

Policy Brief

Cut the Contracts: *It's Time to End ICE's Corrupt Detention Management System*

The Department of Homeland Security (DHS) continues to grow its massive immigration detention system using a web of corrupt contracts that breed impunity for abuses. Government watchdog agencies and [lawmakers](#) have long documented improper contracting practices and farcical inspections practices in the immigration detention system that is plagued with systemic [racism](#) and [abuse](#). Yet as recently as January 2021, the Government Accountability Office (GAO) [reported](#) on Immigration and Customs Enforcement (ICE)'s intransigence in the face of these reports and persistent failure to follow even its own protocols as the system expands.

ICE's detention system incentivizes incarceration for maximum profits. Congress gave ICE nearly \$3 billion for fiscal year 2021 to maintain more than [200 immigrant detention centers](#). In this system, private prison companies grossly enrich themselves while local governments pad shrinking budgets. The people trapped in this system, however, suffer severe human rights abuses.

ICE's lack of oversight of this system has [deadly](#) consequences. Between January 2017 and April 2020, 39 adults [died](#) in ICE custody or immediately after being released. The COVID-19 pandemic has further [illuminated](#) the deep suffering that results from ICE impunity. The number of people who [died](#) in ICE custody in 2020 was more than double the prior year. As of the end of February 2021, more than 300 of the 13,890 people still [detained](#) by ICE had COVID-19. Two people had [died](#) in detention since President Biden took office.

NIJC joins immigrant rights advocates in the Detention Watch Network's [Communities Not Cages](#) campaign to call on the Biden administration to shut down detention centers immediately and end detention contracts. This policy brief: 1) provides a roadmap of the immigration detention infrastructure and its contracting and inspections processes; 2) summarizes the robust record of corruption and abuse in these processes, as documented by government watchdog agencies, advocates including [NIJC](#), and members of Congress; and 3) describes how corrupt contracting shows up in the "first 10" detention centers which the Communities Not Cages campaign has identified should be shut down.

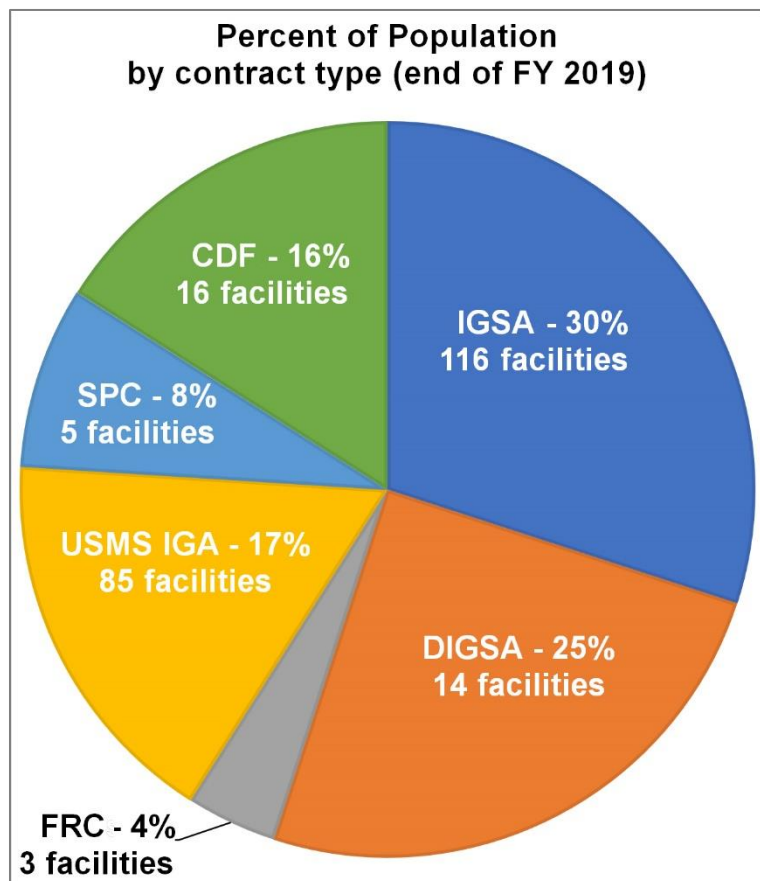


A sprawling web of corrupt contracts

ICE's detention system involves more than [200 facilities](#) which involve contracts with private prison [companies](#), county and city jails, and state prisons. The system fuels perverse financial [incentives](#) to keep [more immigrants](#) incarcerated, using "pass-through" arrangements, guaranteed minimums, and long-term contract extensions to avoid accountability.

ICE manages detention facilities through a patchwork of contracts, including:

- **Non-Dedicated Intergovernmental Service Agreements (IGSA):** Facilities owned by state or local governments, or private companies, which contract to hold people for ICE as well as other agencies, either together or separately.
- **Dedicated Intergovernmental Service Agreements (DIGSA):** Facilities owned by state or local governments or private companies operated exclusively under an agreement with ICE to hold people in immigration proceedings.
- **Family Residential Centers (FRC):** Facilities owned and operated by state or local governments under agreements with ICE which hold children and their families.
- **U.S. Marshals Service Intergovernmental Agreements (USMS IGA):** Contracted by the U.S. Marshals Service and used by ICE through a rider on the contract to detain people on behalf of ICE.
- **Service Processing Centers (SPC):** Facilities owned by ICE and generally operated by contracted detention staff. ICE contracts with private companies for services such as guards, food, and facility maintenance.
- **Contract Detention Facilities (CDF):** Facilities owned and operated by private companies and contracted directly by ICE to exclusively hold people in ICE custody.





“Pass-through” contracts

The most commonly used contract arrangement, the IGSA, operates in a manner that compounds the opacity and corruption inherent to ICE detention. These contracts usually entail a “pass-through” arrangement, allowing local officials to act as [middlemen](#) for ICE and private companies. With these agreements, ICE contracts with local governments, side-stepping procurement laws that govern contracts with private companies. The counties or municipalities hosting the detention centers then contract directly with the same private companies that operate the facilities, receiving kick-back funds from the private operators. The most recent GAO [findings](#) assert that ICE uses IGSA intentionally to bypass procurement laws and open-government requirements.

In 2018, the DHS Inspector General [documented](#) that ICE’s policies and procedures for negotiating, executing, and modifying IGSA were insufficient. The investigation found the IGSA for one of the largest and most expensive detention centers — the South Texas Family Residential Center in Dilley, Texas — to be improper under federal procurement law. In this arrangement, the city of Eloy, Arizona, collected over \$400,000 a year through an IGSA for a detention center 900 miles away. The company CoreCivic operated the facility and received the most financial benefit from the agreement, which cost taxpayers \$261 million from 2014 to 2016. The January 2021 GAO report stated that ICE contended there is no legal requirement to award an IGSA competitively.

Another stunning example of this questionable arrangement is the Adelanto Detention Center in California, which first operated under an IGSA that paid GEO Group [\\$112 per day](#) per person, while the city of [Adelanto](#) made about \$1 million annually off the deal. [California auditors found](#) that GEO Group used the IGSA arrangement to inappropriately negotiate with ICE to amend Adelanto’s contract to detain more people. After California passed laws to prevent the expansion of immigration detention in the state ([SB 29 and AB 103](#)), GEO Group convinced the governments of Adelanto and other cities to terminate their IGSA, promising extra-contractual payments in return. In March 2019, Adelanto ended its IGSA, and ICE [awarded](#) a \$62 million sole-source short-term contract directly with GEO Group, bypassing the competitive procurement process. This created the circumstances for ICE to secure long-term private contracts that are at issue in ongoing [litigation](#).



A shower stall at Adelanto Detention Center in May 2018
(Credit: [DHS Inspector General](#))

ICE also frequently places riders on contracts between the U.S. Marshals and local prisons, jails, or private detention facilities, a contract mechanism that allows detention expansion with even fewer barriers than direct contracts or IGSA. Acquiring detention space in a local jail or private facility with a USMS agreement in place is the fastest and easiest option for ICE to expand because it does not have to negotiate any new terms, rates, or conditions — ICE is simply added to the Marshals’ existing agreement. At the end of fiscal year 2019, the January 2021 GAO report states, 17 percent of people in ICE detention were held under such agreements despite repeatedly [documented](#) neglect and systemic abuse in these facilities.



Guaranteed minimums & wasteful spending

A number of ICE detention contracts include guaranteed minimums, or “[bed quotas](#),” which require ICE to pay contractors for a [minimum](#) number of detention beds regardless of whether those beds are used. From fiscal years 2017 to 2019, ICE [increased](#) its number of contracts and agreements with guaranteed minimums by about 38%. As of May 2020, the GAO [found](#), ICE was paying around \$20.5 million a month in empty bed space.

The money wasted on unused beds is part of ICE’s bloated [spending](#), which has climbed from \$3.3 billion annually in 2003 to \$7.9 billion for [fiscal year 2021](#). Congress [appropriated](#) around \$2.83 billion in fiscal year 2021 to fund detention. In addition to paying for detention beds, ICE shells out millions in taxpayer dollars on hundreds of contracts with companies for a range of services, including food, guards from military [contractors](#) and [mercenary firms](#), transport for [children](#) to detention shelters and [hotels](#), and surveillance [technology](#). (See ICE’s [FOIA library](#) for hundreds of these contracts)



Long-term contract extensions

ICE regularly signs detention center contracts extending a decade or more with minimal transparency or oversight. For example, in December 2019, ICE entered long-term contracts worth billions in California, just days before the law AB 32 was set to go into effect to restrict the use of private immigration detention facilities in the state. The [15-year](#) contracts included Adelanto and Mesa Verde, run by GEO Group; the Otay Mesa Detention Center, run by CoreCivic; and the Imperial Regional Detention Center, run by Management and Training Corporation (MTC). California’s congressional representatives [charged](#) in November 2019 that ICE’s solicitation process appeared to have been tipped toward the three for-profit companies operating immigration detention centers in the state, a potential violation of federal procurement law.

More recently, in August 2020, ICE [renewed contracts](#) with GEO Group and CoreCivic to run two Texas facilities for an additional 10 years. CoreCivic told [investors](#) that it signed a 10-year contract renewal with ICE at the [Hutto Residential Center](#) in Texas and expected a similar award for the Houston Processing Center. GEO Group similarly [announced](#) that it had signed a new 10-year contract for the South Texas Detention Complex in Pearsall, Texas. [More than 45 organizations](#) and [members of Congress](#) strongly opposed the contract extensions. Still, many of the contracts’ details remain shrouded in [secrecy](#).

ICE's sham oversight scheme

ICE's oversight system is aptly described as a "[theater of compliance](#)," constructed to [cover up](#) abuses and avoid accountability. ICE has several tools that are supposed to identify and correct deficiencies in detention centers, including ICE's Enforcement and Removal Operations' contracted annual inspections (carried out by private companies); ICE's Office of Detention Oversight inspections; and Quality Assurance Surveillance Plans (QASPs), which allow for reports on abuses and financial penalties. In practice, however, inspections involve performative reviews of detention facilities designed to ensure unabated federal funds for local counties and private contractors.

ICE's annual inspection program, for example, uses preannounced visits, allowing operators to hide evidence of abuse ahead of time. Congress [reported](#) in September 2020 that the contractors paid to conduct these inspections generally fail to identify deficiencies, and DHS rarely does anything when they do. ICE officials have called such inspections "[useless](#)" because they are "very, very, very difficult to fail." When the DHS Inspector General conducted [unannounced visits](#), it found utter disregard for human life, including overly restrictive segregation, inadequate medical care, and hanging nooses in cells. Congress also [reported](#), during the pandemic, that DHS fails to provide necessary medical care to people in detention with serious and chronic medical conditions.

Since 2009, federal appropriations law has barred ICE from continuing to contract with any facility that fails two consecutive [annual inspections](#). This requirement has done little more than incentivize ICE to ensure that its inspections are meaningless. The latest [ICE data](#) shows only two facilities received "deficient" ratings in the last two years, and in both cases the facility passed its previous or following inspection. Reporting obligations also require ICE to notify Congress if it enters new contracts or extends contracts without adhering to national compliance standards. Still, ICE sees this process as a rubber stamp, providing Congress with cursory [notifications](#) that merely note that compliance with higher standards would be more costly.

One ICE ERO official suggested
these inspections are
"useless."

The DHS inspector general also [revealed](#) that ICE allows contractors to get away with violating contracted standards by granting waivers. [ICE data](#) showed nearly 180 waivers operational in 2019, many of which implicated issues central to immigrants' health and safety in detention. For example, at least [eight facilities](#) received waivers so that they would not be required to provide full medical records for people transferred to other sites or released from detention.

— DHS Office of Inspector General [report](#), June 26, 2018

Finally, the DHS Inspector General has [found](#) that when detention contracts require QASPs to facilitate reporting on wrongdoing, ICE rarely imposes financial penalties on contractors even when serious discrepancies are reported. The GAO's January 2021 report further confirmed that ICE's oversight structure has limited meaningful reporting on discrepancies, often because ICE officials did not want to damage their relationships with the detention facility operators. Such clientelism perpetuates a [revolving door](#) effect, where ICE officials leave their posts to work at the same [companies](#) they once regulated.

Constant expansion efforts

The inherently inhumane immigration detention apparatus has [grown](#) even amid changing political tides over the decades. The average daily population in immigration detention hovered around 10,000 in the early 1990s. ICE's [budget](#) more than doubled as part of the post-9/11 national securitization of immigration policies, reaching \$5.74 billion in fiscal year 2010. Congress passed a 2009 "[bed quota](#)" authorizing DHS to pay for 34,000 detention beds across the country on any given day. The Obama administration fueled the sprawling detention system, including [expanding](#) family detention. The Trump administration further [expanded](#) the detention apparatus to hold more than [50,000 people](#) by 2019.

Toward the end of the Trump administration, detention numbers dropped due to anti-asylum policies restricting entry at the border. The numbers dropped further as federal courts forced ICE to release people as the deadly COVID-19 pandemic ripped through ICE facilities. Now, the number of people in detention is at its lowest in 20 years, underscoring the arbitrary and unnecessary nature of detention. The relatively lower numbers should signal a permanent trend down, yet ICE continues to quietly try to expand its infrastructure even more.

In the last months of the Trump administration, ICE sought to expand existing facilities' capacity and build new sites. In October 2020, ICE issued requests for information (RFIs) for new detention facilities in [Newark](#), [New York](#), [Miami](#), and [Denver](#). After ICE issued a similar [RFI in October 2017](#), community groups engaged in persistent organizing and protests to stop ICE from expanding in their towns. NIJC obtained [information](#) showing that the private prison company Immigration Centers of America (ICA) [responded](#) in pursuit of new contracts. Subsequently, ICA hired [lobbyists](#) to convince [local officials](#) in [Wisconsin](#), [Illinois](#), [Maryland](#), and in [Michigan](#) to approve new detention sites. So far, these expansion efforts have failed; but ICE and ICA persist -- including a proposal for a new detention center in the city of [Ionia, Michigan](#). Local community [groups](#) continue to organize against the proposal.



A dormitory inside ICA-Farmville. (Credit: ICE)

Some states have passed laws to stop private detention expansion. Illinois, for example, passed the Private Detention Facility Moratorium Act in 2019 to block for-profit detention centers in the state. The law, and [community organizing](#), finally forced ICE to [cancel](#) its plans to build a new facility in Dwight, Illinois. Still, as discussed above, ICE and its private accomplices continue to try to expand even in cases where states, such as [California](#), assert autonomy to prevent federal immigration detention in their backyards.



The First 10 Contracts ICE Must Cut

The Communities Not Cages campaign supports local organizing to build a nationally coordinated strategy to stop ICE expansion, shut down detention centers, and ultimately end immigration detention in its entirety. The campaign has identified the following 10 detention centers as priorities for the Biden administration to shut down, calling them emblematic of how the immigration detention system as a whole is inherently abusive, unjust, and fatally flawed beyond repair. Ending these 10 contracts should be the beginning of a process to entirely phase out the use of immigration detention.

The 10 facilities highlighted in the campaign are:

- **South Texas Family Residential Center (CoreCivic) in Dilley, Texas:** The Dilley family detention center opened in 2014, after ICE improperly [modified](#) an existing IGSA with the City of Eloy, Arizona, to establish the family detention center more than 900 miles away. Dilley has the capacity to hold 2,400 people, and in March 2019, held at least 15 [babies](#). Complaints of [abuse](#) include accusations of a guard physically assaulting a five-year-old boy in the facility in 2019. Legal service providers have [sued](#) ICE for blocking legal counsel from the facility. In February 2021 the Biden administration announced that families will no longer be detained at Dilley for long periods, and it is one of two family detention centers being used as quick-release [“reception centers.”](#) See the [2018 modified contract](#) and [2020 inspection report](#).
- **Karnes County Residential Center (GeoGroup) in Karnes, Texas:** Advocates have been [calling](#) for Karnes to be closed since it was opened in 2014. In October 2020, ICE [began using Karnes](#) to hold migrant families whom the Trump administration sought to expel from the U.S. without due process using Title 42 authority, under the false and [xenophobic](#) pretext of [public health](#) concerns. The Biden administration has continued to carry out such expulsions, in the face of public [outcry](#), including [hundreds](#) of Haitian asylum seekers and migrants returned to danger in [Mexico](#) and [Haiti](#). In February 2021 the Biden administration announced that families will no longer be detained at Karnes for long periods, and it is one of two family detention centers being used as quick-release [“reception centers.”](#) See the [2015 modified contract](#) and [2013 inspection report](#).
- **Berks Family Residential Center in Leesport, Pennsylvania:** Opened in 2001, community groups for decades have [called](#) for the [Berks](#) facility to be shut down, [documenting abuses](#) that include sexual assault and medical neglect. A guard pleaded guilty to [sexual assault](#) against a Honduran woman in 2014. Local [advocates](#) have documented medical neglect, psychological trauma, persistent verbal abuse, and harassment, as well as disregard of Pennsylvania and federal law. As of March 4, 2021, ICE has reportedly [released](#) everyone from Berks but has not announced if the facility will close. See the [2013 modified contract](#) and [2011 inspections report](#).
- **Hutto Detention Center (CoreCivic) in Taylor, Texas:** The Hutto facility has a [history](#) of abuse since 2010, including multiple [sexual assaults](#) by guards and [forced labor](#) allegations which are still in litigation. Community groups have [documented](#) cases of

intimidation and retaliation. After more than a decade of [community protest](#) against abuses at the facility, Williamson County commissioners voted in June 2018 to [end](#) their IGSA contract with ICE and CoreCivic. However, ICE renewed the contract directly with CoreCivic in August 2020, for an additional 10 years, without engaging in a competitive bidding process as required in federal procurement law. See the [2010 modified contract](#) and [2011 inspection report](#).

- **Etowah County Detention Center in Gadsden, Alabama:** For years, groups have been [calling](#) for Etowah to be closed, documenting complainants that include retaliatory beatings, mismanaged healthcare, a climate of fear and intimidation, racial slurs, and discrimination. Etowah came under criticism for its dangerous [mismanagement](#) of COVID-19, with people detained reporting being [punished](#) for asking for a COVID-19 test. Asylum seekers told [journalists](#) in February 2021 they were being threatened with exposure to COVID-19 if they did not sign their deportation orders. See the [2015 modified Marshals contract](#) and [2017 inspection report](#).

A brief history of ICE's family detention system

Family detention facilities are known for inhumane incarceration with irreversible trauma inflicted on children. ICE opened the first family detention center, [Berks Family Residential Center](#), in 2001. In spite of widespread opposition and [warnings](#), the Obama administration opened two additional facilities in 2014, South Texas Family Residential Center and Karnes County Residential Center. Internal [records](#) obtained through FOIA show that the Obama administration expanded family detention using reprogramming and transfer authority — an opaque budgetary practice DHS has used over the years to [divert hundreds of millions](#) from other departments to [expand immigration detention](#).

An advisory committee convened by DHS itself [said](#) in 2016 that detention was neither appropriate nor necessary for families. Still, the Obama administration [sent](#) more families to [detention](#), with long-term ramifications that resonate today. ICE pays [\\$231 per family](#) in detention per day and [projected](#) spending over \$423 million in fiscal year 2021 to detain 5,000 people per day in family detention. Families have limited access to counsel at these facilities, making it nearly impossible to pursue protection claims under U.S. immigration law. Family separation is also inherent to family detention. In July 2020, attorneys warned that families in ICE detention were subject to "[family separation 2.0](#)," where parents are forced to choose between being detained with their children or allowing ICE to take their children away to be with a sponsor.

The number of detained family members more than [doubled](#) from 228 before Biden took office to 476 in February 2021. However, as of early March 2021, the administration had not officially confirmed any permanent change in ICE's family detention policy. While the decision to stop long-term detention of families is vital, NIJC calls on the administration to move toward ending these facilities' corrupt contracts altogether and eliminating the opportunity for any form of family detention to continue.

- Irwin County Detention Center (LaSalle Corrections) in Ocilla, Georgia:** Irwin County Detention Center, operated by LaSalle Corrections, is one of the [worst](#) ICE detention centers when it comes to access to legal counsel. In September 2020, a whistleblower and human rights groups [reported](#) that women detained at Irwin had been subjected to forced hysterectomies without their consent. An ACLU [report](#) eight years earlier exposed abuses and medical neglect that foreshadowed the scandal. An ICE inspections [report](#) from 2017 also reported allegations of sexual abuse, hunger strikes, and suicide watch lists. See *the* [2007 contract](#) and [2017 inspections report](#).
- Otero County Processing Center (MTC) in Chaparral, New Mexico:** The Otero County Processing Center is managed by private prison contractor Management and Training Corporation (MTC). Advocates have long [documented](#) systemic abuses in Otero, including over 200 complaints made between 2015 and 2018 about issues including unhealthy living conditions, abuse and exploitation, social isolation and mental anguish, and barriers to justice and legal access. A January 2021 [report](#) by local advocates documents hundreds of similar complaints, including lack of medical care, barriers to the legal system, and racial discrimination. During the pandemic, MTC [sought to increase](#) the numbers of people detained even after the State of New Mexico declared a public health emergency, to keep the company's continued operation of the facility "financially viable." See *the* [2017 modified contract](#) and [2016 inspection report](#).



Otero County Processing Center (Credit: Jordyn Rozensky)

- ICA-Farmville (Immigration Centers of America) in Farmville, Virginia:** ICA began detaining people for ICE in Farmville in 2010. Under its IGSA, the Town of Farmville [collects](#) around \$240,000 a year to act as the intermediary between ICE and ICA, which takes in around \$24 million a year to operate the detention center. The facility has been the target of several [lawsuits](#) and ongoing [investigations](#). In June 2020 it became the [site](#) of ICE's worst deadly COVID-19 outbreak after [ICE transferred people](#) there from detention centers in other states so it could use ICE planes to transport federal agents to protests in Washington, D.C. Community advocates, centering the [experiences](#) of people detained at ICA-Farmville, along with internal [documents](#) obtained through FOIA litigation, exposed a long history of abuse preceding the COVID-19 outbreak. They detailed the indiscriminate use of pepper spray, use of restraints, rotten food, and threats of retaliation. See *the* [2019 modified contract](#) and [2017 inspection report](#).
- Adelanto Detention Center (GEO Group) in Adelanto, California:** Adelanto has been [notorious](#) for abusive conditions since it was converted from a prison to an ICE detention center in 2011. The DHS Inspector General [reported](#) in 2018 on multiple violations of

ICE detention standards and in 2019 [documented](#) violations including misuse of segregation and solitary confinement, people improperly handcuffed and shackled, inadequate medical care, and nooses found in people's cells. People detained in Adelanto have [sued](#) GEO Group for wage theft and forced labor. Currently built to hold 1,940 people, GEO Group's efforts to [expand](#) the facility would make it the largest ICE detention center in the country. See the [2013 modified contract](#) and [2017 inspection report](#).

- **Mesa Verde Detention Facility (GEO Group) in Bakersfield, California:** California state [agencies](#) found in February 2019 multiple inadequacies and a lack of oversight at the Mesa Verde facility. In April 2020, as the pandemic worsened, people detained at the facility filed a [class-action lawsuit](#) against ICE asking to be released. In November 2020, GEO Group sought to [expand](#) the facility. In December 2020, a judge [accused](#) ICE officials of lying to cover up its deliberate indifference to the lives of immigrants in Mesa Verde. See the [2017 modified contract](#) and [2017 inspection report](#).

Recommendations

The opaque and corrupt immigration detention system furthers the punitive systems of incarceration and enforcement that perpetuate [racism](#) against Black and Brown communities in the United States. The billions of tax dollars that currently fund the immigrant detention system should instead be invested in [community-based programming](#). Many communities have already developed innovative models for a better and [more humane way](#) to support those who need services during immigration case processing. The following actions are necessary to end the U.S. government's reliance on an abusive and wasteful immigration detention system:

- Stop detaining children and end the use of family detention, without exception
- Dramatically reduce the number of people in ICE detention: provide everyone in detention with access to individualized consideration of release while urgently releasing vulnerable populations, including people at heightened vulnerability to COVID-19 and all transgender people
- Terminate ICE contracts with county jails and private prisons, beginning with the facilities described in this policy brief which have substantial track records of abuse and corruption
- Terminate proposals for new or expanded detention facilities and refrain from entering into new detention contracts
- Put guidance in place to adopt a presumption of liberty by placing the burden on the government to meet a high evidentiary standard to continue a person's detention

Visit NIJC's [Transparency Project](#) online to see the full collection of ICE detention center contracts and inspection reports obtained via Freedom of Information Act requests.