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\$1 million in ICE revenue to cover 40 inmates per day. Altogether, the facility has up to 212 adult beds. The jail also has juvenile facilities for youths as young as 12, and reports holding juvenile ICE detainees in addition to adults.

Jails commonly contract with multiple government agencies, including the U.S. Marshals Service and tribal organizations. Locally, NORCOR has also contracted with Wheeler, Skamania, Klickitat and Jefferson counties. Down the road, Umatilla County Jail takes in ICE detainees on a short-term basis, receiving \$50 per person for the night. In perennially cash-strapped Josephine County, ICE has temporarily housed numerous detainees in the local jail as part of an intergovernmental agreement.

In fact, there are 211 immigration detention facilities across the country, said Christina Fiahlo, an attorney and the co-founder and executive director of Community Initiatives for Visiting Immigrants in Confinement, or CIVIC. Of those, 147 of them are county or city jails that contract with ICE. The vast majority of detainees, however, are held in privately run facilities, such as the Tacoma detention center.

CIVIC is a national immigration detention visitation network with the mission of ending U.S. immigration detention. The organization visits people in 43 of the largest immigration detention facilities and operates a national hotline that allows detainees to call in for free and report human and civil rights violations.

"ICE has already begun to renegotiate some contracts to expand the number of people that can be detained at various county jails," Fiahlo said. "The federal government usually pays the private prison or the county a set dollar amount per person per day. So, if the number of people in detention in a county increases, then the county stands to benefit financially."

According to the April meeting minutes of NORCOR's Board of Directors, the fees charged for additional contract beds exceed the cost of housing the contract detainees, which runs about \$18 to \$22 per person per day. The contract money fully covers that cost, with the rest going to offset the cost to the four counties for housing local inmates — which runs about \$150 per person per day, NORCOR Administrator Bryan Brandenburg told the directors. The minutes are available in draft form on NORCOR's website.

Fiahlo said local jails can also make additional money off detainees through immigrant labor, lucrative private prison phone contracts, and commissary revenue, among other charges. For example, video visitation services cost \$7.50 for a half hour. Aside from attorney visits, there are no face-to-face meetings allowed between the detainees and visitors. Telephone calls cost 25 cents per minute at NORCOR.

And the Trump administration's order expanding deportation actions is expected to exacerbate the length of detentions, which are already protracted by a nationwide backlog of cases in the immigration courts. The longer a detainee is incarcerated, the more revenue he or she will generate.

The Department of Homeland Security, which oversees ICE, reported in February that there were 534,000 cases pending on immigration court dockets nationwide — a



"In Oregon, we think that it is a clear violation of state law or local facilities to house ICE detainees and we are currently deeply investigating the various ways in which we could take action"

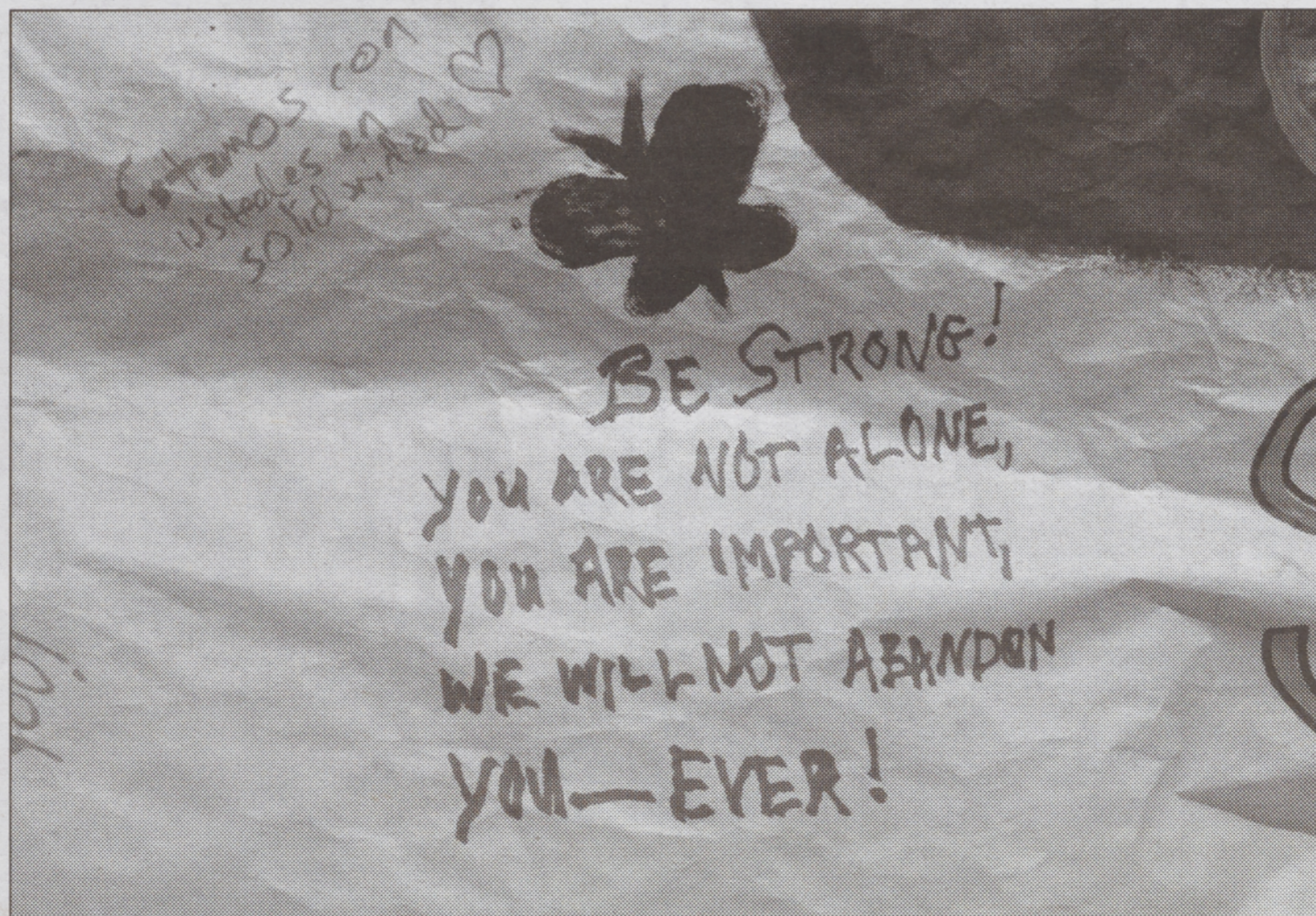
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record high.

"Trump's obsession with imprisoning people for profit is both fiscally irresponsible and morally bankrupt," Fiahlo said. "There are community-based alternatives to detention that are more humane and less costly than detention. However, as long as counties stand to profit from imprisoning immigrants, Congress seems to have little incentive to curtail immigration detention expansion."

Oregon statute states that no Oregon law enforcement agency shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending people whose only violation is against federal immigration laws. Nonetheless, in years past, ICE encouraged cooperation through its Secure Communities and related programs that authorized local officers to perform immigration enforcement, including holding detainees.

In 2014, a lawsuit against Clackamas County helped dismantle the practice of these so-called ICE holds in Oregon. In *Miranda-Olivares v. Clackamas County*, a district judge ruled that the practice violates Fourth Amendment rights, that the detention in that case was unlawful, and that the jail had legal standing to refuse ICE's request to hold someone beyond their legal authority. Counties that said they had been cooperating with ICE on immigration holds soon said they were ceasing to do so in accordance with state law.



A close-up of a banner displayed at the May 6 rally outside NORCOR in solidarity with detained hunger strikers and in protest of allowing ICE detainees to be incarcerated there.

however, that it does turn information on its arrestees over to ICE and that jail staff will detain a person if NORCOR receives a formal order from ICE to do so.

Last week, a spokeswoman for Oregon Attorney General Ellen Rosenblum told The Associated Press that because NORCOR isn't using resources to detect or apprehend people, it does not appear to be violating state statute.

dos Santos disagreed with the attorney general's position.

"It's an unfortunate statement, and it's also legally incorrect," dos Santos said. "I think that the state has the prerogative for limiting agencies and what actions they can take. And this law has existed since 1987, and it's absolutely within the state's jurisdiction to prohibit agencies like law enforcement from enforcing federal immigration law. That's really what the 10th Amendment is all about, right? The federal government cannot commandeer state resources. It's different with the state saying we're OK with it. If the state says we're not OK with it, the 10th Amendment is a hard stop."

If the Oregon statute appears to be in the way of federal policy, a repeal effort hopes to clear the path. A small group of Oregon lawmakers have put forward a bill to not only end the statute, but also require that local law enforcement cooperate with ICE and comply with immigration detainer requests. Without leadership support, the bill is unlikely to go anywhere, and Gov. Kate Brown has reaffirmed the state statute with an executive order.

In California, lawmakers are considering a bill intended to take out the financial incentive to overbuild for outside interests such as ICE by cutting off expansion and improvement funds to facilities that lease space to public and private entities. The "Dignity not Detention" bill doesn't abolish those contracts with ICE, but those facilities that continue to contract with ICE after 2018 would not receive prison realignment funds. And it also puts a 10-year moratorium on any jail receiving the funds from renting out the space after an expansion. The bill would not affect jails that rent only to county or state entities.

The bill is of particular interest to the people in Contra Costa County, Calif., where the local jail leases 200 beds to ICE in exchange for \$3 million a year. Meanwhile, the county is moving forward to seek a \$70 million grant from the state to add a new wing with space for 400 beds.

Another proposal in California would adopt similar language to Oregon's statute to "prohibit state and local law enforcement agencies, including school police and security departments, from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes."

The state of California is second only to Texas in the number of detainees in ICE custody.

This month, Texas Gov. Greg Abbot signed into law a policy that bans sanctuary cities in that state, requiring local law officers there to work on federal immigration enforcement, regardless of local ordinances. In its crosshairs is Travis County, home of Austin, which currently restricts local officers from cooperating with immigration enforcement.

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