

# IF YOU BUILD IT, ICE WILL FILL IT:

The Link Between Detention  
Capacity and ICE Arrests

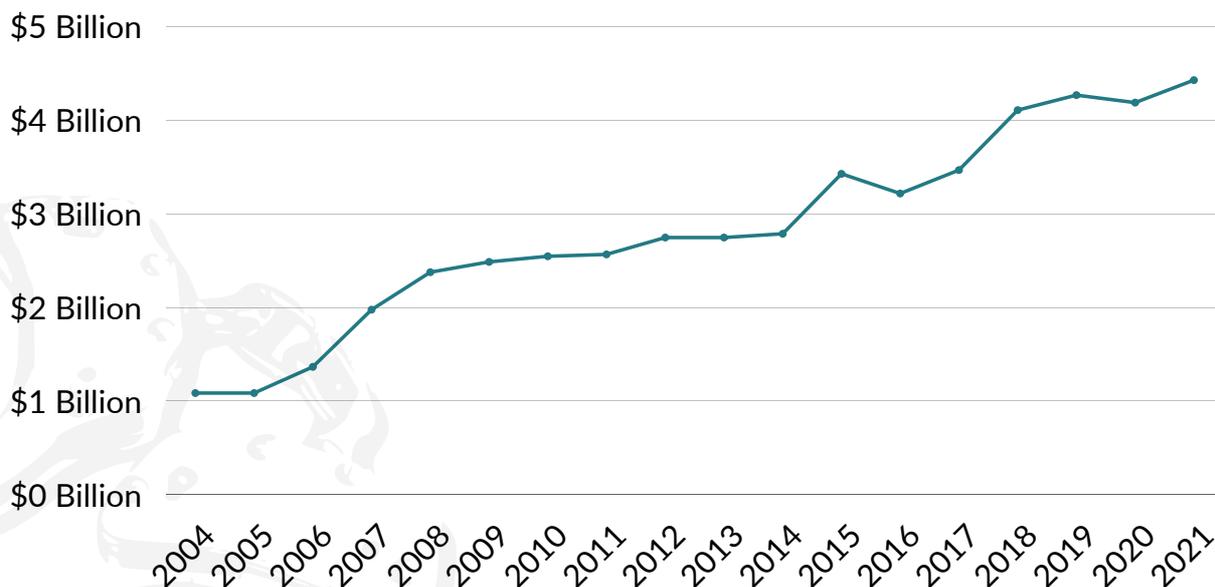
## IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) ARRESTS HAVE A DIRECT RELATIONSHIP TO THE AVAILABILITY AND CAPACITY OF IMMIGRATION DETENTION CENTERS.

As detention capacity increases, so do ICE apprehensions. This link illuminates certain truths for the immigrant rights movement. If the existence of an immigration detention center brings the harms of ICE’s enforcement presence to a community, the inverse tells us that immigrant community members become safer when a detention facility shuts down. Moreover, it sheds light on how eliminating detention capacity is crucial to scaling back ICE’s enforcement regime. Because immigration detention is the crux of ICE’s deportation pipeline and a driving force behind enforcement activity patterns, shrinking and ultimately abolishing the detention system must be a priority in the fight for immigrant justice.

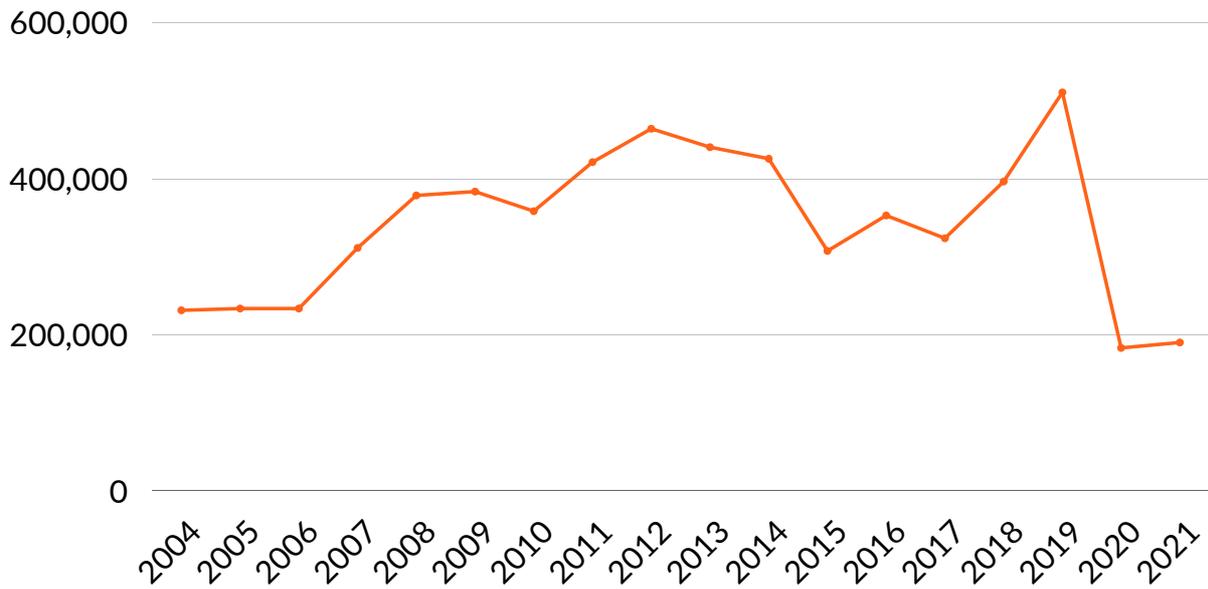
### BACKGROUND

ICE has built and expanded a massive infrastructure of immigration jails, surveillance programs, and enforcement agents. The current enforcement-centered response to migration, supported by ever-increasing Congressional appropriations, has resulted in hundreds of thousands of deportations each year. Over the last two decades, the budget for ICE’s Enforcement and Removal Operations (ERO), which includes its account for immigration detention, has quadrupled. Prior to the COVID-19 pandemic, detention levels hit historic peaks of more than 50,000 people per day.

### ICE’S ENFORCEMENT AND REMOVAL OPERATIONS BUDGET



## TOTAL NUMBER OF PEOPLE DETAINED IN IMMIGRATION DETENTION



*It is important to note that the recent downward trend in detention population levels can be attributed to a variety of factors, including the implementation of border policies that heavily restrict access to asylum and court orders that limited population size and makeup due to the COVID-19 pandemic. Movement organizing has also played a significant role in keeping detention levels down and winning release for many people previously detained.*

As an agency responsible for both apprehending and jailing immigrants, the incentive to arrest more people is apparent. The more people ICE arrests, the more that are funneled into the detention to deportation pipeline, and consequently the more funding the agency receives to carry out its punitive mission.<sup>1</sup> Evidence of this correlation and its harmful local impact has been documented anecdotally by communities across the country campaigning to close or stop the opening of ICE detention centers.<sup>2</sup> The research outlined here confirms that locally available detention space leads to an increase in ICE arrests.

### RESEARCH FINDINGS:

#### THE LIKELIHOOD OF IMMIGRATION ARREST INCREASES WITH ICE DETENTION CAPACITY

Our research demonstrates that immigrants in counties with more detention space are significantly more likely to be arrested and detained by ICE. Further, the likelihood of ICE arrest increases as detention capacity increases.

<sup>1</sup> Notably, ICE relies heavily on [discretion](#) and chooses to arrest people.

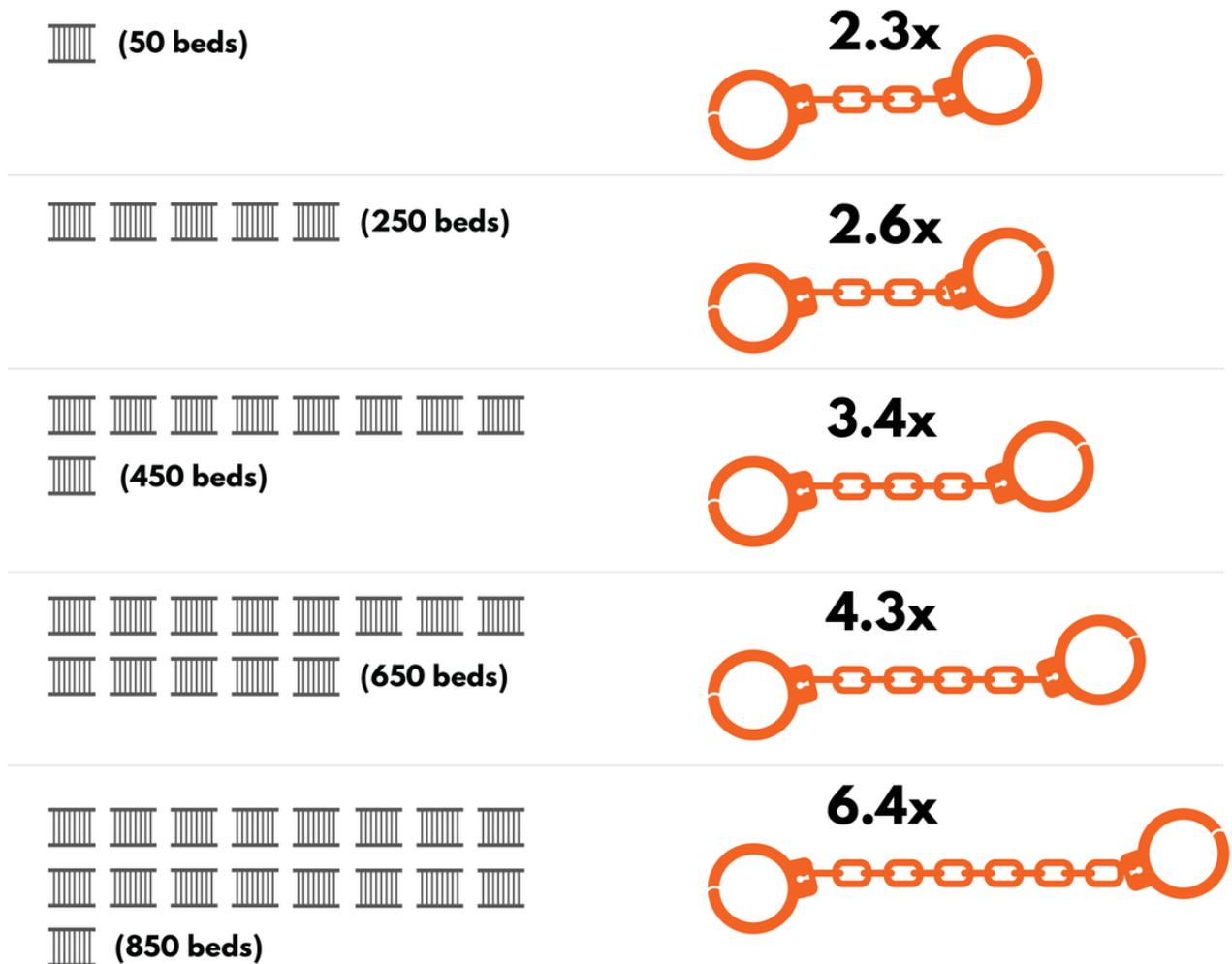
<sup>2</sup> One notable example is the opening of the Farmville Detention Center in Virginia in 2010. ICE Assistant Director [Robert Helwig confirmed](#) that the increased capacity was directly tied to the increased enforcement activity in the region due to the draconian Secure Communities (SCOMM) program.

<sup>3</sup>An undocumented immigrant, defined for this project as an immigrant who does not have current status within the immigration system,<sup>4</sup> is more than twice as likely to be apprehended in a county with capacity to detain more than 50 people in ICE custody than in a county that has less or no immigration detention capacity. The likelihood of arrest continues to increase in lockstep with bed capacity.

## IMMIGRANTS ARE MORE LIKELY TO BE ARRESTED & DETAINED BY ICE IN COUNTIES WITH MORE DETENTION BEDS.

### NUMBER OF ICE DETENTION BEDS AVAILABLE (50 beds per cell)

### LIKELIHOOD OF ARREST



The counties with the highest number of apprehensions also closely aligned with the locations of some of ICE’s largest immigration detention facilities. San Bernardino County in California, home to the largest detention center in the country, the Adelanto Detention Facility, had the third highest arrest levels.

<sup>3</sup> An ICE arrest means that ICE agents apprehended a person in the wider community (like their home, car, or place of work) or directly from a county, state, or federal jail or prison.

<sup>4</sup> This is an underestimate. It does not include people with legal permanent residency or liminal administrative status (DACA or TPS), non-immigrant visa holders, and people who already hold refugee or asylee status—all of whom at any point can also become vulnerable to enforcement.

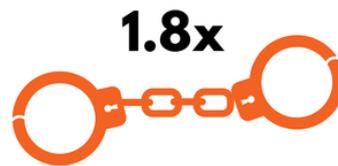
Harris County, where Houston is located and with detention capacity for over 4,000 people in or near the county, had the second highest. Unsurprisingly, counties in Texas and Southern California—hubs for ICE detention—dominated with the most apprehensions.

## IMMIGRANTS ARE ALSO MORE LIKELY TO BE ARRESTED BY ICE IN COUNTIES WITH HIGHER OVERALL JAIL AND PRISON CAPACITY.

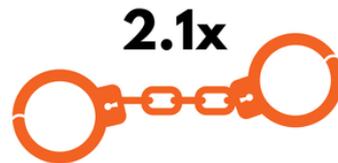
### NUMBER OF PRISON BEDS AVAILABLE (50 beds per cell)

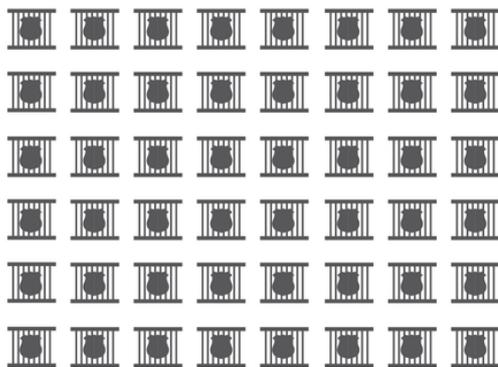
 (250 beds)

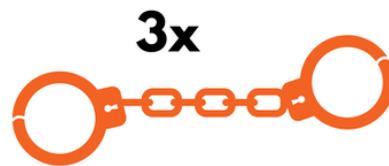
### LIKELIHOOD OF ARREST



  
 (850 beds)



  
 (2,500 beds)

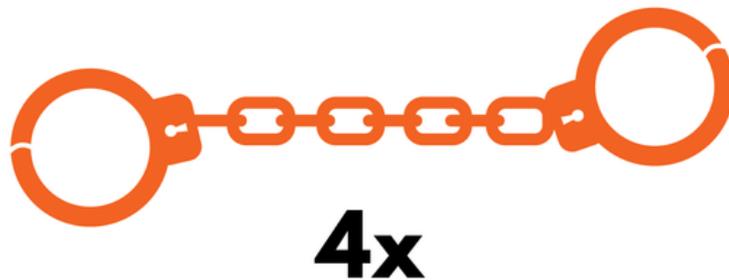


**IN OTHER WORDS—IF YOU BUILD IT, THEY WILL FILL IT.**



**OUR ANALYSIS ALSO FOUND THAT THE HIGHEST NUMBER OF ICE ARRESTS OCCURRED IN COUNTIES WITH THE HIGHEST PROPORTION OF CRIMINAL LAW ENFORCEMENT ARRESTS.**

**IMMIGRANTS IN THESE COUNTIES WERE FOUR TIMES MORE VULNERABLE TO ARREST.**



**COUNTIES WITH HIGHEST PROPORTION OF CRIMINAL LAW ENFORCEMENT ARRESTS**

This link between aggressive local policing and increased immigration enforcement is unsurprising given the overlapping infrastructure between the criminal punishment and immigration enforcement systems.<sup>5</sup> Many law enforcement agencies collaborate extensively with federal immigration agents, meaning that local and state law enforcement frequently and voluntarily share databases and other information about incarcerated people, provide unconsented access to facilitate ICE interrogations, and transfer people directly from their custody to ICE, among other forms of cooperation.

That higher criminal custody rates correlate to higher ICE arrests is foreseeable and highlights the depth to which immigration detention is entrenched within mass incarceration, as Black and brown immigrants are cycled between an ever-growing array of carceral settings.

<sup>5</sup> See "[Defund Racist Law Enforcement: Police, ICE, and CBP](#)." Detention Watch Network and United We Dream.

# IMPACT: COMMUNITIES OF COLOR ARE RAVAGED BY ENFORCEMENT

Many advocates have focused on the deplorable conditions within detention facilities. But the evidence demonstrates how the existence of the facilities themselves lead to increased arrest rates in their communities. People become significantly more vulnerable to landing in the deportation pipeline when there is a detention center nearby. Daily life—going to work, obtaining medical care, sending children to school—becomes less safe.

This increased ICE presence, triggered by detention capacity, brings widespread abuse and rights violations. ICE agents use racist, militaristic, and at times unlawful tactics to target people in their communities and tear them away from loved ones. Racial and class profiling are common practice,<sup>6</sup> and agents often use force<sup>7</sup> or coercive<sup>8</sup> tactics to complete arrests. The drive for apprehensions also increases enforcement activity from other law enforcement like local police, thanks to various programs that facilitate collaboration<sup>9</sup> with ICE.

Communities of color, particularly Black immigrant communities, are the most affected by the mass enforcement that follows detention capacity. The same racialized enforcement practices that plague the criminal punishment system are endemic to immigration enforcement.<sup>10</sup> Because the two systems are so entwined, racist policing and jailing practices by all law enforcement feed immigrants into ICE's detention and deportation machine. Black immigrants make up more than one in five people facing deportation after coming into contact with the criminal punishment system, despite composing only 5.4 percent of the undocumented population.<sup>11</sup>

The result is a community whose members are funneled into an inhumane detention system where medical neglect is rampant, physical, sexual, and mental abuse are widely reported, basic necessities are lacking, and immigrants needlessly suffer in the face of deportation. For some, avoiding an ICE arrest and ensuing detention is their only defense against deportation.<sup>12</sup> Harsh immigration laws are unforgiving and once arrested by ICE, many will not have a way to fight their deportation case. Closing detention centers—whose very presence increases the likelihood that they will be populated by surrounding communities—then becomes a crucial tactic to prevent ICE from funneling people into the deportation machine.

<sup>6</sup> Kavitha Surana. "[How Racial Profiling Goes Unchecked in Immigration Enforcement.](#)" ProPublica. June 8, 2018.

<sup>7</sup> Teo Armus. "[ICE officers shot a man in the face as he tried to intervene in an arrest.](#)" The Washington Post. February 7, 2020.

<sup>8</sup> Felipe De La Hoz. "[The ICE Ruse: How Agents Impersonate Local Law Enforcement and Lie to Make Arrests.](#)" Documented. June 18, 2018.

<sup>9</sup> Our research found that immigrants are four times more likely to be arrested in counties that had 287(g) agreements, which grant state and local police authority to act as federal immigration agents and carry out apprehensions.

<sup>10</sup> See "[Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System.](#)" The Sentencing Project.

<sup>11</sup> See "[The State of Black Immigrants.](#)" Part II: Black Immigrants in the Mass Criminalization System. Black Alliance for Just Immigration. 2016.

<sup>12</sup> Setareh Ghandehari, Luis Suarez, and Gabriela Viera. "[First Ten to Communities Not Cages.](#)" Detention Watch Network. 2021.

## RECOMMENDATIONS

In light of this research, we offer the following recommendations:

### TO THE BIDEN ADMINISTRATION AND CONGRESS:

- **Cut Detention Contracts** — The administration has<sup>13</sup> discretion to end any and all contracts for ICE’s immigration detention centers. The Biden administration has proved this by ending ICE detention at three county jails in the last year. Unfortunately, the administration has also opened mega-facilities in the same regions. As this research demonstrates, massive facilities harm communities and do not evade the abuse endemic to the system. The administration must move forward with cutting detention center contracts as a path to phasing out the use of immigration detention entirely.
- **Defund Detention** — Through the annual budget and appropriations process, the Biden administration and Congress must significantly cut ICE’s custody operations funding to set us on a path for yearly reductions and eventual phase out.
- **Invest in Alternative Economies** - The Biden administration and Congress should develop a Just Transition Economic Development Fund to aid communities transitioning away from detention-reliant economies through multi-year grants. It should exist outside of the Department of Homeland Security and be guided by an advisory committee that includes formerly detained people, economic development advisors, advocates, and elected and community leaders from communities transitioning away from detention economies.<sup>14</sup>

### TO LOCAL GOVERNMENTS AND STATES:

- **Cut ICE Contracts** — ICE heavily relies on contracts with local governments to provide, manage, and service its sprawling network of detention centers. Cities and counties that contractually sustain and profit from contracts with ICE should end these contracts immediately. These elected officials should explore alternative strategies to fund their local economies.
- **End Transfers Between Department of Corrections Facilities and ICE Detention** — ICE arrests from criminal custody represent approximately 75% of ICE arrests in the interior.<sup>15</sup> States and local governments must stop coordinating with ICE to transfer people into immigration custody from jails or prisons.

### TO ADVOCATES:

- **Support Closure Campaigns** — People inside detention and their loved ones, community members, and immigration advocates have been organizing to shut down detention centers across the country for years. Supporting and amplifying these ongoing site fights

<sup>13</sup> Nayna Gupta, Jesse Franzblau, Mark Feldman, Mark Fleming, and Heidi Altman, Keren Zwick, and Tara Tidwell Cullen. “[Roadmap to Dismantle the U.S. Immigration Detention System.](#)” National Immigrant Justice Center. July 28, 2021.

<sup>14</sup> For more detail, see “[Communities Not Cages: A Just Transition from Immigration Detention Economies.](#)” Detention Watch Network. 2021.

<sup>15</sup> See “[Tracking Over 2 Million ICE Arrests: A First Look.](#)” Transactional Records Access Clearinghouse. September 25, 2018.

- is essential to protecting immigrant communities and creating the groundswell of power necessary to dismantle our enforcement infrastructure.
- **Demand Releases not Transfers** – While winning the shutdown of a detention facility is a feat for the community, we must demand that closures be conducted justly, prioritizing the well being and liberty of the immigrants detained at the closing facility.<sup>16</sup> Pressuring ICE to release people upon closure instead of transferring them to another detention center should be central to closure strategies.
- **Coordinate with Communities Working to Dismantle the Criminal Punishment System** – While people remain at risk of punishment in the criminal system, immigrants will not be safe or free. These struggles for liberation are aligned. We must work in solidarity to ensure that the closure of a jail, prison, or detention center leads to permanent reduction in local carceral capacity, rather than the recycling of capacity for continued incarceration in other contexts.

## BRIEF METHODOLOGY

Detention Watch Network and the Immigrant Legal Resource Center worked with Ceres Policy Research to compile data regarding local detention capacity and apprehension rates across the country from a variety of primary and secondary sources, including Syracuse University’s Transactional Records Access Clearinghouse and ICE’s public records. To create the most complete dataset possible based on available resources, the research relies on figures from 2018. Ceres completed binary logistic regression analyses with this information to understand the relationship between detention bed availability and immigration enforcement activity. The resulting database included statistics from over 2600 counties—a vast majority of counties in the U.S.—so the findings of this research are comprehensive and generalizable.

<sup>16</sup> For more detail, see “[Just Closure Guide](#).” Immigrant Legal Resource Center, Detention Watch Network, Interfaith Movement for Human Integrity, and Inland Empire for Immigrant Justice. June 2021.

## ACKNOWLEDGMENTS

This report was a collaboration between Detention Watch Network and the Immigrant Legal Resource Center based on research conducted by the Ceres Policy Research Institute. Research was led by Angela Irvine and Mitzia Martinez. Gabriela Viera authored the report with contributions from Rose Cahn, Lena Graber, and Grisel Ruiz. Invaluable edits were provided by Setareh Ghandehari, Silky Shah, and Stacy Suh. [Spanish translation available here](#) and provided by Maria Alejandra Salas-Baltuano, Gabriela Viera, and Gabriela Marquez-Benitez.

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