
SENATE COMMITTEE ON BORDER SECURITY
TEXAS SENATE
INTERIM REPORT 2022

A REPORT TO THE
TEXAS SENATE
88TH TEXAS LEGISLATURE

BRIAN BIRDWELL
CHAIRMAN



Senate Committee on
Border Security

January 4, 2023

The Honorable Dan Patrick
Lieutenant Governor
Members of the Texas Senate
PO Box 12068
Austin, Texas 78711

Dear Governor Patrick and Fellow Senators:

Thank you for the opportunity to address important issues facing Texas today through your charges to the committee for study during the interim. The Senate Committee on Border Security, having conducted public hearings and received public and invited testimony, is pleased to submit its' final report with recommendations for consideration by the eighty-eighth Texas Legislature.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brian Birdwell".

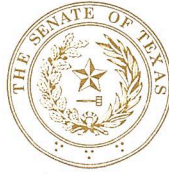
Brian Birdwell, Chairman

A handwritten signature in cursive script that reads "Bob Hall".

Bob Hall

A handwritten signature in cursive script that reads "Juan 'Chuy' Hinojosa".

Juan "Chuy" Hinojosa



COMMITTEES

FINANCE, VICE CHAIR
REDISTRICTING, VICE CHAIR
NATURAL RESOURCES &
ECONOMIC DEVELOPMENT
BORDER SECURITY

THE SENATE OF TEXAS
JUAN "CHUY" HINOJOSA
DISTRICT 20

COMMITTEES

JURISPRUDENCE, VICE CHAIR
CRIMINAL JUSTICE
TRANSPORTATION
PORTS

January 2, 2023

The Honorable Brian Birdwell
Chairman
Senate Committee on Border Security
P.O. Box 12068
Austin, TX 78711

Dear Chairman Birdwell,

Thank you for your leadership as Chair of the Senate Committee on Border Security. I commend the work you and your staff have accomplished throughout this interim, and I look forward to working with you more on these issues during the upcoming 88th Legislature. While I am supportive of the report as a whole and proud to lend my signature, I offer these additional comments.

Regarding Interim Charge 2, I would like to add that Operation Lonestar has also caused an increase of individuals arrested and incarcerated in county jails. This has caused problems with overcrowding in those facilities which ultimately increases the cost to local taxpayers. We should work to find ways to better assist our county jail facilities through grants or use of state jails.

Additionally, while higher visibility of law enforcement along the border deters crime, enforcement of traffic laws through pretext traffic stops causes frustration, fear, and anger among residents, especially those residing in colonias along the border. These types of stops should be eliminated to ensure trust is kept between our border communities and law enforcement.

Lastly, I would like to specify a need for a more thorough review of hardship requests. It can be devastating to both the National Guard member and their family when they are pulled away from their home and profession for an unlimited time. Tours of duty, including those in Vietnam and Afghanistan, had limited time frames from 6 months to 13 months. The Texas Military Department should consider time limits for deployments under Operation Lonestar.

Thank you again for your hard work during the interim, and it is an honor serving with you in your Senate Committee on Border Security.

Sincerely,

A handwritten signature in black ink that reads "J. J. Hinojosa".

Juan "Chuy" Hinojosa
State Senator, District 20

Capitol Office:
P.O. Box 12468
Room 4112
Austin, Texas 78713
PHONE: (512) 463-0102
FAX: (512) 463-7300

Conroe Office:
17507 State Highway 39, Suite 200
Conroe, Texas 75115
PHONE: (505) 267-0531



SENATOR BOB HALL
DISTRICT 2

Rockwall Office:
Alliance Building #2
6237 Horizon Road, Suite D-1
Rockwall, Texas 75082
PHONE: (972) 722-3131
FAX: (972) 722-3132

Dear Senator Birdwell,

Thank you for your leadership of this committee, charged with addressing the urgent crisis at our southern border. We must do everything we can as the State of Texans to combat the flood of criminals and drugs that is damaging our state and country.

Although I have no doubt that the operation is having a net positive effect in assisting law enforcement that are overstretched in their resources, we have yet to see metrics to validate our investment. Future border security funding for every state agency should have clearly stated goals and objectives with measurable metrics for determining levels of achievement and cost effectiveness of the assigned mission.

Yet, despite this enormous expenditure in tax dollars, the situation continues to worsen. The amount of money spent is not a measure of merit and it does not equate to a level of success. While I am aware that without an interstate compact the state cannot enforce federal immigration law, our efforts under OLS should yield more than the capture and release operation that is only pushing illegal immigrants into the interior of the country. If we are to expect an effective total operation in combating the situation on our border, the Legislature must clearly articulate our expected outcomes and require greater accountability and more stringent reporting from all of our state agencies. Texas has spent a lot of taxpayer money for border security, but has done so without any definition of expected achievement or measures of merit.

The recent unconstitutional and egregious behavior of the Justice Department and especially the FBI and Homeland Security under the Biden Administration, make it apparent that under no circumstances should the federal government be given any additional authority in Texas.

The situation at our southern border is a dire one, and the State of Texas owes it to her people to take serious action to protect her citizens from the flood of drugs and criminals streaming across every single day. A great deal more must be done for the accountability of tax dollars and return on investment before we can truly change the situation at the border for the better.

Sincerely,

Senator Bob Hall

Executive Summary

In May 2021, Governor Greg Abbott issued a disaster declaration, which stated, in part, "...the federal government has shown unwillingness, ambivalence, or inability to enforce federal immigration laws, to deter and stop illegal border crossings into the United States, or to meaningfully partner with Texas in pursuing these goals." From that day forward, the Texas Military Department, Department of Public Safety, and other agencies have been engaged in the operational task of apprehending and processing illegal immigrants and interdicting drugs entering the state through the Texas-Mexico border. Throughout the state of Texas, there is a common misconception about what border security means and how the state can legally, tactically, and financially execute resources to protect the Texas-Mexico Border.

Legally, the authority to implement and enforce immigration policy falls under the purview of the federal government. Only the federal government has the ability to alter immigration policies and only federal agencies such as United States Department of Homeland Security and United States Customs and Border Patrol can enforce these federal policies. However, Texas law enforcement agencies can apply state criminal charges to apprehended illegal immigrants so that they may be held and processed by the state legal system for state crimes.

In order to tactically execute the mission of Operation Lone Star, the Governor deployed members of the Texas Military Department, officers from the Department of Public Safety, and other agencies to the border. These agencies participated in the apprehension of illegal immigrants trespassing on private property as well as the seizures of unprecedented amounts of illegal drugs such as fentanyl, methamphetamine, and other substances. After being apprehended, the Texas Department of Criminal Justice provides holding facilities for the detainees until they can be properly adjudicated by state courts. Each individual apprehended by state law enforcement is given the same right to due process as United States citizens. The daily apprehension of illegal immigrants and the seizure of narcotics through Operation Lone Star protects the citizens of Texas.

The State of Texas has invested over \$4 billion across 13 state agencies since the Governor launched Operation Lone Star. These dollars fund all aspects of the mission from personnel costs, legal processing, and assisting local governments whose budgets are overwhelmed by the influx of illegal drugs and illegal immigrants. Until the federal government decides to fulfill its obligation to protect the border, Texas must continue to fund Operation Lone Star to ensure the safety and stability of its people.

Committee Timeline

January 27, 2022 - Lt. Governor Dan Patrick Announced the Creation of the Senate Committee on Border Security

Members: Senator Brian Birdwell (Chair), Senator Chuy Hinojosa, and Senator Bob Hall

March 8, 2022 - Committee Hearing, Austin, TX

The Committee met to adopt committee rules and received an overview of the operational environment of Operation Lone Star. The committee heard from the following:

- Texas Department of Public Safety
- Texas Attorney General
- Office of Court Administration
- Legislative Budget Board

April 4, 2022 - Committee Hearing, Austin, TX

The Committee met to review border security appropriations and their directed purposes. The committee heard testimony from the following state agencies:

- Office of the Governor
- Texas Department of Public Safety
- Texas Parks and Wildlife Department
- Texas Department of Motor Vehicles
- Texas State Soil and Water Conservation Board

April 5, 2022 - Committee Hearing, Austin, TX

The Committee continued the hearing to review border security appropriations and their directed purposes. The committee heard testimony from the following state agencies:

- Texas Military Department
- Texas Alcoholic Beverage Commission
- Office of the Attorney General
- Office of Court Administration
- Texas Department of Criminal Justice
- Texas Commission on Jail Standards
- Texas Commission on Law Enforcement
- Department of State Health Services

June 27, 2022 - Committee Hearing, Austin, TX

The Committee met to review border security appropriations and their directed purposes. The committee heard testimony from the following state agencies:

- Office of the Attorney General
- Texas Division of Emergency Management
- Texas Facilities Commission

August 10, 2022 - Committee Hearing, Eagle Pass, TX

The Committee met to study and report on the impact of Operation Lone Star on border, rural, and urban communities throughout Texas. The committee heard public testimony and invited testimony from the following:

- State Agencies
 - Texas Department of Public Safety
- Local Law Enforcement
 - The Honorable Joe Frank Martinez, Val Verde County Sheriff
 - Chief Federico Garza, Eagle Pass Police Department
- Local Landowners
 - Christopher Roswell, Maverick County
 - Ruben Garibay, Maverick County
 - Luis Valderrama, Maverick County
 - Wayne King, Kinney County
 - Ben Binnion, Maverick County
 - Martin Wall, Maverick County
- Local Elected Officials
 - The Honorable Jaime Iracheta, Maverick County Attorney
 - The Honorable Rolando Salinas, Mayor of Eagle Pass
 - The Honorable Juan Carlos Guerra, Jim Hogg County Judge
 - The Honorable Brent Smith, Kinney County Attorney

November 15, 2022 - Committee Hearing, Austin, TX

The Committee met to study and report on the impact of Operation Lone Star on border, rural, and urban communities throughout Texas; and review border security appropriations and their directed purposes. The committee heard public testimony from the interior of the state and invited testimony from the following:

- United State Border Patrol
 - Carl E. Landrum, Chief Patrol Agent, Laredo Sector
 - Colonel Max Lopez, Assistant Chief Patrol Agent, Laredo Sector
- Law Enforcement Panel
 - The Honorable Bill Waybourn, Tarrant County Sheriff
 - The Honorable Parnell McNamara, McLennan County Sheriff
 - The Honorable Morgan Hightower, Moore County Sheriff
 - The Honorable Bobby Rader, Liberty County Sheriff
 - The Honorable Ricky Jones, Franklin County Sheriff
- State Agencies
 - Office of the Governor
 - Texas Department of Public Safety
 - Texas Military Department
 - Texas Department of Emergency Management
 - Texas Parks and Wildlife Department
 - Texas Department of Criminal Justice
 - Office of Court Administration

Table of Contents

Executive Summary.....	i
Committee Timeline.....	ii
OPERATION LONE STAR INTRODUCTION AND OPERATIONAL ENVIRONMENT.....	3
Texas' Immigration Law Authority	3
Record Number of Apprehensions in Texas.....	4
Homeland Security and Public Safety Threats Associated with an Unsecure Border.....	5
Increasing Fentanyl Seizures and Overdoses in Texas.....	6
Operation Lone Star Deployment.....	8
Impact of Operation Lone Star	8
1. Interim Charge One - Funding Impact on Safety: Monitor the agencies receiving border security funding and report on their success in providing safety along the state’s international border as well as curtailing the proliferation of transnational crime that spreads across the state.....	9
BACKGROUND	9
Office of the Attorney General.....	11
Office of the Governor	12
Border Prosecution Unit	13
Department of State Health Services.....	16
Office of Court Administration	16
Texas Alcoholic Beverage Commission.....	19
Texas Department of Criminal Justice	20
Texas Commission on Jail Standards	21
Texas Commission on Law Enforcement.....	21
Texas Military Department.....	21
Department of Public Safety.....	22
Texas Parks and Wildlife Department.....	23
Soil and Water Conservation Board	24
Texas Department of Motor Vehicles	25
CONCLUSION.....	25
RECOMMENDATIONS	26
2. Interim Charge Two - Community Impact: Study and report on the impact of Operation Lone Star on border, rural, and urban communities throughout Texas.....	27

BACKGROUND	27
Border Communities	28
Rural Communities.....	30
County Designations	30
Urban Communities.....	31
TESTIMONY	31
Border Communities	31
Landowner Testimony.....	33
Urban and Rural Interior Counties	34
CONCLUSION.....	36
RECOMMENDATIONS	36
3. Interim Charge Three - Resource Allocation: Examine and report on the impact on members of the Texas National Guard and essential professions that have employees actively serving on state active duty. Review the availability of existing border barrier materials that remain unused by the Federal Government and report on whether Texas may make use of these materials to secure the border.....	37
BACKGROUND	37
TESTIMONY	37
CONCLUSION.....	38
RECOMMENDATIONS	38
Long Term Considerations of the Senate Committee on Border Security Interim Report.....	39

OPERATION LONE STAR INTRODUCTION AND OPERATIONAL ENVIRONMENT

Texas' Immigration Law Authority

There is no greater responsibility in government than to provide safety and security of the citizens it serves. While border security is the responsibility of the federal government, Texas has devoted significant resources to combat the unprecedented threat that the state is facing.

A common misconception amongst many Texans and Americans alike is that Texas has the same or similar immigration authority as the federal government. Federal officials and officers have the authority to impose federal laws and policies such as, charges for federal crimes, appropriation of federal dollars, and possess the sole authority over immigration enforcement. State officials can only enforce state laws for state crimes such as trafficking and trespassing. Article I Section 8, Clause 4 of the United States Constitution provides Congress with the power "To establish a uniform Rule of Naturalization."¹ Pursuant to this authority, Congress possesses the power to legislate the terms and conditions of immigration laws. Congress's power over naturalization is exclusive, indicating that states may not legislate or impose policies over immigration and naturalization.

The Supremacy Clause of the United States Constitution asserts that federal law "shall be the supreme Law of the Land" and will supersede state laws and bind state judges. Thus, when states create laws that conflict with federal law, the federal law will take precedence, preempting (or invalidating) the state law. In context of immigration, any state law that attempts to regulate immigration will be preempted since immigration authority is exclusively the responsibility of the federal government in *Chae Chan Ping*² and *Fong Yue Ting*³. Although states are able to assist in immigration management and enforcement, it is the federal government that has the legal power to enforce U.S. immigration laws.

Actions that fall squarely within a state's authority may be implemented to address immigration so long as the action does not impact federal immigration power in a way that would be considered preempted. When attempting to deter unlawful immigration, however, states must not violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

In *Arizona v. United States* (2012), the United States Supreme Court ruled that some aspects of an Arizona statute (S.B. 1070) intended to deter unlawfully present aliens from remaining in the state were preempted by federal law, but also held that Arizona police were not facially preempted from running immigration status checks on persons stopped for state or local offenses. "The National Government has significant power to regulate immigration," Justice Anthony Kennedy wrote in the majority opinion. "Arizona may have understandable frustrations with the problems caused by illegal immigration while that process continues, but the State may not pursue policies

¹ U.S. Constitution, art. 1, sect., 8, cl. 4.

² <https://www.law.cornell.edu/supremecourt/text/130/581> CHAE CHAN PING v. UNITED STATES

³ <https://www.law.cornell.edu/supremecourt/text/149/698> FONG YUE TING v. UNITED STATES et al. WONG QUAN v. SAME. LEE JOE v. SAME.

that undermine federal law.”⁴

While some may suggest that the *Arizona* case closed the door on states' ability to enforce immigration law, it's important to note that the Supreme Court upheld a portion of that law that allowed "Arizona law enforcement officials to check the immigration status of individuals they arrest, stop, or detain if they have a 'reasonable suspicion' that they are in the country illegally."

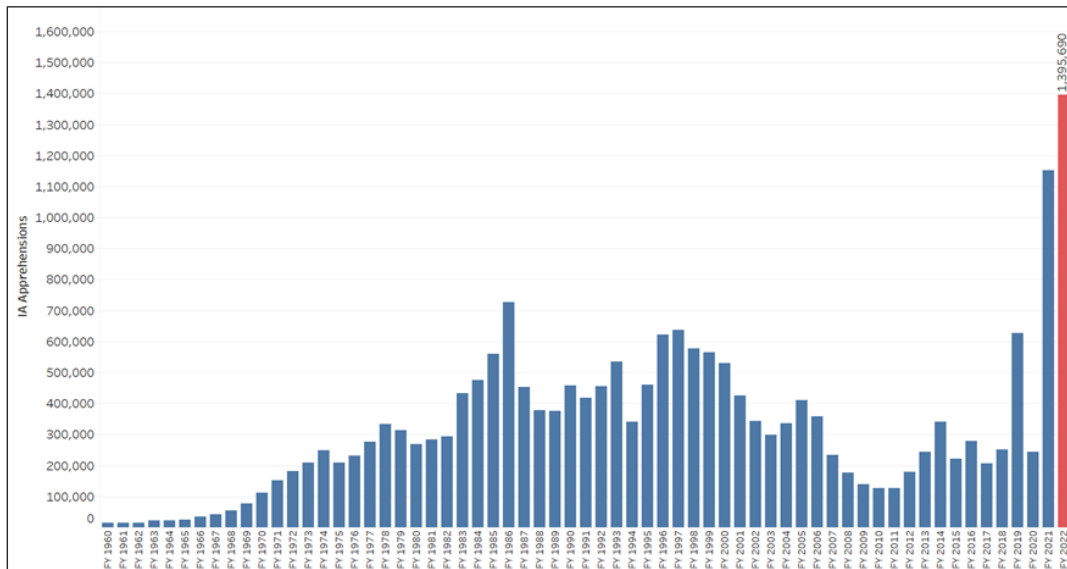
Today, as part of Operation Lone Star, DPS troopers have been conducting arrests for state crimes (not federal crimes). Some of those crimes include criminal mischief, smuggling and human trafficking. Uniquely, Operation Lone Star also provides assistance for private property owners to have their properties fenced to protect against illegal immigrants and cause the filing of misdemeanor criminal trespass charges in the event they step onto their fenced property.

Despite these legal constraints, the state of Texas will continue to work within the legal framework to do everything in its power to protect its citizens until the federal government faithfully fulfills its obligation.

Record Number of Apprehensions in Texas

Apprehensions in Texas reached record levels in 2021 and 2022. Data from Customs and Border Protection (CBP) show that fiscal year 2022 recorded 2,378,944 illegal immigrant apprehensions across the Southwest Border.⁵ Publicly available numbers also show fiscal year 2022 saw the most illegal immigrant apprehensions by U.S. Border Patrol (USBP) in Texas Sectors of any year

(U) Illegal Migrants Apprehensions in Texas Sectors by Federal Fiscal Year*
FY 1960 – FY 2022, as of October 14, 2022



* This chart compares apprehensions during FY 2022 compared to apprehension data for complete fiscal years since FY 1960.

* Apprehension figures are based on publicly available data from the Customs and Border Protection (CBP) website.

* Texas Sectors include the Rio Grande Valley, Laredo, Del Rio, Big Bend, and El Paso Sectors. The El Paso Sector covers a portion of Texas and the state of New Mexico.

⁴ <https://www.law.cornell.edu/supremecourt/text/11-182> ARIZONA v. UNITED STATES

⁵ U.S. CBP. *Southwest Land Border Encounters*. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

in which data is available going back to fiscal year 1960.⁶ The total for fiscal year 2022 in Texas Sectors is 1,395,690 illegal alien apprehensions. This mass movement of illegal immigrants was carried out by human smuggling organizations and the Mexican cartels, who control, facilitate, or benefit from human smuggling activity along the Texas-Mexico border.

Homeland Security and Public Safety Threats Associated with an Unsecure Border

Threats associated with an unsecure border are not new. The recent unprecedented increase in illegal crossings along the Texas-Mexico border carries heightened public safety and homeland security threats to Texas and the nation. As Mexican cartels control, facilitate, or benefit from human smuggling activity, increased illegal crossings bolster cartel profits and increase their influence in the border region. Those entering illegally include criminal aliens who pose a threat to public safety, while others are vulnerable to or have become victims of crimes such as kidnapping, extortion, assault, sexual assault, human trafficking, and other forms of exploitation. In addition, Mexican cartel control of the fentanyl supply to the United States has led to record levels of synthetic opioid overdose deaths in Texas.

Some of the aliens smuggled illegally into Texas are members of cartels or gangs, or individuals who pose a criminal threat to the state. These illegal aliens inherently pose an increased threat to public safety given their criminal history or affiliation with organized criminal groups. U.S. Border Patrol apprehensions of individuals with criminal convictions increased to 12,028 in FY2022, up from 10,763 in FY2021, 2,438 in FY2020 and 4,269 in FY2019.⁷ Additionally, according to DHS status indicators, over 382,000 criminal aliens have been booked into local Texas jails between June 1, 2011, and September 30, 2022, of which over 263,000 were classified as illegal aliens by DHS. Between June 1, 2011, and September 30, 2022, these 263,000 illegal aliens were charged with more than 442,000 criminal offenses which included arrests for 820 homicide charges; 53,672 assault charges; 53,687 drug charges; 856 kidnapping charges; 2,480 robbery charges; 5,600 sexual assault charges; 6,584 sexual offense charges; and 5,087 weapon charges.

Other aliens illegally crossing the border may pose a potential terrorist threat to the United States. Publicly available data from CBP show that in FY2022, USBP encountered 98 non-US citizens between the U.S. ports of entry along the southwest border who were identified as being within the Terrorist Screening Dataset (TSDS), an increase from 15 encounters in FY2021, 3 in FY2020 and 0 in FY2019. According to CBP, TSDS is the federal government's database that contains sensitive information on terrorist identities, to include known or suspected terrorists (KSTs). Over the last decade, the system has evolved to include additional individuals who represent a potential threat to the U.S.⁸

In addition to those illegal aliens who pose a threat to public safety and homeland security, other

⁶ U.S. CBP. *Border Patrol Southwest Border Sector Apprehensions FY1960-2019*.

https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Fiscal%20Year%20Southwest%20Border%20Sector%20Apprehensions%20%28FY%201960%20-%20FY%202019%29_0.pdf

⁷ U.S. CBP. *CBP Enforcement Statistics Fiscal Year 2022*. <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

⁸ CBP; Stats and Summaries; "CBP Enforcement Statistics Fiscal Year 2022"; 20 September 2022;

<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

illegal immigrants are often targeted or exploited by human smugglers and other criminal organizations along the smuggling journey for crimes such as kidnapping, extortion, assault, sexual assault, human trafficking, and other exploitation, and the smugglers use dangerous methods and means that endanger the lives of illegal aliens and carry public safety implications.

Human smugglers move illegal immigrants through a series of human stash houses where they may be held or not free to leave, with the stash houses physically secured or watched by armed guards. In the stash houses, smugglers regularly use violence, threats, or intimidation against illegal aliens who are held hostage as they extort ransom payments from their family members. In some cases, smugglers have murdered or contributed to the death of illegal aliens in their custody.

The tactics used by smugglers to transport illegal immigrants between stash houses and other locations are diverse, and routes typically involve a combination of different means of transportation. These smuggling tactics also involve dangerous means and methods that subject illegal immigrants to high degrees of risk, resulting in hundreds of deaths in the United States each year and reaching a record 853 deaths in FY2022, an increase from the previous record of 546 in FY2021.⁹ These include deaths caused by environmental exposure (heat and cold), train and motor-vehicle-related deaths, drownings, and deaths by other causes. The motor-vehicle-related deaths include instances in which illegal immigrants were left abandoned in large vehicles, such as the June 27, 2022, incident in San Antonio in which 53 illegal immigrants died, primarily from heat and dehydration.¹⁰

Increasing Fentanyl Seizures and Overdoses in Texas

Mexican cartels supply most synthetic opioids, methamphetamine, and heroin consumed in Texas and the U.S., using gangs and other crime groups as street level distributors, and fueling record fatal drug overdoses in Texas. While the U.S. experiences a drug crisis—driven primarily by surging synthetic opioid overdose rates—Mexican cartels exert control and influence over the Texas and U.S. illegal drug markets. Nearly all illicit synthetic opioids, methamphetamine, and heroin consumed in the United States originates in some form from Mexico, while cartels continue to facilitate the trafficking of South American cocaine across the Texas-Mexico border.^{11,12}

Since 2018, Mexican cartels have advanced their capabilities to synthesize mass quantities of synthetic opioids such as fentanyl and its analogues. According to the DEA, the Sinaloa Cartel and Jalisco New Generation Cartel are the biggest suppliers of synthetic opioids to the United States.¹³ Both maintain significant spheres of influence over drug markets and collaborate directly with Texas gangs, many of whom function as distributors of fentanyl at the retail level

⁹ CBS News. “At Least 853 migrants died crossing the U.S.-Mexico border in past 12 months – a record high.” October 28, 2022. <https://www.cbsnews.com/news/migrant-deaths-crossing-us-mexico-border-2022-record-high/>

¹⁰ NBC News; “Four in custody in Texas migrant smuggling case”; 29 June 2022; <https://www.nbcnews.com/news/us-news/two-mexican-citizens-charged-weapons-possession-texas-big-rig-deaths-rcna35842>

¹¹ US Department of State Bureau of International Narcotics and Law Enforcement Affairs; INCSR 2022 Volume I; “International Narcotics Control Strategy Report”; March 2022; <https://www.state.gov/2022-incsr-volume-i-drug-and-chemical-control-as-submitted-to-congress/>

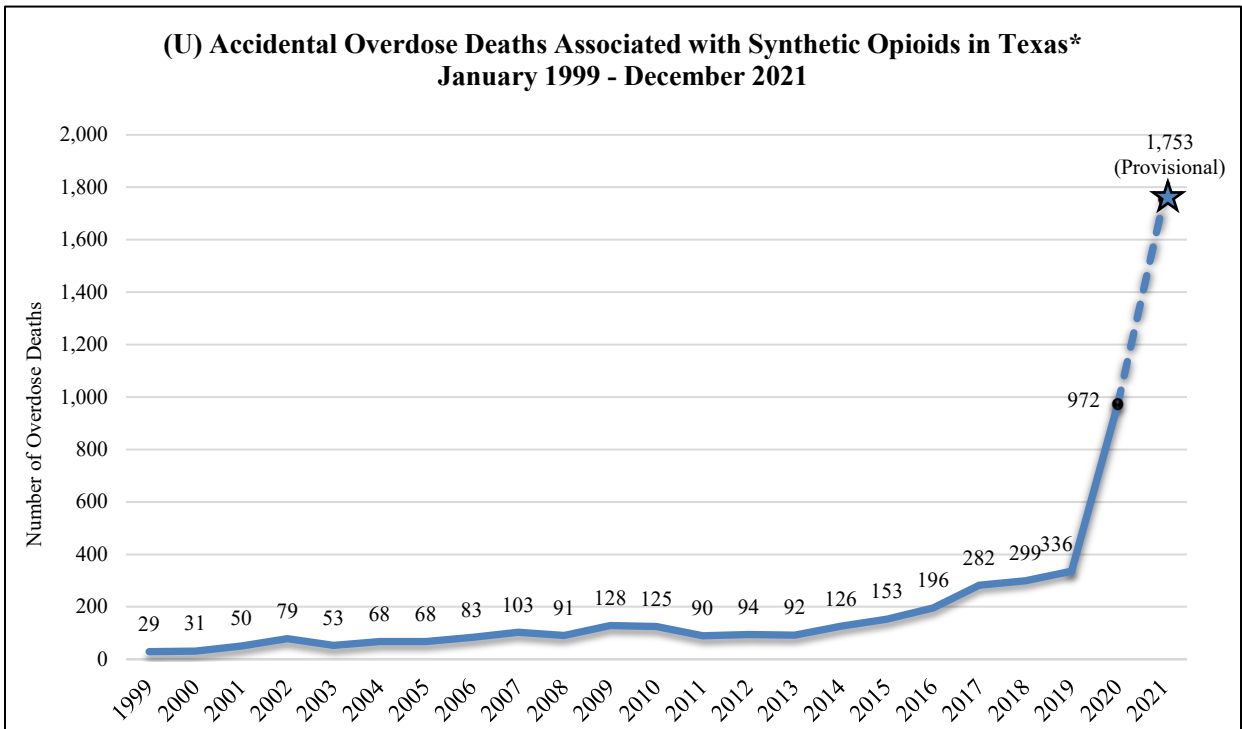
¹² DEA; Threat Assessment; DEA-DCT-DIR-008-21; March 2021; “2020 National Drug Threat Assessment”

¹³ DEA; Threat Assessment; DEA-DCT-DIR-008-21; March 2021; “2020 National Drug Threat Assessment”

in Texas. Members of these street and hybrid gangs provide fentanyl-laced products in a variety of consumable forms, to include counterfeit prescription pills, directly to users in their areas of operation.

Fentanyl seizures made by CBP along the U.S.-Mexico border reached 14,104 pounds in FY2022, up from 10,586 pounds in FY2021. This increase comes after fentanyl seizures already had risen from 4,558 pounds in FY2020 and 2,633 pounds in FY2019.

As of August 2022 (the latest provisional Texas data available from DSHS), the number of accidental synthetic opioid-associated overdose deaths—meaning synthetic opioids were listed on the death certificate—total of 1,753 in 2021 surpassed the 2020 total of 972, according to provisional data from Texas DSHS. Between January 1999 and December 2021, there were an estimated 5,301 total overdose deaths associated with synthetic opioids in Texas. The largest year-to-year increase occurred between 2019 and 2020, when overdose deaths associated with synthetic opioids increased by 189 percent.



(U) Data represents accidental deaths associated with synthetic opioids by occurrence according to Texas Death Certificate Data prepared by Texas Department of State Health Services, Center for Health Statistics. Synthetic opioids include but is not limited to Fentanyl, Tramadol, and Demerol. Data tabulated for 2021 is considered provisional. Provisional data may be incomplete and is subject to change before data is considered finalized. Additionally, to protect confidentiality, death totals are suppressed for values less than or equal to nine during a reported calendar year. Provisional data is current as of 08 August 2022.

Operation Lone Star Deployment

Officially launched on March 4, 2021, Operation Lone Star integrates DPS assets, including Texas Highway Patrol Troopers, Special Agents, Texas Rangers, Rotary and Fixed Winged Aircraft and Tactical Boat Teams, along with the Texas National Guard and local law enforcement to secure the border.

During the initial stages of Operation Lone Star, the Department of Public Safety sent 1,800 commissioned personnel to the border. These personnel consisted of Troopers, Agents, Rangers, Pilots, the Tactical Marine Unit, and the Special Operations Group. In October of 2021, the Texas Military Department expanded to their peak Operation Lone Star deployment numbers to 10,000 service members, with 6,500 stationed on the border and 3,500 service members and state employees directly supporting the agency. By March of 2022, the agency determined that not all 10,000 personnel were necessary given the maturity of the operation which allowed for reductions in personnel while maintaining an operationally capable force along the border. The Texas Parks and Wildlife Department also deployed 60 personnel at its peak Operation Lone Star Deployment.

Today, the Department of Public Safety has 1,400 personnel assigned to Operation Lone Star with the capability to increase up to 1,700 officers and other personnel within a day's notice. TMD is safeguarding the border with 4665 personnel on the border and 540 personnel across the agency. TMD has a response capability of 500 personnel to the border in the event of a migrant caravan that resembles the caravan from the fall of 2021. TPWD continues to maintain their initial deployment numbers of 60 personnel.

Impact of Operation Lone Star

Since the launch of Operation Lone Star, multi-agency efforts have led to more than 320,000 illegal alien apprehensions, along with more than 29,000 state criminal arrests of which more than 19,000 are felony charges. In the fight against fentanyl, DPS has seized over 350 million lethal doses throughout the state.

INTERIM STUDY CHARGES BACKGROUND, FINDINGS AND RECOMMENDATIONS

1. Interim Charge One - Funding Impact on Safety: Monitor the agencies receiving border security funding and report on their success in providing safety along the state's international border as well as curtailing the proliferation of transnational crime that spreads across the state.

BACKGROUND

Border security and immigration enforcement have long been and remain responsibilities of the United States Federal Government. However, due to the current administration's malicious malfeasance in regard to securing our southern border, the state of Texas is spending at an unprecedented level to attempt to fill the void. The 87th Texas Legislature appropriated \$1.12 billion in state funds to 10 different state agencies in support of border security. Then, in the second called special session, the Legislature appropriated an additional \$1.8 billion, totaling \$2.92 billion across three bills: Senate Bill 1, House Bill 2, and House Bill 9 that were distributed across 13 state agencies. Prior to 2021, the state of Texas was spending \$800 million per biennium on border security going back to 2016-2017.

While legislative appropriations have been the main source of funding for Operation Lone Star, the state has had to get creative to help cover costs while the Legislature is not in session. In January 2022, Governor Abbott granted \$479.8 million to the Texas Military Department (TMD) for Operation Lone Star. Then, in April 2022 Governor Abbott granted an additional \$495.3 million to TMD. In October 2022, the Governor granted another additional amount of \$359 million to the agency. Altogether, state agencies have been appropriated over \$4 billion for border security efforts during the 2021-2022 biennium.

This section of the report will focus on the 13 state agencies that have received appropriations from the Texas Legislature during the 2021-2022 biennium. The Texas Legislature appropriated funds for Operation Lone Star related operations to thirteen state agencies. These state agencies include: The Office of the Attorney General, Trusteed Programs within the Office of the Governor, the Department of State Health Services, Office of Court Administration, Texas Alcoholic Beverage Commission, Texas Department of Criminal Justice, Texas Commission on Jail Standards, Texas Commission on Law Enforcement, Texas Military Department, the Department of Public Safety, Texas Parks and Wildlife Department, the Soil & Water Conservation Board, Texas Department of Motor Vehicles and any other agency as requested by the Legislative Budget Board, shall report all budgeted and expended amounts and performance indicators results for border security as of February 28th and August 31st of each year to the Legislative Budget Board.

TEXAS BORDER SECURITY APPROPRIATIONS

(in millions)

	84th 2016-17	85th 2018-19	86th 2020-21	87th 2021-23
Office of the Attorney General		2.6	2.6	2.6
Office of the Governor	38.4	52.7	53.5	1375.2
Department of State Health Services				16.4
Office of Court Administration				32.5
Texas Alcoholic Beverage Commission	1.2	6.9	6.9	6.8
Texas Department of Criminal Justice	0.5	1.6	1.6	25.3
Texas Commission on Jail Standards				0.2
Texas Commission on Law Enforcement	0.2	0.3	0.3	0.3
Texas Military Department				411.9
Department of Public Safety	677.7	694.3	693.3	942.0
Texas Parks & Wildlife Department	10	33	29	29.0
Soil & Water Conservation Board		3	3	2.8
Texas Department of Motor Vehicles		5.6	10.4	10.4
Cross-agency (DPS and TMD)	72			
Pay Raises for Law Enforcement Employees (Schedule C, Est)				71.0
TOTAL	800.0	800.0	800.6	2926.3

TEXAS BORDER SECURITY REPORTING, GAA Article IX 7.10 and HOUSE BILL 9 SECTION 8, SECOND CALLED SESSION

Agency-reported Expenditures through August 2022 (millions)

	Budgeted Funds			Expended through August 2022	Percent Expended
	Available	Transfers	Final		
Office of the Attorney General	\$ 2.6	\$ -	2.6	\$ 1.4	55.1%
Office of the Governor*	1,546.2	-	1,546.2	284.9	18.4%
Department of State Health Services	16.4	-	16.4	3.8	22.9%
Office of Court Administration, Texas Judicial Council	32.5	-	32.5	9.9	30.6%
Texas Alcoholic Beverage Commission	6.9	-	6.9	2.5	36.7%
Texas Department of Criminal Justice	25.2	-	25.2	10.4	41.2%
Commission on Jail Standards	0.2	-	0.2	0.0	20.7%
Texas Commission on Law Enforcement	0.3	-	0.3	0.1	38.9%
Texas Military Department*	1,393.4	-	1,393.4	1,133.9	81.4%
Department of Public Safety	967.7	-	967.7	472.6	48.8%
Texas Parks and Wildlife	31.3	-	31.3	19.6	62.6%
Soil and Water Conservation Board	4.8	-	4.8	3.2	67.3%
Department of Motor Vehicles	8.8	-	8.8	2.6	29.3%
	\$ 4,036.2	\$ -	\$ 4,036.2	\$ 1,944.9	48.2%

*Additions to the Office of the Governor include \$180.0 million designated from HB 5, 87(2). The Office of the Governor also transferred \$479.7 million in January and \$495.3 million in April to the Texas Military Department.

Office of the Attorney General

Historically, the Office of the Attorney General (OAG) has provided legal services in defense of Texas borders in a wide variety of cases. Examples of cases generally include, but are not limited to: (1) murder, including capital murder; (2) evading arrest, resisting arrest, DWI, aggravated assault, sexual assault, family violence assault, unlawful restraint, tampering with a corpse, election violation, and human trafficking and; (3) public corruption, official oppression, theft by a public servant as a party, misapplication of fiduciary property, excessive use of force by peace officer, and bribery. The border counties with OAG case activity include: Aransas, Brazoria, Brewster, Cameron, El Paso, Hidalgo, Jefferson, Maverick, Nueces, San Patricio, Starr, Webb. The non-border counties with OAG case activity include: Hale, Harris, Lubbock, Travis and Victoria. Tasked with defending the State of Texas and its duly enacted laws by providing legal representation to the State, its officials and agencies; the OAG continues to provide legal services to aid in border security efforts at levels required to perform its statutory functions.

In December of 2015, the Legislative Budget Board (LBB) requested the OAG report semi-annually expenditures associated with efforts by the agency on border security. To comply with this request the OAG used case information and legal billing data to compile and report border security efforts because specific appropriations for border security were not provided. Appropriations funding this case work provided to the LBB resided in the current OAG Legal Services Strategy within the base budget.

During the 85th Legislative Session, the LBB asked OAG to provide the amount currently being expended per biennium on border security. At the time, the OAG had already reported to the LBB the FY 2016 amount and six-months of data for FY 2017 (Sept 2016–February 2017). Using the actual data and assuming the second half of FY 2017, the estimated expenditure per biennium on border security at the OAG at the time was \$2,608,751. This same \$2.6 million estimate has been used in subsequent reporting years including 2016-17, 2018-19, 2020-21, and 2022-23. It's important to note that the OAG does not receive any direct appropriation specifically for border security purposes. The \$2.6 million number that LBB uses is simply an estimate (coming from the OAG) of border security expenditures by the agency for each biennium. The committee recommends that the OAG provide updated estimates rather than recycling the same \$2.6 million figure as they've done in years past.

The OAG testified that they provide legal services requested by the agencies involved in border operations and reported it as border related if the legal service was for border related activities. The OAG made clear that they do not participate in border security operations unless their help is requested. The OAG also created an internal border and border security check list that they use. For a case to be considered a "border case", the case must be: (1) in a border county; and (2) on the offense list. For a case to be considered a "border security case", the case must be: (1) not in a border county; and (2) must involve transnational criminal activity or involve a non-citizen.¹⁴

¹⁴ Price, Michele L. 2022. *Controller, Texas Attorney General's Office* (June 27).

Office of the Governor

The Office of the Governor was appropriated the most of any agency during the 87th Legislature: \$1.375 billion. Since 2016, the Office of the Governor (OOG) has dedicated \$421 million in state and federal funding to support border security initiatives. Border funding through the Public Safety Office is used to increase security along the Texas-Mexico Border and international water borders. These grants provide resources for increased patrols to detect, deter, and disrupt drug, human, and other contraband trafficking and crimes. Other funding is used to provide additional training and prosecution resources to handle cases related to the border.

Historical Border Security Awards - FY 2016-2022

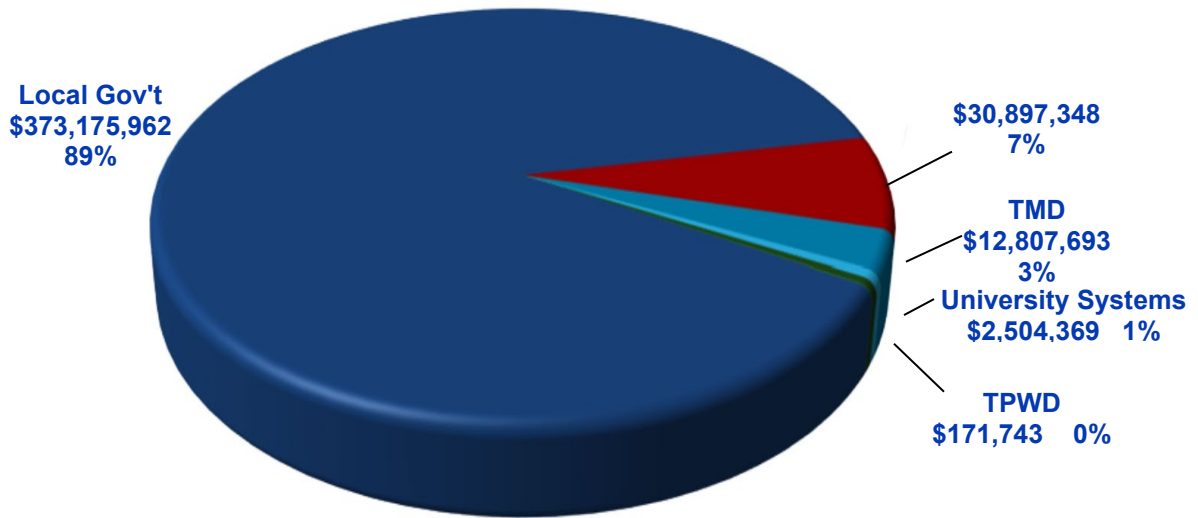


Figure from the Public Safety Office, Office of the Governor¹⁵

Through Operation Lone Star, the office has been able to award \$100 million in local grants - \$28 million specifically for border adjacent counties and \$72 million open to solicitation.¹⁶ To be eligible for the grants, applicants must be located or providing services to a declared disaster county and have a county attorney letter of support. These grants have provided resources to local governments enabling a state-local partnership that has led to additional surveillance capacity, enhanced law enforcement presence, increased border crime related arrests and subsequent prosecutions, and improved court administration efficiencies.

¹⁵ 2022. "PSO Historical Border Security Awards." *Border Security Grant Programs*

¹⁶Public Safety Office, Office of the Governor. 2022. "Border Security Grant Programs."

Operation Lone Star - Local Grants (\$100M) - FY 2022-2023

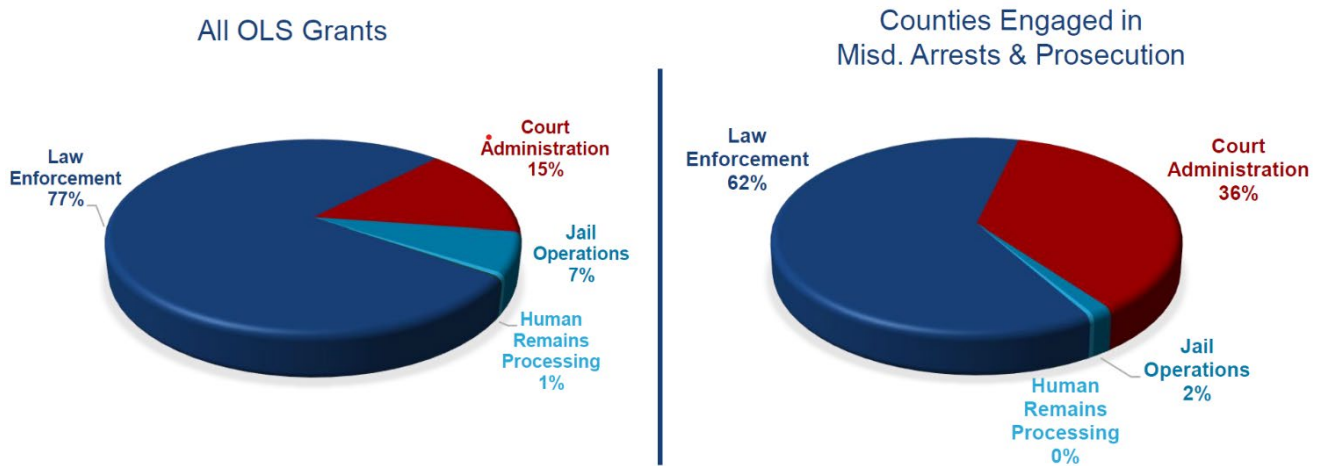


Figure from the Public Safety Office, Office of the Governor¹⁷

Border Prosecution Unit

The Texas Border Prosecution Unit (BPU) was established in 2009 by the 81st Texas Legislature for the purpose of providing dedicated prosecution resources in aid of state border security operations. After passage of House Bill 12 in the 84th Legislative Session (2015), the BPU's responsibilities were formalized, and the unit falls under the direction of the Governor's Office.

As directed by the legislature, the BPU is responsible for targeted investigation and prosecution of border crimes, with a particular emphasis on violent crime (murder, kidnapping, extortion), criminal enterprises associated with cartels and drug trade, financial crimes, and human trafficking. In addition to statutory obligations, the division has implemented threat-based operational benchmarks and procedures targeting cartels, domestic gangs, and other organized criminal operations in Texas - including those in state prisons.

During the 87th Legislative Session (2021), the BPU was appropriated \$15,126,000 for the biennium - the same funding allotment as the previous biennium. After the launch of Operation Lone Star and passage of House Bill 9 in the second special of the 87th Legislature, supplemental funding of \$3.765 million provided additional attorneys and investigators.

Current funding provides seventeen prosecution offices in the border region from El Paso to Brownsville that services 48 counties. Additionally, the appropriations cover six Texas Anti-Gang Centers outside of the border region in Bexar, Harris, Dallas, Lubbock, McLennan, and Smith counties.¹⁸

¹⁷ 2022. "Operation Lone Star - Local Grants (\$100M)." *Border Security Grant Programs*

¹⁸ Rosales, Honorable Yvonne. 2022. "Border Prosecution Unit Quick Facts."

Border Prosecution Unit Coverage

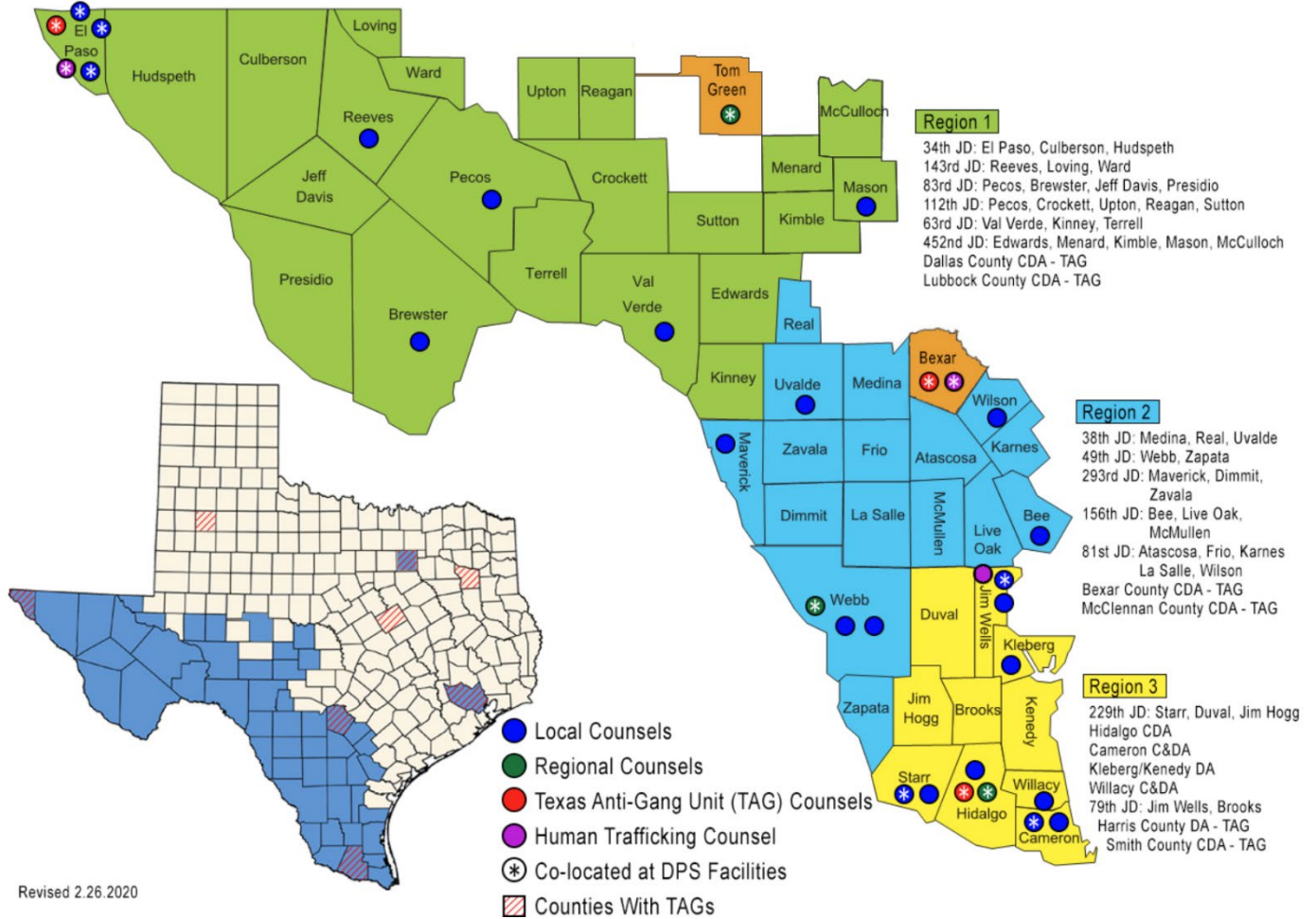


Image courtesy of the Border Prosecution Unit¹⁹

A further breakdown of BPU services and personnel include: fifty-one attorneys, including thirty Local Counsels, three Regional Counsels, eleven TAG Counsels, three Human Trafficking Counsels, and five Operation Lone Star Counsels. Of these, twenty-three attorneys are co-located in Department of Public Safety regional and area offices (El Paso, Fort Stockton, San Angelo, Laredo, Rio Grande City, Alice, Edinburg, and Brownsville) and/or TAGs (Lubbock, Tyler, Waco, Houston, Dallas, and San Antonio.) In addition to attorneys, nineteen investigator positions were funded in full or partially by a state grant.²⁰

Border: Region Wide

The Border Prosecution Unit (BPU) on a border region basis has created templates for case filing and documents for all Operation Lone Star prosecutions to increase efficiency. Furthermore, the BPU has served as the liaison between multiple counties in the border region and state agencies such as the Texas Department of Emergency Management, the Office of Court Administration, and Texas Department of Criminal Justice. Across the region the unit has assisted the Val Verde

¹⁹ Border Prosecution Unit. 2020. "BPU Coverage map."

²⁰ Rosales, Honorable Yvonne. 2022. "Border Prosecution Unit Quick Facts."

Processing Center and the Jim Hogg Processing Center to insure proper case handling and data transfers for magistration, detention, and bond issues. The BPU has also helped DPS in all respective jurisdictions regarding Operation Lone Star issues.²¹

Kinney County

The BPU has been providing strategic, technical and physical manpower to support Kinney County with all Operation Lone Star prosecutions. Members of the BPU have served as the Assistant County Attorney in writ hearings and court dockets, drafted pleadings and templates for law enforcement use, drafted forms for bonds, waivers, plea papers, and document filings. While assisting Kinney County, the BPU has implemented a new handling system for case filings that should address the filing delays within the county. The unit has coordinated with the Texas Military Department to use assigned paralegals to aid the county clerk and attorney's offices with their backlog of cases.

Maverick County

The BPU played an important role in setting up the Operation Lone Star process by providing manpower and tactical assistance. In coordination with the county clerk and court coordinator, the BPU was able to determine potential problem areas that for case movement based on the estimated arrest numbers in Maverick County. The unit was able to support the Maverick County Sheriff's office for resolving issues with the bail bond process between the county, Val Verde Processing Center, and the Briscoe and Segovia Units. Additionally, the BPU participated in landowner meetings with DPS personnel to explain Operation Lone Star to landowners and listen to their concerns and answer questions about the program as it relates to their personal situations during this crisis.

Jim Hogg, Uvalde, Terrell, Webb, and Zavala Counties

These five remaining counties utilized the assistance of the BPU in very similar ways. The BPU played an important role in starting Operation Lone Star within the county. The unit coordinated with local law enforcement and county officials to address the technical and strategical implementations necessary to efficiently operate within their county.

Future Concerns

- Continuation of OLS will involve continued travel to support ongoing operations and potential expansion.
- Support of BPU/OLS operations include BPU team and Senior Counsel to provide multi-jurisdiction support.
- Working with Briscoe, Segovia, and potential expansion units to expand the ability to provide multiple court proceedings simultaneously (As expansion takes place, they will need to have defendants in court via zoom while multiple counties have proceedings simultaneously.)

²¹ Barnes, Nelson. 2022. "Border Prosecution Unit Operation Lone Star Summary of Operational Activities." April 4.

Department of State Health Services

The Texas Department of State Health Services (DSHS) was appropriated \$16.4 million during the 87th Legislature for border security. DSHS plays an important role along the border by contracting with outside groups to provide ambulance services. DSHS deploys ambulances when needed that help transport individuals between processing center sites such as Jim Hogg and Val Verde, or between TDCJ's Segovia unit or Frio County. These services are vital considering the remote locations of these housing and processing facilities and the potential needs for emergency care. Altogether, DSHS was appropriated around \$16 million for the biennium. This appropriation may need to be adjusted depending on the level of need for ambulance services along the border.²²

Office of Court Administration

In July 2021, the Office of Court Administration (OCA) began supporting local court systems impacted by Operation Lone Star (OLS). This ongoing support includes technical assistance, training, consulting services, and facilitation of central magistration.

After being arrested, a person is brought before a magistrate for a pretrial “admonishment” proceeding called magistration. At its core, magistration consists of a probable cause determination on whether the law was broken, admonishment of various constitutional warnings, appointment of counsel for indigent defendants, and setting of bonds. To alleviate the burden on local judges by the large volume of OLS arrests, the Temporary Processing Centers in Val Verde and Jim Hogg counties utilize central magistration twice daily, seven days a week. These central magistration proceedings, authorized by Texas Supreme Court orders on July 20, 2021, and June 14, 2022, rely on 18 visiting judges appointed by the Supreme Court. OCA provides administrative support for the proceedings, including court interpretation services. Support staff consists of seven administrative assistants (four full-time, three part-time) and seven court interpreters, as well as a court services manager, special projects manager, and a court consultant who liaise between various court system participants to problem solve and ensure daily dockets are processed.²³

OCA uses four regularly contracted Spanish interpreters to assist in OLS magistrations. OCA has contracts with four additional interpreters that speak languages that are rare outside of small regions with indigenous populations in Mexico and Guatemala. The agency employs five staff interpreters who support Texas courts and act as a backup for contracted interpreters under certain conditions. The Temporary Processing Center (TPC) has identified nine distinct languages including English, Spanish, French, Tzotzil, Tseltal, Mam, Q’eqchi, Achi, and Sri Lanken. OCA supports the TPC in three primary methods for interpretation. The first is contracting with Spanish interpreters that appear through a video interface in hearings. The second is offering the language line service that support an additional 238 languages. The third is by locating and contracting with rare indigenous languages such as Mam, K’ekchi or Q’eqchi, Tzotzil, and Tseltal.

Because the overwhelming majority of all hearings have been conducted in English or Spanish

²² Sheppard, Donna. 2022. *Chief Financial Officer, Texas Department of State Health Services* (April 5).

²³ LaVoie, Megan. 2022. "Office of Court Administration Operation Lone Star Update."

and do not present difficulties for OCA. However, locating an interpreter for a rare indigenous language that has not previously been identified can prove challenging. There have been several occurrences where a judge has released a defendant because an interpreter could not be located within statutory maximum of 24 hours for the hearing to occur. OCA has successfully worked out contracts with Mam, K'ekchi or Q'eqchi, Tzotzil, and Tseltal interpreters, but has had difficulty locating Chatino and Achi interpreters.

Central Magistration Data

- 6,935 magistrations
- 82% use interpreters
- 92% appointed counsel

Bond Statistics

- \$2,940 average bond for only Criminal Trespass
- \$3,225 average bond for Criminal Trespass and/or other misdemeanors
- \$27,613 average bond for one or multiple felonies or a combination of a felony and a misdemeanor(s)
- \$79,420 average bond for a felony and/or multiple felonies or a combination of a felony and misdemeanors

Docket Management

OLS drove a surge in case filings in OLS counties, creating docket management challenges. To put it into perspective, there were 192 misdemeanor cases filed in Kinney County during the past 5 years; only 16 were filed in FY 2020. Under OLS, more than 4,524 individuals have been arrested in Kinney County alone. OCA supports local judiciaries in OLS counties with adjudication of OLS cases. OCA's court services manager and court consultant work with judges, clerks, court coordinators, detention staff, prosecutors, and the defense to address docket challenges. OCA technical support focuses on docketing best practices, court case management, Zoom training, and streamlining communication between organizations, and has included more than 55 in-person visits.²⁴

²⁴ LaVoie, Megan. 2022. "Office of Court Administration Operation Lone Star Update."

criminal procedures that disrupts cartel operations and impedes their ability to engage in illegal business activities along the border and in Texas.

Texas Alcoholic Beverage Commission

The Texas Alcoholic Beverage Commission (TABC) was appropriated \$6.8 million during the 87th Legislature for border security. TABC investigates organized crime at all TABC-licensed businesses, including those located in counties designated as part of the Texas-Mexico border region by the Office of the Governor and Legislative Budget Board (LBB). These designations include counties that adjoin the border and those along the Intracoastal Waterway (ICW).

Currently, 40% of all active TABC investigations are taking place in counties along the border as identified by the Office of the Governor and LBB. Since the 84th Legislature, TABC's Law Enforcement Division has conducted 15,842 undercover operations targeting organized criminal activity and human trafficking-related crimes in border counties. This represents 38% of all organized criminal activity and human trafficking operations conducted statewide during this very same timeframe.

During Fiscal Years 2019 and 2020, TABC rescued 230 human trafficking victims and identified an additional 256 potential victims. TABC is operating productively with limited resources. However, with the continued influx of criminals into Texas, TABC and other agencies must work together to prevent criminal activity at establishments under TABC regulation.²⁶

TABC's Border Security Efforts

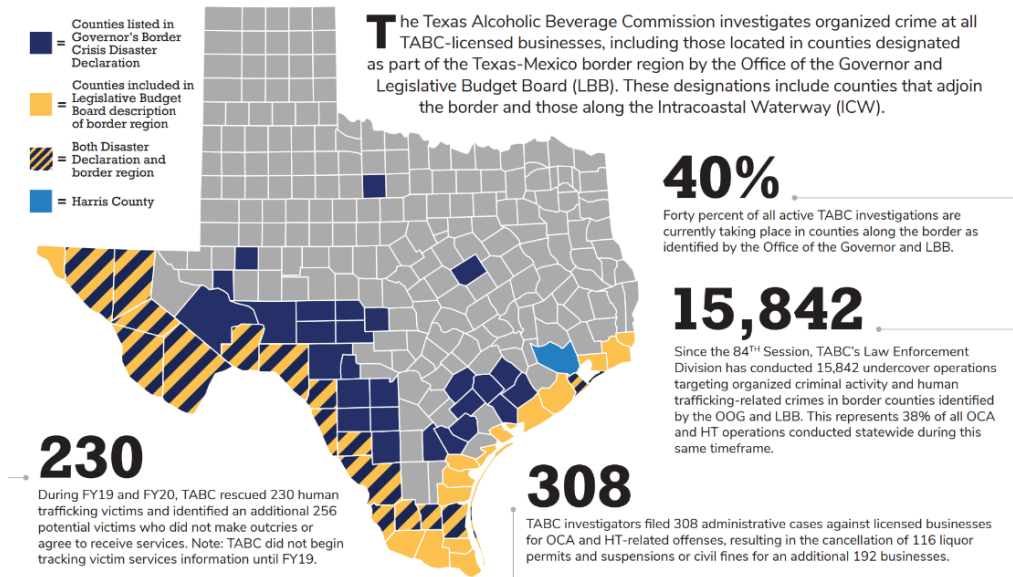


Image courtesy of Texas Alcoholic Beverage Commission²⁷

²⁶ Lilly, Kevin. 2022. *Chairman of the Texas Alcoholic Beverage Commission* (April 5).

²⁷ Texas Alcoholic Beverage Commission. 2022. "TABC's Border Security Efforts."

Texas Department of Criminal Justice

The Texas Department of Criminal Justice (TDCJ) was appropriated \$25.3 million during the 87th Legislature for border security. In June of 2021, TDCJ began discussions with the Governor's Task Force on Border and Homeland Security regarding utilizing TDCJ facilities for Operation Lone Star to assist counties affected by the record number of aliens illegally crossing the border and committing state crimes. The TDCJ Briscoe Unit in Dilley, TX was selected as the first housing site for Operation Lone Star. Of the 1,384 beds at the unit, 1,008 beds had its occupants transferred to other state facilities in June of 2021. The remaining TDCJ inmates help support the unit. TDCJ worked closely with the Commission on Jail Standards and the Commission on Law Enforcement to meet proper jail standards. Then, beginning on July 20, 2021, the Briscoe Unit began receiving individuals charged with a state offense.²⁸

Due to the increased need for beds, the Segovia Unit in Edinburg transferred its occupants to other TDCJ facilities and then began receiving apprehended alleged criminals on September 11, 2021. This facility has 1,224 beds designated for individuals arrested during Operation Lone Star. Medical care for those incarcerated in state facilities is provided by the University of Texas Medical Branch. Educational services are provided by the Windham School District.

Individuals that are arrested under Operation Lone Star are processed and magistrate at either Val Verde or Jim Hogg Processing Centers before being transported to one of the two TDCJ operated facilities. Then, they can be transported back to the county of arrest for court hearings, or those hearings may be conducted via video conferencing.

The U.S. Immigration and Customs Enforcement (ICE) are located at both TDCJ facilities and issue detainers for non-citizens. ICE will take custody if the person completes their sentence or bonds out and is considered a public safety risk. United States Border Patrol will take custody of confinees who bond out and are not detained by ICE authorities.

To date, the TDCJ has spent over \$11.6 to retrofit facilities and to detain individuals at correctional facilities for Operation Lone Star (\$3.1 million in Fiscal Year 2021; \$8.5 million in Fiscal Year 2022). These expenditures go directly towards additional staffing, medical expenses, and meeting Jail Standards requirements. The agency is projected to spend \$23.7 million in total on border security for Fiscal Year 2022-2023. \$250 million from Texas Department of Criminal Justice's (TDCJ) Fiscal Year 2023 appropriations was transferred to the Disaster Fund within the Trusteed Programs within the Office of the Governor. However, TDCJ testified that they had received \$273.7 million which included the restoration of the \$250 million redirected to initial Operation Lone Star operations and another \$23.7 million to operate the Briscoe, Segovia, and Lopez units.²⁹

When the state first initiated Operation Lone Star, TDCJ took on the exceptional disposition to apply the same criterion that county jails throughout the state must follow. The TDCJ, as an agency, traditionally practices and enforces prison standards throughout their facilities. After the Briscoe and Segovia Units were converted from prison facilities to jails, TDCJ continued to operate the facilities, but adopted Texas jail standards in their operations of those facilities. TDCJ

²⁸ Collier, Bryan. 2022. *Executive Director of the Texas Department of Criminal Justice* (April 5).

²⁹ Clark, Jason. 2022. *Texas Department of Criminal Justice Chief of Staff* (November 15).

chose to live up to county jail standards even though it was not required to do so at the time.

Texas Commission on Jail Standards

The Texas Commission on Jail Standards (TCJS) was appropriated \$200,000 border security during the 87th Legislature. The agency plays a minor but important role in Operation Lone Star. TCJS was originally assigned the responsibility of ensuring that the TDCJ facilities used for Operation Lone Star met jail standards requirements. In order to accomplish this, TCJS was appropriated \$200,000 which went towards adding an additional FTE for inspections of TDCJ facilities used in Operation Lone Star.³⁰

Texas Commission on Law Enforcement

The Texas Commission on Law Enforcement (TCOLE) was appropriated \$300,000 for border investigations. TCOLE's role in Operation Lone Star is to provide investigatory capacity when dealing with possible infiltration of cartels or other criminal elements into law enforcement agencies (LEAs) operating on the border. TCOLE is both proactive by reviewing applicants for law enforcement agencies operating on the border, and reactive by working with the FBI task force when issues arise. TCOLE is limited in their license revocation authority, but they do have the ability to ensure that those convicted of such crimes could not receive another license and work at another LEA along the border.³¹

Texas Military Department

The Texas Military Department (TMD) was initially appropriated \$411.9 million during the 87th Legislature for border security. Since then, Operation Lone Star expenditures reached \$1.24 billion for fiscal year 2022 and cost 429.8 million so far in fiscal year 2023.

At its peak, roughly 6,500 troops were deployed to the border with another 3,500 working in support roles. That number has diminished and now stands at around 5,100. The mission is unprecedented in its size and scale for a state deployment. Typically, troops are sent to help for short missions like assisting in natural disasters such as hurricanes along the Texas coast. Now, many guard members face yearlong deployments to remote areas along the border. Some guard members have wondered what their mission is. During an April 2022 hearing, Brig. Gen. Ulis said they were there to support DPS and interdict transnational criminal operators. While they do not have immigration law authority, they do have the authority to make arrests for state crimes. Brig. Gen. Ulis said this authority comes from a July 27, 2021; direct order issued by Gov. Abbott. TMD noted that their troops apprehended and then DPS executes the processing as they were more familiar with the procedure.

At first, the Texas Military Department experienced points of friction as expected of any short notice operational action such as initial training, pay, and living standards. Despite these issues

³⁰ Wood, Brian. 2022. *Executive Director of the Texas Commission on Jail Standards* (April 5).

³¹ Vickers, Kim. 2022. *Executive Director, Texas Commission on Law Enforcement* (April 5).

encumbered early on, TMD has implemented many improvements to their internal operations within Operation Lone Star to ensure that troops have proper training and quartering conditions.

As of the November 15th hearing, over 80% of guardsmen stationed at the border are there on a yearlong volunteer basis.³² TMD implementing a 6-month deployment rotation for the other guard members who are stationed at the border. As Operation Lone Star has progressed, Texas Military Department has been able to increase efficiency, decrease costs, and improve moral among guardsmen at the border.

Department of Public Safety

The Texas Department of Public Safety was appropriated \$942 million during the 87th Legislature for border security. As part of Operation Lone Star (OLS), the agency utilizes these funds by deploying DPS assets which include DPS Troopers, Special Agents, Texas Rangers, rotary and fixed wing aircraft and tactical boat teams, to the border. Their primary missions are to secure the border; stop the smuggling of drugs, weapons, and people into Texas; and prevent, detect, and interdict transnational criminal behavior between ports of entry.

In conducting Operation Lone Star, DPS rotates commissioned officers to the border region for intensive deployment periods which have generally varied from nine to fourteen days, where they work alongside federal, state, and local law enforcement officers who are permanently assigned to the border region. DPS commissioned officers on rotation to the border region work under the operational command of the DPS regional command structure for the duration of their deployment. While the operation has evolved, DPS officers are generally scheduled for deployment based on the operational requirements of Operation Lone Star, availability of coverage in their regular duty location, and other considerations. The agency assigns officers to OLS duty locations based on operational needs, which are informed by current trends, intelligence reporting, special events, and other considerations. In addition, given the dynamic border environment, DPS commissioned officers remain flexible throughout their deployment to allow for operational commanders to adjust the operational posture as needed. In order to increase law enforcement presence, the 87th Legislature added another 100 troopers to augment the assets permanently stationed in the border region.

Commissioned officers working in support of OLS are engaged in a range of law enforcement activities in support of the OLS mission, including patrol, investigations, and other operations. Patrol activities include DPS Troopers whose presence serves as a deterrent to criminal activity in key smuggling corridors along the border, where they also detect and interdict criminal activity on the roadways. Investigations within the OLS area of interest are conducted by DPS Special Agents and Texas Rangers who conduct multi-jurisdictional investigations aimed at dismantling Mexican cartels, transnational gangs, and other criminal organizations within the border region.

Other operations include special tactical operations as well as aviation and maritime patrols designed to deter transnational criminal activity and assist with rapid response to critical incidents. In addition, DPS Troopers, Special Agents and Rangers are supported by a robust team of intelligence, communications, technology, and logistics personnel. Important technology

³² Suelzer, Major General Thomas. 2022. *Texas Military Department* (November 15).

assets include Operation Drawbridge cameras, which are deployed along smuggling routes and provide real-time images of smuggling activity to which officers can respond promptly.

Texas Parks and Wildlife Department

The Texas Parks and Wildlife Department (TPWD) was appropriated \$29 million during the 87th Legislature for border security. The agency began deploying 66 personnel and equipment to support Operation Lone Star (OLS) beginning in January 2022. The territory along the Rio Grande River assigned to TPWD is comprised of the staging area at Anzaldua's Park in Hidalgo County upstream to the Los Ebanos Ferry near the Starr County line. TPWD's deployment consists of 50 Texas Game Wardens, 6 State Park Police Officers, 4 Special Operations members, 1 K9 Team member, 3 Texas Game Warden supervisors, 1 operations officer and 1 boat mechanic. Equipment for this deployment entails 65 patrol vehicles and 30 patrol vessels.

Texas Game Wardens and State Park Police Officers have contributed 315 person-days of service to OLS. In so doing, TPWD peace officers have encountered 4,588 adults, 754 juveniles and denied access to 2,311 individuals attempting to illegally cross the border. TPWD has received \$9,353,520.78 from the Office of the Governor for OLS reimbursement costs.³³

Currently, there are 551 Game Wardens and 125 State Parks Police Officers stationed throughout the state. With the advent of TPWD's involvement in OLS, TPWD began deploying the 65 TPWD peace officers and one boat mechanic to OLS duty every nine days from across the state. While these TPWD peace officers participate in OLS, it leaves a gap in service at their respective home duty stations. There are no Game Wardens or State Park Police Officers dedicated solely to OLS operations; however, during the 87th Texas Legislative Session there was a border security appropriation to supplement the number of Game Wardens assigned to the Gulf of Mexico and Mexico border counties. These Game Wardens stationed in border counties are not supported by OLS funding unless specifically deployed to TPWD's OLS area of responsibility for a nine-day rotation. Instead, Game Wardens permanently assigned to border counties function just as any other Texas Game Warden and serve as force multipliers when called upon to assist other law enforcement agencies with border security events.

Upon arrival for the nine-day tour, the Game Wardens and State Park Police Officers are required to attend an operation briefing led by the local area Major and an Operations Captain who is responsible for logistics, reporting, scheduling, briefing and multiagency coordination. Within each deployment group there are assigned shift supervisors. These supervisors attend the primary briefing for all TPWD officers and attend a supervisor briefing with the outgoing shift supervisors. Each briefing is updated weekly with the latest intel, changes in tactics and safety concerns. While on rotation, the TPWD officers report to their assigned shift supervisors, who then reports directly to the Operations Captain. The local Major and Operations Captain communicate directly with DPS Command Staff to discuss strategy, operational effectiveness, deconfliction and intel which is communicated to TPWD staff and officers.

³³ Texas Parks and Wildlife. November 2022. "Operation Lone Star - Texas Game Wardents & State Park Police Officers."

Soil and Water Conservation Board

The Texas State Soil and Water Conservation Board was appropriated \$2.8 million during the 87th Legislature for Carrizo Cane (i.e., *Arundo donax*) Eradication efforts. To help meet the Governor's border security priorities, the 84th Texas Legislature, in 2015, directed the Texas Soil and Water Conservation Board (TSSWCB), through Senate Bill 1734, to develop and implement a program to eradicate Carrizo Cane along the Rio Grande.³⁴

Carizzo Cane is an exceptionally fast-growing invasive plant species that has the ability to grow in a 4-inch spread per day and reach a mature height of over 25 feet tall in about a year. These incredibly dense, bamboo like weeds have presented considerable obstacles for the protection of the international border for law enforcement by reducing the visibility within the tall plant growth. Due to its rapid growth abilities, it is difficult to eradicate the species in Texas. Additionally, the plant grows abundantly in Mexico and along its border and without their cooperation to assist in the eradication, the plant will continue to pose a problem in Texas.

The TSSWCB developed a program that establishes long-term management of invasive Carrizo Cane at a landscape scale along the entire Rio Grande, an international border with great ecological and cultural significance. Comprehensively addressing the impacts of arundo on border security are paramount to the program, while also accruing benefits to the ecosystem health of the Rio Grande and water user groups in south Texas.

The process to develop a program will involve affected landowners, municipalities, other state and federal governmental entities, and concerned citizens. The agency is in the "public scoping" stage of soliciting input from the public and affected stakeholders into how this program should be implemented.

The tall, dense plant growth has become an area of seclusion for illegal immigrants to evade law enforcement detection. The TSSWCB works in conjunction with DPS to determine optimal Carizzo eradication locations based on law enforcement intelligence indicating areas being utilized for mass points of entry. The partnership between the board and law enforcement entities has been important in identifying which locations would be most useful to eradicate for border security.

Currently, the TSSWCB eradicates Carizzo Cane using two different methods, spraying a herbicide by helicopter or drone application. The agency contracts with helicopter and drone companies. The average cost to eradicate one acre of Carizzo by helicopter is \$200 per application. Helicopter application typically requires 2-3 treatments - difficult areas may require 4-5 treatments - to eradicate one acre of the plant species. The alternate method of using drones costs about \$1,500 per application and typically requires just one treatment per acre. Drone application has the ability to be more target specific and hover closer to the plant growth for a more precise treatment. While drones can effectively eradicate the cane with one treatment, there are some secluded and remote areas that drone application is not accessible making it necessary for the helicopter method.

³⁴ Isom, Rex. 2022. *Executive Director of the Texas State Soil and Water Conservation Board* (April 4).

Texas Department of Motor Vehicles

The Texas Department of Motor Vehicles was appropriated \$10.4 million during the 87th Legislature for border security. The Motor Vehicle Crime Prevention Authority (MVCPA) was created in 1991 to bring local communities on-board with a statewide strategy to fight auto theft. The authority is administratively attached to, and supported by, the Texas Department of Motor Vehicles, but governed by an independent board appointed by the Governor. The primary legislative charge is providing financial support to law enforcement agencies for economic motor vehicle theft and fraud related motor vehicle crime enforcement teams, through a grant program. The grants support both direct enforcement activities and public education efforts. Revenue to fund the grant program is provided by a dedicated fee applied to automobile insurance policies and collected by the Comptroller of Public Accounts.³⁵

During the 2021 Fiscal Year, MVCPA issued \$12.1 million in grants to 24 single or multijurisdictional recipients, ranging from \$73,000 to \$1.1 million. A little more than 50% of the total, \$6.1 million, was awarded to border or port jurisdictions included in the MVCPA reporting definition for border security. From fiscal year 2018 through 2021, MVCPA awarded a total of \$24.3 million in motor vehicle crime prevention related grant funding to border and port communities.

In 2008, the City of Laredo was listed as the number one place in the United States of America to have a car stolen per capita. In response, MVCPA expanded the Laredo Auto Theft Taskforce, which continues to be a critical component of the current statewide network. They have since turned the city of Laredo around. It's important to understand that the vehicles stolen across Texas are weaponized against communities, local law enforcement, DPS and the federal government. They are used for human trafficking, narcotics smuggling, and many other crimes. MVCPA testified and said in 2018 they had provided testimony regarding their operations on the border showing that cartels often used stolen vehicles for their conduct on the United States side of the border. However, the new trend is stealing vehicles like tractor-trailers.

However, not all parts of the state, including the border and ports jurisdictions, are covered adequately with current available resources. Funding reductions in FY20-21 resulted in almost a 50% reduction in outbound vehicle inspections at the state's borders and ports. The MVCPA was able to add some new automatic license plate reader technology in Eagle Pass, but more resources are needed. In Laredo, their taskforce ran several overtime operations to catch stolen vehicles used in transporting illegal aliens.

CONCLUSION

Due to the Biden Administration's willful failure to secure the border, Texas has invested over \$4 billion into Operation Lone Star to secure the border between Texas and Mexico. The dividends of this venture include more than 320,000 illegal immigrants apprehensions, along with more than 29,000 criminal arrests — and more than 19,000 felony charges. DPS has seized over 350

³⁵ Rodriguez, Miguel. 2022. *Texas Department of Motor Vehicles, Presiding Officer of the Motor Vehicle Crime Prevention Authority* (April 4).

million lethal doses of fentanyl and curbed the infusion of other illegal drugs throughout the state.

Texas must continue to fund Operation Lone Star in order to secure the safety and well being of its citizens and communities.

RECOMMENDATIONS

The Committee, after deliberative discussion, believes that the Legislature should take the following actions:

- Continue to fund Operation Lone Star.

2. Interim Charge Two - Community Impact: Study and report on the impact of Operation Lone Star on border, rural, and urban communities throughout Texas.

BACKGROUND

Over the past two years, the number of illegal alien apprehensions has significantly increased. The exponential growth of illegal crossings has resulted in an upsurge of criminal activity, destruction of property, and overwhelming law enforcement and prosecutors along the border and across the state.

The unwillingness of the Biden Administration to enforce federal immigration laws has allowed millions of illegal aliens and astronomical amounts of drugs to cross the southern border into the State of Texas. Furthermore, the willful neglect of the Biden Administration to secure the Southern Border has empowered criminals to disseminate unlawful behavior from the border region to the interior rural and urban areas of the state, placing an even larger burden on Texans and state and local law enforcement officers.

On March 6, 2021, Governor Greg Abbott launched Operation Lone Star—an interagency initiative composed of the Texas Department of Public Safety (DPS), the Texas National Guard, the Texas Military Department (TMD), and other law enforcement partners—to combat the smuggling of people, drugs, and other contraband into Texas.¹ As part of Operation Lone Star, Governor Abbott directed DPS in partnership with the Texas National Guard to deploy "air, ground, marine, and tactical border security resources" to high-threat regions of the State. Initially, Governor Abbott deployed 500 Texas National Guard members, but the need for greater assistance grew exponentially.³⁶

The State of Texas continued to experience increased violent crime, human trafficking, and loss of life as individuals continued to illegally cross the Texas-Mexico border. On May 31, 2021, Governor Abbott issued a disaster proclamation in response to the ongoing crisis at the Texas-Mexico border and declared a state of disaster in 34 counties in the border region. In the disaster proclamation, Governor Abbott also authorized DPS and other state and local law enforcement agencies to use all available resources to mitigate Texans' property damage and combat criminal activity. The declaration further directed the Texas Commission on Jail Standards (TCJS) and the Texas Commission on Law Enforcement (TCOLE) to ensure that counties had the latitude to establish alternative facilities to meet the increasing need for detention facilities.³⁷

Through the passage of House Bill 9 (2nd Called Session), the 87th Texas Legislature allocated additional resources and appropriations to Operation Lone Star to deploy additional Texas

³⁶ Abbott, Governor Greg. 2021. *Governor of the State of Texas*. March 6. <https://gov.texas.gov/news/post/governor-abbott-dps-launch-operation-lone-star-to-address-crisis-at-southern-border>.

³⁷ Abbott, Governor Greg. 2021. *Governor of the State of Texas*. May 31. <https://lrl.texas.gov/scanned/govdocs/Greg%20Abbott/2021/proc05312021.pdf>.

National Guard members and DPS personnel to the border region.³⁸

Border Communities

The Senate Committee on Border Security met in Eagle Pass on Wednesday, August 10, 2022, to hear invited and public testimony on the impact and progress of Operation Lone Star along the border region. The Texas border region, for purposes of this interim report, is comprised of 32 counties that are within 62 miles of the Rio Grande River.³⁹

Figure 1 - Border Region



At the time of the hearing, 54 counties had declared a state of emergency in Governor Abbott's disaster proclamation for the imminent and ongoing threat to public safety and security due to the relaxed border security policies implemented at the federal level. Of these 54 counties included in the declaration, 26 counties are located along the border.⁴⁰

³⁸ Texas Legislature 87(2) House Bill 9 by Bonnen. September 17, 2021.
<https://capitol.texas.gov/BillLookup/History.aspx?LegSess=872&Bill=HB9>.

³⁹ 2022. *Texas Department of State Health Services*. 25 May.
https://www.dshs.texas.gov/borderhealth/border_health_map.shtm.

⁴⁰ Abbot, Governor Greg. 2022. "Press Releases." *Governor of the State of Texas*. June 21.
<https://gov.texas.gov/news/post/governor-abbott->

Figure 2 - 54 Disaster Counties

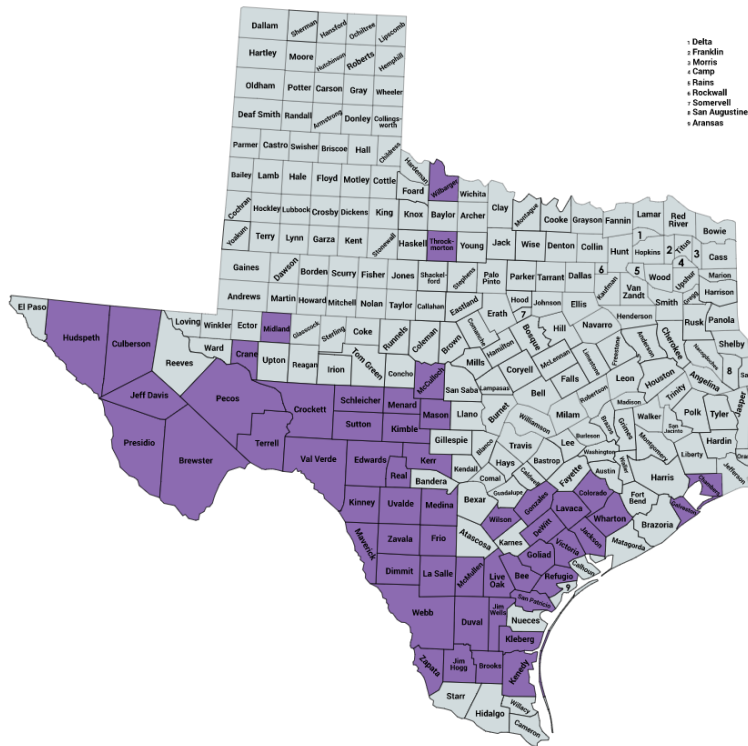


Figure 3 - Border Region Counties in the Disaster Declaration



Rural Communities

The Senate Committee on Border Security met on November 15th in Austin to discuss the impact negligent policies by the Biden Administration and the State of Texas's Operation Lone Star is having on rural counties and communities not along the border. A rural community is "a municipality with a population with less than 50,000 or a county with a population of less than 200,000." A rural county is defined a county with a population of 150,000 or less; or with respect to a county that has a population of more than 150,000 and that contains a geographic area that is not delineated as urbanized by the federal census bureau, that part of the county that is not delineated as urbanized.

County Designations

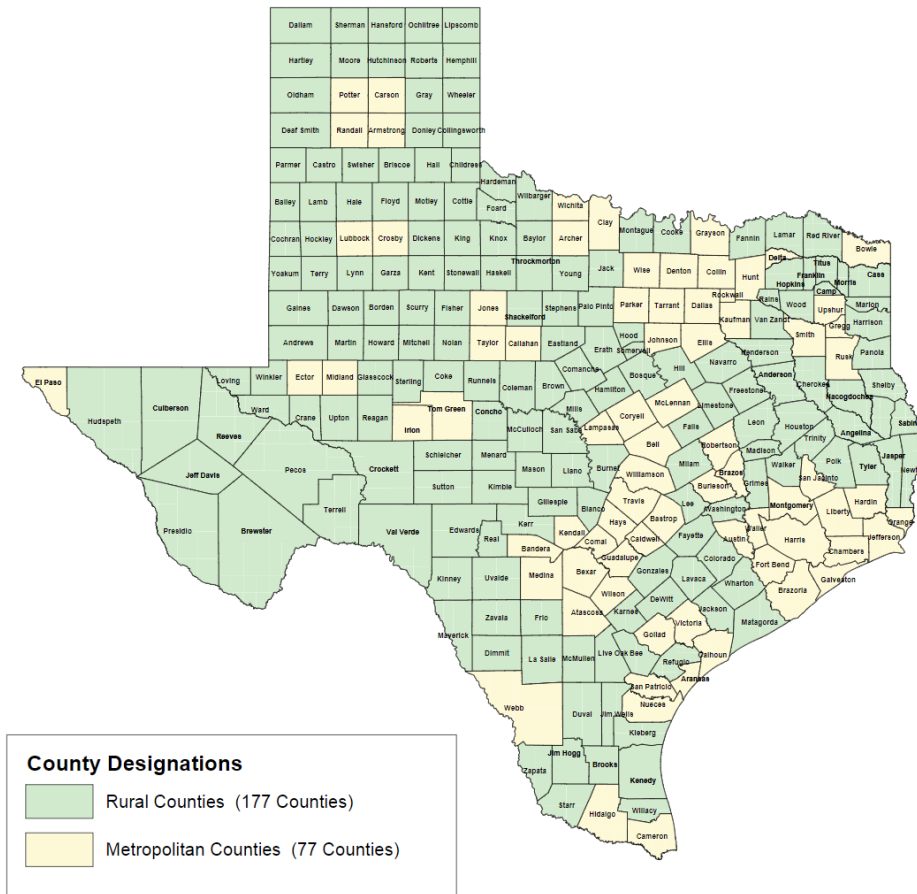


Image prepared by the Texas State office of Rural Health, Office of Rural Affairs, Texas Department of Agriculture⁴¹

⁴¹ Texas Department of Agriculture, Office of Rural Affairs. 2012. "County Designation Map." April.

Urban Communities

On November 15th in Austin, the Senate Committee on Border Security also met with representatives of law enforcement from urban and rural counties from the interior of Texas. The United States Office of Budget and Management designates counties by "Metropolitan" or Non-Metropolitan". In Texas, 82 counties are designated as Metropolitan and 172 are designated as non-Metropolitan. The Health Professions Resource Center at the Texas Department of Health and Human Services uses the terms "Non-Metropolitan and Metropolitan" interchangeably with "Rural and Urban."

TESTIMONY

Border Communities

Although all Texans suffer from the neglectful immigration policies of the Biden Administration, such policies have particularly impacted communities located in the border region.

DPS provided testimony to the Senate Committee on Border Security regarding interagency operations and how the agency's activity affects the border region. According to DPS, in the last two years, over 2.1 million people have illegally crossed the border; this amount only includes people of whom DPS is aware. The tremendous increase in illegal crossings has overwhelmed the United States Border Patrol, creating significant gaps in both security policies and surveillance. These gaps have been exploited by cartels and others engaging in criminal activity. DPS informed the Senate Committee on Border Security that there has been an increase of drugs entering the state and country, including unprecedented levels of fentanyl amounting in over 300 million lethal doses. Additionally, there has been a 762% increase in human smuggling arrests along the border and increased number of criminal pursuits in border communities. Offenses for which individuals are arrested under DPS include criminal mischief, criminal trespass, and burglary. The majority of DPS captures are military age single transient males.⁴²

The current federal border security policies leave local law enforcement along the border region overwhelmed with unprecedented crime rates and significant expenditures. Throughout the past year, Val Verde County has spent over \$223,000 in local and county resources just for inmate housing alone.⁴³ Since 2021, local law enforcement has seen a dramatic increase in human and drug smuggling cases. Law enforcement along the border contributes this increase to the advantages in recruitment abilities and the access to current smuggling infrastructure of the cartels and other crime organizations. Local officials and law enforcement appreciate the additional law enforcement personnel under Operation Lone Star to assist with daily operations but, are still in need of additional resources and appropriations to continue attempting to provide safety and security in their communities.⁴⁴

While a partnership between local, state, and federal authorities has traditionally been critical in maintaining a secure border, it is important to note the disconnect between the different entities

⁴² McCraw, Steven. 2022. *Director of the Texas Department of Public Safety* (August 10).

⁴³ Martinez, Joe Frank. 2022. *Val Verde County Sheriff* (August 10).

⁴⁴ Garza, Federico. 2022. *Police Chief, City of Eagle Pass Police Department* (August 10).

abilities when it comes to jurisdiction and enforcement. Currently, Texas officials can arrest and charge illegal aliens for various state crimes under state law. However, Border Patrol Agents under current federal policies are required to process the individual to determine their appropriate disposition. Unaccompanied children are transferred to HHS (Health and Human Services), certain noncitizens may be transferred to detention facilities or ICE (Immigration, and Customs Enforcement), and the remaining noncitizens are processed for release while waiting for removal proceedings through ICE Alternatives to Detention program. Noncitizens placed into proceedings present their case to an Immigration Judge or Asylum Officer and will either order their removal, grant asylum, or provide other relief in accordance with the law.⁴⁵ Many state and local officers believe that under current policies border patrol agents have their hands tied.⁴⁶

Figure 4 - Current Border Patrol Protocol

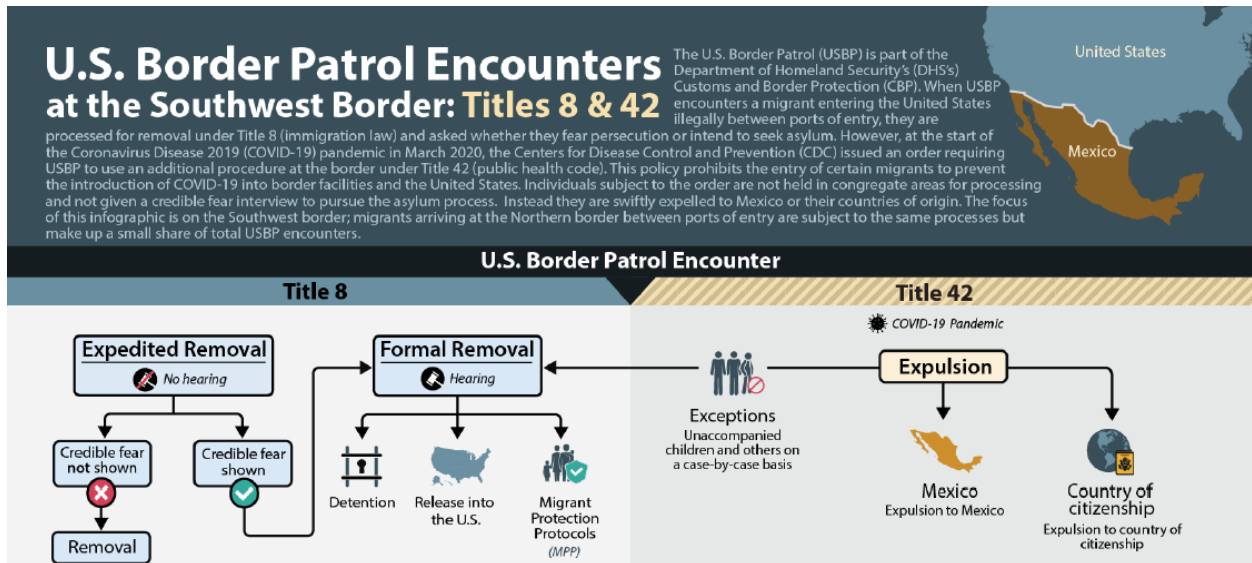


Figure was prepared by the Congressional Research Service (CRS)⁴⁷

Local elected officials such as the Kinney County Attorney⁴⁸ and the Jim Hogg County Judge⁴⁹ testified on the impacts of the law enforcement chases. Schools and other local businesses have placed military barriers around the perimeter to prevent cars from crashing into them during law enforcement pursuits. Additionally, local county attorney offices are suffering from a lack of employees to help with their case load, which has increased to thousands per year.⁵⁰ Operation Lone Star has provided much needed funding to some of these communities like Eagle Pass to

⁴⁵ Mayorkas, Alejandro. 2022. "Secretary of the United States Department of Homeland Security." DHS Plan for Southwest Border Security Preparedness.

⁴⁶ Testimony from the Senate Committee on Border Security. 2022. (August 10).

⁴⁷ Singer, Audrey. 2022. "U.S. Border Patrol Encounters at the Southwest Border: Titles 8 & 42." *Congressional Research Service*. May 20. <https://crsreports.congress.gov>.

⁴⁸ Smith, Brent. 2022. *Kinney County Attorney* (August 10).

⁴⁹ Guerra, Juan Carlos. 2022. *Jim Hogg County Judge* (August 10).

⁵⁰ Iracheta, Jamie. 2022. *Maverick County Attorney* (August 10).

help address the rising number of safety and security concerns and address employee overtime.⁵¹

Landowner Testimony

Since January 2021, border region landowners and local businesses have witnessed firsthand the devastation and destruction as a result of relaxed federal border security policies. Residents testified that under current circumstances, they no longer feel safe in their homes or in secluded sections of their property. Over the last 18 months, property owners have seen a rise in vandalism and theft, resulting in hefty financial burdens. Landowners are grateful to the State of Texas for Operation Lone Star for providing more of a law enforcement presence. Without the presence of DPS and additional law enforcement, they would be driven out of their home and property, forced to forfeit their generational livelihoods.

Financial Losses and Property Damages

Landowners have been challenged with both record financial losses and property damage as a result of the increase of illegal immigrants crossing their property. A Maverick County landowner informed the committee that since January of 2021, the amount of property damage over the last 18 months has surpassed the amount of the 26 years prior combined.⁵² Border farmers and ranchers have suffered a financial loss from destroyed crops and lost livestock from cut holes in fences to create a mobility corridor for illegals on foot or destroyed during law enforcement pursuit which is more commonly known as a bailout. An organic farmer from Maverick County stated that his family purchased their farm in 2019 and have not been able to produce a crop because of the contamination in the fields from the illegal immigrants passing through.⁵³ Additionally, the holes cut in the fences make it easy for livestock or game animals to escape the property - which becomes a safety concern for drivers and a potential liability for the animal owner.⁵⁴ With this added risk, ranchers have not been able to turn their livestock out in their native pastures for grazing and have resorted to other feedstuffs which can become costly and affect their profits and production.⁵⁵ Holes cut and other fence damages take significant time away from the day-to-day operations of these landowners. A Kinney County game ranch owner testified that prior to 2021, the 21 miles of fence line along the border would be regularly checked once a week. Due to the number of crossings through their property, the fence must be checked daily and takes over four hours and has repaired over 250 holes in the fence line.⁵⁶ The amount of trash and litter left scattered across properties has increased almost 3 times. Maintaining trash and disposal of waste is another expense that the landowner must incur.⁵⁷

Assessing fair and accurate financial losses that landowners have suffered as a result of the mass illegals crossing is challenging. Of the invited landowners who provided testimony, the combined expenses amounted to about \$1 million. While their current expenditures have been insurmountable, the cost could be much higher. With the overwhelming amount of damages caused, landowners stated that it would be counterproductive to make efficient repairs or replacements because the damages occurring are revolving and continuous. Current repair

⁵¹ Salinas, Rolando. 2022. *Mayor of Eagle Pass* (August 10).

⁵² Roswell, Christopher. 2022. *Maverick County Landowner* (August 10).

⁵³ Garibay, Ruben. 2022. *Maverick County Landowner* (August 10).

⁵⁴ Valderrama, Luis. 2022. *Maverick County Landowner* (August 10).

⁵⁵ Wall, Martin. 2022. *Maverick County Landowner* (August 10).

⁵⁶ King, Wayne. 2022. *Kinney County Landowner* (August 10).

⁵⁷ Binnion, Ben. 2022. *Maverick County Landowner* (August 10).

operations were described as "putting band aids on bullet holes"⁵⁸

Safety and Security Threats

Safety and security have been a paramount concern to local residents and landowners. Compelling and dismaying testimony was shared with the committee that residents have relocated their families off their farm or ranch, while others are operating under blackout conditions at night because the light signature from their buildings can serve as a navigational beacon and implicitly invites illegal immigrants to pass by or through their structures. A Maverick County rancher testified that illegals have barged into his home while he and his family were in the kitchen.⁵⁹ In Kinney County, a resident expressed that he sleeps every night in fear and feels that its necessary to equip each room in his house with a firearm for safety.⁶⁰ Similarly, another rancher stated that he wears a pistol everywhere he goes on the property as does his spouse, employees, and even his children.⁶¹ The seclusion and distance of some of these properties is a contributing factor to the fear and distress of these citizens. Response times for emergency services and law enforcement in some of these remote areas tend to be much longer creating the necessity for these residents to implement their own security measures.⁶²

Landowners have directly experienced the exponential surge of crossings and encounters with illegal immigrants. Along with the excess amounts of trash, there are additional forms of physical evidence of an increased presence of illegals. Footage from security and game cameras have captured over 200 people crossing each night. Additionally, those traveling by foot have created 3-4 foot wide paths across the terrain, leaving visible paths cut through properties.⁶³ Others have experienced more personal encounters with illegal immigrants using profane language, directing threats, and been assaulted with thrown rocks, sticks, and other earthly elements.⁶⁴ Landowners have also stumbled upon male and female illegal immigrants of various age groups and ethnicities that fell subject to human trafficking or smuggling and been abandoned by their trafficker.⁶⁵ One landowner believes that the United States Border Patrol has the man power to provide more enforcement, but due to the current federal policies, agents do not have the authority to execute their traditional duties.⁶⁶

Urban and Rural Interior Counties

While the impact of the Biden Administration's neglectful policies has on the border are undeniable, the results of these policies have advanced beyond the border counties and are impacting the interior counites and communities of Texas.

Sheriffs from Tarrant, Liberty, McLennan, Moore, and Franklin counties provided testimony to the Senate Committee on Border Security on November 15th regarding the impact of Operation Lone Star on their communities and the measures local law enforcement has taken to combat the

⁵⁸ Binnion, Ben. 2022. *Maverick County Landowner* (August 10).

⁵⁹ Wall, Martin. 2022. *Maverick County Landowner* (August 10).

⁶⁰ King, Wayne. 2022. *Kinney County Landowner* (August 10).

⁶¹ Roswell, Christopher. 2022. *Maverick County Landowner* (August 10).

⁶² King, Wayne. 2022. *Kinney County Landowner* (August 10).

⁶³ Binnion, Ben. 2022. *Maverick County Landowner* (August 10).

⁶⁴ Roswell, Christopher. 2022. *Maverick County Landowner* (August 10).

⁶⁵ Roswell, Christopher. 2022. *Maverick County Landowner* (August 10).

⁶⁶ Valderrama, Luis. 2022. *Maverick County Landowner* (August 10).

influx of crime, drugs, and human smuggling operations that have migrated north from the border. The cartels are an adaptive, thinking, and belligerent opponent with a mobile mindset to exploit or create gaps in our border security. The Vice President of the Texas Sheriffs Association and Franklin County Sheriff, stated that the increase in illegal immigrant criminals, drugs - particularly fentanyl and methamphetamine, and the absence of DPS officers in interior counties have strained the resources of local law enforcement agencies.⁶⁷

Crime involving drug trafficking, human trafficking, and sexual assault has increased throughout the state according to the Texas Sheriffs who testified before the committee. In the Tarrant County Jail, 150 of the 4,300 inmates consist of illegal immigrants who had committed crimes in other countries before crossing the border into Texas. Most of these inmates are charged for aggravated sexual assault of a minor.⁶⁸ In Moore County and other counties located in the Texas Panhandle have also seen an increase in sexual assault cases due to the influx of illegal immigrants from all over the world who flock to the panhandle to work in meat packing plants, dairy farms, and other industrial facilities.⁶⁹

The inundation of drugs flowing into Texas from across the border and into interior communities has put an overwhelming burden on local law enforcement as well. The Tarrant County Sheriff's Office has seized enough fentanyl in the past year to kill all 2.1 million citizens and seized one million deadly doses of the drug in the six weeks leading up to the November 15th hearing. In 2022 alone, 124 Tarrant County citizens have died from fentanyl overdoses. To demonstrate the increase in drug related operations, the Sheriff said that the number of narcotics seized in Tarrant County rose from \$5 million in 2020 to \$35 million in 2022.⁷⁰ The average price of drugs has decreased significantly statewide because of the consistent supply of drugs and ingredients smuggled across the border. Four years ago, a gram of methamphetamine could cost \$80; however, today a gram of methamphetamine south of the border is now purer, more potent, and costs between \$15-\$25. The McLennan County Sheriff informed the committee that his office has been intercepting an increased amount of methamphetamine along the IH-35 corridor and three times the amount of fentanyl than four years ago.⁷¹ Due to the rising number of narcotics cases, the Sheriffs testified on the lack of funding for local law enforcement entities to train and hire narcotics agents to work on these cases and free up other resources.⁷²

Operation Lone Star has impacted the interior counties of the state in addition to the border region. The Sheriffs commented on how Operation Lone Star has created an absence of DPS agents in their counties who had been sent to participate in border operations. The lack of DPS agents strains local resources because local law enforcement must provide services that are usually covered by DPS such as vehicle crashes. Now sheriff's deputies cannot leave the scene to participate in a more urgent criminal matter because they must prioritize the vehicle incident.⁷³ However, the Sheriffs did testify that without Operation Lone Star, local law enforcement agencies and counties would be overwhelmed more than they are currently. The Sheriffs suggested that staff would most likely resign due to the increased workload and hours needed to

⁶⁷ Jones, Ricky. 2022. *Franklin County Sheriff* (November 15).

⁶⁸ Waybourn, Bill. 2022. *Tarrant County Sheriff* (November 15).

⁶⁹ Hightower, Morgan. 2022. *Moore County Sheriff* (November 15).

⁷⁰ Waybourn, Bill. 2022. *Tarrant County Sheriff* (November 15).

⁷¹ McNamara, Parnell. 2022. *McLennan County Sheriff* (November 15).

⁷² Jones, Ricky. 2022. *Franklin County Sheriff* (November 15).

⁷³ Rader, Bobby. 2022. *Liberty County Sheriff* (November 15).

combat the increase in crime and narcotics operations. The budget for jails and other county services was predicted to escalate to three times their current appropriations due to the increase in inmates and victims of crime. Overall, Operation Lone Star has stemmed the tide of illegal drug smuggling and operations, human trafficking, and illegal immigration that would bestow a larger burden on communities in the interior of the state and along the border.⁷⁴

CONCLUSION

While Operation Lone Star has strained the resources of local law enforcement entities throughout the state, the number of narcotics seized, criminals apprehended, and curbing of other illegal activities along the border cannot be understated. In order to protect the citizens of Texas, Operation Lone Star must continue until the Federal Government decides to faithfully execute its obligations.

RECOMMENDATIONS

- Change state statute to add U.S. Border Patrol to the list of federal agencies allowed to arrest and charge an individual for state crimes to be prosecuted in a state court of law.
- Grant funding for local law enforcement agents to assist local law enforcement entities in hiring and training officers.
- Grant funding for local law enforcement agencies to hire and train investigators who specialize in narcotics and human trafficking operations.
- Reform regulations regarding the natural or unexpected death of an inmate in the custody of law enforcement or in incarceration. If the death was ruled by the medical officer that serves the confinement facility to be medically expected, unexpectedly natural (i.e., cancer, cardiac arrest, etc.), or not attributed by a willful act of malicious intent then the Texas Rangers will not be required to investigate the death of the inmate.
- Establish a grant program for landowners who have suffered fencing damage from vehicular damage during law enforcement pursuit.
- Establish a grant program to help landowners clean up debris left by illegal immigrants who passed through the landowner's property.

⁷⁴ Waybourn, Bill. 2022. *Tarrant County Sheriff* (November 15).

3. Interim Charge Three - Resource Allocation: Examine and report on the impact on members of the Texas National Guard and essential professions that have employees actively serving on state active duty. Review the availability of existing border barrier materials that remain unused by the Federal Government and report on whether Texas may make use of these materials to secure the border.

BACKGROUND

The National Guard is a dual state and federal military force part of the Texas Military Department (TMD). Like the United States' Army, the guard is comprised of volunteers. While the Army is commanded by the Federal Government and employs full-time active-duty soldiers, members of the National Guard component hold full-time jobs in their community and are required to complete a series of drills and annual trainings throughout the year. These trainings consist of military occupational specialty refreshers, military drills, and other varying activities based on each individual unit. These mandatory trainings for members of the National Guard are necessary because the guard could be mobilized for active duty at any time. National Guardsmen are typically deployed for short missions specific to the State that typically last 15-60 days. These deployments include providing support during natural disasters and administering medical supplies during a public health crisis.

TESTIMONY

Operation Lone Star is unique in its scope and duration. Guardsmen deployed to the border serve a yearlong rotation with available time for required training with their units according to the Texas Military Department. Before deployment for Operation Lone Star, guard members were given 72 hours' notice. Since their initial deployment, the National Guard has partnered with other agencies in 323,000 illegal immigrant apprehensions, 21,600 arrests, and seized millions of lethal doses of fentanyl. The costs of these deployments reached \$1.24 billion in fiscal year 2022 and projected to spend \$429.8 billion in fiscal year 2023 with a runway of funding through December of 2022.

Of the 5,100 members of the National Guard deployed to the border, 80% consist of volunteer forces that will be deployed for a year, while the remaining 20% consist of non-volunteer deployments that typically last for 6 months. Other members are considered essential staff but are non-volunteers serving 9-month deployments due to their seniority and expertise. All deployed guard members can complete their required monthly weekend training and two-week training through rotations. The longer the guard has been participating in Operation Lone Star, the more the Texas Military Department has been able to increase efficiency, lower costs, and provide greater stability to the border.

The Texas Military Department has contributed to the construction of the various barriers along the Texas and Mexico border. The barriers consist of 118 miles, made up of 70 miles of fencing and 48 miles of concertina wire. TMD testified before the committee, that contracting with outside entities has decreased the cost of border fencing by 67% and decreased the number of national guard members needed to be stationed at border.⁷⁵

CONCLUSION

The Texas Military Department continues to review and revise their strategies on how best to execute their mission as part of Operation Lone Star. Their funding for operations will expire at the end of December and will need additional appropriations to continue. Barriers at the border will continue to be constructed and maintained by the Texas Military Department and contracted private entities.

While the complete impact of yearlong deployments cannot be completely understood, the Texas Military Departments deployment schedules and the fact that over 80% of National Guard members at the border are serving on a yearlong volunteer basis should provide stability to essential jobs throughout the state. However, the financial goal of Texas should be to effectively secure the border with as few National Guard members as possible. While the sheer scale of Operation Lone Star impedes this goal, efforts should be made to offload responsibilities from guard members to DPS and other agencies so they can return home to their careers and families.

RECOMMENDATIONS

- The Committee recommends that the Adjutant General of the Texas Military Department study with granularity the effect of Operation Lone Star on personnel, vehicles, supplies, and operational opportunity of drills and annual trainings for National Guard members. This is to ensure that those deployed at the border avoid burnout and that these National Guard members maintain their proficiency level of skillsets for their assigned units.

⁷⁵ Suelzer, Major General Thomas. 2022. *Texas Military Department* (November 15).

Long Term Considerations of the Senate Committee on Border Security Interim Report

Due to the Federal Government's malicious malfeasance and the overwhelming number of intrusions by millions of illegal immigrants and illicit narcotics, the State of Texas was forced to initiate a defensive operation to protect the people of Texas. The state has appropriated over \$4 billion this biennium across thirteen state agencies to execute Operation Lone Star. Since its initiation, Operation Lone Star has matured into a well-integrated operation designed to mitigate and blunt the effects (where it may lawfully do so) of a willful failure on the part of the Federal Government regarding their duty on border security. Through Texas's efforts with OLS, the Mexican cartels have been forced to pay a price in time, money and convenience for plying their commodities of humans and drugs across the border into Texas.

There are several lingering questions that the committee cannot answer but must be asked by our colleagues in the legislature from our interim work.

1. Will the federal government ever faithfully enforce the immigration laws of the United States?
2. If it can't or will not do so, how long can the state of Texas continue to consume billions of dollars, exhaust manpower and equipment, retain troopers, guardsmen and the families of both at the current or even higher operational tempo (OPTEMPO)?
3. If the state had the legal authority to enforce immigration law, and fund an impenetrable 1200+ mile line of law enforcement regardless of cost, would it matter if the federal government doesn't secure the remaining 700+ miles in the three other states that share a border with Mexico?
4. If the signs of economic recession or slow down reduce future estimates of revenue that force the legislature in future regular sessions beyond 2023 to make reductions in current spending, from what accounts will the legislature make reductions in spending to continue OLS, or will it tap the Economic Stability Fund (ESF) to do so?