

- The current U.S. immigration detention system *lacks clear objectives, encourages the needless confinement of individuals, overburdens an already strained immigration system, and wastes resources.*
 - ❖ Over the past decade, there has been an **alarming increase in the use of immigration detention**. From 2001 to 2010, the number of immigrants held in immigration detention each year nearly doubled, from 209,000 immigrants per year in 2001 to almost 392,000 in 2010.
 - ❖ Although Immigration and Customs Enforcement ((ICE) is supposed to prioritize its limited detention resources to primarily combat the most serious offenses, 65% of all immigrants who were detained and deported from 1996 to 2006 were detained after being arrested for non-violent offenses.
 - ❖ Although the Obama administration has started to make efforts to fix this arbitrary use of immigration detention, change has been slow to come. In 2009, **over half of all immigrants** held in detention **had no criminal records**, and the “most serious” convictions for nearly 20% of those with a criminal record were for traffic-related offenses.
- *The majority of immigrant detainees are held in bed space that ICE rents from over 300 state and local jails and private corporations. ICE detention standards in place to guide operation of these facilities are not binding regulations and do not expressly apply to many of the state and local jails and private detention facilities under contract with ICE.*
- Without the threat of sanctions, compliance with these standards has been low and *violations of these standards are pervasive.*
- Recent reports indicate that the *unchecked growth in immigration detention* over the past decade *has resulted in a number of problems, including inhumane treatment, sub-standard health care conditions, physical and sexual abuse, and overcrowding.*

THE COSTS: HUMAN AND MONETARY

- The current misuse of mandatory and prolonged detention practices *encourages arbitrary confinement and denies detainees the most basic elements of due process.*
 - ❖ The decision to detain individuals not subject to mandatory detention is discretionary. Nevertheless, immigration judges and ICE officers rarely exercise this discretion, and individuals who are not a flight risk or a danger to the public are wrongly detained.
 - ❖ As a result, thousands of individuals who pose no safety or flight risk, and thus could be released on bond, parole, or placed in more humane alternatives to detention programs, are held in immigration detention each year.
 - ❖ An alarming number of these individuals *are detained for unnecessarily long periods of time, often in remote facilities, far away from their families and counsel.*
- This arbitrary and needless confinement causes unnecessary suffering for the individual, their families, and the community. In particular, studies show detention and deportation of parents significantly impacts children’s physical and emotional health, as well as their intellectual and social development.
- The increasing use of immigration detention is also *an unnecessary drain on government resources and taxpayer dollars.*
 - ❖ More than 32,000 immigrants are held in ICE custody on any given night. In 2008, it was estimated that the U.S. **government spent \$95 per day to hold one immigrant** in immigration detention.
 - ❖ This cost is **7 times greater** than the **\$13/day** it costs for more efficient and more humane alternatives to detention programs.
 - ❖ A 2009 study indicates that the daily cost of immigration detention has risen to nearly **\$141/day**, and recent estimates reveal that immigration detention is expected to *cost taxpayers almost \$1.7 billion dollars in 2010.*

THE INCARCERATION OF PEOPLE FOR PROFIT

- The private prison industry, not the American public, is the main beneficiary of the ever-expanding, unregulated immigration detention system in the US.
 - ❖ Since 2001, private corporations have gained increasing control over immigration detention facilities and continue to bring in record profits.
 - ❖ In 2009, CCA, one of the top 5 ICE contractors, grossed more than \$1.5 billion in total revenue and had an overall net income of \$155 million.
- The private prison industry is committed to providing low cost services to governments and generating money for its investors. As a result, *it favors government policies that keep more people behind bars for longer periods of time, is more likely to cut corners in order to save costs, and has historically been scarred with abuse.*
- *Private immigration detention facilities are particularly ripe for abuse*, because the national ICE detention standards do not expressly apply to a vast majority of them, and there is little federal oversight to ensure that applicable standards are enforced.
 - ❖ Since 2003, there have been 18 deaths in facilities operated by the Corrections Corporation of America (CCA), the largest owner and operator of privatized correctional and detention facilities in the U.S.
 - ❖ In May 2010, a CCA guard at the T. Don Hutto Residential Center in Texas was charged with sexually assaulting women detainees. The incident is said to have resulted from CCA's failure to follow federal guidelines regulating the transportation of detainees.
- *Georgia houses two privately run immigration detention facilities* owned and operated by CCA.
 - ❖ **Stewart Detention Center.** Stewart is a 1,752-bed medium security facility in Lumpkin, Georgia. Complaints at Stewart have ranged from inadequate medical care, arbitrary transfers, prolonged detention, inadequate access to interpreters and counsel, to verbal and physical abuse. The facility is about one hour from the closest hospital, in Columbus. In March 2008, Roberto Martinez Medina, a 39-year-old immigrant held at Stewart died of a treatable heart infection. To this day, many unanswered questions surround his death.
 - ❖ **North Georgia Detention Center.** The North Georgia Detention Center is a 502-bed facility in Gainesville, Georgia that opened its doors in 2009. Relatively little attention has been given to the facility's conditions thus far, but CCA's deadly track record leaves much cause for concern.

ALTERNATIVES TO DETENTION

- In light of the costs and devastating effects this system has had over the years, it is critical that ICE only use immigration detention when necessary.
- Alternatives to Detention Programs (ATD) should be utilized in place of custodial programs when individuals do not pose a threat to the public or pose a flight risk.
- ATD programs generally provide for release of individuals from detention with additional supervisory measures, such as in-person reporting or reporting by phone, to monitor the individual after release.
- ATD programs cost, on average, anywhere between **\$10 to \$14/day** per individual, compared to the **\$95/day** for immigration detention, and **yield 93 percent to 99 percent** appearance rates before the immigration courts.
- Community support and legislative action are needed to effectively implement improved ATD programs.