

# COMMUNITIES NOT CAGES

A JUST TRANSITION FROM  
IMMIGRATION DETENTION ECONOMIES



DETENTION  
WATCH NETWORK



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# INTRODUCTION

Every day, thousands of people are cruelly deprived of their liberty in a vast system of mass immigration detention in the United States. For years, detained people and advocates have organized to close troubled immigration detention centers and exposed the horrors of a detention system rife with extreme negligence, abuse, and even death.

Numerous studies document that detention is also wholly unnecessary.<sup>1</sup> Despite overwhelming evidence that immigrants successfully navigate their immigration cases in community, the immigration detention system — now with over 230 facilities in the United States — has seen exponential growth across the last three presidential administrations. In just the last four years, the number of people detained by Immigration and Customs Enforcement (ICE) grew dramatically to an average daily population of more than 50,000 people in Fiscal Year (FY) 2019, by far the most in the agency's history.

This unprecedented expansion of detention was propelled not by changing migration trends, but by a resurgence of nativist and xenophobic rhetoric translated into harsher policies towards both arriving immigrants and long-term non-citizen residents. Detention expansion continued under the Trump administration despite draconian enforcement policies such as the Migrant Protection Protocols (MPP), the expansion of the border wall, and Title 42, meant to keep people from

*The astronomical growth of ICE detention over the last 15 years is in many ways an outlier.*

<sup>1</sup> For example, see: National Immigrant Justice Center. [A Better Way: Community-Based Programming As An Alternative To Immigrant Incarceration](#). April 22, 2019. And Vera Institute of Justice. [Evidence Shows That Most Immigrants Appear for Immigration Court Hearings](#). October 2020.





PHOTO CREDIT: FERNANDO LOPEZ

arriving at the border or seeking asylum once they did.

Due to a variety of factors, including detention numbers trending down, an ongoing global pandemic, and a shifting political landscape, the Biden administration has an opportunity to begin the process of phasing out immigration detention entirely. This report addresses one stated barrier to detention center

closures — the economic impacts of detention centers on host communities.

ICE's detention budget has grown steadily since the creation of the Department of Homeland Security (DHS) nearly 20 years ago. In FY 2020 the immigration detention budget alone was nearly \$3.2 billion, 3.5 times what it was in 2005.<sup>2</sup> In FY 2021, it was reduced to \$2.8 billion following

<sup>2</sup> ICE detention 2005-2018 budget figures from J. Rachel Reyes. [Immigration Detention: Recent Trends and Scholarship](#). Center for Migration Studies. / ICE detention 2019-2020 budget figures from The Department of Homeland Security. [2021 Budget in Brief](#).



a steep reduction in the number of people detained during the COVID-19 pandemic.<sup>3</sup>

The astronomical growth of ICE detention over the last 15 years is in many ways an outlier. Many state and federal adult and juvenile correctional systems are incarcerating fewer people, spending less money on incarceration, and closing prisons and detention facilities. In some cases, prison and jail systems have been downsized with the input of community advisory panels, and in many places prisons and youth detention centers have been closed and repurposed into non-punitive institutions.

Many community advocates and elected leaders cite economic concerns as an argument against detention center closures. While there is little research into the economic impact of ICE detention centers on local communities, numerous studies show prisons do not foster long-term economic growth, especially in persistently

poor communities. In fact, prison construction correlates with lower increases in employment, retail sales, household wages, housing units, and home values as compared to towns without prisons.<sup>4</sup>

Still, local officials say their communities need to identify alternative forms of development should detention centers close. This report looks at the literature on prisons, economic development, and trend lines in adult and youth incarceration around the country, as well as data about the immigration detention system. It draws on interviews with more than 20 community organizers, advocates, lawyers, and experts on immigration detention and adult and juvenile prison systems.

During the COVID-19 pandemic, the number of people detained by ICE fell to lows not seen in 20 years. As of April 1, 2021, ICE's detained population was 14,077.<sup>5</sup> The emptying of detention

3 Committee on Appropriations Vice Chair Patrick Leahy. [Summary The Department Of Homeland Security Fiscal Year 2021 Appropriations Bill](#). December 21, 2020.

4 See, for example: Terry L. Besser and Margaret M. Hanson, [The Development of Last Resort: The Impact of New State Prisons on Small Town Economies](#), 2003. Glasmeier AK, Farrigan T. [The Economic Impacts of the Prison Development Boom on Persistently Poor Rural Places](#). International Regional Science Review. Review: 2007;30(3):274-299. Hooks, Gregory, et al. [Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment, 1976–2004](#), 11 January 2021.

5 ICE Guidance on COVID-19. [COVID-19 ICE Detainee Statistics by Facility](#). Detained Population as of 4/01/2021. Accessed April 2, 2021.



centers over the past year has further called into question the purpose of immigration detention, a punitive system which only exists to ensure immigrants are in compliance with their immigration cases. In fact, recent data shows that non-detained immigrants attend their court dates at rates nearing 100 percent.<sup>6</sup> The Biden administration should

take this opportunity to release people currently detained and allow them to navigate their immigration cases in community, while placing a moratorium on detaining people anew. Further, the U.S. government should implement the following policies and recommendations that begin to phase out the use of immigration detention completely.

## **RECOMMENDATIONS:**

- **The Biden administration should begin phasing out the use of immigration detention by immediately ending detention center contracts and halting expansion efforts.** As of April 2021, the number of people detained by ICE was 14,077. As the COVID-19 pandemic continues, the administration should immediately release people from immigration detention as an urgent public health

measure and implement policies that begin shrinking the detention system. These policies include ending family detention, releasing individuals and families to navigate their cases in community, halting transfers within the immigration detention system and from prisons and jails, ending contracts with private prison corporations and state and local governments, and halting all expansion efforts.

<sup>6</sup> The Vera Institute for Justice found that nearly all non-detained immigrants with legal representation appeared in court. See Vera Institute of Justice. [Evidence Shows That Most Immigrants Appear for Immigration Court Hearings](#). October 2020. Similarly, TRAC found that 99% of asylum-seekers who were not detained attended every one of their court hearings. TRAC. [Record Number of Asylum Cases in FY 2019](#). January 8, 2020.



- **The Biden administration and Congress should significantly reduce immigration detention funding.** The Biden administration and Congress should rein in detention costs, and set a goal of year-over-year reductions in ICE detention funding. As a start, FY 2022 detention funding levels should be cut by 75 percent from the 2021 detention budget.
- **The Biden administration should end detention at the border by decriminalizing migration and restoring access to asylum.** President Biden has already taken steps towards rolling back Trump's anti-immigrant regime by ending the racist Muslim and African bans and suspending the Migrant Protection Protocols (MPP). He should go further, however, to completely end MPP and other policies that turn people away at the border or funnel them into the detention system, end the Title 42 closure of the border which public health experts have said has no public health justification,<sup>7</sup> and end all other fast-track removal policies which result in detention and deportation. The administration should also decriminalize the act of migration to shrink the pipeline into federal immigrant incarceration and detention.
- **The Biden administration and Congress should set up a Just Transition Economic Development Fund.** Using cost savings from reduced spending on detention, Congress and the administration should create a \$1 billion fund housed outside of the Department of Homeland Security to provide grants to communities transitioning away from economies dependent on federal detention. The multi-year fund should be guided by an advisory committee of formerly detained people, economic development advisors, and elected and community leaders from communities transitioning away from detention economies while investing in economic development opportunities not tied to other punitive forms of infrastructure.

<sup>7</sup> For example, see [Letter to Acting HHS Secretary Cochran and CDC Director Walensky](#). January 28, 2021.





# THE STATE OF IMMIGRATION DETENTION TODAY

Immigration and Customs Enforcement (ICE) operates a network of more than 230 immigration detention centers<sup>8</sup> through direct contracts with private prison corporations, intergovernmental service agreements with local governments, and dedicated facilities owned by ICE itself.<sup>9</sup> According to a Government Accountability Office (GAO) report released in January, ICE used about 180 of these facilities in FY 2019.<sup>10</sup>

People in ICE detention include those seeking asylum, long-time permanent residents facing deportation proceedings after an interaction with the criminal

legal system, and individuals and families awaiting immigration court dates.

ICE's detention system has an extensively documented history of egregious conditions including lack of basic hygienic products, inadequate and rotten food, physical and sexual abuse, exposure to toxic chemicals,<sup>11</sup> and medical abuse and neglect.<sup>12</sup> A growing number of people in ICE detention have spoken out or protested their confinement, including by participating in hunger strikes to bring attention to the dire situation. They have at times been met with retaliation including alleged legal threats to deny their asylum cases<sup>13</sup> and the

8 ERO Custody Management Division, Dedicated and non-dedicated facilities list as of April 6, 2020.

9 ICE detention centers include facilities with dedicated IGSA's which only detain people for ICE and non-dedicated IGSA's which detain people for ICE in facilities with other incarcerated people, direct contracts with private prisons, family detention centers, contracts built off of riders with US Marshals detention centers, and Service Processing Centers owned by ICE itself. For more information on these kinds of facilities, see National Immigrant Justice Center. [Cut the Contracts: It's Time to End ICE's Corrupt Detention Management System](#). March 2021.

10 United States Government Accountability Office. Report to the Chairman Committee on Homeland Security House of Representatives. [Immigration Detention Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts](#). January 2021.

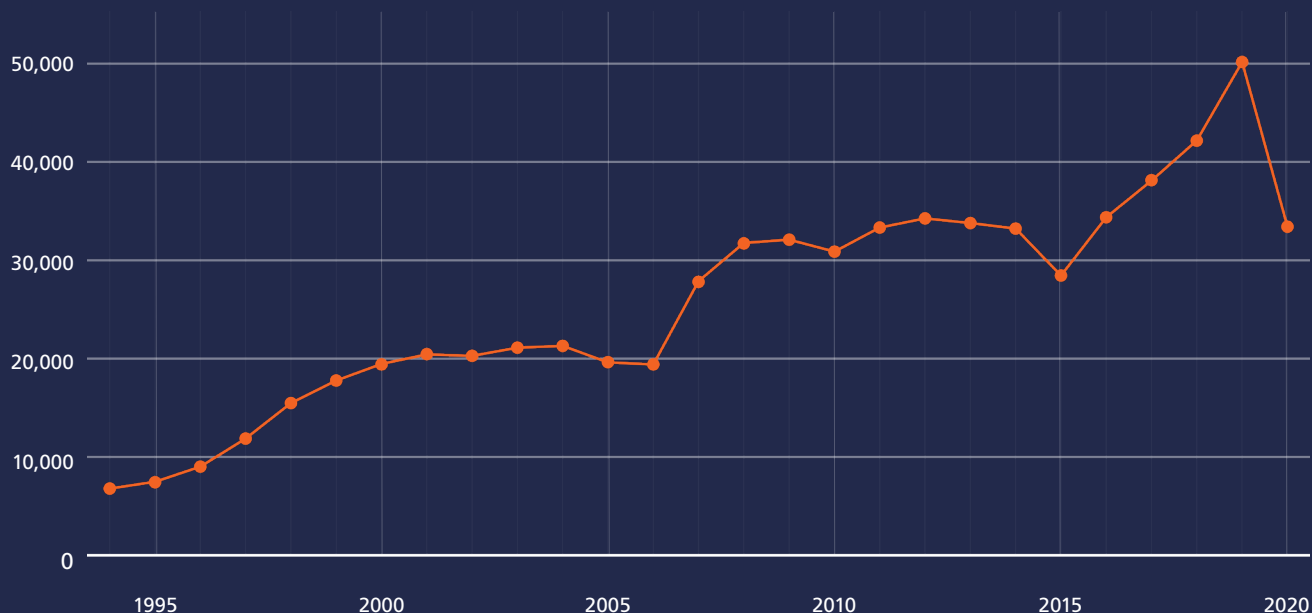
11 Amy Lieu. ["EPA says private prison company poisoned immigrants at ICE facility for a decade."](#) *American Independent*. March 24, 2021.

12 For example, see Detention Watch Network. [Courting Catastrophe: How ICE is Gambling with Immigrant Lives Amid a Global Pandemic](#). March 2020.

13 Meredith Clark. ["Immigrants at ICE facility face retaliation during hunger strike."](#) MSNBC. March 11, 2014.



## Average Daily Population in Immigration Detention†



use of riot police and pepper spray.<sup>14</sup>

ICE’s detention system has proven traumatic and deadly to those it detains. As of September 2020, 217 people had died in ICE custody since 2004. In FY 2020 alone, 21 people died in ICE detention, including eight from COVID-19. This was the highest

number of deaths in ICE custody since 2005.<sup>15</sup>

During the COVID-19 pandemic, ICE refused to heed calls of detained people, public health experts, advocates, and even federal judges to free people, halt transfers, and take other public health precautions. The

<sup>14</sup> Jose Olivares. [“ICE’s Immigration Detainees Protested Lack Of Coronavirus Precautions – And Swat-like Private-prison Guards Pepper-sprayed Them.”](#) The Intercept. May 5, 2020.

<sup>15</sup> There were 213 deaths from 2004 to September 2020 according to Catherine Shoichet. [“The Death Toll in ICE Custody Is the Highest it’s Been in 15 Years.”](#) CNN. September 30, 2020. Another four deaths in detention were recorded by AILA since the article’s publication. AILA. [Deaths at Adult Detention Centers.](#) March 17, 2021.

† Sources: [1994–2003](#), [2004–2017](#), [2018–2019](#), [2020](#)



results were predictable, with ICE detention centers becoming hotbeds of COVID-19 infection, and contributing to an estimated additional 245,000 COVID cases in areas surrounding detention centers between May and August 2020.<sup>16</sup>

Despite these failures, the detention system has expanded dramatically. The number of people detained in ICE custody increased from an average daily population of just over 21,000 in FY 2003<sup>17</sup> to more than 50,000 in FY 2019.<sup>18</sup>

As FY 2020 began, ICE detained an average of 48,628 people on any given day. Amid the COVID-19 pandemic, the number of people detained by ICE has fallen to lows not seen in 20 years. By the end of FY 2020, this number dropped to an average of 33,417, in part because more than 197,000 immigrant adults and children

were expelled from the country without the ability to seek relief before an immigration judge under Title 42 emergency health orders.<sup>19</sup> As of April 1, 2021, ICE's detained population was 14,077.<sup>20</sup>

ICE's total budget nearly tripled from \$3.3 billion in 2003 to \$8.4 billion in FY 2020.<sup>21</sup> ICE's overall budget was reduced only slightly to \$7.97 billion for FY 2021.<sup>22</sup> ICE's budget for custody operations (detention) has increased even more rapidly, jumping from \$864 million in 2005 to nearly \$3.2 billion in FY 2020, nearly equal to the size of the agency's entire 2003 budget. In recent years advocates have fought hard to successfully block at least \$12 billion in additional funds to ICE and Customs and Border Protection (CBP). Despite these efforts and the recent dramatic drop in detention numbers, ICE's FY 2021 detention budget, passed by Congress and signed by Trump,

16 Detention Watch Network. [Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States](#). December 2020.

17 Even 2003 detention rates were high by historical standards. In 1994, a decade before the creation of the Department of Homeland Security, ICE's predecessor agency, Immigration and Naturalization Services (INS), detained an average of 6,785 people daily. See: Alison Siskin, [Immigration-Related Detention: Current Legislative Issues](#).

18 ACLU, Human Rights Watch, National Immigrant Justice Center, [Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration](#), April 2020.

19 [Members of Congress Call for End to Expulsions of Children, Demand Answers from DHS and CDC](#), November 2, 2020.

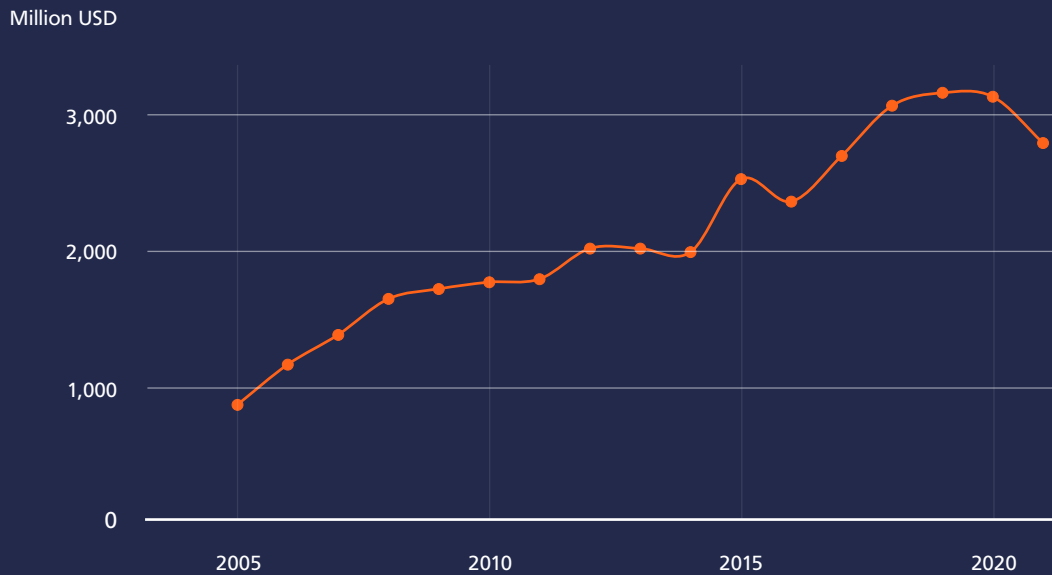
20 ICE Guidance on COVID-19. [COVID-19 ICE Detainee Statistics by Facility](#). Detained Population as of 4/01/2021.

21 American Immigration Council. [The Cost of Immigration Enforcement and Border Security](#). July 7, 2020.

22 National Council of State Legislatures. [Overview of FY 2021 Omnibus Appropriations Bill](#). January 4, 2021.



## ICE Detention Budget †



continues to provide funding of \$2.8 billion for 34,000 detention beds<sup>23</sup>, more than twice the current detained population.

Funding for immigration detention is supposed to be constrained by Congressional appropriations. However, under the Trump administration, ICE employed a multi-year strategy to

overspend its allocated detention funding and then demand supplemental funding at the end of each fiscal year.<sup>24</sup> In addition, ICE moved money appropriated to other DHS agencies, including Federal Emergency Management Agency (FEMA), the Coast Guard, and Homeland Security Investigations to meet its

<sup>23</sup> Committee on Appropriations Vice Chair Patrick Leahy, [Summary The Department Of Homeland Security Fiscal Year 2021 Appropriations Bill](#), December 21, 2020.

<sup>24</sup> Jack Herrera, ["ICE Is Hugely Overspending Its Detention Budget – Again."](#) Pacific Standard, May 21, 2019.

† ICE detention 2005-2018 budget figures from J. Rachel Reyes, Center for Migration Studies, [Immigration Detention: Recent Trends and Scholarship](#)./ ICE detention 2019-2020 budget figures from The Department of Homeland Security, [2021 Budget in Brief](#).



detention expansion drive.<sup>25</sup>

For FY 2021, the Trump administration requested that taxpayers fund ICE custody operations at \$4.1 billion, in part for expanding family detention, for a total detention capacity of 60,000. Despite demands from advocacy groups and a House proposal that would have further reduced capacity, Congress ultimately approved \$2.8 billion dollars for ICE to fund 34,000 detention beds,<sup>26</sup> far exceeding the 16,135 people who were detained on average by ICE in December when the budget was passed.<sup>27</sup>

According to a report by the American Civil Liberties Union, Human Rights Watch, and National Immigrant Justice Center, the Trump administration opened over 40 new ICE detention centers. By the end of 2019, more than 25 percent of people in ICE custody were held in these newly-contracted facilities, most of which are more than two hours

from a metro area. Many were formerly used as prisons, and are operated by private prison companies.

A Government Accountability Office (GAO) report released earlier this year found that ICE did not follow its own processes entering into these new contracts. The GAO found that 28 of the 40 new contracts signed during the Trump administration “did not have documentation from ICE field offices showing a need for the space, outreach to local officials, or the basis for ICE’s decisions to enter into them, as required by ICE’s process.”<sup>28</sup> Furthermore, more than 80 percent of detention center contracts are Intergovernmental Service Agreements (IGSAs) between ICE and a local government. These contracts allow for the use of county or city jails and can also be subcontracted to a private prison company. IGSAs allow DHS to use less stringent competition and past

25 Colleen Long. [“US moves FEMA, Coast Guard money to fund border programs.”](#) Associated Press. August 27, 2019.

26 Committee on Appropriations Vice Chair Patrick Leahy. [Summary The Department Of Homeland Security Fiscal Year 2021 Appropriations Bill.](#) December 21, 2020.

27 Immigration and Customs Enforcement. FY21 ICE detention statistics as of January 2, 2021. This number includes both those detained in adult and family residential centers.

28 United States Government Accountability Office. Report to the Chairman Committee on Homeland Security House of Representatives. [Immigration Detention Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts.](#) January 2021.



performance reviews.<sup>29</sup> ICE field offices themselves raised concerns about some of the new contracts, including their remote nature and transportation difficulties as well

as histories of poor conditions, deaths, and abuse. These concerns were overruled by ICE headquarters which justified the new facilities.<sup>30</sup>

## WHO PROFITS FROM ICE'S DETENTION ECONOMY?

Detention centers are deeply harmful and at times deadly. The U.S. immigration detention system — which has been condemned by people in detention, their loved ones, and advocates as unjust and unnecessary — is designed to incentivize the incarceration of immigrants as a money making scheme for corporations and local governments.

While the argument against detention is fundamentally a moral one, local debates over immigration detention often center around the economic impact of detention centers on local economies. Little or no published research examines the economic impact of immigration detention centers on local communities.

However, ample research over the course of nearly 20 years shows that prisons more broadly do not foster economic growth. In 2003, a study by Terry Besser and Margaret Hansen demonstrated that towns with new prisons experienced lower increases

*Ample research over the course of over 20 years shows that prisons broadly do not foster economic growth.*

29 IBID.

30 IBID.





PHOTO CREDIT: STEVE PAVEY

in employment, retail sales, household wages, housing units and home values.<sup>31</sup> In 2007, Amy Glasmeier and Tracey Farrigan compared 55 rural counties with prisons constructed between 1985 and 1995 to similar counties without prisons finding “little evidence of prisons fostering economic growth especially in persistently poor communities.”<sup>32</sup>

Similarly, in 2010, Greg Hooks and his colleagues found that prisons

impede economic growth in rural counties, “especially in counties that lag behind in educational attainment.” This built upon Hooks’ 2004 findings that counties that built prisons in slow-growing rural economies between 1969 and 1994 ended up worse off than comparative counties that did not build prisons.<sup>33</sup>

The positive economic impact of detention centers on for-profit prison corporations’ bottom lines

31 Terry L. Besser and Margaret M. Hanson, [The Development of Last Resort: The Impact of New State Prisons on Small Town Economies](#), 2003.

32 Glasmeier AK, Farrigan T. [The Economic Impacts of the Prison Development Boom on Persistently Poor Rural Places](#). International Regional Science Review. 2007.

33 Hooks, Gregory, et al. [Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment](#), 1976–2004, 11 January 2010.



is much more clear. By 2020, 81 percent of all immigrants in detention were locked up in for-profit facilities. CoreCivic and GEO Group (GEO) are the two publicly traded corporations that operate most of ICE's for-profit detention beds. In 2019, together CoreCivic and GEO brought in more than \$1.2 billion in revenue from ICE contracts, with approximately 29 percent of each company's revenue coming from ICE.<sup>34 35</sup>

Both publicly traded private prison companies are also financially troubled. CoreCivic and GEO's access to capital markets has been restricted in part due to divestment activism.<sup>36</sup> Bond-rating agency Fitch even withdrew its bond rating of CoreCivic noting that "the private prison sector also faces negative headwinds from social pressures, and longer-term correctional trends are shifting away from imprisonment of nonviolent offenders and toward rehabilitation and reentry

for minor drug offenses and other misdemeanors."<sup>37</sup>

Despite this, ICE has increasingly turned to long-term contracts with private prison companies. Even as the number of people in detention has declined dramatically due the pandemic, ICE continues to solicit requests for information for detention centers, including an active contract solicitation for a 700-bed detention center within 50 miles of Miami.<sup>38</sup>

Last summer, ICE signed 10-year contracts with CoreCivic for the T. Don Hutto Residential Center and Houston Contract Detention Facility and with GEO for its South Texas ICE Processing Center. CoreCivic CEO Damon Hininger told investors in a subsequent conference call that ICE signing long-term contracts was a sign that the agency wanted to maintain its high levels of detention regardless of

34 [CoreCivic, Inc. 2019 10K.](#)

35 [GEO Group, Inc. 2019 10K.](#)

36 Morgan Simon. "[Is This The Beginning Of The End For Private Prisons? The Market Seems To Think So.](#)" Forbes. August 20, 2020.

37 Fitch Ratings. "[Fitch Affirms and Withdraws CoreCivic's Ratings; Outlook Negative.](#)" December 15, 2020. Accessed December 22, 2020.

38 US Immigration And Customs Enforcement. [Contract Detention Facility - Miami AOR. Notice IDMIAAORCDF.](#) Original Published Date: Sep 18, 2020. Updated Published Date: Dec 14, 2020. Accessed January 11, 2020.







PHOTO CREDIT: GRASSROOTS LEADERSHIP

a potential change in presidential administrations.<sup>39</sup>

ICE contracts have also proven profitable to local government entities serving as intermediaries through Intergovernmental Service Agreements. Many IGSAs are pass-through agreements wherein a local government essentially subcontracts with a private prison corporation to operate a facility. ICE often prefers to enter into IGSAs with local

governments because the agency can bring facilities online more quickly, bypassing competitive bidding and past performance review requirements.<sup>40</sup>

Some of these private contractors pay the local government fees, though ICE does not put restrictions on these payments nor track the total amount of money local governments receive from IGSA. In one case, the California State Auditor found that the City

39 [Edited Transcript of CXW.N earnings conference call or presentation 6-Aug-20.](#)

40 United States Government Accountability Office. Report to the Chairman Committee on Homeland Security House of Representatives. [Immigration Detention Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts.](#) January 2021.



of Adelanto was collecting around \$1 million a year — \$50,000 for an annual administrative fee, \$1 per bed per day (whether occupied or not), and \$339,000 for police to handle detention-related issues — from its IGSA detention facility

operated by GEO. ICE officials told the Government Accountability Office that they are aware of agreements where private prison corporations pay IGSA holders between 50¢ and \$3.50 per detained person.<sup>41</sup>

## **DECARCERATION OF PRISON AND DETENTION SYSTEMS**

As noted above, after years of astronomical detention growth, the number of people detained in the system dramatically reduced during the COVID-19 pandemic, in part because of the Title 42 closure of the Southern border and legally dubious expulsion of asylum-seekers. Still, the overall trend of ICE detention has been one of consistent increase over the course of the last two decades.

But not all systems of incarceration have followed this trend line in recent years. In fact, many adult prison, pre-trial jail,

and juvenile detention systems have reduced their incarcerated populations, shrunk their budgets, and closed (and in some cases repurposed) prisons and detention centers.

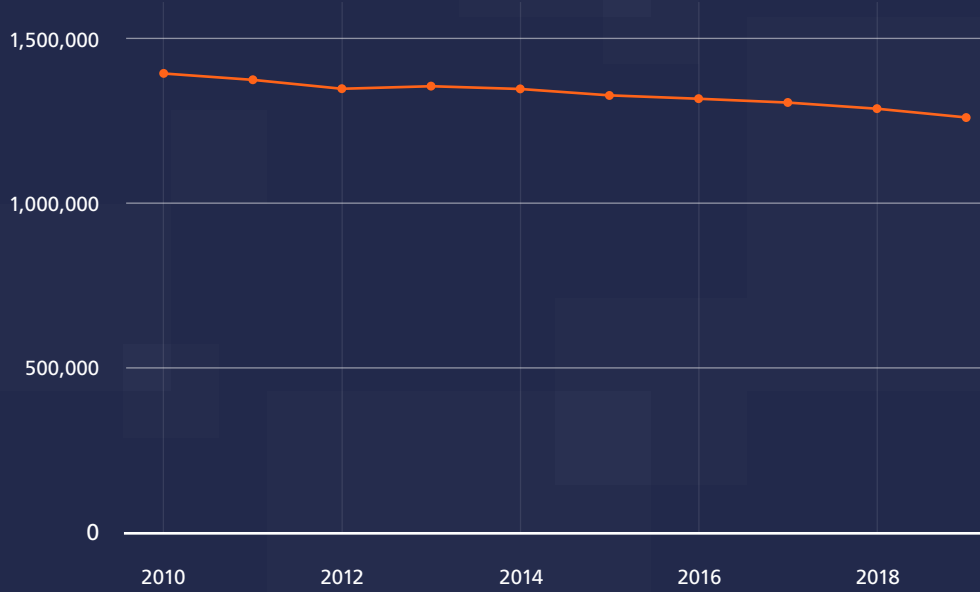
Between 2010 and 2019, the cumulative state prison population declined by more than 148,000, for a ten year reduction of over ten percent. Similarly, the federal prison population incarcerated by the Federal Bureau of Prisons over the same time period decreased by more than 34,000, a ten year reduction of more than 15 percent.<sup>42</sup> Over

<sup>41</sup> IBID.

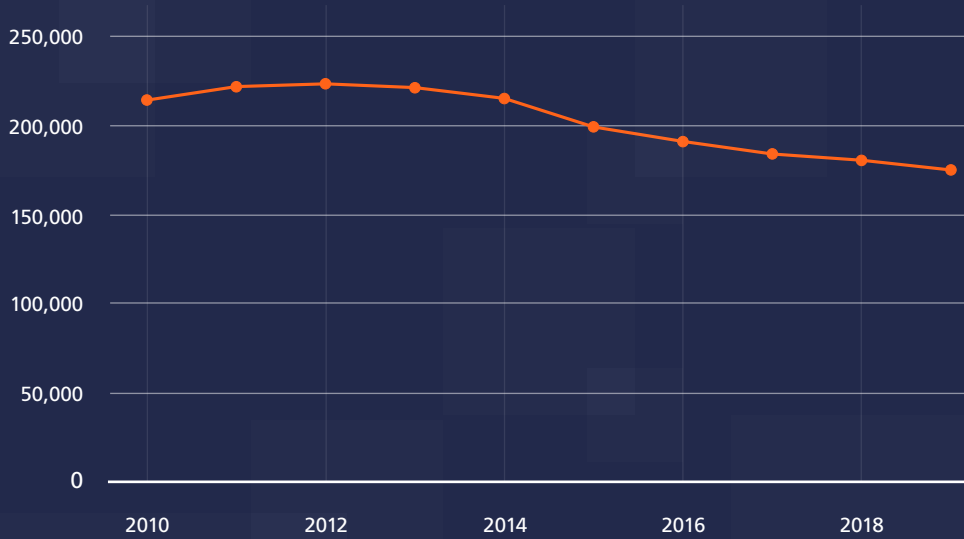
<sup>42</sup> Data from [State and Federal prison populations 2018](#): E. Ann Carson, Bureau of Justice Statistics, Prisoners under the jurisdiction of state or federal correctional authorities, December 31, 1978-2018, Date of version: 12/9/2019, and [State and Federal prison populations 2019](#): BJS: Author: E. Ann Carson, Ph.D., BJS Statistician, Report title: Prisoners in 2019 NCJ 255115, Data Source: Bureau of Justice Statistics, Federal Justice Statistics Program, 2019 (preliminary); National Corrections Reporting Program, 2018; National Prisoner Statistics, 2009-2019; Survey of Inmates in State and Federal Correctional Facilities, 2004; and Survey of Prison Inmates, 2016



## State Prison Population†



## Federal Prison Population†



† Data from [State and Federal prison populations 2018](#); E. Ann Carson, Bureau of Justice Statistics, Prisoners under the jurisdiction of state or federal correctional authorities, December 31, 1978-2018, Date of version: 12/9/2019, and [State and Federal prison populations 2019](#); BJS: Author: E. Ann Carson, Ph.D., BJS Statistician, Report title: Prisoners in 2019 NCJ 255115, Data Source: Bureau of Justice Statistics, Federal Justice Statistics Program, 2019 (preliminary); National Corrections Reporting Program, 2018; National Prisoner Statistics, 2009-2019; Survey of Inmates in State and Federal Correctional Facilities, 2004; and Survey of Prison Inmates, 2016



the past decade, prisons and juvenile detention centers have closed rapidly. Between 2011 and 2016, 94 state prisons and juvenile detention centers closed bringing 48,000 prison beds offline.<sup>43</sup>

There are cautionary tales, however. In 2017, Louisiana, which has one of the highest rates of incarceration in the world, passed sentencing reforms that aimed to reduce the state prison population. In the years that followed, thousands of prison beds emptied, leaving many communities reeling from the consequent loss of jobs and revenue from the state. At the same time the Trump administration was on an immigration detention expansion spree and saw an opportunity in Louisiana for ICE to secure new detention contracts.<sup>44</sup> By 2020, ICE had contracted with six new facilities for an additional capacity of more than 6,100 beds for immigration detention.<sup>45</sup>

Louisiana advocates had not anticipated the impact that the reduction of the incarcerated population would have and

that these prisons could be used by other agencies. Expecting pushback, some states developed transition planning committees to ensure that prisons closed even when faced with opposition from host communities or prison guard unions. New York and Michigan were among the states where state departments of correction closed the most prisons.

In her report for The Sentencing Project, Nicole Porter describes the New York model that created the Empire State Development office as part of an Economic Transformation and Facility Redevelopment Program:

“Legislators authorized the program to support the economies of communities affected by the closure of certain correctional and juvenile justice facilities. Program staff convened conversations in the affected communities for the reuse of closed correctional facilities. The program also facilitated an economic development initiative with business firms interested in relocating to

43 Nicole D. Porter. [Repurposing: New Beginnings for Closed Prisons. The Sentencing Project.](#) December 14, 2016.

44 Noah Lanard. [Louisiana Decided to Curb Mass Incarceration. Then ICE Showed Up. Mother Jones.](#) May 1, 2019.

45 ACLU, Human Rights Watch, National Immigrant Justice Center, [Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration](#), April 2020.



affected communities through tax incentives.”<sup>46</sup>

In addition to closures, some localities have begun transitioning local economies and repurposing prison facilities. Repurposed adult prison projects include a movie studio in Staten Island, New York, a reentry center for women in Bayview, New York, a small farm incubator in Peoria, Illinois, homeless shelters in Gainesville, Florida and Haywood, North Carolina, and a distillery in Brushy Mountain, Tennessee.<sup>47</sup>

*In addition to closures, some localities have begun transitioning local economies and repurposing prison facilities.*

In Atlanta, advocates with Close the Jail ATL: Communities Over Cages Campaign organized for years for the closure of the Atlanta City Detention Center (ACDC), a troubled city jail that had detained both people held for ICE and those arrested by local police and charged with “quality of life crimes” including public drinking or loitering. In May 2019, Mayor Keisha Lance Bottoms signed legislation that would direct the city to close the facility and created a task force for reimagining the use of the space.<sup>48</sup>

The Reimagining ACDC Task Force, composed of 62 members, including directly impacted people, advocates, and city and county officials, created a planning team to analyze three key areas: policy changes, programming, and building redesign. With the support of consultants including Designing Justice + Designing Spaces, the task force held listening sessions, town halls, and stakeholder interviews. In June 2020, the task force recommended the ACDC be

46 IBID

47 Nicole D. Porter. [Repurposing: New Beginnings for Closed Prisons](#). The Sentencing Project. December 14, 2016.

48 Mayor’s Office of Communications. [Mayor Keisha Lance Bottoms Signs Historic Legislation to Close and Reimagine Atlanta City Detention Center](#). May 28, 2019. Accessed December 22, 2020.



closed (with a firm closure date announced) and demolished. It further recommended constructing in ACDC's place a Center for Equity and Wellness to "advance racial and economic equity, promote restorative justice, and invest in the well-being of individuals, families, and communities."<sup>49</sup>

Perhaps the most useful corollary to the proposed down-scaling of the immigration detention system is the decarceration of youth incarceration systems over the last 20 years. As immigration detention has climbed, the number of youth in detention has fallen dramatically. Between 1999 and 2015, the number of youth in custody in the U.S. decreased by more than half.<sup>50</sup> In the same time period, ICE detention steadily grew.

Reducing youth incarceration has allowed lawmakers to close detention centers. Between 2000 and 2016, 1,275 youth detention facilities were closed. The biggest decline was in large facilities detaining more than 200 children.<sup>51</sup>

Youth detention facilities have successfully been repurposed as teen centers; commercial spaces; mixed-used, affordable, sustainable housing developments; and a tech park including a medical cannabis developer. In Beaumont, TX, the

*Youth detention facilities have successfully been repurposed as teen centers; commercial spaces; mixed-used, affordable, sustainable housing developments; and a tech park including a medical cannabis developer.*

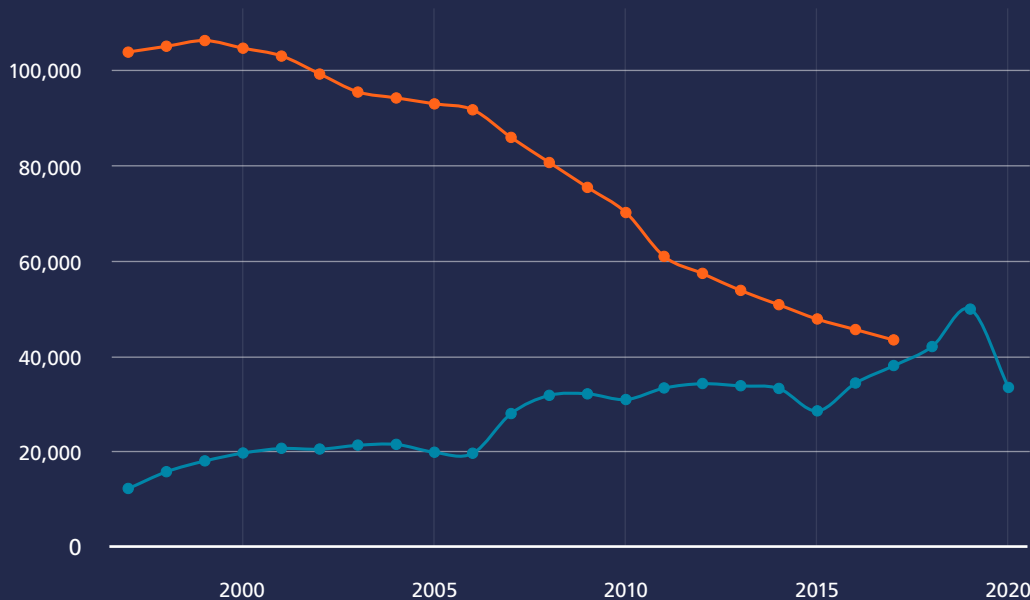
49 [Reimagining the Atlanta City Detention Center Task Force Report](#). June 2020. Accessed December 22, 2020.

50 Hanna Love, Samantha Harvell, Chloe Warnberg, and Julia Durnan, [Transforming Closed Youth Prisons Repurposing Facilities to Meet Community Needs](#). The Urban Institute. June 19, 2018.

51 IBID



● National Juvenile Detention Population<sup>†</sup>  
● ICE Average Daily Detained Population<sup>††</sup>



Al Price Juvenile Correctional Facility is in the process of being repurposed into Beaumont Dream Center, a “one stop shop for social services” including recovery

services, vocational training, a drop-in center for veterans, health services, GED classes, and micro-villages.<sup>52</sup>

<sup>52</sup> IBID

<sup>†</sup> Juvenile detention data: Sickmund, M., Sladky, T.J., Kang, W., & Puzzanchera, C. (2019). [“Easy Access to the Census of Juveniles in Residential Placement.”](#)

<sup>††</sup> ICE detention data, 1994-2003 from Alison Siskin, [Immigration-Related Detention: Current Legislative Issues](#). CRS Report for Congress. For ICE detention data from 2004-2017 see J. Rachel Reyes Center for Migration Studies. [Immigration Detention: Recent Trends and Scholarship](#). For 2018-2019 data, Department of Homeland Security U.S. Immigration and Customs Enforcement Budget Overview. [Fiscal Year 2021 Congressional Justification](#). For 2020 data: U.S. Immigration and Customs Enforcement. [ICE Facilities Data, EOFY2020](#)



# A JUST TRANSITION FOR DETENTION COMMUNITIES

As the Biden administration takes shape, it should continue to decrease the population in detention by implementing a series of policies to release people from detention during an ongoing pandemic and steadily shrink the detention system. The Biden administration can use its executive authority in pursuit of these policy goals, though the administration should also pursue long-term legislative fixes to the system to phase out the use of immigration detention completely.

Detention Watch Network has previously detailed how the Biden administration can reduce the detained population through a series of policy choices. These include immediately ending family detention; fulfilling its promise to end for-profit incarceration by extending its executive order phasing out private prisons to ICE private contracts and IGSA's with state and local governments; reducing the use of expedited removal (which

triggers mandatory detention) by rescinding the Trump executive order expanding its use, with a long term goal of ending the use of expedited removal altogether; fully ending the Migrant Protection Protocols, Title 42, and other fast-track removal policies; and by decriminalizing the act of migration.<sup>53</sup>

Furthermore, the administration can use its authority to release people from detention in the interest of public health and halt all transfers within the detention system and from the criminal legal system to stop the spread of COVID-19. Best practices call for releases that do not involve ankle monitors or other forms of electronic surveillance. The Biden administration can shrink the pipeline to detention and deportation by rejecting a categorical approach to enforcement and ending the 287g program, the Criminal Alien Program, and Secure Communities.

<sup>53</sup> See previous Detention Watch Network policy recommendations for the Biden administration collected [at this website](#).







PHOTO CREDIT: ALONSO YÁÑEZ, LA OPINIÓN

Using cost savings from reduced spending on detention by following the above recommendations, the administration can and should address the concerns raised by advocates and elected officials for investments in alternative economic development initiatives in their communities.

One such community is Frio County, Texas, about an hour south of San Antonio, which is home to two ICE detention centers. The South Texas ICE

Processing Center in the town of Pearsall is operated by GEO and has capacity to detain more than 1,900 adult men and women on any given day.<sup>54</sup> In the summer of 2020, ICE signed a controversial 10-year contract with GEO to operate the Pearsall facility, in a move criticized as an attempt to lock in Trump era detention policies far beyond his administration.<sup>55</sup> On the other side of Frio County, CoreCivic's South Texas Family Residential Facility in Dilley, TX has capacity

54 <https://www.geogroup.com/FacilityDetail/FacilityID/44>

55 Detention Watch Network. [Two notorious Texas detention centers receive new 10-year ICE contracts with private prison corporations.](#) August 10, 2020.



for 2,400 children and adults detained as families by ICE.<sup>56</sup>

Frio County Commissioner Jose Asuncion, who represents the part of the county that includes the South Texas Family Residential Facility, has long been a critic of the role for-profit prison industries have played in his community. In May 2020, Asuncion, along with other local officials, raised the alarm after the vast majority of local COVID-19 cases could be traced back to ICE's negligence at the South Texas ICE Processing Center in Pearsall.<sup>57</sup>

Asuncion says that the private prison companies operating the ICE detention centers are a "dangerous presence" in his and other communities, taking advantage of communities without providing promised benefits. They have convinced localities to expand utilities and many of those communities have become dependent on the tax base, utility payments, and jobs centered around the detention centers. Asuncion says that conversations about transitioning away from detention centers

should include efforts to help communities pay their bills and technical assistance with planning for post-detention economic development opportunities.<sup>58</sup>

*Frio County Commissioner Jose Asuncion says that the private prison companies operating the ICE detention centers are a "dangerous presence" in his and other communities, taking advantage of communities without providing promised benefits.*

56 <https://www.ice.gov/factsheets/south-texas-family-residential-center>

57 Perla Trevizo. "Covid-19 Cases At A Texas Immigration Detention Center Soared. Now, Town Leaders Want Answers." The Texas Tribune and ProPublica. May 11, 2020.

58 Phone conversation with Commissioner Jose Asuncion. July 24, 2020.



To address this kind of need, the Biden administration and Congress should develop a Just Transition Economic Development Fund to aid communities transitioning away from immigration detention economies. Congress and the administration should create a fund housed outside of the Department of Homeland Security to provide multi-year grants to communities where detention centers are closed.

According to the Climate Justice Alliance, “Just Transition” is a term coined by labor unions and environmental justice activists who “saw the need to phase out the industries that were harming workers, community health and the planet; and at the same time provide just pathways for workers to transition to other jobs.”<sup>59</sup> With detention economies, there is a similar need to divest from harmful immigration detention centers and prisons while providing a pathway for sustainable economic development in these communities.

The Just Transition Economic Development Fund should 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.

Efforts to incentivize decarceration rather than more incarceration are becoming increasingly popular. As part of the proposed BREATHE Act, the Movement for Black Lives has called for a competitive federal grant to incentivize localities reducing their jail populations and their spending on police. The proposal also calls for federal investment in non-punitive, community driven solutions — with both planning and implementation phases — to the issues that lead to criminal legal system involvement. The Free Them All grant program, a subsection of the BREATHE Act, proposes a 50 percent funding match to what local governments would save from decarceration efforts.<sup>60</sup>

59 Climate Justice Alliance. [Just Transition: A Framework for Change](#). Accessed March 25, 2021.

60 Movement for Black Lives. [BREATHE Act, Section 2 Investing In New Approaches To Community Safety Utilizing Funding Incentives](#). Accessed December 21, 2020.



# CONCLUSION

The U.S. immigration detention system, the largest of its kind in the world, has long been a cause for concern. Detained people and their loved ones, their legal representatives, and advocates routinely report egregious conditions in the jails and prisons used to detain immigrants. Due to the onerous nature of the U.S. immigration system and courts, immigrants spend months or even years in detention centers meant for short term stays. The profit motive — by both private prison corporations and local governments — is built deeply into the immigration detention system. All but five detention centers are subcontracted out to local governments or private corporations, that prioritize profit above care.

As states have reduced the number of people incarcerated in jails, prisons, and juvenile detention centers, the federal immigration detention system has only increased. Many local governments have become dependent on federal contracts for immigration detention to

support their local budgets and have resisted detention closure. Private prison corporations have brought in billions from their ICE contracts and immigration detention has become a centerpiece of their financial model. Immigration detention reached its height in FY 2019 when the U.S. government detained a record number of people — more than 50,000 on an average day — and spent \$3.2 billion, another record, on detention alone.

The Biden administration has a unique opportunity to break this cycle and work towards an end to the unnecessary system of detention altogether. During the COVID-19 pandemic, the number of people detained by ICE fell to lows not seen in over 20 years. Just over 14,000 people were detained on April 1st. The Biden administration can and must continue to reduce the detained population and implement the recommendations put forward in this report in order to prevent the system from growing once the pandemic subsides. Immigrants





PHOTO CREDIT: FERNANDO LOPEZ

should be able to navigate their cases at home and in community, not behind bars in immigration detention. The goal should be the elimination of incarceration in the immigration system. Reducing the detention population would allow the Biden administration and Congress to also dramatically reduce ICE's bloated detention budget, money that can then be reinvested in communities.

As part of the process of phasing out the use of immigration detention entirely, the implementation of a multi-

year Just Transition Economic Development Fund would provide incentives for communities to move away from economies dependent on the suffering of people in immigration detention and towards economies that create opportunities for whole communities to thrive.

