



DONE with Detention

An Overview of Mapping Immigration Detention

In 2019, Freedom for Immigrants launched an updated interactive map of the U.S. immigration detention system with support from the [Antipode Foundation](#).

This first-of-its-kind map is intended to serve as a resource for policy makers, advocates, journalists, and concerned individuals interested in understanding the evolution of immigration detention in the United States and working toward its abolition.

The map includes location, operators, and cost of detention centers nationwide as well as historic data regarding the expansion of the detention system over time.

The map also includes visual representation of average bond rates, geographic distribution of active 287(g) agreements, and available legal and advocacy resources for activists and detained individuals.



Methodology

Freedom for Immigrants used information obtained through Freedom of Information Act (FOIA) requests, publicly available data, and Freedom for Immigrants' own data in order to construct the map.

This map represents the first time that information from these disparate sources has been compiled in one resource. We hope that synthesizing this information will enable analysts and activists to better identify trends and linkages between different components of the immigration detention system.

The map focuses specifically on long-term U.S. Immigration & Customs Enforcement (ICE) detention facilities as opposed to U.S. Customs & Border Protection (CBP) or Office of Refugee Resettlement (ORR) facilities.

Freedom for Immigrants defines "immigration detention," or ICE detention, as the profit-driven government practice of incarcerating human beings while they wait for a decision on their immigration status or future deportation.

It is a civil form of confinement, and it is not supposed to be used as punishment as no one is being imprisoned in this system for commission of a crime. It is important to remember that some people may have been convicted of crimes, but these individuals will have already paid their fines, been paroled, or serve a criminal jail or prison sentence prior to being held in ICE detention.

Despite this fact, as you will see, ICE detention looks very similar to our criminal incarceration system, partially because it has been built by many of the same corporations that expanded our criminal incarceration system in the last three decades.

Key Features

Detention History – Growth Over Time

One of the features on the map allows users to view the expansion of immigration detention over time in the United States. Our current system of immigration detention is a relatively new phenomenon. Prior to the 1980s, the United States government did not make broad use of immigration detention.

In 1983 and 1984, two private prison corporations formed, GEO Group and Corrections Corporation of American (CCA)/CoreCivic, and began lobbying for laws to expand immigration detention and their own bank accounts. Under the presidency of Ronald Reagan, detention began to expand with the establishment of mandatory detention provisions.[i] In 1983, the Immigration and Naturalization Service (INS) signed its first contract with a private prison corporation for the purposes of immigration detention.[ii]

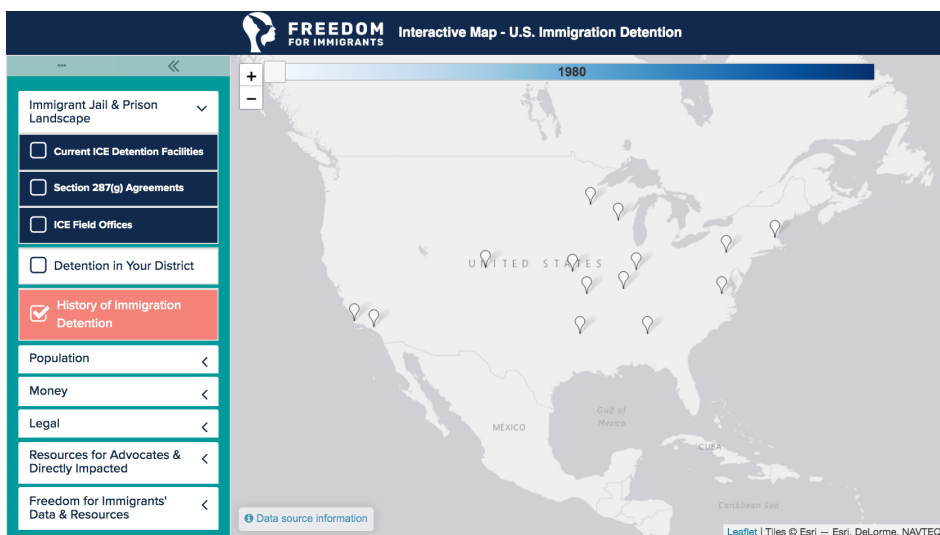
Detention center expansion spiked dramatically following the passage of the Illegal Immigration Reform and Responsibility Act in 1996 under the Clinton administration. Some of the law's provisions included establishing mandatory detention for immigrants with a criminal conviction, including Lawful Permanent Residents (i.e. green card holders); mandating that asylum seekers be immediately detained when presenting at a port of entry.[iii]

This shift toward a more punitive immigration enforcement system did not occur in a vacuum. At the same time as mandatory detention provisions were applied in the immigration detention context, mass incarceration was expanding dramatically in the criminal context, due to harsher sentencing laws framed as a solution to the drug trade and violent crime.[iv]

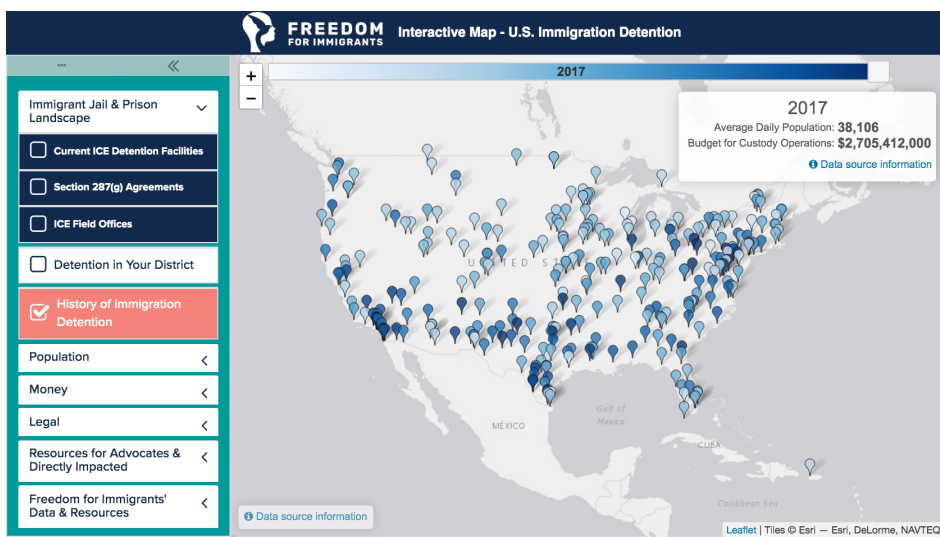
Key Features

Detention History – Growth Over Time

1980



2017



Key Features

Detention History – Growth Over Time

These “tough on crime” laws effectively created a double jeopardy for noncitizens, increasing the likelihood of interactions with law enforcement and making them more vulnerable to discrimination and bias in the criminal justice system.

This rendered them more susceptible to both incarceration as a result of harsher criminal sentencing and civil detention and deportation after completing criminal sentences or interactions with the criminal justice system.

The confluence of these various factors – the introduction of a profit motive in the operation of immigration detention, increasing criminalization of immigration, and harsher sentencing in the criminal justice context – resulted in a significant rise in the number of people in immigration detention under every presidential administration for the past 25 years.[v]

In the late 1980s, the number of people in immigration detention on any given day ranged from 30 to 3,000.[vi] In FY1994, the average daily population of individuals in immigration detention was 10,000 people, while in FY2018; the average daily population was 45,890 people. [vii]

The visual representation of immigration detention expansion in the United States vividly illustrates that our current punitive-based detention system did not materialize overnight and does not reflect the country’s response to immigration prior to the 1980s.

Key Features

Location and Types of Contracts

The “All Current Immigration Jails and Prisons” and “Companies Contracting with ICE ” sections of the map illustrate the location of all long-term immigration detention facilities in the United States as well as the type of contracts negotiated to operate these centers.

While the majority of public attention regarding immigration detention has been focused around short-term immigration detention facilities on the southern border operated by Customs and Border Protection (CBP), FFI’s map focuses on long-term detention centers under ICE’s purview, where many individuals are transferred after stays in short-term detention facilities. Though the majority of long-term detention centers are used to house adult populations, several long-term detention facilities for juveniles and families also exist. The map shows that long-term detention centers are present in every state, making immigration detention a truly national issue and not one isolated to border regions.

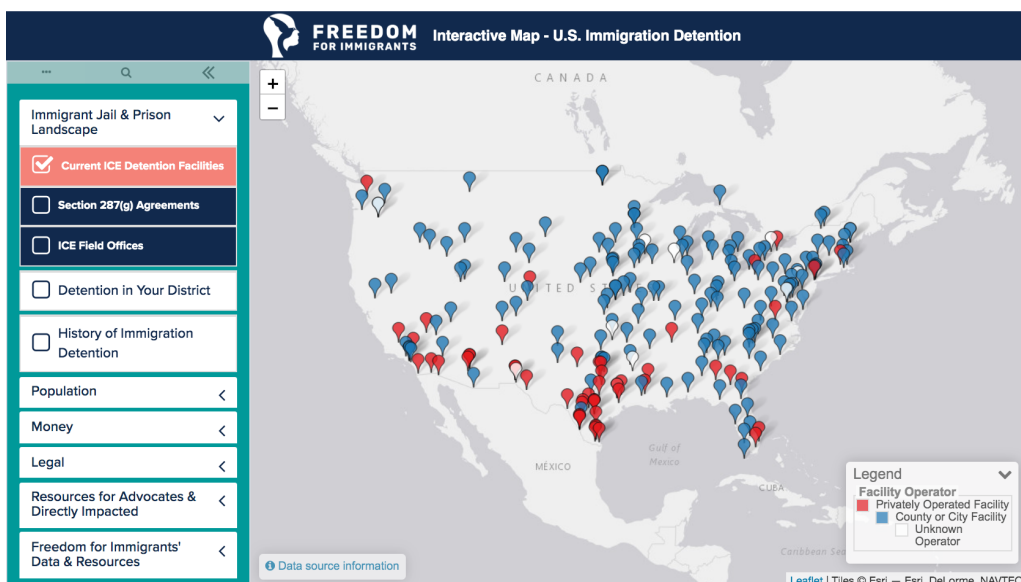
The contracting process for building and operating an immigration detention center is often complex and opaque, and may involve either direct contracting between a private corporation and ICE; contracting between ICE and local municipalities; or sub-contracting between local municipalities and private corporations.

The map broadly illustrates two main contract types: (1) privately operated facilities and (2) publicly operated facilities. On first appearance, the map show that there are more publicly operated facilities than private facilities. However, the facilities operated by private prisons are much larger than public facilities. Privately operated detention centers imprison approximately 73% of people in immigration detention on any given day.[viii]

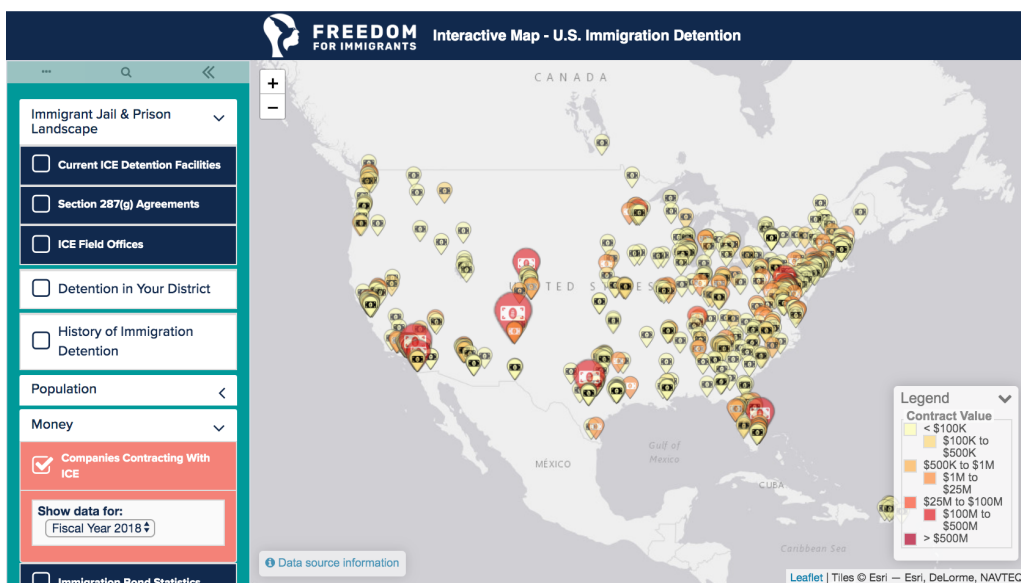
Key Features

Location and Types of Contracts

Current ICE Detention Facilities



Companies Contracting With ICE



Key Features

Location and Types of Contracts

Common contract structures include Inter-Governmental Service Agreements (IGSAs) and United States Marshall Service Inter-Governmental Agreements (USMS IGAs). Both IGSAs and USMS IGAs involve contracting between a federal agency - either ICE or the USMS - and state and local governments for bed space to house federal detainees.[ix]

In some cases, contracts may simply involve setting aside bed space in county jails for individuals apprehended in relation to their immigration status. However, in other cases, the municipality may sub-contract out to a private corporation for the construction of an entirely new facility built expressly to house detained immigrants.

Municipalities are not subject to the same competitive bidding process requirements that federal government agencies must adhere to, so these sub-contracts may be awarded without a competitive bid process.[x] This raises concerns regarding transparency and potential conflicts of interest in these contracts.

DHS' own Office of the Inspector General raised broader concerns with ICE's management of IGSAs. In a February 2018 report, the OIG found that ICE's "policies and procedures for negotiating, executing, and modifying IGSAs are insufficient and lack specific guidance for the appropriate use of IGSAs." [xi]

As a result, ICE may have overpaid for services rendered by private companies. The report concluded, "ICE has no assurance that it executed detention center contracts in the best interest of the Federal Government, taxpayers, or detainees." [xii]

Key Features

Location and Types of Contracts

As states work to curb immigration detention within their borders, ICE may look to expand direct contracting with private companies, outside of the framework of IGSA or related models.

This dynamic is currently playing out in California, following the passage of the Dignity Not Detention Act, or SB 29, in 2017.

The Dignity Not Detention Act, along with state budget amendment AB 103, put a moratorium on the signing of any new contracts, involving either public or private entities, and prohibits the expansion of any existing contracts within California.[xiii] Following passage of the two laws, at least five local governments elected to end their contracts with ICE.

In April 2019, ICE issued a series of Requests for Information for immigration detention service providers in Los Angeles, San Diego, and San Francisco.[xiv]

ICE has also extended contracts with private prison companies for a temporary one year “bridge period” without subjecting the contracts to a competitive bid process after local authorities elected to exit pre-existing agreements or active contracts expired, citing “unusual and compelling urgency.”[xv]

Key Features

Detention is Big Business: Influence of Private Prison Companies

The “Companies Contracting with ICE” portion of the map shows the dollar value of current contracts, including contracts for both day-to-day operations of detention center facilities and support services, such as food supply, software, and communications.

In 2019, ICE requested a record \$2.8 billion for 52,000 detention beds.[xvi] In 2018, DHS redirected \$169 million from other government agencies, including FEMA, the Coast Guard, and the Domestic Nuclear Detection Office, for the purposes of expanding immigration detention.[xvii]

As ICE’s detention budget swells, private companies stand to gain. As previously referenced, approximately three quarters of people in immigration detention were housed in large scale facilities operated by private prison companies,[xviii] with private prison companies GEO Group and CoreCivic dominating the market.

Since 2017, GEO Group has received \$450 million worth of detention contracts from ICE, and CoreCivic has received \$280 million.[xix]

In ICE’s 2019 budget proposal, the agency estimated the average price of beds in privately run detention facilities to be \$148.43/day. [xx] In some cases, private prison companies have negotiated guaranteed minimum numbers of beds into their contracts.[xxi]

Private prison companies spend millions of dollars in lobbying to influence the federal government. In 2018, GEO Group spent more than \$1.5 million in lobbying, with a focus on influencing appropriations.[xxii]

Key Features

Detention is Big Business: Influence of Private Prison Companies

A well-documented revolving door between DHS, ICE, and the private prison industry raises significant conflict of interest concerns.

In April 2018, Tracey Valerio, who oversaw ICE contracting, resigned^[xxiii] and was subsequently hired by GEO Group to serve as a paid expert defending GEO's practice of paying detained immigrants only \$1 a day for their work maintaining facilities while in custody. In May 2019, Daniel Ragsdale,^[xxiv] who served briefly as ICE Director under President Trump, accepted a position at GEO as Executive Vice President for Contract Compliance.

In addition to concerns about corruption and conflicts of interest, the outsized role of private prison corporations in the immigration detention industry dramatically reduces transparency, since private prison corporations are not subject to the Freedom of Information Act or most state open record laws.^[xxv] This lack of transparency incentivizes cover-ups for abuses and misconduct, as private prison corporations prioritize continuation of contracts and their bottom line over accurate reporting on day-to-day operations.^[xxvi]

An often-overlooked financial aspect of major players in the private prison industry is their tax classification as a Real Estate Investment Trust (REIT). Among other things, this tax classification exempts corporations like GEO Group and CoreCivic from paying corporate income taxes,^[xxvii] resulting in tens of millions of dollars in savings. In order for companies to obtain REIT classification, they must pass on 90% of their taxable income to shareholders.^[xxviii]

Key Features

Detention is Big Business: Influence of Private Prison Companies

As a result, REIT-classified companies have very little income on-hand to finance day-to-day operations.

GEO Group, CoreCivic, and other companies operating like them are able to finance their daily operating budgets via large revolving credit facilities, extended by big banks.

In a groundbreaking 2016 report, research and policy group *In the Public Interest* demonstrated how a syndicate of 10 banks loaned CoreCivic a total of \$444 million, while a syndicate of six banks had loaned GEO Group \$900 million.[xxix]

In the current political and economic climate, private prison companies' profit margins grow at taxpayer expense, with the assistance of the banking sector, while the companies themselves avoid paying any significant taxes.

Key Features

Pipeline Issues: Disparities in Bond Rates

The map also depicts geographic discrepancies in bond — which is like bail in the criminal justice system — rates, a key pipeline issue impacting the number of people subject to prolonged detention. When migrants are first taken into custody, ICE officials have the opportunity to determine if an individual is eligible for bond. In some cases, ICE sets an initial bond amount.[xxx]

When determining eligibility for bond and setting bond rates officers have broad discretion, although they are asked to consider prior criminal history, whether the person is a flight risk, ties to the community, and humanitarian factors such as illness or family financial dependency.[xxxii] Some detained individuals also have the opportunity to request and obtain a bond hearing with an immigration judge. Bond amounts must be paid in full before an individual can be released from detention.

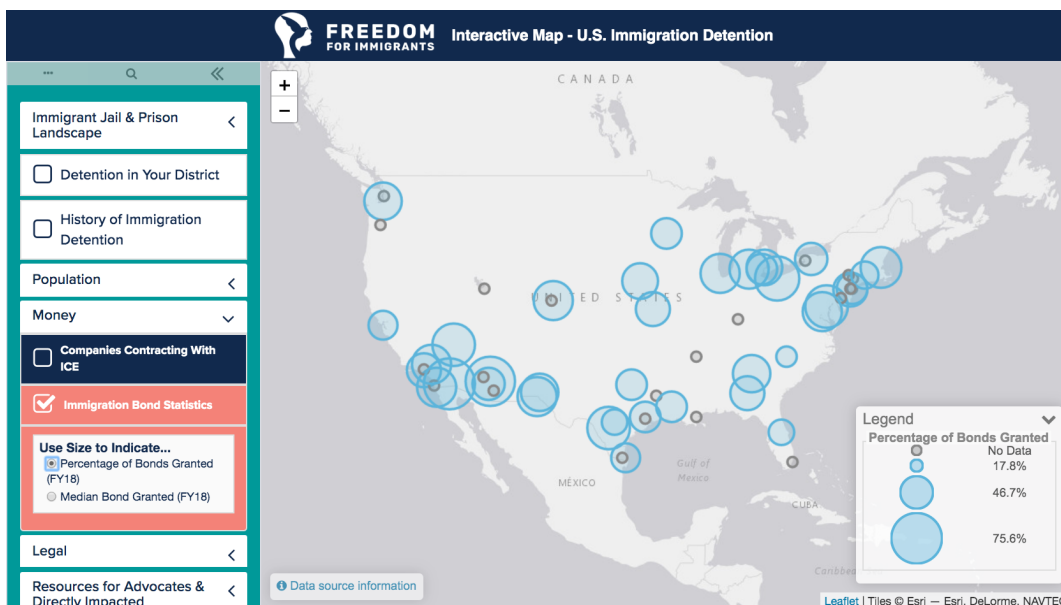
According to 2019 data from the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, in FY19, the average length of time immigration cases remain pending in court is 713 days.[xxxii] If a detained immigrant is unable to post bond, they will remain detained for the time it takes for their case to work through the system. In addition to the emotional and financial toll of prolonged detention, an individual's chances of securing legal representation are greatly reduced while in detention.

According to a study by the American Immigration Council, only 14% of immigrants in detention obtain legal council, compared to approximately two-thirds of non-detained individuals.[xxxiii] As a result, an individual's ability to post bond is one of the single greatest factors influencing their ability to navigate the immigration judicial process successfully.

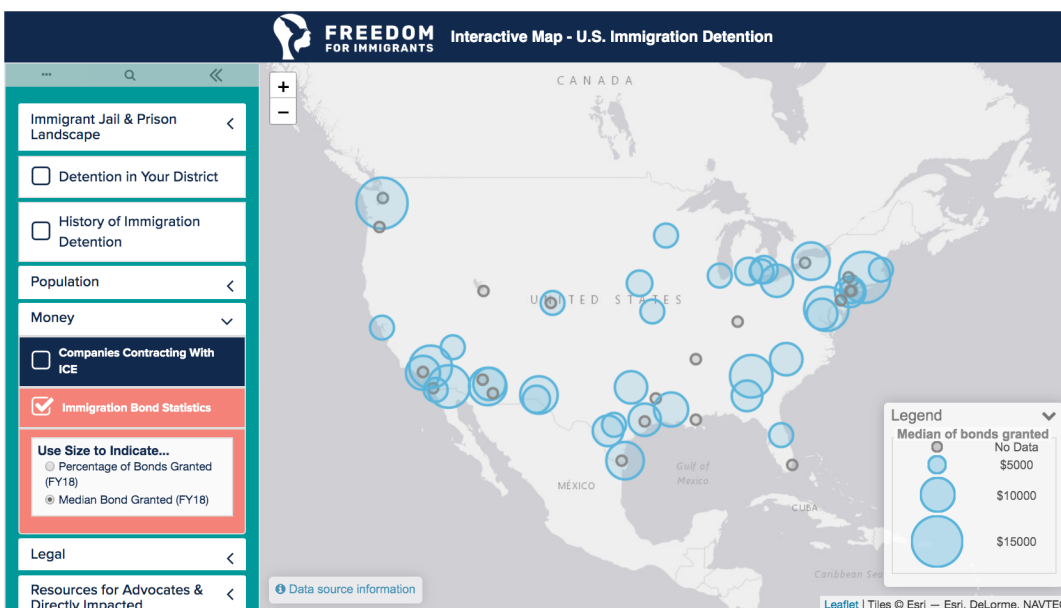
Key Features

Pipeline Issues: Disparities in Bond Rates

Percentage of Bonds Granted (FY18)



Median Bond Granted (FY18)



Key Features

Pipeline Issues: Disparities in Bond Rates

According to a 2014 study by Stanford University Law School and the Northern California Collaborative for Immigrant Justice, immigrants with lawyers are three times more likely to win their deportation cases than those without attorneys.[xxxiv]

The “Immigration Bond Statistics” portion of the map provides a graphic representation of disparity in bond rates across jurisdictions. This disparity is extremely concerning.

Although the bond system is supposedly federal, a person’s chances of being released from immigration detention and ultimately winning their immigration case is almost entirely dependent on where a person is detained. And the decision of where a person is detained is arbitrary and subject to change at any time in the form of transfers at the discretion of ICE.

According to a 2018 TRAC study, there is a three-fold difference in median bond rates based on the deciding Immigration Court.[xxxv] Nationwide, median bond rates range from a low of \$5,000 to \$15,000[xxxvi] – although bonds have been reported as high as \$75,000[xxxvii] and even \$200,000. The study concluded that an individual’s geographic location – and consequentially their deciding court – was the single most influential factor in determining their ability to ensure their release from detention.

While disparities in bond rates are not a new phenomenon, concerns regarding the potential biases of immigration judges are particularly acute in the current political climate. Immigration attorneys have noted an increase in bond rates in some locations following the start of the Trump administration’s Zero Tolerance policy.[xxxviii]

Key Features

Pipeline Issues: 287(g) Agreements

A portion of the map shows which detention facilities are located in municipalities with active 287(g) programs.

Section 287(g) of the Immigration and Nationality Act (INA) enables the Department of Homeland Security (DHS) to delegate authorities to local or state law enforcement bodies for the purposes of enforcing federal immigration law, which is normally outside of their purview.[xxxix]

The 287(g) agreements are brought into force via a formal written agreement between DHS and state or local police departments and do not necessarily involve a public comment period or local referendum prior to entering into force. Deputized local or state law enforcement officers are authorized to question individuals regarding their immigration status, issue immigration detainers, and transfer individuals into ICE custody (among other authorities).[xli]

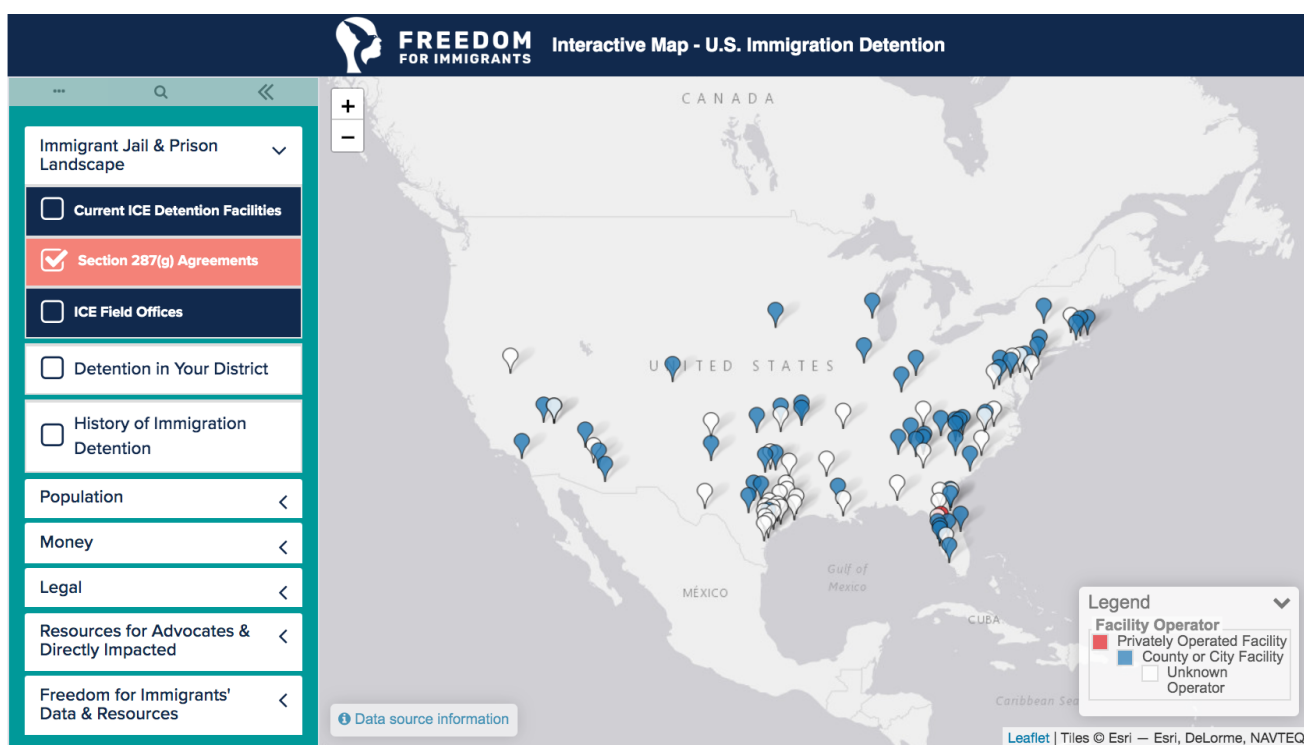
Attorneys, activists, and community groups have raised a myriad of concerns regarding the 287(g) program, including racial profiling and erosion of trust between communities and their local police forces.

A 2011 report by the U.S. Department of Justice's Civil Rights Division found that local law enforcement participating in a 287(g) program in Maricopa County in Arizona engaged in racial profiling, by disproportionately stopping individuals of perceived Latino heritage for questioning regarding their immigration status.[xli]

Law enforcement officials have also raised concerns that undocumented individuals in areas with active 287(g) agreements are less likely to contact law enforcement to report violent crime or seek assistance in the case of abuse due to concerns that they will be asked about their immigration status.

Key Features

Pipeline Issues: 287(g) Agreements



Key Features

Pipeline Issues: 287(g) Agreements

According to a 2018 survey by the University of California, undocumented residents informed that their local law enforcement was participating in a 287(g) agreement were 61% less likely to report crimes they had witnessed and 43% less likely to report being the victim of a violent crime than undocumented residents who were told that their local police force was not working with ICE.[xlii]

Although the 287(g) program was first piloted under the presidency of George W. Bush, it has dramatically expanded under the Trump administration as a component of its Zero Tolerance policy.[xliii]

One of President Trump's first executive orders, in January 2017, called for a national increase in the program.[xliv] In 2017, ICE more than doubled its number of active 287(g) programs.[xlv]

In this same year, ICE also reported a significant increase in arrests in the interior of the country, including an increase in arrests for civil violations only (arrests only due to an individual's immigration status and not due to any criminal activity.) As a result, 287(g) programs serve as a clear conduit to increased levels of immigration detention.

Resources and Policy Solutions

Resources

The map includes information regarding resources for detained individuals, their families and communities, and advocates.

Users of Freedom for Immigrants' map can click on individual detention centers and link to news coverage, watchdog reporting, and personal narratives from detained individuals regarding that specific facility.

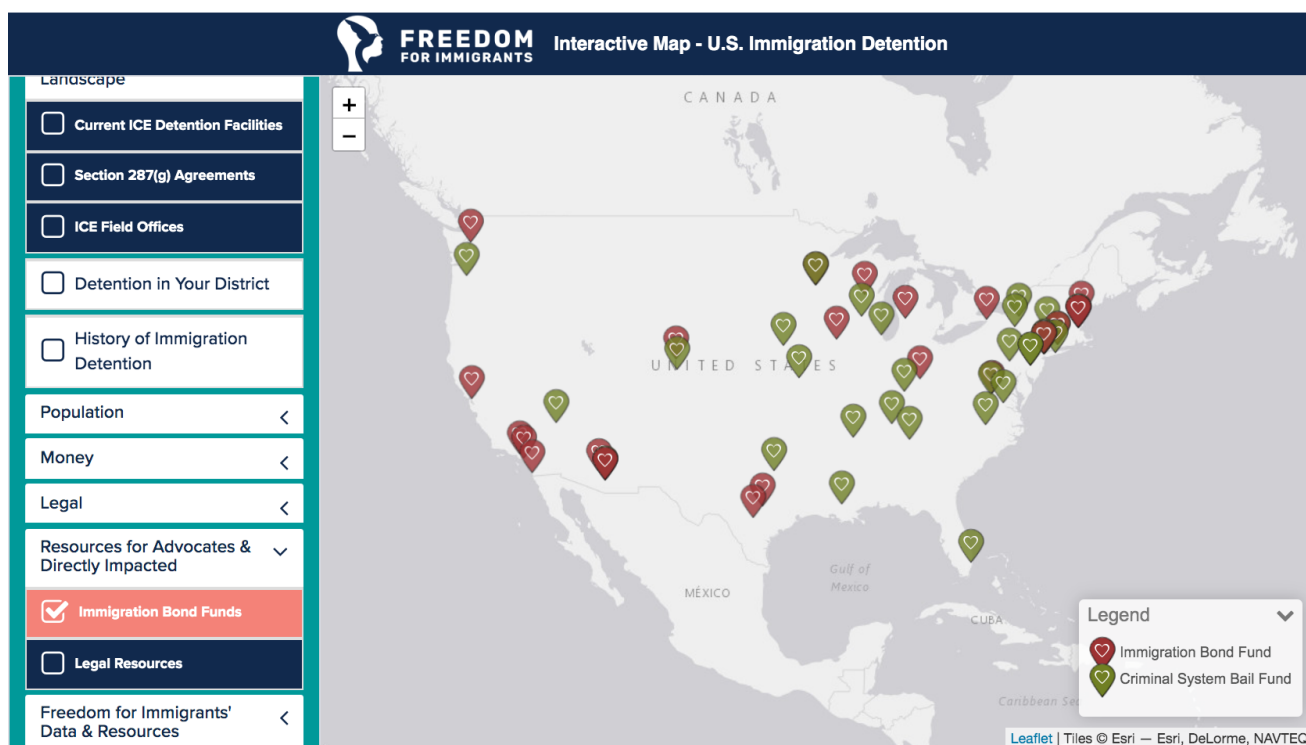
The map also includes locations of volunteer visitation groups, legal service providers, and immigration bond funds, such as Freedom for Immigrants' bond fund and others associated with the National Bail Fund Network.

To learn more about volunteer opportunities with Freedom for Immigrants, [please visit our website](#) to fill out a volunteer interest form.

Resources and Policy Solutions

Resources

Immigration Bond Funds



Resources and Policy Solutions

Policy Solutions: Federal

Lawmakers in the 116th Congress are working to push back against immigration detention expansion. A number of bills have been introduced in recent months that would increase transparency and accountability for abuses in detention centers, put a moratorium on detention center expansion, phase out the use of private prisons in immigration detention, and subject private prison corporations to the same tax obligations as other corporations.

On July 23, California Senator Kamala Harris and Washington State Representative Pramila Jayapal reintroduced the Detention Oversight Not Expansion (DONE) Act. This bill, drafted with the support of Freedom for Immigrants, proposes two main provisions as a solution to our costly and inhumane detention system. We hope this bill can be part of a bipartisan effort to constructing a more humane and dignified immigration system:

- A moratorium on immigration detention center expansion nationwide, prohibiting creation of any new contracts for detention centers, either public or private, and the addition of any new beds to existing contracts; and
- A requirement that the Secretary of the Department of Homeland Security submit a report within one year of the bill's enactment detailing how DHS will decrease the number of detention beds by 50% of the number available as of the date of the enactment of this Act by using community-based alternatives to detention that are less costly to the taxpayer and have been shown to be successful.

In May 2019, New Jersey Senator Cory Booker and Washington State Representatives Pramila Jayapal and Adam Smith introduced the Dignity for Detained Immigrants Act.[xlvi]

Resources and Policy Solutions

Policy Solutions: Federal

Among other provisions, the bill would: end the use of mandatory detention for certain immigrants; prevent the detention of a primary caregiver (and other vulnerable populations) unless the government can show it is unreasonable or not practicable to place the caregiver in community-based supervision; end the use of private prisons and county jails for immigration detention over a three-year phase-out period; require DHS to match the civil detention standards set forth by the American Bar Association's Civil Immigration Detention Standards; and dramatically strengthen reporting and accountability mechanisms for violations of federal centers.

In June 2019, Oregon Senator and Senate Finance Committee Ranking Member Ron Wyden introduced a bill that would ban companies that run private prisons and immigration detention centers from receiving Real Estate Investment Trust (REIT) status and require them to pay corporate taxes.[xlvi]

In May 2019, Maryland Representatives Elijah Cummings and Jamie Raskin introduced the Waiver Accountability and Transparency Act. The bill would restrict ICE's ability to grant waivers for facilities found to be non-compliant with federal standards.[xlviii] The bill would require ICE to publish waiver requests and decision documents online, would abolish indefinite waivers, and increase the ability for financial penalties to be enacted in the case of abuses.

Lawmakers, advocates, and activists are also working to push back against detention expansion via the federal budgetary appropriations process by urging that Congress cap – and ultimately drastically reduce – current budget allocations to DHS, ICE, and CBP for the purposes of immigration enforcement and detention.[xlix]

Resources and Policy Solutions

Policy Solutions: State Level

Several states have passed or introduced legislation limiting immigration detention and improving oversight and accountability for conditions in immigration detention within their borders.

As referenced earlier, California established itself as a standard-setter in limiting immigration detention within its borders through the Dignity Not Detention Act.

Although ICE is attempting to circumvent state law through direct contracting with private companies, local policymakers and activists are pushing back by demanding increased transparency of current “bridge” contracts and respect for state laws mandating periods of public comment prior to the construction of any new facilities.

Other states have taken action to ban the usage of private prisons within their borders, including for immigration detention. In June 2019, Illinois passed legislation banning the use of private immigration centers within state borders.[1]

Additional legislation also bars Illinois law enforcement personnel from carrying out federal law enforcement action with ICE.[li] Impetus for the bill partially stems from a proposal to build a privately owned immigration detention facility in Dwight, Illinois.[lii]

Activists realized that, while Illinois state law barred the use of private prisons in the criminal context, this did not apply to civil immigration detention. The Private Detention Facility Moratorium Act closed this gap, and blocked new construction of immigration detention in Illinois.[liii]

Resources and Policy Solutions

Policy Solutions: State Level

In February 2019, New Mexico state Representatives Angelica Rubio and Antonio Maestas introduced the Immigration Detention Facility Act. [liv]

Modeled after the California Dignity Not Detention Act, the bill proposes a moratorium on construction of new detention facilities or expansion of existing facilities, bans the use of solitary confinement on the basis of sexual and gender identity, allows the New Mexico Secretary of Corrections to conduct unannounced inspections of detention centers, and establishes an independent monitoring commission.

Although the bill did not pass during New Mexico's last legislative session, local activists are working to encourage the bill's reintroduction in January 2020.

Resources and Policy Solutions

Policy Solutions: Private Sector

Activists have engaged the private sector by encouraging financial institutions and investment funds to divest from the private prison industry.

Due to this advocacy, JP Morgan^[lv], Wells Fargo^[lvi], Bank of America,^[lvii] and Sun Trust^[lviii] all recently announced that they would no longer finance the private prison industry.

Bank of America's decision to cut ties with the private prison industry directly followed a visit by bank officials to the Homestead Temporary Shelter for Unaccompanied Children in Florida.^[lix]

The Homestead facility is operated by Caliburn International, which received a \$380 million loan and \$75 million revolving credit facility from Bank of America.^[lx]

Activists, rights groups, and policy makers have exposed a range of abuses at the facility, including multiple child sex assault allegations.^[lxi] In a statement to CNN, Bank of America's spokesperson said: "Lacking further legal and policy clarity, and in recognition of the concerns of our employees and stakeholders in the communities we serve it is our intention to exit these relationships."^[lxii]

Other corporate accountability campaigns include divestment campaigns from the detention industry. In July 2018, New York State announced that it was selling nearly \$10 million in state pension investments in GEO Group and CoreCivic.^[lxiii]

Resources and Policy Solutions

Take Action

A feature of the map enables users to identify the detention centers located within the district of their U.S. House representatives.

We encourage people to search to see which detention centers are in their district and to ask the following questions: What is your Congressperson's record on immigration? Have they signed on as a co-sponsor of any of the aforementioned bills introduced in the 116th Congress? What information is available regarding detention conditions? Have your Representatives or Senators conducted any visits to detention centers within their jurisdictions? What appetite is there among local officials to introduce state-level legislation pushing back against immigration detention expansion?[ixiv]

We hope people can engage their elected representatives at the federal and state levels in support of increased transparency, accountability, and encourage them to push back against detention center expansion.

If an immigration detention center is not located in the user's Congressional District, there are other ways to get involved. For example, users can search for which companies contracting with ICE are located within their communities and Congressional districts.

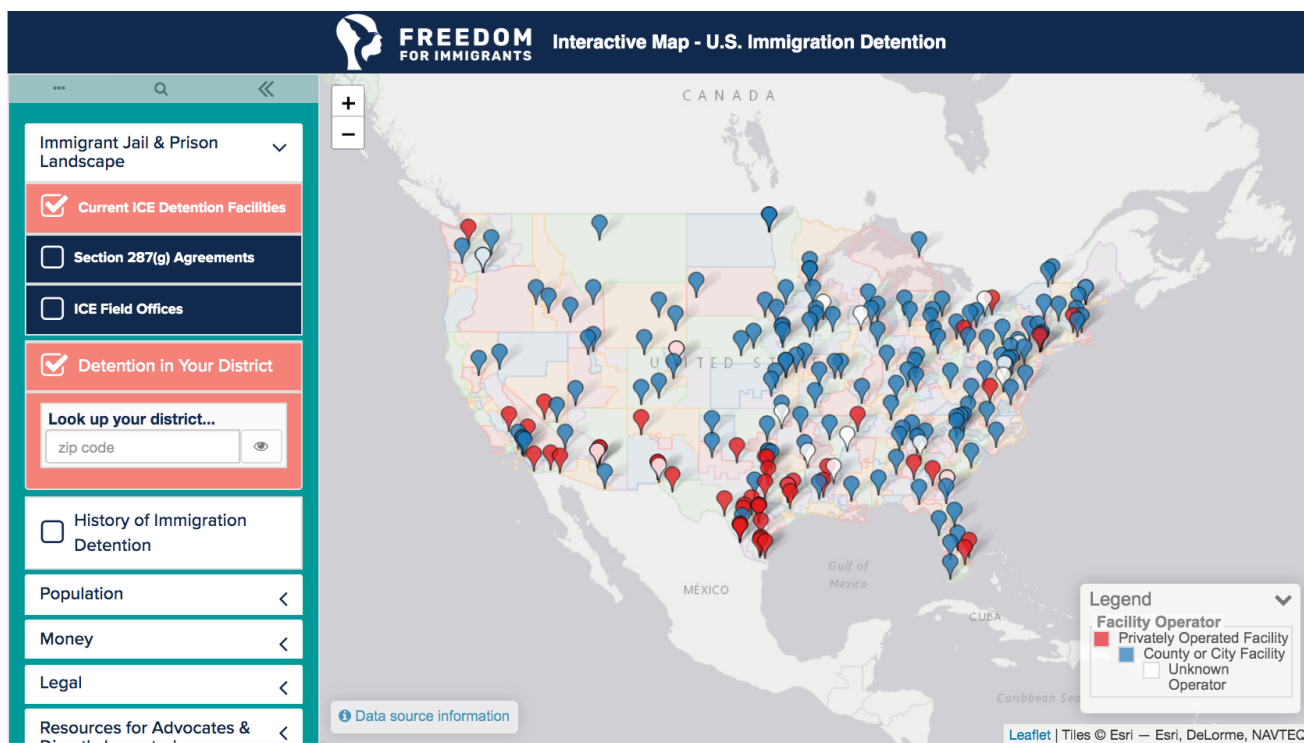
This information will allow for divestment strategies for all of the companies that contract with ICE, receive taxpayer resources, and uphold the infrastructure of immigration detention. While there have been recent success in pressuring large banks to divest from immigration detention, the map illustrates the myriad of service contracts supporting detention infrastructure nationwide.

Together, we can end immigration detention.

Resources and Policy Solutions

Take Action

Detention In Your District



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