

## Trinity College Trinity College Digital Repository

---

Senior Theses and Projects

Student Scholarship

---

Spring 2019

# Not In My Backyard: The Participation of Local Governments in Federal Immigration Detention Through Intergovernmental Service Agreements

Brooke Williams

*Trinity College, Hartford Connecticut*, [brooke.williams@trincoll.edu](mailto:brooke.williams@trincoll.edu)

Follow this and additional works at: <https://digitalrepository.trincoll.edu/theses>

Part of the [Public Policy Commons](#)

---

### Recommended Citation

Williams, Brooke, "Not In My Backyard: The Participation of Local Governments in Federal Immigration Detention Through Intergovernmental Service Agreements". Senior Theses, Trinity College, Hartford, CT 2019.  
Trinity College Digital Repository, <https://digitalrepository.trincoll.edu/theses/780>

**Not In My Backyard: The Participation of Local Governments in  
Federal Immigration Detention Through Intergovernmental Service  
Agreements**

Brooke Williams

Advisor: Professor Abigail Fisher Williamson

A thesis submitted in partial fulfillment of the requirements for the Degree of Bachelor of Arts  
with Honors in Public Policy and Law

TRINITY COLLEGE

Hartford, Connecticut

Spring 2019

## Table of Contents

<b>Acknowledgements</b> .....	3
<b>Abstract</b> .....	4
<b>Introduction</b> .....	5
The Birth of Punitive, Localized Immigration Detention: A Brief Legislative History.....	6
The Contemporary Immigration Detention System: An Empirical Summary.....	10
Controversial Contracts: Criticisms of ICE’s Use of IGSA’s.....	12
Purpose of Thesis and Preview of Methods.....	13
<b>Chapter 1: Explaining The National Distribution of IGSA Detention Facilities</b> .....	16
About the Data.....	16
National Distribution of IGSA’s: 2015 – 2017.....	17
Changes in IGSA Contracts Over Time: 2015 – 2017.....	20
Preliminary Testing of Hypotheses: Bivariate Tests of What Factors Influence IGSA’s.....	24
Lingering Questions on Municipal Motivations, and How to Address Them.....	33
<b>Chapter 2: Case Studies in IGSA Contract Initiation and Termination</b> .....	35
Methods and Notes on Data Inconsistencies.....	36
Reasoning Behind IGSA Facility Closures From 2015 – 2017.....	39
Reasoning Behind IGSA Facility Openings from 2015 – 2017.....	48
<b>Conclusion and Policy Recommendations for Municipal Decisionmakers</b> .....	57
<b>Methodological Appendix</b> .....	65
<b>Bibliography</b> .....	69

## **Acknowledgements**

### Professor Abby Fisher Williamson

This project, and frankly, my entire academic career here at Trinity, would not have been possible without your guidance and encouragement. Thank you so much for believing in my potential even in times when I didn't believe in that potential myself. I'm so grateful for the mentorship and support that you've provided me throughout my time here, from giving me advice on thesis dissertation methodology, to helping me through some of my lowest points.

### The Public Policy and Law Department

Thank you to all the professors – Professor Fulco, Professor Moskowitz, Professor Falk – that have so passionately shared their expertise with me and laid the foundation for this project.

Thank you for challenging me and keeping me curious.

### My Family

Mom, Grandma, Sean, Aaron, and my precious house cat Leia .... it's been incredibly hard being so far away from y'all, but your support and love from afar has kept my spirits high during even the most challenging of moments throughout this project. Mom, you really are the real reason why all of this – going to this fancy school, undertaking this thesis – is all possible. You've consistently believed in me and supported me even when it was difficult for you. You've imbued me with my sense of work ethic and my uninhibited curiosity. I love you so much, and all of this is for you.

### My Friends

Thank you for being a captive audience to which I ranted and raved about this thesis for hours on end, and thank you for your constant encouragement and commiseration. Samuel Bryan, Meg O'Reilly, Tiara Desire-Brisard, Tessa Reading, Becca Dedert, you are all absolute angels and I couldn't have dreamt of meeting more genuine, supportive, amazing people here.

And finally, to all those whose humanity is threatened by the carceral machinations I studied, and to all those who protested the encroachment of immigrant jails in their towns, thank you for your consistent bravery in the face of such horrific institutions.

## **Abstract**

Intergovernmental Service Agreements, or IGSAs, are contracts wherein Immigration and Customs Enforcement (ICE) partners with local governments for immigrant detention space. Despite comprising a large portion of the large immigrant detention network in the United States, these contracts are incredibly understudied in the literature on immigration policy and immigration federalism. This opacity of empirical information surrounding IGSA is problematic, particularly when these facilities have recently come under fire for their conditions and for the lack of transparency surrounding their operation.

Therefore, this project is designed to provide a basic empirical summary of contemporary IGSA facilities, in addition to providing initial insights into how these agreements affect the local governments that are party to them. The findings suggest that ICE uses these contracts as a means of expediently creating and dissolving detention spaces across the country, meaning that these contracts are a source of long-term fiscal instability to many towns. These findings add to the literature and investigations of ICE's practices that indict the agency for their negligence and secrecy.

## **Introduction:**

Immigration detention has recently featured heavily in national discourse, and weighed heavily in the national conscience. The summer of 2018 brought to light the realities of the Trump Administration's family separation policies: images of children in cages and audio recordings of children crying out for their absent parents haunted television news broadcasts, calling into question the motivations and actions of Immigrations and Customs Enforcement (ICE). Outcry against this federal agency grew, as both immigrant activists and prominent national politicians called for the abolition of ICE, citing the suffering of separated migrant children in facilities such as South Texas Family Residential Center. Less attention focused on another entity involved in the creation and operation of this prison for immigrant children: the town of Dilley, a rural Texas municipality with a population below 5,000 residents.

South Texas Family Residential Center, the source of many of the photographs of separated children that haunted the national conscience and 24-hour news cycle, is an immigrant detention center established through an Intergovernmental Service Agreement, or IGSA. An IGSA is an agreement that allows ICE to make municipal governments, like this tiny Texan town in Frio County, party to a contract for an immigrant detention center. Alongside Secure Communities and 287(g), the immigrant detention IGSA is another means that ICE utilizes to coordinate local participation in federal immigration enforcement activities. Unlike the latter initiatives, however, IGSA detention centers are understudied in the academic and policy literature on immigration federalism.

This project seeks to change that, by undertaking an investigation into the factors that motivate the creation – and the termination – of these local-level contracts for federal detention spaces. This project will reveal that IGSA distribution across the country is counterintuitive in

some respects – as the facilities are densely arranged in some Democratic-voting states – while simultaneously comporting to time-held theories of immigration policy responses, such as ethnic threat theory (Blalock 1967). Furthermore, the cases of IGSA creation and termination examined here reveal the uncertainty that defines the partnerships, including sudden termination of contracts, mis-labelling of municipal policies in ICE databases, and general lack of consistent protocol that existed across the case studies. These findings demonstrate that, despite the promises of increased revenue and employment, the ad-hoc nature of these controversial partnerships often do more harm to local governments than good.

To understand the factors driving municipalities to participate (or not) in the immigration detention system today, one must first understand the legislative history of “cimmigration,” policies that devolved immigration enforcement and detention responsibilities to state and local police. After an outline of the legal historical literature on the confluence of immigration detention with criminal justice policy, this introduction will examine the contemporary size and structure of the current immigration detention system. Yet the academic literature has less to say about the causal factors shaping municipal decisions to participate in immigrant detention, highlighting the puzzle of how IGSA emerge and recede, which this research aims to address.

### **The Birth of Punitive, Localized Immigration Detention: A Brief Legislative History**

Immigration detention centers are carceral entities, modeled heavily after jails and prisons, despite the fact that “residing in the United States without proper authorization is technically a civil code violation—the kind of infraction for which detention cannot be used as punishment” (Gottschalk 2014, 219). How did immigration detention become so confluent with the prison system? Historically, legislative clauses that have defined the boundaries and practices of immigration detention have been couched within larger anti-crime bills, reifying the

criminalization of undocumented immigrants and a confluence between immigration enforcement and general crime control. These historical contingencies allow us to understand why local jails are the site of many immigrant detainees today, despite the theoretically and legally *civil* nature of immigration violations.

Scholar César Cuauhtémoc García Hernández (2013) outlines how the 1986 Anti-Drug Abuse Act legislatively established an infrastructure that incorporated immigration detention into the practice of local law enforcement. The bill included a provision that required the Defense Department to generate a list of all facilities that could be used as detention centers “for felons, especially those who are a federal responsibility such as illegal alien and major narcotic trafficker” (Hernandez 2013, 401). Additionally, the 1986 ADAA introduced the immigration detainer, by authorizing state and local police to request that (then) Immigration and Naturalization Service (INS) detain anyone arrested for drug crimes who is believed to be undocumented (Hernandez 2013, 402). Furthermore, a later 1988 iteration of the ADAA under George H. W. Bush allowed for the creation of a project via the Investigative Division of the INS to coordinate communication between local law enforcement and the agency on matters pertaining to the detention and deportation of suspected undocumented immigrants charged with narcotic crimes (Hernandez 2013, 405).

Furthermore, ICE’s Criminal Alien Program is the oldest and largest interface between federal immigration enforcement and local criminal justice policy. CAP was initially created as a response to the 1986 Immigrant Control and Reform Act’s mandate that any “alien who is convicted of an offense which makes the alien subject to deportation” must have their deportation proceeding initiated as “expeditiously as possible after the date of the conviction” (American Immigration Council 2013). It marked a centering of enforcement priorities on



criminal history (Macias-Rojas 2016, 11). Furthermore, a later expansion of CAP under the 1996 IIRIRA incentivized “local law enforcement’s cooperation in detaining and deporting noncitizens with criminal records” (Macias-Rojas 2016, 63).

This historical confluence of immigration detention with larger carceral policies directly influenced the use of state and local jail facilities for detention space during shortages of available federal bed space. For example, as a response to the bed space shortage caused by the expansion of prison demand caused by the 1984 Comprehensive Crime Control bill, the Bureau of Prisons (BOP) developed a strategy to maintain “cooperative agreements with state and local facilities to provide bed space” that was directly inspired by and based on the INS’s “historic use of nonservice facilities”, or facilities to hold federal detainees that are not necessarily owned and operated by the federal government (Macias-Rojas 2016, 55). The federal government, via the INS, started to initiate such nonservice facility contracts in the wake of their 1981 decision to abandon its prior practice of nondetention, and instead institute “an internal policy of detaining all deportable migrants, including those seeking asylum” (Macias-Rojas 2016, 55). The use of nonservice facility contracts by the INS to meet the sudden increase in demand for immigrant detention space began with partnerships between the federal government and “small boarding houses,” growing to later include agreements with “local jails and larger corporations”, notably the detention of some Cuban asylum seekers in the Atlanta Penitentiary (Macias-Rojas 2016, 56).

Scholar Cheryl Little (1999) outlines the history of the INS’s use of nonservice facilities in Florida, to reveal a procedure rife with opacity and ambiguities. There, the INS used county jail space as overflow beds for immigrant detainees in during periods when the overcrowding of the federally-operated Krome detention center was leading to public controversy and the

potential for disease outbreak. Mail correspondence dated back to 1995 from then Krome Administrator Constance K. Weiss specifically referred to the transfer of detainees to “nonservice facilities upstate” as a means of rendering these detainees “stashed out of sight for cosmetic purposes” (Little 1999, 556). Problems quickly arose from this collaboration, namely due to the fact that the terms of the actual language of the agreements between the federal government and the county were markedly “incomplete,” and provided minimal requirements or guidance to the county officials as to how to treat this distinct population (Little 1999, 566). In fact, these county jails that hosted immigrant detainees were relatively free from oversight on both sides: they evaded both public scrutiny and did not receive much attention from INS officials themselves, allowing for large amounts of county discretion over federally detained individuals (Little 1999, 565).

This procedure, a major step in the devolution of immigration enforcement to the local level, has led to the contemporary development of incredibly localized practices for responding to immigrants. Additionally, this legislative history of “cimmigration” policies means that many of the consequences of mass incarceration can specifically be connected to and found within the context of immigration detention in particular. These connections are non-trivial: For example, detainees in prisons (Gottschalk 2014) and detention centers (Loyd and Mountz 2018) both face the likelihood of being transferred to facilities that are spatially remote and far away from their family and homes. Detainees in both facilities are prone to psychosocial consequences as a result of their incarceration (Ackerman and Furman 2013, Haney 2001). The prominence of immigration enforcement in the day-to-day operations of law enforcement, and the social criminalization that immigrant populations face as a result of this, has demonstrable consequences for both immigrant residents and the municipal officials who serve them.

Individuals with ICE detainees have a significantly larger length-of-stay than a citizen in the criminal justice system (Beckett and Evans, 2015). Local law enforcement have responded to pressure to enforce immigration policy by establishing racialized practices that disproportionately target Latinos in their communities (Armenta, 2017).

### **The Contemporary Immigration Detention System: An Empirical Summary**

This history of the development of immigration detention, and all of its intersections with the larger federal carceral infrastructure, has led to the creation of an incredibly dense, opaque, and complex national detention network. The IGSA is only one type of facility that ICE calls upon to incarcerate immigrants nationally, as the description of immigrant book-in data from the Transnational Records Clearing House (2009) illustrates.

Contract detention facilities are large, privately owned and operated detention centers dedicated exclusively to the housing of immigrants. They are contracted exclusively between a private prison contractor and ICE: an example includes the large Houston Contract Detention Facility in Texas, contracted to private prison company CoreCivic. While contract detention facilities are used for more long-term detention, ICE also operates a large network of at least 186 unlisted, suburban holding and staging facilities. Such facilities are even more opaque in their operations than standard detention centers: they are often unmarked from the outside, and this, coupled with a lack of any real-time database for tracking detainees, means that it is notoriously difficult to locate detainees housed in these temporary holding facilities (Stevens, 2009). Additionally, the national immigrant detention network includes juvenile facilities reserved for the housing of minors. Such juvenile facilities are sometimes operated by religious or nonprofit organizations, other times by ICE or the Office of Refugee Resettlement (ORR).

In addition to these facilities that are dedicated solely to the detention of immigrants, ICE will also reserve portions of pre-existing carceral facilities for additional immigrant detention space. The IGSA facility falls into this category: although IGSA with municipalities have been used to form separate, dedicated immigrant detention facilities such as the aforementioned South Texas Family Residential Center in Dilley, their intended use is to reserve space in local jails and prisons for immigrant detainees. In addition to IGSA facilities, ICE will sometimes utilize space in facilities owned and operated by the Bureau of Prisons to detain individuals who have not been convicted, but whose immigration status is still in question. Furthermore, ICE will sometimes “piggyback” off of existing federal contracts with local jails, namely those previously initiated by the United States Marshall Service (USMS), for extra detention space as well. This complex web of different detention entities has grown tremendously within the past two decades. Despite a net decrease in migration from Mexico and apprehensions at the border, prosecutions for immigration violations like illegal entry have increased over the last decade (Gottschalk 2014, 216). The total number of immigrants who are detained each year doubled from 200,000 in 2001 to more than 400,000 people in 2010 (Gottschalk 2014, 219). Additionally, 2018 saw the highest annual average detainees in over a decade, with an average of over 42,000 immigrants in custody per day (Sands 2018). Private contractors play a large role in ICE’s immigration detention infrastructure: over three-fourths of detainees are held in facilities that are contracted out to private companies (Luan 2018). In fact, CoreCivic’s percentage of total revenue from ICE nearly doubled concurrent with a surge in Central American migration that began in 2013: rising from 13% in 2014 to 28% in 2016 (Macaraeg 2017). Yet sub-national governments also play a central role, sometimes in conjunction with private contractors. Of the over 40,000 daily detainees, more than 70% are held in state and local prisons pursuant to IGSA agreements,

making the IGSA contract an understudied but incredibly prominent piece of immigration policy in the country (Kerwin and Lin, 2009).

### **Controversial Contracts: Criticisms of ICE's Use of IGSA's**

According to one statement by the Department of Justice (DOJ), IGSA's are used by both ICE and the USMS to make up for a shortage of detention space at the federal level, by using state and local facilities for additional bed-space (Office of the Inspector General, 2007). But IGSA's do not always simply use excess capacity within local jails. Critics of the procedure note their potential for abuse: because they are agreements between different levels of government (in this case, a federal agency and a municipal government), they allow ICE to skirt the requirement for an open, transparent bid process for federal contracts, while still involving private contractors to run detention facilities. Without the involvement of local governments as party to these contracts, ICE would be required to host an open period where companies can publicly bid on federal contracts prior to their finalization, a requirement meant to ensure a degree of transparency in the contract creation process (Velez, 2019). Attorney Mark Fleming of the National Immigrant Justice Center refers to IGSA's as "fraudulent contracts to allow ICE to float money to a private company to avoid federal procurement laws" (Urevich, 2018). Furthermore, critics of these no-bid contracts suggest that their structure allows for ICE to avoid legal culpability for any instances of abuse in their facilities, by funneling such culpability to private enterprises and local governments (Urevich, 2018). Since IGSA's are clearly both common and controversial, what motivates municipalities to take part? Previous literature, which will be examined more thoroughly in Chapter 2, generates several hypotheses about why local officials might take part in welcoming or restrictive practices toward immigrants. The political ideology of a municipality, for example, has been found to be strongly associated with the tenor

of their immigration policies: Republican districts tend to hew towards restrictive policies, whereas Democratic ones tend to pass more accommodating and welcoming policies (Wong 2012, Williamson 2018, Ramakrishnan and Wong 2010). Regional economic factors are also hypothesized to affect local detention decisions, as scholars have posited a theoretical link between economic instability and the growth of the penal state (Wacquant 2010, Simon 1989, Andreas 2000). Demographic factors, such as the population of foreign-born residents and Latino residents in a municipality, are also hypothesized to increase restrictive immigration policies at the local level, such as collaborations with ICE through the 287(g) program (Hopkins 2010, Wong 2012, Svajlenka 2018), though the presence of a visible foreign-born Latino population may also make localities more likely to implement accommodating practices to address the newcomers (Williamson 2018). None of this literature on municipal motivations, however, tests these hypotheses in the context of local decisions to collaborate with ICE through IGSA detention contracts.

### **Purpose of Thesis and Preview of Methods**

This project, with the help of a recently FOIA-requested dataset on ICE's detention spaces across the county, will begin to address the dearth of information on municipal decision-making surrounding IGSA detention contracts. Chapter 1 will use quantitative methods to examine all IGSA facilities that held detainees between 2015 and 2017. In addition to cataloguing and mapping the distribution of these facilities across the country, bivariate tests will determine whether pre-existing hypotheses on what factors influence local immigration policy also work to explain the distribution of IGSA's across the country. On the basis of this analysis, Chapter 1 will demonstrate that the patterns of IGSA placement across the country challenge the existing literature on municipal responses to immigrants in some surprising respects (IGSA's are

distributed heavily in certain Democratic strongholds) while corroborating long-held theories on immigration policy responses in other respects (IGSA contracts are more prevalent in places with higher foreign-born populations, a finding that could potentially be interpreted to align with the “ethnic threat” theory of immigration policy, but namely suggests that proximity to the foreign-born is associated with policies related to them).

While Chapter 1 presents the distribution of IGSA, Chapter 2 looks to specific cases to examine the processes driving initiation and terminations. It examines a sample of 20 recent IGSA facility closures and openings using a systemic qualitative investigation into local news archives, to determine what factors were shared among different examples of IGSA contract termination and initiation. On the basis of this analysis, Chapter 2 will reveal common methods for IGSA facility siting, like ICE’s tendency to target municipalities who have previously collaborated with the federal government via the USMS or the BOP. It will additionally reveal the myriad of ambiguities and risks associated with local participation in IGSA contracts: these agreements can end suddenly due to the whims of a private contractor or ICE themselves; they can attract protest from state and local activists; and they can come with vague and unclear expectations that lead to inconsistent application of detention practices at the local level.

Overall, however, this thesis reveals how the complexity of the national detention network, coupled with ICE’s notorious secrecy surrounding these operations, makes thorough examination incredibly difficult to realize (Cullen, 2018). Despite these obstacles, shining a light on this system is essential. ICE detention facilities face serious allegations of human rights abuses<sup>1</sup>, yet towns and counties across the nation are increasingly signing on to take part in

---

<sup>1</sup> Outside the scope of this project, but certainly crucial to acknowledge when considering detention policy in any form, is the demonstrable regularity of abuse allegations against federal workers in ICE and CBP detention facilities. For further reading on the subject, the May 2018 report “[Neglect and Abuse of Unaccompanied Immigrant Children by U.S. Customs and Border Protection](#)” from the American Civil Liberties Union chronicles a pattern of abuse of

IGSA agreements. This thesis provides initial evidence of their motivations and the consequences they may face in response.

---

unaccompanied migrant children between 2009 to 2014, over a quarter of which pertained to accusations of physical abuse (including sexual assault and the use of stress positions). [Alice Speri's reporting for The Intercept](#) similarly documents how the DHS Department of the Inspector General received over 33,000 allegations of abuse in ICE detention between 2010 and 2016.



## **Chapter 1: Explaining The National Distribution of IGSA Detention Facilities**

While IGSA contracts are one of the most common forms of immigration detention in the country, their ubiquity is matched by their controversies. This chapter will open by describing common criticisms levied against IGSA agreements. It will then outline hypotheses from scholarly literature that could potentially explain the growth of these detention centers in spite of the controversial nature of these contracts. Finally, using bivariate analyses of a comprehensive dataset of all ICE detention facilities in the country from 2015 to 2017, it will test how well these hypotheses comport to the existing distribution of IGSA facilities.

### **About the Data**

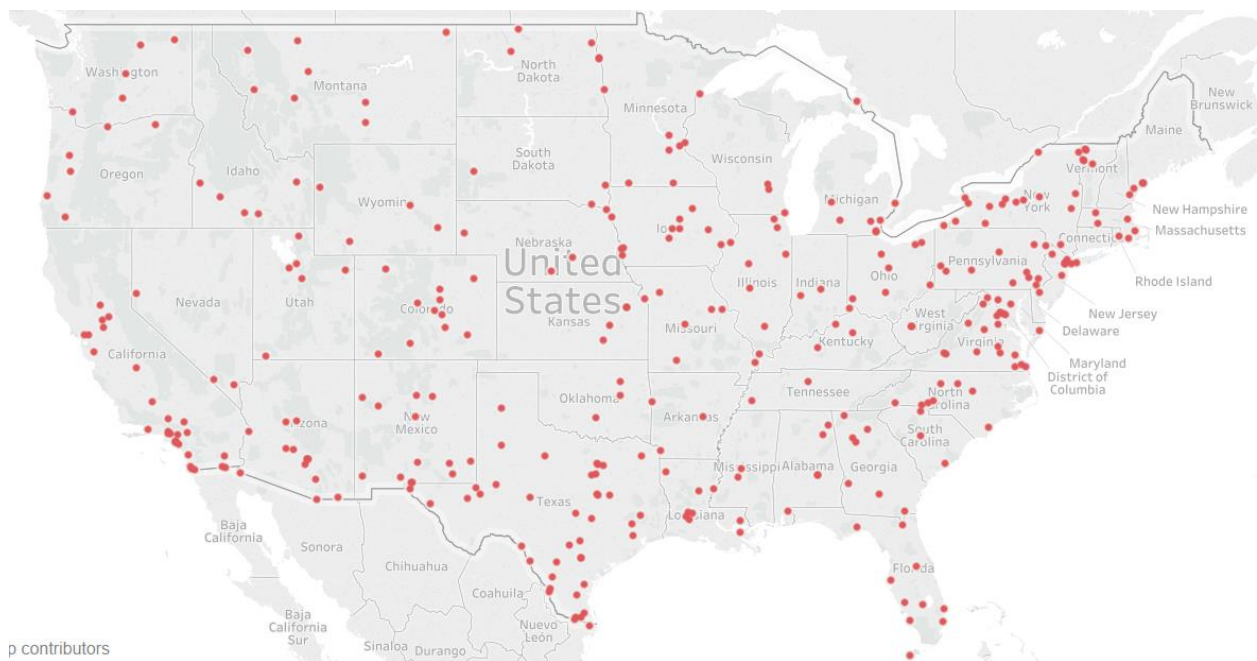
This analysis employs the most comprehensive dataset of detention center contracts, the product of a series of FOIA requests from the Immigrant Legal Resource Center as a part of their research on sanctuary cities. The data has been cleaned and publicized by the National Immigrant Justice Center. The dataset originally included all detention facilities (from contract detention centers, to BOP and ORR facilities, in addition to holding facilities in hospitals and airports), with the notable exception of CBP detention facilities. This analysis examines only the IGSA facilities. Specifically, it examines only the IGSA facilities that were logged as having some kind of book-ins between the years 2015 to 2017, or “active” IGSA: 360 facilities in total.

It is worth noting that, while these contracts can be made with both city and county-level officials, the vast majority of these contracts are with counties (likely because it is generally the norm for counties, not cities, to have jurisdiction over jails). Of the 239 active IGSA that had their facility operator recorded in the dataset, 204 of them (85%) were owned by a county. Thus, this chapter will use IGSA facilities per county as the dependent variable for bi-variate analysis.

However, despite criticisms that suggest IGSAs place the burden of legal culpability for federal detention on local governments, local governments continue to enter into these agreements. In order to determine what factors may be encouraging this growth in the face of such controversies, we first must construct a summary of the distribution of all IGSA facilities in the country to determine where these agreements are most prevalent.

### National Distribution of IGSA: 2015 – 2017

**Map 1. Distribution of Active IGSA Facilities in the Country**



Source: data via the National Immigrant Justice Center, geocoding services via Google API services, mapping and visualization via Tableau.

Plotting all the Active IGSA facilities in the country (pictured in Map 1) reveals a notable lack of distinct, strong regional clusters of detention centers: a similar density of facilities can be observed around the Eastern Seaboard as there is along the Southern Border. It also reveals the general ubiquity of these IGSA facilities across the United States, even in the more sparsely

populated regions of the country. Perhaps most surprising is the prevalence of IGSA in areas of the country with comparatively lower foreign-born populations, where one would not intuitively expect a desire (or need) for a large immigrant detention infrastructure.

**Table 1. States with Highest Number of IGSA Detention Facilities**

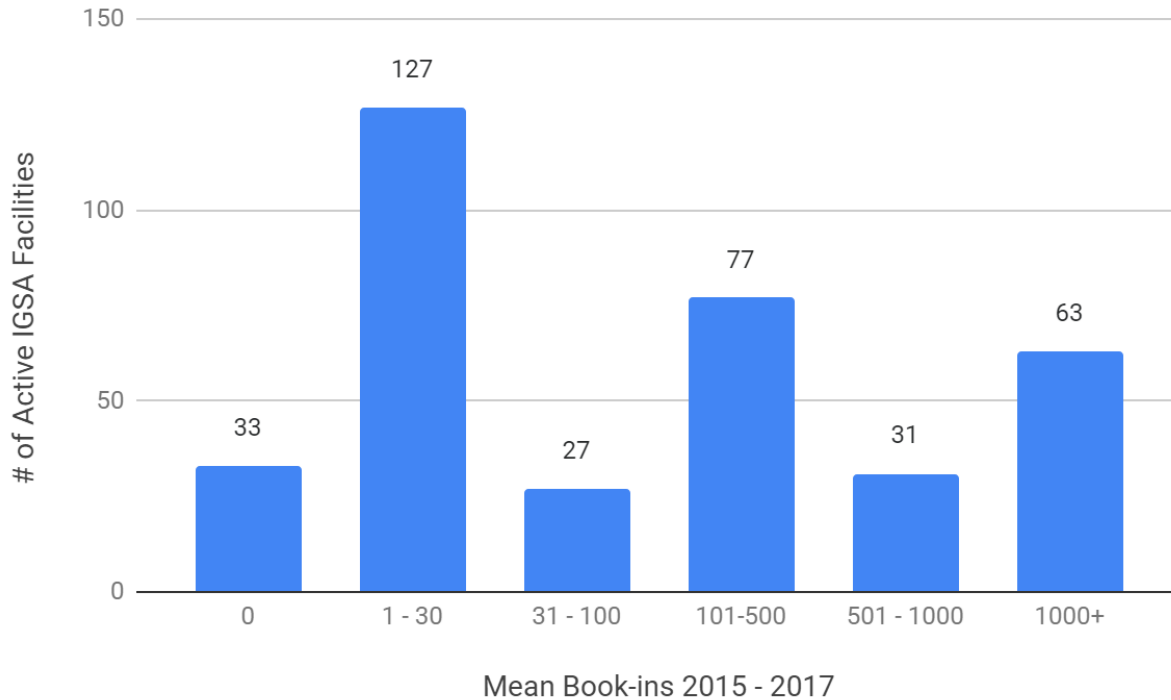
State	# Active IGSA	% of Total IGSA
Texas	42	11.7%
California	31	8.6%
Virginia	18	5%
New York	17	4.7%
Arizona	13	3.6%
New Mexico	13	3.6%
Pennsylvania	12	3.3%
Colorado	11	3.1%
Florida	10	2.8%
Illinois	9	2.5%
Louisiana	9	2.5%
Iowa	8	2.2%
Michigan	8	2.2%
Montana	8	2.2%
North Carolina	8	2.2%

Source: Author’s analysis of National Immigrant Justice Center data

As Table 1 demonstrates, of these 360 active facilities, Texas hosts over 11% of them. At 42 total active IGSA, Texas is the state that leads the nation in terms of the total number of municipalities involved in detention contracts. Of the five states with the highest number of IGSA, three of them are on the southern border, corresponding to trends which generally see places exposed to the militarization of the border enacting more restrictive policies (Williamson, 2018). Also striking is the presence of states with sparse populations, and specifically sparse foreign-born populations, that still host a comparatively large number of IGSA contracts, such as Iowa and Montana. Notable also are the states that have opted entirely to *not* participate in any IGSA contract. Only three states: Connecticut, Delaware, and Hawaii, have no active IGSA facilities whatsoever. Finally, two U.S. Territories are party to IGSA contracted detention

facilities as well. The Virgin Islands is home to the St. T Criminal Justice Complex, while the Northern Mariana Islands host the Saipan Department of Corrections.

**Figure 1. IGSA Facilities by Mean Annual Book-ins**



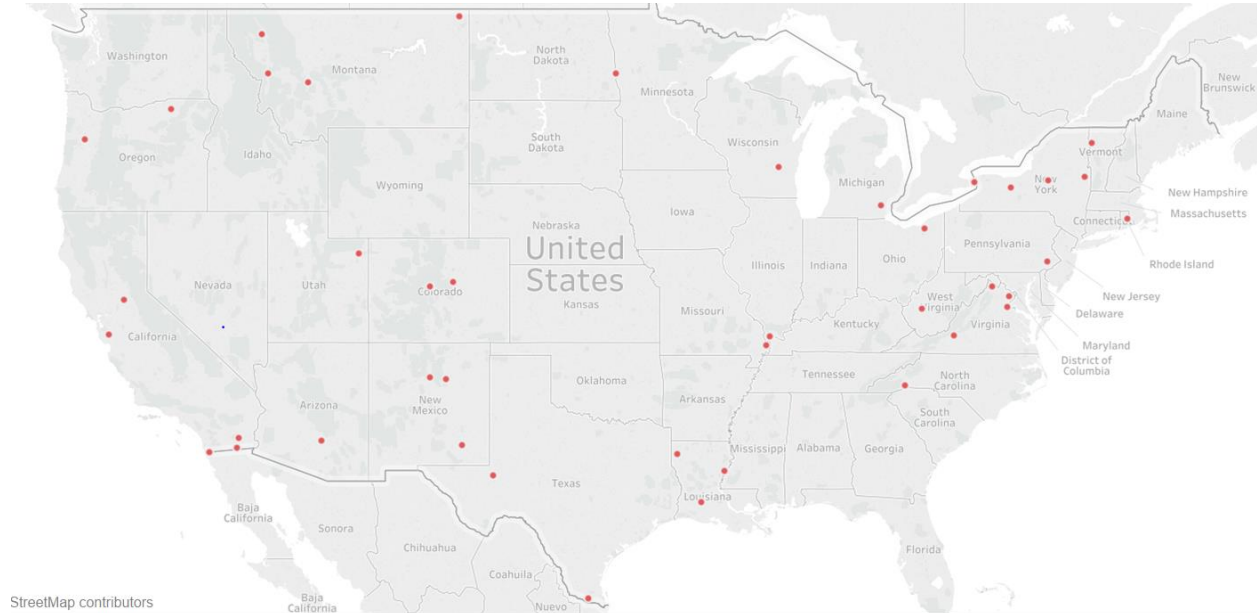
Source: Author’s interpretation of data from the National Immigrant Justice Center

Figure 1 demonstrates that many of the IGSA facilities in the country have a small detention capacity: 35% of active IGSA facilities saw an average detainee book-in population of only 1 to 30 detainees. Additionally, 9.2% of facilities were practically dormant, with an average of zero detainee book-ins from 2015 to 2017. However, there is no shortage of larger facilities that hold thousands of detainees at any given time, despite the fact that IGSA facilities are explicitly intended to reserve beds in smaller local jail facilities. 48% of all active IGSA facilities saw an average book-in of over 100 detainees, with 17% of all active IGSA facilities (63 facilities) averaging over 1000 book-ins from 2015 to 2017.

## Changes in IGSA Contracts Over Time: 2015 – 2017

The preceding descriptive data depicted all IGSA facilities that were open at some point between the years 2015 and 2017. However, of the 369 active IGSA facilities, 110 of them (29.8% of all active IGSA facilities) showed evidence of either opening or closing during this time range. If a facility housed detainees in 2015, but did not do so in later years, they are considered to have closed over this period. Similarly, if a facility did not house detainees in an earlier year, but saw a non-zero number of detainees in later subsequent years, they are considered to have opened over this period. Overall, this process yielded 43 facilities marked as having closed at some point between 2015 and 2017, and 67 facilities marked as having opened at some point in the same time range.

**Map 2. Distribution of IGSA Closures, 2015 – 2017**



Source: data via the National Immigrant Justice Center, geocoding services via Google API services, mapping and visualization via Tableau.

Map 2 shows the distribution of all IGSA facilities that stopped seeing detainee book-ins at some point between 2015 and 2017. While these closures appear to be more frequent along the 100-mile border zone on the periphery of the country, there were more IGSA facilities in this region to begin with. In sum, closures do not appear to be limited to certain states or regions.

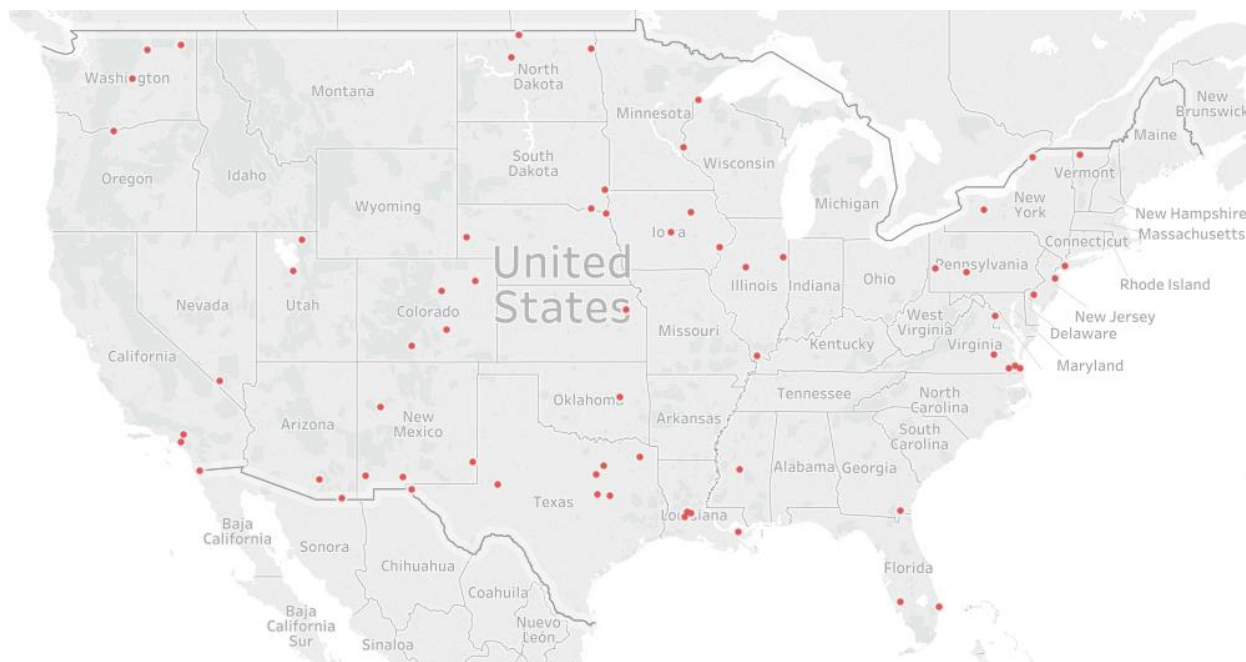
**Table 2. IGSA Closures 2015-2017 By State**

State	# Closures
California	5
Montana	4
New York	4
Virginia	4
Louisiana	3
New Mexico	3
Colorado	2
Oregon	2
Texas	2
Arkansas	1
Arizona	1
Illinois	1
Michigan	1
Missouri	1
North Carolina	1
North Dakota	1
Ohio	1
Pennsylvania	1
Rhode Island	1
Utah	1
Virgin Islands	1
Vermont	1
Wisconsin	1
West Virginia	1

Table 2 further disambiguates and specifies the locations of these facility closures, with California featuring the highest number of closures (five total) in the two-year time period. This is to be expected considering that California has one of the highest numbers of IGSA facilities to begin with – a higher number of closures is simply proportional to the large total number of

facilities in the state. Additionally, three states saw four facility closures over the studied time-period: Montana, New York, and Virginia, all of which are states that had the highest number of active IGSA contracts as depicted in Table 1.

**Map 3. Distribution of IGSA Openings, 2015 – 2017**



Map 3 shows the spatial distribution of all facilities that went from no recorded book-ins to having a non-zero number of detainees in the studied time period between 2015 and 2017. The majority of instances of new facility openings are in the central United States, with many more openings taking place outside the 100-mile border zone, which is interesting when juxtaposed with the fact that many of the facility closures from the same time period seemed to cluster around that very periphery. On the other hand, as Table 3 demonstrates, Texas led the country in terms of newly inaugurated IGSA facilities with eight new contracts between 2015 and 2017. Texas is followed by Virginia with five new facilities, and Colorado, Louisiana, and New Mexico with four new facilities.

**Table 3. IGSA Openings 2015 – 2017 By State**

State	# Openings
Texas	8
Virginia	5
Colorado	4
Louisiana	4
New Mexico	4
California	3
Iowa	3
Illinois	3
New York	3
South Dakota	3
Washington	3
Arkansas	2
Arizona	2
Florida	2
North Dakota	2
New Jersey	2
Pennsylvania	2
Utah	2
Georgia	1
Kansas	1
Minnesota	1
Northern Mariana Islands	1
Mississippi	1
Nebraska	1
Nevada	1
Oklahoma	1
Oregon	1
Vermont	1
Wisconsin	1

This glimpse at the national distribution of IGSA contracts reveals many questions that prompt further investigation. For instance, why do two prominently Democratic states – CT and CA – that both have state ordinances banning compliance with ICE detainers in jails (“trust acts”) have such a stark difference in the number of IGSA facilities within their borders? How does California manage to have such a high number of IGSA facilities when their state government



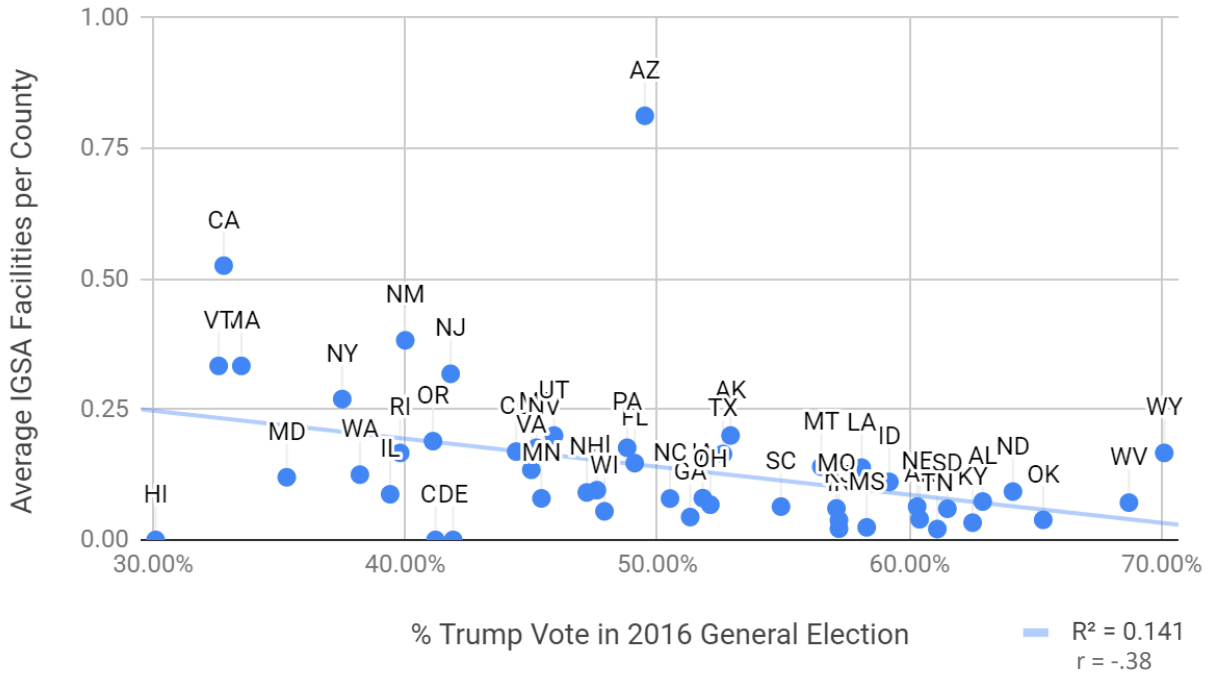
has pre-empted cooperation with detainers through their state sanctuary ordinance? Indeed, the national distribution of IGSA appears to demonstrate some unintuitive findings that need further systematic confirmation: namely, the prominence of these contracts in largely Democratic states, and the frequency of these agreements' initiation in the interior of the country. The following section will see whether the trends demonstrated in the maps of national IGSA distribution are indeed present, and to what extent, by performing a series of bi-variate analyses to determine precisely what factors influence the number of IGSA per county in a state.

### **Preliminary Testing of Hypotheses: Bivariate Tests of What Factors Influence IGSA**

#### Political Ideology

The first potential influential factor to investigate is the effect of political ideology on IGSA frequency among states. The literature on factors that influence other state and local-level immigration policies is the most consistent with regards to the effect of political ideology: Findings suggest that local partisan affiliation with the Democratic party is a significant predictor of accommodating local policies (Williamson 2018, Ramakrishnan and Wong 2010). Findings also demonstrate that this relationship holds in the opposite direction, as local Republican affiliation is positively associated with a town's likelihood to partner with ICE through a 287(g) agreement (Wong, 2012). However, this literature mainly focuses on local ordinances and resolutions. To the extent that it touches upon the likelihood of local governments to partner with ICE, it focuses on the ratification of 287(g) agreements (Wong 2012, Svajlenka 2018). Therefore, a pertinent question left unanswered is whether partisanship has an effect on the likelihood that a local government will participate in an Intergovernmental Service Agreement (IGSA) with ICE for the establishment of immigrant detention space.

**Figure 2. The Effect of State Political Ideology on IGSA Facilities per County**



The plot of the relationship between state partisanship and their ratio of IGSA agreements per county reveals unexpected results: demonstrated Republican ideology is associated with less IGSA facilities per county, while Democratic states are shown to host *more* collaborations with ICE for detention space. In fact, as Table 4 illustrates, out of the 10 states with the largest ratios of IGSA to counties, only three of them (30%) voted for Trump in the 2016 General Election. This appears to show a relationship between political ideology and IGSA detention center frequency that challenges the existing literature: the majority of states with high IGSA per county are Democratic. This unexpected correlation is moderately strong, with a correlation coefficient of  $-0.38$ , and has a fair amount of explanatory power: the R-squared value of  $.141$  suggests that political ideology (as operationalized through 2016 presidential election results) can account for up to 14% of the variation in state-level IGSA frequency.

**Table 4. Political Ideology Among States with Highest IGSA Facilities per County**

State	% Trump Vote 2016	IGSA Per County
AZ	0.50	0.81
CA	0.33	0.53
NM	0.40	0.38
MA	0.34	0.33
VT	0.33	0.33
NJ	0.42	0.32
NY	0.38	0.27
AK	0.53	0.20
UT	0.46	0.20
OR	0.41	0.19

*Cells in the % Trump Vote column are shaded blue (Clinton) or red (Trump) to signify who won the largest share of the vote in each state.*

*Source: Author's interpretation of dataset from National Immigrant Justice Center, Politico 2016 Election Results, American Community Survey 5-Year Estimates 2012-2016 via Social Explorer*

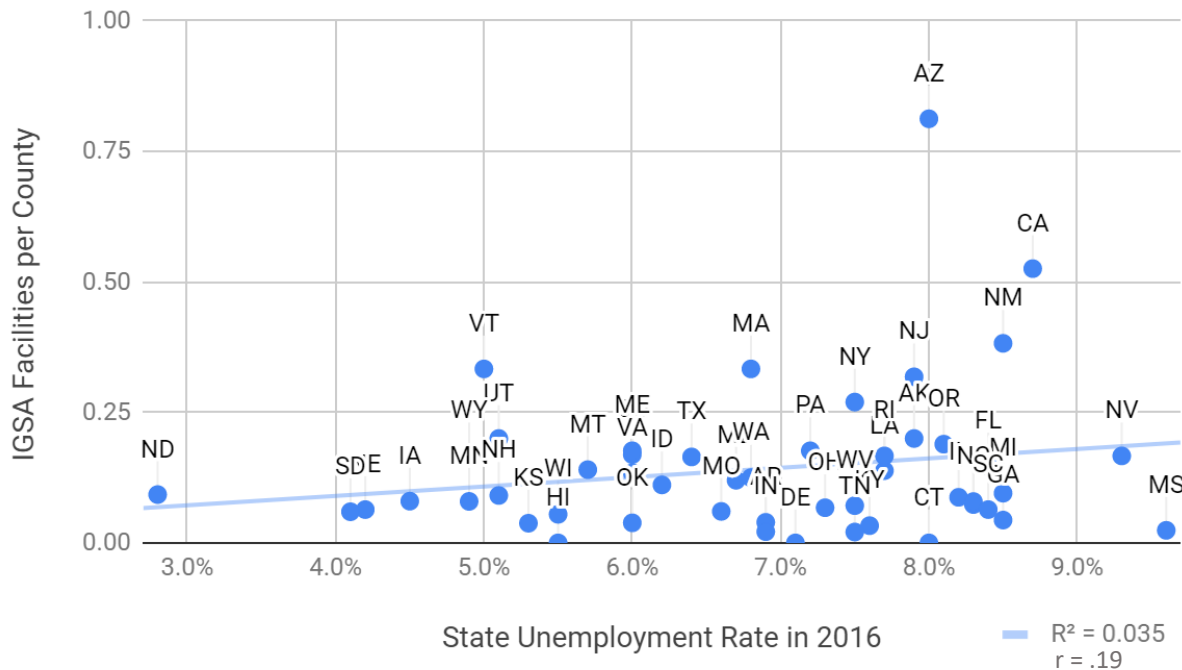
### Detention Economics

Scholars of the history of immigrant detention have traced the economic history of the detainment economies in border counties. Macias-Rojas 2016 details how prison construction was critical to the local economies of struggling border towns in the 70s and 80s. She specifically cites the three Arizona localities of Douglas, Bisbee, and Nogales, where prison construction was spurred by the general decline in industries like “mining, agriculture, and retail” and the specific loss of the Phelps Dodge Corporation in the area in 1987 (Macias-Rojas 2016, 27-28). Such events have led to some to posit a theoretical link between economic instability and the growth of the penal state (Wacquant 2010, Simon 1989, Andreas 2000). This hypothesis has been specifically applied to immigration policy actions at the federal level, as

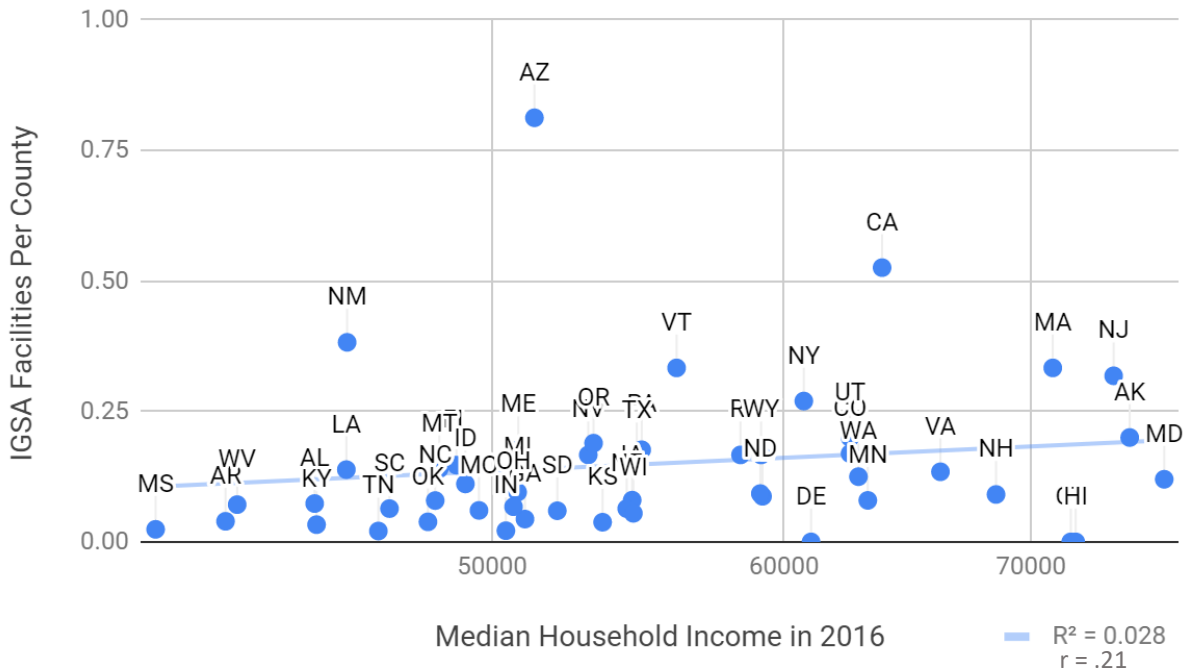
Andreas (2000) posits a link between trade policies that spurred capital flight from the U.S. in the 1990s to increases in border enforcement actions. Literature also suggests that policymakers systematically site “inferior public goods” like prisons to more economically lagged areas (Cherry and Kunce 2001). This hypothesis is also present anecdotally, in contemporary examples of de-industrialized towns like Youngstown, Ohio struggling to balance the entrepreneurial contributions of new immigrant populations with their relative dependence on the revenue and employment gleaned through immigrant detention centers (Small, 2019).

Therefore, this literature on economic desperation and the development of local prison economies would suggest that IGSA contracts would be associated with higher levels of economic need. In this analysis, two measurements of a state’s economic vitality are used: median household income in 2016, and the state-level unemployment rate (U3) in 2016.

**Figure 3. The Effect of Unemployment on IGSA Facilities per Capita**



**Figure 4. The Effect of Median Household Income on IGSAs per Capita**



The scatterplot comparing state-level unemployment in 2016 to IGSA contract frequency shows a relationship in the expected direction, given the literature: states with higher aggregate unemployment rates see higher frequencies of IGSA contracts among their counties. The results from the scatterplot on unemployment may also help to explain some of the unexpected results for political ideology: many of the prominently Democratic states that have high IGSAs per capita are also ones that have higher unemployment. Notably New Jersey – which has come under fire for its heavy use of IGSA contracts in multiple large counties like Hudson County, which made the controversial decision to renew its IGSA in July of 2018 (Katz 2018).

The other test of an economic variable, however, produced a result in an unexpected direction: states with higher median household incomes tended to have higher frequencies of IGSA contracts per county. This can partially be explained by the fact that many of the states with higher unemployment *also* happen to have higher median incomes – California and New

Jersey both being notable examples. This relationship may also be a sign that common census data categories can only go so far to act as a proxy for the specific kinds of local economic need that may be more closely associated with IGSA contract initiations. Specifically, the structure of IGSA contracts (providing a per-diem or yearly rate to the municipal budget) means that they help to supplement local government revenues, rather than individual ones. Therefore, the unexpected direction of the median household income model could also be explained by its limited ability to capture the specific local economic conditions that IGSA contracts affect more prominently.

Speculation about the causes of expected or unexpected directions is only so useful, however, given the fact that both of these correlations appear to be relatively low-strength with low explanatory power. Both plots have weak positive correlations, with the median household income scatterplot (Figure 6) having a Pearson's  $r$  of .21, while the unemployment scatterplot shows an even slightly weaker correlation strength with a Pearson's  $r$  of .19. Furthermore, the explanatory power of both independent variables is quite weak as well. The R-squared value of the relationship between median household income and IGSA facilities per county is .028, meaning that only 2.8% of the total variation in IGSA frequency between states can be explained by median household income. Similarly, the R-squared value of the relationship between state unemployment and IGSA facilities per county is .035, meaning that only 3.5% of the total variation in IGSA frequency can be explained by the state's unemployment rate.

Therefore, economic factors do not appear to have much explanatory power vis-à-vis a state's IGSA contract frequency. However, there are still other harder-to-find measurements that may prove to be a better measure of the kind of local economic distress that would perhaps be better correlated to IGSA frequency, such as county revenue from taxes. More iterations of

economically-grounded hypotheses should be tested to clarify this study's ambiguous bivariate test results.

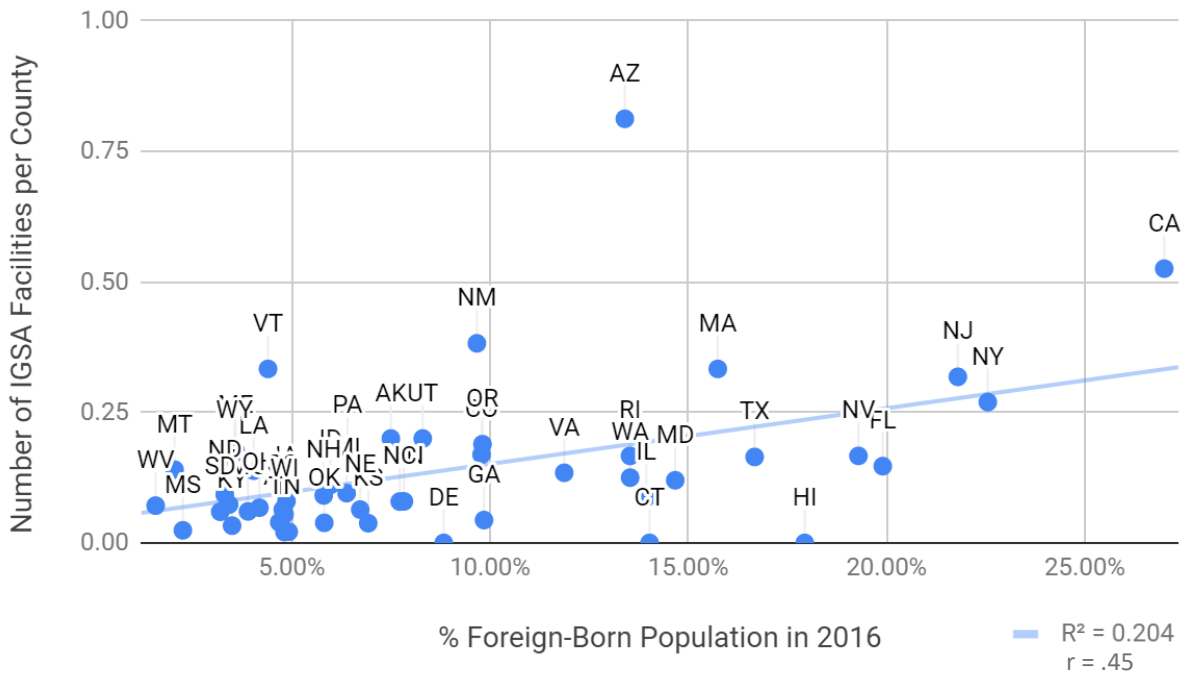
### Demographics and Detention

Scholarly literature on local responses to immigrants is divided on the degree to which certain demographic factors influence municipal policy. Some scholars have confirmed iterations of Blalock's (1967) ethnic threat hypothesis, which posits that restrictive local responses to immigrants are a response to large growth in foreign-born populations, particularly in contexts where immigration is featured heavily in national news coverage (Hopkins 2010). However, other studies assert that the proportion of the population that is Latino, and not the proportion of the population that is foreign-born, is a more accurate predictor of local responses to immigration, specifically decisions to partner with ICE through 287(g) agreements (Wong 2012, Svajlenka 2018). Still others dispute the idea that proximity to immigrants, or growth in immigrant populations, will always lead to restriction: Abrajano and Hajnal (2015) find that increases in Latino populations will correspond to their growth as a political force, while Williamson (2018) finds that more visible immigrant populations can lead to more accommodation from service-oriented local bureaucrats.

Given that some studies have found both the proportion of the foreign-born population and the proportion of the Latino population to be influential factors on a municipality's collaboration with ICE, the analysis will focus on both the effect of the size of the Latino population and the effect of the size of the foreign-born population. Given the tendency of the proportion of Latinos and the proportion of foreign-born residents to covary, a proxy for the

proportion of Latinos in the state population will be used: the proportion of the foreign-born population that are from Latin America<sup>2</sup>.

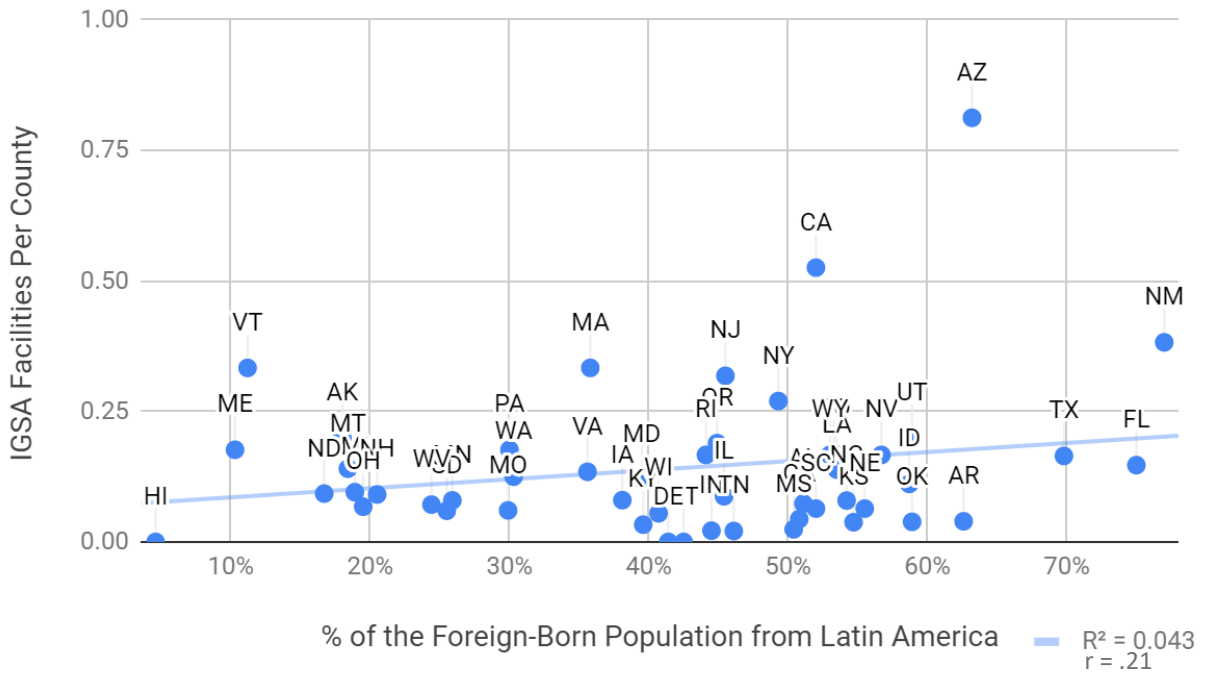
**Figure 5. The Effect of Foreign-Born Population on IGSAs per County**



<sup>2</sup> Specifically, using the ACS 2016 definition of Latin America in its measurement of the Place of Birth of the Foreign-Born Population, which includes the following countries of origin: Mexico, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, “Other Central America”, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Peru, Uruguay, Venezuela, “Other South America”, Barbados, Cuba, Dominican Republic, Haiti, Jamaica, Trinidad and Tobago, “Other Caribbean”.



**Figure 6. Effect of Latino Foreign-Born Population on IGSA per County**



As Figure 7 demonstrates, there is a moderate strength correlation (Pearson’s  $r$  of .45) between the proportion of the state population that is foreign-born and the number of IGSA facilities per county in that state. Furthermore, the foreign-born proportion of the population appears to have a non-trivial amount of explanatory power; the R-squared of the relationship is .208, meaning that over 20% of the variation of states’ IGSA-per-county can be explained by the proportion of the state’s foreign-born population. This finding appears to confirm the findings of literature that suggests a proximity to immigrant populations may prompt restrictionist policies as a reaction. However, given the fact that IGSA’s are so prominent in states that are otherwise accommodating in their stance towards immigrant populations, such as California and New Jersey, it is difficult to say that this finding entirely squares with more threat-based hypotheses in the literature.

In contrast, as Figure 8 depicts, the relationship between the proportion of the foreign-born population who are Latino and a state's IGSA frequency has quite a weaker correlation strength (Pearson's  $r$  of .21). Furthermore, the explanatory power of this independent variable is weak as well: the R-squared of the relationship is .043, meaning that only 4.3% of the variation of state IGSA frequency can be accounted for by the proportion of the foreign-born population that is Latino. Surprisingly, this finding challenges the literature on what factors predict local partnerships with ICE. While most studies of 287(g) agreements demonstrated that race was a more influential factor in predicting a town's collaboration with ICE enforcement, this data seems to suggest that race is a less significant factor in predicting another kind of collaboration with ICE: the number of IGSA's per county in a state.

### **Lingering Questions on Municipal Motivations, and How to Address Them**

This chapter has provided a descriptive overview of all actively utilized IGSA contracts in the country, including the distribution of IGSA facilities in the country, with a specific focus on the distribution of IGSA's that have opened and closed between 2015 and 2017. It also revealed the factors that are associated with a higher frequency of IGSA's in any given state, some of them challenging existing literature on municipal responses to immigrants: Democratic partisanship, a high foreign-born population, and a high unemployment rate. What these descriptions leave ambiguous is the question of *why* a local government would choose to involve itself in the traditionally federal domain of immigration policy, *particularly* when other literature finds that municipal governments tend to be more accommodating towards immigrant populations (Williamson 2018). What, then, are the unique local-level incentives for partnering with ICE, and correspondingly, what are the unique considerations made when a municipality decides to terminate their existing IGSA's?

This chapter lays the groundwork for beginning to investigate such questions. Specifically, by noting which facilities have opened and closed within the span of 2015 – 2017, a systemic investigation into the context of each of those facility openings and closings can begin to address the question of what motivates municipal decision-making with respect to becoming party to an IGSA. The following chapter will attempt to do just that, compiling and systematically coding archived local news coverage of all instances of facility openings and closings. Such an analysis will begin to touch upon the questions raised by this chapter’s descriptive outlines of IGSA contracts: why is their presence seemingly ubiquitous across the country? Why do they appear to be enacted and retracted so frequently across the country? How are the pros and cons of such contracts interpreted by municipal decisionmakers?

## **Chapter 2: Case Studies in IGSA Contract Initiation and Termination**

### **Introduction**

The analysis of IGSA facilities nationally reveals their locations, geographic spread, and alludes to certain state-level traits that are correlated with a higher density of IGSA contracts. However, these contracts require the approval of municipal governments, and while analyzing the geographic spread of contemporary IGSA contracts reveals where certain municipal governments have approved such collaborations, it cannot reveal anything about the rationale behind this approval. Since IGSA contracts present local governments with revenue (either a fixed sum yearly or the much more common “per-diem” agreement that pays local governments a certain rate per immigrant detained per day), IGSA contracts present local decisionmakers with a complex and controversial choice: weighing the costs of placing the municipality in the cross-hairs of national immigration activism with the benefits of projected revenue increases. A systemic analysis of the reasoning behind IGSA contract approval and termination could begin to reveal patterns in how local decisionmakers ultimately end up evaluating these costs and benefits. Furthermore, as was alluded to in Chapter 1, the process of initiating these contracts is ambiguous, with some suggesting that IGSA contracts are used to circumvent typical federal contracting processes to involve private prison firms (Urevich, 2018). This ambiguity calls for a systematic analysis of the process of IGSA contract initiation and termination. Because both immigration detention and municipal-level immigration policy are understudied, this research question has the potential to contribute to greater understanding in both areas.

This chapter seeks to investigate what factors motivate the uptake and dissolution of local contracts for immigration detention by analyzing the facts of a sample of IGSA closures and openings between 2015 and 2017. For each sampled IGSA contract, I collected and coded local

journalistic coverage of municipal battles over detention space to outline general trends and common details of these processes. The result is instructive initial insights which help to define the consequences of such agreements for the day-to-day operations of local decisionmakers, with case studies highlighting the economic volatility of these agreements, the variability in implementation of such contracts, the contradiction between these agreements and other policies such as non-compliance with detainers or state-level pre-empted TRUST acts, and finally, how ICE's sudden decisions to open new detention facilities in the wake of controversies often leaves local governments scrambling in the wake of unexpected revenue loss.

### **Methods and Notes on Data Inconsistencies**

From the original 68 openings and 44 closures introduced in Chapter 1, I took a stratified sample of 20 IGSA openings and 20 closures. The sampling method prioritized larger facilities: the first 10 detention centers sampled were those with the largest average book-ins. The remaining 58 openings and 34 closings were assigned a random number between 1 and 150 in Microsoft Excel, and the 10 facilities with the largest randomly assigned numbers were additionally sampled. This sampling method was designed to investigate the processes related to the largest detention center openings and closings, as well as a representative sample of smaller openings and closings.

From there, I researched every detention center in the sample using local news archives. Specifically, the name of the detention center as represented in the dataset, alongside the Boolean "immigration," was entered as a search phrase in the following newspaper aggregators: Google News, NexisUni (formerly LexisNexis), and Questia (formerly Highbeam). All local news articles that discussed the facility's detainment of immigrants were numbered and archived. Each article was read and coded for anything pertaining to the existence of an IGSA contract, and if

applicable, the factors surrounding its termination or initiation. Many entries, however, had no publicly available information either way and were therefore flagged for further investigation via contacting local police departments. A step by step methodological summary for this qualitative data gathering project can be found in the appendix following this chapter.

Perhaps the most striking and conclusive finding from this phase of the research project was the inconsistency of the dataset itself. Out of the 20 potential closures that were sampled for this project, just 4 (20%) had publicly available information on the circumstances surrounding their closure. The opening facilities saw a higher success rate with this methodology: out of 20 sampled, 8 (40%) had publicly available information on the circumstances surrounding their openings.

With respect to data inconsistencies, several facilities that were sampled as potential openings or closures, upon preliminary research, were confirmed to have not opened or closed between 2015 and 2017. Of the 20 sampled potential closures, 5 (25%, more than the proportion of the sample that consisted of confirmed closures) were positively confirmed to have not been closures at all. Of the 20 sampled potential openings, 5 (25%) were positively confirmed to have not been openings at all.

These facilities were originally flagged as potentially being closures or openings because they either started, or stopped, seeing book-ins at some point between 2015 and 2017. However, this phase of the research produced some evidence that the ICE's log of book-ins over time is not entirely accurate. Most notably, the Queens House of Detention was flagged as a potential opening because it is recorded in the dataset as having gone from zero book-ins in 2015 to four book-ins in 2016. However, multiple local newspapers corroborate and confirm that the Queens House of Detention has actually been vacant since 2002 (Brand 2018a, Brodsky 2002). The

facility is so vacant, in fact, that it was last used as the set for the Netflix original series *Orange is the New Black* (Brand 2018b).

Other peculiarities revealed by the existence of these confirmed non-closures and non-openings include the same facility being included multiple times in the dataset under its different known names. This was the case for one facility, which represented both one of the five confirmed non-closures *and* one of the five confirmed non-openings: the Pulaski County Jail, also known as the Tri-County Detention Center. This facility was listed under the latter name with book-ins up until the year 2017, where its entry under the name “Tri-County Detention Center” shows 0 book-ins for FY2017, thus producing the conditions needed for this entry to be flagged as a potential closure. The entry for the facility under the name “Pulaski County Jail” shows no book-ins *until* FY2017, thus producing the conditions needed for this entry to be flagged as a potential opening.

For instances like these, there are no explanations other than an entry error on the part of National Immigrant Justice Center during their compilation of the FOIA requested data, or a record keeping problem on the part of ICE itself. Being misrepresented in ICE’s internal records poses notable consequences for local governments, particularly as these local governments are increasingly in the crosshairs of federal debates on immigration enforcement. For example, when ICE released reports that listed municipalities with policies that limit cooperation with the agency, it cited Riverside Regional Jail in Virginia as a facility that denies ICE detainees. However, officials from Riverside Regional Jail disputed the report’s accuracy (Remmers 2017). Indeed, these reports, released shortly after Trump’s Executive Order which promised (among other things) to cut funding from “sanctuary cities”, were met with “widespread reports of inaccuracies” (Remmers 2017). While it is impossible to know which specific discrepancies

discovered within the data during this phase are the responsibility of ICE’s own recordkeeping, it is clear that ICE has demonstrably misunderstood its relationship with municipal governments before. Such misunderstandings could be consequential for local governments under a federal administration with a tangible history of attempting to castigate local governments for non-cooperation with immigration enforcement.

**Interpreting the Findings: Reasoning Behind IGSA Facility Closures From 2015 – 2017**

Out of 20 sampled closures, only four had publicly available information on the circumstances surrounding their closure: the South Louisiana Detention Center (LA), the Montgomery County Correctional Facility (PA), the Artesia Family Residential Center (NM), and the Fairfax County Jail (VA).

**Table 1. Known IGSA Facility Closures from 2015 – 2017**

<b>Facility Name</b>	<b>Who Initiated Termination?</b>	<b>Date of Facility Opening</b>	<b>Date of Closure Announcement</b>
South Louisiana Detention Center	GEO Group	1993	11/15/2015
Artesia Family Residential Center	DHS/ICE	6/24/2014	11/18/2014
Montgomery County Correctional Facility	County	5/6/2012	4/28/2014
Fairfax County Jail	County	2012	1/23/2018

*Source: Author’s interpretation of dataset from the National Immigrant Justice Center, various local news reports found through Google News, NexisUni, and Questia.*

These known closures roughly fall into two types based largely on who initiated the process of shuttering the facility. One narrative of IGSA closures sees municipal decisionmakers shifting their attitudes about contracting with detention centers as a response to political pressures. The other narrative, however, eschews the desires of municipal decisionmakers entirely, as they are left to respond to a sudden decision by private contractors or ICE itself to terminate the IGSA contract prematurely.



## Involuntary Closures: Blindsiding Local Governments

Analyzing facility closures initiated by either of the non-municipality parties to an IGSA contract (ICE or a private contractor) obviously does not reveal anything about the rationale of municipal decisionmakers in ending IGSA contracts. However, it does reveal a potential consequence of local government participation in an IGSA contract: the possibility of this agreement suddenly ending before its proper expiration date, often leaving the municipality with fiscal consequences.

Of the four confirmed closures, half were not attributable to the decisions of any local politician and were instead the product of top-down decisions from either a private prison company or ICE itself. These cases demonstrate the unpredictability of these contractual agreements, and in doing so, highlight an unintended consequence of such agreements that prove incredibly pertinent for local decisionmakers who see prison contracts as a critical revenue stream.

Representatives from private prison giant GEO Group announced the imminent closure of the South Louisiana Detention Facility (also known as the Basile Detention Center) on November 18<sup>th</sup> of 2015, just 8 months after the facility was sold to the private company in February by the Louisiana Corrections Services. The terms of the detention center's operation under this new corporate acquisition resulted in "substantial payments to the town of Basile" (Lejeune 2015). However, this increase in revenue was short-lived for the town. Representatives from GEO Group announced their decision – after the closure was already decided by the corporation – to elected officials in a parish-wide meeting.

The fact that GEO Group reached out to local decisionmakers after the closure was decided, and not during the company-wide negotiations on whether to shutter the detention

center, is notable precisely because it demonstrates local governments' lack of agency to influence the private decisions that affect their town's fiscal solvency. The sudden economic spillover effects from this unintended closure were not limited to the lost per-diem revenue guaranteed by the contract itself. Rather, it also posed consequences for Basile's economy in other, secondary ways: for example, the closure of the prison facility also led to a decline in local spending by the prison and its employees (Lejeune, 2015).

GEO Group's official statement about the closure provides no closure for the town government left holding the bag: the statement cited no specific reason for the facility's closure other than the fact that "the Pine Prairie facility [a newly opened, also GEO-owned IGSA facility in Louisiana] is better suited to accomplish the mission currently being delivered at the South Louisiana Correctional Center" (Lejeune 2015). This basic story – a sudden, premature closure decision that is justified by higher-ups with fairly opaque official statements – was followed in the other involuntary closure studied: that of the Artesia Family Residential Center in Artesia, New Mexico.

The Artesia Family Residential Center was always planned to be a temporary facility, established in a retrofitted Federal Law Enforcement Training Campus in June 2014 as a response to a surge in immigration of Central American families (Carcamo 2014, Redmon 2014). Its lifespan was even more short-lived than anticipated: the facility closure was announced November 18, 2014, despite an earlier October Associated Press report citing the claim of one government official that Artesia would remain open through the summer of 2015 (McCabe 2014). Instead, Artesia's closure was announced less than six months after its establishment, even after the facility underwent significant renovations (Carcamo 2014).

The rationale for Artesia's premature closure in the official statement from ICE is somewhat counterintuitive, given the fact that it simultaneously cites a decreased demand for family detention while marketing the expansion of family detention through the construction of a new facility. Artesia was reportedly closed since "the numbers of illegal migrants crossing into south Texas [had] gone down considerably" (Immigration and Customs Enforcement 2014). Yet, this same statement announces the creation of a new family detention facility in south Texas, this one privately managed by CoreCivic. The South Texas Family Residential Center in Dilley is praised -- in the same statement where the Acting Director of ICE noted the lack of demand for family detention -- for providing "invaluable surge capacity" for adult migrants with children (Immigration and Customs Enforcement 2014).

Given the temporary nature of the facility, located in a former training camp for federal law enforcement, the need for an eventual transfer of family detention to a more permanent site is understandable. The timing of this sudden closure announcement, however, coincided with negative national attention on Artesia. The months immediately prior to the closure announcement were fraught with controversy surrounding the Obama administration's practice of family detention, with the attention and ire of national activists particularly centered on the Artesia Facility. August alone saw both the detention of an 11-year-old U.S. citizen in the facility, and a lawsuit against the federal government from a coalition of immigrant and civil rights groups who claimed that the constitutional rights of Artesia's detainees were being violated by the facility's "fast-track deportation proceedings" (Redmon 2014).

The statement provided by ICE on its rationale for prematurely closing the Artesia facility eschewed any discussion of these aforementioned issues, instead mirroring the statement that GEO Group released on the closure of the South Louisiana Detention Facility: highlight the

benefits of a newly built IGSA facility, and the ability of this newly constructed facility to better meet the current needs of the federal government. Much like GEO Group's statement on the closure of the South Louisiana Detention Facility, ICE's statement on Artesia mainly focused on the advantages of relocating detainees to the South Texas Family Residential Center in Dilley, Texas. In either case, both involuntary "closures" were more accurately understood as transfers of existing detainees to newer facilities in different locations. In the case of Artesia in particular, it was a means of transferring detainees out of a facility that simultaneously happened to be garnering significant negative attention on a national level.

The economic consequences of Artesia's sudden establishment and subsequent closure on the municipality of Artesia are distinct from those prompted by GEO's decision to close the South Louisiana Detention Facility. One local journalist noted that the sudden addition of hundreds of detained children, not to mention other new temporary residents that flocked to the isolated municipality of Artesia, like pro-bono immigration attorneys, meant that local store shelves were "cleared out" of items like diapers and baby formula (Carcamo 2014). Only a few months later, as shopkeepers had barely adjusted to the new demand, the facility was closed and economic benefits to the town evaporated, leaving fiscal consequences in their wake.

While the research design did not yield nearly enough cases to statistically analyze the findings presented, the details of these two involuntary closure cases raise many further hypotheses to be tested empirically by a more comprehensive research design. Specifically, are sudden closures systemically correlated with national-level controversies? What happens to a municipality after the involuntary termination of its IGSA contract revenues? Are most other top-down closure decisions accompanied by the creation of a newer, larger detention facility? Are there systemic microeconomic consequences to the establishment and termination of IGSA's,

like the sudden spike and subsequent drop in consumer demand seen in the town of Artesia? These cases do not reveal much about the originally intended research question of this study, however. That is, they say nothing about the common reasons that municipal decisionmakers cite when they, and not ICE or GEO Group, decide to terminate their IGSA agreements. The other half of the confirmed closures can begin to reveal how local leaders came to the decision to end their collaboration with ICE.

### Shifting Municipal Attitudes: Decisionmaker Responses to External Political Pressure

Fairfax County's contract was launched in 2012, and the terms of the agreement allowed the county jail to hold inmates up to 48 hours beyond their release date if they are facing deportation (Olivo, 2018). This prompts the question of why certain county jails enter into IGSA agreements, while others are simply asked to comply with detainer requests to hold certain individuals beyond 48 hours without formally registering their jail facility as a "detention center". The only local news article found did not elaborate on the initial rationale to green light the IGSA, but quoted then-Sheriff Stacey A. Kincaid on the rationale surrounding the agreement's termination: "We intend to follow all federal obligations as they pertain to ICE ... We found it expedient to no longer have an agreement that required us to extend our resources beyond these obligations" (Olivo 2018). The new jail policy in the wake of the IGSA termination is to detain individuals beyond their criminal sentences only in the event that the jail is issued a formally court-issued, criminal detainer. This type of anti-detainer provision is considered by some, including the Trump Administration, to be the policy of a "sanctuary" city, however there is no clearly defined legal definition for what constitutes a sanctuary city.

Sheriff Kincaid did not explicitly mention what exactly made the Sheriff's Office terminate the IGSA and move toward the opposite extreme. However, a local journalist noted

that the Fairfax County IGSA had, in the month prior to the decision by Sheriff Kincaid, come under national scrutiny: specifically, the county's detention policies were criticized in a report from ThinkProgress. Relatedly, the decision to terminate the IGSA contract a month following this national scrutiny drew subsequent praise from immigration advocates and from county politicians – the chair of the county board of supervisors specifically noted that she was “pleased” with the decision to distance the Fairfax County law enforcement’s job from that of “federal immigration officials.” The story of Fairfax County’s termination is one that corresponds to a more intuitive narrative of political decision-making, where local decisionmakers act to mitigate outrage or controversy and, subsequently, maintain their elected positions.

The case of Fairfax County’s IGSA contract termination reveals another truth about these contracts: the variation in the local decisionmakers with jurisdiction over the contract itself. IGSAAs are not always overseen by local legislators, rather, as the case of Fairfax County demonstrates, sometimes they are under the purview of just the County Sheriff. This has implications for how democratic these contractual arrangements can be: while Fairfax County has elections to fill the position of sheriff, other municipal law enforcement leadership positions are appointed, depending on variations in local policy.

The termination of the Montgomery County Correctional Facility’s IGSA in eastern Pennsylvania is similar to that of Fairfax County, insofar as the contract was met with visible backlash from immigration advocates. It differs, however, in the manner in which the contract was “terminated” in the first place. Rather than explicitly overturning the contract, Montgomery County enacted a sanctuary policy two years after the initiation of the IGSA, leading to confusion upon implementation in the wake of these two contradictory local policies.

The IGSA to detain immigrants in the Montgomery County Correctional Facility was initiated by county commissioners (as opposed to the local Sheriff) in 2012. The initiation of the contract was met with protests outside the jail led by a state-wide undocumented activist organization, DreamActivist PA, protests that garnered local press attention for the arrest of multiple participants (Myers 2012).

However, in April 2014, Montgomery County Correctional Facility adopted a non-cooperation policy for ICE detainees (Hickey 2018). Specifically, the policy shifted to only allow for a detainee to be held for an additional 4 hours after the end of their criminal sentence – that four hours being “the approximate time it takes for a person to be processed out of the facility” according to then Senior Assistant County Solicitor Nicole Forzato (Nadolny 2017). This situation raises the questions of how IGSA contracts are treated in the event of the later adoption of a municipal sanctuary policy – a confusing question that Montgomery County itself has struggled to answer for itself.

In an article detailing the tendency of plainclothes ICE agents to make arrests near the county’s courthouse, a journalist describes how Montgomery County is “listed as a sanctuary county, but is not functioning as one”, with inconsistent applications of policies surrounding ICE’s access to county facilities, and one case of a 25 year-old Mexican national being arrested by ICE from the County Correctional facility after the enactment of this sanctuary policy (Hickey 2018). However, there does exist evidence that the new non-cooperation policy for detainees is implemented at least some of the time, as Montgomery County was the subject of an ICE press release that criticized the county for releasing an undocumented “Guatemalan national” from their custody (Immigration and Customs Enforcement 2016).

The case of these two municipally-led closures reveal how the ambiguities of IGSAs translate into real inconsistencies in local implementation. In Montgomery County, tensions upon the initiation of an IGSA contract morphed into tensions between conflicting municipal policies: the correctional facility's status as an IGSA with the introduction of a new correctional facility "sanctuary" policy. In Fairfax County, changes in jail policy on detention reveal the ambiguity inherent in the classification of "detention center" in the first place. Under the IGSA agreement, Fairfax County held immigrant detainees with deportation orders up to 48 hours beyond their criminal sentence, prompting the question of what is the practical difference between a formally contracted IGSA facility, and a jail that simply honors detainer requests for 48 hours without such a contract being established.

Conclusion: What does this sample of IGSA closures reveal?

The four closure case studies reveal two substantially different stories of IGSA contract terminations. These two narratives both show the volatility of these agreements and point to a more general trend of constant facility rotation: new detention centers are created by ICE to then liquidate the old ones, and new contracts are initiated as responses to losing local detention space when municipalities decide the contract is not worth the negative publicity. It also reveals a wide variation in the municipal officials who are charged with overseeing these decisions on IGSA's and how the opacity of these agreements produces inconsistent implementation on the local level. In Fairfax County, jurisdiction over their IGSA contract remained solely in the hands of the county sheriff, whereas the decision to initially negotiate with ICE in Montgomery County was made by the county commissioners. Finally, it reveals that IGSA's are agreements riddled with ambiguities and inconsistencies: they are prone to sudden termination from private contractors or ICE, and they sometimes exist anachronistically alongside municipal sanctuary



policies, leaving localities to react to a slew of contradictory directives from varying levels of governments and implement decisions inconsistently as a result.

The next section of this chapter, which analyzes the common themes among the newly initiated contracts found between 2015 and 2017, can help us begin to understand how ICE recuperates the local detention spaces lost when local governments decide the political risk of the detention facility outweigh the revenue received. These cases of recent IGSA contract initiations can begin to outline the various iterations of processes by which a locality can be asked to host federal immigrant detainees.

**Interpreting the Findings: Reasoning Behind IGSA Facility Openings from 2015 – 2017**

Out of the 20 facilities sampled from the 68 total openings, 8 facilities were confirmed by local news sources to have opened (or initiated their contract) between 2015 – 2017.

**Table 2. Known IGSA Facility Openings Between 2015 and 2017**

<b>Name</b>	<b>State</b>
Pine Prairie Correctional Center	LA
Prairieland Detention Facility	TX
Kankakee County Jail (Jerome Combs)	IL
Cibola County Correctional Center	NM
Folkston ICE Processing Center (D. Ray James)	GA
Cache County Jail	UT
Livingston County Jail	NY
Beaver County Jail	PA

*Source: Author’s interpretation of National Immigrant Justice Center Data*

How Localities are Targeted: The Importance of Pre-existing Federal Relationships

Half of the known openings listed in Table 2 grew to house immigrant detainees because ICE targeted a prior relationship that the facility had with the Federal government: either BOP or the USMS. This represents another strategy utilized by ICE to expedite the process of finding and securing new detention space, in addition to revealing how local governments are coerced

into accepting ICE detainees even if they did not explicitly sign a contract with ICE to do so through clauses present in most USMS contracts.

### Cibola: CoreCivic Maintains Profits in the Face of Malpractice

On October 26<sup>th</sup>, 2016, ICE announced the opening of a new detention center in the 1,129-bed recently closed Cibola County Correctional Facility in western New Mexico. The facility was opened via an IGSA with Cibola County and CoreCivic (Macaraeg 2017). The contract legally established Cibola County as an entity to transfer payments from ICE to CoreCivic through a two-fold agreement that included one contract between the county and ICE, and another subcontract between the county and CoreCivic. Nearly all of the \$150 million dollars of compensation outlined in the contract is routed to CoreCivic, with the county only taking a “miniscule portion of the funds as an administrative fee”: \$0.50 per detainee, per day, to the county fund (Macaraeg 2017). Compare this to the flat-rate (that is, not dependent on the influx of detainees) of \$2.5 million dollars funneled monthly to CoreCivic. The terms of this particular contract were made public via a New Mexico public records act, a fact that potentially could help explain the variation in the available information during this research. Indeed, one of the other most well-reported facilities in the sample of closures was also a facility sited in New Mexico: the Artesia Family Residential Center (Macaraeg 2017).

This new contract was negotiated within three months of the Cibola County Correctional Facility’s closure as a federal BOP facility. Specifically, CoreCivic’s first contract for the building was severed by the Bureau of Prisons in July 2016, in the wake of three publicly reported deaths from medical neglect, and the wider context of a federal mandate to mitigate the use of private prison contractors at the federal level (Wessler 2016). Prior to its controversial closure, the former BOP facility was one of 11 across the country that was used to hold

noncitizens convicted of crimes (Wessler 2016). The case of this sudden termination, then re-initiation, of an agreement to house federal detainees in the Cibola County Correctional Facility, demonstrates how quickly ICE acts to expand federal detention space into vacant properties with former ties to BOP.

Similarly, the Folkston ICE Processing Center was created through the repurposing of an unused wing of a privately-owned BOP facility, the D. Ray James Correctional Complex (Gardner 2016). The 780-bed wing of the prison remained idle since its purchase by GEO Group; it was one of many properties acquired when GEO Group purchased Cornell Corrections (Correctional News 2016). The 5-year IGSA agreement between ICE, the county, and GEO Group, was initiated at a convenient time: it was a means of offsetting a recent reduction in the maximum federal detainees held in the BOP-operated D. Ray James prison, from 1962 beds to 1800 (Gardner 2016).

#### USMS “Piggyback” Contracts in Beaver County and Livingston County

In addition to this trend wherein ICE sites potential IGSA in vacant locations with pre-existing ties to BOP, the analysis of the openings revealed another mechanism by which ICE uses pre-existing carceral relationships with federal agencies to initiate new contracts. Two of the opening cases, Beaver County Jail and Livingston County, initiated their IGSA contracts by means of a “piggyback contract,” where ICE attaches agreements for immigrant detention beds onto pre-existing USMS agreements. While the local news coverage of both of the openings in the sample had few details on the nature of the specific clauses in Beaver and Livingston counties, language from other IGSA reveal roughly how the language of USMS agreements lay the foundation for such sudden new agreements with other federal agencies. A 2007 IGSA

agreement between the USMS and the City of Alexandria, VA, includes the following clause at the start of the contract:

The population hereinafter referred to as "federal detainees", will be individuals in the custody of the USMS, BOP or ICE as applicable. The USMS is the cognizant agency and only with the USMS's explicit concurrence may another Federal agency (BOP or ICE) piggyback the agreement.

The Local Government shall accept and provide for the secure custody, safekeeping, housing, subsistence and care of federal detainees in accordance with state and local laws, standards and procedures, or court orders applicable to the operations of the facility, consistent with federal law, policies and regulations.

In other words, the language of the agreement establishes that the USMS can approve of any other federal carceral agency – the BOP or the ICE – placing detainees in Alexandria's correctional facilities. Note also that the agreement obligates the local government to "accept and provide for the secure custody, safekeeping, housing, subsistence, and care of federal detainees," with federal detainees being explicitly described as "individuals in custody of the USMS, BOP, or ICE." Federal agreements with local governments are explicitly designed to allow for the ad-hoc detention of all federal prisoners in local jail spaces. These types of IGSA facility openings allow us to see the legal mechanisms that ICE utilizes to suddenly expand detention capacity, authorizing that local governments open up detention space for all federal prisoners if they are party to a contract with just one federal agency.

#### Local Detention Economies: Economic Justifications from Local Lawmakers

Local governments still regularly agree to be parties to IGSA agreements, despite the scope of the obligations placed onto local governments in the language of the IGSA contracts themselves. The justification municipal decisionmakers most commonly proffered was economic in nature: 6 out of 8 (75%) of the openings cases saw local lawmakers either citing jobs or revenue as a major reason for initiating the IGSA agreement. These economic justifications took many forms, with some local governments emphasizing potential employment opportunities of

the facilities, some emphasizing revenue paid directly to the municipal fund, others emphasizing local revenue garnered through property taxes, and still others referring to secondhand positive economic externalities, such as increased demand for the services of local businesses. Table 3 disambiguates all of the justifications utilized in the six openings where economic justifications featured in the rhetoric of municipal decisionmakers.

**Table 3. Common Economic Justifications for IGSA Contract Approval**

Name	Jobs	Property Taxes	Direct Payment	Economic Externalities
Prairieland Detention Facility	x			x
Kankakee County Jail (Jerome Combs)			x	
Cibola County Correctional Center	x	x		x
Folkston Ice Processing Center (D. Ray James)	x	x		x
Cache County Jail			x	
Beaver County Jail			x	

*Source: Author’s interpretation of local news coverage of IGSA contract initiation processes.*

Detention Economies from a Local Perspective

For local governments, the revenues and employment provided through the establishment of immigrant detention centers can appear to be a feasible solution to balancing precarious local budgets. In Cibola County, the re-opening of the Cibola County Correctional Center represented 300 new employment opportunities in a municipality that was previously hard-hit by the closure of Peabody Energy Corp’s local coal mines (Macaraeg 2017). Similarly, the Folkston ICE Processing Center was touted as housing “more than 10 percent of Charlton [County’s] 2,000 jobs” (Redmon 2018). The initiation of these contracts is seen as ushering in an increased demand for local goods and services in general. When discussing the terms of the newly inaugurated contract for the Prairieland Detention Facility, then County Manager Davis noted that the announcement of the contract was met with homes being purchased in the municipality,

in addition to increased business for local firms like gas stations and restaurants (Leanos Jr. 2017).

Clearly, these contracts provide a perceived increase in marginal economic wellbeing to municipalities, at least from the perspective of local lawmakers, and indeed, this comports with findings in Chapter 1 that suggest a tendency for states with higher levels of unemployment to have more IGSA facilities per county. It is this dependency on carceral revenues, then, that makes the varied instances of sudden contract termination in the closures section of this chapter so consequential. Indeed, for all of the economically-grounded justifications for IGSA contract initiations found in this chapter's sample of openings, the sample also provided multiple examples of the volatility and scarcity of these agreements.

#### The Volatility of Detention Economics:

Indeed, one of the very facilities studied in this chapter as a recent, newly opened IGSA facility was threatened with sudden closure by ICE less than five months after the IGSA was signed. Charlton County officials were notified "by email" that the five-year IGSA they had signed with GEO Group and ICE to run the Folkston ICE Processing Center was being cancelled due to "low usage" (Redmon 2017). The rationale of low usage came as news to county officials, who saw the 780-bed facility averaging around 588 detainees in any given week. This sudden closure process, less than half a year after the opening of the Folkston Processing Center, was stalled and ultimately reconsidered only through the involvement of U.S. Representative Buddy Carter (R-GA) and panicked pleas from county commissioners (Redmon 2018). Furthermore, the opening of the Prairieland facility in Texas was delayed significantly due to the insolvency of the original private contractor, Emerald Correctional Management, demonstrating again how the

volatility of IGSA agreements can stem from multiple sources outside of the municipality's control, including the business decisions of distant private enterprises (Owen 2018).

Economic volatility is present in IGSA contracts even when they aren't suddenly cancelled by other parties. One striking finding from the sample of the openings was the size of the guaranteed, direct revenues to municipal governments provided through IGSA contracts. These revenues guaranteed directly to municipal governments through the terms of IGSA are generally quite small, a factor that potentially explains why Table 3 showed that many economic justifications for these agreements focused on non-revenue benefits, such as employment. The direct compensation for hosting the Prairieland Detention Center, for example, is only a "small management fee will be paid to the city of Alvarado that escalates to \$3 a person after 3 years" (Solis 2016).

The negligibility of these administrative fees paid to local government are made especially clear when they are compared to the payouts given to private contractors that are party to these agreements. Recall again the example of Cibola County's contract: \$0.50 per detainee per day, compared to the flat-rate of \$2.5 million dollars that is paid monthly to CoreCivic by the same contract (Macaraeg 2017). These low administrative fees also, in the case of Kankakee County, do not factor in the "cost of running the jail" (Kalantzis, 2016). As a result, Kankakee County's IGSA provides a negligible contribution to the county's revenue. As Sheriff Downey described the agreement, "the federal government is paying \$80 per day per detainee, so the county is pulling in a little less than \$6,000, minus food" (Kalantzis, 2016).

Direct revenue payouts to local governments are also volatile because of their contingency on detainee populations. As the case of Cibola County demonstrates above, oftentimes local governments are compensated via a per-diem rate that is based on the number of

detainees present in a facility, whereas private parties are given more stable, flat-rate payouts. This volatility of potential revenues proves consequential for cash-strapped local governments, who struggle with how exactly to factor such a variable payout into their budgetary calculations. The Cache County Sheriff, for example, admitted that the county's approach to budgeting with the IGSA agreement was simply to "go through the contract for a full year" to "know for sure what revenues and costs we can expect" (Gefre 2016). This is simply the reality, because as Sheriff Jensen put it, "ICE is under no obligation to send exactly fifty inmates to the Cache County Jail", even though the contract reserves space for those fifty beds.

## **Conclusion**

Investigating samples of recent IGSA contract initiations and terminations revealed some of the many pragmatic consequences of these agreements for local decisionmakers. One significant finding was the significant variation in local processes for IGSA contracts. Which individual has the power to approve and dissolve these contracts varies from place to place, with some being overseen by municipal legislators, and others being overseen solely by the County Sheriff. This variation in IGSA contracts specifically corresponds to the generally inconsistent nature of local prison partnerships with ICE. The Criminal Alien Program, for example, operates under "no single model" and instead functions more so like "an ad hoc process that varies depending on the ICE staff and the institution in which it is operating" (American Immigration Council 2013).

Furthermore, this research demonstrated the tendency for ICE to site detention centers in ways that prove expedient. As investigations of the sample of facility openings demonstrated, ICE namely does this by taking advantage of previously federally contracted, vacant detention spaces. This is done in multiple ways, including clauses in IGSA agreements with the USMS that obligate local governments to accept all federal detainees, ICE prisoners among them, at a



moment's notice. Prevalent also is what appears to be the specific targeting of former BOP-affiliated facilities – in one particularly egregious instance, co-opting a recently closed BOP facility to re-open it under the same private contractor that was accused of medical neglect.

Finally, investigations into the stories behind IGSA closures and openings reveal tensions between the economic justifications provided by local lawmakers upon contract initiation, and the realities of the economic precarity of IGSA. Sources of economic precarity from IGSA agreements include a low guaranteed revenue, variable daily detainee populations, and even the threat of sudden contract dissolution from a private contractor or ICE itself. All of these findings, particularly the negative unintended consequences of such agreements for local governments, are the basis for the policy recommendations that will conclude this investigation.

## Conclusion

This project revealed the contradictions and complications of local government involvement in federal immigration detention, shedding light on an understudied mechanism by which responsibility for immigration enforcement is devolved to the municipal level.

Specifically, this national survey of recent IGSA contracts, combined with case studies of the termination and initiation of these contracts, revealed three key aspects about these detention facilities: how IGSA contracts are used to expedite and obfuscate the creation of new detention spaces, how the lack of consistent protocol for IGSA contracts creates confusion for local governments, and how the economic terms of these contracts often end up negatively affecting the local signatories to these contracts.

### 1. Expediency Over Transparency: How & Why ICE Maintains a Revolving Door of Detention Space

As demonstrated by the frequency of closures and openings defined in Chapter 1, and the frequent citation of “lack of use” as a justification for sudden IGSA contract termination in Chapter 2, ICE uses IGSA contracts as a means of rapidly adding to their capacity of detention space while rapidly closing spaces that no longer meet their needs due to controversy or location. IGSA contracts are a crucial part of ICE’s maintenance of a steady revolving door of detention spaces: the expediency that comes from skirting the federally mandated requirement for an open-bidding period on federal contracts allows them to make up for any shortages of detention space. This expediency of establishing new detention beds is also seen through the kinds of “piggyback” clause contracts that constituted 1/4<sup>th</sup> of the total IGSA facility openings studied in Chapter 2. Indeed, this rhetoric of shortage and emergency is utilized frequently to justify ICE’s less-than-transparent means of rapidly accruing detention beds, despite this rhetoric being utilized

simultaneously as old IGSA contracts are suddenly terminated for a *lack* of use: such was the case with the closure of Artesia and simultaneous rapid initiation of the contract and construction of the South Texas Family Residential Center.

ICE shows no sign of ceasing this pattern of behavior: at the time of writing, ICE has custody of over 50,223 migrants, one of the highest detainee populations on record since the agency's inception. As a result of these high numbers of detainees, the former military prison at Guantánamo Bay is being floated by the agency as potential spillover detention space for migrant children (Dickerson, 2019). But such emergencies of detention space are not naturally occurring, or an inherent fact of global migratory flows. Rather, sudden spikes in demand for detention beds are the direct result of ICE's own machinations and increasingly draconian policies on detention. Enacting a protocol of mandatory detention for all asylum-seekers is a political choice. It is also a choice to detain and deport long-time inhabitants of the US whose only crime committed is a civil immigration violation. This need to suddenly acquire and maintain massive amounts of detention space is not at all an inherent component of a country's immigration policymaking. Indeed, the U.S. maintains the largest immigration detention system of any country, including those who receive similar rates of migratory flows, and by a large margin (Shah, Small, and Wu 2015).

## 2. Multi-layered Jurisdictional Mess: How A Lack of Transparency and Ad-Hoc Rulesmaking Leave Local Officials Scrambling

This thesis also demonstrated the lack of consistent protocol for enacting and implementing these IGSA partnerships. Variability is the rule, with some IGSA's being overseen by sheriffs or the police departments, while others are enacted by municipal managers or councilmembers. Some IGSA's are used to reserve pre-existing space in local jails, while others

are means of constructing entirely new facilities dedicated to detention. This lack of codified protocol leaves local governments to deal with the consequences upon implementation, sometimes as they react to other conflicting immigration policy obligations: recall the explicit confusion of Montgomery County officials as they simultaneously operated under an IGSA and a newly enacted “sanctuary” policy. IGSA’s are prevalent among local governments in California despite the state’s TRUST Act, creating spheres where local governments are caught in the polar contradictions of devolved immigration federalism: squarely in the middle of what Varsanyi (2010) calls the “multi-layered jurisdictional patchwork” of directly contradictory immigration policy cues and obligations.

Adding to this confusion is ICE’s demonstrated shoddiness in maintaining accurate records of their pre-existing relationships with municipalities. Indeed, the first major finding of this project was the large quantity of downright mislabeled data in what is supposed to be the most comprehensive database of detention space that ICE has to offer. This poor management of data has consequences for local governments as well: Riverside Regional Jail, despite to the best of its knowledge complying with what they thought were their obligations to ICE, was still included on a publication from the agency listing all non-compliant jurisdictions (Remmers 2017).

These logistical mistakes and shoddy recordkeeping are non-trivial: they have tangible consequences for those who are affected by ICE’s growing and indiscriminate detention dragnet. The fact that ICE continues to push so aggressively for more detention and deportations through their recent internal policy shifts towards mandatory detention, despite demonstrably not having the capacity to do so coherently, should give anyone pause.

### 3. Fiscal Instability: The False Promise of Detention Revenues

The case studies in Chapter 2 revealed that, even though IGSA contracts end suddenly and without warning due to the whims of private contractors or ICE, local governments continue to view these contracts as a means of generating yearly revenue. The result is fiscal instability for local governments, due to the volatility of these agreements and their payment structures. Some municipalities who enact these agreements for a boost to local revenue, are threatened with the termination of their contract in a matter of months, as was the case with the agreement that Charlton County initiated for the Folkston ICE Processing Center. Even when these agreements last, the payments that are guaranteed to local governments as a result of IGSA's are low: in comparison to the multi-million dollar payments guaranteed to private contractors for immigration detention centers, local governments are usually compensated through low per-diem rates that vary based on whether the facility receives transferred detainees or not. These per-diem rates vary, but are sometimes merely cents on the dollar, as was the case for Cibola County's contract for 50 cents per detainee, per day. If revenue dips below the cost of operating the facility, local governments are saddled with these payments, and risk default if they cannot cover such outstanding payments (Gottschalk 2014). Indeed, 9 counties in Texas have defaulted on debt associated with immigration detention centers: they created agencies to issue municipal bonds to help with the cost of constructing and helping to manage private correctional facilities for migrants and defaulted on those bond payments when migratory flows to the Southern border to slow in 2015 (Etter 2015). Finally, the sudden siting of a large detention center in a fairly remote municipality can cause supply shocks that negatively impact local residents, as the run on baby formula in the wake of the opening of the Artesia Family Residential Center in New Mexico.

## Policy Recommendations

As a result of these revelations about the consequences of IGSA agreements for local governments, this study concludes with a variety of policy recommendations for state and local lawmakers, not only to limit the negative consequences of these agreements to municipalities, but to supplement the short-term revenue boosts of these contracts with projects that proffer more long-term stability and have the potential to inspire understanding between native and foreign-born residents.

### Recommendation 1: Avoiding IGSA Collaboration

Case studies of IGSA contracts reveal the unintended consequences they have for local governments: they are prone to legal controversy, draw the ire of local and national activists, and are sources of fiscal instability despite their promises to increase revenues. Therefore, the primary policy recommendation that this paper can offer is to avoid entangling municipal law enforcement in the business of immigration detention by being party to an IGSA. Furthermore, municipalities with existing IGSA should take steps to end these agreements: termination that is initiated in advance by the municipality is much more workable than a sudden cancellation of a contract by ICE or a private contractor. This recommendation also entails that municipalities with existing relationships with USMS should also check those contracts for piggyback clauses that allow for the sudden inflow of ICE detainees, and re-negotiate those agreements to the best of the municipality's ability.

### Recommendation 2: Preemption of IGSA Participation Via State Legislation

State pre-emption of local action on immigration is usually associated with restrictive measures, such as the pre-emption of any local non-cooperation with ICE by the Texas State Legislature under S.B. 4. However, state pre-emption has the potential to prevent the growth of

ICE’s detention network through local government signatories. One example is a pre-emption measure that threatened to terminate the Tri-County Detention Center’s IGSA with Ullin, Illinois. An Illinois Senate measure from 2012 – SB 1064 – would have prohibited state and local governments from contracting with private firms to run detention centers. Pre-empting contracts with private contractors is a good start, as it addresses the problem of local governments being used as “pass-through” signatories for ICE to transfer money to private firms without a public bidding process. However, there is still potential for more stark action to address IGSA’s and their negative consequences for municipalities. State law could easily preemptively forbid local participation in IGSA’s with ICE. Indeed, while California’s state “sanctuary act”, technically known as the California Values Act SB 54, could not force the termination of existing IGSA’s, it banned the initiation of new partnerships that utilize state and local law enforcement resources to detain federal prisoners (Adler 2017).

### Recommendation 3: Immigrant-Friendly Alternatives to the Detention Economy

In municipalities where terminating detention agreements will leave behind large, defunct detention facilities (such as the former BOP facility in Cibola County that was converted into an ICE detention center through an IGSA), the sites of former prisons have incredible potential for renewal into more stable economic boosters. A report for the Sentencing Project reveals that closed detention sites have been converted into economic development projects that can, at the very least, fill the void left by detention center layoffs: one New York prison has since turned into a movie studio that has brought 800 employment opportunities to the city. A former work camp in Illinois has since converted into an “agricultural development center, which is expected to generate an estimated \$124 million in new farm income” (Porter, 2016).

Collaborative participation on these more productive, less controversial, and more stable sites of local economic development has the added benefit of changing native-born residents' perceptions of their foreign-born neighbors. Whereas locally-sited immigrant detention centers result in residents' constant exposure to militarized and criminalized definitions of immigrants and immigration policy, the construction and completion of new sources of economic growth provides opportunities for collaborative work towards a common and shared goal – the prerequisites for growing tolerance and understanding under the contact theory of integration (Allport 1954).

### Looking Towards the Future

While this project provided a much needed comprehensive study of contemporary IGSAAs, and began to answer the questions surrounding what drives their growth, it also prompted many additional questions that can serve as the basis for future research. First and foremost is the need for more exhaustive research that can begin to control for alternative factors via regression analysis: while this study focused its quantitative analysis at the state level, a fruitful path for future research on IGSAAs is to construct a county-level dataset, which would better allow for regression analysis given the higher sample size. Another direction for future research is to more systemically study the existence of trends that were present in the case studies of this project. For example, the case of Artesia demonstrated how the sudden establishment of a detention facility in a relatively isolated municipality can lead to baby formula and diaper supply shocks in local grocery stores: is there a systemic pattern of microeconomic consequences correlated with the opening of new detention facilities? There were multiple examples of facility closures taking place shortly after some form of controversy, either a



scandal or instance of abuse in the detention facility, visible protest from activists and constituents, or both. Is there a causal mechanism to this relationship?

Given the recent policies and rhetoric from Trump's DHS, the indiscriminate and incoherent detention drag-net studied here shows no signs of slowing its expansion. However, in light of this newly discovered information on how ICE's detention network negatively impacts the municipal governments that are entangled in it, there is hope that local lawmakers and activists can assert their power to resist the creeping expansion of the detention state. Indeed, as municipal governments have grown to become the locus of non-compliance and outright resistance to immigration enforcement by enacting municipal ID policies and sanctuary ordinances, there is considerable potential for local governments to halt the expansion of immigration detention by not becoming expendable signatories onto IGSA's.

## Methodological Appendix

### Data Gathering Procedure for Closures:

**1. Confirming legitimate closure of facility:** Was an IGSA contract between ICE and the municipality terminated between 2015 and 2017?

- If yes, the facility is coded as a confirmed closure, and step 2 is initiated.
- If no, the facility is coded as a confirmed non-closure.
- If no conclusive information is available either way, the facility is flagged for requests for personal correspondence outlined in step 3.

**2. Confirming details of contract termination:** who initiated the termination of this contract: ICE, the municipality, or a private contractor?

- **Municipality-led contract termination:** In the event that the contract was terminated by municipal decisionmakers, such as the county council, the articles were then openly coded for all factors that influenced the closure decision (specifically, any quoted reason from the relevant local decisionmaker, if available). The final coding scheme was inductively developed for municipal-led reasons:
  - Allegations of misconduct
    - Additionally, whether any allegations manifested into a formal lawsuit
  - Federal issue/ “not our jurisdiction”:
  - Sanctuary policy:
  - Protest from:
    - National/Outside Advocates
    - Local Advocacy Groups

- Residents
- **ICE-led contract termination:** all ICE-led contract terminations were coded based on the reason given explicitly by DHS. Given the fact that only one closure in the sample was ICE-driven, the only code developed was for “insufficient use”.
- **Private contractor-led contract termination:** all private contractor-led terminations were coded based on the reason given explicitly by the contractor. Given the fact that only one closure in the sample was privately driven, and that private contractor (GEO Group) did not give an explicit, specific reason for the termination, no further codes could be developed.

**3. Requests for personal correspondence:** if the search of local newspaper archives yielded no definitive results, relevant municipal officials were contacted based on contact information on the relevant municipal website (such as public information officers, administrative assistants, and in some cases, general inquiry email addresses listed on the county website) using the following pre-established contact script:

“[TITLE] [NAME], (or in the case of a general inquiry email address: “To Whom It May Concern,”

My name is Brooke Williams, and I am a senior student at Trinity College. I am writing my final research project on local jails that have agreements with the federal government. I’m working off of data from Immigration and Customs Enforcement which lists that the [JAIL NAME] recently ended an Intergovernmental Service Agreement to occasionally house immigrant detainees. However, I couldn’t find any local news sources that confirmed this, so I wanted to confirm the accuracy of this government data with you personally.

- Did [TOWN/COUNTY] ever have an Intergovernmental Service Agreement with Immigration and Customs Enforcement?
- If so, did this agreement end recently?

- To your knowledge, was there a specific reason for this contract being terminated (for example, did ICE end the agreement because of infrequent use?)

I sincerely appreciate your assistance with this assignment!”

### **Data Gathering Procedure for Openings:**

**1. Confirming legitimate opening of facility:** Was a new IGSA contract between ICE and the municipality initiated between 2015 and 2017?

- If yes, the facility is coded as a confirmed opening, and step 2 is initiated.
- If no, the facility is coded as a confirmed non-opening.
- If no conclusive information is available either way, the facility is flagged for requests for personal correspondence outlined in step 3.

**2. Confirming details of contract initiation:** Was the process for this new IGSA contract initiated by ICE? If so, the facility was given a “ICE/Fed Demand” code.

Federally-led IGSA openings took a couple distinct forms among the sampled openings that were further coded:

Was this a “piggyback” contract, wherein ICE attached themselves to an already pre-existing agreement with the US Marshalls Service?

- If yes, the facility was given a “piggyback contract” code.
- If no, but the new IGSA with ICE was initiated in a space that had another form of pre-existing agreement with the federal government, such as a former BOP facility, the facility was given a “pre-existing federal contract” code.

All justifications of the new IGSA contract from municipal decisionmakers (councilmen, sheriffs, etc.) were coded as the following:

- “Revenue” code was applied anytime a municipal decisionmaker directly referenced the additional revenue that the new contract would bring to the municipal government.

- “Jobs” code was applied anytime a municipal decisionmaker referenced the fact that the new contract facility would bring new employment opportunities to the municipality.
- “Local resistance” code was applied anytime local sources noted that the initiation of the new contract was met with controversy or protest at town hall meetings, etc.

**3. Requests for personal correspondence:** if the search of local newspaper archives yielded no definitive results, relevant municipal officials were contacted based on contact information on the relevant municipal website (such as public information officers, administrative assistants, and in some cases, general inquiry email addresses listed on the county website).

- When a contact email was available, a solicitation for information was sent using a predetermined correspondence script:

Hello Officer [NAME],

My name is Brooke Williams, and I am a senior student at Trinity College. I am writing my final research project on local jails that have agreements with the federal government. I’m working off of data from Immigration and Customs Enforcement which lists that the [JAIL NAME] recently established an Intergovernmental Service Agreement to occasionally house immigrant detainees. However, I couldn’t find any local news sources that confirmed this, so I wanted to confirm the accuracy of this government data with you personally.

- Does [TOWN/COUNTY] have an Intergovernmental Service Agreement with Immigration and Customs Enforcement?

- If so, when did this contract begin?

- To your knowledge, was there a specific reason for this contract being initiated?

- Were there any factors that led to [TOWN/COUNTY] approving this new contract, like revenue or local employment opportunities?

I sincerely appreciate your assistance with this assignment!

## Bibliography

- Ackerman, Alissa and Rich Furman. "The criminalization of immigration and the privatization of immigration detention: implications for justice." *Contemporary Justice Review* 16 no. 2 (2013): 251-263.
- Andreas, Peter. *Border Games: Policing the U.S. – Mexico Divide*. Ithaca: Cornell University Press, 2000.
- Armenta, Amada. "Racializing Crimmigration: Structural Racism, Colorblindness, and the Institutional Production of Immigrant Criminality." *Sociology of Race and Ethnicity* 3 no. 1 (2017): 82 – 95.
- Beckett, Katherine and Heather Evans. "Crimmigration at the Local Level: Criminal Justice Processes in the Shadow of Deportation." *Law and Society Review* 49 no. 1 (2015).
- Bien, Calily and Will DuPree. "Williamson County terminates contract with ICE, T. Don Hutto facility." June 26<sup>th</sup>, 2018.
- Bosworth, Mary and Emma Kaufman. "Foreigners in a Carceral Age: Immigration and Imprisonment in the US." *Stanford Law and Policy Review* 22 no. 1 (2011).
- Brand, David. "Queens House of Detention Set to Re-Open as Rikers Closes." *Queens Daily Eagle*. August 15<sup>th</sup>, 2018a.
- Brand, David. "Queens Jail Turned TV Set Has Role in Rikers Closure." *Queens Daily Eagle*. July 24<sup>th</sup>, 2018b.
- Brodsky, Robert. "Last Rites for Queens Jail After 40 Years, Queens House of Detention Closes." *The Queens Chronicle*. October 10<sup>th</sup>, 2002.
- Capps, Randy and Marc Rosenblum, Cristina Rodríguez, Muzaffar Chishti. "Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement." *Migration*

- Policy Institute*, 2011.
- Carcamo, Cindy. "Detention center brings immigration debate to small-town New Mexico." *Los Angeles Times*. September 13<sup>th</sup>, 2014.
- Coleman, Mathew and Austin Kocher. "Detention, deportation, devolution, and immigrant incapacitation in the US, post 9/11." *The Geographical Journal* 177 no. 3 (2011): 228-237.
- Contreras, Guillermo. "Feds sign a new contract for Dilley immigrant detention center that's a boon for the small town." *San Antonio Express-News*. October 17<sup>th</sup>, 2018.
- "Criminal Alien Program (CAP): Immigration Enforcement in Prisons and Jails." *American Immigration Council*. August 1<sup>st</sup>, 2013.
- Cullen, Tara Tidwell. "ICE Released Its Most Comprehensive Immigration Detention Data Yet," *National Immigrant Justice Center*, March 13<sup>th</sup>, 2018.
- Feltz, Renée. "Texas county rejects bid for new 'hotel-like' immigration detention center." *The Guardian*. June 28<sup>th</sup>, 2016.
- Filandra, Alexandra and Melinda Kovács. "Analysing US State Legislative Resolutions on Immigrants and Immigration: The Role of Immigration Federalism." *International Migration* 50 no. 4 (2012): 33-50.
- Gardner, Matt. "D. Ray James facility to add 200 plus jobs." *Charlton County Herald*. December 28, 2016.
- Gefre, Clayton. "Cache jail contracts for ICE inmates." *The Herald Journal*. December 10<sup>th</sup>, 2016.
- "GEO Group Signs Contract for Folkston Facility." *Correctional News*. December 29<sup>th</sup>, 2016.
- Gilman, Denise and Luis Romero. "Immigration Detention, Inc." *Journal on Migration and*

- Human Security* (2018): 1-16.
- Gottschalk, Marie. *Caught: The Prison State and the Lockdown of American Politics*. Princeton: Princeton University Press, 2014.
- Haney, Craig. “The Psychological Impact of Incarceration: Implications For Post-Prison Adjustment.” *Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services*. 2001.
- Hernández, César Cuauhtémoc García. “Immigration Detention as Punishment,” *UCLA Law Review* (2013).
- Hopkins, Daniel. “Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition.” *The American Political Science Review* 104 no. 1 (2010): 40 – 60.
- Hickey, Brian. “ICE arrests at Montgomery County courts spark fears of chilling effect on crime victims, witnesses.” *PhillyVoice*. March 15<sup>th</sup>, 2018.
- Immigration and Customs Enforcement. “ICE’s new family detention center in Dilley, Texas to open in December.” *Department of Homeland Security*. November 17<sup>th</sup>, 2014.
- Immigration and Customs Enforcement. “ICE arrests convicted Guatemalan national released from local custody after detainer request ignored.” *Department of Homeland Security*. September 10<sup>th</sup>, 2016.
- “ICE arrests convicted Guatemalan national released from local custody after detainer request ignored.” *Immigration and Customs Enforcement*. September 10<sup>th</sup>, 2016.
- Kalantzis, Dimitrios. “Kankakee County jail housing immigrant detainees.” *Kankakee Daily Journal*. October 12<sup>th</sup>, 2016.
- Katz, Matt. “In Surprise Vote, Hudson County Renews Contract With ICE to Detain Immigrants.” *WNYC News*. July 12<sup>th</sup>, 2018.



Kerwin, Donald and Serena Yi-Ying Lin. “Immigrant Detention: Can ICE Meet Its Legal Imperatives and Case Management Responsibilities?” *Migration Policy Institute*. 2009.

Leanos Jr., Reynaldo. “In a small Texas town, a new private detention center for transgender migrants brings jobs – and concerns.” *Public Radio International*. January 13<sup>th</sup>, 2017.

Lejeune, Darrel. “Basile Prison to Close its Doors; Inmates to Move to Pine Prairie.” *Basile Weekly*. November 25<sup>th</sup>, 2015.

Leanos Jr., Reynaldo. “In a small Texas town, a new private detention center for transgender migrants brings jobs – and concerns.” *Public Radio International*. January 13<sup>th</sup>, 2017.

Little, Cheryl. “INS Detention in Florida.” 30 U. Miami Inter-Am. L. Rev. 551. 1999.

Loyd, Jenna and Alison Mountz. *Boats, Borders, and Bases*. Oakland: University of California Press, 2018.

Luan, Livia. “Profiting from Enforcement: The Role of Private Prisons in U.S. Immigration Detention.” *Migration Policy Institute*. 2018.

Macaraeg, Sarah. “Inside a private prison’s \$150M deal to detain immigrants in New Mexico.” *The Center for Investigative Reporting*. October 26<sup>th</sup> 2017.

Macias-Rojas, Patricia. “From Deportation to Prison: The Politics of Immigration Enforcement In Post-Civil Rights America.” New York: New York University Press, 2016.

McCabe, David. “Administration to close immigration detention center at month’s end.” *The Hill*. November 18<sup>th</sup>, 2014.

Misra, Tanvi. “Where Cities Help Detain Immigrants,” *CityLab*. July 10<sup>th</sup>, 2018.

Myers, James. “Protestors Block Eagleville Road to Protest Montco Prison’s Deal with ICE.” *Patch – Norristown, PA*. June 29<sup>th</sup>, 2012.

Nadolny, Tricia. “Local ‘sanctuary’ cities? Turns out more than Philly might meet the

- definition.” *The Philadelphia Inquirer*. January 3<sup>rd</sup>, 2017.
- Olivo, Antonio. “Fairfax sheriff ends deal to hold inmates for ICE.” *The Washington Post*. January 24<sup>th</sup>, 2018.
- “Oversight of Intergovernmental Agreements by the United States Marshals Service and the Office of the Federal Detention Trustee.” *U.S. Department of Justice: Office of the Inspector General*. March 2007.
- Owen, Tess. “That ICE prison for transgender immigrants? It never opened.” *VICE News*. February 1<sup>st</sup>, 2018.
- Ramakrishnan, Karthick and Tom Wong. “Partisanship, not Spanish: Explaining municipal ordinances affected undocumented immigrants.” *Taking Local Control: Immigration Policy Activism in US Cities and States*. 73-96. 2010.
- Redmon, Jeremy. “Exclusive: A look inside Georgia’s newest immigration detention center.” *The Atlanta Journal-Constitution*. March 7<sup>th</sup>, 2018.
- Redmon, Jeremy. “ICE to close controversial immigration detention center in New Mexico.” *The Atlanta Journal-Constitution*. November 18<sup>th</sup>, 2014.
- Remmers, Vanessa. “ICE flags Chesterfield and other localities, and some sheriffs are uncertain about federal funding.” *Richmond Times Dispatch*. June 14<sup>th</sup>, 2017.
- Sands, Geneva. “This year saw the most people in immigration detention since 2001.” *CNN*. November 12<sup>th</sup>, 2018.
- Simon, Jordan. “Refugees in a Carceral Age.” *Public Culture* 10 no. 3 (1998): 577-607.
- Small, Andrew. “A Rust Belt City Wrestles with Fear and Immigration.” *CityLab*, January 28<sup>th</sup>, 2019.
- Stark, Cody. “Walker County applies to house inmates with immigration detainees for feds.”

April 1<sup>st</sup> 2017.

Stevens, Jacqueline. "America's Secret ICE Castles." *The Nation*. December 16<sup>th</sup>, 2009.

Svajlenka, Nicole. "What's at Stake: Immigrant Impacts in 287(g) Jurisdictions." *The Center for American Progress*. March 20<sup>th</sup>, 2018.

Tuma, Mary. "Williamson County Commissioners Court Ends Hutto Contract." *The Austin Chronicle*, June 26<sup>th</sup>, 2018.

Urevich, Robin. "The Rise and Fall of an Immigration Detention Empire." *Capital & Main*. June 28<sup>th</sup>, 2018.

Velez, Monica. "Kern County Detention Facility Will Stay Open Without Local Government Buy-In." *Valley Public Radio*. March 20<sup>th</sup>, 2019.

Wacquant, Loic. "Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity." *Sociological Forum* 25 no. 2. 2010.

Wessler, Seth. "ICE Plans to Reopen the Very Same Private Priso the Feds Just Closed." *The Nation*. October 27<sup>th</sup>, 2016.

Williamson, Abigail. *Welcoming New Americans? Local Governments and Immigrant Incorporation*. Chicago: University of Chicago Press, 2018.

Wong, Tom. "287(g) and the Politics of Interior Immigration Control in the United States: Explaining Local Cooperation with Federal Immigration Authorities." *Journal of Ethnic and Migration Studies* 38 no. 5 (2012).