

# Travis County's Million Dollar Deportation Program

*New data shows that complying with ICE detainers is costing Travis County millions in taxpayer dollars*

Travis County's voluntary participation in the Secure Communities deportation program has come at a great human and financial cost to Travis County residents and taxpayers. As new data shows, ICE detainers issued through the program have caused people to be held in the county jail for longer, resulting in thousands of extra jail days and millions spent, even as the vast majority of ICE detainers continue to be issued against people with misdemeanor charges.

Under the program, Immigration and Customs Enforcement (ICE) requests that Travis County hold people in the local jail for extra time by issuing "ICE detainers." The detainers are merely requests and more than 120 jurisdictions have adopted policies to not comply with the detainers.

While it's true that all individuals booked into the Travis County Jail have their fingerprints taken that are then automatically sent to the FBI and ICE, local governments have the right to reject ICE detainers. There are many reasons why local governments have this step. One is that ICE detainers ask jails to hold people 48 hours beyond the time they would have otherwise been released, costing money and violating the 4th Amendment, since these requests do not come with a warrant and do not demonstrate probable cause. Moreover, the federal government does not reimburse the full cost of detainers honored at a county jail, putting the immense expense of keeping people detained for ICE on taxpayers' shoulders.

This faulty program has resulted in the deportation of an average of 19 immigrants per week from Travis County since its inception in 2008, one of the highest rates in the U.S.<sup>1</sup> Furthermore, more than 120 law professors and Travis County attorneys have warned Travis County Commissioners in a letter sent May 8th of this year that full participation in the detainer program exposes the County to legal liability over violations of constitutional rights.<sup>2</sup>

New data suggests that the fiscal impact on Travis County taxpayers may be dramatic as well. The new data, provided by Travis County and analyzed by Grassroots Leadership,

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<http://www.statesman.com/news/news/special-reports/undocumented-immigrants-in-jail-who-gets-deported-1/nRmHz/>

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<http://grassrootsleadership.org/sites/default/files/uploads/press-releases/Letter%20to%20Travis%20County%20Commissioners%20re-%20ICE%20holds%20and%20legal%20liability.pdf>

demonstrates that the County has likely spent millions of dollars in the past two years to subsidize ICE detainees in the county jail.

*Key findings of the data, which covers 2012 and 2013:*

- 1) Individuals in the county jail spend substantially longer time in custody in the jail if they have an ICE detainer than those individuals booked into the county jail without ICE detainees on charges of the same classification and degree.** For example, individuals charged with Class A misdemeanors with ICE detainees spent an average of 17.5 days in jail longer than individuals charged with Class A misdemeanors without ICE detainees in both 2012 and 2013. This disparity is likely due to an individual's inability to bond out of the jail when an ICE detainer is issued against them. Similar disparities in time spent in Travis County custody exist for all classifications of crimes.
- 2) ICE detainees have resulted in tens of thousands of additional jail days at the Travis County Jail.** All told, individuals with ICE detainees spent 41,433.9 additional days in jail in 2012 and 37,412.2 additional days in jail in 2013 compared to the time individuals without ICE detainees spent in custody. Additional jail time for the two years put together total 78,846.1 days.<sup>3</sup>
- 3) Voluntary compliance with ICE detainees has cost Travis County taxpayers at between \$3.8 and \$7.3 million dollars over the last two years.** While the federal government reimburses a small portion of the cost of detaining undocumented immigrants through the State Criminal Alien Assistance Program (SCAAP), it does not reimburse the full cost of ICE detainees, including staff time and effort, and the additional time those with ICE detainees spent in jail. SCAAP reimbursements to Travis County amounted to \$492,999<sup>4</sup> in 2012 and \$483,085<sup>5</sup> in 2013. With an average daily jail cost of between \$60.59<sup>6</sup> and \$105.16,<sup>7</sup> Travis County has likely spent at least \$3,801,201.20 or as much as \$7,315,371.88 to subsidize the ICE detainer program. These costs do not include any secondary costs to the County to deportations, including social services for U.S. Citizen children when a head of household is deported.

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<sup>3</sup> Jail days were calculated by subtracting the average length of stay by offense classification (Class A misdemeanor, etc.) for an individual without an ICE detainer from the average length of stay by offense classification for an individual with an ICE detainer. The average difference was then multiplied by the number of individuals by offense classification with an ICE detainer and then totalled. Individuals classified as "misdemeanor or felony" were not included in the data because of the very low sample size and high variability of possible offense classification.

<sup>4</sup> <https://www.bja.gov/Funding/12SCAAPAwards.pdf>

<sup>5</sup> <https://www.bja.gov/Funding/13SCAAPAwards.pdf>

<sup>6</sup> This figure was reported as the 2008 per day personnel costs for the Travis County Jail by Andrea Guttin, Esq. from her report "The Criminal Alien Program: Immigration Enforcement in Travis County," for the Immigration Policy Center. The report is online at <http://www.immigrationpolicy.org/special-reports/criminal-alien-program-immigration-enforcement-travis-county-texas>

<sup>7</sup> "Texas Commission on Jail Standards Report 8/1/2014"

<http://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf>

**4) The vast majority of individuals with ICE detainees are accused of misdemeanors.**

According to the data, 74% of those with ICE detainees in the Travis County Jail in 2012 and 70% in 2013 were booked into the jail on misdemeanor charges only. It is unknown how many of those accused of misdemeanor charges or felony charges were ultimately convicted of a crime.

The solution to this constitutional and fiscal crisis is for the Travis County Sheriff's Office to refuse compliance with ICE detainees, just as more than 100 other jurisdictions have.<sup>8</sup> Travis County Sheriff Greg Hamilton recently requested from the County Commissioners Court a budget increase of more than \$7.4 million.<sup>9</sup> On August 13, 2014, at the request of the Commissioners Court, the Travis County Sheriff's Department presented a list of priority items for that budget increase. Those priority items — to hire more mental health specialists and other staff as well as license plate readers, fingerprint technology, and other upgrades — totaled more than \$1.8 million.<sup>10</sup>

The Travis County Sheriff's Office could easily afford these priority budget items by ending the use of ICE detainees and redirecting the enormous expenses currently incurred by complying with ICE detainees.

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<sup>8</sup> <http://www.ilrc.org/enforcement>

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[http://www.co.travis.tx.us/commissioners\\_court/agendas/2014/08/backup/item\\_backup\\_20140812/vs20140813\\_budget\\_revised.pdf](http://www.co.travis.tx.us/commissioners_court/agendas/2014/08/backup/item_backup_20140812/vs20140813_budget_revised.pdf)

<sup>10</sup> *ibid.*