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IMMIGRANT DETENTION SYSTEM COULD BE IN LINE FOR AN OVERHAUL

By Miriam Jordan
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A recent Homeland Security Department decision to consider ending the widespread outsourcing of immigrant detention could mean overhauling a \$2 billion-a-year system built around private prison contractors that house the majority of immigrant detainees.

But Immigration and Customs Enforcement, the agency within Homeland Security that oversees immigrant detention, says the current system is efficient and cost-effective, given the congressional mandate to have 34,000 prison beds available each day.

Transferring control of all immigrant prisons to ICE "would require an 800% expansion of ICE capacity" to replace facilities that are privately run, said a senior ICE official who declined to be identified, adding that it likely would cost "billions of dollars."

Homeland Security Secretary Jeh Johnson recently directed his advisory council to "evaluate whether immigration detention should move in the same direction as the Justice Department," which on Aug. 18 announced that it would stop housing inmates in private prisons. Mr. Johnson expects a recommendation by Nov. 30.

The review comes after a federal report concluded privately run prisons were less safe than those operated by the government, and after advocates complained about conditions for immigrants in privately run detention centers.

The deportation and detention of immigrants has become central to the presidential election. Republican candidate Donald Trump has vowed that he would detain immigrants until they are deported from the U.S., instead of releasing them, as happens in some instances, until a judge decides their case.

On Wednesday, human-rights and immigrant-advocacy groups are set to deliver a petition with 200,000 signatures demanding that Homeland Security follow the Justice Department's lead.

Dozens of for-profit prisons are contracted to hold undocumented immigrants, at a cost of \$127 a day a person, as they fight deportation in court, await removal from the country or seek asylum in the U.S.

Roughly 10% of detainees are held in ICE-controlled facilities, more than two-thirds are in private detention centers, and the rest are in state or municipal facilities. As of Aug. 8, there were 33,676 immigrants in detention, with 24,657 of them in private facilities, ICE said. More than half of those in ICE custody don't have a criminal conviction.

Contracts between ICE and for-profit prison companies hang in the balance, depending on the result of the review. For instance, ICE signed a new contract last year with GEO Group to operate the Northwest Detention Center in Washington for another decade, renewable

each year. The Tacoma facility has grown to 1,575 beds, from about 500 beds a decade ago.

The contract, which is typical, guarantees that the government will cover the cost of half the beds, regardless of whether they are occupied, in order to secure them at a reduced rate.

Eduardo Trujillo Lopez, an undocumented Mexican living in Walla Walla for nearly a decade, spent six months at the Tacoma facility after being arrested in March last year for driving with a suspended license. He had failed to pay traffic tickets, according to attorneys at the Northwest Immigrant Rights Project.

The 33-year-old construction worker, who is married to a U.S. citizen and has a U.S.-born daughter, was detained until the advocacy group helped him obtain and post an \$8,000 bond. When he was released in September 2015, his deportation case was transferred to a Seattle immigration court.

Mr. Trujillo exemplifies low-risk immigrants in detention, said Tim Warden, directing attorney of the project's Tacoma office. "Fighting their cases means being detained for a minimum of six months, and sometimes years," he said.

Critics of ICE question why there are so many people in custody when illegal immigration has slowed significantly. "The growth in the private-prison industry has been driven by more enforcement that fills beds, even at a time of relatively low immigration levels," said Bob Libal, executive director of Grassroots Leadership, an organization that studies for-profit incarceration and favors ending it.

The immigrant-bed quota, which Congress first mandated in 2009, benefits the private-prison industry and promotes detention, Mr. Libal and others say.

ICE said that all of those in detention meet immigration-enforcement priorities.

GEO Group and Corrections Corp., the two largest private-prison companies, said they were confident that the independent review would show they provide quality, cost-effective services for immigrants.

The two companies have seen their revenue rocket in recent years. Corrections Corp. has booked \$689 million in revenue from ICE contracts since 2008, according to SmartProcure, which tracks federal contracts. GEO has had \$1.18 billion since that year, the site said.

In Congress, Rep. Adam Smith (D., Wash.) has sought an end to for-profit facilities for immigrants. "Large, for-profit prison corporations are left in charge of operating these facilities at a high cost to taxpayers, detainees and families of those affected," he said.

House Judiciary Committee Chairman Bob Goodlatte (R., Va.) disagreed in a statement: "I would urge Secretary Johnson to continue using these facilities. ... Without them, thousands of unlawfully present and criminal aliens could be released into American communities and never be returned to their home countries."