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ICE DETENTION REFORM: PRINCIPLES AND NEXT STEPS

Secretary Napolitano Announces New Immigration Detention Reform Initiatives

Department of Homeland Security (DHS) Secretary Janet Napolitano and U.S. Immigration and Customs Enforcement (ICE) Assistant Secretary John Morton today announced a series of new initiatives as part of the Department's ongoing immigration detention reform efforts to enhance the security and efficiency of ICE's nationwide detention system while prioritizing the health and safety of detainees.

The reform efforts address the seven major components of the detention system outlined in a comprehensive review conducted by Dora Schriro, the former ICE Office of Detention Policy and Planning Director, over the past several months, focusing on greater federal oversight, specific attention to detainee care, and uniformity at detention facilities.

Core Principles to Guide Long-Term Efforts:

- ICE will prioritize efficiency throughout the removal process to reduce detention costs, minimize the length of stays and ensure fair proceedings;
- ICE will detain aliens in settings commensurate with the risk of flight and danger they present;
- ICE will be fiscally prudent when carrying out detention reform;
- ICE will provide sound medical care; and
- ICE will ensure Alternatives to Detention (ATD) are cost effective and promote a high rate of compliance with orders to appear and removal orders.

One-Year Benchmarks:

Secretary Napolitano has also established one-year benchmarks for detention reform that will be completed by the end of fiscal year 2010:

- Review contracts for all detention facilities to identify opportunities for improvement and move forward with renegotiation and termination of contracts as warranted.
- Revise immigration detention standards to reflect the conditions appropriate for various immigration detainee populations; and
- Issue two competitive bids for detention facilities that will reflect all five core principles of immigration detention reform.

Immediate Reforms:

Secretary Napolitano and Assistant Secretary John Morton announced the following reforms on Oct. 6. Implementation will begin immediately.

Each of these reforms are expected to be budget neutral or result in cost savings through reduced reliance on contractors to perform key federal duties and additional oversight of all contracts.

Population Management

- **Effective immediately**, ICE will create a library of contracts for all facilities with which ICE has active agreements and centralize all contracts under ICE headquarters' supervision. At present, the Office of Acquisitions at ICE headquarters negotiates and manages only 80 of the more than 300 active contracts for detention facilities. The remaining contracts are overseen by disparate ICE field offices and the Office of the Federal Detention Trustee.
- **Effective immediately**, ICE will aggressively monitor and enforce contract performance in order to ensure contractors comply with terms and conditions—especially those related to conditions of confinement. When confronted with repeated contractual deficiencies, ICE will pursue all available avenues for remedying poor performance, including termination of contracts.
- **Cost:** In the long term, this effort is expected to yield cost savings and a better managed and more efficient contracting process, though these initiatives may require additional resources at headquarters.

Alternatives to Detention (ATD)

- **This fall**, ICE will submit to Congress a nationwide implementation plan for the Alternatives to Detention Program (ATD).
- ICE will develop an assessment tool to identify aliens suitable for ATD.
- ICE will continue to work with the Department of Justice to expedite the adjudication of ATD cases to reduce costs.
- **Cost:** ATD costs substantially less per day than detention: the most expensive form of ATD costs only \$14 per day compared to the cost of detention, which varies per facility but can exceed \$100 per day.

Detention Management

- **Effective immediately**, ICE will devise and develop a risk assessment and custody classification, which will enable detainees to be placed in an appropriate facility.
- **On Oct. 30**, following the first meeting of the detention advisory group, Assistant Secretary Morton will host an industry day and begin market research about utilizing converted hotels, nursing homes and other residential facilities as immigration detention facilities for non-criminal, non-violent populations.
- **Cost:** Such facilities that are commensurate with risk are anticipated to save money over the long term, pending a comprehensive assessment.

Program Management

- **As of Sept. 18**, ICE began housing non-criminal, non-violent populations, such as newly arriving asylum seekers, at facilities based on assessed risk including the Broward Transitional Center in Florida, which is located near immigration service providers.
- ICE will also provide staff to support trial attorneys in assessing the credibility of asylum seekers' claims and identifying and addressing asylum fraud.
- **Cost:** As the overall population of these facilities will not change, ICE anticipates this initiative will be budget-neutral.

Medical Care

- **Within the next six months**, ICE will devise and implement a medical classification system to support immigration detainees with unique medical or mental health needs.
- **Cost:** Minimizing transfers will decrease costs associated with transportation and delays in proceedings.

Special Populations

- **On Sept. 17**, ICE released the last family from the T. Don Hutto Family Residential Facility (Hutto) in Texas. **Effectively immediately**, ICE will detain only females at Hutto and will consolidate the female populations from three disparate facilities—Willacy, Pearsall, and Port Isabel—into Hutto, allowing ICE to better monitor the needs of and develop programs specific to this population
- **Cost:** ICE was paying \$2.8 million per month at Hutto even when the facility was far from capacity. By more fully utilizing the facility's capacity and consolidating the female populations from multiple facilities, this change will yield substantial savings each month. An interim renegotiation will save ICE nearly \$900,000 per month through the end of the calendar year.

Accountability

- **On Aug. 7**, ICE announced the intent to hire 23 federal employees to provide on-site oversight at ICE's largest detention facilities.
- As a result of the reforms announced today, ICE will more than double the number of on-site personnel from 23 to more than 50 to place federal employees in the facilities where more than 80 percent of ICE detainees are housed, strengthening day-to-day oversight at these facilities.
- ICE is developing training courses, policies and procedures to ensure this cadre of personnel is well trained and managed. The jobs were posted on USAJOBS on Sept. 18.
- **Cost:** At present, ICE pays more than \$200,000 per facility at more than 30 facilities for contractors to monitor conditions. For approximately \$160,000, ICE can pay for a federal employee's salary, benefits, training and equipment to monitor the facility.
- Effective immediately, ICE is accelerating efforts to provide an online locator system for attorneys, family members and others to locate detained aliens.
- **Cost:** Although implementing the locator system will require an initial information technology investment, providing counsel and family members online access to location information will free up ICE personnel normally spent answering location inquiries.