar@gao.gov

Staff Acknowledgments

In addition to the contact named above, Cindy Ayers, Assistant Director, and Adam Hoffman, Analyst-in-Charge, managed this assignment. Ryan MacMaster, Jim Russell, and Amy Sheller made significant contributions to the work. Michele Fejfar and Chuck Bausell assisted with design, methodology, and data analysis, and Melinda Cordero assisted with mapping analysis. Frances Cook and Christine Davis provided legal support. Pille Anvelt and Karen Burke developed the report's graphics, and Katherine Davis assisted with report preparation.

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