

COSTS OF ICE DETAINERS

Arrests and Booking

Officers suspecting immigration violations may make pretextual arrests on other low-level charges that they wouldn't have made otherwise. Police Departments may incur jail booking fees and custody costs that aren't tied to policing for public safety.

Administrative

Officers communicate back and forth with ICE to share information regarding inmates including who are in the jail and when they are going to be released. Time allocated to these administrative tasks uses jail staff time and other resources.

Extended Jail Time

Immigrants with ICE holds spend longer times in jail than U.S. citizens for the same offenses, taking up scarce beds in overcrowded jails. Many are eligible for release, but for jail policies to continue to hold them for ICE.

- Individuals with ICE detainers spent 73 days longer in jail than other inmates in New York City in 2008.¹
- Individuals with ICE holds spent 64.6 days in jail versus 21.7 days for other inmates without ICE holds in Travis County, Texas in 2007.²

48 Hour ICE Detainer

Counties bear the costs of keeping individuals up to 48 hours longer per ICE holds:

- If bail is set and posted
- Upon release
- Upon conclusion of criminal proceedings

Liability

Complying with ICE holds, which are voluntary requests, carry a risk of legal and constitutional violations, exposing counties to litigation.

- See, for example: *Committee for Immigrant Rights of Sonoma Co. v. Co. of Sonoma* (N.D. Cal.), *Quezada v. Mink* (D. Col.), *Melendez Rivas v. Martin* (N.D. Ind.), *Harvey v. City of New York*, (E.D.N.Y.), *Urbina v. Rustin*, (W.D. Pa.), *Ramos-Macario v. Jones* (M.D. Tenn.), *Arroyo v. Spokane Co. Sheriff's Office* (E.D. Wash.).

OFFSETS

SCAAP

The State Criminal Alien Assistance Program reimburses states for some, but not all of the costs of incarcerating undocumented immigrants who are convicted of a felony or two misdemeanors and served at least four days sentence in jail.

IGSA

Some County jails rent space to ICE under Intergovernmental Service Agreements. These are agreements to house immigrants who are in deportation proceedings. These agreements, however, do not compensate counties for holding detainees prior to their transfer to ICE custody. Also, where county jails are overcrowded, these contracts can use up precious space that might be used to house current jail populations.

¹ Andrea Guttin, *Criminals, Immigrants, or Victims? Rethinking the "Criminal Alien Program"* (May 2009) (unpublished thesis; on file with author).

² Aarti Shahani, Justice Strategies, *New York City Enforcement of Immigration Detainers Preliminary Findings* (October 2010), available at www.justicestrategies.org.