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Why guaranteed minimum in ICE NOLA detention centers costs taxpayers an extra \$8 million a month

A controversial funding mechanism that compels the federal government to pay private prison firms a minimum for beds that may not be filled in NOLA ICE detention centers is costing an extra \$8 million every month to U.S. taxpayers, data reviewed by The Advocate show. The data is based on the average population detained during fiscal year 2022 in seven detention facilities under the supervision of the ICE Field Office in New Orleans. In Winn Correctional Center, a facility run by Ruston-based private firm LaSalle Corrections, an average of 743 people were detained during fiscal year 2022, according to ICE. The 2022 Overview Budget presented by the Department of Homeland Security to Congress for approval showed the U.S. government paid \$95 a day for a guaranteed minimum of 946 immigrants detained. That means the federal government paid roughly \$2.6 million a month for handling the facility in Winnfield. Without the guaranteed minimum, considering the current daily population, it would cost \$1.9 million. The Biden administration recently announced a move to scale back the use of Winn Correctional Center amid consistent reports of filth, abuses and lack of medical care by immigrants and attorneys. In Jena, where GEO Group runs LaSalle ICE Processing Center, there was an average of 418 people detained during FY 2022, according to ICE data. The current contract agreement signed by ICE with GEO Group, mentioned in the 2022 Overview Budget, showed that the federal government pays for a guaranteed minimum of 1,170 immigrants detained at a per-diem rate of \$76.64 per bed, resulting in roughly \$2.7 million a month. Without a guaranteed minimum, U.S. taxpayers would pay only \$961,000, a potential overpayment of \$1.8 million every month at that facility alone. The detention facility in Jena attracted the spotlight last year when 13 nurses sued GEO Group, which runs the facility, after alleging they got sick after years of mold and bacteria exposure at the detention center. Of the 13 nurses who sued GEO, 12 cases were thrown out by the judge based on a set of criteria called the Daubert Standard that rendered their expert witness testimony inadmissible. But court documents showed distinct evidence of water leaks from the roof and the ventilation system over the nursing station, the presence of mold and moisture from condensation and a pattern of delays and lack of maintenance by the facility's management. "Guaranteed minimums just demonstrate our government's way of doing business," said Homero Lopez, an immigration attorney who works as Legal Director at ISLA Immigration. "They are typically the same representatives who are up in arms about spending on social services willing to indiscriminately waste taxpayers' funds on these horrible conditions." Detention facilities lost population and funding under Gov. John Bel Edwards' criminal justice reform measures. But since 2018, they benefited from contracts to house asylum seekers when the U.S. Immigration Customs and Enforcement agency signed multiple agreements under the Trump administration. In some cases, facilities did not meet the federal government's criteria to establish a need for the facility. And in many cases, the entities managing the facilities were paid as much as three times what the state previously paid per inmate. Details of individual contracts signed by ICE and the private prison firms with third parties - usually a sheriff's office - are not always public. In 2020, the Department of Homeland Security provided ICE with about \$3.14 billion to operate the immigration detention system nationwide. The method ICE relied on to acquire more detention space over the past few years was usually an intergovernmental service agreement. The other two are U.S. Marshals Service riders and Federal Acquisition Regulation-based contracts. A 2021 report by the U.S. Government Accountability Office (GAO), a Congressional watchdog that investigates federal spending and performance, found that the immigration detention system has become a multi-billion-dollar-a-year enterprise for years. The report also found numerous occasions when the need for facilities or more detention space was unproven. "GAO's review of ICE's documentation found that 28 of 40 of these contracts and agreements did not have documentation from ICE field offices showing a need for the space, outreach to local officials, or the basis for ICE's decision to enter into them, required by ICE's process," the report noted. Pro-migrant groups initially applauded Biden's promises to reform the immigration detention system. But they also raised concerns when it was revealed that alternative-to-detention programs would be run by BI Inc., a subsidiary of GEO Group. On April 1, 2020, under the Trump administration, ICE signed an exclusive five-year contract with BI Inc., which an ICE spokesperson said at the time was valued at \$2.2 billion and was expected to serve 90,000 to 100,000 participants every day. But the number of asylum seekers being monitored by SmartLINK, an app that BI asked immigrants to download to be out of detention, has nearly tripled under the Biden administration. According to ICE, the technology has many benefits. Push notifications are sent periodically to the asylum seeker, including reminders of court hearings and office visits. "The program allows for closer monitoring

of non-detained noncitizens at varying levels of supervision, using several different monitoring technologies," said an ICE spokesperson to The Advocate. Asylum seekers can also search through a database to connect with community service providers in their area such as food banks, clothing providers or community services. "ATD increases compliance with release conditions and helps the participants meet their basic needs and understand their immigration obligations. Those who do not report are subject to arrest and potential removal," the spokesperson added. But while the Biden administration is increasingly investing in surveillance programs and alternative-to-detention solutions, private firms continue to take advantage of the guaranteed minimum in some half-empty facilities like the South Louisiana ICE Processing Center in Basile. The federal government paid \$89.47 per person per day for a minimum of 700 immigrants detained there, according to the 2022 Budget Overview by the DHS. Yet the facility had an average population of 292 immigrants this year, data shows. But because of the guaranteed minimum, the government still spends roughly \$1.9 million a month at the Basile facility, which is run by GEO Group. Without it, taxpayers would pay only \$809,000, marking potential overpayment of more than \$1.1 million a month. In some of the facilities the guaranteed minimum was replaced by flat monthly fees but extra costs persisted. In Adams County in Mississippi, one of the four ICE detention centers supervised by NOLA ICE but located outside Louisiana, the federal government spends a monthly fee of \$3,950,885.89 for a guaranteed minimum of 1,100 immigrants detained, the DHS Budget showed. But in 2022, the average daily population was only 743. Considering an average of \$65 per bed rate, the per-diem rate ICE invested in Louisiana jails in 2019, the federal government would cut monthly costs by 60% for the facility, data showed. "Immigration detention, at its core, is inhumane," said Lopez with ISLA Immigration. "We should be done away with it completely."