

SUPPORT: HB23-1100 "Restrict Gov Involvement In Immigration Detention"
Representatives Ricks and Garcia, Senators Gonzales, and Jaquez Lewis

THE PROBLEM

While immigration enforcement is a federal responsibility administered by Immigration and Customs Enforcement (ICE), the agency has built and expanded their immigration jail infrastructure, surveillance programs, and enforcement agent body in part through the use of Intergovernmental Service Agreements (IGSAs) with local government agencies and by spending valuable taxpayer dollars. This forces taxpayers to bear the burden of those costs through IGSAs.

IGSAs or “bedding agreements,” are contracts between the Federal Government and state or local governments where local agencies agree to provide space in their jails and prisons for the detention of undocumented people. The detention centers are paid by the federal government for each person they hold on civil immigration charges and often without a criminal background. Without an IGSA, people can only be held at non-ICE facilities for 48 hours for issues related to immigration status. Colorado taxpayers trust that resources are invested in their own communities, rather than provide capacity to carry out the Federal Government’s immigration detention activities. In previous years, Colorado local governments have entered and carried out IGSA contracts among other immigration enforcement agreements, currently, Teller County Jail has an active IGSA.

California, Washington, Illinois, Maryland, New Jersey and Oregon have passed legislation to ban IGSAs for immigration enforcement purposes and it is time Colorado continues to stand strong for our immigrant community.

WHAT THE BILL DOES

The bill would prohibit law-enforcement agents, county and city jails from entering or renewing an IGSA contract with ICE to house individuals suspected of civil immigration violations. The bill would also prevent state or local governmental entities from helping to facilitate new private immigration detention facilities.

In 2019 with the passage of [HB19-1124](#), Colorado sent a strong message that police and sheriff collaboration with ICE destroys community trust and safety. Prohibiting profit-motivated contracts between ICE and local jails will build on the work to ensure immigrant families remain an integral part of Colorado communities and neighborhoods.

Supporting Organizations: [Colorado People’s Alliance \(COPA\)](#), [Arapahoe County](#), [ACLU of Colorado](#), [American Friends Services Committee \(AFSC\)](#), [Colorado Immigrant Rights Coalition \(CIRC\)](#), [Colorado Jobs with Justice](#), [Convivir Colorado](#), [NOVO Legal](#), [ProgressNow Colorado](#), [Rocky Mountain Immigrant Advocacy Network \(RMIAN\)](#), [Stand for Children](#), [Together Colorado](#), [Village Exchange Center](#).

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What will HB23-1100 accomplish?

The bill would prohibit law-enforcement agents, county and city jails from entering or renewing an IGSA contract with ICE to house individuals suspected of civil immigration violations. The bill would also prevent state or local governmental entities from helping to facilitate new private immigration detention facilities.

What is an intergovernmental service agreement (IGSA)?

Intergovernmental service agreements, also known as IGSA's or "bedding agreements," are contracts between the federal government agencies like Immigration and Customs Enforcement and state or local governments like local jails, where local agencies agree to provide space in their jails and prisons for the detention of people without documents, who often do not have a criminal records and who were detained for civil immigration purposes.

The detention centers are paid by the federal government for each person they hold on immigration charges, which financially incentivizes signing on to the program.

- Without an IGSA, people can only be held at non-ICE facilities for 48 hours for issues relating to immigration status, and local officials can choose whether or not to honor these requests for detention, or "detainers" from ICE.
- IGSA's allow ICE to utilize the existing expansive prison infrastructure across the country, greatly increasing the federal government's capacity to detain undocumented people. 67% of ICE detainees are housed in facilities with IGSA's across the country.

Where have these contracts been enforced in Colorado?

*La Plata County, Moffat County, Rio Grande County, Teller County.*¹

Previous IGSA contracts in the state of Colorado include La Plata County (2005-2020), Conejos County (June - September 2007), Douglas County (October 2007- September 2008), Jefferson County (August 2007-), El Paso County (September 2008-).

Commented [1]: this seems misleading since based on the notes below none of these contracts are actively enforced

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La Plata County Jail	U.S Marshall IGSA	Senate District 6	House District 59	
Moffat County Jail	IGSA	Senate District 8	House District 57	

¹ ERO Custody Management Division. Authorized Non-Dedicated Facility List. 44 Facilities as of 08/14/2022. FY2022 data: IIDS as of 08/15/2022; EID data through 08/14/2022

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Rio Grande County Jail	IGSA	Senate District 35	House District 62 (D)	
Teller County Jail	IGSA & 287(g)	Senate District 2	House District 39	

What is the number of people detained at each facility through these contracts?

La Plata County Jail	<p>First signed in 2005 with a per diem rate of \$65.00, ICE signed the initial contract for 730 prisoner days with a total contract value of \$47,450.00.² This contract was then updated on October 22, 2018 to extend from June 1, 2018 through May 31, 2019 for 81 beds and a total contract amount of \$5,265.00.³ It appears this contract was later amended on April 29, 2019 to increase total contract amount to \$6,955.00 for 107 beds from June 1, 2019 through May 31, 2019.⁴ One final amendment on April 9, 2019 extended the contract from June 1, 2019 through May 31, 2019 for a total contract amount of \$10,530.00 and maintaining the same bed number of 107 beds.⁵ This was the most recent contract signed before La Plata County requested for their contract to be terminated in 2020.</p>	<p>Information received from a CORA request to <i>La Plata County</i> confirmed that though an IGSA contract had existed in La Plata County, as of March 2020, amendments had been made to the existing USMS IGA to prohibit the detaining of ICE detainees. In May 2020, La Plata formally noted that they would be canceling their USMS IGA contract with ICE.⁶</p>
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² La Plata County Sheriff's Department. 2020. "Original ICE Contract La Plata MSA" <https://drive.google.com/Drive/Folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>. Retrieved August 8, 2022 (<https://drive.google.com/drive/folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>).

³ La Plata County Sheriff's Department. 2020. "ICE Contract 2018 to 2019." <https://drive.google.com/Drive/Folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>. Retrieved August 8, 2022 (<https://drive.google.com/drive/folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>).

⁴ La Plata County Sheriff's Department. 2020. "Amended Funding April 29, 2019." <https://drive.google.com/Drive/Folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>. Retrieved August 8, 2022 (<https://drive.google.com/drive/folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>).

⁵ La Plata County Sheriff's Department. 2020. "ICE Amendment May 19, 2019" <https://drive.google.com/Drive/Folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>. Retrieved August 8, 2022 (<https://drive.google.com/drive/folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>).

⁶ La Plata County Sheriff's Department. 2020. "Termination of La Plata County Detention Center as an ICE Holding Facility." <https://drive.google.com/Drive/Folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>. Retrieved August 8, 2022 (<https://drive.google.com/drive/folders/1HAOLf9yIX4Tuy4d0OdQZWFqJXJ88o8g7>).

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Moffat County Jail	15 federal beds and a detainee day rate of \$15	The original copy of the contract indicates that it was first signed into action by the county on January 1, 2018. A phone call conversation with the <i>Moffat County</i> Sheriff confirmed that the county's contract with ICE was first signed in 2017. The contract went into effect in December of 2017 and was designated to provide support for the U.S. Marshall Service for the primary purpose of housing detainees who were undergoing civil proceedings. The Sheriff indicated that the facility hosted detainees from along the entire Western Slope. ⁷
Rio Grande County Jail		Specific contract information from <i>Rio Grande County Jail</i> was unable to be accessed at this time due to an expensive quote for accessing documents. However, according to Syracuse TRAC data, the facility was last investigated on July 22, 2021 and reported an average detainee population of 0, suggesting that there may no longer be an active contract held at this site.
Teller County Jail		As the MOA from Teller County suggests, aside from having a formal 287(g) contract with ICE, it appears there is no official IGSA contract that has been signed with ICE, suggesting that this county might not have a set bed number or total contract value.

What is the economic impact for ending current IGSA contracts in Colorado?

- A study estimated that between 2005 and 2015, taxpayers paid more than \$7 billion to incarcerate immigrants charged or convicted of unlawful entry or re-entry. The private prison industry reaps the benefits from immigration prosecutions driving up incarceration rates at the expense of the public and of basic human rights.⁸
- Congress appropriated around \$2.83 billion in fiscal year 2021 to fund detention. In addition to paying for detention beds, ICE shells out millions in taxpayer dollars on hundreds of contracts

⁷ Moffat County Sheriff's Department. 2018. "Moffat County Detention Services Intergovernmental Agreement." <https://drive.google.com/drive/folders/1kRPXSt1iWAFChZshb96UEUct9iQPBO5K>. Retrieved August 9, 2022.

⁸ <https://immigrantjustice.org/staff/blog/fact-sheet-immigration-prosecutions-numbers>

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with companies for a range of services, including food, guards from military contractors and mercenary firms, transport for children to detention shelters and hotels, and surveillance technology. (See ICE's FOIA library for hundreds of these contracts)⁹

How does this bill impact Colorado?

- Immigrants are more likely to be arrested and detained by ICE in counties with more detention beds. ICE arrests rip apart families, causing harm to Colorado children, schools, neighborhoods and the labor market. Removing the option for local jails to contract with ICE will keep Colorado's children, families, and workers safe.
- ICE heavily relies on contracts with local governments to provide, manage, and service its sprawling network of detention centers. With the passage of HB1124 in 2019, Colorado sent a strong message that police and sheriff collaboration with ICE destroys community trust and safety in local government.
- Prohibiting profit-motivated contracts between ICE and local jails will ensure immigrant families remain an integral part of Colorado communities and neighborhoods.

People are jailed and detained every day, what makes that different for immigrant people in detention?

- 9 out of 10 people detained and incarcerated for immigration related offenses, do not have other criminal offenses or serious criminal offenses other than those related to immigration to the USA.
- Immigration proceedings before a judge are the only proceedings where defenders are not provided legal representation under the law, overlooking the individual's constitutional right to proper representation and fair trial.
- The US immigration system is an arrest-to-deportation pipeline rooted in racism
 - Our nation's immigration laws were created and founded explicitly in racism and xenophobia. The past three decades have been marked by an ever-expanding immigration detention system, and an immigration enforcement regime that criminalizes people of color and funnels people from the criminal legal systems into detention and deportation. As a result, our immigration system serves as a form of "double punishment" for people who pass from one legal system to another, compounding the racial disparities and injustices in both.
 - Just as Black people are more likely than white people to be targeted by police, Black immigrants are also disproportionately vulnerable to immigration enforcement. And since one-in 10 Black people living in the United States are also immigrants, we've created an arrest-to-deportation pipeline that is ripping families apart and putting people's lives in danger.¹⁰
- Our taxpayer dollars should not be used to encourage and implement programs and contracting jobs that strip people away from their rights and resources for civil immigration matters.

⁹ Jesse Franzblau, senior policy analyst, National Immigrant Justice Center. March 2021. [immigrantjustice.org. https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2021-03/Policy-Brief_Cut-the-Contracts_March-2021_Final.pdf](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2021-03/Policy-Brief_Cut-the-Contracts_March-2021_Final.pdf)

¹⁰ <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants>

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What is the alternative to detaining people in local jails?

- **Families Belong Together.** People should be home with their families while fighting their immigration cases. Navigating the immigration system is already hard on its own. People should be able to have access to the resources they need in order to navigate the process.
- “Evidence-based studies consistently prove community-based programs to be safer than a detention-based approach, vastly less expensive, and far more effective at ensuring compliance with government-imposed requirements. Most importantly, community-based alternatives offer a framework for refugee and migrant processing that is welcoming and allows families and communities to remain together.¹¹”
- Establishing community-based programs have proven to be successful in supporting people moving through the process. We encourage governments to invest in community based programs that provide case management, community connections and resources, and that recognize the dignity and constitution rights of participants.
- Colorado is already taking lead in welcoming new americans to our community by:
 - House Bill 21-1150: Establishing the Office of New Americans (DOLE)
 - House Bill 21-1194: Establishing the Immigration Legal Defense Fund
 - Senate Bill 21-131: To protect the privacy and personal information of all Coloradans.
- Globally and here in the United States, there are communities working together to build systems that allow people to stay in their communities and with their families instead of behind bars. In Colorado, community based organizations are constantly in the frontlines for supporting immigrant communities, their investments and approach has proven successful in ensuring people can navigate the system and continue to engage in their immigration process. Colorado based support provided by a number of organizations including:
 - RMIAN
 - Legal Defense Fund
 - Casa De Paz
 - AFSC
- Immigration detention is unjust, inhumane, and completely unnecessary. Colorado is known for being a welcoming state for people all over the world and fellow Americans. We should not be complicit in practices that are cruel and inhumane in the name of the federal government. Allowing new immigration centers will only harm our communities further.
 - The federal government’s own data shows that detention does not deter migration, nor is it necessary to ensure that people appear in court — both primary justifications used to defend the practice. All forms of electronic surveillance are equally without merit, as people with legal representation appear at virtually every hearing (99 percent of the time). Finally, ICE has failed time and again to accurately track and report its detention practices, especially during the COVID-19 pandemic.
 - For children, especially those who enter the country alone, detention is especially abhorrent. Unaccompanied children are often placed in warehouse-like facilities that inflict the same trauma as adult detention facilities. This trauma is compounded for non-

¹¹<https://immigrantjustice.org/research-items/report-better-way-community-based-programming-alternative-immigrant-incarceration#best-practices>

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English and non-Spanish speaking children, who are further isolated without culturally competent staff or language services to discuss their needs.

Immigration by the numbers:

- 70% of people in detention from 2016 or later had no attorney or proper legal representation. It is harder to obtain legal support and resources while in detention away from community resources.
- 1.6M pending cases in the immigration court system, burden of cost is passed on to taxpayers in Colorado and across the Nation.
- 10x: Immigrants with attorneys are 10x more likely to establish their right to remain in the United States than those without representation.

How does this bill impact the *Denver Contract Detention Facility* managed by the GEO Group located in Aurora (3130 N. OAKLAND ST.)?

- HB23-1100 will not impact the *Denver Contract Detention Facility*. This facility is not managed or contracted with a state or local agency. The Denver Location is a "Contract Detention Facilities (CDF)" which are facilities owned and operated by private companies and contracted directly by ICE to exclusively hold people in ICE custody. Their current contract is redacted and contracted for a total of close to \$5. 787 million for beds, and other services including a \$1 pay for work per day for people detained who worked inside the center.

What other states have implemented similar laws?

California, Washington, Illinois, Maryland, New Jersey and Oregon have passed legislation to ban IGSA for immigration enforcement purposes and it is time Colorado continues to stand strong for our immigrant community.

What is the human cost of continuing to uphold anti-immigrant laws in our state?

- Family separation
- Worsen physical and mental health.
- Economic impact on the local economy and families of the detained,
- Death

ICE manages detention facilities through a patchwork of contracts, including:

- Non-Dedicated Intergovernmental Service Agreements (IGSA): Facilities owned by state or local governments, or private companies, which contract to hold people for ICE as well as other agencies, either together or separately. (ie. **Teller County, Moffat County**)
- U.S. Marshals Service Intergovernmental Agreements (USMS IGA): Contracted by the U.S. Marshals Service and used by ICE through a rider on the contract to detain people on behalf of ICE. (ie. **La Plata County**)
- Contract Detention Facilities (CDF): Facilities owned and operated by private companies and contracted directly by ICE to exclusively hold people in ICE custody. (ie. **Denver Contract Detention Center operated by GEO Group**)

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- Dedicated Intergovernmental Service Agreements (DIGSA): Facilities owned by state or local governments or private companies operated exclusively under an agreement with ICE to hold people in immigration proceedings.
- Family Residential Centers (FRC): Facilities owned and operated by state or local governments under agreements with ICE which hold children and their families.
- Service Processing Centers (SPC): Facilities owned by ICE and generally operated by contracted detention staff. ICE contracts with private companies for services such as guards, food, and facility maintenance.

