

ICE categorizes its detention facilities into three primary categories: Service Processing Centers, which are owned and administered by ICE; Contract Detention Facilities, in which ICE contracts directly with a private company; and Intergovernmental Service Agreements (IGSAs), through which ICE rents out space in local or state facilities. In reality, however, the arrangements are more complicated, and these categories can obscure the involvement of private companies even at public facilities. Service Processing Centers, those facilities owned and operated by ICE, do sometimes contract out for detention-related services such as security, transportation, and food. Similarly, many local governments sign the IGSA with ICE and then sub-contract with private companies to operate the detention center or to provide detention-related services.

Although guaranteed minimums are found formally only in contracts with private companies, sub-contracting within IGSAs and SPCs means that private companies can be involved and minimums can occur in all three types of contract categories including public facilities, as outlined in the chart below. When the contractor operates the entire facility, whether contracted or sub-contracted, they receive the per-bed payment as if the guaranteed population was detained. This functions in the same way for private contractors providing other services. For example, in a food service contract with a guaranteed minimum, the contractor will be paid as if they provided food for the guaranteed population, even if the number of people actually detained was lower.

Guaranteed Minimums in Detention Contracts

