

Executive Summary

The United States government manages the largest immigration detention system in the world through a sprawling network of more than 200 immigration jails. Over 441,000 immigrants were detained in 2013 alone. A key factor driving the detention system's rapid growth has been Congress' ill-advised national immigration detention bed quota, which mandates that 34,000 immigration detention beds be funded at any given time. What has not been widely publicized, however, is a parallel set of local quotas codified into contracts with private companies.

These local "lockup" quotas, referred to within the contracts as "guaranteed minimums," are contractual provisions with private contractors or sub-contractors that obligate ICE to pay for a minimum number of immigration detention beds at certain facilities. Because these guaranteed minimums require payment to private contractors whether beds are filled or not, ICE faces considerable pressure to meet the population guarantees. Despite a glaring absence of transparency in detention facility contracting, this report provides the first comprehensive overview of local lockup quotas, exposes the widespread use of guaranteed minimums in ICE contracts and sub-contracts, and calls for an immediate end to the use of this abusive practice.

Research shows that guaranteed minimums exist in the contracts of 15 different detention facilities across 12 field offices. Between them, these 15 contracts implicate the incarceration of at least 8,522 people every day. Although private prison contractor the GEO Group is by far the largest beneficiary of this practice, at least seven private contractors receive this form of taxpayer-funded insurance via guaranteed minimums.

Not only do private contractors benefit from creating local quotas, but localities without guaranteed minimums also derive significant economic benefits from detaining immigrants. The report documents ways in which jails without local quotas exert political pressure to maintain or increase the number of people detained in their facilities.

Although detention policy has been largely absent from the debate over immigration reform, the rigidity created by national and local lockup quotas stunt the potential for meaningful change. By requiring ICE to fill a certain number of detention beds on a daily basis at specific facilities, the U.S. government is allowing private interests a hand in setting policy on immigration enforcement and detention, while at the same time padding their bottom line. The private sector should not be permitted to place a price tag on the deprivation of liberty, and the government should be held accountable for creating this corrupted system. As immediate next steps, this report calls on:

- ICE to remove guaranteed minimums, tiered pricing or any other provisions that could function as a local lockup quota, from all detention contracts.
- ICE to make all information pertaining to detention contracts and the bidding process publicly accessible and transparent.
- ICE to stop contracting with private companies that lobby to pervert public policy via guaranteed minimums and other contractual giveaways.
- ICE to bar (1) the transfer of individuals between detention facilities; (2) the manipulation of bond or parole determinations; and (3) the initiation of enforcement actions based in whole or in part on empty detention beds, unmet guaranteed minimums, or tiered pricing.
- Congress to remove the national detention bed quota from the FY 2016 DHS Appropriations bill.