

# **ILLEGAL IMMIGRATION AND THE DETENTION SYSTEM**

## **A Growing Concern**

### **SUMMARY**

Much attention has been given to the impact of illegal immigration on the country, especially by the news media and politicians. Although Santa Barbara County may not be experiencing some of the more serious problems reported from other more impacted counties, e.g. Los Angeles County, illegal immigration is having a variety of negative influences on operations in Santa Barbara County detention facilities. This report deals only with measurable effects related to jail population and incarceration costs. It is important to emphasize that all inmates and detainees in the detention system were incarcerated because they committed crimes, not because they were suspected of being in the country illegally.

### **INTRODUCTION**

During the inquiry into management of the detention system in the county, it became apparent that illegal immigrants are a growing financial burden on the system. After numerous interviews with detention officials and review of data on the inmate and detainee populations, it became clear that the county alone cannot control the problem. Until the challenges created by uncontrolled immigration are dealt with through a comprehensive national program, which includes management and cost sharing between county and federal government, the burden on county detention facilities is likely to increase. Here we can only present the facts found during this limited inquiry in the hope that they will contribute to the effort to address the problem.

### **OBSERVATIONS AND ANALYSIS**

In order to understand the impact of illegal immigration on detention facilities, the Law, Justice and Public Safety Committee of the Grand Jury requested specific information and met with officials in charge of these facilities. In a letter to the management of the Main Jail and the Probation Department Institutions, we asked the following three questions:

1. What is the average number of days that an inmate or detainee is incarcerated in your facility?
2. What is the average cost per day to incarcerate an inmate or detainee in your facility?

## Illegal Immigrants and the Detention System

3. What are the average number and the average percentage of inmates and detainees who are illegally in this country? Is a federal data base used to determine legal status? If not, how is it determined?

Consider first the Probation Department Institutions wherein the impact of illegal immigration remains relatively small. The Probation Department Institutions surveyed include Santa Barbara Juvenile Hall, Susan J. Gionfriddo Juvenile Justice Center, and the Los Prietos Boys Camp/Academy (LPBC/LPBA). The average length of stay in Juvenile Halls has been about 14 days over the past ten years but it rose to 16 days during fiscal year 2005-2006, and the average cost per day has risen from about \$140 to \$220 over the past ten years. The average length of stay in LPBC/LPBA has been about 150 days over the past five years, and the average cost per day has risen from about \$100 to \$160 over the past ten years.

It is important to understand that the institutions in which individuals are incarcerated in Santa Barbara County, including the Main Jail, have no enforcement role with regard to illegal immigration. Jail personnel are charged only with identifying inmates or detainees who are suspected of being born outside of the United States and of being illegally in this country. Various indicators such as the following are used to make an identification: self-reported illegal status, previous probation contact, law enforcement record of status, previous Homeland Security hold placed, no parent living in the U.S., and inability to communicate in English. When such an individual is identified, an Immigration and Customs Enforcement (ICE) unit of Homeland Security is notified. Homeland Security rules require a hold on any individual who appears to be in the country illegally. Homeland Security has indicated that it uses a federal data base in conjunction with state data and eventually conducts a personal interview in order to determine immigration status. If evidence supports the supposition that an individual on hold is probably in the country illegally, he is held over until judicial evaluation is completed by an immigration judge. Judicial review can lead to various outcomes ranging from parole to deportation.

Considering the third question, the Los Prietos Boys Camp and Academy do not admit any wards with Homeland Security holds, so illegal immigration has no identifiable impact on those institutions. In contrast, the Juvenile Halls report that a total of 22 (two duplicated) minors were released to Homeland Security during fiscal year 2005-2006. This total is less than one percent (0.8%) of total Juvenile Hall admissions. These 22 bookings resulted in 353 total bed days (amounting to 0.9% of actual bed days) and the average length of stay was 16 days each, prior to release to Homeland Security. Thus, the total cost impact of illegal immigration in Juvenile Halls was about  $(353 \times \$220 =)$  \$77,660 in fiscal year 2005-2006.

The impact of illegal immigration on operations in the County Main Jail is much greater than that in the Juvenile Halls. Because ICE is not required to review every potential immigration hold identified by jail personnel, it is easy to understand why jail personnel indicated that the number of illegal immigrants is probably greater than that reported. Jail personnel are not allowed to hold a detainee solely because the individual is identified as an immigration hold. In other words, if ICE does not take custody of a detainee prior to his/her scheduled release, the detainee must be released without review by ICE. Furthermore, ICE has no obligation to visit the jail to review cases. Jail personnel indicated that ICE reviews are often perfunctory and not all cases are examined.

Hard data indicate that the average number of immigration holds made by ICE was 11% of the jail population in 2006, which averaged about 980 individuals. There is considerable scatter in the data, apparently due to the vigilance or lack thereof by ICE, and jail staff indicated that a reasonable range for the average number of illegal immigrants is 10%-20% of the jail population. During the past three years, the average population in the Main Jail and the associated Medium Security Facility (MSF) was as follows:

**AVERAGE POPULATION IN THE SANTA BARBARA COUNTY MAIN JAIL, 2004-2006**

<b><u>FACILITY:</u></b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>MAIN JAIL</b>	717	739	712
<b>MSF</b>	207	241	270

The average number of days that an inmate was incarcerated in the Main Jail during fiscal year 2005-2006 was 23 days. In the preceding three years, the average number was about 20 days.

The average cost for housing an inmate in the Main Jail for fiscal year 2004-2005 was about \$102 and for fiscal year 2005-2006 it was about \$122 per day. This 20% increase in one year results from two changes. First, there was an increase in wages and benefits to jail personnel, and second, pursuant to a court order, there was a movement of inmates from the Main Jail to the Medium Security Facility. Taking account of this transfer of inmates, the adjusted number for fiscal year 2005-2006 drops from about \$122 to \$112 per day, indicating a one-year increase closer to 10% per day.

Combining the above numbers, the cost impact of illegal immigration in the Main Jail was in the range \$200,000-\$400,000 in fiscal year 2005-2006.

## **FINDINGS**

### **Finding 1**

Immigration holds at the County Main Jail are not always regularly or completely reviewed by Immigration and Customs Enforcement (ICE), and such inaction likely results in the release of some immigrants illegally in the county.

### **Finding 2**

The population of immigrants illegally in Santa Barbara County contributes to inmate overcrowding and incarceration costs in county detention facilities.

## **RECOMMENDATIONS**

### **Recommendation 1**

County officials should request the permanent assignment of an Immigration and Customs Enforcement (ICE) officer to the County Main Jail and seek intervention by Congressional representatives if ICE is not responsive to the request.

### **Recommendation 2**

County officials should take a proactive role in making our state and national representatives more accountable for costs to the detention system associated with inaction on the problem of illegal immigration.

## **REQUEST FOR RESPONSE**

In accordance with Section 933(c) of the California Penal Code, each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each:

**Santa Barbara County Board of Supervisors – 60 days**

**Santa Barbara County Sheriff's Department – 60 days**

**County Probation Department – 90 days**

Findings	All
Recommendation	All

2006-2007 Santa Barbara County Civil Grand Jury

**Representative Lois Capps –Information Only**

**Representative Elton Gallegly –Information Only**